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TECUMSEH TOWNSHIP
LENAWEE COUNTY, MICHIGAN
ZONING ORDINANCE

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ZONING MAP ** Not included in this presentation. If the map or any information on the following listed articles is required please contact a Tecumseh Township Board Member.

NOTE: THE FOLLOWING ARTICLES WILL BE INCLUDED AT A LATER DATE:

- ARTICLE XX11 - LAND SUBDIVISION & CONDOMINIMU REGULATIONS
- ARTICLE XX111 - DESIGN STANDARDS
- ARTICLE XX1V - PRIVATE ROAD STANDARDS
- ARTICLE XXV - CONSTRUCTION STANDARDS

**TECUMSEH TOWNSHIP ZONING ORDINANCE
LENAWEE COUNTY, MICHIGAN**

TITLE

An ORDINANCE to regulate and restrict the use of land and buildings by dividing the Township of Tecumseh into districts; defining certain terms used herein; imposing regulations, prohibitions, and restrictions governing the erection, construction, or reconstruction of structures and buildings and lands to be used for the purposes of agriculture, residence, commerce, industry and other specified purposes; regulating and limiting lot occupancy and the size of yards and other open spaces, establishing the

boundaries of districts; creating a Board of Appeals, defining and limiting the powers and duties of said Board and setting standards to guide actions of said Board and providing the means of enforcing said Ordinance and providing a penalty for violation of said Ordinance. Further the Ordinance establishes development regulations governing the subdivision of and condominium development; providing standards, procedures and rules for the preparation and filing of plats and condominium plans; prescribing certain design and construction standards for both public and private improvements and regulating development of private roads and development within flood hazard areas.

PREAMBLE

In accordance with the authority and intent of Act 184, of the Public Acts of 1943, as amended, the Township of Tecumseh desires to provide for the orderly development of the Township, which is essential to the well-being of the community, and which will place no undue burden upon developers, industry, commerce, or residents. The Township further desires to assure the provision of adequate sites for industry, commerce, and residence; to provide for the free movement of vehicles upon the proper streets and highways of the Township; to protect industry, commerce, and residences against incongruous and incompatible uses of land, and to promote the proper use of land and natural resources for the economic well-being for the Township as a whole; to assure the provision of adequate space for the parking of vehicles of customers using commercial, retail and industrial areas; and that all uses of land and buildings within the Township of Tecumseh be so related as to provide for economy in government and mutual support. The result of such purposes of this Ordinance, will promote and protect the public health, safety, comfort, convenience, and general welfare of the residents, merchants, and workers in the Township of Tecumseh.

ENACTING CLAUSE

THE TOWNSHIP OF TECUMSEH, COUNTY OF LENAWEE, STATE OF MICHIGAN
ORDAINS:

ARTICLE I

SHORT TITLE

SECTION 1.01: This Ordinance shall be known and may be cited as the Zoning Ordinance of the Township of Tecumseh.

ARTICLE II

CONSTRUCTION OF LANGUAGE

SECTION 2.01: The following rules of construction apply to the text of this ordinance

1. The particular shall control the general.
2. In the case of any difference of meaning or implication between the text of this resolution and any caption or illustration, the text shall control.
3. The word shall is always mandatory and not discretionary. The word "may" is permissive.
4. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.

5. The "building" or structure includes any part thereof.
6. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for".
7. The word "person" includes an individual, a corporation, a partnership, or any incorporated association, or any other similar entity.
8. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or", "either. . .or", the conjunction shall be interpreted as follows:
 - a. "And" indicated that all the connected items, conditions, provisions, or events shall apply.
 - b. "Or" indicates that the connected items, conditions, or provisions, or events may apply singly or in any combination.
9. Terms not herein defined shall have the meaning customarily assigned to them.

ARTICLE III

ZONING DISTRICTS AND MAPPING INTERPRETATION

SECTION 3.01: DISTRICTS. The Township of Tecumseh is hereby divided into zones or districts as shown on the official zoning map and shall include the following:

1. AG - Agricultural
2. R-1 and R-2 - Single Family Residential & Two Family
3. RM - Multiple Family Residential
4. RMH - Mobile Home Park
5. C-1 - General Commercial District

6. M-1 - General Industrial

SECTION 3.02: MAP. The boundaries of these districts are shown upon the official zoning map of the Township of Tecumseh and made a part of this ordinance**. The zoning map shall be maintained and kept on file with the Township Clerk, and all notations, references, and other information shown thereon are a part of this Ordinance and have the same force and effect as if the said zoning map and all such notations, references and other information shown thereon were fully set forth or described herein.

SECTION 3.03: INTERPRETATION OF DISTRICT BOUNDARIES. Where uncertainty exists with respect to the boundaries of the various districts as shown on the zoning map the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following corporate limits shall be construed as following corporate limits.
4. Boundaries indicated as following railroad lines shall be construed to be the midway between the main tracks.
5. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.
6. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
7. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning plan or in other circumstances not covered by subsections 1 through 6 above, the Board of Appeals shall interpret the district boundaries.

** If a copy of the zoning map is required please contact Tecumseh Township.

ARTICLE IV

DEFINITIONS

SECTION 4.01: For the purpose of enforcing the provision of this ordinance certain terms and words used herein are defined as follows:

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

AIRPORT: Tract of land or water with facilities for aircraft landing, take-off, shelter, supply and repair, often used regularly for receiving or discharging passengers and/or cargo.

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

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

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

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

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

ARCHAEOLOGY: Scientific study of material remains (as fossil relics, artifacts and monuments) of past human life and activities.

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

AUTOMOBILE SERVICE STATION: A building or structure designed or used for the retail sale of fuel (stored only in underground tanks), lubricants, air, water and other operating commodities for motor vehicles, aircraft or boats, and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for facilities for the storage, minor repair, or servicing, but not including bumping, painting, refinishing, major repairs and overhauling, steam cleaning, rust-proofing, where the primary use of the premises is such, or high-speed washing thereof, or sales of used cars, new cars, used trucks, new trucks, motorcycles, or other land vehicle type, or sale unrelated to service station use.

AUTOMOBILE WASH ESTABLISHMENT: A building, or portion thereof, the primary purpose of which is that of washing vehicles.

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

BED AND BREAKFAST: A building occupied as a more or less temporary abiding place for individuals, who are lodged with or without meals in rooms occupied singly for hire, in which provision is not made for cooking on any individual plan.

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

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

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

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

BOARD OF APPEALS: The term "Board of Appeals" shall mean the Tecumseh Township, Lenawee County, State of Michigan Zoning Board of Appeals.

BUFFER ZONE OR STRIP: An unused screened open area which reduces the visual or noise impact of one use upon another.

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

BUILDING ENVELOPE: The principal structure intended for a building site, together with any attached accessory structures, e.g., in a residential development, the building envelope would refer to the house and any attached garage.

BUILDING INSPECTOR: This term shall refer to the Building Inspector of Tecumseh Township, or his authorized representative.

BUILDING SETBACK LINE: The line which pertains to and defines those minimum (building) setback lines which are established parallel to the front street or right-of-way line and within which setback area no part of a building shall project or be located, except as otherwise provided for by this Ordinance. Such line when adjacent to a building is normally formed by the junction of the outer surface of the building or enclosure wall with the finish

grade or surface of the adjoining ground.

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

BUILDING PERMITS: A building permit is the written authority issued by the Building Inspector of the Township permitting the construction, removal, moving, alteration, or use of a building in conformity with the provisions of this Ordinance.

BUILDING SITE: The condominium unit, including the building envelope and the contiguous limited common area or element under and surround the building envelope, and shall be the counter-part of "lot" as used in connection with a project developed under the Subdivision Control Act, Act 288 of the Public Acts of 1967, as amended.

CHILD CARE ORGANIZATIONS: Means a governmental or non-governmental organization having as its principal function the receiving of minor children for care, maintenance, training, and supervision, notwithstanding that educational instruction may be given. Child care organization includes organizations commonly described as child caring institutions, child placing agencies, children's camps, child care centers, day care centers, nursery schools, parent cooperative pre-schools, foster homes, group homes or day care homes.

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

COLLECTOR STREET: A street designed and intended to carry traffic from local streets to major streets.

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

CONDOMINIUM PLAN: The site, survey and utility plans; floor plans; and sections, as appropriate, showing the existing and proposed structures and improvements including the location thereof on the land for any condominium development. The condominium subdivision plan shall show the size, location, area, 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 approximate size of limited and general common elements.

CONDOMINIUM PROJECT OF SUBDIVISION: A condominium project proposed to be developed under Act 59 of the Public Acts of 1978, as amended.

CONSOLIDATING MASTER DEED: The final amended master deed for a contractible condominium project, an expandable condominium project, a condominium project containing convertible land or space, which final amended master deed fully describes the condominium project as completed.

CONTRACTIBLE CONDOMINIUM: A condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to express provisions in the condominium documents and in accordance with this Ordinance and the Condominium Article.

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

CONVERSION CONDOMINIUM: A condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.

CONVERTIBLE AREA: A unit or portion of the common elements of the condominium project referred to in the condominium units or general or limited common elements which may be created pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Article.

CUL-DE-SAC: A short minor street with only one opening to vehicular traffic and being permanently terminated at the other end by a vehicle turnaround.

DEAD END OR STUB STREET: A street with only one end open to vehicle traffic and not provided with a vehicular turnaround at the other end.

DEDICATION: The intentional appropriation of land by the owner to public use.

DESIGN STANDARDS: The area, height and placement regulations, Article XVI of the Zoning Ordinance of The Township of Tecumseh Zoning Ordinance.

DEVELOPMENT: For the purposes of the Ordinance, the word "development" may refer to either a platted subdivision or a condominium project. The work may also mean any man-made change to improved or unimproved real estate, including but not limited to, buildings, or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

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

of this Ordinance.

DOCUMENT: For the purposes of this Ordinance, the word document shall refer to either a subdivision plat or condominium plan drawing or other supporting or supplemental information.

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

1. **DRIVE-IN RESTAURANT:** A drive-in restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design, method of operation, or any portion of whose business includes one or both of the following characteristics:

a. Foods, frozen desserts, or beverages are served directly to the customer in a motor vehicle either by a car-hop or by other means which eliminates the need for customer to exit the motor vehicle.

b. The consumption of foods, frozen desserts, or beverages with a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is allowed, encouraged, or permitted.

2. **FAST-FOOD RESTAURANT:** A fast-food restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state for consumption off the premises, and whose design or principal method of operation includes both of the following characteristics:

a. Foods, frozen desserts, or beverages are usually served in edible containers, or in paper, plastic, or other disposable containers.

b. The consumption of foods, frozen desserts, or beverages with in a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is posted as being prohibited and such prohibition is strictly enforced by the restaurateur.

3. **CARRY-OUT RESTAURANT:** A carry-out restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design or method of operation includes both of the following characteristics:

a. Foods, frozen desserts, or beverages are usually served in edible containers,

or in paper, plastic, or other disposable containers.

- b. The consumption of foods, frozen desserts, or beverages within the restaurant building, within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is posted as being prohibited and such prohibition is strictly enforced by the restaurateur.

4. **STANDARD RESTAURANT (FOR COMPARISON):** A standard restaurant is any establishment whose principal business is the sale of food, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design or principal method of operation includes one or both of the following characteristics:

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

DWELLING: A house or building, or portion thereof, which is occupied wholly as the home, residence or sleeping place by one (1) or more human beings, either permanently or transiently, but in no case shall a trailer coach, automobile chassis, tent or portable building be considered as a dwelling.

In case of mixed occupancy where a building is occupied in part as a dwelling, the part so occupied shall be deemed a dwelling for the purpose of this Ordinance and shall comply with the provisions hereof relative to dwellings. Garage space, whether in an attached or detached garage, shall not be deemed a part of a dwelling for area requirements.

1. **DWELLING MULTIPLE:** A multiple dwelling is a building used for and as a residence for three (3) or more families living independently of each other and each having their own cooking facilities therein, including apartment houses, townhouses, and apartment hotels, but not including mobile homes.
2. **DWELLING, ONE-FAMILY:** A detached building occupied by one (1) family and so designed and arranged as to provide living, cooking and kitchen accommodations for one (1) family only. Also known as a single family dwelling.
3. **DWELLING-TWO FAMILY:** A detached two-family dwelling is that occupied by two (2) families, each provided with separate facilities for each family for living accommodations. Also known as a duplex dwelling.
4. **DWELLING UNIT:** A dwelling unit is any building or portion thereof having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one (1) family, either permanently or transiently, but in no case shall a travel trailer, mobile

home, motor home, automobile chassis, tent or other portable building be considered a dwelling in single family, two family or multiple family residential areas. In cases of mixed occupancy where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this Ordinance and shall comply with the provisions thereof relative to dwellings.

5. **EFFICIENCY UNIT:** An efficiency unit is a dwelling unit consisting of one (1) room, exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room providing not less than three hundred and fifty (350) square feet of floor area.

EASEMENT: A grant by the property owner of the use of a strip of land by the public, a corporation, or private person or persons for specific uses and purposes, to be designated as a "public" or "private" easement depending on the nature of the use.

ELDERLY HOUSING - DEPENDENT: Is a multiple family housing form with central dining facilities provided as a basic service to each dwelling unit. Each dwelling unit may not contain cooking facilities, but must contain sanitary facilities.

ELDERLY HOUSING - INDEPENDENT: Is a multiple housing form with full facilities for self-sufficiency in each individual dwelling unit.

ERECTED: Includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building.

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

EXPANDABLE CONDOMINIUM: A condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this Ordinance.

FAMILY: One (1) or more persons living together in one (1) dwelling unit comprising a single housekeeping unit (sharing one (1) kitchen facility for normal meal preparation - sink, oven, refrigerator); as distinguished from a group occupying a hotel, motel, boarding house, club, fraternity or sorority house, or tourist home.

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

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

FEMA: Federal Emergency Management Administration.

FENCE: A man made structure constructed for the purpose of or to have the effect of enclosing the area it is constructed upon.

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

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

FINAL PLAT: The map of all or part of a subdivision which is prepared and certified by a State of Michigan registered Professional Civil Engineer or Land Surveyor. Such maps must satisfy the requirements of the Subdivision Control Article of this Ordinance, and be suitable for recording by the County Registrar of Deeds.

FIRM: Flood Insurance Rate Map.

FLOOD: A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland waters; or
2. The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD FREQUENCY: The average frequency, statistically determined, for which it is expected that a specific flood level or discharge may be equaled or exceeded.

FLOOD HAZARD AREA: Land which on the basis of available floodplain information is subject to an one-percent or greater chance of flooding in any given year.

FLOODPLAIN: Any land area susceptible to being inundated by water from any source.

FLOODWAY: The channel of a river, stream or other water course and the adjacent land areas which must be reserved in order to discharge the regulatory flood.

FLOOR AREA:

1. **FLOOR AREA, GROSS**: The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two (2) buildings. The "floor area" of a building which is normally is referred to shall include the basement floor area when more than one-half (1/2) of the basement height is above the established curb level or finished lot grade, whichever is higher (see Basement definition). Any space devoted to off-street parking or loading shall not be included in "floor area". Areas of basements, utility rooms, breezeways, unfinished attics, porches (enclosed or unenclosed) or attached garages are not included.

2. **FLOOR AREA, USABLE**: The measurement of usable floor area shall include that portion of the floor area, measured from the interior face of the exterior walls, used for or intended to be used for services to the public or customers, patrons, clients, or patients; including areas occupied by fixtures or equipment used for display or sale of goods or merchandise, but not including areas used or intended to be used for storage of merchandise, utility or mechanical equipment rooms, or sanitary facilities. In the case of a half story, the usable floor area shall be considered to be only that portion having a clear height above it of four (4) feet or more. (See illustrations entitled "Basic Structural Terms" and "Floor Area Terminology".)

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

FREEWAY: Those streets designed for high speed, high volume through traffic, with completely controlled access, no grade crossings and no private driveway connections.

GARAGE:

1. **GARAGE, COMMUNITY**: A community garage is a space or structure or series

of structures for the storage of motor vehicles having no public shop or service operated in connection therewith, for the use of two (2) or more owners or occupants of property in the vicinity.

2. **GARAGE, PRIVATE:** A space or structure suitable for the storage of motor vehicles having no public shop or service in connection therewith, for the use solely of the owner or occupant of the principal building on a lot, or of his family or domestic employees, and with a capacity of not more than four (4) motor vehicles. This shall also be construed to permit the storage on any one lot, for the occupants thereof, not more than one (1) commercial vehicle not exceeding a rated capacity of three-fourths (3/4) of a ton.
3. **GARAGE, PUBLIC:** A space or structure other than a private garage for the storage, care, repair or refinishing of motor vehicles; provided, however, that a structure or room used solely for the display and sale of such vehicles in which they are not operated under their own power, and in connection with which there is no repair, maintenance, or refinishing service or storage of vehicles other than those displayed, shall not be considered as a public garage for the purpose of this Ordinance.

GENERAL COMMONS AREA: The common elements of a condominium development other than the limited common elements.

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

GRAVEL PIT: See definition of "quarry".

GREENBELT: A strip of land not less than fifteen (15) feet in width which is planted with trees or shrubs acceptable in species and caliber to the Zoning Board and Building Inspector, for the purpose of protecting and enhancing the residential environment.

HEIGHT, BUILDING: The vertical distance measured from the grade of the building to the highest point of the roof for flat roofs; to the deck line for mansard roofs; and the mean height level (between eaves and ridges) for gable, hip and gambrel roofs. Where a building is located upon a terrace, the height may be measured from the average ground level of the terrace at the building wall. (See illustration entitled "Building Height Requirements 4".)

HIGHWAY: A public thoroughfare or access, except alleys, but including Federal, State, County and Township roads and those appearing upon plats recorded in the office of the Register of Deeds for Lenawee County, Michigan.

HOME OCCUPATION: Any use customarily conducted entirely within the dwelling and

carried on by the inhabitants thereof, not involving employer other than members of the immediate family residing on the premises, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the character thereof, and which does not endanger the health, safety, and welfare of any other persons residing in that area by reason of noise, noxious odors, unsanitary or unsightly conditions, fire hazards and the like, involved in or resulting from such occupation, professions or hobby. Provided further, that no article or service is sold or offered for sale on the such occupation shall not require internal or external alterations or construction features, equipment, machinery, outdoor storage, or signs not customarily in residential areas. One (1) non-illuminated nameplate, not more than two (2) square feet in area may be attached to the building which shall contain only the name of the occupant and the nature of his business. Day care centers, tea rooms, veterinarian's office, tourist homes, animal hospitals, kennels, millinery shops, among others, shall not be deemed to be home occupations.

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

IMPROVEMENT: Any addition to the natural state of the land which increases its value, utility or habitability. Improvements include street pavements, with or without curbs or gutters, sidewalks, water mains, storm and sanitary sewers, street trees and other appropriate and similar items.

INDUSTRIAL PARK: A parcel of land to be used for manufacturing purposes and designed as a planned development on a parcel or parcels not under separate ownership.

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

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

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

LIMITED COMMON ELEMENTS: A portion of a condominium common elements reserved in the master deed for the exclusive use of less than all the co-owners.

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

LOCAL STREET: Those streets which are used primarily for access to abutting properties and which have limited continuity.

LOT: A lot is a piece or parcel of land occupied or intended to be occupied by a building and any accessory buildings or by any other use or activity permitted thereon and including the open spaces and yards required under this Ordinance, and having its frontage upon a public street or road either dedicated to the public or designated on a recorded subdivision. Provided that the owner of any number of contiguous lots may have as many of said contiguous lots considered as a single lot for the purpose of this Ordinance as he so elects, and in such case the outside perimeter of said group of lots shall constitute the front, rear, and side lot lines thereof. This latter parcel is then often referred to as a "zoning lot".

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

2. **LOT, DOUBLE FRONTAGE:** A lot other than a corner lot having frontage on two (2) more or less parallel streets. In the case of a row of double frontage lots, one (1) street will be designated as the front street for all lots in the plat and in the request for a zoning compliance permit. If there are existing buildings in the same block fronting on one or both of the streets, the required minimum front yard setback shall be observed on those streets where buildings presently front.

3. **LOT, INTERIOR:** An interior lot is a lot other than corner lot with only one (1) lot line fronting on a street.

4. **LOT, LAKE:** A lot having frontage directly upon a lake, natural or man-made river, pond, or other artificial impoundment of water. The portion adjacent to the water shall be designated the lake frontage of the lot, and the opposite shall be considered street frontage.

5. **LOT, WIDTH:** The horizontal distance between the side lot lines, measured at the two (2) points where the building line, or setback line, intersects the side lot lines.

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

1. **LOT LINE, FRONT:** In the case of an interior lot abutting on one (1) public or private street, the front lot line shall mean the line separating the lot from such street right-of-way. In the case of a corner or double frontage lot, the front lot line shall be that line separating said lot from that street which is designated as the front street in the plat and/or in the request for a zoning compliance permit.

2. **LOT LINE, REAR:** The rear lot line is that boundary which is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be that assumed line parallel to the front lot line not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot. In any case, when this definition does not apply, the Zoning Board shall designate the rear lot line.

3. **LOT LINE, SIDE:** Any lot boundary line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior lot line.

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

LOT AREA, NET: The total horizontal area within the lot lines of a lot.

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

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

LOT SPLIT: The division of a parcel of land whose boundaries are fixed in a recorded plat into more than one (1) but less than five (5) lots or tracts.

MAJOR THOROUGHFARE OR ARTERIAL STREET: A higher order, interregional road in the street hierarchy. Conveys traffic between centers and should be excluded from residential areas.

MARGINAL ACCESS STREET: A local street which is parallel and adjacent to major streets

and which provides access to abutting properties and protection from through traffic.

MASTER DEED: The condominium document recording the condominium project as approved by the Township board to which is attached as exhibits and the incorporated by reference the approved by-laws for the project and the approved condominium plan for the project.

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

MOBILE HOME CONDOMINIUM PROJECT: A condominium project which mobile homes are intended to be located upon separate sites which constitute individual condominium units.

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

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

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

MOTOR COURTS - MOTELS: A building or a group of buildings in which overnight lodging is provided and offered to the public for compensation and catering primarily to the public traveling by motor vehicles.

MUNICIPAL PARK: A parcel of land that is used as a park and is operated under the supervision of the Township Board.

NGVD: National Geodetic Vertical Datum of 1929

NEW CONSTRUCTION: Structures for which start of construction commenced on or after the effective date of this ordinance.

NON-CONFORMING BUILDING: A non-conforming building is a building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, and which

does not conform to the provisions (e.g. setbacks, height, lot coverage, and parking) of this Ordinance in the zoning district in which it is located.

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

NUISANCE: Something offensive or annoying to individuals or to the community, to the prejudice of their legal rights.

OBSTRUCTION: Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge conduit, culvert, building, wire, fence, rock gravel, refuse, fill, structure or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood hazard area which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

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

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

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

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

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

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

OUTLOT: An "outlot", when included within the boundary of a recorded plat, means a lot set aside for purpose other than a building site, such as a park or other land dedicated to public use or reserved to private use.

PARCEL OR TRACT: A continuous area or acreage of land which can be described as provided for in the Subdivision Control Ordinance.

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

PARKWAY: A street designed for non-commercial, pleasure-oriented traffic moving at moderate speeds, between and through scenic areas and parks.

PERMIT: This term shall mean a written permit issued by the Building Inspector subject to all applicable provisions of this Ordinance and all other applicable local, State and Federal regulations.

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

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

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

PRELIMINARY PLAT: A map showing the salient features of a proposed subdivision submitted to the Township Board for purposes of preliminary consideration.

PRIVATE PARK: A parcel of land for use as a recreation area, play area, picnic area, or nature area, without commercial trade.

PRIVATE ROAD: An access easement which provides vehicular access to a lot or lots and which has not been dedicated to public use.

PROPRIETOR, SUBDIVIDER OR DEVELOPER: A natural person, firm, association, partnership, corporation, or combination of any of them, which may hold any recorded or unrecorded ownership interest in land. The proprietor is also commonly referred to as the owner.

PUBLIC NOTICE: A notice of the time, place and purpose of a public hearing, which notice, except where otherwise expressly provided herein, shall be published in a newspaper having general circulation in the Township not less than five (5) days nor more than fifteen (15) days prior to the date of such hearing.

PUBLIC OPEN SPACE: Land dedicated or reserved for use by the general public. It includes parks, parkways, recreation areas, school sites, community or public building sites, streets and highways and public parking spaces.

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

QUARRY: An excavation or pit, usually open to the air, from which building stone, slate, or the like (gravel, peat, etc.) is obtained by cutting, blasting, digging, etc.

REACH: A hydraulic engineering term to describe longitudinal segments of a stream or river. A reach will generally include the segment of the flood hazard area where flood heights are influenced by a man-made or natural obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would typically constitute a reach.

REGULATORY OR BASE FLOOD: A flood which is representative of large floods known to have occurred generally in the area and reasonably characteristic of what can be expected to occur in a particular stream. The regulatory flood generally has a frequency of approximately 100 years (or having a one-percent chance of being equaled or exceeded in any given year) determined from an analysis of floods on a particular stream and other streams in the same general region.

REGULATORY FLOOD PROTECTION ELEVATION: The elevation to which uses regulated by this Ordinance are required to be elevated or flood proofed.

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

RIGHT-OF-WAY: Land reserved, used, or intended to be used for a street, alley, walkway, or other public purposes.

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

RURAL: Of, pertaining to, or characteristic of the country; rustic.

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

SETBACK: The minimum horizontal distance required to exist between the front line of the building, excluding steps or unenclosed porches and the front street or right-of-way line. The required setback area is that area encompassed by the respective lot lines and setback lines. (See illustration "Lot Terms".) SIGN: Any device using words, numerals, figures, designs or trademarks designed to inform or attract the attention of persons not on the premises on which the sign is located, provided, however, that the following shall not be included in the application of the regulations herein:

1.
 - a. Signs not exceeding one (1) square foot in area and bearing only property numbers, post office box numbers, names of occupants of premises, or other identification of premises not having commercial connotations;
 - b. Flags and insignia of any government except when displayed in connection with commercial promotion;
 - c. Legal notices; identification, informational, or directional signs erected or required by governmental bodies;
 - d. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights;
 - e. Signs directing and guiding traffic and parking on private property, but

bearing no advertising matter.

2. **NUMBER:** For the purpose of determining the permitted number signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.
3. **SURFACE AREA:** The surface area of a sign shall be computed as including the entire area within a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.
4. **SIGN, ACCESSORY:** A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises.

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

STABLE: A facility housing five (5) or more horses.

STORY: That portion of a building other than a mezzanine, included between the surface of any floor and the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

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

two hundred (200) square feet with a clear height of at least seven (7) feet and six (6) inches.

STREET: The public thoroughfare which affords traffic circulation and principal means of access to abutting property including avenue, place, way, drive, lane, boulevard, highway, road or other dedicated right-of-way other than a alley. Residential street shall be classified as follows:

1. **CUL-DE-SAC RESIDENTIAL ACCESS STREET:** Lowest order of residential streets. Provides frontage for access to lots, and carries traffic having destination or origin on the street itself. Designed to carry the least amount of traffic at the lowest speed. All, or the maximum number of housing units, shall front on this class of street.

Residential access streets should be designed so that no section conveys an average daily traffic (ADT) greater than 250. Each half of a loop street may be classified as a single residential access street, but the total traffic volume generated on the loop street should not exceed 250 ADT at any point of traffic concentration.

2. **RESIDENTIAL SUB COLLECTOR:** Middle order of residential street. Provides frontage for access to lots, and carries traffic of adjoining residential access streets. Designed to carry somewhat higher traffic volumes with traffic limited to motorists having origin or destination within the immediate neighborhood. Is not intended to interconnect adjoining neighborhoods or subdivisions and should not carry regional through traffic. Sub collectors shall be designed so that no section conveys an ADT greater than 500. Each half of a loop sub collector may be classified as a single sub collector street, but the total traffic volume conveyed on the loop street should not exceed 1,000 ADT, not should it exceed 500 ADT at any point of traffic concentration.
3. **RESIDENTIAL COLLECTOR:** Highest order of residential streets. Conducts and distributes traffic between lower order residential streets and high order streets, arterial and expressway. Carries the largest volume of traffic at higher speeds. Function is to promote free traffic flow; therefore, parking and direct access to homes from this level of street should be prohibited. Collectors should be designed so that they cannot be used as shortcuts by non-neighborhood traffic.

STREET WIDTH: The shortest distance between the lines delineating the boundaries of the right-of-way streets.

STRUCTURE: Anything constructed or erected, on the ground or attached to the ground including but without limitation to buildings, factories, sheds.

SUBDIVIDE OR SUBDIVISION: The partitioning or dividing of a parcel or tract of land by the proprietor thereof or by his heirs, executors, administrators, legal representatives, successors or assigns for the purpose of sale or lease of, for more than one (1) year, or of building development, where the act of division creates five (5) or more parcels of land each which is ten (10) acres or less in area; or five (5) or more parcels of land each which is ten (10) acres or less in area are created by successive divisions within a period of ten (10) years.

SUBDIVISION CONTROL ACT: Act 288, Public Acts. of 1967, State of Michigan.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the marked value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the structure commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing State or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

SUPERVISOR: The Supervisor of Tecumseh Township or his designated agent.

SURVEYOR, LAND: Either a Michigan registered Land Surveyor or a Michigan registered Professional Civil Engineer.

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

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

TOWNSHIP BOARD: Whenever in this Ordinance appear the words "Township Board", it shall mean the Township Board of Tecumseh Township, Lenawee County, Michigan.

TRAVEL TRAILER: A portable vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for overnight lodging, but which does not exceed eight feet (8') in width or forty feet (40') in length. This term also includes folding campers and truck-mounted campers but not mobile homes.

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

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

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

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

VARIANCE: A variance is a modification of the lateral provisions of the Zoning Ordinance which is granted when strict enforcement would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. Hardships based solely on economic considerations are not grounds for a variance.

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

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

angles to the respective side property line, lot line, or right-of-way line.

YARD, SIDE-REAR-FRONT: A general term applied to the space on a lot or parcel, which lot or parcel contains a building or group of buildings, lying between the building or group of buildings and the nearest respective lot or property line facing each building. (See illustration entitled "LOT TERMS".)

ZONING BOARD: This term refers to the four (4) residents of Tecumseh Township, Lenawee County, Michigan, whose main function is to provide reasonable restrictions on land use that conform to the comprehensive Tecumseh Township Ordinances and provide for the best interests of the health, safety and general welfare of township citizens and property owners.

ZONING ORDINANCE: The Zoning Ordinance of the Township of Tecumseh, Lenawee County, Michigan.

ARTICLE V

GENERAL PROVISIONS

SECTION 5.01 **CONFLICTING REGULATIONS.**

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

SECTION 5.02 **SCOPE.**

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

1. **PERMITTED AREA AND PLACEMENT:** No building shall be erected, converted, enlarged, reconstructed or structurally altered, except in conformity with the area and placement regulations of the district in which the building is located.
2. **PERMITTED HEIGHT:** No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit hereinafter established

for the district in which the building is located, except that penthouses or roof structure for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, stage lofts, and screens, flagpoles, chimneys, smoke-stacks, individual domestic radio and television aerials and wireless masts, water tanks, or similar structures may be erected above the height limits herein prescribed. No such structure may be erected to exceed by more than fifteen (15) feet the height limits of the district in which it is located; nor shall such structure have a total area greater than ten (10) percent of the roof area of the building; nor shall such structure be used for any residential purpose or any commercial or industrial purpose other than a use incidental to the main use of the building. Accessory buildings and structures related to agriculture as well as public utility structures shall be exempt from these regulations.

3. **LOT LIMITATIONS:** In Single Family Zoning Districts, only one principal building shall be placed on a lot of record with the exception of parcels of record described and designated as "out lots", which may be so arranged or subdivided as to provide for one or more principal building when the land area allocated to each building is equal to or greater than the lot area required for the district and the building and land complies with all other requirements on land subdivided according to the ARTICLE XXII of this Ordinance.

4. **LOTS, YARDS, AND OPEN SPACES:** No space which for the purpose of a building has been counted or calculated as part of a side yard, rear yard, front yard, or other open space, including required lot area per dwelling unit, required by this Ordinance, may, by reason of change in ownership or otherwise, be counted or calculated to satisfy or comply with a yard or other open space or lot area requirements for any other building.

5. **PORCHES, PATIOS, AND TERRACES:** An open, unenclosed porch, paved patio, or terrace may project into a required front or rear yard for a distance not to exceed ten (10) feet.

6. **PROJECTIONS INTO YARDS:** Architectural features, as defined not including vertical projections, may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard and may extend or project into a required front yard or rear yard not more than three (3) feet.

7. **REQUIRED STREET FRONTAGE:** Any parcel of land which is to be occupied by a use or building, other than an accessory use or building, shall have frontage on and direct access to a public street or private easement which meets one of the following conditions:

a. A public street with a roadway which has been accepted for maintenance by the Lenawee County Road Commission, or --

b. A permanent and unobstructed private easement of record having a width (refer to ARTICLE XXIV), except where an access easement of record of less width existed prior to the adoption of this ordinance, and a roadway meeting county standards for vehicular traffic, leading to a public street as defined under item (a) above.

8. **APPEARANCE:** Any case where a building or accessory building in an Industrial District is erected or placed within two hundred (200) feet of the front lot line of any parcel of land fronting upon any public street, the front walls of said building or accessory building within said distance of two hundred (200) feet shall be constructed of stone, face brick, or approved ornamental material, and no building so situated shall be constructed of tarred paper, or any form of pressed board or felt or similar material with the limits herein specified.

9. **DWELLINGS IN NON-RESIDENTIAL DISTRICTS:** No dwelling shall be erected in the Commercial or Industrial Zoning Districts. However, the sleeping quarters of a watchman or a caretaker may be permitted in said districts in conformance with the specific requirements of the particular district.

SECTION 5.03. ZONING OF STREET, ALLEY, AND RAILROAD RIGHTS-OF-WAY:

All streets, alleys, and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such streets or alleys, or railroad rights-of-way. Where the center line of a street or alley serves as a district boundary, the zoning of such street or alley, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such center line.

SECTION 5.04. ACCESSORY BUILDINGS IN RESIDENTIAL DISTRICTS:

In residentially zoned districts accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

1. Where the accessory building is structurally attached to a main building, it shall be subject to and must conform to all regulations of this Ordinance applicable to main buildings. Detached accessory buildings shall not be erected in any required front yard, or required side yard.
2. An accessory building shall not exceed one (1) story of fourteen (14) feet in height.
3. No detached accessory building shall be located closer than ten (10) feet to any principal building nor shall it be located closer than ten (10) feet to any side yard line or six (6) feet to any rear yard line.
4. Any accessory building One Hundred Twenty (120) square feet or larger shall require a building permit.

SECTION 5.05. OCCUPANCY: TEMPORARY GARAGES, ACCESSORY BUILDINGS, BASEMENT APARTMENTS PROHIBITED:

Buildings erected after the effective date of this Ordinance as garages or accessory buildings, shall not be occupied for dwelling purposes. No basement or cellar apartment shall be used or occupied for dwelling purposes at any time.

SECTION 5.06. TEMPORARY OCCUPANCY OF MOBILE HOMES:

A mobile home may be used as a temporary dwelling during the period of reconstruction of a permanent dwelling which has been wholly or partially destroyed by fire, explosion, public enemies, or acts of God; and or during construction of a new home subject to the following:

1. Such mobile home shall be located on the reconstruction/construction site in a zoning district permitting single-family dwellings, and be occupied by the owner of such premises and the owner's immediate family.
2. Such mobile home shall not be located between the established line and the public right-of-way line of such premises.
3. Such mobile home shall contain sleeping accommodations, a flush toilet, and a tub or shower adequate to serve the occupants thereof according to the Lenawee County Health Department.
4. The water supply system and waste disposal system of such mobile home shall be connected to their respective facilities and approved by the Lenawee County Health Department.
5. The occupancy of such mobile home shall be subject to a renewable permit for six (6) months by the Tecumseh Township Board, and a One Thousand Dollar (\$1000.00) cash deposit, presented by the owner, to be invested in a mutually agreeable interest bearing account. Hardship cases will be reviewed by the Tecumseh Township Board on a case by case basis. The deposit shall be refunded with accrued interest upon removal of such mobile home on or before the expiration of this permit. If such mobile home is not removed from the premises on the day after the expiration of this permit, the said deposit and interest shall be forfeited to the Township.
6. The forfeiture of said deposit shall not exempt the owner from compliance with the requirements of this section.

SECTION 5.07. BUILDING GRADES:

Any building requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the

building. Whenever possible, a sloping grade, shall be maintained and established from the center of the front lot line to the finished grade line at the front of the building, and also from the rear lot line to the front, both grades sloping to the front property line. However, this shall not prevent the grading of a yard space to provide sunken or terraced areas, provided proper means are constructed and maintained to prevent the run-off of surface water from flowing on the adjacent properties. Grade elevations shall be determined by using the elevation at the center line of the road in front of the lots as the established grade or such grade determined by the Township Supervisor or Building Inspector. When a new building is constructed on a vacant lot between two existing buildings or adjacent to an existing building, the existing established grade shall be used in determining the grade around the new building and the yard around the new building shall be graded in such a manner as to meet existing grades and not to permit run-off surface water to flow onto the adjacent property.

SECTION 5.08. BUILDINGS TO BE MOVED:

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

SECTION 5.09. EXCAVATIONS OR HOLES:

The construction, maintenance or existence within the Township of any unprotected, unbarricaded, open or dangerous excavations, holes, pits, or wells, which constitute or are reasonably likely to constitute a danger or menace to the public health, safety or welfare, are hereby prohibited; provided, however, this section shall not prevent any excavation under a permit issued pursuant to this Ordinance, where such excavations are properly 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 streams, natural bodies of water or to ditches, streams, reservoirs, or other major bodies of water created or existing by authority of the State of Michigan, the County, the Township, or other governmental agency.

SECTION 5.10. FLOODPLAINS.

Notwithstanding any other provisions of this Ordinance, land subject to periodic flooding shall only be used for agricultural and recreational uses. No structures shall be located within the area subject to flooding.

The location and boundaries of land subject to periodic flooding shall be determined by reference to a 100 year floodplain, as referenced by the U.S. Soil Conservation Service, the

U.S. Army Corps of Engineers, or other official authority.

SECTION 5.11. PRESERVATION OF RIVERS, STREAM BANKS, AND LAKESHORES.

No person shall alter, change, transform or otherwise vary the edge, bank or shore of any river, stream, or lake except in the conformance of the following:

1. As provided in the Inland Lakes and Streams Act, Act 291 of the Public Acts of 1965, and as amended.
2. If any edge, bank, or shore of any lake, river, or stream is proposed to be altered in any way by any person, that person shall submit to the Zoning Board a site plan as required in ARTICLE V, SECTION 5.25 and 5.26 of this ordinance. This does not relieve the applicant from complying with requirements of other regulatory agencies.
3. No structure shall be placed within fifty (50) of a river, stream, or lake.

SECTION 5.12. RESTORING UNSAFE BUILDINGS:

Nothing in this Ordinance shall prevent the strengthening or restoration to a safe condition of any part of any building or structure declared unsafe by the Building Inspector, or required to comply with his lawful order.

SECTION 5.13. CONSTRUCTION BEGUN PRIOR TO ADOPTION OF ORDINANCE:

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

SECTION 5.14. VOTING PLACE:

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

SECTION 5.15. APPROVAL OF PLATS:

No proposed plat of a new or redesigned subdivision shall hereafter be approved by the Township unless the lots within such plat equal or exceed the minimum size and width requirements set forth in the various districts of this Ordinance, and unless such a plat fully conforms with the statutes of the State of Michigan and ARTICLE XXII of this ordinance of the Township as adopted.

SECTION 5.16. LOT DIVISION:

After a subdivision has been recorded, platted lots may thereafter be partitioned or divided with the approval of the Tecumseh Township Board into not more than four (4) parts, provided that the resulting lots or parcels or combinations or portions of two or more divided lots shall not be less in width or size than the more restrictive of the Tecumseh Township Zoning Ordinance or the Michigan Subdivision Control Act of 1967, and provided further that such resulting lots shall abut a public or private roadway constructed to standards of the Lenawee County Road Commission, public utilities necessary or required to service such a lot, and provided further, that all such resulting lots shall conform in all particulars to the requirements of the Michigan Subdivision Control Act of 1967 and all Township Ordinances.

SECTION 5.17. ESSENTIAL SERVICES:

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

SECTION 5.18. SIGNS:

All signs erected or located in any zoning district shall comply with the following regulations:

A. SIGNS, GENERAL:

1. A building permit shall be required for the erection, construction or alteration of any sign, except as hereinafter provided, and all such signs shall be approved by the Building Inspector as to their conforming to the requirements of the zoning district wherein said sign or signs are to be located and the requirements of this section.
2. There shall be no flashing, oscillating or intermittent, red, blue, or green illumination on any sign located in the same line of vision as traffic control system, nor interference with vision clearance along any highway, street, or road at any intersection of two or more streets. All illuminated signs shall be so placed as to prevent the rays and illumination there from being cast upon neighboring residences within a residential district and shall be located not less than one hundred (100) feet from such residential district.
3. No sign, except those placed and maintained by the Township, County or State shall be located in, overhang or encroach upon any public right-of-way.
4. Signs advertising real estate for sale, rent or lease are permitted in all

districts when located on the building or land intended to be sold, rented or leased, provided they are used only during the construction of a building or buildings or the offering for sale, rent or lease of real estate. Temporary subdivision signs not exceeding one hundred (100) square feet in any area may be permitted subject to their approval by the Tecumseh Township Board for a twelve (12) month period, subject to renewal, providing such signs conform to the conditions established by said Township Board to secure harmony with this Ordinance and there are buildings or home sales continuing in the subdivision being advertised.

5. Signs identifying the name of an industrial park, or planned commercial shopping center or mall or other business enterprises in a commercial district shall be permitted at the entrance of the development but shall not exceed Two Hundred (200) square feet in area and a maximum of Twenty (20) feet in height. No sign so permitted shall be located nearer to the front lot line than twenty (20) feet.

6. A building permit shall be required for a sign described above.

7. In the GENERAL COMMERCIAL District one ground or wall sign indicating the name of the multiple housing development in addition to individual dwelling name plates. Such signs shall not exceed One Hundred (100) square feet in area.

8. No sign otherwise permitted shall exceed the maximum height limitation of the zoning district in which located.

B. SIGNS IN RESIDENTIAL DISTRICTS ARE PERMITTED AS FOLLOWS:

1. For each dwelling unit, one name plate sign displaying the street name and number and name of occupant, not exceeding two (2) square feet in area.

2. For permitted Principal uses other than dwellings and for Uses Permitted after Special Approval, one bulletin or announcement board not exceeding thirty-two (32) square feet in area. No sign so permitted shall be located nearer to the front lot line than one-half the required front yard setback nor nearer the side lot line than the required side yard setback. Portable signs shall require a permit by the Building Inspector for no longer than five (5) continuous days.

3. No sign shall be illuminated by other than continuous indirect white light, nor shall contain any visible moving parts.

SECTION 5.19. FENCES, WALLS, AND OTHER PROTECTIVE BARRIERS:

All fences of any type or description shall conform to the following regulations:

1. The erection, construction or alteration of any fence, wall or other type of protective barrier shall be approved by the Building Inspector, before a building permit is issued, as to their conforming to the requirements of the zoning districts wherein they are required because of land use development and to the requirements of this Section.
2. Fences which are not specifically required under the regulations for the individual zoning districts, shall conform to the following requirements:
 - a. No fence shall hereafter be erected along the line dividing lots or parcels of land or located within any required side or rear yard in excess of six (6) feet, or less than three (3) feet in height above the grade of the surrounding land.
 - b. No fence shall be erected of barbed wire, spikes, nails or any other sharp point or instrument of any kind on top or on the sides of any fence, or electric current or charge in said fences are prohibited, except in the Agriculture and Industrial Districts. Barbed wire cradles may be placed on top of fences enclosing public utility buildings or wherever deemed necessary in the interests of public safety.
3. No fence, wall, structure or planting shall be erected, established or maintained on any corner lot which will obstruct the view of a driver of a vehicle approaching the intersection, excepting that shade trees would be permitted where all branches are not less than eight (8) feet above the road level. Such unobstructed corner shall mean a triangular area formed by the street property lines and a line connecting them at points thirty (30) feet from the intersection of the street lines or in the case of a rounded property corner from the intersection of the streets property lines extended. This shall not prohibit the establishment of shrubbery thirty (30) inches or less in height.

SECTION 5.20. FILLING OPERATIONS:

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

SECTION 5.21. ANIMALS.

No livestock shall be kept or maintained in any zoning district on parcels of land located within a proprietary or assessor's

plat or on parcels of less than ten (10) acres in area, except that for each dwelling unit the occupant may keep for his personal use domestic pets provided they are not kept or used for commercial or breeding purposes and do not constitute a kennel.

SECTION 5.22. OUTDOOR STORAGE IN RESIDENTIAL DISTRICTS.

The outdoor storage or parking of recreational vehicles such as an airplane, antique or racing automobile, boat, float, raft, trailer, camping or travel trailer, motorized home, re-mountable travel equipment of the type adaptable to light duty trucks, and other equipment or vehicles of a similar nature, shall be prohibited for a period greater than seventy-two (72) hours in all residential districts, except where expressly permitted by other provisions of this Ordinance, unless the following minimum conditions are met:

1. All such vehicles or equipment shall be placed behind the front face of the principal building and not nearer the side lot line than the side yard set back.
2. Storage or parking shall be limited to a lot or parcel of land upon which is located an inhabited dwelling unit and the vehicle or equipment is owned by the occupant.
3. Travel trailers and other vehicles or equipment intended or adaptable for sleeping purposes shall remain unoccupied and shall not be connected to sanitary sewer facilities, or have a fixed connection to electricity, water, or gas.

SECTION 5.23. AUTOMOBILE SERVICE STATIONS AND PUBLIC GARAGES.

No automobile service station existing on the effective date of this Ordinance shall be structurally altered so as to provide a lesser degree of conformity with the provisions of this section than existed on the effective date of this Ordinance.

1. An automobile service station shall be located on a lot having a frontage along the principal street of not less than one hundred (100) feet and having a minimum area of not less than fifteen thousand (15,000) square feet.
2. An automobile service station building housing an office and/or facilities for servicing, greasing and/or washing motor vehicles shall be located not less than forty (40) feet from any street lot line, and not less than twenty-five (25) feet from any side or rear lot line adjoining a residentially zoned district.
3. All driveways providing ingress to or egress from an automobile service station shall be not more than thirty (30) feet wide at the property line. No driveway or curb opening shall be located nearer than twenty (20) feet to any intersecting street right-of-way, or adjacent to residential property. No driveway shall be located nearer than thirty (30) feet, as measured along the property line, to any other driveway giving access to or from the same automobile service

station.

4. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building. All gasoline pumps shall be not located not less than fifteen (15) feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or over-hanging any public sidewalk, street or right-of-way.

5. Where an automobile service station adjoins property located in any residential district, a buffer wall of suitable material or planting strip shall be erected and maintained along the interior line. This wall or planting strip shall be at least four (4) feet but not greater than six (6) feet in height.

6. All exterior lighting, including illuminated signs, shall be erected and hooded or shielded so as to be deflected away from adjacent property.

7. Outdoor storage or parking of wrecked or partially dismantled vehicles shall be prohibited for a period greater than ten (10) days.

8. There may be no more than one (1) freestanding sign per street frontage, each face not exceeding two hundred (200) square feet in area, which shall display only the name of the user or occupant of the premises.

SECTION 5.24 SATELLITE DISH ANTENNAS.

Satellite dish antennas are permitted in rear yards only and may not be located nearer than six (6) feet from a side or rear lot line, and may not be located on or placed on an easement.

In districts other than residential districts when a Satellite antenna cannot be installed in conformance to the requirements of the Ordinance, a Satellite Dish Antenna is permitted in a side yard or upon the roof of a main building upon the express written approval of the Building Inspector.

In districts that permit the sale of a Satellite dish Antenna, the owner of a business may display Satellite Dish Antennas for sales purposes in the front yard or side yard of the business premises, provided such Satellite dish do not obstruct or hinder public access and are not located on a sidewalk or within a designated right-of-way, and provided further that such displays conform with Section 5 of the Township's Zoning Ordinance.

SECTION 5.25 SITE PLAN REVIEW

Wherever required in a zoning district of this Ordinance, a site plan must be submitted to the Building Inspector and/or Zoning Board. The plans shall meet the required standards and design and indicate no adverse effects which cause injury to adjoining property or the

Township as a whole. Plans so approved shall regulate the development on said premises, unless modified in the same manner as the plans were originally approved. Such review is necessary to secure proper relationships between parking areas, access drives, abutting public thoroughfares, landscaping, building, siting and open space.

SECTION 5.26 SITE PLAN REQUIREMENTS.

1. The site plan shall show the scale; north arrow; boundary dimensions; topography (not more than two foot intervals); and natural features such as wood lots, rivers, streams, lakes, drains, and similar features.
2. The property shall be identified by lot lines and location, including dimensions, angles and size, and correlated with the legal description of said property. Such plan shall further include the name and address of the property owner, developer, and designer.
3. The site plan shall be of a scale not to be greater than one (1) inch equals twenty (20) feet nor less than one (1) inch equals two hundred (200) feet, and of such accuracy that the Zoning Board can readily interpret the site plan, and shall include more than one drawing where required for clarity.
4. The site plan shall show existing man made features, such as buildings, structures, high tension towers, pipe lines, and existing utilities, such as water and sewer lines, excavations, bridges, culverts, drains, and easements, and shall identify adjacent properties and their existing uses.
5. The site plan shall show the location, proposed finished floor and grade line elevations, size of proposed principal and accessory buildings, their relation one to another and to any existing structure on the site, the height of all buildings, and square footage of floor space. Site plans for residential development shall include a density schedule showing the number of dwelling units per net acre, including a dwelling schedule showing the unity type and number of each unity type.
6. The site plan shall show the proposed streets, driveways, sidewalks, and other vehicular and pedestrian circulation features within and adjacent to the site; also, the location, size, and number of parking spaces in the off-street parking area, and the identification of service lanes and service parking.
7. The site plan shall show the proposed location, use, and size of open spaces, and the location of any landscaping, fences, or walls on the site. Any proposed alterations to the topography and other natural features shall be indicated. The site shall further show any proposed location of connections to existing utilities and proposed extensions thereof.
8. A vicinity map shall be submitted showing the location of the site in relation to the

surrounding street system.

SECTION 5.27. CHURCHES, SYNAGOGUES, AND HALLS OF WORSHIP.

Where churches are allowed, they shall meet the following requirements:

1. Minimum lot width of two hundred (200) feet.
2. Minimum site size of three (3) acres.
3. All front, side and rear yard space shall be a minimum of fifty (50) feet each from adjoining lot lines.

SECTION 5.28. OPEN AIR BUSINESSES.

Open air business when permitted in any zoning district, shall be subject to the following regulations:

1. The minimum area of the site shall be ten thousand (10,000) square feet.
2. The minimum street frontage shall be one hundred (100) feet.
3. Where the site abuts property in any residentially zoned district, a buffer wall or planting strip more than four (4) feet in height but less than six feet in height shall be provided along the interior lot line.
4. Exterior lighting shall be installed in a manner which will not create a driving hazard and shall be hooded or shielded so as to be deflected away from adjacent property.
5. All open air business shall comply with all applicable Township and County health regulations.
6. Christmas tree sales may be permitted in the Commercial and/or Agricultural District for a period not to exceed forty- five (45) days. Adequate off-street parking shall be provided and situated so as to not create a traffic hazard. The site shall be cleared of trees and debris ten (10) days after the last day of sale.

SECTION 5.29. SWIMMING POOLS.

All swimming pools erected in the Township shall comply with the following requirements:

1. Application: The application for a building permit to erect a swimming pool shall include the name of the owner, the manner of supervision of the pool, a plot plan and location of adjacent buildings, fencing, gates, and other detailed information affecting construction and safety measures deemed necessary by the Building

Inspector.

2. Pool Location: Minimum side yard setback shall comply with the Schedule of Regulations of this Ordinance. Furthermore, the pool fence must not be built within the required front yard or required corner lot side yard. Rear yard setback shall not be less than four (4) feet between the outside wall of the pool and the rear property line or less than the established easement width at the rear property line or less than four (4) feet between the pool wall and any building on the lot.
3. Fence: For the protection of the general public, all swimming pools shall be completely enclosed by a fence not less than four (4) feet. All openings in any such fence shall be equipped with a self-closing, self latching gate which shall be securely locked with a tamper proof lock when the pool is not in use.
4. Sanitation: Any swimming pool shall not be used unless adequate public health measures are periodically taken to insure that the use thereof will not cause the spread of disease. The swimming pool shall be kept clean and the water used therein shall be filtered and sterilized by chlorination. Sanitation standards as now or any time adopted by the State Department of Health or the County Health Department to protect the public health are adopted and made part of this Article.

ARTICLE VI

AG - AGRICULTURAL DISTRICT

SECTION 6.01: STATEMENT OF PURPOSE:

The following reasons are given in evidence to support the purposes for which this zoning district is intended to accomplish.

1. Land containing agricultural value should be preserved because it is a vital resource.
2. Land with agricultural values justifies a design technique which attempts to support a town-county spatial relationship creating intrinsic urban-rural values.
3. Agricultural zoning permits the timing of land allotments to urban purposes in keeping with a theory of maximizing supporting public utilities so as to achieve the greatest amount of service for each dollar of capital expenditure.
4. Indiscriminate urbanizing of agricultural lands adversely affect the remaining owners of land pursuing agricultural endeavors, by creating urban land values.

SECTION 6.02: PERMITTED PRINCIPAL USES.

The following uses are permitted in an AG, Agricultural District. Any use not expressly permitted is prohibited.

1. Single family detached dwellings, both farm and non-farm related. to be located on an area of not less than one (1) acre with a frontage width of not less than two hundred (200) feet.

2. Farms. General and specialized farm and agriculture activities.
3. Raising and keeping of poultry and similar small animals upon a lot having an area of not less than ten (10) acres and a width not less than two hundred (200) feet.
4. Raising and keeping of cattle, hogs, horses, ponies, goats, and similar livestock upon a lot having an area not less than ten (10) acres and a width not less than two hundred (200) feet
5. Publicly owned and operated museums, libraries, parks, playfields, playgrounds, recreational facilities and conservation.
6. Public, parochial or other private elementary, intermediate schools and/or high schools offering courses in general education and not operated for profit on sites of not less than ten (10) acres.
7. Accessory uses and buildings customarily incidental to the above Permitted Principal Uses.

SECTION 6.03: PERMITTED USES AFTER SPECIAL APPROVAL.

The following uses shall be permitted subject to the conditions hereinafter imposed and subject further to the review and approval of the Zoning Board.

1. The raising of fur bearing animals subject to the following conditions:
 - a. The commercial raising of fur bearing animals, including minks, chinchillas, rabbits, fox, guinea pigs and similar animals, shall be located on a continuous parcel of land ten (10) acres or more in area. All outdoor runs or breeding areas shall be enclosed on all sides by an obscuring wall or fence not less than four (4) feet in height. All such runs or breeding areas and shelter areas shall be set back from the front property line a minimum of one hundred (100) feet.
 - b. The commercial raising of domestic or laboratory animals such as cats, dogs, mice, rats or other similar animals shall be located on a parcel of property not less than ten (10) acres in area. All outdoor runs or breeding areas shall be enclosed on all sides by a wall or fence.
2. Kennels, subject to the requirements of Section 6.03, 1b.
3. Cemeteries, provided that the principal access shall be directly from a paved road. Minimum site size shall be ten (10) acres and the perimeter of the site shall be fenced as designated in Section 5.19.
4. Churches, subject to the requirements set forth in Section 5.27.

5. Public utility buildings and uses, but not including service and storage yards, when operating requirements necessitate locating within the District to serve the immediate vicinity.
6. Temporary buildings for use incidental to construction work for a period not to exceed one (1) year.
7. Golf courses, which may or may not be operated for profit, subject to the following conditions:
 - a. The site shall be so planned as to provide all ingress and egress directly onto a paved road.
 - b.. Development features including the principal and accessory buildings and structures shall be so located and related as to minimize the possibilities of any adverse affects upon adjacent property. This shall mean that all principal or accessory buildings shall be not less than two hundred (200) feet from any property line of abutting residentially zoned lands.
8. Private parks, country clubs and gun clubs. Roadside stands, principally for the marketing of agricultural products produced on the premises.
9. Airports, airfields, runways, hangars, beacons, and other facilities involved with aircraft operations, subject to all rules and regulations of the Federal Aeronautics Administration, which agency shall approve the preliminary plans submitted to the County. Land beneath all aircraft approach lanes, as established by appropriate aeronautical authorities, which is not part of the airport, shall be so developed as to not endanger safe flight conditions to and from an established airport. Permitted height of buildings, structures, telephone and electric lines and appurtenances thereto shall be established by the Lenawee County Planning Commission after consultation with the appropriate aeronautical agencies.
10. Stables with a minimum of twenty (20) acres; riding academies with a minimum site size of twenty (20) acres.
11. Home Occupations as defined in Article IV.
12. Sand and gravel operations in accordance with the standards listed in Article XIV.
13. Sales of farm machinery, equipment and supplies, subject to the following conditions:
 - a. The site shall have direct access to a paved road.
 - b. Such use shall be located at least fifty (50) feet away from any property line of abutting residentially zoned lands.

SECTION 6.04: AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS.

Area, height, bulk and placement requirements unless otherwise specified are provided in Article XVI, "Schedule of Regulations".

ARTICLE VII

R-1 AND R-2, SINGLE FAMILY AND TWO FAMILY RESIDENTIAL

SECTION 7.01: STATEMENT OF PURPOSE.

The Single Family and Two Family Residential Districts are established as districts in which the principal use of land is for single family or two family dwellings. For the single family residential districts, in promoting the general purpose of this Ordinance, the specific intent is:

1. To encourage the construction of, and the continued use of the land for single family dwellings.
2. To prohibit business, commercial or industrial use of the land and to prohibit any other use which would substantially interfere with development or continuation of single family dwellings in the district.
3. To encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this Ordinance.
4. To discourage any land use which would generate traffic on minor or local streets other than normal traffic to serve the residences on those streets.
5. To discourage any use which, because of its character or size, would create requirements and costs for public services, such as fire and police protection, water supply, and sewerage, substantially in excess of such requirements and costs if the district were developed solely for single family dwellings.
5. To encourage single family development in those areas which have suitable soils or municipal utility systems.

SECTION 7.02: PERMITTED PRINCIPAL USES.

The following provisions apply in all Single Family Residential Districts. Any use not expressly permitted is prohibited.

1. Single family detached dwellings, including manufactured dwellings of no less than twenty (20) feet in width.
2. Publicly owned and operated museums, libraries, parks, playfields, playgrounds, recreation facilities, and conservations.
3. Public, parochial or other private elementary, intermediate, and/or high schools offering courses in general education, not operated for profit.
4. Accessory uses and buildings customarily incidental to the above Permitted Principal Uses.

SECTION 7.03: PERMITTED USES AFTER SPECIAL APPROVAL.

The following uses shall be permitted subject to the conditions hereinafter imposed and subject further to the review and approval of the Zoning Board.

1. Child Care Organizations (not including dormitories) provided that for each child so cared for, there shall be provided and maintained minimum area of one hundred (100) square feet of outdoor play area. Such play space shall have a total minimum area of at least one thousand (1000) square feet and shall be screened from any adjoining lot in any residential district.
2. Cemeteries, provided that the principal access shall be directly to a paved road. Minimum site size shall be ten (10) acres and the perimeter of the site shall be fenced as designated in Section 5.15.
3. Churches, subject to the requirements set forth in Section 5.27.
4. Public utility buildings and uses, but not including service and storage yards, when operating requirements necessitate locating within the District to serve the immediate vicinity.
5. Temporary buildings for use incidental to construction work or a period not to exceed one (1) year. Such building shall not be used for a residence.
6. Golf courses, which may or may not be operated for profit, subject to the following conditions:
 - a. The site shall be so planned as to provide all ingress and egress directly onto a paved road.
 - b. Development features including the principal and accessory buildings and

structures shall be so located and related as to minimize the possibilities of any adverse affects upon adjacent property. This shall mean that all principal or accessory buildings shall be not less than two hundred (200) feet from any property line of abutting residentially zoned lands.

7. Home Occupations as defined in Article IV.

SECTION 7.04: AREA HEIGHT, BULK AND PLACEMENT REQUIREMENTS.

Height, bulk and placement requirements unless otherwise specified are provided in Article XVI, "Schedule of Regulations".

ARTICLE VIII

RM, MULTIPLE FAMILY RESIDENTIAL DISTRICT

SECTION 8.01: STATEMENT OF PURPOSE.

The RM, Multiple Family Residential District is designed to permit a more intensive residential use of land with various types of attached single family houses, townhouses, and garden apartments. these areas would be located near County Primary Roads for good accessibility and between single family residential areas and other non-residential uses. Various sizes of residential accommodations, for ownership or rental, would thereby be provided to meet the needs of the different age and family groups in the community.

SECTION 8.02: PERMITTED PRINCIPAL USES.

The following provisions apply in all RM, Multiple Family Residential Districts. Any use not expressly permitted is prohibited.

1. All permitted uses in the R1 and R2 District subject to the terms and conditions provided therein.
2. Multiple family dwelling units including townhouses (single family attached dwellings), apartments and row or terrace dwellings.
3. Accessory uses and buildings customarily incidental to the above permitted principal uses.

SECTION 8.03: PERMITTED USES AFTER SPECIAL APPROVAL.

The following uses shall be permitted subject to the conditions hereinafter imposed and subject further to the review and approval of the Zoning Board.

1. Hospitals, provided the following conditions are met:

- a. All such hospitals shall be developed only on sites consisting of at least ten (10) acres in area.
 - b. The proposed site shall have at least one property line abutting a paved road. All ingress and egress to the off-street parking area, for guests, employees, staff as well as any other uses of the facilities, shall be directly onto a paved road.
 - c. In the event one or more boundaries of the proposed site lies opposite or contiguous to a residential district, the minimum distances between any hospital structure or accessory use and the residential district boundary shall be at least one hundred (100) feet for the buildings above two (2) stories, the building shall be set back from the initial one hundred (100) foot set back and an additional one (1) foot for each foot of additional height above two (2) stories.
 - d. The minimum distance from any non-residential lot line shall not be less than forty (40) feet for buildings containing two (2) stories.
 - e. The minimum distance from any street line shall not be less than twenty-five (25) feet.
 - f. Ambulance and delivery areas shall be obscured from all residential view with a wall at least six (6) feet in height and said wall shall be further subject to the requirements of Section 5.19.
 - g. Development Plan shall show any future construction and projected maximum patient census.
 - h. Noise producing activities, such as ambulance and delivery areas shall be located not less than five hundred (500) feet from any residential area.
2. Housing for the elderly. All housing for the elderly shall be provided as a planned development consisting of at least one (1) acre in area and may provide for the following:
- a. Cottage type dwellings and/or apartment type dwelling units.
 - b. Common services containing but not limited to central dining rooms, recreational rooms, central lounge and workshops.
 - c. All dwellings shall consist of at least three hundred and fifty (350) square feet per unit (not including kitchen and sanitary facilities).
 - d. Total coverage of all buildings (including dwelling units and related service buildings) shall not exceed fifty (50) percent of the total site exclusive of any

dedicated public right-of-way.

3. Convalescent and/or Nursing Home, when the following conditions are met:
 - a. The site shall be so developed as to create a land to building ratio on the parcel whereby for each one (1) bed in the convalescent home there shall be provided not less than fifteen hundred (1500) square feet of land area.

SECTION 8.04: SITE PLAN REVIEW.

For all permitted uses in an RM, Multiple Family Residential District, a site plan shall be submitted to the Zoning Board for review and approval in accordance with Sections 5.25 and 5.26.

SECTION 8.05: AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS.

Area, height, bulk and placement requirements unless otherwise specified are provided in Article XVI "Schedule of Regulations".

ARTICLE IX
MOBILE HOMES

SECTION 9.01: MOBILE HOMES.

As used herein the term "mobile home" shall mean a structure, transportable in one (1) or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. (Ref. Public Act 96 of 1987 as amended.)

SECTION 9.02: MOBILE HOME DWELLINGS:

No person shall use occupy or permit the use or occupancy of a mobile home as a dwelling within the Township, not designated as a mobile home park, unless:

- A. A permit for the placement thereof has been obtained from the Township Building Inspector, and must conform to all applicable sections of this ordinance relative to new construction.
- B. Said mobile home shall be connected to potable water and sanitary sewage disposal facilities approved by the health agency having jurisdiction. If public water and sanitary sewage disposal facilities is/are available to said premises, said mobile shall be connected thereto.
- C. A mobile home shall be installed pursuant to the manufacturer's setup instructions and shall have a wall of the same perimeter dimensions of the mobile home and constructed of such materials and type as required in the applicable building code for single family dwellings and shall be secured to the premises by anchoring system or device compatible with those required by the Michigan Mobile Home Commission. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the Building Code applicable within the Township.

- D. Construction of, and all plumbing, electrical, apparatus, and insulation within and connected to, said mobile home shall be of a type and quality conforming to the United States Department of Housing and Urban Development, Mobile Home Construction and Safety Standards (24CFR3280), and as from time to time amended.
- E. If placed within a flood zone, said mobile home shall meet all requirements for construction of dwellings onsite within said zone.
- F. Said mobile home shall meet or exceed all roof snow load and strength requirements imposed by the said United States Department of Housing and Urban Development Mobile Home Construction and Safety Standards.

SECTION 9.03: RESIDENTIAL

The foregoing requirements in Section 9.02 notwithstanding, the placement and use of a mobile home in any residential district within the Township shall be esthetically compatible with single family dwellings in the district, and as a minimum said mobile homes shall:

- A. Be so placed and situated so that the wheels shall be removed and the underside or chassis of said mobile home shall be completely enclosed and connected to the foundation.
- B. Shall be placed upon the property in such a way that its appearance shall be compatible with single family dwellings constructed on-site within said district.

ARTICLE X

RMH, MOBILE HOME PARK DISTRICT

SECTION 10.01: STATEMENT OF PURPOSE.

The purpose of the Mobile Home Park District is to encourage a suitable environment for persons and families that by preference choose to live in a mobile home rather than a conventional single family structure. In keeping with the occupancy characteristics of contemporary mobile homes, this Article establishes low density standards and permitted uses that reflect the needs of the residents in the District.

SECTION 10.02: PERMITTED PRINCIPAL USES.

The following provisions apply in all RMH, Residential Mobile Home Districts. Any use not expressly permitted is prohibited.

- A. Mobile Homes.
- B. Mobile Home Parks, subject to the requirements as established and regulated by Act 243 of the Public Acts of 1959, as amended, except that the same shall conform to the following requirements:
 - 1. **Greenbelt:** The park shall have a greenbelt twenty (20) feet in width at its rear and sides. The greenbelt shall be fifty (50) feet at the front of the mobile home park. the greenbelt shall be measured from the nearest edge of the road right-of-way to the line of the closest mobile home site.
 - 2. **Site Dimensions:** Each mobile home park shall be developed with sites averaging 5,500 square feet per mobile home unit. These 5,500 square feet for any one site may be reduced by twenty (20) percent provided that the individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of a site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space, but in no case shall the open and distance

requirements be less than required under R 125, 1946, Rule 946 and R 125, 1941 and R 125, 1944, Rules 941 and 944 of the Michigan Administrative code.

3. Mobile homes shall be at least twenty (20) feet from the rear of the nearest mobile home and twenty (20) feet from the side of the nearest mobile home.
4. Mobile homes shall be placed at least ten (10) feet from the pavement of the access drive.
5. Storage of goods and articles underneath any mobile home or out-of-doors at any mobile home site shall be prohibited.
6. Each mobile home park shall include similarly designed enclosed storage structure or structures suitable for storage of goods and the usual effects of the inhabitants of such park, such storage space shall not be less than one hundred and twenty (120) cubic feet for each mobile home. Such storage may be located on the mobile home site or in a common structure with individual lockers.
7. All mobile homes within such parks shall be suitably connected to sewer and water services provided at each mobile home site, and shall meet the requirements and be approved by the Lenawee County Health Department.
 - a. All sanitary sewage facilities, including plumbing connections to each mobile home site, shall be constructed so that all facilities and lines are protected from freezing, from bumping or from creating any type of nuisance or health hazard. Running water from a State tested and approved supply, designed adequately from a minimum flow of two hundred (200) gallons per day per mobile home site shall be piped to each mobile home. Sewer connections shall not exceed ten (10) feet in length above ground.
 - b. Storm drainage facilities shall be so constructed as to protect those that will reside in the mobile home park, as well as the property owner adjacent to the park.
8. All electric, telephone, and other lines from supply poles or other sources to each mobile home site shall be underground. The electrical system shall be of such voltage and of such capacity to adequately serve all users in the park at peak periods. When separate meters are installed they shall be located in a uniform manner.
9. Any fuel oil and gas storage shall be centrally located in underground

tanks, at a distance away from any mobile home site as it is found to be safe. All fuel lines leading to mobile home sites shall be underground and so designed as to conform with any State code that is found to be applicable. When separate meters are installed, each shall be located in a uniform manner.

10. When exterior television antenna installation is necessary, a master antenna shall be installed and extended to individual stands by underground lines. Such master antenna shall be so placed as not to be a nuisance to park residents or surrounding areas.
11. On site outdoor laundry space of adequate area and suitable location shall be provided if park is not furnished with indoor dryers or if use of indoor dryers is not customarily acceptable to prospective occupants. Where outdoor drying space is required or desired, individual clothes drying facilities on each lot of the collapsible umbrella type of hanging apparatus shall be allowed with park management providing a concrete embedded socket at each site.
12. A recreation space of at least three hundred (300) square feet per mobile home site in the park shall be developed and maintained by the management. This area shall not be less than one hundred (100) feet in its smallest dimension and its boundary no further than five hundred (500) feet from any mobile home site served. Streets, and parking areas and laundry rooms are not to be included as recreation space in computing the necessary area.
13. Disposal of garbage and trash:
 - a. Any method used shall be approved by the State and inspected periodically by the Lenawee County Health Department
 - b. Adequate incinerators, if provided, shall be conveniently located so as not to create a nuisance and be designed so that combustible materials will be reduced to an odorless gas and inorganic ash to an odorless gas and inorganic ash under any weather conditions. Conditions for burning must follow the Burning Ordinance – Article XVIII.
 - c. Trash not burned should be sorted in a conveniently located similarly designed enclosed structure or structures. The removal of non-combustible trash shall take place not less than once a week.

14. All driveways, motor vehicle parking spaces and walkways within such parks shall be constructed with a bituminous or concrete material and adequately drained and lighted for safety and ease of movement.

15. Walkways shall be installed and shall not be less than four (4) feet in width excepting that walkways designed for common use of not more than three (3) mobile home sites shall be not less than three (3) feet in width.

SECTION 10.03: PERMITTED USES AFTER SPECIAL APPROVAL.

The following uses shall be permitted subject to the conditions herein-after imposed and subject further to the review and approval of the Zoning Board.

1. Public utility buildings and uses, but not including service and storage yards, when operating requirements necessitate locating within the District to serve the immediate vicinity.

2. Nursery schools, day nurseries and child care centers (not including dormitories); provided that for each child so cared for, there shall be provided and maintained a minimum of one hundred and fifty (150) square feet of outdoor play space, shall have a total minimum area of not less than five thousand (5000) square feet and shall be screened from any adjoining lot in any residential district.

3. Temporary buildings for use incidental to construction work for a period not to exceed one (1) year. Such buildings shall not be used for residences.

4. Golf courses, which may or may not be operated for profit, subject to the following conditions:
 - a. The site shall be so planned as to provide all ingress and egress directly onto a paved road.

 - b. Development features including the principal and accessory buildings and structures shall be so located and related to as minimize the possibilities of any adverse affects upon adjacent property. This shall mean that all principal or accessory buildings shall be not less than two hundred (200) feet from any property line of abutting residentially zoned lands.

SECTION 10.04: SITE PLAN REVIEW.

For all uses permitted in an RMH, Mobile Home Park District, a site plan shall be submitted to the Zoning Board for review and approval in accordance with Sections 5.25 and 5.26.

SECTION 10.05: AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS.

Area, height, bulk and placement requirements unless otherwise specified area as provided in Article XVI, "Schedule of Regulations".

ARTICLE XI

C-1 GENERAL COMMERCIAL DISTRICT

SECTION 11.01: STATEMENT OF PURPOSE.

The C-1 General Commercial District is characterized by more diversified business types and are often located so as to serve the passerby traffic. It would also provide for office buildings and the great variety of large retail stores and related activities which occupy the prime retail frontage by serving the comparison, convenience and service needs of the entire municipal area as well as substantial area of the adjacent and surrounding residential developments and agricultural area beyond the Township limits. The district regulations are designed to promote convenient pedestrian shopping and stability of retail development by encouraging a continuous retail frontage.

SECTION 11.02: PRINCIPAL USES PERMITTED:

1. No building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this Ordinance.
2. Any generally recognized retail business which supplies commodities on the premises for persons residing in adjacent residential areas such as: groceries, meats, dairy products, baked goods or other foods, drugs, dry goods and notions or hardware.
3. Any personal service establishment which performs services on the premises for persons residing in adjacent residential areas, such as: shoe repair, dry cleaning shops, tailor shops, beauty parlors, barber shops, banks and savings and loan offices, or any service establishment of an office showroom or workshop nature of an electrician, decorator, dressmaker, tailor, shoemaker, baker, printer, upholsterer, or an establishment doing radio, television or home appliance repair, photographic reproduction, and similar establishments.
4. Restaurants and taverns where the patrons are served while seated within a building occupied by such establishment, and integral part of or accessory thereto, any service of a drive-in restaurant or open-front store.

5. Professional office of doctors, lawyers, dentists, chiropractors, osteopaths, architects, engineers, and similar or allied professions.
6. Parking lots and parking structures.
7. Theaters when completely enclosed.
8. Accessory structures, uses and signs customarily incidental to the above permitted uses and subject to all requirements of this Ordinance.
9. Banks, with drive-in facilities permitted when said drive-in facilities are incidental to the principal function.
10. Municipal buildings and post offices.
11. Offices and showrooms of plumbers, electricians, decorator or similar trades, in connection with, which not more than twenty-five (25) percent of the floor area of the building or part of the building occupied by said establishment is used for making, assembling, remodeling, repairing, altering finishing, or refinishing its products or merchandise, provided that: The ground floor premises facing upon, and visible from any abutting street shall be used only for entrances, offices, or display. All storage of materials on any land should be within the confines of the building or part thereof occupied by said establishment.
12. Business schools, or private schools operated for profit. Examples of private schools permitted herein include, but are not limited to, the following: dance schools, music and voice schools, and art studios.
13. Newspaper offices and printing plants.
14. Warehouse and storage facilities when incidental to and physically connected with any principal use permitted, provided that such facility be within the confines of the building or part thereof occupied by said establishment.
15. Veterinary offices and hospitals.
16. Bus passenger stations.
17. Funeral homes.
18. Private clubs or lodge halls.
19. New automobile sales or showroom, farm implement dealers, and any accessory parking or outdoor sales area subject to the conditions under Section 11.04, Subsection A, and including all necessary accessory uses.

20. Automobile car wash, when completely enclosed, in a building.
21. Governmental offices or other governmental uses; public utility offices, exchanges, transformer stations, pump stations, and service yards.
22. Clinics -- Medical, Dental, and /or Veterinary.
23. Retail cold storage establishments
24. Self service laundry and dry cleaning establishments.
25. Bowling alleys.
26. Pool or billiard parlor or clubs.
27. Storage of materials or goods to be sold at retail, provided such storage is within a building or is enclosed, are not visible to the public from any abutting residential district or public street.

SECTION 11.03: REQUIRED CONDITIONS.

This district and its permitted uses shall not include new one (1) and two (2) family dwellings, except existing dwellings so used.

SECTION 11.04: CONDITIONAL USES.

The following uses may be permitted upon the granting of a permit for such use by the Zoning Board subject to the conditions hereinafter imposed for each use and subject further to such other reasonable conditions which in the opinion of the Zoning Board are necessary to provide adequate protection to the neighborhood and to abutting properties.

A. Automobile service station for sale of gasoline, oil, and minor repair, and not including major repair and subject further to the following:

1. The curb cuts for ingress and egress to a service station shall not be permitted at such locations that will tend to create traffic hazards in the street immediately adjacent thereto. Entrances shall be no less than twenty-five (25) feet from a street intersection (measured from roadway) or from adjacent residential property and subject to other ordinances of the Township.
2. The minimum lot area shall be ten thousand (10000) square feet, and so arranged that ample space is available for motor vehicles which are required to wait.
3. There shall be provided, on those sides abutting or adjacent to a residential district, a minimum Four Foot (4') and a maximum of Six Feet (6') completely

obscuring wall or fence. The height of the wall or fence shall be measured from the surface of the ground.

4. All lighting shall be shielded from adjacent residential districts and from abutting streets.
 5. Major automobile repair, engine and body repair, steam cleaning and undercoating when conducted on the site shall be within a completely enclosed building. The storage of wrecked automobiles on the site shall be obscured from public view.
 6. All restroom doors shall be shielded from adjacent streets and residential properties.
- B. Publicly owned buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations, regular service stations with service yards but without storage yards, and water and sewage pumping stations.
- C. Accessory buildings and uses customarily incident to any of the above uses.
- D. Other uses which are similar to the above and subject to the following restrictions:
1. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail from premises where produced.
 2. All business, servicing, or processing except for off-street parking or loading, shall be conducted within completely enclosed buildings.
 3. Outdoor storage of commodities shall be expressly prohibited.
- E. Drive-in restaurants subject to the following:
1. The lot shall be located on a major thoroughfare.
 2. The minimum lot size shall be ten thousand (10,000) square feet.
 3. All ingress and egress points shall be on major thoroughfares and shall be located at least sixty (60) feet from the intersection of any two (2) streets.
 4. The parking and traffic circulation plan for the lot shall be submitted to the Building Inspector for review, and sufficient measures shall be taken to provide for one-way traffic flow where recommended.
 5. Where the lot abuts a residential district, a ten foot (10') buffer strip and a fence

shall be provided.

6. All waste disposal areas including containers shall be screened with an obscuring wood or masonry wall from abutting residential properties, and public streets.
- F. Outdoor sales space for sale of new and used automobiles, farm equipment, and house trailers and travel trailers subject to the following:
1. Ingress and egress to the outdoor sales area shall be at least sixty (60) feet from the intersection of any two (2) streets.
 2. No major repair or major refinishing shall be done on the lot.
- G. Motel, subject to the following:
1. Provided that it can be demonstrated that ingress and egress do not conflict with adjacent business uses.
 2. No kitchen or cooking facilities are to be provided, with the exception of units for the use of the manager or caretaker.
 3. Each unit shall contain not less than two hundred (200) square feet of floor area.
- H. Business in the character of a drive-in restaurant, so called, or so called open front store, subject to the following:
1. A setback of at least sixty (60) feet from the street right-of-way line of any existing or proposed major thoroughfare must be maintained.
 2. Ingress and egress points shall be located at least sixty (60) feet from the intersection of any two (2) streets.
- I. Commercially used outdoor recreational space for children's amusement parks, miniature golf courses, subject to the following:
1. Children's amusement parks shall be fenced on all sides with a four (4) foot wall or fence.
 2. Adequate parking shall be provided off the road right-of-way and shall be fenced with a four foot six inch (4'6") wall or fence where adjacent to the use.
- J. Developments of any three (3) or more of the above may be permitted upon the granting of a permit for such use by the Tecumseh Township Board subject to the conditions hereinafter imposed for each use and subject further to such other

reasonable conditions which in the opinion of the Zoning Board are necessary to provide adequate protection to the neighborhood and to abutting properties.

SECTION 11.05: AREA AND BULK REQUIREMENTS.

See Article XVI, "Schedule of Regulations" limiting the height and bulk of buildings, minimum size of lot by permitted land use.

ARTICLE X11

M-1, GENERAL INDUSTRIAL DISTRICT

SECTION 12.01: STATEMENT OF PURPOSE.

In the M-1 District, the intent is to permit certain industries which are of a light manufacturing character to locate in planned areas of the Township. So that such uses may be integrated with nearby land uses, such as commercial and residential uses, limitations are placed upon the degree of noise, smoke, glare, waste, and other features of industrial operations so as to avoid adverse effects. Certain commercial uses which are desirable to service the employees and visitors of the Industrial District are also permitted in this District.

SECTION 12.02: PERMITTED USES.

Any of the following uses when the manufacturing compounding or processing is conducted entirely within a completely enclosed building. That portion of the land uses for open storage facilities for materials or equipment used in the manufacturing, compounding, final product storage or processing shall be totally obscured by six (6) foot wall and/or barrier of suitable material on all sides.

- A. Wholesale and Warehousing: The sale at wholesale or warehousing of automotive equipment; dry goods and apparel; groceries and related products; raw farm products except livestock; electrical goods; hardware, plumbing, heating equipment and supplies; machinery and equipment, petroleum bulk stations and terminals; tobacco and tobacco products; furniture and home furnishings; and any commodity the manufacture of which is permitted in this District; truck terminals.
- B. Industrial Establishments:
 - 1. The assembly, fabrication, manufacture, packaging or treatment of such products as food products (excluding butchering, animal slaughtering), candy, drugs, cosmetics and toiletries, musical instruments, optical goods, toys, novelties, electrical instruments and appliances; radio and phonographs; pottery and figurines or other ceramic products using only previously pulverized clay.
 - 2. The assembly, fabrication, manufacture or treatment of such products from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, felt,

fiber, glass, horn, leather, paper, plastics, precious or semi-precious metals or stones, sheet metal (excluding large stampings such as automobile fenders or bodies), shell, textiles, wax, wire, wood (excluding saw and planing mills) and yarns.

3. Tool and die shops; metal working machine shops involving the use of grinding or cutting tools; manufacturing of tools, dies, jigs, and fixtures; publishing, printing, or forming of box, carton, and cardboard products.
 4. Laboratories - research or testing.
 5. Central dry cleaning plants and laundries.
- C. Public Utility Uses: Electric transformer station and substations; electric transmission towers; municipal buildings and uses; gas regulator and municipal utility pumping stations.
- D. Retail and Service Establishments:
1. Eating and drinking establishments when food or beverage is consumed within a completely enclosed building. Establishments with a character of a drive-in or open front store are prohibited.
 2. Truck, tractor, and trailer sales, rental and repair.
 3. Dog kennels.
 4. Automobile service stations in accordance with Section 5.23.
- E. Accessory uses and buildings customarily incidental to the above Permitted Principal Uses.

SECTION 12.03: PERMITTED USES AFTER SPECIAL APPROVAL.

The following uses shall be permitted after there has been a review of preliminary site and building plans by the Township Zoning Board; if the Board finds that the proposed use will constitute a desirable and stable development which will be in harmony with development in adjacent areas; will not cause traffic congestion on public streets; and will not be contrary to the spirit and purpose of this Ordinance:

- A. Industrial Establishments:
1. Processing, refining, or storage of food and food stuffs.
 2. Machine shops, metal buffing, plastering and polishing shops, millwork lumber and planing mills, painting and sheet metal shops, undercoating and rust proofing shops,

and welding shops.

3. Automobile bump shops.

B. Open storage yards of construction contractors' equipment and supplies, building materials, sand, gravel or lumber.

1. Such uses shall be located at least two hundred (200) feet from any residential or commercial district.

2. If it is deemed essential by the Zoning Board to prevent loose materials from blowing into adjacent properties, a fence, tarpaulin or obscuring wall of no less than five (5) feet shall be required around the stored material.

3. No required yard spaces (set back requirements) shall be used for the storage of equipment or material.

C. Junk Yards, subject to the regulations of the Township Junk Yard Ordinance.

SECTION 12.04: "INDUSTRIAL PERFORMANCE STANDARDS"

In accordance with Article XIII, unless otherwise specified.

Section 12.05: AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS.

Area, height, bulk and placement requirements unless otherwise specified are as provided in Article XVI, "Schedule of Regulations".

ARTICLE XIII

INDUSTRIAL PERFORMANCE STANDARDS

SECTION 13.01: SCOPE.

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

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

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

- A. Hot forgings, Steam or Board Hammers: Not permitted.
- B. Noise: Shall be muffled so as not to become objectionable to intermittence, beat frequency, or shrillness. Noise as measured at the street or property line may not exceed sixty (60) decibels with a center frequency of 125 cycles per second.
- C. Odor: The emission of noxious, odorous matter in such quantities as to be readily detectable at a point along any property line, when diluted in the ration of one volume of odorous air to four (4) or more volumes of clean air, so as to produce a public nuisance or hazard beyond lot lines is prohibited.
- D. Gases, Smoke, Dust, Dirt and Fly Ash: The emission of gases, smoke, dust dirt and fly ash shall in no manner be unclean, destructive, unhealthful, hazardous or deleterious to the general welfare. Such emission shall be in strict conformance with all applicable State and County health laws as pertaining to air pollution and smoke abatement.
- E. Glare and Heat: Arc welding, acetylene torch cutting or similar processes causing glare and heat shall be performed behind solid walls or frosted glass not less than fifteen (15) feet high as measured from the ground level adjacent to the structure

concerned.

- F. Fire and Safety Hazards: The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with all State rules and regulations, and as established by the Fire Prevention Act, Act #207, Public Acts of 1941, as amended. Further, all storage tanks of liquid material above ground shall be located not less than one hundred and fifty (150) feet from all property lines, and shall be completely surrounded by earth embankments, dikes or other types of retaining walls which contain the total capacity of all tanks so enclosed.
- G. Vibration: Machines or operations which cause vibration shall be permitted, but no operation shall cause a displacement exceeding .003 of one (1) inch as measured at the property line with a frequency of 10 cycles per second.
- H. The removal of soil, sand, gravel, stone, minerals, and other earth materials shall be subject to the following conditions:
 - 1. There shall not be more than one (1) entrance way from a public road to said lot for each five hundred (500) feet of front lot line.
 - 2. Such removal, processing, transportation, and activities relating to storage such as stockpiling shall not take place before sunrise or after sunset unless it is determined reasonable and necessary in promoting the best interests of the community that such activities be permitted to take place at the discretion of the operator.
 - 3. On said lot, all roads, driveways, parking lots, and loading and unloading areas within one hundred (100) feet of any adjoining property shall be paved, watered, or DNR State approved chemically treated so as to limit adjoining lots and public roads the nuisance caused by wind-borne dust.
 - 4. Any odors, smoke, fumes, or dust generated on said lot by any digging, excavating, processing, stock-piling, or transportation operation and borne or able to be borne by the wind shall be confined within the lines of said lot as much as is possible so as not to cause a nuisance or hazard on any adjoining lot or public road.
 - 5. Such removal processing or storage shall not be conducted as to cause the pollution by any material of any surface or sub-surface, water-course, or body outside the lines of the lot on which such use shall be located.
 - 6. Such removal processing or storage shall not be conducted as to cause or threaten to cause the erosion by water of any land outside of said lot or of any land on said lot so that earth materials are carried outside of the lines of said lot, that such removal shall not be conducted as to alter the drainage pattern of surface or subsurface waters on adjacent property, and that in the event that such removal, processing, or storage shall cease to be conducted it shall be the continuing

responsibility of the owner or operator thereof to assure that no erosion or alteration of drainage patterns, as specified in this paragraph, shall take place after the date of the cessation of operation.

7. All fixed equipment and machinery shall be located at least one hundred (100) feet from any lot line and five hundred (500) feet from any residential zoning district, but that in the event the zoning classification of any land within five hundred (500) feet of such equipment or machinery shall be changed to residential subsequent to the operation of such equipment or machinery, the operation of such equipment or machinery may continue henceforth but in no case less than one hundred (100) feet from any lot line.
8. There shall be erected a fence around the periphery of the area being excavated to restrain entry into the area and all access from a public road shall be controlled by a gate. Further, there shall be erected a fence not less than six (6) feet in height between the area being excavated and abutting residentially zoned properties.
9. All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear reasonably natural.
10. The operator shall file with the Zoning Board a detailed plan for the restoration of the development area which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of not greater interval than five (5) feet, steps which shall be taken to conserve topsoil, proposed and final landscaping, and the location of future roads, drives, drainage courses, and/or other improvements contemplated. Said plans shall be subject to review and modification from time to time by the Zoning Board. The anticipated cost of carrying out the plans of restoration shall be included with said plans. It will be at the discretion of the Zoning Board to request that a hydro geological study be performed by the applicant on the said property in question.
11. After reviewing all of the information submitted by the applicant and such other information as may be in the hands of the Township, the Township Board, after hearing recommendations from the Township Zoning Board shall determine whether or not a permit shall be issued. The permit shall be issued in the event the Township Board shall determine that issuance of the permit would not detrimentally affect the public health, safety and general welfare of the citizens of the Township. The permit or each renewal thereof shall be for a period of not more than one (1) year and shall be renewable only upon reapplication, a redetermination by the Township Board and a filing of a Surety Bond. Said redetermination to be made in accordance with the requirements of this Ordinance for the issuance of the initial permit.

12. The Township Board shall, to insure compliance with any regulation contained herein or required as a condition of the issuance of a permit for the excavation, mining, stockpiling or removal of soil, sand, gravel, stone, minerals and other earth materials, require the permittee to furnish a Surety Bond executed by a Surety Company authorized to do business in the State of Michigan in an amount determined by the Township Board to be reasonably necessary to insure compliance hereunder; provided, however, that in no case will the sum of the Surety Bond be less than one thousand (\$1000) dollars for each acre or fraction thereof of land as shown in the original application. In fixing the amount of such Surety Bond, the Township Board shall take into account the size and scope of the proposed operation, current prevailing cost of rehabilitating the premises to comply by Court Judgment, and other such conditions and factors as might be relevant in determining the sum reasonable in light of all facts and circumstances surrounding each application. Said Surety Bond shall be kept in a special account in the Township depository and shall not be used for any other purpose than those specified herein. The Surety Bond shall be released upon written certification of the Zoning Board that the restoration is complete and in compliance with the restoration plan. The Surety Bond requirement applies to all operators but may be waived if the operator is a government agent of a township, city, or village, county, or state. The waiving of the Surety Bond requirement for a government agent shall not imply that other requirements and conditions stated herein are also waived.

ARTICLE XIV

NON-CONFORMING LOTS, NON-CONFORMING USES OF LAND, NON-CONFORMING STRUCTURES AND NON-CONFORMING USES OF STRUCTURES AND PREMISES.

SECTION 14.01. STATEMENT OF PURPOSE.

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

SECTION 14.02. CONDITIONAL USE PERMIT, DETERMINATION AND IMPOSITION OF CONDITIONS.

1. If the facts in the case do not establish beyond a reasonable doubt that the findings and standards set forth in the Ordinance will apply to the proposed use, the Township Board shall not grant a conditional use permit. In the granting of any conditional use permit the Township Board shall impose such conditions of use as it deems necessary to protect the best interest of the Township and the surrounding property and to the objectives of this Ordinance, and the breach of any such condition shall automatically invalidate the permit therefore.
2. No application for a conditional use permit which has been denied wholly or in part by the Township Board shall be resubmitted for a period of three hundred and sixty-five (365) days from such denial, except on grounds of new evidence or proof of changed conditions found by the Township Board to be valid.

SECTION 14.03. CERTIFICATE OF OCCUPANCY.

1. At any times after the adoption of this Ordinance should the Township become aware of a non-conforming use, the owner of said non-conforming use shall be notified by the Building Inspector of the provisions of this section that his property constitutes a non-conforming use. Within thirty (30) days after receipt of said notice, the owner shall apply for and be issued a Certificate of Occupancy for the non-conforming use. The application of such Certificate shall designate the location, nature, and extent of the non-conforming use and such other details as may be necessary for the issuance of

the Certificate of Occupancy. If the owner of a non-conforming use fails to apply for a Certificate of Occupancy within thirty (30) days after receipt of the foregoing notice, the use ceases to be non-conforming and is hereby declared to be in violation of this Ordinance. The Building Inspector and the Township Attorney shall take appropriate action to enjoin such violation.

2. If the Building Inspector shall find, upon reviewing the application for a Certificate of Occupancy, that the existing use is illegal or in violation of any other Ordinance or law, he shall not issue the Certificate of Occupancy but shall declare such use to be in violation of this Ordinance.
3. The Certificate of Occupancy issued by the Building Inspector for a non-conforming use shall state the use may be continued for a period of twelve (12) months. The Certificate of Occupancy may be renewed.
4. After the adoption of this Ordinance, or any amendments thereto, the Building Inspector shall prepare a record of all known non-conforming uses and occupations of lands, buildings and structures, including tents and trailer coaches, existing at the time of such ordinance or amendment. Such record shall contain the names and addresses of the owners of record of such non-conformities and of any occupant, other than the owner, the legal description of the land, and the nature and extent of the non-conformity. Such list shall be available at all times in the office of the Township Clerk.

SECTION 14.04. NON-CONFORMING LOTS OF RECORD (SUBSTANDARD LOTS).

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

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

SECTION 14.05. NON-CONFORMING USES OF LAND.

Where at the time of passage of this Ordinance lawful use of land exists which would not be permitted by the regulations imposed by this Ordinance, and where such use involves no individual structure with an appraised value exceeding one thousand (\$1000) dollars, the use may be continued so long as it remains otherwise lawful, provided:

A: Existing Uses:

1. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance
2. No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance.
3. If any such non-conforming use of land ceases for any reason for a period of more than six (6) consecutive months any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.
4. Only those additional structures which are in conformance to the requirements of this Ordinance shall be erected in connection with such non-conforming use of the land.
5. Where and when indications and/or conditions may warrant, an archaeological survey and/or study may be required as part of the conditional use permit.

B: Gravel Pits, Quarries and Earth removal.

1. **PERMIT REQUIRED:** It shall be unlawful for any person, persons, firm or corporation, exclusive of governmental agencies, to use any land or properties for the purpose of quarrying, mining, or earth removal within the Township of Tecumseh without having secured a permit therefore issued by the Township Building Inspector.
2. **APPLICATION FOR PERMIT:** Applications for permits hereunder shall be made in writing to the Township Board and shall contain the name and address of the applicant, shall be signed by the applicant or his duly authorized officer or agent, shall contain a legal description of the property upon which the proposed operation is carried on and a description of the extent and nature of the proposed operation. It shall set forth the name of the owner or owners of the property described therein, and if the applicant is not the owner, it shall contain or have attached thereto, the written consent of the owner or owners to the carrying on of the proposed operation on said land and authorizing the Township to enter upon the land for the purpose of

inspection and for bringing the land into compliance with the terms of this Ordinance in the event the applicant shall fail to do so. The application shall be accompanied by a topographical map or survey of the property covered by the application which map or survey shall be prepared by a registered civil engineer, and which map or survey shall be authenticated by the signature of the engineer preparing the same. It shall also contain an agreement that the applicant, if granted a permit, will comply with all the provisions of this Ordinance and of any and all rules and regulations adopted by the Township Board pursuant hereto.

3. INVESTIGATION OF APPLICATION: All applications shall be referred to the Building Inspector or his duly authorized agent, who shall investigate the premises described in the application and make recommendations to the Township Board and to the Zoning Board as to adequate requirements and safeguards to be observed as a condition of granting such permit.

4. ISSUANCE OF PERMIT AND EXPIRATION: The Township Board, upon receipt of an application properly certified to by the Building Inspector as complying herewith, may, upon (majority) vote of the Township Board issue a new permit, provided however, that this permit shall be renewed yearly; however, application shall be properly certified to by the Building Inspector as complying with all local and State laws in regard to the operation of the quarry, mine, gravel pit, or other extraction operations.

5. BOND REQUIRED: There shall be filed with each application a bond running to the Township of Tecumseh with good and sufficient sureties acceptable to the Township Board, in a panel sum of a minimum of One Thousand (\$1000) Dollars for each acre or fraction thereof, conditioned upon prompt and complete compliance with all of the provisions of this Ordinance and of any and all rules and regulations adopted by the Township Board pursuant hereto.

6. REGULATIONS:

a. No more than thirty (30) acres, excluding land used for processing, weighing, and administration may be under excavation at any one time; subject, however, to the following limitations:

1. No more than ten (10) acres for mining.

2. No more than ten (10 Acres for stripping or future mining preparation.

3. No more than ten (10) acres for rehabilitation, however, additional acreage may be excavated if and providing a like amount exhausted acreage is rehabilitated.

b. Where an excavation in excess of five (5) feet below the average grade of the property surrounding the excavation area will result from such operations, a fence shall

be erected with warning signs completely surrounding the portion of the site under excavation. Said fence shall be of wire mesh or other suitable material not less than six (6) feet in height complete with gates, which shall be kept closed and locked when operations are not being carried on.

c. No excavation shall be closer than one hundred (100) feet from the nearest street and/or highway right-of-way line nor nearer than five hundred (500) feet from the nearest residence nor closer than one hundred (100) feet from the nearest property line; provided, however, that the Township Board may prescribe more strict requirements in order to give sublateral support to the surrounding property where soil or geographic conditions warrant.

d. Roads used for ingress and egress to said excavation site shall be located not less than three hundred (300) feet from a residential dwelling unit and shall be kept dust free.

e. Operations shall be limited to daylight hours.

f. A plan for restoration of mined lands shall be prepared and submitted for review and approval by the Township Board. The plan shall include restoration contours, a description of restoration including topsoil and replanting. Said plan shall be implemented within twelve (12) months following the completion or cessation of extraction activities on all, or a portion of the site utilized for extraction purposes.

7. INSPECTION OF PREMISES: It shall be the duty of the Building Inspector or his duly authorized agents to make a periodic inspection (monthly) of all land covering which permits have been issued hereunder, and to report any violation of the terms hereof to the Township Board.

8. VIOLATION DECLARED AS A NUISANCE: Any use of land in violation of the terms hereof is hereby declared to be a nuisance per se, and upon receipt of a report of any violation, the Township Board shall have the right within thirty (30) days after giving written notice of such violation to the permit holder and/or bondsman, either personally or by registered mail to proceed forthwith to abate such nuisance and to charge the cost of same to the permit holder and/or bondsman. In the event the permit holder and/or bondsman cannot be located, the notice provided for herein shall be posted upon the land such nuisance exists.

9. REVOCATION OF PERMIT: Upon the expiration of ninety (90) days after the giving of notice as provided for in Section 14.06 hereof, the Township Board shall have the right to revoke the permit covered by such notice if the holder shall not have remedied the violation set forth in the notice within that time.

SECTION 14.06. NON-CONFORMING STRUCTURES.

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

1. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, unless otherwise specified by the Township Zoning Board.
2. Should such non-conforming structure or non con-forming portion of structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost, the time of destruction, which shall not be reconstructed except in conformity with the provisions of this Ordinance.
3. Should such structure be moved for any reason whatever, it shall hereafter conform to the regulations for the district in which it is located after it is moved.

SECTION 14.07. NON-CONFORMING USE OF STRUCTURES.

If lawful use involving individual structures or of structure and premises in combination with an appraised value of One Thousand (\$1000) dollars or more exists at the effective date of adoption of this Ordinance, that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
2. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
3. If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use provided that approval is secured from the Board of Appeals and that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. Whenever a non-conforming use has been changed to a conforming use, or to a use permitted in a district of greater restriction, it shall not thereafter be changed to a non-conforming use.
4. When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six (6) consecutive months or for a total of eighteen (18)

months during any three (3) year period, the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.

5. Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land. Destruction for the purpose of this section is defined as damaged to an extent of more than fifty (50) percent of the replacement cost at time of destruction.
- 6: On any non-conforming structure or portion of a structure containing a non conforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing to an extent not exceeding fifty (50) percent of the current replacement cost of the non-conforming structure or non-conforming portion of the structure as the case may be, provided that the cubic content existing when it became non-conforming shall not be increased.

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

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by the Building Inspector.

7. Any non-conforming use or non-conforming building which has been destroyed or damaged by fire, explosion, Act of God, or by public enemy may be rebuilt not withstanding said building status as a non-conforming use provided said reconstruction shall be completed in a reasonable time not to exceed one (1) years and begin within 180 days.

SECTION 14.08. CHANGE OF OWNERSHIP.

There may be a change in tenancy, ownership or management of an existing non-conforming use, provided there is no change in the nature or character of such non-conforming use.

ARTICLE XV

OFF-STREET PARKING AND LOADING REQUIREMENTS

SECTION 15.01. PARKING REQUIREMENTS.

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

1. **AREA FOR PARKING SPACE.** For the purpose of this Section, three hundred (300) square feet of lot area shall be deemed a parking for one (1) vehicle, including access aisles, except that one hundred and eighty (180) square feet of lot area which has a direct means of ingress and egress from an alley or street may also be deemed a parking space.
2. **FRACTIONAL REQUIREMENTS.** When units or measurements determining number of required parking spaces result in requirement of a fractional space, any fraction up to, and including one-half be disregarded and fractions over one-half shall require one (1) parking space.
3. **LOCATION OF PARKING SPACE FOR ONE AND TWO FAMILY DWELLINGS.** The off street parking facilities required for one and two family dwellings shall be located on the same lot or plot of ground as the building they are intended to serve, and shall consist of a parking strip, parking apron, and/or storage.
4. **LOCATION OF PARKING SPACE FOR OTHER LAND USES.** The off-street parking facilities required for all other uses shall be located on the lot or within five hundred (500) feet of the permitted uses requiring such off street parking, such distance to be measured along lines of public access to the property between the nearest point of the parking facility to the building to be served. In Multiple Family and Industrial Districts the front setback area shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials, or vehicle access drives.
5. **SEATING CAPACITY OF SEATS.** Seats shall mean that each twenty-four (24) inches of seating facilities shall be counted as one (1) seat, except that where specifications and plans filed with the Building Inspector specify a certain seating capacity for a particular building, such specified seating capacity shall be used as the basis for required parking space.
6. **SIMILAR USES AND REQUIREMENTS.** In the case of a use not specifically mentioned, the requirements of off street parking facilities for use which is so mentioned, and which said use is similar, shall apply.
7. **PROTECTIVE SCREENING.** Whenever off street parking facilities about a residential

district, a masonry obscuring wall of not less than four (4) feet in height and not more than six (6) feet in height shall be provided.

8. **EXISTING OFF STREET PARKING AT EFFECTIVE DATE OF ORDINANCE.**
Off street parking existing at the effective date of this Ordinance which serves an existing building or use, shall not be reduced in size less than that required under the terms of this Ordinance.
9. **COLLECTIVE PROVISIONS.** Nothing in this Section shall be constructed to prevent collective provisions of off street parking facilities for two or more buildings or uses, provided such facilities collectively shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with the table under Section 15.02.
10. **GENERAL USE CONDITIONS.** Except when land is used as storage space in connection with the business of a repair or service garage or in long-term parking facilities, a twenty four (24) hour time limit for parking in off street parking areas shall prevail, it being the purpose and intention of the foregoing that the requirements of maintaining vehicle storage or parking space is to provide for the public safety in keeping parked cars off the streets, but such requirements is not designed to or intended to provide, and it shall unlawful to permit the storage or parking on such open land of wrecked or junked cars, or for creating a junk yard or nuisance in such areas.
11. **RESTRICTION ON PARKING ON PRIVATE PROPERTY.** It shall be unlawful for any person, firm, or corporation to park any motor vehicle on any private property, or use of said private property for vehicle storage, or use any portion of any private property as parking space, without the permission of the owner, holder, occupant, lessee, agent, or trustee of such property. Complaint for the violation of this Section shall be made by the owner, holder, occupant, lessee, agent or trustee of such property.
12. **JOINT USE.** Parking spaces already provided to meet off street parking requirements for theater, stadiums, auditoriums, and other places of public assembly, stores, office buildings and industrial establishments, lying within five hundred (500) feet of a church as measured along the lines of public access, and that are not normally used between the hours of 6:00 a.m. and 6:00 p.m. on Sundays and that are made available for other parking, may be used to meet not more than fifty (50) percent of the off street parking requirements of a church.

SECTION 15.02. TABLE OF OFF STREET PARKING REQUIREMENTS.

The amount of required off street parking space for new uses or buildings, additions

thereto, and additions to existing buildings as specified above shall be determined in accordance with the following table, and the space so required shall be stated in the application for a building permit and shall be irrevocably reserved for such use and/or shall comply with the initial part of this section.

<u>USE</u>	<u>NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE</u>
A. RESIDENTIAL	
1. Residential, One-Family and Two-Family	Two (2) for each dwelling unit.
2. Residential, Multiple Family	Two (2) for each dwelling unit.
3. Housing for the Elderly	One (1) for each Two (2) units, and one (1) for each employee. Should units revert to general occupancy, then two (2) spaces per unit shall be provided.
4. Trailer Park and Mobile Home Courts.	Two (2) for each trailer or mobile home Site and one (1) for each employee of The trailer or mobile court. Plus one (1) For every four (4) sites adjacent to a Recreation area.
5. Boarding House	One (1) for each sleeping room.
B. INSTITUTIONAL	
1. Churches, Temples or Synagogues	One (1) for each three (3) seats in the main unit of worship.
2. Hospitals	One (1) per six hundred (600) square feet gross floor area.
3. Homes for the Aged & Convalescent Homes	One (1) per six hundred (600) square feet gross floor area.
4. Elementary and Junior High Schools	One (1) for each one (1) teacher and administrator, in addition to the requirements of the auditorium.

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| 5. | Senior High Schools | One (1) for each one (1) teacher, administrator, and one (1) for each ten (10) students in addition to requirements of the auditorium. |
| 6. | Private Clubs or Lodge Halls | One (1) for each three (3) persons allowed with in the maximum occupancy load as established by local, county, or state fire, building, or health codes. |
| 7. | Private Golf Clubs, Swimming Pool Clubs Tennis Clubs, or other similar uses. | One (1) for each two (2) member families or individuals. |
| 8. | Golf Courses Open to the general public, except Miniature or "Par-3" Courses | Six (6) for each one (1) golf hole and one (1) for each one (1) employee. |
| 9. | Fraternities and Cooperatives and Sororities | One (1) parking space to every two (2) persons based upon the capacity of the house. |
| 10. | Stadium, Sports Arena, Speedway, or similar places of outdoor assembly. | One (1) for each three (3) seats or six (6) feet of benches. |
| 11. | Theaters & Auditoriums (Indoor) | One (1) for each four (4) seats plus one (1) for each two (2) employees. |
| 12. | Theaters (Drive-In) | One (1) per each vehicle plus a ten percent reservoir of the total vehicle capacity. |

C. BUSINESS AND COMMERCIAL.

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|----|-----------------------------------------|----------------------------------------------------------------------------|
| 1. | Shopping Center or Clustered Commercial | One (1) for each one hundred (100) square feet of gross floor area. |
| 2. | Amusement Parks and Establishments | One (1) per each one hundred (100) square feet of gross floor or lot area. |

3. Auto Wash
One (1) for each one (1) employee. In addition, adequate waiting space for auto shall be provided on the premises to accommodate 25% of the hourly rate of capacity.
4. Beauty Parlor or Barber Shop
Three (3) spaces for each of the first two (2) beauty or barber chairs, & 1 1/2 spaces for each additional chair.
5. Bowling Alleys
Five (5) for each one (1) bowling lane.
6. Dance Halls, Pool or Billiard Parlors, Roller or Ice Skating Rinks, Exhibition and Assembly Halls without fixed seats.
One (1) for each three (3) seats
7. Drive-In Establishments
One (1) for each forty (40) feet of gross floor area, with a minimum of 25 parking spaces.
8. Establishments for Sale and Consumption on the Premises of Beverages, Food or refreshments.
One (1) for each seventy- five (75) square feet of gross floor area.
9. Carry-Out Restaurant
One (1) for each one hundred and Fifty (150) square feet of gross floor area.
10. Furniture and Appliance Household Equipment, Repair Shops, Showroom of a Plumber Decorator, Electrician or Similar trade, Shoe Repair and other similar uses.
One (1) for each one thousand (1000) square feet of gross floor area. (For that floor area used in processing, one (1) additional space shall be provided for each two (2) persons employed therein.
11. Automobile Service Station
Two (2) for each lubrication stall, rack, or pit; and one (1) for each gasoline pump.

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| 12. | Laundromats & Coin Operated Dry Cleaners | One (1) for each two (2) washing machines. |
| 13. | Miniature or "Par-3" Golf Courses | Three (3) for each one hole plus one (1) for each One (1) employee. |
| 14. | Mortuary Establishments | One (1) for each one hundred (100) square feet of gross floor area. |
| 15. | Motel, Hotel, or Other Commercial Lodging Establishment | One (1) for each one (1) occupancy unit plus one (1) for each employee, plus extra spaces for dining room, ball rooms, or meeting rooms. |
| 16. | Motor Vehicle Sales & Service Establishments
Trailer Sales & Rental,
Boat Showroom | One (1) for each four hundred (400) square feet of gross floor area of sales area. |
| 17. | Open Air Businesses | One for each seven hundred (700) square feet of lot area. |
| 18. | Retail Stores Except as Otherwise specified herein. | One (1) for each two hundred (200) square feet of gross floor area. |
| 19. | Riding Stables or Academies | Three (3) for each employee. |

D. OFFICES

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|----|------------------------------------------|----------------------------------------------------------------------|
| 1. | Banks | One (1) for each two hundred (200) square feet of gross floor area. |
| 2. | Drive-In Bank | Waiting space equivalent to six (6) spaces for each drive-in window. |
| 3. | Business Offices or Professional Offices | One (1) for each four hundred (400) square feet of gross area.** |
| 4. | Medical or Dental Clinics | One (1) for each two hundred |

**Except as indicated in the following item

Professional Offices of
Doctors, Dentists or
similar professions.

(200) square feet of gross area.

E. INDUSTRIAL

1. Industrial or Research Establishments
Five (5) plus one (1) for every one and one-half (1 1/2) employees in the working shift. Space on site shall also be provided for all construction workers during periods of plant construction
2. Wholesale Establishments
Five (5) plus one (1) for every one and one-half (1 1/2) employees in the largest shift, or one (1) for every two thousand (2000) square feet gross floor area - whichever is greater.

SECTION 15.03. OFF-STREET LOADING REQUIREMENTS.

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

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

GROSS FLOOR AREA IN SQUARE FEET <u>IN SQUARE FEET</u>	LOADING AND UNLOADING SPACES REQUIRED IN TERMS OF SQUARE FEET OF GROSS FLOOR <u>AREA</u>
0 - 2000	None
2,000 - 20,000	One Space
20,000 - 100,000	One space plus one space for

	each 20,000 square feet in excess of 20,000 square feet.
100,000 - 500,000	Five spaces plus one space for each 40,000 square feet in excess of 100,000 square feet.
Over 500,000	Fifteen spaces plus one space for each 80,000 square feet in excess of 500,000 square feet.

SECTION 15.04. OFF-STREET PARKING CONSTRUCTION AND OPERATION

Wherever the off-street parking requirements above require the building of an off-street parking lot shall be laid out, the constructed and maintained in accordance with the following standards and regulations:

1. No parking lot shall be constructed unless and until a permit therefore is issued by the Building Inspector. Applications for a permit shall be submitted to the Building Inspector and shall be accompanied with two (2) sets of plans for the development and construction of the parking lot showing that the provisions of this section will be fully complied with.
2. Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements:

<u>PARKING PATTERN</u>	<u>MANEUVERING LANE WIDTH</u>	<u>PARKING SPACE LENGTH</u>	<u>PARKING SPACE</u>	<u>TOTAL WIDTH OF ONE TIER OF SPACES PLUS MANEUVERING LANE</u>	<u>TOTAL WIDTH TWO TIERS OF SPACES PLUS MANEUVERING LANE</u>
0 TO 29)PARALLEL PARKING)	12 FT.	8 FT.	23 FT.	20 FT.	28 FT.
30 TO 53	12 FT.	9 FT.	20 FT.	32 FT.	52 FT.
54 TO 74	15 FT.	9 FT.	20 FT.	36 FT. 6 IN.	58 FT.
75 TO 90	24 FT.	9 FT.	20 FT.	44 FT.	64 FT.

3. All such parking lots shall be dust free and shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area. No surface water from such parking area shall be permitted to drain on to adjoining

private property.

4. All illumination for or on such parking lots shall be deflected away from adjacent residential areas and shall be installed in such manner as to allow the reduction of the amount of light in other than normal parking hours each day. The source of illumination in all parking lots abutting a residential area shall not be more than thirteen (13) feet above the parking lot surface.

5. Side yards shall be maintained for a space of not less than six (6) feet between the side lot lines of adjoining residential lots and the parking area.

6. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for vehicles.

7. Wheel chocks shall be provided, so located as to prevent any vehicle from projecting over the lot line.

ARTICLE XVI

SECTION 16.01

SCHEDULE OF REGULATIONS
AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS

	Minimum Lot Size Area in Width		Maximum Building Height**		Maximum Coverage Of Lot By All Building in Per- Cent of Lot Area	Minimum Yard Setback In Feet Per Dwelling Unit			Minimum Floor Area Per Dwelling Unit In Sq. Feet
	Sq. Ft.	In Feet	In Stories	In Feet		Front	Side Yard	Rear	
AG - AGRICULTURE	1 Acre	200	2 1/2	35	35	50	25	40	960
R-I - SINGLE FAMILY**									
RM - RESIDENTIAL	15,000	150	2 1/2	35	30	50	20	35	960**
RM - MULTIPLE FAMILY RESIDENTIAL			2 1/2	35	30	40	20	35	400
RMH - MOBILE HOME PARK SINGLE	3,600	40	1	15	30	SEE SECTION 10.02			600
DOUBLE	5,500	55	1	15	30	SEE SECTION 10.02			600
C-1 - GENERAL COMMERCIAL	20,000	150	2 1/2	35		50	20	50	
M-1 - GENERAL INDUSTRIAL	40,000	150	2 1/2	35		50	25	50	

**Two Story Single Family must have a first floor area of 780 Sq. Ft. and a second story floor area of 232 sq. ft.

SECTION 16.01 SCHEDULE OF REGULATIONS

1. In all residential districts, the required front yard setback shall not be used for off-street parking, loading, or unloading, and shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping plant materials or vehicle access drives. All yards abutting upon a public street shall be considered as front yards for setback purposes. In all commercial and industrial districts, the same requirements shall apply except that only the first fifteen (15) feet of required front yard setback may not be utilized for parking and loading purposes.
2. In determining required yard spaces for all land uses in zoning districts, the determination of such yard spaces shall be the distance from the building or structure on the lot and the nearest lot line.
3. Required minimum floor area for each dwelling unit shall not include area of basements, utility rooms, breezeways, porches, or attached garages.
4. All accessory farm buildings for uses other than those usually incidental to the dwelling shall be located not less than one hundred (100) feet from any dwelling and not less than twenty-five (25) feet from any lot line or property boundary. with the exception that the main barn building shall not be less than one hundred and fifty (150) feet from the front property line. This requirement shall not apply to the alteration or addition to an existing barn or other farm buildings, except dwellings, which are located closer to the road and which existed prior to the adoption of this Ordinance.
5. In any commercial district side yards are not required except where a commercial district borders on a side street and a residential district exists in the same block there shall be provided a setback of twenty (20) feet for all buildings, parking and loading areas. Where a residential district exists adjacent to a business district and on the same side of the street, there shall be provided setback of twenty (20) for all buildings, parking, and loading areas.

6. Minimum land area required for each dwelling unit in the RM-Multiple Family Residential District shall be:

<u>DWELLING UNIT SIZE</u>	AREA IN SQUARE FEET	
	<u>APARTMENT</u>	<u>TOWNHOUSE</u>
Efficiency or one-bedroom unit	3,200	4,200
Two bedroom unit	4,200	5,400
Three bedroom unit	5,400	7,200
Four or more bedroom units	7,200	7,200

7. Minimum required floor area for each dwelling unit shall be:

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

8. A mobile home park shall be constructed and maintained on a parcel of land which has at least four hundred (400) feet of frontage on a paved road and/or on an interior lot that has an ingress and egress on a paved road, has a minimum area of twenty (20) acres.

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

10. Lakefront lots: For purposes of this Ordinance, the lake frontage end shall be considered the rear yard and the road frontage shall be considered the front yard. On all lakefront lots, the minimum rear yard setback (lakefront) shall be as provided for as the rear yard setback. Permanent accessory buildings, except boathouses, shall not be located in the required rear yard. Bathhouses, or accessory buildings used as boathouses, may be located in the required rear yard but not closer than five (5) feet to the shoreline. Such boat houses shall not be built in excess of ten (10) feet in height above the main water level.

SECTION 16.02: PERMANENT SIGN REGULATIONS

<u>DISTRICT</u>	<u>MAXIMUM SIZE</u>	<u>MAXIMUM HEIGHT</u>	<u>MAXIMUM SETBACK</u>
Commercial	100 sq. ft.	20 feet	20 feet
Malls	SEE SECTION 5.18 A #4		
Industrial	200 sq. ft.	20 feet	20 feet
Agricultural	32 sq. ft.	20 feet	20 feet
Residential	6 sq. ft.	6 feet	20 feet

ARTICLE XVII

NUISANCES

SECTION 17.01. NUISANCE DEFINED AND PROHIBITED.

Whatever annoys, injures or endangers the safety, health, comfort or repose of the public; offends public decency; interferes with, obstructs or renders dangerous any street, highway, navigable lake or stream; or in any way renders the public insecure in life or property is hereby declared to be a public nuisance. Public nuisances shall include, but not be limited to, whatever is forbidden by any provision of this Ordinance. No person shall commit, create, or maintain any nuisance.

SECTION 17.02. DANGEROUS STRUCTURES.

No person shall maintain any structure which is unsafe or which is a menace to the health, morals or safety of the public. All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence or abandonment, are for the purpose of the Section, unsafe buildings. All such unsafe buildings are hereby declared to be public nuisances and shall be abated by alteration, repair, rehabilitation, demolition, or removal.

SECTION 17.03. DANGEROUS STRUCTURES - NOTICE AND HEARING.

The Board may, after notice to the owner and after holding a public hearing thereon, condemn such structure by giving notice to the owner of the land upon which structure is located, specifying in what respects said structure is a public nuisance and requiring said owner to alter, repair, tear down or remove the same within such reasonable time, not exceeding sixty (60) days, as may be necessary to do or have done the work required by said notice. Said notice may also provide a reasonable time within which such work shall be commenced.

SECTION 17.04. DANGEROUS STRUCTURES - ABATEMENT.

If, at the expiration of any time limit in said notice, the owner has not complied with the requirements thereof, the Supervisor shall carry out the requirements of said notice. The cost of such abatement shall be charged against the premises and the owner thereof in accordance as follows:

- a. An Account of labor, material, or service for which such expense or cost was incurred, with the description of the premises, and the name of the owner if

known, shall be reported to the Supervisor who shall immediately charge and bill the owner thereof, if known. The Supervisor shall annually direct the Township Treasurer to prepare a special assessment roll covering all such charges which shall not have been paid. Such assessment rolls shall be reported to the Township Board in the same manner as other rolls.

- b. Notice of hearing on the confirmation of the roll shall be given not less than ten (10) days before the hearing by first class mail addressed to the owner or party in interest of the land to be assessed as shown by the last local tax assessment records;
- c. Upon confirmation of any special assessment roll authorized by Section 17.4, the said special assessments shall constitute a lien upon the premises and a charge against the owner thereof until paid. The Township Board may determine the number of installments in which assessments may be paid and the rate of interest to be charged on installments.

SECTION 17.05. LITTERING OF STREETS.

No person shall place, deposit, throw, scatter or leave in any road or public place, or on the private property of another, any refuse, waste, garbage, or other noxious or unsightly material. No person shall convey or transport junk, broken glass, scrap metal, metal shavings, or scrap metal in any other form over the public roads of Tecumseh Township unless the same shall be contained in a body, box, or other receptacle, which is so constructed that it is impossible for any such junk, glass or metal to fall through such receptacle, or off or over the sides of the same, onto the public roads of the Township.

SECTION 17.06. NOXIOUS SUBSTANCE.

No person shall create, establish, cause, maintain or permit the continued existence of, or permit the creation, establishment, causation or maintenance, on property owned or controlled by him, of any noxious, obnoxious, offensive or nauseous odor or smell, which disturbs the public peace and quiet or which endangers the public health, safety or welfare.

- a. Any person who owns or is in control of any material or substance, whether solid, liquid or gas, which he knows or has reasonable cause to believe to have a noxious, obnoxious, offensive or nauseous odor or smell, shall not intentionally cause or permit such material or substance to disturb the public peace and quiet or to endanger the public health, safety or welfare
- b. A separate offense shall be deemed committed under Section 17.6 and 17.6a, above upon each day during or when a violation occurs or continues.

SECTION 17.07. CUTTING OF GRASS AND WEEDS.

No person occupying any premises, and no person owning any unoccupied premises in residential and/or commercial districts shall fail to keep cut down any grasses and other vegetation growing on property occupied by or owned by him or growing on the portion of a road which adjoins property occupied by or owned by him.

SECTION 17.08. DUTY OF OCCUPANT OR OWNER.

It shall be the duty of the occupant of every premises and the owner of unoccupied premises within the township to cut and remove or destroy by lawful means all such weeds and grass as often as may be necessary to comply with the provision of Section 17.7. Any such weeds or grass which attain a height of twelve (12) inches are hereby declared to be a public nuisance.

SECTION 17.09. WHEN TOWNSHIP TO DO WORK.

If the provisions of Sections 17.7 and 17.8 are not complied with, and if any weeds, grass, or other vegetation described in Section 17.7 are permitted to attain a height of twelve (12) inches on any property described therein, the Supervisor may cause such weeds, grass, or other vegetation to be removed or destroyed and the actual cost of such cutting, removal or destruction, plus Ten Dollars (\$10.00) or fifteen percent (15%), whichever is greater for inspection, scheduling, administration, billing, and other costs in connection therewith, shall be collected as a Special Assessment against premises as provided in Section 20.4a of this Ordinance. Notice of the provisions hereof shall be published in a newspaper circulating within Tecumseh Township once each month during the months of May through September of each year, which notice is deemed and declared to be adequate and sufficient notice to all persons affected hereby.

SECTION 17.10. DISORDERLY CONDUCT.

The term "public place" as used in these following sections shall mean any road, alley, park, public building, any place of business or assembly open to or frequented by the public, and any other place which is open to the public view, or to which the public has access.

SECTION 17.11. ACTS PROHIBITED.

No person shall:

- a. Disturb the public peace and quiet by loud, boisterous, or vulgar conduct.
- b. Permit or cause to suffer any place occupied or controlled by him to be a resort of noisy, boisterous, or disorderly persons.
- c. Willfully enter upon the lands or premises of another without lawful authority

after having been forbidden so to do by the owner or occupant thereof or the agent or servant of either; or remain upon the land or premises of another without lawful authority after being notified to depart there from by the owner or occupant thereof or the agent or servant of either.

- d. Willfully enter upon the lands or premises of any person in the night time, without authority or permission of the owner of such premises.
- e. Drive or operate any motor vehicle, including, but not limited to, automobiles, motorcycles, trail bikes, trucks or tractors on property owned by another person, persons, corporation, school, college or unit of government, in areas on said property not specifically designated for use as roadways, driveways or parking lots, without first having obtained permission of the owner or occupant thereof or the authorized servant or agent of either.
- f. Drive or operate any motor vehicle as prohibited in Subsection "e" in a careless or negligent manner likely to endanger any person or property, including, but not limited to, animals, fences, shrubbery, trees, flowers, garden crops, lawns, or any interior or exterior portions of any structure of any nature.

SECTION 17.12. FOUL AND OFFENSIVE PREMISES.

It is declared a nuisance, punishable as a misdemeanor, for any person to occupy or use any land or premises in such a manner as to be offensive to the public health or violative of reasonable standards of cleanliness or neatness. This provision specifically included, but is not limited to, those premises upon which are junked or abandoned automobiles, excessive un-garaged vehicles, junked or abandoned equipment of any sort, shanties, outbuildings, fences in disrepair, litter and trash of any sort; and to those premises upon which are placed or discharged organic wastes, or any other wastes, trash, or disposables which, in the reasonable course of farm or residential occupancy, would not otherwise be placed thereon.

SECTION 17.13. DEFINITIONS.

Unless the context specifically indicates otherwise, the meaning of terms used in this Section shall be as follows:

- a. "Garbage" shall mean all putrescible wastes, including vegetable and animal offal, and carcasses of dead animals, but excluding recognizable industrial by-products and shall include all such substances from all public and private establishments and from all residences.

- b. "Rubbish shall mean dirt, leaves, grass trimmings, tin cans, wastepaper, ashes, straw, shavings, inoperable appliances, junk, and in general, not-putrescible wastes normally incident to the lawful use of the premises on which accumulated.
- c. "Refuse" shall mean rubbish, garbage, or any combination thereof as defined above.
- d. Motor vehicles are hereby defined as any wheeled vehicles which are self-propelled or intended to be self-propelled.
- e. Inoperable motor vehicles are defined as motor vehicles which by reason of dismantling, lack of repair, or other cause are incapable of being propelled under their own power.
- f. Dismantled or partially dismantled motor vehicles are defined as motor vehicles from which some part or parts which are ordinarily a component of such motor vehicle has been removed or is missing.

SECTION 17.14. MAINTENANCE.

It shall be the duty of every occupant of property and of the owner of unoccupied property, at all times to maintain the premises occupied or owned by him, in a clean and orderly condition, permitting no deposit or accumulation of garbage or rubbish or refuse upon such premises, unless stored or accumulated as permitted by this Section.

SECTION 17.15. STORAGE OF DISMANTLED, PARTIALLY DISMANTLED, OR INOPERABLE MOTOR VEHICLES OR PARTS THEREOF.

It is hereby declared to be unlawful for any person to store, place or permit to be stored or placed, a dismantled, partially dismantled, or inoperable motor vehicle or any parts of a motor vehicles, on any parcel of land in the Township of Tecumseh, platted or unplatted, or any street adjacent thereto, unless either said motor vehicle or parts thereof shall be kept in a wholly enclosed garage or other wholly enclosed structure, provided, that any bonafide owner or occupant of any parcel of land may store on the said parcel one such vehicle for a period of not to exceed 72 hours in all if such vehicle is registered in his name.

SECTION 17.16. LEGAL CLAUSES.

Any ordinance or parts of any ordinance in conflict with any of the provision of

this Ordinance are hereby repealed.

- a. Should any article, sections, or provision of this Ordinance be decided by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

SECTION 17.17. NUISANCE.

The presence of a dismantled, partially dismantled, or inoperable motor vehicle on any parcel of land in violation of the terms of this Section is hereby declared to be a public nuisance.

SECTION 17.18. VIOLATION.

Anyone violating any of the provisions of this Ordinance shall upon conviction thereof be subject to a fine of not more than One Hundred Dollars (\$100.00) and the costs of prosecution thereof, by imprisonment in the County Jail for a period not to exceed Ninety (90) days, or by both such fine and imprisonment at the discretion of the Court. Each day that a violation is permitted to exist shall constitute a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance.

ARTICLE XVIII

BURNING ORDINANCE

SECTION 18.01 PURPOSE

The purpose of this Ordinance is to regulate open field fires and the burning of rubbish and debris in this Township, to provide for the issuance of permits, to define the limits of their validity, and to provide penalties, including the payment of costs incurred by Tecumseh Township for violation of this Ordinance, as a means of protecting the public health, safety and welfare.

SECTION 18.02 DEFINITION.

The word "person" as used in this Ordinance shall mean a person or persons, partnership, corporation, or other legal entity.

SECTION 18.03. PERMIT.

No person shall ignite or cause to be burned in this Township at any time any building, debris from a demolished building, brush, limbs, leaves, grass, trees or other refuse or rubbish unless such person shall first obtain from the City of Tecumseh Fire Department a permit for such burning.

SECTION 18.04. PERMISSION.

The City of Tecumseh Fire Department may grant permission to burn such materials as are specified on the permit, at such site as shall be designated on the permit, at such time as shall be designated on the permit, on such date or dates as shall be designated on the permit.

SECTION 18.05. APPROVED FIREPROOF CONTAINER.

Persons may burn materials described in this Ordinance without obtaining a permit if said refuse and materials are confined within a fireproof container with an approved spark arrester with openings which will actively prevent burning ashes from escaping there from. In any event, such container shall not be located less than fifteen (15) feet from any building nor less than five (5) feet from the exterior property lines; and such fire should be monitored at all times.

SECTION 18.06. PENALTY.

Any person violating this Ordinance who causes a grass fire, trash fire or a fire of any description resulting in the summoning of the Fire Department shall be liable to Tecumseh Township for the payment of its costs in providing such service.

ARTICLE XIX

ZONING ADMINISTRATION

SECTION 19.01 ZONING BOARD

The Township Rural Zoning Act provides for appointing a township zoning board of not less than 4, nor more than 7, members to recommend township zoning. (CL 125,271 through 125,298).

a. The main function of the Tecumseh Township Zoning Board is to provide reasonable restrictions on land use that conform to a comprehensive township development plan and provide for the best interests of the health, safety and general welfare of township citizens and property owners.

b. The zoning board term is four (4) years. No township elected official or employee can serve as a member or employee of the zoning board, and not less than 2/3 of the members shall be electors who reside in and have property assessed for taxes in the unincorporated portion of the township. Members may be removed by the township board for non-performance of duty or misconduct in office upon written charges and after a public hearing.

c. The zoning board must hold a minimum of two (2) regular meetings annually. It may also hold other meetings as necessary.

d. The board must elect a chairperson and secretary from among its members. Members may be compensated for their services as determined by the Tecumseh Township Board.

e. Zoning board actions are recommendations which are submitted to the Lenawee County Planning Commission, and to the Tecumseh Township Board for final adoption. Any county decision is also a recommendation.

f. Any zoning ordinance or amendment recommended by the Tecumseh Zoning Board must be preceded by a public hearing held by the zoning board at which all interested persons are permitted to be heard.

1. Notice of a township-wide zoning ordinance is made by two (2) publications in a newspaper of general circulation in Tecumseh Township, with the first being 20 to 30 days before the hearing, and the second 1 to 8 days before the hearing.

2. Certified mail notice must also be given to each utility, pipeline, and railroad company, etc. that registers its name with the township at least 20 days before the hearing. Notice must include the places and times that the text of the tentative zoning ordinance and maps may be examined.

3. Same notice as listed in #1 and #2 is required for a zoning ordinance amendment, but the notice must also be sent by first class mail at least 8

days before the hearing to each owner of property located within 500 feet of the premises proposed to be rezoned, as well as to the occupants of all single and two family dwellings located within 500 feet, and to the owner of the property in question.

g. The Tecumseh Township's Zoning Board recommendation is delivered to the Tecumseh Township Board for final decision. If the Township Board wishes to make any changes in the zoning board recommendation, it must refer the matter back to the board for a further report. The Tecumseh Township Board has the final authority to adopt or reject the recommendation, with or without amendments, as it sees fit.

SECTION 19.02. ZONING ADMINISTRATION.

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

SECTION 19.03. FEES

Except as may be provided otherwise in this Ordinance, the Township Board shall, by Resolution, determine and set the fees to be charged for all meetings, permits, certificates and copies, consultant fees, etc. The Township Board reserves the right to charge any petitioner for a request requiring more than one (1) Zoning Board meeting, one (1) Township Board meeting and if necessitated, one (1) Board of Appeals meeting. The Board may revise said fees from time to time by Resolution, provided, however, that a public notice of any such revision shall be published in the newspaper having general circulation in the township at least thirty (30) days in advance of the effective date thereof. Such fees shall be collected by the Township Clerk or Building Inspector prior to issuance of said permit or certificates.

SECTION 19.04. APPLICATIONS FOR PERMITS.

Applications for Land Use Permits, Conditional Use and/or Variance permits shall be filed with the Building Inspector upon forms furnished and approved by the Township Board and said application shall furnish a general description of the contemplated construction and definite information as to area of the lot on which the building is to be constructed and its location thereon. Said applications shall be accompanied by bankable funds as herein required payable to the Tecumseh Township Treasurer.

SECTION 19.05. PUBLIC HEARINGS.

The Tecumseh Township Zoning Board shall hold a public hearing upon any

application for a conditional use permit, notice of which shall be given by one (1) publication in a newspaper of general circulation in the Township, within fifteen (15) days but not less than three (3) days next proceeding the date of said hearing.

Notice of the public hearing shall be sent at least ten (10) days prior to the hearing to the owner of the property in question, and to all persons to whom any real property within 500 feet of the premises in question is assessed, and to occupants of all single and two family dwellings within 500 feet.

SECTION 19.06. STANDARDS FOR DETERMINATIONS.

The Zoning Board shall review the particular circumstances and facts of each proposed use in terms of the following standards and shall seek and record adequate data, information, and evidence to determine if such a use on the proposed site, lot, or parcel meets the following:

- a. Will be harmonious with and in accordance with the general objectives, intent, and purposes of this Ordinance.
- b. Will be designed, constructed, operated, maintained, and managed so as to be harmonious and appropriate in appearance with existing or intended character of the general vicinity.
- c. Will be served adequately by essential public facilities and services such as: properly constructed highways & streets, police and fire protection, drainage structures, refuse disposal, and public water & sewer facilities if deemed necessary. Or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.
- d. Will not be hazardous or disturbing to existing or future neighboring uses.
- e. Will not create excessive additional requirements at public cost for the public facilities and services.

SECTION 19.07. BUILDING PERMITS.

If the Building Inspector finds the application conforms to the requirements of this Ordinance and the statues, he shall make all copies of the application approved over his signature, one copy of which shall be retained by him, one copy to be filed with the Tecumseh Township Supervisor, and the other copy will be returned to the applicant, together with construction card signed by the Building Inspector stating the extent of the work authorized. The approval of the application and the issuance of construction card by the Building Inspector shall not be binding upon the Tecumseh Township Board or the Tecumseh Zoning Board, in case it is

subsequently discovered that the plans or the completed building do not conform to the requirements of this Ordinance.

SECTION 19.08. ERECTION OR ALTERATION.

No building or structure excepting farm outbuildings shall hereafter be erected or altered and no land shall be used until a permit shall first have been obtained by the owner of said building or land to be improved, except that no permit shall be required for minor alterations or repairs to existing structures costing Five Hundred dollars (\$500) or less, or wrecking of buildings or structures of less than One Thousand (1000) cubic feet capacity. Any structural change will require a permit.

SECTION 19.09. CONFORMANCE.

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

SECTION 19.10 INSPECTION.

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

SECTION 19.11 RESPONSIBILITY.

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

SECTION 19.12 RECORDS.

A complete record and copy of each application for each certificate or permit issued pursuant to the provisions of this Ordinance, shall be filed with the Township Supervisor and be a part of the Tecumseh Township records. Copies of all applications and permits shall be furnished to any person having a proprietary or

tenancy interest on the payment to the Township Board and/or Building Inspector of a fee of One Dollar (\$1.00) for each copy.

SECTION 19.13. CERTIFICATES OF OCCUPANCY.

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

1. Certificates of Occupancy may be issued for part of a building or structure prior to the occupancy of the entire building and prior to it being completed, to be in force not more than thirty (30) days, nor more than five (5) days after the building or structure is fully completed and ready for occupancy; and provided further that such portions of the building or structure are in conformity with the provisions of this Ordinance.
2. Buildings or street uses accessory to dwellings shall not require separate Certificates of Occupancy but may be included in the Certificate of Occupancy for the dwelling when shown correctly on the plot plan and when completed at the same time as said dwelling.
3. Applications for Certificates of Occupancy shall be made in writing to the Building Inspector on forms furnished by the Township and said certificates shall be issued within seven (7) days after receipt, if it is found in compliance with paragraph #1 above. If such certificate is refused for cause, the applicant shall be notified of such action and cause within the same seven (7) day period.

SECTION 19.14. ZONING MAP.

The official zoning map shall be identified by the signature of the Township Supervisor, as attested to by the Township Clerk. One copy of the official zoning map and above mentioned record shall be maintained and kept up to date by the Township Clerk and kept in a location accessible to the general public, and same shall be the final authority as to the current zoning status of all lands and buildings in the Township.

SECTION 19.15. FINAL INSPECTION.

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

SECTION 19.16. AMENDMENTS.

The Tecumseh Township Board may, upon recommendation from the Zoning Board, amend, supplement or change the regulation or the district boundaries of this Ordinance pursuant to the authority and according to the procedure set forth in Act 184, of the Public Acts of 1943, as amended. Whenever a petitioner requests a zoning district boundary amendment, he shall be the fee holder owner of the premises concerned or else have the fee holder owner also subscribe to his petition, and shall submit a petition for rezoning to the Township Clerk.

1. **FEES.** Any applicant desiring to have any change made in this Ordinance shall, with his petition for such change, deposit the required fee as determined by the members of the Tecumseh Township Board with the Township Clerk at the time that the petition is filed to cover the publication and other miscellaneous costs for said change. No part of this fee is returnable.
2. **PROCEDURE.** The procedure for making amendments of this Ordinance shall be as follows:
 - a. Each petition for amendment by one or more owners of property shall be submitted to the Tecumseh Township Clerk who shall refer the same for recommendation to the Zoning Board and who shall report the receipt of a requested zoning change to the Township Board at its next meeting.
 - b. If after initial consideration, the Zoning Board tentatively determines to recommend the requested zoning change to the Township Board, the Zoning Board shall hold the public hearings as required by law.
 - c. Notice of public hearings on any petition for amendment of this Ordinance which proposes to change Land Use Districts as shown on the zoning map within five hundred (500) feet of the boundary of adjacent townships or municipalities shall be sent to the Planning Commission or other zoning agencies representing such townships or municipalities in order that coordination with adjacent zoning ordinances may be promoted.
 - d. The petition, if approved by the Zoning Board, shall be submitted to the Lenawee County Planning Commission for review.
 - e. Where an individual parcel of property has to be rezoned, notice of public hearing shall be given by first class mail to all property owners of property any part of which lies within five hundred (500) feet from the boundary of the property to be rezoned. Notice shall be addressed to the person whose name is shown as owner upon the tax rolls of the Township.

ARTICLE XX

BOARD OF APPEALS

SECTION 20.01 CREATION OF BOARD OF APPEALS.

There is hereby established a Board of Appeals, which shall perform its duties and exercise

its powers as provided by Act 184 of the Public Acts of 1943, as amended, in such a way that the objectives of this Ordinance shall be observed, public safety, morals, and general welfare assured, and substantial justice done. The Board of Appeals shall consist of three (3) members as follows:

1. The first member shall be the Chairperson of the Zoning Board.
2. The second and third members shall be selected and appointed by the Zoning Board and the Tecumseh Township Board from among the electors, residing in the unincorporated are of the Township, for a period of one (1) year.
3. Members are compensated on a per diem basis and for expenses incurred in the discharge of duties in amounts determined by the Tecumseh Township Board.
4. A member must disqualify himself from a vote if he has a conflict of interest. Failure to disqualify himself may constitute misconduct in office.
5. Members of the Tecumseh Board of Appeals shall be removable by the Township Board for non-performance of duty or misconduct in office upon written charges and after public hearing by the Township Board.

SECTION 20.02. MEETINGS.

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

SECTION 20.03. APPEALS

An appeal may be taken to the Board of Appeals by any person, firm or corporation, or by an officer, department, board or bureau affected by a decision of the Tecumseh Township Board. Such appeals shall be taken within such time as shall be prescribed by the Township Board by resolution by filing with the Building Inspector and with the Board of Appeals, a Notice of Appeal, specifying the grounds thereof and the payment of a fee established by the

Township Board.

The Building Inspector shall forthwith transmit to the Board of Appeals all of the papers constituting the record from which action appealed was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Building Inspector certifies to the Board of Appeals after the Notice of Appeal shall have been filed with him that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case, the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Circuit Court on application, on notice to the Building Inspector and on due cause shown.

The power or authority to alter or change the Zoning Ordinance or Zoning Map is reserved to the Township Board, as is provided by law.

The Board of Appeals shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

SECTION 20.04. NOTICE OF HEARING.

Notice of the hearing of the appeal shall be given by the Township Clerk to all owners of record of property within a radius of Five hundred (500) feet of the premises involved by mail addressed to the respective owners at the address given in the latest assessment roll. The time, place and subject matter of such hearing shall be printed in a newspaper of general circulation in the Township once not less than ten (10) days prior to such hearing.

SECTION 20.05. POWERS OF BOARD OF APPEALS CONCERNING ADMINISTRATIVE REVIEW AND VARIANCES.

The Board of Appeals as herein created, is a body of limited powers. The Board of Appeals shall have the following specific powers and duties:

1. **PURPOSE.** To hear and decide appeals where it is alleged there is an error of law in any order, requirement, decision or determination made by

Township officials in the enforcement of this Ordinance, and to review the decision of the Township Board disapproving any conditional permit, and to hear and decide appeals where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Ordinance so that the spirit of the Ordinance shall be observed, public health and safety secured, and substantial justice done.

2. AUTHORIZATION. In hearing and deciding appeals, the Board of Appeals shall have the authority to grant such variances as may be in harmony with the general purpose and intent of this Ordinance, so that public health, safety and welfare secured, and substantial justice done, including the following:

- a. Interpret the provisions of the Ordinance in such a way as to carry out the intent and purpose of the plan, as shown upon the Zoning Map fixing the use districts, accompanying this Ordinance, where street layout actually on the ground varies from the street layout as shown on the map aforesaid.

In case of any question as to location of any boundary line between zoning districts, the Board of Appeals shall interpret the Zoning Map after recommendation from the Zoning Board.

- b. Permit the erection and use of a building, or an addition to an existing building, of a public service corporation or for public utility purposes, in any zoning district to a greater height or of a larger area than the district requirements herein established, and permit the location in any district of a public utility building or structure if the Board of Appeals shall find such use, height, area, building or structure reasonably necessary for the public convenience and service.
- c. Permit the modification of the off-street motor vehicle parking space or loading space requirements where, in the particular instance, such modifications will not be inconsistent with the purpose and intent of such requirements, after recommendation from the Zoning Board.
- d. Permit such modification of the height, lot area, yard setback, floor area and lot width regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape or size, or so located with relation to surrounding development or physical characteristics, that it cannot otherwise be appropriately improved without such modification, provided that modification of lot area regulations shall be permitted only in instances where the nature of the soil and drainage is such that there is sufficient area for safe water supply and sanitary disposal of waste (unless central water distribution and/or sanitary sewage are provided). Whenever the

Board of Appeals determines that the same are necessary in order to render a decision, it may require the appellant to submit a topographical survey or the results of percolation tests certified by a registered engineer or land surveyor.

3. **CONDITIONS.** The Board of Appeals, by majority vote, 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 Township Board from whom the appeal is taken.

SECTION 20.06. STANDARDS.

In consideration of all appeals for variances, the Board of Appeals shall review each case individually as to its applicability to each of the following standards so that the proposed variance or new land use:

1. Will be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and applicable regulations of the zoning district in which it is to be located.
2. Will be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing pedestrian-vehicle contacts in residential districts.
3. Will 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 there from which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke or lights.
4. Will be such that the proposed location and height of buildings or structures and location, nature of 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. Will relate harmoniously with the physical and economic aspects of adjacent land uses as regards prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the Township.

6. Is necessary for the public convenience at that location.
7. Is so designed, located and proposed to be operated that the public health, safety and welfare will be protected.
8. Will not cause injury to the value of other property in the neighborhood in which it is to be located.

SECTION 20.07. BOARD OF APPEALS APPROVAL.

The Tecumseh Board of Appeals may require the appellant to submit all necessary surveys, plans, or other information necessary for the Board of Appeals to investigate thoroughly the matter before it. The Board of Appeals may impose such conditions or limitations in granting a variance as it may deem necessary to comply with the spirit and purposes of this Ordinance.

SECTION 20.08. APPROVAL PERIODS.

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

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

ARTICLE XXI

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

SECTION 21.01. REPEAL OF PRIOR ORDINANCES.

The Zoning Ordinance previously adopted by the Township of Tecumseh, and all amendments thereto, are, on the effective date of this Ordinance, hereby

repealed. The repeal of the above Ordinances and their amendments does not affect or impair any act done, offense committed or right accruing, or accrued, or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted.

SECTION 21.02. INTERPRETATION.

In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals safety, comfort, convenience, or general welfare. It is not intended by this Ordinance to repeal, abrogate, annul, or in any way to impair or interfere with any existing provision of law or ordinance other than the above described Zoning Ordinance, or with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; provided, however, that where this Ordinance imposes a greater restriction than is required by existing ordinances or by rules, regulations or permits, the provisions of this Ordinance shall control. Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

SECTION 21.03. SEVERABILITY.

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

SECTION 21.04. VIOLATION - PENALTY.

Except with respect for the provisions under Article XVIII (Burning Ordinance), any person, firm or corporation, including but not by way of limitation, builders and contractors who shall violate, neglect, or refuse to comply with or who resist the enforcement of any of the provisions of this Ordinance or conditions of the Board of Appeals or Township Board adopted pursuant thereto, on conviction thereof, shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00) and costs for prosecution, or being imprisoned in the County Jail for not more than ninety (90) days, or both such fine and imprisonment at the dis-

cretion of the Court. A violation of Article XXI is punishable pursuant to Section 21.06 therein contained. Each day that a violation is permitted to exist shall constitute a separate offense.

The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance. Uses of land, and dwellings, buildings, or structures, including tents, trailer coaches and mobile home, used erected, altered, razed, or converted in violation of any provision of this Ordinance, are hereby declared to be a nuisance per se. The Court may order such nuisance abated and the owner and/or agent in charge of such dwelling, building, structure, tent, trailer coach, mobile home, or land may be adjudged guilty of maintaining a nuisance per se, and same may be abated by order of any court of competent jurisdiction.

SECTION 21.05. RIGHTS AND REMEDIES.

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

SECTION 21.06. GENERAL RESPONSIBILITY.

The Tecumseh Township Board or its duly authorized representative is hereby charged with the duty of enforcing the Ordinance and said Board is hereby empowered, in the name of said Tecumseh Township to commence and pursue any and all necessary and appropriate actions and/or proceedings in the Circuit Court of Lenawee County, Michigan, or prevent any non-compliance with or violation of any of the provisions of this ordinance, and to correct, remedy and/or abate such non-compliance or violation. And it is further provided that any person aggrieved or adversely affected by such a non-compliance or violation may institute suit and/or join the Township Board in such a suit to abate the same.

SECTION 21.07. ENACTMENT AND EFFECTIVE DATE.

The foregoing Zoning Ordinance and Zoning Map were adopted at a regular meeting of the Tecumseh Township Board of Trustees, held at the Tecumseh Township Hall in said Township on APRIL 11, 1989, after approval of the same by the Tecumseh Township Zoning Board following a public hearing on January

24, 1989. Such Ordinance was ordered published in The Tecumseh Herald and the Adrian Daily Telegram newspapers having general circulation in Tecumseh Township, Lenawee County, Michigan.

This Ordinance shall become effective thirty (30) days after the date of adoption.

The revisions and additions in the foregoing Zoning Ordinance and Zoning Map were adopted at a regular meeting of the Tecumseh Township Board of Trustees, held at the Tecumseh Township Hall in said Township on April 13, 1992, after approval of the same by the Tecumseh Township Zoning Board following a public hearing on March 31, 1992. Such Ordinance was ordered published in The Tecumseh Herald newspaper having general circulation in Tecumseh Township, Lenawee County, Michigan. This revised Ordinance shall become effective thirty (30) days after the date of adoption.