

located, the said nonconforming use or occupancy shall not be resumed or reestablished and any future use or occupancy of the land or structure shall be in conformity with the requirements of its district and the other sections of this ordinance.

- (e.) A lot of record that was legally established prior to the effective date of this ordinance, and that does not comply with zoning district lot area and width requirements, may be used as permitted by district regulations provided:
1. The use established on the lot complies with front, side and rear setback requirements for the zoning district in which the lot is located;
  2. The lot may not be further reduced in area or width;
  3. That the lot has not at any time been owned or controlled together with contiguous lots which could have been combined to form a parcel at the time of said ownership or control. Any conveyance or separation of such lots at any time shall be considered an illegal lot split, and shall not result in the creation of a buildable lot or lot of record. Common owners or controllers of contiguous nonconforming lots of record shall be required to combine lots to conform to the present zoning ordinance in the event they seek to place improvements of any kind thereon.
- (f.) A lot of record that was legally established prior to the effective date of this ordinance, and that does not comply with zoning district lot area and width requirements, may not be divided or altered in any way that results in the creation of any single lot that does not comply with applicable area and width requirements.

**State Law References:** Nonconforming uses or structures, MCL 125.3208.

#### **Sec. 16. Hobby farming--Gardening.**

Hobby farming as defined in Article II, Section 2(19.), shall be allowed in any district.

#### **Sec. 17. Home occupations.**

When allowed as a special land use, home occupations in dwellings shall comply with the following standards:

- (a.) They shall be operated in the entirety within the dwelling and not within any garage or accessory building located upon the premises, except for incidental storage or in the use of a residential garage upon the premises.
- (b.) Such occupation shall be conducted only by the person or persons occupying the premises as their principal residence, provided, however, the planning commission shall have the authority in granting the special use to permit additional subordinate assistants who do not so reside within the said dwelling to be employed therein where the same would not materially impair the residential character of the neighborhood or cause traffic congestion or parking problems. In no event, however, shall such additional assistants exceed three in number.

- (c.) The occupation shall use no more than 25 percent of the floor area of one story of the building.
- (d.) The dwelling shall have no exterior evidence other than a permitted sign to indicate that the same is being utilized for any purpose other than that of a dwelling.
- (e.) The occupation conducted therein must be clearly incidental and subordinate to the principal use of the premises for residential purposes.
- (f.) No goods shall be sold from the premises which are not strictly incidental to the principal home occupation conducted therein.
- (g.) No occupation shall be conducted upon or from the premises which would constitute a nuisance or annoyance to adjoining residents by reason of noise, smoke, odor, electrical disturbance, night lighting or the creation of unreasonable traffic to the premises. Such disturbances or lighting shall not be discernible beyond the boundaries of the property from which the occupation is conducted.
- (h.) Such occupation shall not require internal or external alterations or construction features, equipment or machinery not customary in residential areas, except as the planning commission in granting the special land use may determine to be innocuous or designed to avoid disturbance of the residential character of the neighborhood.
- (i.) As a condition of allowing a home occupation on any premises as defined herein, the occupant of the premises shall agree in writing to allow the township zoning inspector to make an annual inspection of the property to determine compliance with the requirements of this subsection. A home occupation may be terminated by order of the township board in the event it fails to comply after any such inspection.

#### **Sec. 18. Reverted zoning.**

In the event that a zone change is granted pertaining to any premises in the township, then the said premises shall be used or the use or structure shall be substantially begun or erected within 12 months from the date of the permit. In the event such substantial use or construction has not begun within the said period, the township planning commission may on its own motion immediately initiate procedures to rezone the changed area to its former zoned district or to revoke the special land use permit, using the procedures set forth in Act 184 of the Public Acts of 1943 [Repealed--See now MCL 125.3101 et seq.], as amended, including all notice provisions therein.

#### **Sec. 19. Variance record.**

Whenever a variance from this zoning ordinance shall be granted by the zoning board of appeals for any use or purpose, written copies of the variance and its terms shall be retained in a permanent file in the township office. In the event a variance is granted, but no use thereof is made on the premises for a period of one year with the option for a request of a one-year extension, then the said variance shall expire and be automatically extinguished. The variance record shall be reviewed at least annually by the zoning administrator and he shall make permanent record of any such expiring. Further, the zoning administrator shall report to both the planning