

ZONING TEXT AMENDMENT (19-001)
ACCESSORY DWELLING UNITS
Red=new wording under ZTA 19-001

CHAPTER 2 DEFINITIONS, SECTION 2.02 DEFINITIONS - A

ACCESSORY BUILDING

A detached or attached subordinate building or structure located on the same lot as an existing principal building, the use of which is clearly incidental or secondary to that of the principal building including, but not limited to a private garage, carport/cover or implement shed.

ACCESSORY DWELLING UNIT

An accessory habitable living unit added to or created within an existing single family dwelling, that provides basic requirements for living, sleeping, eating, cooking, and sanitation. An accessory dwelling unit may be attached or detached from a single-family dwelling

ACCESSORY USE

A use or activity naturally and normally incidental and subordinate to, and devoted exclusively to the main use of the land or building.

ADULT DAY-CARE FACILITY

A. *Adult Family Day-Care Home* – A private home in which six (6) or less adults eighteen (18) years of age or older, receive care for periods of less than twenty-four (24) hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an ongoing basis. An adult day care home does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day care center.

B. *Adult Group Day-Care Home* – A private home in which more than six (6) but not more than twelve (12) adults eighteen (18) years of age or older, receive care for periods of less than twenty-four (24) hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled or physically handicapped that require supervision on an ongoing basis. An adult day care home does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day care center.

C. *Adult Day-Care Center* – A facility, other than a private residence, receiving one or more persons, eighteen (18) years of age or older, for care for periods of less than twenty-four (24) hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled or physically handicapped that require supervision on an ongoing basis. An adult day-care center does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day-care center.

ADULT FOSTER CARE FACILITY

A state-licensed establishment that provides foster care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include convalescent or nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which have been exempted from the definition of adult foster care facility by the Adult Foster Care Facility Licensing Act, MCL 40.701, et. seq.: MSA 16.610 (61), et. seq., as amended. The following additional definitions shall apply in the application of this Ordinance:

- A. *Adult Foster Care Family Home* – A private residence with the approved capacity to receive six (6) or fewer adults to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours a day, five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.
- B. *Adult Foster Care Small Group Home* – An owner-occupied facility with the approved capacity to receive twelve (12) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks.
- C. *Adult Foster Care Large Group Home* – A facility with approved capacity to receive at least thirteen (13) but not more than twenty (20) adult to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks.
- D. *Adult Foster Care Congregate Facility* – An adult foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care.

ADULT USES

Includes all of the following:

- A. *Adult Book or Supply Store* - An establishment having twenty percent (20%) or more of its stock in trade or its sales devoted to the distribution, display or storage of books, magazines, and other periodicals and/or photographs, drawings, slides, films, video tapes, recording tapes, and/or novelty items which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas".
- B. *Adult Cabaret* - An establishment which features any of the following: topless dancers and/or bottomless dancers, gogo dancers, erotic dancers, strippers, male or female impersonators, or similar entertainers, or topless and/or bottomless waitpersons or employees, or any other form of nude or partially nude service or entertainment.
- C. *Adult Motion Picture Theater* – An enclosed building or establishment wherein still or motion pictures, video tapes, or similar materials is presented or viewed which is distinguished

or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," for observation by patrons therein.

D. *Adult Motion Picture Theater, Adult Live Stage Performing Theater* – An enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, for observation by patrons therein. Such establishment is customarily not open to the public generally, but only to one (1) or more classes of the public, excluding any minor by reason of age.

E. *Adult Physical Culture Establishment* - An "Adult Physical Culture Establishment" is any establishment club or business by whatever name designated, which offers or advertises, or is equipped or arranged so as to provide as part of its services, massages, body rubs, alcohol rubs, physical stimulation, baths, or other similar treatment by any person. The following uses shall not be included with the definition of any adult physical culture establishment:

1. Establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed osteopath, a licensed physical therapist, a licensed practical nurse, or any other similarly licensed medical professional;
2. Electrolysis treatment by a licensed operator of electrolysis equipment;
3. Continuing instruction in material or performing arts or in organized athletic activities;
4. Hospitals, nursing homes, medical clinics or medical offices;
5. Barber shops or beauty parlors and/or salons that offer massage to the scalp, the face, or the neck and shoulders only.

F. *Body-Piercing* – The perforation of human tissue other than an ear for a non-medical purpose.

G. *Body-Piercing Establishment* – An establishment where the perforation of human tissue other than an ear for a non-medical purpose is performed, whether or not it is in exchange for compensation or any form of consideration.

H. *Brand or Branding* – The creation of a permanent mark made on human tissue by burning with a hot iron or other instrument.

I. *Burlesque Show* – An establishment which features topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers, where beer or intoxicating liquors are not sold on the premises.

J. *Escort Agency* – Any business, agency, or person, who, for a fee, commission, hire, reward or profit, furnishes or offers to furnish names of persons, or who introduces, furnishes or arranges for persons, who may accompany other persons to or about social affairs,

entertainments or places of amusement, or who may consort with others about any place of public resort or within any private quarters.

K. *Nude Artist and Photography Studio* - Any building, structure, premises or part thereof used solely or primarily as a place which offers as its principal activity the providing of models to display "specified anatomical areas" as defined herein for artists and photographers for a fee or charge.

L. *Specified Anatomical Areas* - Specified anatomical areas are defined as less than completely and opaquely covered:

1. Human genitals, pubic region, buttock, anus or female breast below a point immediately above the top of the areola; and
2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

M. *Specified Sexual Activities* - Specified sexual activities means and includes any one (1) or more of the following:

1. The fondling or erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
2. Human sex acts, normal or perverted, actual or simulated, including but not limited to intercourse, oral copulation, and sodomy;
3. Human masturbation, actual or simulated;
4. Human excretory functions as part of, or as related to, any one of the activities described above; and
5. Physical violence, bondage, mutilation, or rape, actual or simulated, as part of, or as related to, any of the activities described above.

N. *Tattoo, Tattooed, Tattooing* - Any method of placing permanent designs, letters, scrolls, figures, symbols or any other marks upon or under the skin with ink or any other substance, by the aide of needles or any other instruments designed to touch or puncture the skin, resulting in either the coloration of the skin or production of scars or scarring, other than by branding.

O. *Tattoo Parlor* - An establishment where persons are tattooed for consideration, other than by a licensed medical practitioner or cosmetologist; or any place where tattooing is regularly conducted whether or not it is in exchange for compensation.

AGRICULTURE

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

AGRICULTURAL LAND

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

AGRIBUSINESS/AGRITOURISM

Agritourism is an agriculturally-based operation or activity that brings visitors to a farm or ranch, including:

1. Community Supported Agriculture or CSA. A CSA is a marketing strategy in which a farm produces farm products for a group of farm members or subscribers who pay in advance for their share of the harvest. Typically the farm members receive their share once a week, sometimes coming to the farm to pick up their share; other farms deliver to a central point.
2. Farm Market. A "farm market" is a place or an area where transactions between a farm market operator and customers take place. This includes roadside stands. It does not necessarily mean a physical structure such as a building and is considered part of a farm operation. At least 50% of the products marketed and offered for sale at a farm market (measured as an average over the farm market's marketing season or up to a five year time frame) must be produced on and by the affiliated farm. Farm products may be processed more extensively into a form that adds value and makes them more marketable for direct customer sales in accordance with Michigan laws, and then sold at the affiliated farm market, as long as allowed by local, state, and federal regulations. A farm market may operate seasonally or year-round. Farm markets may include marketing activities and services to attract and entertain customers and facilitate retail trade business transactions when allowed by applicable local, state, and federal regulations.
3. U-Pick Operation. A U-pick operation is a farm that provides the opportunity for customers to harvest their own farm products directly from the plant. Also known as pick-your-own or PYO, these are forms of marketing farm products to customers who go to the farm and pick the products they wish to buy.
4. Miscellaneous uses such as but not limited to petting farms, corn mazes, cider mills, pumpkin patches.

ALTERATIONS

Any change, addition or modification in construction or type of use of occupancy; any change or rearrangement in the supporting structural parts of a building, whether by increasing the height or extension or diminution; or the moving of a building from one location to another.

ARCHITECTURAL FEATURES

Architectural features of a building shall include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments, such as recesses, projections, wall insets, arcades, window display areas, awnings, window projections, landscape structures or other features that complement the design intent of the structure. Architectural features shall not be attached directly to the ground and must be attached to the structure. (Amended, 11-13-18)

AVERAGE GRADE

The average finished ground elevation at the center of all walls of a building established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building or structure being measured.

CHAPTER 3 GENERAL PROVISIONS SECTION 3.35 ACCESSORY DWELLING

UNITS:

SECTION 3.35. ACCESSORY DWELLING UNITS

The intent of those regulations are to provide older homeowners with a means to stay more comfortably in homes and neighborhoods they might otherwise be forced to leave; add moderately-priced dwelling units to the housing stock to meet the needs of smaller households and make housing units available to moderate income household who might otherwise not be able to afford housing in Lyndon Township; provide an alternate form of housing for persons with disabilities; provide a housing option for multi-generational families and to protect the stability, property values, and the residential character of a neighborhood.

A. Accessory Dwelling Unit Requirements.

1. The units shall be accessory to a principal single family dwelling.
2. The units shall be a separate housekeeping unit.
3. The units do not need to meet the minimum dwelling unit size of the zoning district in which it is located, shall not exceed forty percent (40%) of the gross floor area of the principal single family dwelling and shall be no larger than 1200 square feet.
4. Only one (1) accessory dwelling shall be permitted on each lot or parcel.
5. The owners of the principal single family dwelling shall continue to occupy the principal single family dwelling or the accessory dwelling unit as their main residence.
6. The accessory dwelling unit shall have a maximum of two bedrooms.
7. The accessory dwelling unit shall not be occupied by more than three (3) persons who meet the definition of family.

8. Accessory dwelling units and the principal structure must be connected to sewer if available.
9. The subject site shall meet the lot size and lot width requirements of the zoning district.
10. The accessory dwelling shall meet all the bulk and setback requirements for the zoning district.
11. A minimum of one (1) additional off-street parking space shall be provided for the accessory dwelling. This parking space shall not obstruct the required parking for the principal residence under section 16.06
12. The accessory dwelling unit shall use the same driveway access point as the the principal residence.
13. The entrance to an attached accessory dwelling unit shall be limited to a common entrance foyer or exterior entrance off the front of the house or the exterior entrance can be located on the side or rear of the building;
14. A detached accessory dwelling unit must be located closer to the principal residence on the subject site than to a principal residence on an adjacent property.

CHAPTER 4. – W-R WILDERNESS AND RECREATION DISTRICT, SECTION 4.02 PERMITTED LAND USE AND SECTION 4.03 SPECIAL LAND USES.

SECTION 4.02, PERMITTED LAND USES

The following uses are permitted within this District, by right:

- A. Public or private forest preserve.
- B. Public or private conservation areas or game refuges.
- C. Public parks and playground areas
- D. Single family dwellings.
- E. State licensed residential family care facilities.
- F. Family day care facilities.
- G. Accessory Dwelling Units, subject to the requirements of Section 3.35.

SECTION 4.03 SPECIAL LAND USES

The following uses are permitted in this District by obtaining approval from the Planning Commission as a Special Land Use after all applicable standards of Chapter 14, are satisfied.

- A. Hunting preserves.
- B. Public and private stables, subject to the requirements of Section 14.04
- C. Campgrounds, subject to the requirements of Section 14.04.7
- D. Accessory Dwelling Units, which do not meet the requirements of Section 3.35.

CHAPTER 5. – R-R RURAL RESIDENTIAL DISTRICT, SECTION 5.02 PERMITTED LAND USE AND SECTION 5.03 SPECIAL LAND USES.

SECTION 5.02, PERMITTED LAND USES

The following uses are permitted within this District, by right:

- A. Farms, greenhouses, orchards, nurseries, and farm markets.
- B. Single family dwellings.
- C. Production of forest crops.
- D. State licensed residential care family facilities.
- E. Family day care facilities.
- F. Cemeteries.
- G. Home-based businesses, as regulated by Section 3.22.
- H. Accessory buildings and uses, as regulated by Section 3.08.
- I. Accessory buildings used for the inside seasonal storage of recreational vehicles and equipment.
- J. Accessory Dwelling Units, subject to the requirements of Section 3.35.

SECTION 5.03 SPECIAL LAND USES

The following uses are permitted in this District by obtaining approval from the Planning Commission as a Special Land Use after all applicable standards of Chapter 14, are satisfied. Ancillary uses may be permitted if related to the principal use.

- A. Country clubs and golf courses, subject to the requirements of Section 14.04.
- B. Outdoor recreation.
- C. Bed and breakfast establishments, subject to the requirements of Section 14.04.
- D. Kennels and veterinary hospitals, subject to the requirements of Section 14.04.
- E. Radio, television, or telephone transmission towers in excess of one hundred (100) feet in height for commercial wireless telecommunication services.
- F. Schools, subject to the requirements of Section 14.04.
- G. Churches, subject to the requirements of Section 14.04.
- H. Campgrounds, subject to the provisions of Section 14.04.
- I. Commercial removal and processing of soil, sand, gravel, or other minerals, subject to the requirements of Section 14.04.
- J. Public or private stables, except as provided in Sections 3.29 and 14.04
- K. Gun clubs, rifle ranges, trap shooting, subject to the requirements of Section 14.04.
- L. Municipal buildings subject to the requirements of Section 14.04.
- M. Public utility or service buildings, not requiring outside storage of materials, subject to the requirements of Section 14.04
- N. Event business.
- O. Agribusiness/Agritourism
- P. Outdoor commercial recreation, subject to the requirements of Section 14.04
- Q. Group day care, subject to the requirements of Section 14.04.
- R. Large Solar Energy Systems, subject to the requirements of Section 14.04.
- S. Accessory Dwelling Units that do not meet the requirements of Section 3.35.

CHAPTER 6. – R-1 MEDIUM DENSITY RESIDENTIAL DISTRICT SECTION 6.02 PERMITTED LAND USE AND SECTION 6.03 SPECIAL LAND USES

SECTION 6.02, PERMITTED LAND USES

The following uses are permitted within this District, by right:

- A. Single family dwellings.

- B. State licensed residential care family facilities.
- C. Family day care facilities.
- D. Cemeteries.
- E. Accessory buildings and uses, as regulated by Section 3.08.
- F. Home-based businesses, as regulated by Section 3.22.
- G. Accessory Dwelling Units, subject to the requirements of Section 3.35.

SECTION 6.03 SPECIAL LAND USES

The following uses are permitted in this District by obtaining approval from the Planning Commission as a Special Land Use after all applicable standards of Chapter 14, are satisfied.

- A. Two-family and Multiple family dwellings, subject to the requirements of Section 14.04.
- B. Schools, subject to the requirements of Section 14.04.
- C. Churches, subject to the requirements of Section 14.04.
- D. Public utility or service buildings, not requiring outside storage of materials, subject to the requirements of Section 14.04.
- E. Group day care, subject to the requirements of Section 14.04.
- F. Hospitals, Nursing Homes and Housing for the Elderly subject to the requirements of 14.04. (Not including institutions for the mentally retarded, drug or alcohol patients, or correctional facilities.)
- G. Municipal buildings, subject to the requirements of Section 14.04.
- H. Kennels and veterinary hospitals, subject to the requirements of Section 14.04.
- I. Outdoor Commercial Recreation, subject to the requirements of Section 14.04.
- J. Bed and breakfast establishments, subject to the requirements of Section 14.04.
- K. Accessory Dwelling Units that do not meet the requirements of Section 3.35.

CHAPTER 7. – L-R LAKE RESIDENTIAL DISTRICT SECTION 7.02 PERMITTED LAND USE AND SECTION 8703 SPECIAL LAND USES

SECTION 7.02, PERMITTED LAND USES

- A. Single family dwellings.
- B. State licensed residential care family facilities.
- C. Family day care facilities.
- D. Cemeteries.
- E. Accessory buildings and uses, as regulated by Section 3.08.
- F. Home-based businesses, as regulated by Section 3.22.
- G. Private boat docks, accessory to residential uses, subject to the following provisions:
 1. One (1) private boat dock per dwelling unit shall be permitted for each single family.
 2. Boat docks and boat slips shall be used only by persons residing on the premises or their guests, and shall not be leased, rented, or otherwise made available for compensation, except in conjunction with the lease or rental of the dwelling unit on the same lot.
- H. Private boat docks, accessory to nonresidential uses, subject to the following provisions:
 1. One (1) boat dock shall be permitted for each lot or parcel.

2. Boat docks and boat slips shall be used only by patrons of the premises or their guests, and shall not be leased, rented, or otherwise made available for compensation.

I. Accessory Dwelling Units, subject to the requirements of Section 3.35.

SECTION 7.03 SPECIAL LAND USES

The following uses are permitted in this District by obtaining approval from the Planning Commission as a Special Land Use after all applicable standards of Chapter 14, are satisfied.

- A. Boat launches, subject to the requirements of Section 14.04.
- B. Marinas, subject to the requirements of Section 1
- C. Two-family dwellings, subject to the requirements of Section 14.04FF
- D. Country clubs and golf courses, subject to the requirements of Section 14.04.
- E. Outdoor commercial recreation, subject to the requirements of Section 14.04
- F. Bed and breakfast establishments, subject to the requirements of Section 14.04.
- G. Schools, subject to the requirements of Section 14.04.
- H. Churches, subject to the requirements of Section 14.04.
- I. Public utility or service buildings, not requiring outside storage of materials, subject to the requirements of Section 14.04
- J. Accessory Dwelling Units that do not meet the requirements of Section 3.35.

CHAPTER 8. – L-C LAKE CONSERVATION DISTRICT SECTION 8.02 PERMITTED LAND USE AND SECTION 8.03 SPECIAL LAND USES

SECTION 8.02, PERMITTED LAND USES

The following uses are permitted within this District, by right:

- A. Single family dwellings.
- B. State licensed residential care family facilities.
- C. Family day care facilities.
- D. Accessory buildings and uses, as regulated by Section 3.08.
- E. Home-based businesses, as regulated by Section 3.22.
- F. Private boat docks, accessory to residential uses, subject to the following provisions:
 1. One (1) private boat dock per dwelling unit shall be permitted for each single family.

Boat docks and boat slips shall be used only by persons residing on the premises or their guests, and shall not be leased, rented, or otherwise made available for compensation, except in conjunction with the lease or rental of the dwelling unit on the same parcel

G. Accessory Dwelling Units, subject to the requirements of Section 3.35.

SECTION 6.03 SPECIAL LAND USES

The following uses are permitted in this District by obtaining approval from the Planning Commission as a Special Land Use after all applicable standards, including Chapter 14, are satisfied.

- A. Outdoor recreation.

- B. Bed and breakfast establishments, subject to the requirements of Section 14.04.
- C. Schools, subject to the requirements of Section 14.04.
- D. Churches, subject to the requirements of Section 14.04
- E. Public utility or service buildings, not requiring outside storage of materials, subject to the requirements of Section 14.04.
- F. Accessory Dwelling Units that do not meet the requirements of Section 3.35.