

**TOWNSHIP OF LEXINGTON
SANILAC COUNTY, MICHIGAN
ORDINANCE # 13-01**

AN ORDINANCE TO AMEND THE TEXT OF THE LEXINGTON TOWNSHIP ZONING ORDINANCE TO ESTABLISH A NEW LAKEFRONT RESIDENTIAL, RECREATIONAL, AND RESORT (LFRRR) DISTRICT AND DEFINITIONS RELATED THERETO.

THE TOWNSHIP OF LEXINGTON ORDAINS:

ARTICLE 1:

CHAPTER 2, Definitions, Section 2.2.0 – General Definitions, is hereby amended to add new definitions and to replace several definitions which shall read as follows:

**This definition is to replace the existing definition in the zoning ordinance.*

***Campground:** A public or private parcel of land wherein recreational areas and sites are offered for the use of the public or members of any organization, either free of charge, or for a fee, for the establishment of temporary lodging for tents, travel trailers, truck campers, motor homes or other similar recreational units.

Day Park: A non commercial, not for profit, parcel of land with or without a structure, designed to serve the recreational needs of the residents, including, but not limited to, playgrounds, sports fields, game courts, beaches, trails, picnicking areas, and leisure time activities.

Guest Cottage/s: A small dwelling unit (not to exceed 900 sq.ft.) equipped with a kitchen, bath and bedroom/sleeping facilities. The cottage shall be supplied with adequate water and sewerage and be ancillary to the primary dwelling on the property. The guest cottage/s shall be a short-term rental not to exceed thirty (30) consecutive days to any one tenant.

Guest House: A dwelling not to exceed 1,100 square feet, equipped with a kitchen, bath and bedroom/sleeping facilities. The guest house shall be equipped with adequate water and sewerage and be ancillary to the primary dwelling on the property.

OHWM: Ordinary High Water Mark. (See definition.)

Lodging Facility: (Hotel/Motel/Motor Inn)

An establishment or a building/s providing a number of bedrooms, baths, etc. for the accommodation of travelers or other transient guests, and may offer food for sale provided that it is clearly accessory and incidental to the main use.

Museum: A building, room, facility or area used for preserving and exhibiting artistic, cultural, historical, or scientific objects.

**This definition is to replace the existing definition in the zoning ordinance.*

***Restaurant**: A restaurant is any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-serve state, and whose method of operation is characteristic of a carry-out, drive-in, drive through, fast food, standard restaurant, or bar/lounge or combination thereof, as defined below.

1. **Restaurant, Carry-out**: A carry-out is a restaurant whose method of operation involves the sale of food, beverages and/or frozen deserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption primarily off the premises.
2. **Restaurant, Fast-Food**: A fast-food restaurant is a restaurant whose method of operation involves minimum waiting for delivery of ready-to-consume food to the customer as a counter, cafeteria line, or in a vehicle for consummation at the counter where it is served at a tables, booths, or stands inside or outside of the structure, or for consumption off the premises.
3. **Restaurant, Sit Down**: A standard restaurant is a restaurant whose method of operation involves either the delivery of prepared food by waiters and/or waitresses to customers seated at tables within a completely enclosed building, or the prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers at tables or booths within a completely enclosed building.
4. **Restaurant, Outdoor Patio**: Is as defined as above (Sit Down) but is licensed for the consumption of prepared food in an outdoor setting.
5. **Bar/Lounge**: A bar or lounge is a type of restaurant which is operated primarily for dispensing of alcoholic beverages, although the sale of prepared food or snacks may also be permitted. If a bar/lounge is part of a larger dining facility, it shall be defined as that part of the structure so designated or operated.

Vineyard/ Winery: A plantation of grapevines especially where wine grapes are produced. A distillery where wine is made. A winery may also offer a sampling area where the wines distilled on site may be tasted and sold.

ARTICLE 2:

- A. CHAPTER 3, General Provisions, Section 3.23.0 Site Development Standards for All Buildings and Structures, Schedule “B” is hereby deleted in its entirety and is hereby replaced with a new Schedule “B” to read as follows:

See Attachment 1

- B. CHAPTER 3, General Provisions, Section 3.23.0 Site Development Standards for All Buildings and Structures, Schedule “E” is hereby deleted in its entirety and is hereby replaced with a new Schedule “E” to read as follows:

See Attachment 2

Schedule B: Site Development Standards For R-1, R-2, R-3 and LFRRR Zoning Districts

Site Development Standards	Use	Zoning Districts			
		R-1	R-2	R-3	LFRRR
Minimum Lot Area	Single Family	30,000 SF	20,000 SF	20,000 SF	30,000 SF
	Two Family	N.A.	30,000 SF	30,000 SF	30,000 SF
	Multiple Family	N.A.	N.A.	40,000 SF	N.A.
	Mfg. Housing Community	N.A.	N.A.	1 Acre	N.A.
Minimum Lot Width	Condominium Development	Ref. Section 3.51.0			
	Parks/Campground/Recreational Areas	N.A.	N.A.	N.A.	10 Acres
	Single Family	100 Feet	100 Feet	100 Feet	100 Feet
	Two Family	N.A.	120 Feet	120 Feet	120 Feet
Minimum Lot Depth	Multiple Family	N.A.	N.A.	200 Feet	N.A.
	Mfg. Housing Community	N.A.	N.A.	N.A.	N.A.
	Condominium Development	Ref. Section 3.51.0			
	Park/Campground/Recreational Areas	N.A.	N.A.	N.A.	300 Feet
Minimum Lot Depth	All Lots	200 Feet	200 Feet	200 Feet	200 Feet
		75 Feet	75 Feet	75 Feet	Per foot note 3&4
		10 Feet	10 Feet	10 Feet	10 Feet
	Single Family	35 Feet	35 Feet	35 Feet	35 Feet
		N.A.	75 Feet	75 Feet	Per foot note 3&4
		N.A.	8 Feet	10 Feet	10 Feet
	Two Family	N.A.	30 Feet	35 Feet	35 Feet
		N.A.	N.A.	75 Feet	N.A.
		N.A.	N.A.	30 Feet	N.A.
	Multiple Family	N.A.	N.A.	40 Feet	N.A.
		N.A.	N.A.	N.A.	N.A.
		N.A.	N.A.	N.A.	N.A.
Mfg. Housing Community/Condo Development	N.A.	N.A.	N.A.	N.A.	
	N.A.	N.A.	N.A.	N.A.	
	N.A.	N.A.	N.A.	N.A.	
Parks/Campground/Recreation Area	Front	N.A.	N.A.	N.A.	Per foot note 3 &4
	Side	N.A.	N.A.	N.A.	40 Feet
	Rear	N.A.	N.A.	N.A.	35 Feet

Continued Schedule B: Site Development Standards For R-1, R-2, R-3 and LFRRR Zoning Districts

Site Development Standards	Use	Zoning Districts			
		R-1	R-2	R-3	LFRRR
Maximum Lot Coverage	All Uses	30%	30%	40%	30%
Minimum Floor Area Per Dwelling Unit	Single Family	1,280 Square Feet at Grade			
	1 ½ Story	1,000 Square Feet at Grade			
	2 Story	900 Square Feet at Grade			
	Split/BI-level	1,000 Square Feet at Grade			
	Two Family	N.A.		700 Sq. Feet per Dwelling Unit	
	Multiple Family	N.A.			
	Manufactured Home	N.A.		N.A.	N.A.
	Guest Cottage	N.A.		N.A.	250 SF
	Guest House	N.A.		N.A.	750 SF
Maximum Building Height	All Uses	35 Feet			

1) Minimum lot areas per dwelling unit in square feet: Efficiency, 4,200, One bed-room, 4,400, Two Bed-room, 4,800, Three Bed-room, 5,200. Plans presented that include a den, library, or extra/bonus room shall have such extra room counted as a bedroom for the purposes of this ordinance.

2) In the case of Mfg. Homes, housing or Communities or Manufactured Condo sites, requirements apply to the total site not the individual dwelling site or lot. (See Sections 3.8.0 & 3.9.0)

3) All structures abutting the lake front must be set back in accordance with the High Risk erosion standards and must obtain a permit from the applicable state, county and/or local agencies.

4) For the purposes of this ordinance, in the LFRRR district, the lake is defined as the front of the property.

5) In the case of existing buildings situated on contiguous parcels – at no time shall a new build block the view of the neighboring property. This will also be applied to any addition to an existing structure.

Site Development Standards for Accessory Buildings all Zoning Districts

Site Development Standards	ZONING DISTRICT									
	A-1	A-2	R-1	R-2	R-3	LFRRR	O	C	I	
Maximum Building Size Accessory To:										
Single Family Dwelling	1 & 2	1 & 2	1 & 2	1 & 2	1	1&2				
Two Family Dwelling	1 & 2	1 & 2	1 & 2	1 & 2	1	1&2				
Multiple Family Dwelling	1 & 2	1 & 2	1 & 2	1 & 2	1	N.A.				NONE
Manufactured Housing Community, Manufactured Housing Condo Develop.	N.A.	N.A.	N.A.	N.A.	3	N.A.				
Minimum Required Setbacks	Front	4 & 8	4 & 8	4 & 8	4 & 8	4 & 8	4 & 8	4 & 8	4 & 8	4 & 8
	Side	15 Ft	12 Ft	5 Ft	5 Ft	5 Ft	5 Ft	15 Ft	20Ft	25 Ft
	Rear	25 Ft	25 Ft	5 Ft	5 Ft	5 Ft	35 Ft	20 Ft	20 Ft	25 Ft
Maximum Building Height	7	7	1 & 2	1 & 2	1 & 2	7	7	7	7	7

- 1) The accessory building first floor area shall not exceed 3% of the lot area or 2,000 SF, whichever is less, and have a maximum height that shall not exceed the height of the primary residence. If there is no primary residence constructed within the allotted time in R-1, R-2, R-3, A-1, A-2 and LFRRR districts then the height shall be limited to 18 feet.
- 2) Parcels 5 acres or over. The accessory building shall not exceed 10,000 SF and have a maximum height of 35 feet.
- 3) See Section 3.8.0 and 3.9.0.
- 4) No accessory building shall be permitted in a front yard unless it is set back at least 200 ft. from, and fully screened from view from the street right-of-way. In the case of the LFRRR District it must be set back 200 ft. from the bluff.
- 5) If a garage is constructed after the primary dwelling is built, it may be attached to the primary if it meets the Michigan Building Code standards.
- 6) An accessory structure may not be located in any required buffer zone.
- 7) An accessory structure is not to exceed the height of the principal building or 35 feet whichever is less. However architectural features listed in Sec. 21.4.0 shall not be used to determine principal building height.
- 8) For corner lots, no accessory building shall be permitted in a front yard unless it is set back at least two hundred (200) feet from, and fully screened from view, from the street right-of-way. Accessory buildings shall be set back no less than seventy-five feet (75) from the remaining front lot line. However, if there is a residence within three hundred (300) feet of the proposed accessory building, then the set back from said remaining lot line shall not be constructed so that it breaks the front plane, running parallel to the road, of said residence unless it is at least two hundred (200) feet from, and fully screened from view, from the street right-of-way.

ARTICLE 3:

CHAPTER 4, Zoning Districts – General, Section 4.1.0 Establishment of Districts paragraph .01 is hereby amended to add a new district to the list of districts as follows:

- Lakefront Residential, Recreational, and Resort District (LFRRR)

ARTICLE 4:

CHAPTER 5, (Previously Reserved) is hereby amended for the purpose of creating a new zoning district to be known as the Lakefront Residential, Recreational, and Resort (LFRRR) District which shall read as follows:

Chapter 5 Lakefront Residential, Recreational, and Resort (LFRRR)

Section 5.1.0 - Intent

This district has the intent of providing all properties East of Michigan Highway 25 within the Township, wherein the proper use of such areas will principally serve and protect the economic, social, and recreational needs and interests of the residents of the Township, and secondarily visitors in the form of seasonal residents, tourists, vacationers and travelers. It is the further purpose of this district to retain the general scale of the present variety, type, and character of development in terms of their spacing, bulk, height, and density so as to prevent the obscuring of the view of the lake by excessively high and closely spaced, large bulk and excessively dense structural developments from inland areas.

The Lakefront Residential, Recreational, and Resort (LFRRR) District is being established in line with the above purposes. In particular, the LFRRR is intended to serve the following goals:

1. Realize the full economic potential of the lakefront for residential and recreational purposes due to its unique location.
2. Preserve the recreational functions of the lakefront.
3. Provide for development consistent and supportive of the overall concept and theme of the area.
4. Promote development that protects, and is enhanced by, the unique features of the lakefront.
5. Promote a harmonious relationship with the surrounding community and nearby established institutions and facilities.
6. Promote coordination of public and private efforts in planning, financing, and development of needed infrastructure improvements.

7. Provide for orderly and integrated planning, so as to avoid fragmentary, short term, and speculative investments, and avoid delay in achieving the highest and best use of the area.
8. Prevent long-term vacancy, decay, blight and abandonment.
9. Provide for an efficient and harmonious relationship between vehicular and pedestrian circulation systems.

Section 5.2.0 - Uses Permitted by Right

1. Single Family Dwelling.
2. Two family dwellings.
3. Day parks, playgrounds and playfields.
4. Family day care homes.
5. Foster family homes (1-4 children) and Foster group homes (5-6 children).
6. Hobby farms as regulated under 6.2.0 I.
7. Pedestrian walkways and promenades.

Section 5.3.0 - Special Land Uses

Land and/or buildings may be utilized for the following uses by Special Land Use approval, subject to the applicable general and specific requirements and standards of Chapter 14:

1. Restaurants, including sit down restaurants, outdoor patio restaurants, and bar/lounge restaurants, providing direct view and access to the waterfront, but specifically excluding carry-out restaurants and fast food restaurants (see Section 2.20 for definitions of restaurant types).
2. Planned Unit Developments (**see Section 14.9.08**).
3. Public and Semi-public Institutional Buildings and Uses.
4. Group Day Care Homes (**see Section 14.8.0.11**).
5. Public utility buildings, telephone exchange buildings, electric transformer stations, and substations, (but not including storage yards); when operation requirements necessitate the locating within the district in order to serve the immediate vicinity (**see Section 14.7.0.08**).
6. High pressure gas or high voltage electric transmission lines (**see Section 14.7.0.07**).

7. Historical or Nautical Themed Museums. All exhibits and displays shall be of a theme and content compatible with community standards as determined by the Planning Commission.
8. Campgrounds (*see Section 14.15.0.01*).
9. Wineries or Vineyards (*see Section 14.15.0.02*).
10. Lodging facilities (Hotel / Motel / Motor Inn) (*see Section 14.15.0.03*).
11. Bed and Breakfast Establishments (*see Section 14.8.0.06*).
12. Guest Cottages/Guest House (*see Section 14.15.0.04*).

Section 5.4.0 - Accessory Uses

Refer to the definition of accessory uses set forth in the Township Zoning Ordinance Section 2.2.0, Section 3.12, and Section 3.24, including specifically Section 3.24.5.

Accessory uses shall include those uses customarily incidental to any of the above permitted uses or special uses when located on the same parcel.

Section 5.5.0 - Site Development Standards

The following regulations shall apply in all LFRRR Districts:

- .01 All applicable requirements of Sections 3.12, 3.23, and 3.24 shall be met.
- .02 Parking shall be provided in accordance with the requirements of Chapter 18.
- .03 Signs shall be provided in accordance with the requirements of Section 3.20.0.
- .04 Compliance with Flood Plain and High Risk Erosion requirements.
- .05 Site plan review in accordance with Chapter 15 is required for all Special Land Uses.
- .06 Accessory buildings and structures shall comply with regulations contained in Section 3.12.0.
- .07 Maintaining portions of the natural shoreline is extremely important in preserving water quality, preventing pollution, preserving fish and wildlife habitat and for natural scenic beauty.

Any shoreline development and construction or modification, including accessory buildings, rip-rap or retaining walls between the set back from the bluff line and bluff line to the Ordinary High Water Mark (OHWM) shall require a special permit prior to such undertaking and development, construction or modification. The consideration or factors to be considered in granting such a permit include, but

are not limited to:

1. Permits as may be required by: MDNR, MDEQ, local ordinances, and laws promulgated by the State of Michigan.
2. Minimizing of soil erosion and silt run off through use of fencing as may be required, by construction code.
3. Minimal clearance of vegetation, shrubbery, and trees to accommodate access to water from principal dwelling.

Application for such a permit must be accompanied by a detailed plan as required for site plan review and shall be processed pursuant to subsection .05 above.

.08 Development of non-conforming lots. Site development shall comply with Zoning Ordinance Section 20.4.0.

ARTICLE 5:

CHAPTER 14, Special Land Uses, is hereby amended to add a new Section 14.15.0 – Lakefront Residential, Recreational, and Resort (LFRRR) District to read as follows:

Note: The Planning Commission and the Township Board have examined the demonstrated need for recreational boating and fishing facilities including those providing boat rentals, fishing and boating cruises and boat sales, maintenance and repairs with respect to the requirements of the Michigan Zoning Enabling Act, Act 110 of 2006 (specifically MCL 125.3207) and have made a finding and determination that all reasonable demonstrated need for these land uses is being adequately fulfilled by similar facilities and uses currently located within the borders of Lexington Township located in the Village of Lexington.

.01 CAMPGROUNDS

A. General requirements:

1. Minimum campground size shall be ten (10) acres. The overall density of the campground shall not exceed five (5) camping sites per acre, with a maximum of fifty (50) sites per ten (10) acres. The campground shall provide direct vehicular access to public roads where the requirement of direct access is reasonable, the direct access will not decrease pedestrian or vehicular traffic safety, and the access route minimizes any adverse impact on the site or surrounding natural resources compared to other reasonable route alternatives.
2. Each campground may have an area designated for travel trailers, cabins, camping trailers, motor homes, truck campers, or tents pursuant

to the Michigan Public Health Code, Act 368 of 1978, Part 125 Campgrounds, Swimming Areas, and Swimmer's Itch (MCL333.12501-12563), as amended. Also, each campground may have a separate area designated for tent camping only. Each site designated for travel trailers, cabins, camping trailers, motor homes and truck campers shall be provided with individual electrical outlets. All sites shall have a picnic table and a designated place for fires. Only one (1) tent, cabin, travel trailer, camping trailer, motor home or truck camper shall occupy any site.

3. Public stations, housed in all weather structures, containing adequate water outlets, flush toilets, waste containers, electricity and shower facilities shall be provided uniformly throughout the campground at a ratio of not less than one (1) such station per twenty (20) sites. Separate toilet and bathing facilities shall be provided for each sex.
4. Each campground containing more than sixty (60) sites shall provide a masonry building containing machine laundry (wash and dry) facilities.
5. Occupant parking space for two (2) vehicles shall be provided on each site, except tent sites may have parking for only one (1) vehicle which may be remote from the tent sites provided it is connected by a trail or path. Also, each campground shall provide an additional dust-controlled parking area for site occupants and guest parking which is separate from any parking available at the sites. Parking spaces equal in number to fifty percent (50%) of the sites shall be provided in this area; each parking space shall be at least 180 square feet in area.
6. Each site shall contain a minimum of 1,500 square feet, except that the minimum size for sites specifically designated for tents shall be at least 2,500 square feet. Each site shall be set back from any right-of-way or property line at least one hundred (100) feet.
7. A common use area shall be provided on each campground at a ratio of not less than 1,000 square feet of area for each site. This common area shall be developed by seeding, landscaping, picnic tables, barbecue stands and passive recreation equipment (i.e. swings, slides, playground equipment, horseshoe pits, shuffleboard courts and the like) for the general use of the occupants of the entire campground. This area shall be at least fifty (50) feet from any road or area used by motor vehicles.
8. Each site used by travel trailers, camping trailers, motor homes, or truck campers shall have direct access to a dust-controlled roadway of at least twenty (20) feet in width for two-lane traffic or twelve (12) feet in width for one-way traffic. Parking shall not be allowed on any roadway. Sites specifically designed for and only used for tent camping need not have direct vehicular access to any street or road, but shall be provided with adequately cleared and marked with a pedestrian pathway access. Motor

vehicles shall not be allowed on any portion of the campground other than designated streets, roads or parking areas.

9. Any swimming pool or beach area shall comply with Michigan law and the regulations promulgated under the Michigan Public Health Code, Act 368 of 1978, Part 125 Campgrounds, Swimming Areas, and Swimmer's Itch (MCL333.12501-12563), as amended, and the Stille-Derossett-Hale Single State Construction Code Act 230 of 1972, as amended.

B. Campground setbacks:

1. Minimum shoreline setback of campsites from the Ordinary High Water Mark of 125 feet.
2. Notwithstanding the setback requirement set forth herein, there shall be a minimum shoreline vegetation protection area consisting of the area within 75 feet of the ordinary high water mark. Within such area, the removal of trees, shrubs and ground cover and land disturbing activities are prohibited unless authorized by the governmental agency having jurisdiction to do so for such purposes as negotiation erosion control or shoreline restoration, or if such actions are necessary for the removal of dying, or diseased vegetation, or vegetation creating a safety hazard (poison ivy or poison oak), and except that one or more portions of the shoreline vegetations protective area are not exceeding, in total, 10% of the total frontage, and located at environmentally appropriate locations, may be developed for access to the water including a boat launch, swimming beach, and/or picnic area.
3. The number of campsites otherwise allowable under this section may be reduced by conditions in the permit authorizing the campground, depending on size, topography, nautical features, adjacent land uses and/or other pertinent factors.

C. Campground buffering requirements: Fences, screening or landscaping, may be required by the Planning Commission, subject to the following standards:

1. The requirement is reasonably necessary to protect the general welfare, value or development of the adjacent properties or districts which may be developed or to fulfill the intent of this Ordinance.
2. The requirements are reasonably necessary to screen or fence common areas, roads, buildings, or use intensive recreation areas of the campground.

D. Campground performance standards:

1. No commercial enterprises shall be permitted to operate on the campground, except that a convenience store is allowed providing it is

clearly incidental to the needs of the occupants while residing in the campground.

2. Any lighting shall be down shielded and directed away from camping sites and surrounding adjacent property, no arc lights or high-intensity lighting shall be used. All electrical lines and gas lines shall be installed underground.
3. The campground shall be kept in a neat and orderly manner. A covered trash and garbage receptacle shall be provided for each five (5) camp sites and meet all requirements of the MDNR, MDEQ, local ordinances, and laws promulgated by the State of Michigan governing trash removal. The Campground shall be kept free of litter, trash and debris.
4. The campground shall post regulations that all radios or other noise-making equipment shall be turned off or reduced in volume between the hours of 10:00 PM and 7:00 AM so as not to be audible at other sites or adjoining units. Dogs and other pets shall be kept on a leash not more than ten (10) feet in length.
5. All sanitary facilities shall be designed and constructed in strict conformance to all applicable County Public Health Regulations and the Michigan Public Health Code, Act 368 of 1978, Part 125 Campgrounds, Swimming Areas, and Swimmer's Itch (MCL333.12501-12563), as amended.
6. The development of the entire campground is subject to all applicable requirements of the MDNR, MDEQ, local ordinances, and laws promulgated by the State of Michigan.
7. No mobile home or trailer coaches designed for permanent habitation shall be allowed. No vehicle, cabin, or tent shall be used for habitation by any person or party for longer than fourteen (14) consecutive days nor for more than thirty (30) days in any one year. All cabins shall contain less than 700 sq. ft. in gross floor area and shall not be eligible to qualify under the zoning ordinance as a dwelling unit, nor shall be occupied as such except when located within a state licensed campground with occupancy being strictly limited to the time periods prescribed herein. All such cabins shall be removed from the premises with 180 days following discontinuance or lapse of the state campground license.
8. No more than one (1) permanent dwelling shall be allowed in a campground, which shall only be occupied by the owner, manager, or an employee.
9. The Planning Commission may approve the location of common use area, roadways, streets, and buildings for the purpose of minimizing any impact on the site or surrounding natural resources.

10. There shall be no permanent storage of tents, campers, travel trailers or mobile home units in the development.
11. Each campsite shall have a picnic table and designated place for fires.

.02 WINERIES / VINEYARDS:

Wineries with primary processing and on-site fermentations are permitted only when it can be shown that they significantly contribute to tourist oriented development of the area, provided.

- A. Traffic and commercial handling activities do not disrupt vehicle and pedestrian traffic that is normal to the area and zoning district.
- B. Crushing and fermentation shall be managed such that the by-products are contained and disposed of in a manner that does not generate spill onto adjacent property or the public right-of-way.
- C. Proper mitigation of environmental effects of noise, odors, insects and use of water resources.
- D. Testing facilities and events held therein shall be specified in the permitting process including frequencies, hours, and days. Such events shall be restricted to the capacity of the building, parking and street improvements.

.03 LODGING FACILITIES (Hotel / Motel / Motor Inn)

- A. Setback: A landscaped setback of not less than fifty (50) feet shall be provided to the extent it abuts a public or private street or freeway.
- B. The minimum parcel size for a waterfront lodging facility is two (2) acres.
- C. Building Landscaping. A five (5) foot minimum landscaped area shall be provided to separate ground floor units from pedestrian walkways, project amenities and drive aisles/parking areas.
- D. Restaurant. A restaurant, including sit down restaurant, outdoor patio restaurant, and bar/lounge restaurant, but specifically excluding carry-out restaurants and fast food restaurants (see Section 2.20 for definitions of restaurant types) may be provided with the facility, providing it is clearly accessory and incidental to the main use.

.04 GUEST COTTAGES/GUEST HOUSES

- A. An adequate water system as approved by the County Environmental Health Department is available to serve the guest cottage/guest house.

- B. An adequate sewage disposal system as approved by the County Environmental Health Department is available to serve the guest cottage/guest house.
- C. The guest cottages shall be a minimum of 250 square feet on the main floor. The guest house shall be a minimum of 750 square feet on the main floor. Both shall conform to the height, setback, off-street parking and other zoning requirements generally applicable to residential construction within the zone in which the guest cottages/guest houses are located.
- D. The guest cottages/guest houses shall comply with appropriate local building code requirements.
- E. The dwelling area shall be kept in a neat and orderly manner. A covered trash and garbage receptacle shall be provided for trash removal. The guest cottage/guest house area shall be kept free of litter, trash and debris.
- F. The property owner shall post regulations that all radios or other noise-making equipment shall be turned off or reduced in volume between the hours of 10:00 PM and 7:00 AM so as not to be audible at other sites or adjoining units and adjacent property. Dogs and other pets shall be kept on leashes not more than ten (10) feet in length.
- G. No mobile homes or trailer coaches may be utilized as a guest cottage or guest home or otherwise stored on site.
- H. The Planning Commission may approve the location of common use areas, roadways, streets and buildings for the purpose of minimizing any adverse impact on the site or surrounding natural resources.
- I. Only one (1) Guest House permissible per primary parcel.
- J. The number of Guest Cottages permissible per primary parcel shall be determined by the County Health Department regulations.

ARTICLE 6 SEVERABILITY CLAUSE:

The various parts of this ordinance shall be deemed severable. Should any section, paragraph, or provision hereof be held by the courts to be unconstitutional or invalid, such holding shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part held to be unconstitutional or invalid.

ARTICLE 7 REPEAL:

All Ordinances or portions, thereof, which are in conflict with this Ordinance, are hereby repealed.

ARTICLE 8 EFFECTIVE DATE:

Public hearing having been held hereon, the provisions of this Ordinance shall take effect upon the expiration of seven days after publication, pursuant to the provision of Section 401 (6), Act 110 of the Public Acts of 2006, as amended.

ARTICLE 9 ADOPTION:

Made and passed by the Board of Lexington Township, Sanilac County, Michigan, on this 25th day of April, 2013, A.D.

- 1. Date of Public Hearing: March 21, 2012
- 2. Date of Adoption by Township Board: April 25, 2013
- 3. Date of Publication: May 10, 2013
- 4. Date and Time Ordinance Shall Take Effect: May 17, 2013; at 12 noon.

Certification

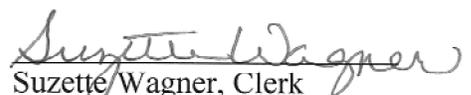
I, Suzette Wagner, Clerk of the Township of Lexington, do hereby certify that Ordinance No. 13-01 was adopted by the Township Board at a regular meeting of the Township Board held at the Township Hall on the 25th day of April, 2013.

Vote on this Ordinance, 5 members being present, was as follows:

AYES: Partaka, Wagner, McAllister, Jahn, Watson

NAYS: none

I further certify that said Ordinance No. 13-01 adopted by the Township Board on the 25th day of April, 2013 was published once in The Jeffersonian, a newspaper published and circulated in the Township of Lexington, County of Sanilac, on the 10th day of May, 2013 this being the first and final day of publication of this ordinance.


Suzette Wagner, Clerk
Township of Lexington