

**ZONING ORDINANCE
TOWNSHIP OF SEVILLE, MICHIGAN
2014**

15.000

ZONING ORDINANCE TOWNSHIP OF SEVILLE, MICHIGAN

An ordinance to regulate and restrict the location of trades and industries and location of buildings designed for specific uses; to regulate and limit the height and bulk of buildings hereinafter erected or altered; to regulate and determine the area of yards, courts and other open spaces surrounding buildings; to regulate and limit the density of population; to control the use of land and the use of temporary buildings; and to provide for the parking of motor vehicles; to provide for non-conforming uses of property and for said purposes, to divide the township into districts; to provide for the administration and enforcement of this ordinance and penalties for the violation of its provisions.

THE TOWNSHIP BOARD OF SEVILLE TOWNSHIP ORDAINS:

15.010

CHAPTER I SHORT TITLE

15.011

1.1 SHORT TITLE.

This ordinance shall be known as the "Zoning Ordinance" of the Township of Seville.

15.012

1.2 PURPOSE.

The purpose of this ordinance is to promote the public health, safety, morals and general welfare; to encourage the use of lands and natural resources in the township in accordance with their character and adaptability; to limit the improper use of land and to provide for the orderly development of the township; to reduce hazards of life and property; to establish regulations and protective measures that shall be required for dwellings, buildings, structures hereinafter erected or altered; to lessen congestion on the public roads; to conserve life, property and natural resources and expenditure of funds for public improvements and services; and to conform with the most advantageous uses of the land, resources and properties.

15.013

1.3 INTERPRETATION.

The provisions of this ordinance shall be liberally construed to promote the purposes set forth in this chapter.

15.030

CHAPTER II MAP DISTRICTS

15.031

2.1 ZONING DISTRICTS.

For the purpose of this ordinance, the Township of Seville is hereby divided into five (5) classes of zoning districts, known as:

District A- Agricultural, Residential
District B- Recreational, Residential
District C- Commercial
District D- Industrial
District E- Recreational

15.032

2.2 MAP.

The boundaries of these districts are hereby established as shown on a map entitled "Zoning Map of Seville Township", on file with the Township Clerk, which map, with all explanatory matter thereon, is hereby incorporated into and made a part of this ordinance.

15.033

2.3 LOT LINE DIVIDED BY ZONING LINE.

Where a lot is divided by the zoning map, it may be used in a manner least restricted, provided, that the more restricted portion of the lot is entirely within twenty-five (25) feet of the dividing district boundary line.

CHAPTER III
DISTRICT A, AGRICULTURAL, RESIDENTIAL

15.050

3.1 PERMITTED USES.

15.051

No building nor part thereof in a District A, Agricultural, Residential District shall hereafter be used, erected, altered or converted, or land used in whole or in part except for:

- a. One family dwelling with accessory uses as defined in this ordinance.
- b. Farms for both general and specialized farming, together with farm dwellings and buildings and other installations usual to such farms, including roadside stands, provided such stands sell products grown on the premises and are situated so as to provide adequate off-highway parking for customers.
- c. Home occupation – customary home occupations conducted entirely within a dwelling, and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.
- d. Public parks, playgrounds, playfields and other public and private open space for recreational purposes.
- e. All such special uses as the Zoning Board of Appeals may permit upon application and hearing.
- f. Mobile homes, but only if they comply with the following living space provisions:
 - (i) mobile homes must have a minimum living space of 980 square feet;
 - (ii) in cases of personal hardship or extreme necessity, the Zoning Board of Appeals may, in its discretion, and upon proper request, issue a special use permit permitting a single person to use or occupy a mobile home, provided however, that such mobile home has a minimum floor space of 840 square feet, and further provided that such special use permit shall be effective only for a maximum period of one year.
- g. Additional dwellings on any farm for the use of farm or domestic employees of the owner or his Lessees, provided there is only one such tenant house in addition to the main dwelling for each ten acres of farm land.

- h. Facilities for migrant workers for seasonal occupancy, provided that adequate provision is made for water and sanitary facilities.
- i. Basement dwellings intended for use and for occupancy incidental to the construction of a permanent dwelling may be so used and occupied on any lot, provided an occupancy permit therefore is secured from the County Permits Officer upon compliance with such reasonable safety requirements as may be established therefore; and with sanitary regulations of the County Health Department; and provided, further, that such permit shall not be granted for any period longer than one year, subject to renewal only upon evidence of reasonable progress toward completion in the construction of a permanent dwelling to be erected on the lot or land on which said basement home is placed.

15.052

3.2 OFF STREET PARKING.

Off street parking shall be provided in accordance with Chapter VIII (15.200) of this ordinance.

15.053

3.3 HEIGHT, YARD AND AREA RESTRICTIONS.

Every lot in this district shall have:

- a. A minimum front yard with respect to the dwelling of 50 feet measured from the front property line. Any land which is subject to a road or highway right of way shall not be included in measuring the front yard.
- b. Each side yard with respect to the dwelling must be a minimum of 25 feet measured from the respective side property line.
- c. A minimum back yard with respect to the dwelling of 25 feet measured from the rear property line.
- d. No dwelling shall be erected with a floor area of less than 980 square feet.
- e. No dwelling erected shall exceed a height of 2½ stories or 35 feet, which ever is lesser.
- f. A building not attached to the main building (dwelling) must have a minimum setback of 50 feet from the front property line. Any land that is subject to a road or highway right of way shall not be included in measuring the setback. Such building must be located at least 12 feet from any other property line, and may not be located on any legal right of way.

- g. Every lot in this district shall have a minimum area of 43,560 square feet (1 acre). A minimum frontage of 165 feet is required for every lot in this district. A minimum lot frontage of 165 feet requires a corresponding minimum lot depth of 264 feet. Regarding any land division, a parcel of land resulting from a split may not have a depth that exceeds four times the width.

15.054

3.4 PROHIBITED USES

Customary farm animals, including poultry, shall not be permitted in this district on any lot less than five acres in size.

An Intensive Livestock Operation (ILO) shall not be permitted in this district on any parcel that does not meet the definition of a farm as defined in Chapter XIII of this ordinance.

15.080

**CHAPTER IV
DISTRICT B, RECREATIONAL, RESIDENTIAL**

15.081

4.1 PERMITTED USES.

No building or part thereof in a District B, Recreational-Residential shall hereafter be used, erected, altered or converted, or land used in whole or in part, except for:

- a. Any use permitted in District A, Agricultural-Residential, provided, that such use meets the parking, height, yard and area restrictions, and is not a prohibited use as known in section 3.2 (15.052), 3.3 (15.053) and 3.4 (15.054) of Chapter III above.
- b. Seasonal, one family residence, with accessory uses, which meets the parking, height, yard and area restrictions of this Chapter.

15.082

4.2 PARKING.

Off street parking shall be provided in accordance with Chapter VIII (15.200) of this ordinance.

15.083

4.3 HEIGHT, YARD AND AREA RESTRICTIONS.

Every lot in this district shall have:

- a. A minimum front yard with respect to the dwelling of 50 feet measured from the front property line. Any land which is subject to a road or highway right of way shall not be included in measuring the front yard.
- b. Each side yard with respect to the dwelling must be a minimum of 25 feet measured from the respective side property line.
- c. A minimum back yard with respect to the dwelling of 25 feet measured from the rear property line.
- d. No dwelling shall be erected with a floor area of less than 980 square feet.
- e. No dwelling erected shall exceed a height of 2½ stories or 35 feet, whichever is lesser.

- f. A building not attached to the main building (dwelling) must have a minimum setback of 50 feet from the front the property line. Any land that is subject to a road or highway right of way shall not be included in measuring the setback. Such building must be located at least 12 feet from any property line, and may not be located on any legal right of way.
- g. Every lot in this district shall have a minimum area of 43,560 square feet (1 acre). A minimum frontage of 165 feet is required for every lot in this district. A minimum lot frontage of 165 feet requires a corresponding minimum lot depth of 264 feet. Regarding any land division, a parcel of land resulting from a split may not have a depth that exceeds four times the width.

15.110

CHAPTER V DISTRICT C, COMMERCIAL

15.111

5.1 PERMITTED USES.

In District C, Commercial, no building, structure or part thereof shall be erected, altered, used or land or premises used in whole or in part for other than one or more of the following uses:

- a. Any retail, wholesale, or rental business.
- b. Personal and business services.
- c. Veterinary hospitals and kennels.
- d. Gasoline service stations.
- e. Motor vehicle, trailer and boat repair services.
- f. Commercial, amusement and sports enterprises.
- g. Restaurants, theaters, taverns and nightclubs.
- h. Second hand stores.
- i. Freezer lockers.
- j. Offices, banks and public buildings.
- k. Drive-in businesses.
- l. Business or trade schools, dancing or music studios.
- m. Utility installations necessary to serve the district.
- n. Advertising structures (signs).
- o. Funeral homes, mortuaries.
- p. Milk distribution stations
- q. Apartments, multi-family units (three families or more)
- r. Mobile home and manufactured housing parks.
- s. Any use permitted by special use permit from the Zoning Board of Appeals after notice and hearing.

15.112

5.2 PARKING.

Off street parking shall be provided in accordance with Chapter VIII (15.200) of this ordinance.

15.113

5.3 REQUIREMENTS.

Any development within District C, Commercial, must comply with Township, County, State, and Federal requirements.

**CHAPTER VI
DISTRICT D, INDUSTRIAL**

15.140

15.141

6.1 PERMITTED USES.

No building or part thereof in District D, Industrial, shall thereafter be used, erected, altered or converted, or land used in whole or in part, except for:

- a. Any use permitted in "C" Commercial district.
- b. Any production, processing, cleaning, testing, repair, storage and distribution of materials, goods, foodstuffs and products.
- c. Public Utilities installation.
- d. Truck or rail freight terminal.
- e. Contractor's establishment.
- f. Accessory uses clearly appurtenant to the main use of the lot and customarily to and commonly associated with the main use.
- g. Other industrial and storage uses.
- h. Any other use permitted by special use permit issued by the Zoning Board of Appeals.

15.142

6.2 PARKING.

Off street parking shall be provided in accordance with Chapter VIII (15.200) of this ordinance.

15.143

6.3 REQUIREMENTS.

Any development within District D, Industrial, must comply with Township, County, State, and Federal requirements.

**CHAPTER VII
DISTRICT E, RECREATIONAL**

15.170

15.171

7.1 PERMITTED USES.

No building or part thereof in a District E, Recreational District shall hereafter be used, erected, altered, or converted or land used in whole or in part except for:

- a. a. Land in this district may be used for picnicking, camping, sports, games
- b. hiking and other recreational pursuits.

- b. Buildings may be erected for all purposes herein associated with the use of the land as indicated in the preceding sub-paragraph including, but not limited to: recreation centers, swimming pools, golf courses, stages and auditoriums, concession stands, necessary storage facilities, necessary custodial and housekeeping facilities.

In the event of dispute as to whether or not the use of land or use of buildings meets this Chapter, the Zoning Board of Appeals is hereby given power to interpret this Section and determine whether the proposed use meets the intention of this Chapter of the ordinance.

15.172

7.2 OFF STREET PARKING.

Off street parking shall be provided in accordance with Chapter VIII (15.200) of this ordinance.

15.173

7.3 HEIGHT, YARD AND AREA RESTRICTIONS.

Every lot in this district shall have:

- a. A minimum front yard with respect to the dwelling of 50 feet measured from the front property line. Any land which is subject to a road or highway right of way shall not be included in measuring the front yard.
- b. Each side yard with respect to the dwelling must be a minimum of 25 feet measured from the respective side property line.
- c. A minimum back yard with respect to the dwelling of 25 feet measured from the rear property line.

- d. No dwelling shall be erected with a floor area of less than 980 square feet.
- e. No dwelling erected shall exceed a height of 2½ stories or 35 feet, whichever is lesser.
- f. A building not attached to the main building (dwelling) must have a minimum setback of 50 feet from the front property line. Any land that is subject to a road or highway right of way shall not be included in measuring the setback. Such building must be located at least 12 feet from any property line, and may not be located on any legal right of way.
- g. Every lot in this district shall have a minimum area of 43,560 square feet (1 acre). A minimum frontage of 165 feet is required for every lot in this district. A minimum lot frontage of 165 feet requires a corresponding minimum lot depth of 264 feet. Regarding any land division, a parcel of land resulting from a split may not have a depth that exceeds four times the width.

15.000

CHAPTER VIII PARKING

15.201

8.1 PROVISION AND MAINTENANCE OF PARKING SPACES.

Parking spaces shall be provided and adequately maintained by each property owner in every zoning district for the off-street storage of motor vehicles for the use of occupants, employees, and patrons of each building and premises constructed, altered, or enlarged after the effective date of this ordinance.

15.202

8.2 FLOOR AREA DEFINED.

As used in this Chapter, the term "floor area" as applied to offices, merchandising or service types of uses, shall mean the gross floor area used or intended to be used for services to the public as customers, patrons, clients, patients, or tenants including area occupied with fixtures and equipment used for display or sale of merchandise, but excluding floor areas which are used exclusively for storage, for housing of mechanical equipment integral with the building, for maintenance facilities, or for those areas so restricted that customers, patients, clients, salesman and the general public are denied access.

15.203

8.3 CALCULATION OF NUMBER OF SPACES.

The number of parking spaces required for any particular building or land used shall be calculated on the basis of specific need. The calculation of the number of spaces needed resulting in a fraction of a space shall be corrected by deleting any space less than one-half of a full space or by adding one space for one-half of a full space or more.

15.204

8.4 SCHEDULE OF PARKING SPACES.

Parking space for motor vehicles in all districts in connection with every residential, recreational, commercial or industrial use shall be provided in accordance with the following schedule:

Dwelling.	1 space for each dwelling unit or family in each building.
Auto courts, motels, tourist homes	1 space for each sleeping room plus two spaces for operating personnel.
Hotels and clubs.	1 space for each 2 sleeping rooms plus space for every 5 employees.

Hospitals, sanitariums, nursing homes, homes for the aged.	1 space for each 4 beds plus 1 space for each doctor, plus 1 space for every 4 employees including nurses.
Schools.	1 space for every 2 employees, including administrators and teachers plus 1 space for every 20 high school pupils.
Banks, business professional offices, medical clinics	1 space for every 20 square feet of floor area normally used by the public.
Clothing, furniture, appliance, hardware, automobile, machinery sales, shoe repair, personal services (other than beauty and barber shops), wholesale sales.	1 space for every 800 sq. feet of floor area plus 1 space for each 2 employees.
Supermarket, self-service food store.	1 space for each 200 sq. ft. of floor area.
All other retail stores.	1 space for each 400 sq. ft. of floor area, plus 1 space for every 2 employees.
Restaurants, cafeterias, taverns.	1 space for every 5 patron seats, plus 1 space for every 4 employees.
Drive-in restaurants.	1 space for every 15 sq. ft. of building floor area.
Drive-in banks.	4 spaces for each teller window.
Automobile service and repair garages, gasoline filling & service stations	2 spaces for each repair & service stall plus 1 space for each worker on the larger shift.
Church, auditorium, stadium, theater, assembly hall or other space places of assembly.	1 space for every 4 seats plus 1 for every 2 employees.

Funeral homes and mortuaries.

1 space for every 25 sq. ft. of floor area of chapels, assembly rooms or rooms used as assembly rooms.

Bowling alleys.

5 spaces for each alley.

Dance halls,
table games establishments,
assembly and exhibition halls
without fixed seats; community
centers, civic clubs, fraternal orders,
veterans' organizations, union halls
and any similar type occupancy.

1 space for every 4 persons of legal capacity.

Industrial manufacturing
establishments.

Compute space requirements on
whichever of the following bases
requires the **greatest parking
capacity**: 1 space for every 2
employees for industries using two
or more shifts; or 1 space for every
400 sq. ft. of gross floor area of
buildings.

15.205

8.5 LOCATION OF OFF STREET PARKING AREAS.

Off street parking areas shall be located in relation to the use they are intended to serve in accordance with the following schedule:

Single family residence.

On the same lot.

All non-residential buildings
in residential districts.

On the same lot.

Motels, tourist courts, trailer parks
adjacent to developed site.

On the same lot or on premises.

Apartment-hotels, hotels and
tourist-homes.

On or within the premises.

Local shopping uses in neighbor-
hood shopping developments.

On the developed site.

Commercial district.

On premises or within 500 ft. measured from the nearest point of the parking area to the nearest point of the building.

Industrial.

On premises, or within 1000 feet walking distance from a normal entrance.

Public and quasi-public buildings, places of assembly, private clubs, associations and institutions.

On premises, or within 500 ft. measured from the nearest point of the parking area to the nearest point of the building.

15.206

8.6 JOINT USE OF PARKING FACILITIES

The joint use of parking facilities by two or more uses is recommended whenever such use is practicable and satisfactory to each of the uses intended to be served, and when all requirements for location, design and construction can be satisfied. In computing capacities of any joint use, the total space requirement is the sum of the individual requirements that will occur at the same time. If peak space requirements for individual uses occur at distinctly different times from the peak requirements for other joint uses, the maximum capacity required for joint use will be less than the sum of total individual space requirements. A copy of an agreement between joint users shall be filed with the application for a building permit. The agreement shall include a provision that such joint use shall not be discontinued unless the requirements of this Article can be met by each of the joint users individually

15.207

8.7 REDUCTION, MODIFICATION OR WAIVER OF PARKING REQUIREMENTS.

The Zoning Board of Appeals may authorize reduction, modification or waiver of these parking requirements under specified conditions by the issuance of a conditional permit. In addition, when the Township Board shall order and construct off-street parking areas any or all requirements for off-street parking space may be reduced for all buildings constructed, erected or occupied, or for land uses hereafter established and for which off-street parking is required by this Article, by the issuance of a conditional permit by the Zoning Board of Appeals. The written approval shall state the minimum off-street parking space to be required and in addition, shall include the basis of computation for a reduced but equitable parking space capacity.

**CHAPTER IX
ADMINISTRATION**

15.261

9.1 ADMINISTRATION, ZONING BOARD AND ZONING ADMINISTRATOR.

- (a) There is hereby created, pursuant to statute authorizing same, a Township Zoning Board consisting of five members to be appointed by the Township Board.
- (b) The terms of office of the initial five members of the Zoning Board will be as follows:

Two shall be appointed for terms of two years each, one for a term of one year, and two for terms of four years each. Each member shall serve until a successor is appointed and has qualified. Upon expiration of the terms of the members first appointed, successors shall be appointed, in like manner, for terms of four years each. A vacancy shall be filled in the same manner as is provided for the appointment in the first instance for the remainder of the unexpired terms.

- (c) Compensation of this Zoning Board, if any, shall be fixed by the Township Board.
- (d) The Zoning Board shall hold a minimum of two regular meetings annually, at which meeting any person having interest in the Township, or their duly appointed representative, shall be heard relative to any matters that shall properly come before the Zoning Board. The Zoning Board shall elect from its members a chairperson, a secretary, and other officers or committees it considers necessary, and may engage employees, including technical assistants, it requires. The election of officers shall be held not less than once in every two year period.
- (e) The duties of the Zoning Board shall be as follows:
 - 1. The Zoning Board shall periodically report to the Township Board regarding the operation of the Township Zoning Ordinance.
 - 2. The Zoning Board shall hear and consider proposed changes to the Zoning Ordinance in the form of amendments to the ordinance or the rezoning of properties covered by the Zoning Ordinance and shall make its recommendation regarding such proposals known to the Township Board.

- (f) Meetings of the Zoning Board shall be conducted in accordance with statute and consideration shall be given by the Zoning Board to proposals for amendment of Zoning Ordinance or for rezoning of certain properties in accordance with statute.
1. Any property owner applying for rezoning or amendment of the Zoning Ordinance except as provided in Chapter X (15.260) with regard to variances, special permits, interpretations of the Ordinance, and special uses shall pay to Seville Township a fee of \$325.00. The amount of this fee may be changed from time to time, as necessary, through resolution by the Seville Township Board. Hearings to consider proposed changes in the Zoning Ordinance or rezoning of properties covered by the Zoning Ordinance and notice thereof shall be conducted in accordance with statute so providing.
- (g) The provisions of the Ordinance shall be administered by the Zoning Administrator, who shall be appointed by the Township Board for such term and subject to such considerations and such rate of compensation as said Township Board shall determine. For the purpose of this Ordinance, the Zoning Administrator shall have the power of a police officer.
- (h) The duty of enforcing this Ordinance shall rest in the Zoning Administrator, including, unless otherwise provided for, the issuance and revocation of permits. The Zoning Administrator shall prepare and file annual reports with the Zoning Board on the operation of the Zoning Ordinance including recommendations as to the enactments of any amendment or supplement thereto.

15.232

9.2 ZONING PERMIT.

- a. Except as otherwise provided, no dwelling, mobile home, manufactured housing, or building, subject to the provisions of this ordinance shall be erected, structurally altered, enlarged or moved onto any land, lot or premises, until a permit has been issued by the Zoning Administrator in conformity with the provisions of this ordinance. Such permit shall be untransferable and must be granted before any work of erection, construction, alteration, enlargement or movement is begun.
- b. All applications for permits shall be submitted in duplicate to the Zoning Administrator not less than 10 days prior to the time when erection, alteration, enlargement or movement of a dwelling or building is intended to begin. Such application shall be accompanied by a drawing to scale, showing the location and actual dimensions of the land to which the permit is to apply, the kind of building to be erected, the width of all

abutting streets and highways, easements of public open spaces, the area, size and location of all dwellings or buildings erected or to be erected, structurally altered, enlarged, or moved upon the premises, and the front, side and rear yard dimensions of the lot.

- c. The application shall also show the location, dimensions and description of the water supply and sewage disposal facilities to be constructed, such as septic tanks and disposal fields, or any other facility used in the disposition of human excreta, sink waste and laundry waste; location of existing wells on the property adjoining the premises to be built upon, and location of existing sewage disposal facilities on such adjoining premises; provided, however, that the Zoning Administrator is hereby empowered to waive the inclusion of any of the details specified in paragraphs b and c of this Section in the case of any application where the facts are not pertinent to the purpose of this ordinance.
- d. Nothing in this section shall be construed as to prohibit the owner or his agent from preparing his own plans and specifications, provided the same are clear and legible.
- e. For each Zoning permit, a fee of \$20.00 shall be paid to Seville Township, said fee being placed in the general fund. The amount of this fee may be changed from time to time, as necessary, through resolution by the Seville Township Board.
- f. Within 10 days after receipt of the application, the Zoning Administrator shall issue a Zoning Permit to the owner, or his duly authorized agent, provided that the dwelling or building and the land and uses thereof as set forth in the application are in conformity with the provisions of this ordinance, and when such permit is refused, he shall state his reasons for refusal in writing. The Zoning Administrator shall file one copy of the application with the proper notations thereon or attached thereto relative to his approval or disapproval, including the date thereof, as a record. The second copy of the application shall be returned to the applicant with similar notations. Each Zoning Permit issued under the terms of this ordinance shall expire one year from the date of issuance, unless an extension thereof has been granted by the Zoning Administrator in writing, prior to the expiration date; provided, that the Zoning Administrator shall set forth in the extension, the time at which such extension shall expire. A fee equal to the fee for the original permit shall be paid for any extension of an existing Zoning Permit.
- g. Accessory buildings, when erected at the same time as the principal building, on a lot shown on the application, shall not require a separate Zoning Permit.

- h. The Zoning Administrator shall have the power to revoke or cancel any permit in case of failure or neglect to comply with any of the provisions of this ordinance or in case of any false statement or misrepresentation made in the application. The owner or his duly authorized agent shall be notified of such revocation or cancellation in writing.

10.260

CHAPTER X ZONING BOARD OF APPEALS

10.1 CREATION.

10.261

There is hereby created a Board of Appeals, which shall perform its duty and exercise its power as provided by Act 184 of Public Acts of 1943 as amended, in such way as the objectives of this ordinance shall be observed, public health, safety and welfare secured, and substantial justice done.

10.262

10.2 MEMBERSHIP.

As provided by said Act, the Board of Appeals shall consist of five members. The terms of said members shall be of such length and so arranged so that the term of one member shall expire each year. One member must be the chairperson of the Zoning Board, the second a member of the Township Board appointed by the Township Board, and the remaining three to be selected and appointed by the first two from among the electors residing in the unincorporated area of the Township. The third, fourth and fifth members cannot be an elected officer of the Township or an employee of the Township Board. The total amount allowed any member of said Board of Appeals in any one year as per diem or as expenses actually incurred in the discharge of his duties shall not exceed a reasonable sum, which sum shall be provided annually, in advance, by the Township Board. Members of the 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.

10.263

10.3 MEETINGS.

Meetings of the Board of Appeals shall be held at the call of the Chairperson and at such other times as the Board, in its rules of procedure, may specify. The Chairperson, or in his/her absence, the acting Chairperson, may administer oath and compel the attendance of witnesses. All meetings of the Board of Appeals shall be open to the public. The Board shall maintain a record of its proceedings which shall be filed in the office of the Township Clerk and shall be a public record.

10.264

10.4 VOTE.

The concurring vote of majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or to decide in favor of the applicant on any matter upon which they are required to pass under this ordinance or to effect any variation in this ordinance.

10.5 APPEALS.

10.265

Appeals to the Board may be taken by any person aggrieved or by an officer, department or Board in the Township.

10.266

10.6 FEE AND APPEAL.

A fee of \$325.00 shall be paid to Seville Township at the time of filing a notice of appeal, or a request with the Zoning Board of Appeals. The purpose of the fee is to cover any necessary expense incurred by Seville Township in connection with the appeal. The amount of this fee may be changed from time to time, as necessary, through resolution by the Seville Township Board.

10.267

10.7 DUTIES AND POWERS OF THE BOARD OF APPEALS.

The Zoning Board of Appeals shall have all the powers and duties prescribed by law and by this ordinance which are more particularly described as follows:

- a. **INTERPRETATION.** Upon appeal from a question by the Administrative official to decide any question involving the interpretation of any provision of this ordinance, including determination of the exact location of any district boundary line, if there is uncertainty with respect thereto.
- b. **SPECIAL PERMITS.** To issue special permits within only District A and District B regarding only the Special Uses listed in Section 10.9 of this ordinance. In granting any special permit, the Board shall prescribe any conditions that it deems necessary and/or desirable for the public interest. However, no such special permit shall be granted by the Board of Appeals unless it finds that the use for which such permit is sought will not be injurious to the neighborhood or otherwise detrimental to the public welfare and will be in harmony with the general purpose of this ordinance. In determining its findings, the Board shall take into account the character and use of the adjoining buildings, and those in the vicinity, the number of persons residing or working in such buildings, or upon such land, and traffic conditions in the vicinity.
 1. If the use of any building, structure, land or premises or part thereof, as permitted by the issuance of a special permit, is discontinued, through vacancy, lack of operations, or otherwise, for a continuous period of six months, then any future use of said building, structure, land or premises shall conform in its entirety to the provisions of this ordinance; provided, however, that the Board of Appeals may, upon application, within three months of the termination of said period, permit the resumption of such use as

was permitted by the issuance of said special permit.

2. The use of any building, structure, advertising structure (sign) land or premises or part thereof, as permitted by the issuance of a special permit, must remain consistent in nature and scope as per the basis for the issuance of such special permit. No structural changes, and/or additional buildings and structures relevant to the use permitted by such special permit, may be made or added to any building, structure, land or premises unless such changes and/or additions are required for safety.

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VARIANCES. To vary or adapt the strict application of any of the requirements of this ordinance, in the case of exceptionally irregular, narrow, shallow or steep lots, or other exceptional conditions, whereby such strict application would result in practical difficulty or unnecessary hardship, that would deprive the owner of the reasonable use of the land, or building involved. In granting any variance, the Board of Appeals shall prescribe any conditions that it deems necessary or desirable. However, no such variance shall be granted by the Board of Appeals unless it finds that such variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will be in harmony with the general purpose of this ordinance.

1. If the use of any building, structure, land or premises or part thereof, as permitted by the issuance of a variance, is discontinued, through vacancy, lack of operations, or otherwise, for a continuous period of six months, then any future use of said building, structure, land or premises shall conform, in its entirety to the provisions of this ordinance; provided, however, that the Board of Appeals may, upon application, within three months of the termination of said period, permit the resumption of such use as was permitted by the issuance of said variance.
2. The use of any building, structure, land or premises or part thereof, as permitted by the issuance of a variance, must remain consistent in nature and scope as per the basis for the issuance of such variance.

10.268

10.8 TIME OF HEARINGS.

The Board of Appeals shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties, and decide the same within a reasonable time. Upon hearing, any party may appear in person or by agent or by attorney. The Board of Appeals may reverse or affirm, whole or in part, or may modify the order, requirement, decision or determination as in its opinion, ought to be made in the premises, and to that end, shall have all the power of the officer from whom the appeal was taken, and may issue or direct the issuance of

a permit. Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this ordinance, the Board of Appeals shall have the power in passing upon appeals to vary or modify any of its rules, regulations or provisions so that the spirit of the ordinance shall be observed, public safety secured and substantial justice done. Upon the day for hearing of an application or appeal, the Board of Appeals may adjourn the meeting in order to permit the obtaining of additional information, or to cause such further notice as it deems proper to be served upon such other property owners as it decides may be interested in said application or appeal. In the case of an adjourned meeting, the persons previously notified and persons already heard need not be notified of the time of resumption of said hearing unless the Board of Appeals so decides.

10.269

10.9 SPECIAL USES.

The following land and structure uses require authorization by the Zoning Board of Appeals by issuance of a special use permit:

- a. Institutions for human care, hospitals, clinics, sanitariums for treatment of human ailments, nursing or convalescent homes, homes for the aged, human welfare and charity institutions.
- b. Religious institutions, churches or similar places of worship, convents, parsonages and parish houses, other housing for clergy.
- c. Educational and social institutions, public and private elementary schools, high schools and institutions for higher education, auditoriums and other places of assembly for social activities.
- d. Public buildings and public service installations, publicly owned and publicly operated buildings, public utility buildings and structures, telephone exchange buildings, transformer stations and substations.
- e. Cemeteries, public and private.
- f. Golf courses and country clubs.
- g. Family day care homes.
- h. Bed and Breakfast uses.
- i. Plant nurseries.
- j. Vehicle wash establishments.
- k. Veterinary Offices.

- l. Public and commercial storage garages.
- m. Automobile repair/service facilities.
- n. Salvage and used materials facilities.
- o The occupational excavation and removal of soil, sand, and gravel.
- p. On-premises occupation.
- q. Billboard.

10.290

CHAPTER XI GENERAL PROVISIONS

10.291

11.1 CONFLICT WITH COVENANTS OR RESTRICTIONS.

The requirements of this ordinance are to be construed as minimum requirements, and shall in no way impair or affect any covenant or restrictions running with the land, except where such covenant or restriction imposes lesser requirements.

10.292

11.2 USE OF NONCONFORMING LAND, BUILDING AND STRUCTURES.

- a. At the discretion of the owner, the lawful use of any building, structure, land or premises existing prior to the effective date of this ordinance, although the use does not conform to the provisions of this ordinance, may be continued, and such use of any buildings or land may be extended throughout said building or land, provided no structural changes be made in the building except those required for safety and provided that side, rear and front yard requirements of this ordinance are met.
- b. Where the nonconforming use of any buildings, structures, land or premises is changed in whole or in part, to a conforming use, such use shall not hereafter be reverted to any nonconforming use.
- c. If the nonconforming use of any building, structure, land or premises or part thereof is discontinued, through vacancy, lack of operations, or otherwise, for a continuous period of six months, then any future use of said building, structure, land or premises shall conform, in its entirety to the provisions of this ordinance; provided, however, that the Board of Appeals may, upon application, within three months of the termination of said period, permit the resumption of such nonconforming use

10.293

11.3 RECONSTRUCTION OF DAMAGED NONCONFORMING BUILDINGS AND STRUCTURES.

Nothing in this ordinance shall prevent the reconstruction, repair or restoration and the continued use of any nonconforming building or structure damaged by fire, collapse, explosion, acts of God, or acts of the public enemy, subsequent to the effective date of this ordinance, wherein the expense of such reconstruction does not exceed 60% of the fair valuation of the building or structures at the time such damage occurred; provided, that if a questions of valuation arises, such question shall be determined by a majority of the Board of three appraisers, one to be appointed by the property owner, one to be appointed by the Zoning

Administrator and the third to be appointed by the first two; the expense of such appraisal to be borne by the property owner and provided, further, that said use be identical with the nonconforming use permitted and in effect at the time said damage occurred.

15.294

11.4 REPAIR, ALTERATION AND COMPLETION OF NONCONFORMING BUILDINGS AND STRUCTURES.

- a. Nothing in this ordinance shall prevent the repair, reinforcement, improvement or rehabilitation of a nonconforming building, structure or part thereof existing at the effective date of this ordinance, that may be necessary to secure or insure the continued and advantageous use of the building or structure during its actual life; provided, however, that such repair, reinforcement, improvement, rehabilitation does not change or enlarge a nonconforming use of such premises.
- b. Nothing in this ordinance shall require any change in erection or intended use of the building, the construction of which shall be begun prior to the effective date of this ordinance and provided that such building is completed and use commenced within six months following the effective date of this ordinance.

15.295

11.5 TRAFFIC VISIBILITY ACROSS CORNER LOTS.

To maintain traffic visibility across every lot in an agricultural-residential district, or recreational-residential district, or recreational district, no fence, structure or planting over 30 inches in height shall be erected or maintained within twenty feet of the corner property line.

15.296

11.6 SANITARY LAND FILL.

- a. A sanitary land fill as herein used is defined to be an area designated by the Township Board for the purpose of dumping and depositing of trash, rubbish and refuse by residents of the Township.
- b. Land located within 800 feet, in any direction, from a sanitary land fill area shall not be used for residential, commercial, recreational uses; nor shall such land be used for any purpose which requires human occupation of the land or buildings in such area for more than 24 hours in any one day.
- c. The land affected by the restrictions specified in subsection B above, shall be measured from the perimeter line of the area designated as a sanitary land fill by the Township Board nearest to the proposed use;

and, no portion of the total area designated as a sanitary land fill area shall be included in the measurement of the required 800 foot zone.

- d. This amendment is subject to section 11.2 of the Seville Township Zoning Ordinance concerning use of non-conforming land, buildings and structures.
- e. All other provisions of the Seville Township Zoning Ordinance in conflict with this amendment and specifically the Zoning Map and the uses previously authorized in the affected zone are hereby repealed.
- f. The area presently designated as the sanitary land fill area of Seville Township is described as follows:

The N1/2 of the SE1/4 of the NE1/4 of Section 21, T12N, R4W, Seville Township, Gratiot County, Michigan.

- g. This amendment shall hereafter be referred to as Section 11.6, subsections A through G of Chapter 11 of the Seville Township Zoning Ordinance.

15.330

CHAPTER XII MISCELLANEOUS PROVISIONS

15.331

12.1 SEPARABILITY.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

15.332

12.2 AMENDMENTS.

Amendments or supplements to this ordinance may be made from time to time in the same manner provided in Act 184 of Public Acts of 1943, as amended.

15.333

12.3 PENALTIES.

Any person, firm or corporation, violating any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof, shall be fined in an amount not exceeding \$100.00 or to be imprisoned in the county jail for a period not exceeding thirty days or both so fined and imprisoned. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

15.334

12.4 VIOLATIONS, A NUISANCE.

Buildings erected, altered, moved, razed or converted, or any use of land or premises carried on in violation of any provision of this ordinance are declared to be nuisance per se. The Zoning Administrator shall inspect the alleged violations and shall order correction in writing of all conditions found to be in violation of this ordinance. All violations shall be corrected within a period of thirty days after the order to correct the condition. The Township Board, the Zoning Administrator or any person, firm or corporation affected by the alleged violation may institute proceedings at law or in equity to enforce the provisions of this ordinance. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

15.335

12.5 EXCAVATION OF SOIL, SAND AND GRAVEL.

No person, firm or corporation shall strip, excavate or otherwise remove sand, soil or gravel except in accordance with the following conditions:

- a. Excavation and removal of soil, sand and gravel is permissible in connection with the construction or alteration of a building on such

premises, for which a Zoning Permit is issued, and for all excavation or grading incidental to such construction or alteration.

- a. Excavation and removal of soil, sand and gravel for scenic ponds, with the overall project not within twenty-five feet of any property line, nor on any legal right-of-way, is permissible when the soil, sand and gravel is to be used on the premises from which it is removed, or in the event of transportation of soil, sand and gravel from said premises, that such activity does not constitute an occupation for the owner of the premises. Furthermore, if the area of a scenic pond is one acre or larger, the owner must provide the Seville Township Zoning Administrator with official documentation stating that said pond meets all applicable County, State, and Federal requirements for scenic ponds of such area. All other excavation and removal of soil, sand, and gravel, not within twenty-five feet of any property line, nor on any legal right-of-way is permissible upon obtaining a special permit from the Zoning Board of Appeals. Such a special permit shall expire at the end of one year from the date of issuance but it shall be subject to renewal. Such a special permit shall include as a condition thereof, the applicant's assurance that effects of such excavation, and removal of soil, sand, and gravel will be leveled and the land placed back into a condition, as nearly as reasonably possible, to conform to the surrounding land and terrain.

15.336

12.6 LAND PREVIOUSLY PLATTED.

Where an owner owns a tract of land within a subdivision which was platted prior to the effective date of the ordinance and such tract does not contain sufficient total area to comply with the area restrictions of this ordinance, then such owner may still use the land for single family residence purposes and the side yard requirements of this ordinance shall be reduced in the same ratio as the width of the tract bears to the required width of this ordinance. Where an owner owns a tract of land within a subdivision which was platted prior to the effective date of this ordinance and such tract is sufficient to meet the total area requirements of this ordinance, then single family residences shall be constructed only in compliance with this ordinance; PROVIDED, however, that in no event shall a single family residence be constructed on a tract of land less than 15, 000 square feet nor with a frontage of less than 80 feet.

15.370

CHAPTER XIII DEFINITIONS

15.371

13.1 ACCESSORY BUILDING.

Accessory building means a supplemental building or structure on the same lot, or part of the main building occupied by or devoted exclusively to an accessory use.

15.372

13.2 ACCESSORY USE.

Accessory use means a use customarily incidental and subordinate to the principal use or building located on the same lot as the principal use or building.

15.373

13.3 ALTERED.

Altered means any change in the location or use of the building or structure and/or any change in the construction or the structural members of a building or structure such as bearing walls, columns, posts, beams, girders and similar components.

15.374

13.4 AREA LOT.

The area of the lot means the total area within the property lines of the project excluding external streets.

15.375

13.5 BUILDING.

Building means any structure other than a boundary wall or fence.

15.376

13.6 DWELLING.

Dwelling means any building or portion thereof, which is designed or exclusively used for residential purposes.

15.377

13.7 DWELLING, MULTI-FAMILY APARTMENTS.

Dwelling, multi-family apartments, means a building housing three or more family units

15.378

13.8 DWELLING, ONE-FAMILY.

Dwelling, one-family, means a detached building, designated for or occupied exclusively by one family.

15.379

13.9 FAMILY.

Family means one or more persons occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, rooming house, club, fraternity or hotel.

15.380

13.10 FARM.

Farm means any parcel of land containing at least 40 acres which is used for gain in the raising of agricultural products, livestock, poultry, and dairy products. It includes necessary farm structures within the prescribed limits, and storage of equipment used. It excludes the raising of fur bearing animals, riding academies, livery or boarding stables and dog kennels.

15.381

13.11 FARM SERVICE BUILDINGS.

Farm service buildings mean any buildings or structures, other than a dwelling, moved upon, maintained, used or built on a farm, which are essential and customarily used on farms in the pursuit of agricultural activities.

15.382

13.12 FLOOR AREA, LIVING SPACE.

Floor area or living space means that area within a structure or dwelling intended, designed, used, or available for use for human occupancy. Living space and floor area for dwellings shall mean the total of such area available at all levels of the structure or dwelling.

15.383

13.13 HOME OCCUPATION.

Home occupation means any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. Clinics, hospitals, barber shops, tea rooms, tourist homes, animal hospitals, animal boarding establishments, or the production of any kind of livestock shall not be deemed home occupation.

15.384

13.14 INTENSIVE LIVESTOCK OPERATION (ILO).

An operation where live animals, including poultry, are concentrated or restricted to an area more limited than to natural feeding habitats and containing a total of one thousand fifty (1,050) mature dairy cattle; one thousand five hundred (1,500) slaughter or feeder cattle; three thousand five hundred (3,500) swine (each weighing 55 pounds or more); seven hundred fifty (750) horses; fifteen thousand (15,000) sheep or lambs; seventy-five thousand five hundred (75,500) turkeys; one hundred fifty thousand (150,000) laying hens or broilers

(with a continuous overflow watering); fifty thousand (50,000) laying hens or broilers (with a liquid manure system); seven thousand five hundred (7,500) ducks, or a combination of the above equal to or exceeding one thousand five hundred (1,500) animal units.

For the regulations applicable to an Intensive Livestock Operation, one (1) animal unit shall be equivalent to one thousand (1,000) pounds of live body weight.

15.385

13.15 MANUFACTURED HOUSING.

Manufactured housing means any single-family structure constructed entirely in a controlled factory environment, built to federal Manufactured Housing Construction and Safety Standards. These structures may be single or multi-section and are transported to the site and installed.

15.386

13.16 MOBILE HOME.

Mobile home means any structure used for sleeping, living, business or storage purposes having no foundation other than wheels, blocks, skids, jacks or similar support, and which has been or reasonably can be transported from place to place.

15.387

13.17 NONCONFORMING USE.

Nonconforming use means a building, structure, or use of land existing at the time of the enactment of this ordinance, and which does not conform to the regulations of the district or zone in which it is situated.

15.388

13.18 ON-PREMISES OCCUPATION.

On-premises occupation means an occupation conducted on the premises, possibly utilizing a dwelling, which use is significant to the use of the premises and changes the character thereof.

15.389

13.19 SEASONAL DWELLINGS.

Seasonal dwelling means a dwelling used by the occupants thereof intermittently and not as their principal place of residence.

15.390

13.20 YARD.

Yard means an open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except by a building eave or overhang of not more than 24 inches or except as otherwise provided herein. The measurements of a yard shall be construed as the minimum horizontal distance between a lot line and building or structure.

