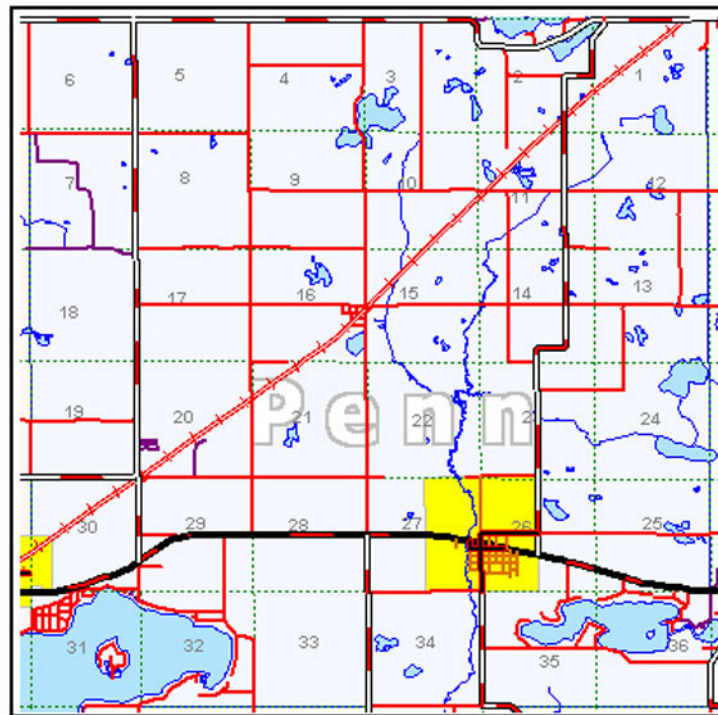


# PENN TOWNSHIP ZONING ORDINANCE



Penn Township Planning Commission

Adopted: February 9, 1976

Revised: October 10, 1983

Amended: As listed in Appendix A

# PENN TOWNSHIP ZONING ORDINANCE

		<u>Page</u>
ARTICLE 1	TITLE, PURPOSES AND LEGAL CLAUSES .....	1
Section	1.01 Title .....	1
	1.02 Purposes .....	1
	1.03 Validity and Severalty Clause .....	2
	1.04 Conflict with Other Laws .....	2
	1.05 Effective Date.....	2
	1.06 Filing a Petition of Submission of Ordinance to Electors.....	3
ARTICLE 2	ADMINISTRATION AND ENFORCEMENT .....	4
Section	2.01 Purpose .....	4
	2.02 Administration.....	4
	2.03 Duties of a Building Inspector .....	4
	2.04 Building Permit .....	5
	2.05 Violations .....	8
	2.06 Penalties .....	8
ARTICLE 3	ZONING BOARD OF APPEALS .....	10
Section	3.01 Board of Appeals Established .....	10
	3.02 Membership, Terms of Office .....	10
	3.03 Rules of Procedure, Majority Vote .....	10
	3.04 Meetings .....	10
	3.05 Public Meetings and Minutes.....	10
	3.06 Powers and Duties .....	11
	3.07 Variance .....	11
	3.08 Voiding of any Reapplication for Variance .....	12
	3.09 Procedure for Appealing to the Board of Appeals .....	12
ARTICLE 4	AMENDMENT PROCEDURE.....	14
Section	4.01 Initiating Amendments and Fees.....	14
	4.02 Amendment Procedure .....	14
	4.03 Conformance to Court Decree.....	16
ARTICLE 5	GENERAL PROVISIONS .....	17
Section	5.01 Establishment of Districts .....	17
	5.02 Provision for Official Zoning Map.....	17
	5.03 Changes to Official Zoning Map.....	17
	5.04 Authority of Official Zoning Map.....	17
	5.05 Replacement of Official Map.....	18
	5.06 Interpretation of Zoning Districts.....	18
	5.07 Application of Regulations.....	19

		<u>Page</u>
(Continued)		
ARTICLE 6	SUPPLEMENTAL REGULATIONS.....	20
Section	6.01 Purpose .....	20
	6.02 Accessory Building .....	20
	6.03 Lot-Building Relationship.....	20
	6.04 Accessory Building as Dwelling .....	20
	6.05 Basement as Dwellings .....	21
	6.06 Required Water Supply and Sanitary Sewerage Facilities.....	21
	6.07 Greenbelt Buffer.....	21
	6.08 Access to a Street .....	21
	6.09 Visibility at Intersections .....	21
	6.10 Street Closures.....	22
	6.11 Height Regulations.....	22
	6.12 Fences, Walls, and Screens .....	22
	6.13 Shoreline Excavation and Dredging.....	22
	6.14 Essential Services.....	22
	6.15 Swimming Pools.....	23
	6.16 Continued Conformance with Regulations .....	23
	6.17 Tillage of Soil.....	23
	6.18 Procedure for Site Plan Review .....	23
	6.19 General Sign Regulations.....	24
	6.20 Permitted Signs in Agriculture and Agriculture-Residential .....	25
	6.21 Permitted Signs in Residential Districts.....	25
	6.22 Permitted Signs in the Commercial and Industrial Districts.....	26
	6.23 Outdoor Advertising Signs.....	26
	6.24 Individual Mobile Homes and Manufactured Homes, Type II.....	27
	6.25 Open Space Preservation.....	28
ARTICLE 7	NONCONFORMING BUILDINGS AND USES .....	30
Section	7.01 Nonconforming Uses of Land .....	30
	7.02 Nonconforming Uses of Buildings.....	30
	7.03 Nonconforming Buildings.....	30
	7.04 Illegal Nonconforming Uses and Buildings .....	31
	7.05 Plans Already Filed .....	31
	7.06 Classes of Nonconforming Uses of Structures and Land.....	31
	7.07 Purchase of Nonconforming Buildings .....	32
	7.08 Change of Tenancy or Ownership.....	32
ARTICLE 8	CONDITIONAL USES .....	33
Section	8.01 Purpose .....	33
	8.02 Authority to Grant Permits .....	33
	8.03 Application and Fee .....	33
	8.04 Data, Exhibits and Information Required in Applications.....	33
	8.05 Public Hearing.....	34
	8.06 Required Standards and Findings for Making Determinations.....	34

(Continued)		<u>Page</u>
	8.07 Junkyards and Inoperative Vehicles.....	34
	8.08 Sanitary Land Fill.....	35
	8.09 Development of Natural Resources.....	35
	8.10 Planned Unit Residential Developments.....	36
	8.11 Essential Service Buildings.....	38
	8.12 Site Condominiums.....	38
	8.13 Public Facilities.....	38
ARTICLE 9	PARKING AND LOADING REQUIREMENTS.....	39
Section	9.01 Off Street Parking.....	39
	9.02 Loading-Unloading Requirements.....	43
ARTICLE 10	“A” AGRICULTURAL DISTRICT.....	45
Section	10.01 Purpose.....	45
	10.02 Permitted Uses.....	45
	10.03 Conditional Uses.....	46
	10.04 Regulations.....	47
ARTICLE 11	“A-R” AGRICULTURAL-RESIDENTIAL DISTRICT.....	48
Section	11.01 Purpose.....	48
	11.02 Permitted Uses.....	48
	11.03 Conditional Uses.....	48
	11.04 Height Regulations.....	49
	11.05 Area, Width and Yard Regulations.....	49
	11.06 Site Development Standards for Farms.....	50
	11.07 Off-Street Parking.....	50
	11.08 Signs.....	50
	11.09 Livestock—Special Provision.....	50
ARTICLE 12	“R-1” LOW DENSITY RESIDENTIAL DISTRICTS.....	51
Section	12.01 Purpose.....	51
	12.02 Permitted Uses.....	51
	12.03 Conditional Uses.....	51
	12.04 Regulations.....	52
ARTICLE 13	“R-2” HIGH DENSITY RESIDENTIAL DISTRICTS.....	55
Section	13.01 Purpose.....	55
	13.02 Permitted Uses.....	55
	13.03 Conditional Uses.....	55
	13.04 Regulations.....	55
ARTICLE 14	“R-3” MOBILE HOME PARK DISTRICT.....	58
Section	14.01 Purpose.....	58
	14.02 Permitted Uses.....	58

(Continued)		<u>Page</u>
	14.03 Conditional Uses .....	58
	14.04 Regulations.....	58
ARTICLE 15	“C” COMMERCIAL .....	65
Section	15.01 Purpose .....	65
	15.02 Permitted Uses.....	65
	15.03 Conditional Uses .....	65
	15.04 Regulations.....	66
ARTICLE 16	“I-1” INDUSTRIAL PARK DISTRICT.....	68
Section	16.01 Purpose .....	68
	16.02 Permitted Uses.....	68
	16.03 Conditional Uses .....	68
	16.04 Regulations.....	68
	16.05 Prohibited Uses .....	70
	16.06 Review Procedures.....	70
ARTICLE 17	“I-2” INDUSTRIAL PARK DISTRICT.....	71
Section	17.01 Purpose .....	71
	17.02 Permitted Uses.....	71
	17.03 Conditional Uses .....	71
	17.04 Regulations.....	71
	17.05 Prohibited Uses .....	71
	17.06 Review Procedures.....	72
ARTICLE 18	CONSTRUCTION OF LANGUAGE AND DEFINITIONS.....	73
Section	18.01 Rules Applying to Text .....	73
	18.02 Definitions.....	73
	18.03 Open Space Definitions.....	82
ARTICLE 19	LAKE COMMERCIAL/RESIDENTIAL DISTRICT.....	83
	19.01 Purposes .....	83
	19.02 Permitted Uses.....	83
	19.03 Conditional Uses .....	83
	19.04 Regulations.....	83

**APPENDIX A**

AMENDMENTS	.....	i
------------	-------	---

## **ARTICLE 1. TITLE, PURPOSES AND LEGAL CLAUSES**

### **Section 1.01 TITLE**

This Ordinance shall be known and may be cited as "THE 1976 ZONING ORDINANCE OF PENN TOWNSHIP".

### **Section 1.02 PURPOSES**

- A. Promoting and protecting the public health, safety and general welfare.
- B. Protecting the character and the stability of the agricultural, recreational, residential, commercial and other areas within the Township and promoting the orderly and beneficial development of such areas.
- C. Regulating the intensity of use of land and lot areas and determining the area of open spaces surrounding buildings and structures necessary to provide adequate light and air to protect the public health and convenience of access to property.
- D. Lessening and avoiding congestion on the public highways and streets.
- E. Providing for the needs of agriculture, recreation, residence, commerce and other land uses in future growth.
- F. Fixing reasonable standards to which buildings and structures shall conform.
- G. Prohibiting uses, buildings, or structures which are incompatible with the character of development or the uses, buildings or structures permitted within specified zoning districts.
- H. Preventing such additions to or alterations or remodeling of existing buildings or structures in such a way as to avoid the regulations and limitations imposed hereunder.
- I. Protecting against fire, explosion, noxious fumes and odors, dust, smoke, glare, noise and other nuisances and hazards in the interest of the public health, safety and general welfare.
- J. Preventing the overcrowding of land and undue concentration of buildings and structures so far as is possible and appropriate in each zoning district by regulating the use and bulk of buildings in relation to the land surrounding them.
- K. Conserving the taxable value of land, buildings and structures throughout the Township.
- L. Providing for the completion, extension, substitution or elimination of nonconforming uses.
- M. Creating a Board of Appeals and defining the powers and duties thereof.

- N. Designating and defining the powers and duties of the official or officials in charge of the administration and enforcement of this Ordinance.
- O. Providing for the payment of fees for building permits.
- P. Providing penalties for the violation of this Ordinance.

**Section 1.03 VALIDITY AND SEVERALTY CLAUSE**

If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not affect any other provisions of this Ordinance not specifically included in said ruling.

If any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular land, parcel, lot, district, use, building or structure, such ruling shall not affect the application of said provision to any other land, parcel, lot, district, use, building or structure not specifically included in said ruling.

**Section 1.04 CONFLICT WITH OTHER LAWS**

- A. Where any condition imposed by any provision of this Ordinance upon the use of any lot, building, or structure is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this Ordinance or by the provision of any ordinance adopted under any other law, the provision which is more restrictive or which imposes a higher standard or requirement shall govern.
- B. This Ordinance is not intended to abrogate or annul any easement, covenant, or other private agreement provided that where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant, or other private agreement, the provision of this Ordinance shall govern.

**Section 1.05 EFFECTIVE DATE**

This Ordinance was adopted by the Township Board of the Township of Penn, Cass County, Michigan, at a meeting held on the 9<sup>th</sup> day of February, 1976, and ordered published in the Cassopolis Vigilant, a newspaper having general circulation in said Township, as required by Act 191 of the Public Acts of 1939, as amended.

## **<sup>1</sup>Section 1.06 FILING A PETITION OF SUBMISSION OF ORDINANCE TO ELECTORS**

Within seven (7) days after publication of a change to any part of this zoning ordinance, a registered elector residing in the portion of the Township outside of the limits of cities and villages may file with the Township Clerk a notice of intent to file a petition under this section. If a notice of intent is filed, then within thirty (30) days following the publication of the changes(s) to this zoning ordinance, a petition signed by a number of registered electors residing in the portion of the Township outside the limits of cities and villages equal to not less than ten (10%) of the total vote cast for all candidates for governor, at the last preceding general election at which a governor was elected, in the Township may be filed with the Township Clerk requesting the submission of the Ordinance change(s) to the electors residing in the portion of the Township outside of the limits of cities and villages for their approval. Upon the filing of a notice of intent, the Ordinance change(s) adopted by the Township Board shall not take effect until one (1) of the following occurs:

A. The expiration of thirty (30) days after publication of the changes(s) to this Ordinance, if a petition is not filed in that time.

B. If a petition is filed within thirty (30) days after publication of the changes(s) to this Ordinance, the Township Clerk determines that the petition is inadequate.

C. If a petition is filed within thirty (30) days after publication of the changes(s) to this Ordinance, the Township Clerk determines that the petition is adequate and the changes(s) to this Ordinance is approved by the majority of the registered electors residing in the portion of the Township outside the limits of cities and villages voting thereon at the next regular election which supplied reasonable time for proper notice and printing of ballots, or at any special election called for that purpose. The Township Board shall provide the manner of submitting the changes(s) to this Ordinance to the electors for their approval or rejection, and determining the result of the election.

---

<sup>1</sup> Amendment 4 – See Appendix A



## **ARTICLE 2. ADMINISTRATION AND ENFORCEMENT**

### **Section 2.01 PURPOSE**

It is the purpose of this Article to provide the procedures for the administration of the Ordinance, issuance of permits, inspection of properties, collection of fees, handling of violators and enforcement of the provisions of this Ordinance and amendments thereto.

### **Section 2.02 ADMINISTRATION**

The provisions of this Ordinance shall be administered by the Township Planning Commission and the Township Board in accordance with the State of Michigan Township Rural Zoning Act, Act 184 of the Public Acts of 1943, as amended, and the Township Planning Commission Act, being Act 168 of the Public Acts of 1959, as amended.

The Township Board shall employ a Building Inspector to act as its officer to effect proper administration of this Ordinance. The individual selected, the terms of employment, and the rate of compensation shall be established by the Township Board. For the purpose of this Ordinance, the Building Inspector shall have the powers of a police officer.

In the absence of the Building Inspector, the Township Clerk or other Township officer, as designated by the Township Board, shall assume all the powers and duties of the Building Inspector.

### **Section 2.03 DUTIES OF A BUILDING INSPECTOR**

- A. Review all applications for building permits and approve or disapprove such applications based on compliance with the provisions of this Ordinance and shall approve issuance of the permit if the use and the requirements of this Ordinance are met.
- B. Receive all applications for conditional use permits, conduct field inspections, surveys, and investigations, prepare maps, charts, and other pictorial materials when necessary or desirable, and otherwise process applications so as to formulate recommendations, and notify the applicant, in writing of any decision of the Township Board.
- C. Receive all applications for appeals, variances, or other matters which the Zoning Board of Appeals is required to decide under this Ordinance, conduct field inspections, surveys, and investigations, prepare maps, charts and other pictorial materials when necessary or desirable, and otherwise process applications so as to formulate recommendations to the Zoning Board of Appeals for determination.
- D. Receive all applications for amendments to this Ordinance, conduct field inspections, surveys and investigations, prepare maps, charts and other pictorial materials when necessary or

desirable, and otherwise process applications so as to formulate recommendations, and report to the Township Planning Commission all such applications together with recommendation.

- E. The Building Inspector shall be responsible to update the Township Zoning Map and keep it current.
- F. The Building Inspector shall prepare and submit to the Township Board a written record of all building permits issued during each month. The record shall state the owner's name, location of property, intended use and estimated cost of construction for each permit.
- G. Maintain written records of all actions taken by the Building Inspector.
- H. Be responsible for providing forms necessary for the various applications to the Building Inspector, Planning Commission, Township Board or Zoning Board of Appeals as required by this Ordinance and shall be responsible for which information is necessary on such forms for the effective administration of this Ordinance, subject to the general policies of the Township Board, Planning Commission and Zoning Board of Appeals.

#### **Section 2.04 BUILDING PERMIT**

- A. Building Permit Requirements: A building permit is required for and shall be obtained after the effective date of this Ordinance from the office of the Building Inspector or his agent by the owner or his agent for the following conditions:
  - 1. The construction, enlargement, alteration, or moving of any dwelling, building, or structure or any part thereof, being used or to be used for agricultural, residential, commercial, or industrial purposes.
  - 2. Agricultural buildings and structures to insure proper placement on a lot or parcel of land.
  - 3. Accessory buildings valued at less than \$500 and portable structures necessary to an agricultural operation shall not require a building permit as long as the placement of said buildings conform to the setback and height requirements of the district in which they are located.
  - 4. Repairs of a minor nature or minor alterations which do not change the use, occupancy, area, structural strength, fire hazard, fire protection, exits, light and ventilation of a building shall not require a building permit.
- B. Application for a Building Permit: Application for a building permit shall be made in writing upon a blank form furnished by the Building Inspector and shall state the name and address of the owner of the building and the owner of the land upon which it is to be erected, enlarged, altered, or moved. The application shall contain a site layout or plot plan showing:

1. The location, shape, area and dimensions for the lot, lots, or acreage.
2. The location of the proposed construction upon the lot, lots, or acreage affected.
3. The dimensions, height and bulk of structures.
4. The nature of the proposed construction, alteration, or repair and the intended use.
5. The proposed number of sleeping rooms, dwelling units, occupants, employees, customers and other uses.
6. The present use of any structure affected by the construction or alteration.
7. The yard open area and parking space dimensions, if applicable.
8. The proposed design and construction standards of parking spaces, if applicable.
9. The number of loading and unloading spaces provided, if applicable.
10. Any other information deemed necessary by the Building Inspector to determine and provide for the enforcement of this Ordinance. If the information shown on the site layout is in compliance with the above requirements and all other provisions of this Ordinance, the Building Inspector shall issue a building permit upon payment of the required building permit fee.
11. A valid permit from the Cass County Health Department for the construction of the proposed water and sewage system.

C. Voiding of Permit: Any building permit granted under this Section shall be null and void unless the development proposed shall have its first inspection within ninety (90) days from the date of the granting of the permit. The Building Inspector shall make every effort to notify the holder of a permit that is liable for voiding action before voidance is actually declared. The Building Inspector may suspend or revoke a permit issued in error or on a basis of incorrect information supplied by the applicant or his agent or in violation of any of the ordinances or regulations of the Township.

D. Fees, Charges and Expenses: The Township Board shall establish a schedule of fees, charges and expenses and a collection procedure for building permits, appeals and other matters pertaining to the Ordinance. The schedule of fees shall be posted in the Office of the Building Inspector and may be altered or amended only by the Township Board. No permit, certificate, conditional use on approval, or variance shall be issued until such costs, charges, fees, or expenses listed in this Ordinance have been paid in full, nor shall any action be taken on proceedings before the Board of Appeals until preliminary charges and fees have been paid in full.

E. Inspection: The construction or usage affected by any building permit shall be subject to the following inspections:

1. At time of staking out of building foundation.
2. At time of completion of foundation before backfilling.
3. Upon completion of the work authorized by the permit.

It shall be the duty of the holder of every permit to notify the Building Inspector when construction is ready for inspection. Upon receipt of such notification for the first inspection, the Building Inspector shall determine whether the location of the proposed building, as indicated by corner stakes, is in accordance with yard setbacks and other requirements of the Ordinance. The Building Inspector shall issue his written approval at the time of inspection if the building or proposed construction meets the requirements of this Ordinance. Should the Building Inspector determine that the building or structure is not located according to the site and construction plans filed, or is in violation of any provision of this Ordinance, or any other applicable law, he shall so notify the holder of the permit, or his agent. Further construction shall be stayed until correction of the defects set forth has been accomplished and approved by the Building Inspector upon notice and request for reinspection duly made.

Should a building permit holder fail to comply with the requirements of the Building Inspector at any inspection stage, the Building Inspector shall make report in writing such failure to the Township Clerk. The Building Inspector shall cause notice of such permit cancellation to be securely and conspicuously posted upon or affixed to the construction not conforming to the Ordinance requirements and such posting shall be considered as service upon and notice to the permit holder of cancellation thereof; and no further work upon said construction shall be undertaken or permitted until such time as the requirements of this Ordinance have been met. Failure of the permit holder to make proper notification of the time for inspection shall automatically cancel the permit, requiring issuance of a new permit before construction may proceed.

F. Any structure which, pursuant to the provisions of Act No. 230, Public Acts of Michigan of 1972 as amended (State Construction Code Act of 1972), is by state law exempt from the building permit requirements therein contained as a building or structure incidental to the use for agricultural purposes of the land on which the building is located and is not used in the business of retail trade, shall likewise be exempt from the building permit requirements set forth above. With respect to any structure exempt by state law from said building permit requirements, a "certificate of zoning compliance" shall be required to be obtained from the office of the building inspector or his agent by the owner or his agent on the following terms and conditions.

1. Such owner, or his agent, shall, prior to commencement of any construction, make application to the Township Building Inspector for a certificate of zoning compliance;

2. The Building Inspector shall determine whether such structure is a building or structure incidental to use for agricultural purposes of the land on which said building is to be located and whether the same is to be used in the business of retail trade. The building inspector may require such proof as shall be necessary to make such determination and may require sworn affidavit of agricultural use in such form as may be prescribed by resolution of the Township Board;
3. That the fees to be charged by the Building Inspector for the issuance of such certificate of compliance shall be as established by resolution of the Township Board;
4. That, with respect to agricultural buildings or structures exempt from building permit requirements by state law, the Township Building Inspector shall, prior to the issuance of such certificate of compliance, determine that such proposed building or structure, or any alterations to an existing building or structure shall, in all respects, be in compliance with the requirements of this Zoning Ordinance, excepting only compliance with nationally recognized construction or building codes from which the same are exempt by state law, and including specifically such matters as setback, height and other restrictions;
5. That the exemption for buildings or structures incidental to agricultural use, as established by Act No. 230, Public Acts of Michigan of 1972 as amended, shall, in no event, be construed to limit or abrogate any code requirements relating to residence homes or any other building or structure designed or to be used for human occupancy.

## **Section 2.05 VIOLATIONS**

Any building or structure, including tents and mobile homes, which are erected, constructed, reconstructed, altered, converted, maintained or used, or any use of land or premise which is begun, maintained, or changed in violation of any provision of this Ordinance, are hereby declared to be a nuisance per se.

## **Section 2.06 PENALTIES**

Any person, or the agent in charge of such building or land, who violates, disobeys, omits, neglects, refuses to comply with, or resists the enforcement of any provision of this Ordinance or any amendment thereof, shall be fined upon conviction not more than one hundred dollars (\$100), together with the cost of prosecution, or shall be punished by imprisonment in the county jail and not more than ninety (90) days for each offense, or may be both fined and imprisoned as provided herein. Each and every day during which any illegal erection, construction, reconstruction, alteration, maintenance, or use continues shall be deemed a separate offense. The Township Board, the Township Planning Commission, the Township Building Inspector, the Board of Appeals, the Attorney of the Township, or any owner or owners of real estate with the district in which such building, structure, or land is situated may institute injunction, mandamus, abatement, or any other appropriate action, actions, or proceedings to prevent, enjoin, abate, or

remove any said unlawful erection, construction, maintenance, or use. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

## **ARTICLE 3. ZONING BOARD OF APPEALS**

### **Section 3.01 BOARD OF APPEALS ESTABLISHED**

There is hereby established a Board of Appeals which shall perform its duties and exercise its powers as provided by Section 18, Act 184 of the Public Acts of 1943 as amended, in such a way that the objectives of this Ordinance shall be enforced, the public health and safety secured and substantial justice done.

### **Section 3.02 MEMBERSHIP, TERMS OF OFFICE**

The Board of Appeals shall consist of five (5) members. The first of such Board of Appeals shall be the chairman of the Township Planning Commission, for the term of his office; the second member shall be a member of the Township Board, appointed by the Township Board, for the term of his office; and the three (3) additional members shall be selected and appointed by the Township Board from among the electors residing in the unincorporated area of the Township for a term of three (3) years provided that no elected officer of the Township, nor any employee of the Township Board, may serve simultaneously as the additional member of or as an employee of the Township Board of Appeals.

### **Section 3.03 RULES OF PROCEDURE, MAJORITY VOTE**

The Board shall adopt its own rules of procedure as may be necessary to properly conduct its meetings. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the administrative official or to decide in favor of the applicant any matter upon which they are required to pass under this Ordinance or to effect any variation in this Ordinance.

### **Section 3.04 MEETINGS**

Meetings of the Board of Appeals shall be held at the call of the chairman and at such other times as the Board in its rules of procedure may specify.

### **Section 3.05 PUBLIC MEETINGS AND MINUTES**

All meetings of the Board of Appeals shall be open to the public. Minutes shall be recorded of all proceedings which shall contain evidence and data relevant to every case considered, together with vote and signature of each member and the final disposition of each case. The grounds of every determination shall be stated and such determination from which the appeal is taken. Such minutes shall accompany and be attached to the standard forms required of persons appealing as part of the Zoning Board of Appeals permanent records. Such minutes shall be filed in the office

of the Township Clerk and shall be sent promptly to the applicant or appellant and to the Building Inspector. The Township Clerk may act as secretary of the Zoning Board of Appeals. The Township Attorney shall act as legal counsel for the Board and shall be present at all meetings upon the request of the Board. Other knowledgeable persons may also be utilized in any advisory capacity.

### **Section 3.06 POWERS AND DUTIES**

The Board of Appeals shall have powers to interpret the provisions of this Ordinance, to grant variances from the strict application of any provisions of this Ordinance.

### **Section 3.07 VARIANCE**

A variance from the terms of this Ordinance shall not be granted by the Board of Appeals unless and until:

- A. A written application for a variance is submitted, demonstrating:
  - 1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
  - 2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
  - 3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance or other lands, structures, or buildings in the same district.
  - 4. That no nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures, or buildings in other district shall be considered grounds for the issuance of a variance.
- B. The Board of Appeals shall make findings that the requirements of the Ordinance have been met by the applicant for a variance.
- C. The Board of Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
- D. The Board of Appeals shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety and welfare.



- E. In granting any variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Section 2.06 of this Ordinance.
- F. Under no circumstances shall the Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in said district.

**Section 3.08 VOIDING OF ANY REAPPLICATION FOR VARIANCE**

The following provision shall apply:

- A. Each variance granted under the provision of this Ordinance shall become null and void unless the construction authorized by such variance or permit has been commenced within ninety (90) days after the granting of such variance and pursued diligently to completion.
- B. No application for a variance which has been denied wholly or in part by the Board of Appeals shall be resubmitted for a period of three hundred sixty-five (365) days from such denial, except on grounds of new evidence or proof of changed conditions found by the Board of Appeals to be valid.

**Section 3.09 PROCEDURE FOR APPEALING TO THE BOARD OF APPEALS**

The following provisions shall apply.

- A. Appeals, How Taken: Appeals from the ruling of the Township Building Inspector may be made to the Board of Appeals in the following manner:
  - 1. The person, firm or agent thereof making the appeal, shall file in writing to the Building Inspector, a letter stating what the specific appeal is and the reasons for said appeal.
  - 2. The Building Inspector submits the written appeal, along with all papers constituting the record from which the action appealed was taken, to the Zoning Board of Appeals.
- B. Who May Appeal: Appeals to the Board of Appeals may be taken by any person aggrieved or by an officer, department, board, agency, or bureau of the Township, County, or State.
- C. Fee for Appeal: A fee prescribed by the Township Board shall be submitted to the Building Inspector at the time of filing the letter of appeal. The appeal fee shall immediately be placed in the Township General Fund.
- D. Effect of Appeal, Restraining Order: An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from who the appeal is taken certifies to the Township Board of Appeals, after the notice of appeal shall have been filed with him, that by

reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by the Circuit Court, on application, on notice to the officer from whom the appeal is taken and on due cause shown.

- E. Hearing by the Board of Appeals, Request, Notice, Hearing: When a request for appeals has been filed in proper form with the Board of Appeals, the Secretary, or Township Clerk, shall immediately place the said request for appeal upon the calendar for hearing, and cause notice, stating the time, place, and object of the hearing, to be served personally or by mail at least ten (10) days prior to the date of such hearing, upon the party or parties making the request for appeal, and upon property owners within three hundred (300) feet of the affected property.
- F. Representation at Hearing: Upon the hearing, any party or parties may appear in person or by agent or by attorney.
- G. Decisions of the Board of Appeals and Appeals to the Circuit Court: The Board of Appeals shall decide upon all appeals within a reasonable time and reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination appealed from and shall make such order, requirement, decision, or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the Building Inspector from whom the appeal is taken. The Board Appeals' decision of such appeals shall be in the form of a resolution containing a full record of the findings and determination of the Board of Appeals in each particular case and the signatures of each member of the Board of Appeals affixed thereon. Any persons having an interest affected by such resolution shall have the right to appeal to the Circuit Court on questions of law and fact.

## **ARTICLE 4. AMENDMENT PROCEDURE**

### **Section 4.01 INITIATING AMENDMENTS AND FEES**

The Township Board may from time to time, on recommendation from the Township Planning Commission, amend, modify, supplement, or revise the district boundaries or the provisions and regulations herein established whenever the public necessity and convenience and the general welfare require such amendment. Said amendment may be initiated by resolution of the Township Board, the Township Planning Commission, or by petition of one or more owners of property to be affected by the proposed amendment. Except for the Township Board and the Township Planning Commission, the petitioner or petitioners requesting the amendment shall at the time of application pay a fee of two hundred dollars (\$200.00) to compensate the Township for publication fees, notice fees and costs of the amendment procedure.

### **Section 4.02 AMENDMENT PROCEDURE**

The following procedures will be followed in receiving, reviewing and approving amendments for changing the Zoning Ordinance.

- A. The applicant should submit to the Building Inspector an application for zoning amendment together with the required application fee and the following documentation:
  1. Evidence that the applicant has interest in the property proposed to be rezoned.
  2. Legal description of the property proposed to be rezoned.
  3. Description of proposed use or uses, including access roadways and proposed off-street parking.
  4. Description of sewage disposal and water supply facilities and proposed surface drainage.
- B. The Building Inspector will review the rezoning application to insure that the application is in order and all required documentation is included.
- C. The Building Inspector will transmit the application for rezoning to the Township Planning Commission.
- D. The Township Planning Commission will receive the zoning application and conduct a background study to determine.
  1. If the proposed rezoning is compatible with the goals and objectives of the Township Land Use Plan.
  2. Impact of the proposed use on surrounding properties and development.

3. The effect on public facilities and services.
  4. The relationship of the proposed project to the intent of Township Zoning Ordinance.
- E. The Township Planning Commission will establish a date for public hearing on the proposed zoning amendment at its next regular meeting allowing for the requirements for notification. The Planning Commission Secretary will provide to the Township Clerk all required material for publication and notification.
  - F. The Township Clerk will publish two (2) notices of the public hearing in the Cassopolis Vigilant. The first notice must be printed not more than thirty (30) or less than twenty (20) days before the hearing. The second notice must be printed not more than eight (8) days prior to the hearing.
  - G. The Township Clerk shall notify by mail, not less than twenty (20) days prior to the public hearing, each electric, gas pipeline, telephone utility, and railroad company operating within the district or zone affected, that registers its name and mailing address with the Township Planning Commission for the purpose of receiving the notice. An affidavit of mailing shall be maintained. The notices shall include the places and times at which the tentative text and any maps of the Zoning Ordinance may be examined.
  - H. The Township Clerk shall notify by mail all persons who own real property within three hundred (300) feet of the property proposed to be rezoned and to the occupants of all single and two-family dwellings within three hundred (300) feet. The notice shall be made not less than eight (8) days before the hearing, stating the time, place, date and purpose of the hearing. An affidavit of mailing shall be filed with the Township Planning Commission before the hearing. The notice shall be delivered to the respective owners and tenants at the address given in the last assessment role. If the tenant's name is not known, the term "occupant" may be used.
  - I. The Township Planning Commission will hold a public hearing on the requested rezoning. The hearing should represent an opportunity for all involved to present and rebutt information concerning a rezoning request.
  - J. The Township Planning Commission will complete its background study on the rezoning request and address the concerns raised at the public hearing.
  - K. The Township Planning Commission will submit the rezoning request to the Cass County Planning Commission for review and recommendation.
  - L. The Township Planning Commission will transmit the rezoning request together with its recommendation and the comments of the County Planning Commission to the Township Board for final action. The transmittal to the Township Board will include a record of the comments received at the public hearing, background material developed by the Township Planning Commission on the rezoning request and the findings which support the Planning Commission's recommendations.

- M. The Township Board of Trustees may adopt or reject the proposed amendment to the Zoning Ordinance, provided that:
1. If the Board desires to make a change in the proposed amendment, it must refer the amendment back to the Township Planning Commission for recommendation; and
  2. If a landowner requests, by certified mail a hearing on the proposed amendment, the Board must hold the requested hearing before action is taken.
- N. If the Township Board of Trustees holds additional public hearings, notice shall be published in the Cassopolis Vigilant not more than fifteen (15) days nor less than five (5) days before the hearing.
- O. After receiving the Township Planning Commission's report and recommendation on a proposed rezoning amendment, the Township Board of Trustees may approve, reject, or approve with changes the proposed rezoning amendment. If the Township Board approves the rezoning amendment with changes, the proposed amendment with changes will be referred back to the Township Planning Commission for further study recommendation.
- P. All provisions of this Article shall be subject to the provisions of the Township Rural Zoning Act, as the same may be from time to time amended, which Act is incorporated herein by reference.

#### **Section 4.03 CONFORMANCE TO COURT DECREE**

Any amendment for the purpose of confirming a provision thereof to the decree of a court of competent jurisdiction shall be adopted by the Township Board and the amendments published without referring the same to any other board or agency.

**ARTICLE 5. GENERAL PROVISIONS**

**Section 5.01 ESTABLISHMENT OF DISTRICTS**

The Township is hereby divided into the following zoning districts as shown on the Official Zoning Map, which, together with all explanatory matter shown thereon, is hereby adopted by reference and declared to be a part of this Ordinance;

- A AGRICULTURAL DISTRICT
- A-R AGRICULTURE-RESIDENTIAL DISTRICT
- R-1 LOW DENSITY RESIDENTIAL DISTRICT
- R-2 HIGH DENSITY RESIDENTIAL DISTRICT
- R-3 MOBILE HOME PARK DISTRICT
- C COMMERCIAL DISTRICT
- I-1 INDUSTRIAL PARK DISTRICT
- I-2 INDUSTRIAL PARK DISTRICT

**Section 5.02 PROVISION FOR OFFICIAL ZONING MAP**

These districts, so established, are bounded and defined as shown on the map entitled ‘ZONING DISTRICT MAP OF PENN TOWNSHIP’, adopted by the Township Board, and which, with all notations, references and other information appearing thereon, is hereby declared to be a part of this Ordinance and of the same force and effect as if the district shown thereon were fully set forth by metes and bounds herein.

**Section 5.03 CHANGES TO OFFICIAL ZONING MAP**

If, in accordance with the procedures of this Ordinance and of Act 184 of the Public Acts of 1943, as amended, a change is made in a zoning district boundary, such change shall be made by the Building Inspector promptly after the Ordinance authorizing such change shall have been adopted and published by the Township Board and to notify the Township Clerk of the change and correct the map filed with the Clerk.

**Section 5.04 AUTHORITY OF OFFICIAL ZONING MAP**

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the office of the Building Inspector shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, building, or structure in the Township.

## **Section 5.05 REPLACEMENT OF OFFICIAL ZONING MAP**

In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes made thereto, the Township Board may, by Ordinance, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions on the prior Official Zoning Map, but no such correction shall have the effect of amending the Zoning Ordinance or the prior Official Zoning Map. The new Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bear the seal of the Township under the following words:

“This is to certify that this is the Official Zoning Map referred to in the Zoning Ordinance of Penn Township, adopted on the 10<sup>th</sup> day of October, 1983, which replaces and supersedes the Official Zoning Map which was adopted on the 9<sup>th</sup> of February, 1976.”

## **Section 5.06 INTERPRETATION OF ZONING DISTRICTS**

Where uncertainty exists as to the boundaries of zoning districts as shown on the Official Zoning Map, the following rules for interpretation shall apply:

- A. A boundary indicated as approximately following the centerline of a highway, street, alley, railroad, or easement shall be construed as following such centerline.
- B. A boundary indicated as approximately following a recorded lot line, a bounding, a parcel, section line, quarter section line, or other survey line shall be construed as following such line.
- C. A boundary indicated as approximately following the corporate boundary line of a city, village, or township shall be construed as following such line.
- D. A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of change in a shoreline shall be construed as following the actual shoreline.
- E. A boundary indicated as following a centerline of a stream, river, canal, lake, or other body of water shall be construed as following such centerline.
- F. A boundary indicated as parallel to or an extension of a feature indicated in paragraph “A” through “E” above shall be so construed.
- G. A distance not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- H. All other uncertainties shall be ruled upon by the Zoning Board of Appeals in regard to zoning district boundaries.

## **Section 5.07 APPLICATION OF REGULATIONS**

The regulations established by this Ordinance within each zoning district shall be the minimum regulations for promoting and protecting the public health, safety and general welfare and shall be uniform for each class of land or building, dwellings and structures throughout each district. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Ordinance, the Board of Appeals shall have power in passing upon appeals to vary or modify any rules, regulations, or provisions of the Ordinance so that the intent and purposes of this Ordinance shall be observed, public safety secured and substantial justice done.



## **ARTICLE 6. SUPPLEMENTAL REGULATIONS**

### **Section 6.01 PURPOSE**

There are certain conditions concerning land uses that warrant specific regulations and standards in addition to the requirements of the zoning district in which they are located.

### **Section 6.02 ACCESSORY BUILDING**

- A. Where an accessory building is attached to the side or front of a principal building, such accessory building shall be considered part of the principal building for purposes of determining required yard dimensions, but if such accessory building is attached to the rear of the principal building in such a manner that it is completely to the rear of all portions of said building, it may be considered a detached accessory building for purposes of determining required rear yard dimensions.
- B. No detached accessory building shall be located nearer to a side lot line than the permitted distance for the principal building on the same lot, unless such accessory building shall be completely to the rear of all portions of the principal building, in which case it may be located no nearer than five (5) feet to any side lot line.
- C. No detached accessory building shall be located nearer than five (5) feet to any rear lot line, except that when such accessory building shall be a garage which is entered at right angles to any alley, it shall be located no nearer than twelve (12) feet to said rear lot line.
- D. No accessory building shall project into any front yard setback.
- E. No accessory building shall occupy more than thirty (30) percent of the area of any rear yard.
- F. Where a corner lot adjoins a side boundary of a lot in any residential district, no accessory building shall be located nearer to the side street lot line than the side yard setback of the principal building on said lot.

### **Section 6.03 LOT-BUILDING RELATIONSHIP**

Hereafter, every building erected, altered, or moved shall be located on a lot of record as defined herein, and except in the case of an approved multiple dwelling development, there shall be no more than one (1) principal building and its permitted accessory structures located on each lot in a residential district.

### **Section 6.04 ACCESSORY BUILDING AS DWELLING**

No building on the same lot as a principal building shall be used for dwelling purposes.

**Section 6.05 BASEMENT AS DWELLINGS**

No basement structure shall be used for occupancy unless a completed story is situated immediately above the basement structure and that the story is used as a dwelling.

**Section 6.06 REQUIRED WATER SUPPLY AND SANITARY SEWERAGE FACILITIES**

In addition to the requirements established by the Cass County Health Department, the following site development and use requirement shall apply: no structure for human occupancy or use shall hereafter be erected, altered, or moved unless it shall be provided with a safe, sanitary and potable water supply and a safe effective means of collection, treatment and disposal of wastes.

**Section 6.07 GREENBELT BUFFER**

Prior to the commencement of construction of any structure or building in a Commercial District or Industrial District where such property abuts, adjoins, or is adjacent to a residential zone, a greenbelt shall be established. However, where permitted elsewhere in this Ordinance, an opaque wall or fence may be built in lieu of a greenbelt. A greenbelt, minimum width of twenty (20) feet, which shall be completed within six (6) months from the date of final inspection and shall thereafter be maintained with permanent plant materials.

**Section 6.08 ACCESS TO A STREET**

Any lot of record created prior to the effective date of this Ordinance without any frontage on a public street or way shall not be occupied except where access to a public street or way is provided by a public or private easement or other right-of-way no less than twenty (20) feet in width. Public access to commercial, industrial, or recreational uses shall not be designed so as to pass through the residential neighborhoods.

**Section 6.09 VISIBILITY AT INTERSECTIONS**

No fence, wall, hedge, screen, sign, structure, vegetation, or planting shall be higher than three (3) feet above street grade on any corner lot or parcel in any zoning district requiring front and side yards within the triangular area formed by the intersecting street right-of-way lines and a straight line joining the two (2) street lines at points which are thirty (30) feet distant from the point of intersection, measured along the street right-of-way lines.

## **Section 6.10 STREET CLOSURES**

Whenever any public street, alley, or other public way is vacated by official action, the zoning district adjoining each side of such public way shall automatically be extended to the center of such vacation, and all area included therein shall henceforth be subject to all appropriate regulations of that district within which such area is located.

## **Section 6.11 HEIGHT REGULATIONS**

The height requirements established by this Ordinance shall apply uniformly in each zoning district to every building and structure except that the following structures and appurtenances shall be exempt from the height requirements of this Ordinance; spires, belfries, and domes not used for human occupancy; chimneys; ventilators; skylights; water tanks; bulkheads; utility poles; power lines; radio and television broadcasting and receiving antennae; silos; parapets; elevator legs; and other necessary mechanical appurtenances, provided their location shall conform where applicable to the requirements of the Federal Communications Commission, the Civil Aeronautics Administration and other public authorities having jurisdiction.

## **Section 6.12 FENCES, WALLS AND SCREENS**

Within the limits of a side or front or rear yard space of a lot within a residential district, no fence, wall, other than necessary retaining wall, or other screening structure shall be higher than five (5) feet.

## **Section 6.13 SHORELINE EXCAVATION AND DREDGING**

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

- A. As provided in the Inland Lakes and Streams Act, Act 291 of the Public Acts of 1965, as amended, and in accordance with the requirements of the Michigan Department of Natural Resources.
- B. If any edge, bank, or shore of any lake, river, or stream is proposed to be altered in any way by any person, such person shall submit to the Township Planning Commission all data, exhibits and information as required by the Department of Natural Resources.

## **Section 6.14 ESSENTIAL SERVICES**

For purposes of this Ordinance, the following provisions shall apply:

- A. The surface of land used for pipeline right-of-ways shall be restored and maintained as near as possible to its original condition prior to the construction of the pipeline.
- B. Essential services shall be exempt from lot area requirements in the Agricultural and Industrial Districts.

**Section 6.15 SWIMMING POOLS**

Private swimming pools are permitted in all districts provided the following regulations are complied with:

- A. The pool shall be maintained in a clean and healthful condition in accordance with County health requirements.
- B. No swimming pool shall be emptied in any manner that will cause water to flow upon another lot or emptied on any land if a storm drain is readily accessible to the premises.
- C. Every swimming pool shall be completely enclosed with a permanent substantial fence not less than four (4) feet in height above the ground level. No opening shall be designed or maintained as to permit access to the pool except under the supervision of the possessor or by his permission.
- D. The swimming pool shall not be closer than ten (10) feet to any side or rear lot line and in all districts except "A" AGRICULTURAL, no part of any pool shall be constructed within the front yard or the required side street side yard.

**Section 6.16 CONTINUED CONFORMANCE WITH REGULATIONS**

The maintenance of yards, open spaces, lot areas, height and bulk limitations, fences, walls, clear vision areas, parking and loading spaces, and all other requirements for a building or use specified within this Ordinance shall be continuing obligation of the owner of such building or property on which such building or use is located.

**Section 6.17 TILLAGE OF SOIL**

Tillage of the soil shall be permitted in every district within the Township.

**Section 6.18 PROCEDURE FOR SITE PLAN REVIEW**

Site plan review shall be required for all multiple family and nonresidential projects prior to the issuance of a building permit. This review will be carried out by the Planning Commission.

- A. Any applicant shall submit to the Planning Commission a sketch of the proposed project for a preliminary review.
- B. After reviewing the sketch plan with the applicant, the Planning Commission shall suggest any changes in the proposal, deemed necessary in order to comply with the provisions of this Zoning Ordinance and the subdivision regulations.
- C. The applicant shall then prepare and submit proper plans of the project to the Planning Commission. Development plans shall be drawn to scale and shall show:
  - 1. Location of main and accessory buildings;
  - 2. Location of yards, driveways, walks, parking areas, recreation areas and other site improvements;
  - 3. Proposed storm drainage facilities;
  - 4. Surrounding streets and nearby buildings; and
  - 5. Proposed building plans.
- D. Three (3) copies of the development plan should be submitted to the Planning Commission no less than ten (10) days before the next Commission meeting.
- E. After reviewing the development plan, the Commission may approve, conditionally approve, or disapprove the development plan.
- F. After approval of the site plan by the Planning Commission, a copy of the approved drawings along with recommended additions or corrections shall be signed by the officers of the Commission and filed with the Building Inspector for future reference.
- G. The Planning Commission shall review with the Building Inspector to see that the specifications of the site plan are carried out.

## **Section 6.19 GENERAL SIGN REGULATIONS**

No sign shall be erected at any location where, by reason of the position, size, shape, color, movement, or illuminations, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device so as to interfere with, mislead, or confuse traffic. Consideration of traffic visibility and injurious effects on adjacent properties is essential. All signs shall be designed, constructed and maintained so as not to change the essential character of such area.

**Section 6.20 PERMITTED SIGNS IN AGRICULTURE AND AGRICULTURE-RESIDENTIAL DISTRICTS**

In the Agriculture and Agriculture-Residential Districts, only one (1) sign of each of the following types shall be permitted on each lot or parcel, unless otherwise specified herein. The following signs are permitted:

- A. A non-illuminated sign advertising the sale or rental of the building or premises not exceeding six (6) square feet in area and placed no nearer to the street line than one-half (1/2) the required front yard depth.
- B. Non-illuminated trespassing, safety, directional, caution, or announcement signs, each not exceeding six (6) square feet in area.
- C. A non-illuminated sign announcing a home occupation, service, or produce offered on the premises, provided that such a sign shall not exceed twelve (12) square feet in area; and shall be located no closer to the street line than one-half (1/2) the required front yard.
- D. A sign or bulletin board identifying a church, school, park, or other authorized use not to exceed twenty-four (24) square feet in area and placed no nearer than fifteen (15) feet to any property line. Such sign may be illuminated by a non-flashing reflective light and the source of illumination shall not be visible.

**Section 6.21 PERMITTED SIGNS IN RESIDENTIAL DISTRICTS**

In any residential district, only one (1) sign of each of the following types shall be permitted on each lot or parcel unless otherwise specified herein. The following signs are permitted:

- A. A non-illuminated sign advertising sale or rental of the building or property, not exceeding six (6) square feet in area and placed no nearer to the street line than one-half (1/2) of the required front yard depth.
- B. A non-illuminated sign announcing a home occupation or service that is offered on the premises provided that such a sign shall not exceed two (2) square feet in area and shall be attached flat against a building wall.
- C. One (1) non-illuminated sign advertising a recorded subdivision or development, not to exceed eighteen (18) square feet in area and placed no closer to any street right-of-way than one-third (1/3) the minimum authorized front yard depth. Such sign shall be removed within one (1) year after the sale of all lots or units within said subdivision or development.
- D. One (1) non-illuminated sign identifying a multiple family building, subdivisions, or development, not having commercial connotations, not to exceed eighteen (18) square feet in area and placed no closer to any street right-of-way line than one-third (1/3) the minimum authorized front yard depth.

- E. A sign or bulletin board identifying a church, school, or other authorized use not to exceed twenty-four (24) square feet in area and placed no nearer than fifteen (15) feet to any property line. Such sign may be illuminated by a non-flashing reflected light and the source of illumination shall not be visible.

**Section 6.22 PERMITTED SIGNS IN THE COMMERCIAL AND INDUSTRIAL DISTRICTS**

Except as specified in Section 6.23, a sign in any Commercial or Industrial District is permitted only where it advertises a business occupying the same lot of land upon which the sign is erected. Signs shall conform to the building setback and height requirements, except for, and in addition to, the requirements provided below:

- A. In any Commercial or Industrial District, a sign may be affixed flat against the wall of the building, or may project therefrom not more than forty-eight (48) inches, provided that such signs do not project over a sidewalk or public right-of-way. Projecting signs shall be at least twelve (12) feet above finished grade. The total sign area shall not exceed one (1) square foot for each foot in length or height of the wall, whichever is greater, to which it is affixed. No such sign shall extend more than four (4) feet in height above the building to which it is affixed.
- B. One (1) freestanding identification sign may be erected for a shopping center or other integrated group of stores or commercial buildings. The area for said sign shall be based on one (1) square foot for each foot of building frontage, however, it shall not exceed two hundred (200) square feet in area, or be closer to the front, side, or rear property line than one-third (1/3) the distance of the required building setback.
- C. One (1) freestanding identification sign may be erected for each separate enterprise situated on an individual lot not located within a shopping center. In the Commercial District such sign shall not exceed thirty-six (36) square feet in area, not be closer to the front, side, or rear property line than one-third (1/3) the distance of the required building setback. In an Industrial District such sign shall not exceed eighty (80) square feet.
- D. All signs may be illuminated internally or by reflected light provided the source of light is not directly visible and is arranged to reflect away from the adjoining premises and provided that such illuminations shall not be so placed as to cause confusion or hazard to traffic or conflict with traffic control signs or lights. No illumination involving movement by reason of the lighting arrangement or other devices shall be permitted.

**Section 6.23 OUTDOOR ADVERTISING SIGNS**

Outdoor advertising signs (billboards) shall be permitted under the following conditions:

- A. Outdoor advertising signs are permitted only in the Agricultural, Commercial and Industrial Districts.
- B. Outdoor advertising signs are required to have the same setback as other principal structures or buildings in the zone in which they are situated.
- C. Where two (2) or more outdoor advertising signs are along the frontage of a single street or highway, they shall not be less than one thousand (1,000) feet apart. A double face (back to back) or a V-type structure shall be considered a single sign.
- D. The total surface area, facing in the same direction of any outdoor advertising sign shall not exceed two hundred (200) square feet.
- E. No outdoor advertising sign shall be erected on the roof of any building, nor have one (1) sign above another sign.
- F. Outdoor advertising signs may be illuminated by reflected light only, provided the source of light is not directly visible and is so arranged to reflect away from the adjoining premises and provided that such illuminations shall not be so placed as to cause confusion or a hazard to traffic or conflict with traffic control signs or lights. No illumination involving movement by reason of the lighting arrangement or other devices shall be permitted.
- G. Outdoor advertising signs shall be designed, constructed, operated, maintained and managed so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that a use will not change the essential character of the same area.
- H. Outdoor name or identification signs are exempt from the provisions of this section provided that all such signs shall be flush with the building wall or roof.

**Section 6.24 INDIVIDUAL MOBILE HOMES AND MANUFACTURED HOMES,  
TYPE II**

In zoning districts in which individual mobile homes and manufactured homes, type II, are permitted as a conditional use, the following provisions shall apply in order to insure compatibility with existing dwellings or with dwellings which may be constructed in the future:

- A. Owner shall make application and obtain Certificate of Approval and Building Permit for said residence and accessory building.
- B. Lot size, main living area, front and side setback shall be the same as set forth for residences in Agriculture-Residential.
- C. Applicant and occupant shall own or have Land Contract for property upon which home is to be placed.



- D. Maximum age of home, at the date of installation, shall be NO OLDER than thirty-six (36) months, unless approved by the Planning Commission.
- E. Water and sanitation provisions shall comply with Section 6.06.
- F. Uniform skirting of each home base shall be required, within thirty (30) days after initial placement. Such skirting shall be of twenty-six (26) gauge solid sheet metal, aluminum, or other non-corrosive metal or material of equal strength and so constructed and attached to this home so as to deter and prevent entry of rodents and insects.
- G. An accessory building shall be constructed to the rear of each home to provide storage for the essential outdoor home items. The construction of a garage of sufficient size as to provide this storage in addition to space for motor vehicles shall be judged as meeting this requirement.
- H. Dwelling, accessory building and grounds shall be maintained and kept in such manner as to provide a neat and orderly appearance and to maintain property value.
- I. Failure to comply with any of the above requirements shall constitute violation of this Ordinance and cause to enforce the removal of the home from the premises.

## <sup>2</sup>Section 6.25 OPEN SPACE PRESERVATION

The Open Space Preservation provision is to allow developers, at their choice, to cluster new homes on smaller lots and then include with the home sites permanently preserved open space.

- A. The Open Space Preservation provision option shall only apply to new home sites located in “A-R” agricultural-residential districts and Planned Unit Residential Developments comprising an area of not less than five (5) acres.
- B. A minimum of 50% of the net development site shall remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land.
- C. The development shall not depend upon the extension of a public sewer or water supply system, unless development of the land without the exercise of the Open Space Preservation option would also depend upon such extension.
- D. The Open Space Preservation option shall not have been previously exercised with respect to that land.
- E. After a landowner exercises the Open Space Preservation option, the land may be rezoned accordingly.

---

<sup>2</sup> Amendment 4 – See Appendix A

- F. A landowner exercising the Open Space Preservation option in Section 6.25 of this Ordinance shall obtain a conditional use permit as provided in Section 8.03 of this Ordinance.
- G. The development of land under the Open Space Preservation provision is subject to all other applicable ordinances, laws, and rules, including rules relating to suitability of groundwater for on-site water supply for land not served by public water and rules relating to suitability of soils for on-site sewage disposal for land not served by public sewers.
- H. The net development area shall be determined by subtracting water, muck and peat areas and areas set aside for churches, schools and similar facilities and the area proposed for streets from the gross development area. The land set aside for open space shall be included as a part of the net development.
- I. The developer must submit two (2) site plans when exercising the Open Space Preservation option. The first site plan will be a plan that shows development of the property without exercising the Open Space Preservation option. The second site plan showing the development with the Open Space Preservation option.
- J. The maximum number of dwelling units in an “A-R” agricultural-residential district or Planned Unit Residential development, exercising the Open Space Preservation option, shall be no more than two (2) dwelling units per acre, or if the land is served by a public sewer system, three (3) dwelling units per acre. A cluster zoning development shall meet all lot requirements (size, setbacks, etc.) found in the R-2 zoning district of this Ordinance.
- K. A developer that exercises the Open Space Preservation option shall submit to the Township Zoning Administrator an application for review and deposit a fee set by the Township Board. The application shall contain data, exhibits, site plans and information as required under the Conditional Uses, Section 8.04 of this Ordinance, and Planned Unit Residential Development, Section 8.10 of this Ordinance.
- L. The application shall then be processed according to the procedures in the Conditional Uses, Section 8.02 through 8.06 of this Ordinance, and Planned Unit Residential Development, Section 8.10 of this Ordinance.
- M. When the Township Board gives final approval, a conditional use permit shall be issued for the development exercising the Open Space Preservation option. The applicant shall then review his application and plan in final approved form and sign a statement that the Open Space Preservation development plan in its final form, shall be binding on the applicant, his heirs, successors and assignees.

## **ARTICLE 7. NONCONFORMING BUILDING AND USES**

### **Section 7.01 NONCONFORMING USES OF LAND**

Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- A. No such nonconforming use shall be enlarged or increased to occupy a larger area, nor moved in whole or in part to any other portion of the lot or parcel occupied at the effective date of adoption or amendment of this Ordinance.
- B. Any nonconforming use of land abandoned for period of more than ninety (90) days shall subsequently conform to the requirements of this Ordinance.

### **Section 7.02 NONCONFORMING USES OF BUILDINGS**

Where a lawful building exists at the effective date of this Ordinance, or amendment thereto, that could not be built under this Ordinance by reason of its location on the lot, lot coverage, height, yard, or other characteristics, such structure may be continued, subject to the following:

- A. Any structure existing at the effective date of this Ordinance, devoted to a use not permitted by this Ordinance in the district in which it is located shall not be altered, enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located. Nothing in this paragraph shall prevent ordinary maintenance of the structure.
- B. When a nonconforming use of a building is vacated or abandoned for six (6) consecutive months, the building shall not be used thereafter except in conformance with the regulations of the district in which it is located.

### **Section 7.03 NONCONFORMING BUILDINGS**

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

- A. No such structure may be enlarged or altered in a way which increases its conformity.

- B. All lots of record at the effective date of this Ordinance shall be exempt from Sections 7.03 D and 9.04 A.
- C. No structure shall be moved for any reason for any distance whatever, unless it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- D. No structure shall be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance. Such repairs shall be initiated within ninety (90) days.

#### **Section 7.04 ILLEGAL NONCONFORMING USES AND BUILDINGS**

Those alleged nonconforming uses of land, uses of buildings and buildings which cannot be proved conclusively to have been existing prior to the effective date of this Ordinance, or any amendment thereto, shall be declared illegal nonconforming uses of land, nonconforming uses of buildings and nonconforming buildings and shall be discontinued upon written notification from the Building Inspector.

#### **Section 7.05 PLANS ALREADY FILED**

In any case where plans and specifications for a building or structure have been filed which would conform with the zoning regulations effective at the date of such filing but not with the regulations of this Ordinance, and where a building permit for such a building or structure has been issued and construction work started at the effective date of this Ordinance, such work may proceed provided it is completed within one (1) year of said date.

#### **Section 7.06 CLASSES OF NONCONFORMING USES OF STRUCTURES AND LAND**

In keeping with the intent of the Penn Township Land Use Plan and the Zoning Ordinance, the following classes of nonconforming uses are established:

- A. Class I – Minimum Negative Impact: The following nonconforming uses may be completed, restored, reconstructed, or expanded.

Non-farm residential uses in Agriculture Districts (except that no new dwelling units may be added).

- B. Class II – Moderate Negative Impact: The following nonconforming uses may be completed, restored, reconstructed, or expanded only within existing structures.
  - 1. Commercial-Industrial uses in Agriculture Districts.

2. Residential uses in Commercial and Industrial Districts (except that no new dwelling units may be added).

C. Class III – Maximum Negative Impact: The following nonconforming uses may not be expanded, completed, restored, or reconstructed.

1. Commercial-Industrial uses in Residential and Agriculture-Residential Districts.

### **Section 7.07 PURCHASE OF NONCONFORMING BUILDINGS**

The elimination of nonconforming uses of structures is hereby declared to be in the public interest. The Township may acquire by purchase, condemnation, or otherwise private property or an interest in private property for the removal of nonconforming uses. The cost and expense, or a portion thereof, of acquiring the private property may be paid from general funds or assessed to a special district in accordance with the applicable statutory provisions relating to the creation and operation of a special assessment district for public improvements in townships. The Township Board may institute and prosecute proceedings for condemnation of nonconforming uses and structures under the power of eminent domain in accordance with Act 149 of the Public Acts of 1911 as amended, being Sections 213.21 to 213.41 of the Michigan compiled laws or other applicable statute.

### **Section 7.08 CHANGE OF TENANCY OR OWNERSHIP**

There may be a change of tenancy, ownership or management of any existing nonconforming uses of land, structures and premises, provided there is no change in the nature or character of such nonconforming uses.

## **ARTICLE 8. CONDITIONAL USES**

### **Section 8.01 PURPOSE**

The formulation and enactment of this Zoning Ordinance is based upon the division of the Township into districts each of which are permitted specified uses which are mutually compatible. In addition to such permitted compatible uses, however, it is recognized that there are certain other uses which may be necessary or desirable to allow in certain locations in certain districts, but which on account of their actual or potential impact on neighboring uses or public facilities need to be carefully regulated with respect to their location for the protection of the Township. Such uses, on account of their peculiar locational need or the nature of the service offered, may be to be established in a district in which they cannot be reasonably allowed as a permitted use.

### **Section 8.02 AUTHORITY TO GRANT PERMITS**

The Township Board, with recommendations from the Township Planning Commission, shall have the authority to grant conditional use permits, subject to such conditions of design and operation, safeguards and time limitations as it may determine for all conditional uses specified in the various district provisions of this Ordinance.

### **Section 8.03 APPLICATION AND FEE**

Application for any conditional use permit permissible under the provisions of this Ordinance shall be made to the Township Board via the Building Inspector by filling in the official conditional use permit application form, submitting required data, exhibits and information; and depositing a fee set by the Township Board with the Township Building Inspector. No fee shall be required of any governmental body or agency. No part of such fee shall be returnable to the applicant.

### **Section 8.04 DATA, EXHIBITS AND INFORMATION REQUIRED IN APPLICATIONS**

An application for a conditional use permit shall contain the applicant's name and address in full, a notarized statement that the applicant is the owner involved or is acting on the owner's behalf, the address of the property involved, an accurate survey drawing of said property showing the existing and proposed location of all buildings and structures thereon, and types thereof, and their uses and a statement and supporting data, exhibits, information and evidence regarding the required findings set forth in this Ordinance.

**Section 8.05 PUBLIC HEARING**

The Township Planning Commission shall hold a public hearing or hearings upon any application for a conditional use permit, notice of which shall be given by two (2) publications in a newspaper in general circulation in the Township, the first to be printed not more than thirty (30) days or less than twenty (20) days and the second not more than eight (8) days or less than one (1) day before the hearing. The Township Planning Commission shall also serve notice by personal service or by first class mail, on all owners of property within three hundred (300) feet of the perimeter of the property for which the conditional use permit is sought.

**Section 8.06 REQUIRED STANDARDS AND FINDINGS FOR MAKING DETERMINATION**

The Planning Commission shall review the particular circumstances and facts of each proposed use in terms of the following standards and required findings, and shall find and record adequate data, information and evidence showing that such a use on the proposed site lot or parcel:

- A. Will be harmonious with and in accordance with the general objectives, intent and purposes of this Ordinance.
- B. Will be designed, constructed, operated, maintained and managed so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity.
- C. Will be served adequately by essential public facilities and services such as: highways, streets, police and fire protection, drainage structures, refuse disposal or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.
- D. Will not be hazardous or disturbing to existing or future neighboring uses.
- E. Will not create excessive additional requirements at public cost for public facilities and services.
- F. The Township Planning Commission shall file its recommendations to the Township Board.

**Section 8.07 JUNKYARDS AND INOPERATIVE VEHICLES**

In addition to and as an integral part of development, the following provisions shall apply:

- A. Junkyards shall be established and maintained in accordance with all applicable State of Michigan Statutes.
- B. It is recognized by this Ordinance that the location in the open of such materials included in this Ordinance’s definition of “Junkyard” will be an attractive hazard and an undesirable

vista. To the end that these conditions will be controlled an opaque fence or wall at least seven (7) feet in height, and not less in height than the materials located on the lot on which a junkyard shall be operated, shall be located on said lot no closer to the lot lines than the yard requirements for buildings permitted in this district. All gates, doors and access ways through said fence or wall shall be of solid, unpierced material. In no event shall any materials included in this Ordinance's definition of "Junkyard" be located on the lot on which a junkyard shall be operated in the area between the lines of said lot and the opaque fence or wall located on said lot.

In addition to the foregoing requirements, the Planning Commission may require a greenbelt in accordance with the provisions of Article 6.

- C. All traffic ingress or egress shall be on major streets, and there shall be not more than one (1) entranceway to the lot on which a junkyard shall be operated from each public road on which said lot abuts.
- D. On the lot on which a junkyard shall be operated, all roads, driveways, parking lots and loading and unloading areas within any yard shall be surfaced so as to prevent on adjoining lots and public roads the nuisance caused by windborne dust.

#### **Section 8.08 SANITARY LANDFILL**

Provided that such use shall be permitted as a conditional use only in the Agricultural and the Industrial district shall conform to all State of Michigan and County Health Department regulations of such use; and the permit for such use shall be subject to annual renewal.

#### **Section 8.09 DEVELOPMENT OF NATURAL RESOURCES**

Including extraction of sand, gravel, fill dirt, topsoil, gas and oil; provided that such activity shall be permitted as a conditional use only in the Agricultural districts and the Industrial districts and shall comply with the following provisions:

- A. All areas so used shall be rehabilitated progressively as they are worked out or abandoned to a condition entirely free from hazards and blending with the surrounding natural ground. All slopes and banks shall be reasonably graded to prevent excessive erosion.
- B. The Planning Commission, when deemed necessary, shall require the applicant to post a bond for compliance with the Township Clerk, the amount of said bond to be determined by the Township Planning Commission to insure that all provisions of this Ordinance are complied with.



## **Section 8.10 PLANNED UNIT RESIDENTIAL DEVELOPMENTS**

The owner or owners of any tract of land in an R-2 district comprising an area of not less than five (5) acres may submit to the Township Planning Commission a site plan for the use and development of the tract of land as Planned Unit Residential Development (PURD).

### **A. Required standards for approval:**

1. The maximum number of dwelling units permitted shall be determined by dividing the net development area by the minimum lot area per dwelling unit required by the underlying district or districts in which the PURD site is located. Net development area is determined by subtracting water, muck and peat areas, and areas set aside for churches, schools, and similar facilities and the area proposed for streets from the gross development area. The area of land set aside for common land, open space, or recreation except as above indicated, shall be included as a part of the net development area.
2. The proposed development will be served adequately by essential public facilities and service, such as: highways, streets, police and fire protection, drainage structures, refuse disposal; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service. Public water and sewer systems shall serve the development whenever deemed feasible by the Township.
3. The proposed unit is of such size, composition and arrangement that its construction and marketing operation is a complete unit, without dependence on any subsequent unit of development.
4. The common open-space, any other common properties, individual properties, and all other elements of the Planned Unit Residential Development are so planned that they will achieve a unified environmental scheme, with open spaces and all other elements in appropriate locations, suitably related to each other, the site and surrounding land.
5. In view of the “conditional use” nature of the PURD amendment procedure, deed restrictions and covenants entered into, or proposed to be contracted for, by the developer become an appropriate consideration of the Township Planning Commission. The Planning Commission shall consider the manner in which the lawful contractual techniques can augment lawful zoning techniques in attaining the objectives of the PURD amendment and may make its recommendations conditional upon these contractual relations between private parties, or may recommend procedures whereby the Township becomes a party to such contractual relations.

**B. Required Provision in Site Plan:** The plan shall contain such proposed covenants, easements and other provisions relating to the bulk, location and density of residential units, accessory uses thereto, and public facilities as may be necessary for the welfare of Planned Unit Residential Development and not inconsistent with the best interest of the entire Township.

The applicant may be required to dedicate land for street or park purposes and, by appropriate covenants, to restrict areas perpetually (or for the duration of the Planned Development) as open space for common use. The development as authorized shall be subject to all conditions of this Ordinance only to the extent specified in the authorization.

- C. Tentative Township Board Approval: The Township Board, upon the receipt of the Planning Commission's report on the proposed plan, may then give tentative approval to such plans, incorporating with the approval such conditions as the Commission deems appropriate and in harmony with the general spirit of this Ordinance to promote the public health, safety, morals, convenience and general welfare.

The applicant shall then review his application and plan in final approved form and sign a statement that the Planned Unit Residential Development Plan in its final form shall be binding on the applicant, his heirs, successors and assignees.

When the Township Board gives final approval, conditional use permit shall be issued for the Planned Unit Residential Development even though the size of lots, the depth of yards and the required distance between grouped buildings, and the building height, may not conform in all respects to the regulations of the district in which the project is to be located.

- D. Notwithstanding anything to the contrary contained in the Township Zoning Ordinance and to secure compliance with Michigan Public Act 637 of 1978 with respect to procedures contained in said Ordinance pertinent to "special land uses" and/or "planned unit developments" or concepts in the Ordinance under different terminology designed to accomplish similar objectives of a reviewing process, hereafter such reviewing process is delegated to the Planning Commission. Any site plan review required pertinent to the foregoing is also hereby similarly delegated, notwithstanding any other Ordinance provision to the contrary.

In addition to specific standards which may be applicable, the following set of standards shall serve as the basis for decisions involving special land uses, planned unit developments and other discretionary decisions contained in this Ordinance. The proposed use shall:

1. Be compatible with adjacent uses of land;
2. Be consistent with, and promote the intent and purpose of this Ordinance;
3. Be compatible with the natural environments;
4. Be consistent with the capacities of public services and facilities affected by the proposed use; and
5. Protect the public health, safety, and welfare.

## **Section 8.11 ESSENTIAL SERVICE BUILDINGS**

In every zoning district, except Industrial, the following essential service buildings shall be required to have a conditional use permit prior to their reconstruction; transformer substations, pumping stations, communications relay stations, gas and steam regulating valves and stations and buildings of similar function.

No building shall be used for human occupancy.

An opaque fence or screening material may be required by the Township when deemed necessary.

## **<sup>3</sup>Section 8.12 SITE CONDOMINIUMS**

A site condominium shall be defined as a condominium project wherein individual parcels of land constituting individual development sites are proposed for separate ownership and use, in a fashion similar to a subdivision. "Condominium Project", as that phrase is defined by the Condominium Act, being Act 59, Public Acts of 1978, as amended, is a project consisting of more than (2) condominium units and which is not subject to the provisions of the Land Division Act, being Act 288, Public Acts of 1967, as amended. Site condominium projects shall be limited to zoning districts R-1 and R-2. A site condominium project developer shall submit to the Township Zoning Administrator an application for review, and deposit a fee to be set by resolution of the Township Board. The application shall contain data, exhibits, site plans, and information as required under the Conditional Uses, Section 8.04 of this Ordinance, and Conditional Uses and Planned Unit Residential Developments, Section 8.10 of this Ordinance. The application shall then be processed according to the procedures set forth in the Conditional Uses, Section 8.02 - 8.06 of this Ordinance, and Planned Unit Residential Development, Section 8.10 of this Ordinance.

## **<sup>4</sup>Section 8.13 PUBLIC FACILITIES**

Permit public facilities on any non-residentially zoned property via a conditional use permit.

---

<sup>3</sup> Amendment 5 – See Appendix A

<sup>4</sup> Amendment 071398 – See Appendix A

## ARTICLE 9. PARKING AND LOADING REQUIREMENTS

### Section 9.01 OFF-STREET PARKING

In all districts, in connection with industrial, business, institutional, agricultural, recreational, residential, or other use, there shall be provided at the time any building is erected, or uses established, enlarged or increased in capacity, off-street parking spaces for automobiles with the requirements herein specified.

- A. Plans and specifications showing required off-street parking spaces, including the means of access and interior circulations, for the above uses, shall be submitted to the Building Inspector for review at the time of application for a building permit. Required off-street parking facilities shall be located on the same lot as the principal building or on a lot within three hundred (300) feet thereof except that this distance shall not exceed one hundred fifty (150) feet for single family and two-family dwellings. This distance specified shall be measured from the nearest point of the parking facility to the nearest point of the lot occupied by the building or use that such facility is required to serve.
- B. No parking area or parking space which exists at the time of this Ordinance becomes effective or which subsequent thereto is provided for the purpose of complying with the provisions of this Ordinance shall thereafter be relinquished or reduced in any manner below the requirements established by this Ordinance, unless additional parking area or space is provided sufficient for the purpose of complying with the provisions of this Ordinance within three hundred (300) feet of the proposed or existing uses for which such parking will be available.
- C. Parking of motor vehicles in residential zones shall be limited to passenger vehicles, one (1) camper-type recreational vehicle per dwelling unit, and not more than one (1) commercial vehicle of the light delivery type, not to exceed three-quarter (3/4) ton, shall be permitted per dwelling unit. The parking of any other type of commercial vehicle or bus, except for those parked on school or church property, is prohibited in a residential zone. Parking spaces for all types of uses may be provided either in garages or parking areas conforming with the provisions of this Ordinance.
- D. Each off-street parking space for automobiles shall not be less than two hundred (200) square feet in area, exclusive of access drives or aisles, and shall be of usable shape and condition. There shall be provided a minimum access drive of ten (10) feet in width, and where a turning radius is necessary, it will be of such an arc as to reasonably allow an unobstructed flow of vehicles. Parking aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of a parking space. The minimum width of such aisle shall be:
  1. For ninety (90) degree perpendicular parking, the aisle shall not be less than twenty-two (22) feet in width.

2. For sixty (60) degree parking, the aisle shall not be less than eighteen (18) feet in width.
  3. For forty-five (45) degree parking, the aisle shall not be less than thirteen (13) feet in width.
  4. For parallel parking, the aisle shall not be less than ten (10) feet in width.
- E. Off-street parking facilities required for churches may be reduced by fifty (50) percent where churches are located in nonresidential districts and within three hundred (300) feet of usable public or private off-street parking areas. Off-street parking facilities for trucks at restaurants, service stations, and other similar and related uses shall be of sufficient size to adequately serve trucks and not interfere with other vehicles that use the same facilities. Such truck spaces shall not be less than ten (10) feet in width and fifty-five (55) feet in length.
- F. Every parcel of land hereafter used as a public or private parking area shall be developed and maintained in accordance with the following requirements:
1. All off-street parking spaces shall not be closer than five (5) feet to any property line, except where a wall, fence, or compact planting strip exists as a parking barrier along the property line.
  2. All off-street parking areas shall be drained so as to prevent drainage to abutting properties and shall be constructed of materials which will have a dust-free surface resistant to erosion.
  3. Any lighting fixtures used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any adjoining premises and streets.
  4. Any off-street parking area providing space for five (5) or more vehicles shall be effectively screened on any side which adjoins, or faces property adjoining, a residential lot or institution, by a wall, opaque fence, or compact planting no less than four (4) feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property.
  5. All off-street parking areas that make it necessary for vehicles to back out directly into a public road are prohibited, provided that this prohibition shall not apply to off-street parking areas of single or two-family dwellings.
  6. Combined parking facilities are allowed when two (2) or more uses occur on one (1) property or when a building(s) on one (1) property contains two (2) or more uses, provided that the permanent allocation of the required number of parking spaces shall be the sum of the requirements for the various uses and computed in accordance with this Ordinance. Parking facilities for one (1) use shall not be considered as providing the required parking facilities for any other use, except churches.

- G. Any sign intended to advertise parking or loading facilities shall be constructed in accordance with the regulations specified in Article 6.
- H. A business involving the repair, service, sale, or display of vehicles is prohibited in areas used for parking or loading.
- I. For the purposes of determining off-street parking requirements, the following units of measurement shall apply:
1. Floor Areas: In the case of uses where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the gross floor area, except that such floor area need not include any area used for incidental service, storage, installations of mechanical equipment, penthouses, housing ventilators and heating systems and similar uses.
  2. Places of Assembly: In stadiums, sport arenas, churches and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities, each eighteen (18) inches of such seating facilities shall be counted as one (1) seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.
  3. Fractions: When units of measurement determining the number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half (1/2) shall require one (1) parking space.
  4. The minimum required off-street parking spaces shall be set forth as follows:

Automobiles or Machinery Sales and Service Garages: One (1) space for each two hundred (200) square feet of showroom floor area, plus two (2) spaces for each service bay, plus one (1) space for each two (2) employees on the maximum shift.

Banks, Business and Professional Offices: Two (2) parking spaces for each two hundred (200) square feet of floor area, plus one (1) parking space for each employee working within the building.

Barber Shops and Beauty Parlors: Two (2) spaces for each chair, plus one (1) space for each employee.

Boarding and Lodging Houses and Fraternities: Two (2) parking spaces for each three (3) beds.

Bowling Alleys: Five (5) parking spaces for each alley, plus one (1) space for each employee per shift.

Churches, Auditoriums, Stadiums, Sports Arenas, Theaters, Dance Halls, Assembly Halls other than Schools: One (1) space for each four (4) seats, or for each four (4) persons permitted in such edifice as stated by the Fire Marshall.

Clinics: Four (4) spaces for each doctor, plus one (1) space for each employee per shift.

Convalescent Home, Orphanage, or Similar Use: One (1) parking space for each four (4) beds, plus one (1) space for each two (2) employees, including nurses, per shift.

Drive-In Banks, Cleaners, and Similar Businesses: Storage space for five (5) cars between the sidewalk area and the service window and one (1) parking space for each two (2) employees.

Drive-In Eating Establishments: Ten (10) parking spaces, plus and one (1) parking space for each twenty (20) square feet of floor area.

Dwellings (Single and Two-Family): Two (2) parking spaces for each family dwelling unit.

Funeral Homes and Mortuaries: Four (4) spaces for each individual chapel or one (1) space for each fifty (50) square feet of floor area, whichever is greater, plus one (1) parking space for each fleet vehicle.

Furniture, Appliance Stores, Household Equipment and Furniture Repair Shops: One (1) parking space for each four hundred (400) square feet of floor area.

Gasoline Filling and Service Stations: One (1) parking space for each repair and service stall, plus one (1) space for each employee per shift.

General Office Building: One (1) parking space for each four hundred (400) square feet of gross floor area, excluding auto parking within or on the building, plus one (1) parking space per two (2) employees per shift.

Hospitals: One (1) space for each bed, plus one (1) space for each two (2) employees.

Hotel, Motels, Lodging Houses, Tourist and Boarding Homes: One (1) parking space for each living unit, plus one (1) parking space for each two (2) employees per shift.

Libraries, Museums, Post Offices: One (1) parking space for each eight hundred (800) square feet of floor area, plus one (1) parking space for each two (2) employees per shift.

Livestock Auction: Two (2) square feet of parking area for each one (1) square foot of buildings, pens, and all enclosed area on the premises of the auction facility.

Manufacturing, Fabricating, Processing and Bottling Plants, Research and Testing Laboratories: One (1) space for each two (2) employees on maximum shift.

Restaurants, Taverns, Night Clubs and Private Clubs: One (1) parking space for each two (2) patron seats, plus one (1) parking space for each two (2) employees per shift.

Retail Stores, Except as Otherwise Specified Herein: One (1) parking space for each one hundred fifty (150) square feet of floor area excluding auto parking space within or on the building.

Roadside Stands: Five (5) parking spaces, plus one (1) parking space for each twenty-five (25) square feet of floor area.

Schools, Private or Public Elementary and Junior High Schools: One (1) space for each employee normally engaged in or about the building or grounds, plus one (1) space for each thirty (30) students enrolled.

Senior High School and Institution of Higher Learning, Private or Public: One (1) parking space for each employee (including teachers and administrators), plus one (1) space for each ten (10) students in addition to the requirements of the auditorium.

Self-Service Laundry or Dry Cleaning Stores: One (1) space for each two (2) washing and/or dry cleaning machines.

Supermarket, Self-Service Food and Discount Stores: Two (2) spaces for each two hundred (200) square feet of floor area, plus one (1) space for each two (2) employees per shift.

Wholesale Establishments and Warehouses: One (1) space for each four hundred (400) square feet of floor area, plus one (1) space for each two (2) employees.

5. For uses not specifically mentioned herein, off-street parking requirements shall be established by the Zoning Administrator from requirements for similar uses.

## **Section 9.02 LOADING--UNLOADING REQUIREMENTS**

In connection with every building or part thereof hereafter erected, except single and two-family dwelling unit structures, there shall be provided on the same lot with such buildings, off-street loading and unloading spaces for uses which customarily receive or distribute material or merchandise by vehicle.

- A. Plans and specifications showing required loading and unloading spaces including the means of ingress and egress and interior circulation shall be submitted to the Zoning Administrator for review at the time of application for a building permit for the erection or enlargement of a use of a building or structure.



- B. Each off-street loading--unloading space shall not be less than the following:
1. In a residential district, a loading--unloading space shall not be less than ten (10) feet in width and twenty-five (25) feet in length and, if a roofed space, not less than fourteen (14) feet in height.
  2. In any commercial or industrial district, loading--unloading space shall not be less than ten (10) feet in width and fifty-five (55) feet in length, and if a roofed space, not less than fifteen (15) feet in height.
- C. Subject to the limitations of the next paragraph, a loading--unloading space may occupy all or any part of any required side or rear yard, except the side yard along a side street in the case of a corner lot. In no event shall any part of a required front yard be occupied by such loading space.
- D. Any loading--unloading space shall not be closer than fifty (50) feet to any other lot located in any residential district unless wholly within a completely enclosed building or unless enclosed on all sides by a wall, opaque fence, or compact planting not less than six (6) feet in height.
- E. In the case of mixed uses on one (1) lot or parcel, the total requirements for off-street loading--unloading facilities shall be the sum of the various uses computed separately.
- F. All off-street loading--unloading facilities that make it necessary to back out directly into a public road shall be prohibited.
- G. Off-street loading space and access drives shall be paved, drained, lighted, and shall have appropriate bumper or wheel guards where needed and any light used for illumination shall be so arranged as to reflect the light away from the adjoining premises and streets.
- H. Off-street loading--unloading requirements for residential (excluding single family dwellings), hotels, hospitals, mortuaries, public assembly, offices, retail, wholesale, or distribution by vehicles, the uses having over ten thousand (10,000) square feet of gross floor area shall be provided with at least one (1) off-street loading--unloading space, and for every additional twenty thousand (20,000) square feet of gross floor space, or fraction thereof, one (1) additional loading--unloading space, the size of such loading--unloading space subject to the provisions of this Ordinance.
- I. For uses not specifically mentioned herein, loading--unloading requirements shall be established by the Building Inspector from requirements for similar uses.

## **ARTICLE 10. "A" AGRICULTURAL DISTRICT**

### **Section 10.01 PURPOSE**

The purpose of this district is to protect and stabilize the essential characteristics of agricultural areas within the Township, and to insure proper maintenance of conditions for healthful and economically productive agricultural activities by preserving those areas which are predominately agricultural in nature, and which are most appropriate for present and future agricultural developments. The requirements of this district are designed so as not to impede necessary urban expansion, but to prevent unwarranted premature urban development from encroaching upon legitimate agricultural areas, thus disrupting the agricultural resources, environment, and economy, including the tax base. It is essential that development in areas which are predominately agricultural be based on sound principles which realize the importance of such activities to the economy and welfare of the Township.

### **Section 10.02 PERMITTED USES**

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted in this district:

- A. One or two family dwellings, including type I mobile or manufactured homes, of not less than nine hundred and fifty (950) square feet of living space per unit.
- B. A parcel may be used for general and specialized farming and agricultural activities including the raising or growing of crops, livestock, poultry and other farm animals, products and foodstuffs, and any building or structure may be located thereon and used for day-to-day operation of such activities for the quartering, storage, or preservation of said crops, livestock, poultry, animals, products and foodstuffs raised or grown on said lot or in said building for structures, provided that any parcel that is kept as idle cropland shall be treated as to prevent soil erosion by wind or water.
- C. Home Occupations: Customary home occupations such as hair-dressing, millinery, dressmaking, bookkeeping and accounting services, real estate and insurance sales, professional offices for not more than one (1) physician, surgeon, dentist, attorney, architect, engineer, or similar professional practitioner provided that such home occupation shall satisfy the following conditions:
  1. The nonresidential use shall be only incidental to the primary residential use of the property.
  2. The home occupation shall be limited to the principal structure only and utilize no more than thirty (30) percent of the total floor area.

3. There shall be no more than one (1) employee other than members of the immediate family residing on the premises.
4. All activities shall be conducted indoors.
5. There shall be no external evidence of such occupation except a small announcement sign as specified herein.
6. No home occupation shall be permitted which is injurious to the general character of the agricultural district and which creates a hazardous or unhealthy condition.
7. For the purposes of this provision, principal and accessory farm operations shall not be considered home occupations.
8. No structural alterations or additions, either interior or exterior, shall be permitted in order to accommodate a home occupation.

D. An accessory use, building, or structure.

E. Essential service structure except as provided in Section 8.11.

### **Section 10.03 CONDITIONAL USES**

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted in this district subject to obtaining a conditional use permit as provided in Article 8.

- A. The removal of soil, sand, gravel and other minerals.
- B. Public and private park camping ground, golf course, golf driving range, clubs, hunting lodge.
- C. Community and governmental buildings.
- D. Airport.
- E. Sanitary landfill site.
- F. Temporary building or trailer office.
- G. Roadside stand, provided all of the nursery stock or other agricultural products are raised on the premises where situated or on the vicinity area of the same township.
- H. Dairy products production and processing operations.

- I. Type II mobile or manufactured home subject to the procedures and criteria contained in Section 6.24.

### **Section 10.04 REGULATIONS**

The following regulations shall apply in all Agricultural districts:

- A. Lot Area: No dwelling shall be established on any lot less than forty (40) acres in area.
- B. Lot Width: The minimum lot width shall be three hundred (300) feet.
- C. Lot Coverage: The maximum lot coverage shall not exceed fifteen (15) percent.
- D. Yard and setback requirements:
  - 1. Front Yard: Not less than sixty (60) feet from the right-of-way line.
  - 2. Side Yards: Least width of either yard shall not be less than fifty (50) feet.
  - 3. Rear Yard: Not less than fifty (50) feet.
  - 4. The above requirements shall apply to every lot, building or structure.
- E. Height: The following height requirement shall apply in this district: for Dwelling and Non-Farm Buildings and Structures--no dwelling or non-farm building or structure shall exceed a height of three (3) stories or forty (40) feet.
- F. Where an agricultural parcel adjoins a residential district, all farm buildings other than dwellings shall be located a minimum of ninety (90) feet from the adjoining residential district.

## **ARTICLE 11. AGRICULTURAL-RESIDENTIAL DISTRICT**

### **Section 11.01 PURPOSE**

The Agricultural-Residential Districts are those areas identified by the Township Planning Commission as being marginal for agriculture production and yet not presently needed for urban residential type uses. The purpose of this section is to provide for the continual change from rural agriculture to suburban and from suburban to urban uses. The Agricultural-Residential Districts are expected to remain essentially in agriculture production, but provide for the transition of these uses to more intensively used rural residential developments on large lots providing a variety of housing types.

### **Section 11.02 PERMITTED USES**

- A. All uses permitted in Article 10, Agricultural District.
- B. Mobile homes and manufactured homes, type II, subject to the procedures and criteria contained in Article 6.24.

### **Section 11.03 CONDITIONAL USES**

- A. The removal of soil, sand, gravel and other minerals.
- B. Public and private park camping ground, golf course, golf driving range, clubs, hunting lodge.
- C. Community and governmental buildings.
- D. Airport.
- E. Temporary building or trailer office.
- F. Roadside stand, provided all of the nursery stock or other agricultural products are raised on the premises where situated or on the vicinity area of the same township.
- G. Mobile or manufactured home parks, subject to the procedures and criteria contained in Article 14.
- H. Mobile or manufactured home subdivisions, subject to the procedures and criteria contained in Article 6.24.

- I. <sup>5</sup>Developments exercising the Open Space Preservation option in Section 6.25 of this Ordinance.

#### **Section 11.04 HEIGHT REGULATIONS**

- A. For any dwelling thirty-five (35) feet, not exceeding two and one-half (2-1/2) stories.
- B. For any building accessory to a dwelling use, fourteen (14) feet, not exceeding one (1) story.
- C. For any other nonresidential building or other structure, thirty-five (35) feet, except that such height may be increased to a maximum of sixty-five (65) feet provided that for every foot of height in excess of thirty-five (35) feet, there shall be added to each yard requirement one (1) corresponding foot of width and depth.

#### **Section 11.05 AREA, WIDTH AND YARD REGULATIONS**

- A. Minimum Lot Area and Width: A lot area of not less than two (2) acres, with no dimension less than two hundred (200) feet at the building line, shall be provided for every building or other structure erected or used for any use permitted in this district except a lot of record of not less than ten thousand (10,000) square feet and seventy (70) feet in width at the building line may be developed for single family residential use. The depth of any lot shall not exceed three (3) times the width of the lot.

The minimum lot area and width requirements for use dealing with a public utility may be reduced when authorized by the Planning Commission.

- B. Front Yards: On every lot or premises there shall be a front yard not less than eight-five (85) feet in depth from the centerline of the road nor less than fifty (50) feet from the right-of-way line.
- C. Side Yards:
  - 1. On each interior lot, there shall be two (2) side yards having an aggregate width of not less than thirty (30) percent of the total lot width at the building line and neither side yard having a width of less than thirty (30) feet.
  - 2. On each corner lot, there shall be two (2) side yards, the side yard abutting the street having a width of not less than eighty-five (85) feet from the centerline of the street, and the side yard not abutting the street having a width of not less than twenty (20) feet.
  - 3. On any lot and any side yard not abutting the street, a detached private garage may be erected and maintained within the rear yard of the lot if not closer to the side lot line than twenty (20) feet.

---

<sup>5</sup> Amendment 4 – See Appendix A

- D. Rear yard: There shall be a rear yard on each lot, the depth of which shall be not less than fifty (50) feet, except that an accessory use structure may be erected within the rear yard not closer to the rear property line than ten (10) feet.
- E. Building Coverage: Not more than ten (10) percent of the area of any lot shall be occupied by buildings.

### **Section 11.06 SITE DEVELOPMENT STANDARDS FOR FARMS**

The use of land and structures within the Agricultural-Residential District for agricultural purposes shall conform to the following standards:

- A. Minimum Farm Size: A farm within an Agricultural-Residential District shall encompass a minimum of five (5) acres.
- B. Minimum Lot Size: No dimension of any farm shall be more than three (3) times any other dimension of the farm property. Each dwelling placed on a farm in addition to the principal farm dwelling occupied by the farm owner or operator shall be situated on a lot encompassing a minimum of twenty thousand (20,000) square feet per dwelling unit. The width of such lot shall be not less than one hundred (100) feet.
- C. Minimum Setback: All dwellings and structures shall be situated no closer than fifty (50) feet to the closest point of the right-of-way of a street or road, nor closer than fifty (50) feet to the nearest point on a property boundary defining the limits of a farm or a lot. Accessory structures used to house livestock or fowl shall not be located closer than one hundred (100) feet to the nearest point of any property boundary defining the limits of a farm or a lot.

### **Section 11.07 OFF-STREET PARKING**

Off-street parking requirements will be in accordance with the provisions of Article 9 of this Ordinance.

### **Section 11.08 SIGNS**

Sign requirements will be in accordance with the provisions of Article 6 of this Ordinance.

### **Section 11.09 LIVESTOCK--SPECIAL PROVISION**

No livestock shall be harbored, kept, or maintained on any property which is not classified as a farm in accordance with Section 11.06 above.

## **ARTICLE 12. “R-1” LOW DENSITY RESIDENTIAL DISTRICTS**

### **Section 12.01 PURPOSE**

The purpose of this district is to provide area for outlying residential development on lots of sufficient size to accommodate the safe and healthful on-site water supply and liquid wastewater disposal, since these areas will likely remain unserved by public water-sewer services for an extended period of time. It is also the purpose of this district to protect and stabilize the essential characteristics of these areas, in order to promote and encourage suitable environments for low density family life until such time as it may be in the public interest to promote development of greater intensity requiring higher levels of public services and utilities.

### **Section 12.02 PERMITTED USES**

The following buildings and structures and uses of parcels, lots, buildings and structures are permitted in this district:

- A. Single family dwelling (providing not less than 950 square feet of living space per unit), including manufactured and mobile home, type I and any use, building, or structure accessory thereto.
- B. Two-family dwelling, except on lake front lots, and any use, building or structure accessory thereto.
- C. Essential service structures except as provided in Section 8.11; the keeping of household pets is expressly permitted; but the keeping of any other animals or poultry, for any purpose, shall not be permitted, provided, however, a horse or pony for private use only and not for hire, may be kept on lots or parcels of ground one (1) acre or more in size. In addition, such use may be permitted on parcels of less than one (1) acre in size but only after prior approval of the Zoning Board of Appeals. Before granting or denying such application the Zoning Board of Appeals shall consider whether or not such use on parcels less than one (1) acre in size will or may create a nuisance to adjacent owners by reason of odor, flies, or unsanitary conditions. Provided further, the Zoning Board of Appeals in granting such use on tracts or parcels of land less than one (1) acre in size may impose such conditions as will fully regulate and control such use for any trial period of time in its discretion.

### **Section 12.03 CONDITIONAL USES**

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted subject to obtaining a conditional use permit as provided in Article 8.

- A. Golf Course.



- B. Country Club, public swimming pool, recreation club, and private and public park and playground.
- C. Church and public building.
- D. Public and private nursery, primary and secondary school.
- E. Home occupation as prescribed in Section 10.02 C.
- F. Temporary building or trailer office.

**Section 12.04 REGULATIONS**

The following regulations shall apply in all “R-1” Low Density Residential Districts:

~~A. <sup>6</sup> Lot Area: Where a lot is served with a public water supply system and a central sanitary sewerage system there shall be provided a minimum of ten thousand (10,000) square feet of lot area for each single family dwelling unit and fifteen thousand (15,000) square feet of lot area for each two (2) family dwelling unit. Where a lot is not so served, there shall be provided a minimum of twelve thousand (12,000) square feet of lot area for each single family dwelling unit and twenty four thousand (24,000) square feet of lot area for each two (2) family dwelling unit. The minimum lot area for all other buildings and structures, except essential service structures, shall be two (2) acres.~~

A. Lot Area: Where a lot is served with a central sanitary sewage system which is available and accessible and which will serve that residential lot, there shall be provided a minimum of ten thousand (10,000) square feet of lot area for each single family dwelling unit and fifteen thousand (15,000) square feet of lot area for each two family dwelling unit. Where a lot is not so served, there shall be a minimum of twelve thousand (12,000) square feet of lot area for each single family dwelling unit and twenty-four thousand (24,000) square feet of lot area for each two family dwelling unit. The minimum lot area for all other buildings and structures, except essential service structures, shall be two (2) acres.

Notwithstanding these provision, and with respect to a platted residential lot in any subdivision with respect to which the final plat was approved by the State of Michigan prior to February 9, 1976, the minimum lot area shall be seven thousand two hundred (7,200) square feet provided that:

- 1) The residential lot has a public sewer system available and accessible and the sewer system will serve that residential lot;
- 2) The groundwater supply on that residential lot meets or exceeds the water supply rules of the Department of Public Health for subdivisions not serviced by public water;

---

<sup>6</sup> Amendment 2 – See Appendix A

3) ~~<sup>7</sup>The record owner(s) of such lot, on the effective date of this amendment, does not own contiguous property which, when combined with said lot, would exceed 10,000 square feet.~~

B. ~~<sup>6</sup>Lot Width: The minimum width for lots served with a central water supply system and a central sanitary sewage system shall be not less than seventy (70) feet. Where a lot is not so served, the minimum lot width shall be seventy five (75) feet.~~

~~For the purpose of this section, and only this section, minimum width shall be defined as the lot width at a point where the side lot lines are at their closest.~~

~~Where a lot is seventy (70) feet wide, or more, for most of its width, and because of the peculiar shape of the lot, the intent of this provision is fulfilled, and the Board of Appeals may issue a variance on application and finding of unnecessary hardship or compelling necessity.~~

B. Lot Width: The minimum width for lots served with a central sanitary sewage system shall be not less than seventy (70) feet. Where a lot is not so served, the minimum lot width shall be seventy-five (75) feet. Notwithstanding the foregoing, and with respect to a platted residential lot in any subdivision with respect to which the final plat was approved by the State of Michigan prior to February 9, 1976, the minimum lot width shall be that specified in such approved plat but, in no event, less than forty (40) feet, provided that:

- 1) The residential lot has a public sewer system available and accessible and the sewer system will serve that residential lot;
- 2) The groundwater supply on that residential lot meets or exceeds the water supply rules of the Department of Public Health for subdivisions not serviced by public water;
- 3) ~~<sup>7</sup>The record owner(s) of such lot, on the effective date of this amendment, does not own contiguous property which, when combined with said lot, would exceed 70 feet in width or, where not served by a sanitary sewer, would exceed 75 feet in width.~~

~~<sup>6</sup>For purposes of this section, and only this section, minimum width shall be defined as the lot width at the point where the side lot lines are at their closest.~~

~~Where a lot would otherwise meet the minimum width requirements of this section, or more, for most of its width, and because of the peculiar shape of the lot, the intent of this provision is fulfilled, then the Board of Appeals may issue a variance on application and finding of unnecessary hardship or compelling necessity.~~

---

<sup>7</sup> Amendment 3 – See Appendix A

<sup>6</sup> Amendment 2 – See Appendix A

C. Lot Coverage: The maximum lot coverage shall not exceed thirty (30) percent.

D. Yard Requirements:

1. Front Yard: Not less than thirty-five (35) feet.
2. Side Yards: Least width of either yard shall not be less than eight (8) feet, but the sum of the two (2) side yards shall not be less than twenty (20) feet; except in the case where the side yard on the road or street side shall not be less than thirty-five (35) feet.
3. Rear Yard: Not less than thirty (30) feet.
4. The above requirements shall apply to every lot, building, or structure.

E. Height: The following height requirements shall apply in this district:

1. For Buildings and Structures: No building and no structure shall exceed a height of two and one-half (2-1/2) stories, but not exceeding thirty five (35) feet.
2. For Detached Accessory Buildings: No detached accessory building shall exceed a height of twenty-five (25) feet.

## ARTICLE 13. “R-2” HIGH DENSITY RESIDENTIAL DISTRICT

### Section 13.01 PURPOSE

The purpose of this district is to provide a stable environment for medium to high-density residential areas with suitable open space. This district shall generally be located in the vicinity of major highways and thoroughfares to allow easy access to local facilities. At no time shall such a district be so located as to increase traffic flows on local residential streets. The district allows flexibility of lot size dependent upon the availability of public sewer and water services.

### Section 13.02 PERMITTED USES

- A. Multiple dwellings.
- B. Essential service structures except as provided in Section 8.11.

### Section 13.03 CONDITIONAL USES

- A. Single family or two (2) family dwellings.
- B. Churches or public buildings.
- C. Public and private nurseries.
- D. Primary and secondary schools.
- E. Convalescent homes.
- F. Row housing exceeding the maximums specified in 13.04 H.
- G. A planned unit residential development, only in accordance with the procedures and regulations specified in Article 8.

### Section 13.04 REGULATIONS

The following regulations shall apply in all “R-2” High Density Residential Districts:

- A. <sup>9</sup> Lot Area: ~~Where a lot is served with municipal utilities there shall be provided a minimum lot area of six thousand (6,000) square feet per dwelling unit. Where a lot is not so served, there shall be provided a minimum lot area of ten thousand (10,000) square feet per dwelling unit.~~

---

<sup>9</sup> Amendment 2 – See Appendix A

A. <sup>9</sup>Lot area: Where a lot is served with a central sanitary sewage system, there shall be provided a minimum lot area of six thousand (6,000) square feet per dwelling unit. Where a lot is not so served, there shall be provided a minimum lot area of ten thousand (10,000) square feet per dwelling unit.

~~B. Lot Width: The minimum lot width for lots served with municipal utilities shall be one hundred (100) feet. Where a lot is not so served, the minimum lot width shall be one hundred twenty (120) feet.~~

B. Lot Width: The minimum width for lots served with a central sanitary sewage system shall be not less than seventy (70) feet. Where a lot is not so served, the minimum lot width shall be seventy-five (75) feet. Notwithstanding the foregoing, and with respect to a platted residential lot in any subdivision with respect to which the final plat was approved by the State of Michigan prior to February 9, 1976, the minimum lot width shall be that specified in such approved plat but, in no event, less than forty (40) feet, provided that:

- 1) The residential lot has a public sewer system available and accessible and the sewer system will serve that residential lot;
- 2) The groundwater supply on that residential lot meets or exceeds the water supply rules of the Department of Public Health for subdivisions not serviced by public water;

~~3) <sup>10</sup>The record owner(s) of such lot, on the effective date of this amendment, does not own contiguous property which, when combined with said lot, would exceed ten thousand (10,000) square feet.~~

<sup>9</sup>For purposes of this section, and only this section, minimum width shall be defined as the lot width at the point where the side lot lines are at their closest.

Where a lot would otherwise meet the minimum width requirements of this section, or more, for most of its width, and because of the peculiar shape of the lot, the intent of this provision is fulfilled, then the Board of Appeals may issue a variance on application and finding of unnecessary hardship or compelling necessity.

C. Lot Coverage: The maximum lot coverage shall not exceed thirty-five (35) percent.

D. Yard Requirements:

1. Front Yard: Not less than thirty-five (35) feet.
2. Side Yard: Not less than twenty (20) feet.
3. Rear Yard: Not less than thirty (30) feet.

---

<sup>9</sup> Amendment 2 – See Appendix A

<sup>10</sup> Amendment 3 – See Appendix A

4. The above requirements apply to every lot, building, or structure.
- E. Height: The following height requirements shall apply in this district:
1. For buildings and structures: No building and no structure shall exceed a height of two and one-half (2-1/2) stories, or a height of thirty-five (35) feet.
  2. For detached accessory building: No detached accessory building shall exceed a height of twenty-five (25) feet.
- F. Off-Street Parking: Provision for adequate off-street parking shall be made on the basis of three (3) parking spaces per dwelling unit.
- G. No building shall be any closer than forty (40) feet to an adjacent building.
- H. No row of multiple family housing shall exceed six (6) dwellings in a row for two (2) story dwellings, and four (4) dwellings in a row for one (1) story dwellings.

## **ARTICLE 14. “R-3” MOBILE HOME PARK DISTRICT**

### **Section 14.01 PURPOSE**

The purpose of this district is to provide for the location and development of mobile home parks, specifying those standards that will insure the maintenance of such facilities and preserve a good quality of life within the mobile home park and on adjacent properties.

### **Section 14.02 PERMITTED USE**

All “R-3” Mobile Home Park Districts shall be used for no purpose except mobile home parks and accessory buildings and uses including residence for the mobile home park owner and family.

### **Section 14.03 CONDITIONAL USES**

No use shall be allowed in the “R-3” Mobile Home Park District with the exception of those specified in Section 14.02 Permitted Uses.

### **Section 14.04 REGULATIONS**

- A. Accountability: Any mobile home park shall conform to all requirements imposed by Act 243 of the Michigan Public Acts of 1959, and amendments thereto, except in such a case where the provisions of this Ordinance specify more restrictive conditions and limitations. In such a case, the provisions of this Ordinance shall govern.
- B. Application for Building Permit and Construction: No person or corporation shall commence construction of or construct any mobile home park, including concrete slabs, or add to or alter the number of sites for mobile homes within the park or affect the facilities required therein, prior to obtaining a building permit from the Township Planning Commission. Applications for such permit shall be filed in triplicate with the Building Inspector and shall include the following:
  - 1. A permit from the Michigan Department of Public Health, or application therefor, as required by Act 243, Public Acts of 1959, as amended (Michigan Trailer Coach Park Act).
  - 2. A complete preliminary site plan with the following information:
    - a) The name of the proposed mobile home park.
    - b) Names, addresses and telephone numbers of the developer or his representative.

- c) Location of the mobile home park, giving the numbers of section, township and range and the name of the township and county.
  - d) A map of the entire area scheduled for development, if the proposed development is a portion of a larger holding intended for subsequent development.
  - e) A location map showing the relationship of the proposed development and the adjacent tracts.
  - f) The present land use and existing zoning of the proposed development and the adjacent tracts.
  - g) Interior streets, streets, street names, right-of-way and roadway widths.
  - h) All lot lines and open spaces with dimensions shown.
  - i) Topographic contours shall be shown on the plan at five (5) foot intervals where slope is ten (10) percent and two (2) foot intervals where slope is ten (10) percent less.
  - j) Delineation of all improvements required in this section.
3. Information which the Township Planning Commission may find reasonably necessary to evaluate the proposed development as to its legal status and its effect on surrounding areas.
4. Deposit: The application for the installation or construction of a mobile home park shall be accompanied by a deposit of five hundred dollars (\$500.00) to defray the expense of reports by engineers and other experts in assistance to the Township Planning Commission in its consideration of said application. The issuance of a permit shall entitle a proprietor to continue to operate a mobile home park so long as he remains in compliance with the regulatory ordinance of Penn Township and the State of Michigan.
- C. Periodic Inspection: The Township Building Inspector or other agents authorized by the Township Board are granted the power and authorized to enter upon the premises of any such park at any time for the purpose of determining and/or enforcing any provision or provisions of this or any other township ordinance applicable to the conduct and operation of mobile home parks.
- D. Revocation of Permits: In the event a mobile home park shall violate any of the regulations of the Ordinance or any other township ordinance applicable to the conduct and operations of a mobile home park, and after being given a reasonable period of time to correct any such violation, he shall be ordered to show cause before the Township Board at any open public meeting why his permit shall not be revoked, and if it shall appear that the proprietor has violated any of the provisions of the Township park, his permit shall be revoked and he shall cease to operate, or a civil penalty of not to exceed one hundred dollars (\$100.00) per day for each day of violation will be imposed.



- E. Mobile Home Usage: Each mobile home within a mobile home park shall contain a flush toilet, sleeping accommodations, a tub or shower bath, kitchen facilities and plumbing and electrical connections designed for attachment to appropriate external systems.
- F. Requirements for Accessory Uses:
1. Accessory buildings or structures under park management supervision, shall be used only as office space, storage, laundry facilities, recreation facilities, garage storage or other necessary service for park resident use only. No accessory building or structure shall exceed twenty-five (25) feet in height, nor two (2) stories; except community television antenna; and shall meet the requirements of other applicable codes and ordinances.
  2. A mobile home may be displayed and offered for sale, provided that the mobile home is situated on a permanent pad within the mobile home park.
  3. One (1) identification sign, approved in conjunction with the final site plan approval of the mobile home park. In no case shall such sign be larger than sixty (60) square feet in surface area, nor have any moving parts, nor stand higher than ten (10) feet from the ground to the top of the sign. Such sign shall be no closer to the public right-of-way line than thirty (30) feet.
  4. No more than one (1) entry and one (1) exit sign at each access drive onto the public right-of-way, approved in conjunction with the final site plan approval of the mobile home park. In no case shall the sign be larger than two (2) feet in surface area, nor have any moving parts, nor stand higher than five (5) feet from the ground to the top of the sign.
  5. Not more than one (1) sign at a local intersection of such park which identifies the local street by name, the sign approved in conjunction with the final site plan approval of the mobile home park. In no case shall the sign be larger than one (1) square foot in surface area per local street name, nor stand higher than seven (7) feet from the ground to the top of the sign.
- G. Minimum Mobile Home Park Area: The land area of a mobile home park shall not be less than fifteen (15) acres.
- H. Isolation of Park: Each boundary of the mobile home park must be at least two hundred (200) feet from any permanent residential building located outside the park, unless separated by a natural or artificial barrier, or unless a majority of owners of such property within two hundred (200) feet thereof consent in writing to the establishment of the park. An acceptable barrier would be a buffer of trees and shrubs not less than twenty (20) feet in depth to be located and maintained along area boundaries of the park.
- I. Lot Area Requirements: Mobile home sites shall be at least five thousand (5,000) square feet in area.

- J. Yard Dimensions: Each mobile home site shall have side yards with each yard having a width of not less than fifteen (15) feet and the aggregate width of both said yards not less than forty (40) feet. Each mobile home site shall have front and rear yards with each such yard not less than ten (10) feet in width and the aggregate width of both said yards not less than thirty (30) feet. For the purpose of the section, yard width shall be determined by measurement from the mobile home face (side) to its mobile home site boundary which, every point shall not be less than the minimum width herein provided. Open patios, carports, and individual storage facilities shall be disregarded in determining yard widths. Enclosed all-weather patios shall be included in determining yard widths. The front yard is that yard which runs from the hitch end of the mobile home to the nearest site line. The rear yard is at the opposite end of the mobile home and side yards are at right angles to the front and rear ends.
- K. Occupancy: A mobile home shall not be permitted to occupy single or multiple sites if either its length or width would cause it to occupy the space required by yard set back dimensions.
- L. Isolation of Pads: From all pads, the following minimum distances shall be maintained--fifty (50) feet to the boundary of such park which is not a public street or highway; fifteen (15) feet to any collector street of such park (parking bay, local drive, or central parking drive that is not a collector street). A park collector street is that roadway which carries traffic from local park streets, drives and parking areas to public street(s) outside the park--eight (8) feet to any common walkway or local drive of such park; fifty (50) feet to any parking area signed for general parking in such park (general parking defines parking bays for other than park residents); fifty (50) feet to any service building in such park.
- M. Provision of Utilities and Services:
1. Sewer: All mobile homes within a mobile home park shall be suitably connected to a common sewer service provided at each mobile home site. The mobile home park shall connect to a public sewer system where a public sewer system is available and accessible. Where no public sewer system is available and accessible, devices for the collection, treatment and disposal of sewage satisfactory to the Michigan Department of Public Health shall be provided. If no practicable way can be found by which proper waste disposal is assured, no permit shall be issued.
  2. Water: All mobile homes within a mobile home park shall be suitably connected to common water service provided at each mobile home park. Running water from a state tested and approved supply designed for a minimum flow of two hundred (200) gallons per day per mobile home site shall be piped to each mobile home.
  3. Electric, Telephone and Cable TV: An electric outlet supplying at least 100-220 volts shall be provided for each mobile home space. All electric, telephone and other lines from supply poles outside the park or other sources to each mobile home site shall be underground.

4. Fuel Lines: All fuel lines leading to park and to mobile home sites shall be underground and so designed as to conform with the Township Building Code and any State Code that is found to be applicable.
5. Disposable of Garbage and Trash: All garbage and trash containers shall be placed in a conveniently located similarly designed enclosed structure(s). The removal of trash shall take place not less than once a week. Individual incinerators shall be prohibited. The method used for such removal shall be approved by the State and inspected periodically by the Cass County Health Department.
6. Fire Extinguishers: Fire extinguishers bearing the underwriter's label and of a type approved for such service by the Commission of State Police shall be placed and maintained at locations within two hundred (200) feet of each trailer site. Each fire extinguisher shall be periodically examined and kept at all times in a usable condition.
7. Laundry Facilities: On site outdoor laundry space of adequate area and suitable location, shall be provided if park is not furnished with outdoor dryers. Where outdoor drying space is required or desired, individual clothes drying facilities on each site of the collapsible umbrella type of hanging apparatus shall be allowed, with park management providing a concrete imbedded socket at each site.

N. Storm Drainage: Storm drainage facilities shall be so constructed as to protect those that will reside in the mobile home park, as well as the property owners adjacent to the park. Such park facilities shall be of such capacity to insure rapid drainage and prevent the accumulation of stagnant pools of water in and adjacent to the park.

O. Building Specifications:

1. Support: Each mobile home site shall be provided with two (2) concrete ribbons two (2) feet wide, six (6) inches thick running approximately the full length of the mobile home. This pad will be so constructed, graded and placed to be durable and adequate for the support of the maximum anticipated load during all seasons.

Each mobile home shall be supported on uniform jacks or blocks. In addition, each mobile home shall have tie-downs or anchors securing both ends and sides.

Alternative pad and support mechanisms may be approved by the Planning Commission upon request if accompanied by sketches or other documentation.

2. Patio: An all-weather hard surfaced outdoor patio area of not less than one hundred (100) square feet shall be provided at each mobile home site, conveniently located to the entrance of the mobile home and appropriately related to open areas of the lot and other facilities, for the purpose of providing suitable outdoor living space to supplement the limited interior space of a mobile home.

3. Canopies: Canopies and awnings may be attached to any mobile home and may be enclosed and used for recreation or sun room purposes. When enclosed for living purposes, such shall be considered as part of the mobile home and a permit required, issued by the Township Building Inspector before such enclosure can be used for living purposes.
  4. Skirting: Uniform skirting of each mobile home base shall be required within thirty (30) days after initial placement, such skirting shall be of twenty-six (26) gauge solid sheet metal, aluminum, or other non-corrosive metal or material of equal strength and so constructed and attached to this mobile home so as to deter and prevent entry of rodents.
  5. Lots: Each mobile home site shall be grass covered or covered with macadam or other dust-free materials.
- P. Storage: Storage of goods and articles out of doors at any mobile home site shall be prohibited.
- Q. Roadways and Turnarounds:
1. General Specifications: All roads, driveways and motor vehicle parking spaces shall be paved and constructed as to handle all anticipated peak loads, and adequately drained and lighted for safety and ease of movement of pedestrians and vehicles. All paving shall be completed within two (2) years from the commencement of construction.
  2. Minimum Widths: Minimum widths of roadways shall be as follows: motor vehicle parking (A), traffic use (B), and minimum pavement width (C):
 

(A) Parking prohibited, (B) 2-way road, (C) 22 feet; (A) parallel parking 1 side only, (B) 1-way road, (C) 22 feet; (A) parking prohibited, (B) 1-way road, (C) 22 feet; (A) parallel parking 2 sides, (B) 1-way road, (C) 29 feet; (A) parallel parking 2 sides, (B) 2-way road, (C) 40 feet.
  3. Turnarounds: When a cul-de-sac drive is provided, the radius of such roadway loop should be a minimum of fifty (50) feet, with the drive length a maximum of three hundred (300) feet.
- R. Parking: Two (2) automobile parking spaces shall be provided within one hundred fifty (150) feet of each mobile home site. Within such park there shall be provided additional automobile parking spaces not less than the number of mobile home sites within such park. Central storage of non-passenger type vehicles including trucks rated over three-quarter ton capacity and trailers shall be properly screened as not to be a nuisance, and such park central storage shall not be closer than fifty (50) feet to any mobile home when such storage is allowed in the mobile home park. Each parking space shall have a minimum width of ten (10) feet and twenty (20) feet in length.

- S. Recreation Area: A recreation area of at least three hundred (300) square feet of land per mobile home site in the park shall be developed and maintained by the management. This area shall not be less than one hundred (100) feet in its smallest dimension and its boundary no further than five hundred (500) feet from any mobile home site served. Streets, sidewalks, parking areas and accessory buildings are not to be included as recreation space in computing the necessary area.
- T. Animal Nuisance: No domestic animals shall be allowed to run at large or commit any nuisance within the limits of the mobile home park.
- U. Maintenance: The management of every mobile home park shall assume full responsibility for maintaining in good repair and condition all safety and sanitary appliances within the park. All natural facilities and features shall be maintained in a neat, orderly manner.
- V. Registration: Each mobile home park shall be provided with a custodian's office where each mobile home entering the park shall be assigned to a lot location, given a copy of the mobile home park rules and registered according to the prescribed form. Registration shall include the name of every occupant of the mobile home and the license number of the mobile home's accompanying vehicle and the state-issuing license. The management shall keep a registry of all children of school age occupying mobile homes in the mobile home park. The registry shall be signed by an occupant of the mobile home, cognizant of all facts contained in the registration. Any person furnishing misinformation for purposes of registration shall be deemed to be guilty of a misdemeanor. The registration records shall be neatly and securely maintained and no registration records shall be destroyed until six (6) years have elapsed following the date of registration. The registry shall be available at all times for inspection by law enforcement officers.

## **ARTICLE 15. "C" COMMERCIAL**

### **Section 15.01 PURPOSES**

This district is composed of those areas of the Township whose principal use is or ought to be for convenient retail and personal service establishments serving the day-to-day needs of the families residing in the area and the motoring public. This district has been located at major regional highways or intersections of highways and within planned centers rather than scattered locations throughout the residential areas, to protect adjacent agricultural, residential and industrial area against the encroachment of incompatible uses, to lessen congestion on and serve the persons traveling on major through highways.

### **Section 15.02 PERMITTED USES**

The following buildings and structures, and uses of parcels, lots, buildings, and structures are permitted in this district:

- A. Clothing apparel services, including laundry pickup, automatic laundry, dressmaking, millinery, tailor shop and shoe repair shop.
- B. Food services including grocery, meat market, bakery, restaurant, delicatessen and fruit market, ice-o-mats and similar self-serve units but not including any business of a drive-in nature.
- C. Personal services, including barbershop and beauty salon, medical and dental clinics, music studios, banks and savings and loan associations.
- D. Retail services, including drug store, hardware, gift shop and dry goods and notions store.
- E. An accessory use, building, or structure.
- F. Essential service structures except as provided in Section 8.11.

### **Section 15.03 CONDITIONAL USES**

The following buildings and structures, and uses of parcels, lots, buildings, and structures are permitted subject to obtaining a conditional use permit as provided in Article 8.

- A. Animal hospital or clinic.
- B. Drive-in, retail and service establishments excluding drive-in amusement establishments.
- C. Gasoline service stations.

- D. Planned neighborhood shopping centers.
- E. Temporary buildings or trailer office.
- F. Motel, hotel.
- G. Any sporting goods sales and service.
- H. New and used automobile sales and service.
- I. Places amusement, entertainment or recreation such as dance hall, bowling alley, establishments serving alcoholic beverages, miniature golf, commercial swimming pool and drive-in theater.

#### **Section 15.04 REGULATIONS**

The following regulations shall apply in all Commercial Districts:

- A. Lot Area: No building or structure shall be established on any lot less than one-half (1/2) acre in area, except where a lot is served with a public water supply system and a public sanitary sewerage system, in which case there shall be provided a minimum lot area of ten thousand (10,000) square feet.
- B. Lot Width: The minimum lot width for lots served with a central water supply system and a central sanitary sewerage system shall be eighty (80) feet. Where a lot is not so served, the minimum lot width shall be one hundred twenty (120) feet.
- C. Lot Coverage: The maximum lot coverage shall not exceed twenty-five (25) percent.
- D. Yard and Setback Requirements:
  - 1. Front Yard: Not less than thirty-five (35) feet.
  - 2. Side Yards: Least width of either yards shall not be less than twenty (20) feet, except in the case of a corner lot or parcel where the side yard on the road or street side shall not be less than thirty-five (35) feet.
  - 3. Rear Yard: Not less than thirty-five (35) feet.
  - 4. The above yard requirements shall apply to every lot, building, or structure.
- E. Height: No building or structure shall exceed a height of thirty-five (35) feet.
- F. Transition Strips:

1. On every lot in this district which abuts a lot in a residential district there shall be provided a transition strip. Such transition strip shall be not less than fifteen (15) feet in width, shall be provided along every lot line, except at front lot lines, which abuts a lot in a residential district, shall not be included as part of the yard required around a building or structure, and shall be improved, when said lot in this district is improved, with an opaque fence, wall or hedge not less than five (5) feet in height, maintained in good condition.
  
2. A use or structure on any lot in this district fronting a public road, street, or way shall provide in addition to and as an integral part of any site development, on the front yard, a landscaped strip of land twenty (20) feet or more in depth; such landscaped strip to be defined and designed to provide access to the lot and separate off-street parking areas from the public right-of-way.



## **ARTICLE 16. "I-1" INDUSTRIAL PARK DISTRICT**

### **Section 16.01 PURPOSE**

The function of this district is to provide the location and space for certain designated industrial and wholesale commercial uses. These uses are to generate a minimum of noise, glare, odor, dust, vibration, air and water pollutants and other harmful or obnoxious matter. Such a district has been located within the Township to permit orderly industrial development, or insure high quality industrial land use and protect the adjacent agricultural, residential and commercial uses. Any uses which could function more effectively in other districts and would conflict with the stated purposes of this district have been excluded.

### **Section 16.02 PERMITTED USES**

- A. Research oriented uses.
- B. Research and testing facilities.
- C. Fully enclosed wholesale warehouse facilities.
- D. Light manufacturing industrial uses which by nature of the materials, equipment and process utilized are to a considerable extent clean, quiet and free from any objectionable or dangerous nuisance or hazard.
- E. Printing, lithographic, blueprinting and similar uses.
- F. Assembly and treatment of articles and merchandise.
- G. Accessory uses, building, or structures subordinate to principal use permitted on the premises.
- H. Essential service or public utility buildings.

### **Section 16.03 CONDITIONAL USES**

Such a use which complies with the spirit, intent and purpose of the "I-1" Industrial Park District.

### **Section 16.04 REGULATIONS**

- A. Lot Area: No building or structure shall be established on any lot less than two (2) acres in area.

- B. Lot Frontage: The minimum lot frontage on a public or private street for industrial lots shall be one hundred fifty (150) feet.
- C. Lot Coverage: The maximum lot coverage shall not exceed fifty (50) percent.
- D. Height: Except as otherwise provided in this Ordinance, no building or structure should exceed a height of thirty-five (35) feet.
- E. Enclosed Buildings: All operations must occur within fully enclosed buildings except for outdoor storage in the rear yard area of these buildings not to exceed twenty (20) percent of the ground floor area of the principal building on the lot. Such outdoor storage must be screened from an adjacent property of a higher use classification and from public streets by means of a solid fence, wall, or by natural screening.
- F. Principal Building Area: The principal building on the premises shall have a ground floor area of not less than four thousand (4,000) square feet.
- G. Yard Requirements: No building shall be located nearer than one hundred (100) feet from the centerline of any public or private right-of-way and fifty (50) feet from any interior side or rear line unless the interior side or rear line is adjacent to a residential classification in which case such setback shall not be less than one hundred (100) feet.
- H. Off-Street Parking: Provision for adequate off-street parking shall be made to accommodate the planned usage of each lot.
- I. Aesthetics: The lot area not being utilized for building sites, parking areas, or storage areas shall be landscaped in a neat and attractive manner.
- J. Pollution: No use shall be allowed in the "I-1" Industrial Park District which shall emanate noise, smoke, odor, dust, dirt, noxious gases, glare, heat, vibration or psychological ill effects sufficiently to be a nuisance or annoyance to owners or occupants of surrounding premises.

The following standards shall prevail:

1. Noise shall not exceed eighty (80) decibels as measured at the property line.
2. Smoke shall not exceed the density indicated on Ringelmann Chart Number 1 used by the U.S. Bureau of Mines.
3. Fly ash shall not exceed fifteen-hundredths (.15) grains per cubic foot of flue gas at a stack temperature of five hundred degrees (500°) Fahrenheit.
4. All Federal and State standards shall be enforced with regard to air quality in Penn Township.

### **Section 16.05 PROHIBITED USES**

- A. Heavy manufacturing.
- B. Slaughterhouses.
- C. Truck storage.
- D. Junkyards or junk storage.
- E. Asphalt and concrete plants.
- F. Sand and gravel pits.
- G. Any other uses not compatible with the purposes of the “I-1” Industrial Park District.

### **Section 16.06 REVIEW PROCEDURES**

In addition to the requirement specified for the issuing of a building permit in Section 2.04, the following information must also be obtained from an industrial applicant:

- A. A description of the operations proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, fire or safety hazards, or the emission of any potentially harmful or obnoxious matter or radiation.
- B. Engineering plans regarding the prevention and control of such potential problems.
- C. A description of the means proposed for the treatment and disposal of sewage and industrial wastes.

## **ARTICLE 17. “I-2” INDUSTRIAL PARK DISTRICT**

### **Section 17.01 PURPOSE**

The function of this district is to provide the location and space for certain designated industrial uses. These uses are to generate a minimum of noise, glare, odor, dust, vibration, air and water pollutants and other harmful or obnoxious matter. Such a district has been located within the Township to permit orderly industrial development, insure a good quality of industrial land use and protect the adjacent agricultural, residential and commercial uses. Any uses which could function more effectively in other districts and would conflict with the stated purpose of this district have been excluded.

### **Section 17.02 PERMITTED USES**

- A. Any use permitted in “I-1” Industrial Park District.
- B. Manufacturing, assembling and fabrication activities including large scale or specialized industrial operations which are to a considerable extent clean, quiet and free from any objectionable or dangerous nuisance or hazard.

### **Section 17.03 CONDITIONAL USES**

Such a use which complies with the spirit, intent and purpose of the “I-2” Industrial Park District.

### **Section 17.04 REGULATIONS**

Refer to Article 16, Section 16.04 (“I-1” Industrial Park District).

### **Section 17.05 PROHIBITED USES**

- A. Foundries.
- B. Slaughterhouses.
- C. Truck storage.
- D. Junkyards or junk storage.
- E. Asphalt and concrete plants.

F. Sand and gravel pits.

G. Any other uses not compatible with the purposes of the “I-2” Industrial Park District.

**Section 17.06 REVIEW PROCEDURES**

Refer to Article 16, Section 16.06 (“I-1” Industrial Park District).

## **ARTICLE 18. CONSTRUCTION OF LANGUAGE AND DEFINITIONS**

### **Section 18.01 RULES APPLYING TO TEXT**

The following rules of construction apply to the text of this Ordinance.

1. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
2. Words used in the present tense shall include the future, and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
3. The word “building” includes the word “structure”.
4. A building or structure includes and part thereof.
5. The word “person” includes a corporation as well as an individual.
6. The words “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged, or designed to be used or occupied”.
7. Any word or term not defined herein shall be used with a meaning of common or standard utilization.

### **Section 18.02 DEFINITIONS**

For the purposes of this Ordinance, the following terms and words are defined as follows:

1. **ACCESSORY BUILDING:** A subordinate building, the use of which is clearly incidental to that of the principle building or to the use of the land and which is attached securely to a permanent masonry foundation or similar permanent footings.
2. **ACCESSORY USE:** A use subordinate to the principle use on a lot and used for purposes clearly incidental to those of the main use.
3. **AGRICULTURAL:** Includes purposes related to agriculture, farming, dairying, pasturage, horticulture, floriculture, viticulture and animal and poultry husbandry.
4. **ALLEY:** A public or legally established private thoroughfare, other than a street, which affords a secondary means of access to abutting property and not more than twenty (20) feet wide.

5. **ALTERATIONS:** Any change, addition, or modification in construction, any change in the structural members of a building, such as walls, or partitions, columns, beams, or girders, the consummated act of which may be referred to herein as “altered” or “reconstructed”.
6. **AREA, NET SITE:** The total area without the property lines of a project excluding external streets.
7. **AUTOMOBILE OR TRAILER SALES AREA:** Any space used for display, sale, or rental of motor vehicles or trailers, in new or used and operable condition.
8. **AUTOMOBILE REPAIR:** General repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service, such as body, frame, or fender straightening and repair, overall painting and undercoating of automobiles when carried on in a completely enclosed room or building.
9. **BASEMENT:** That portion of a building which is below the first story, the ceiling of which is less than five (5) feet above the surrounding ground elevation at all points.
10. **BUILDING:** Any structure either temporary or permanent having a roof, and used or built for the shelter or enclosure of persons, animals, chattels, or property of any kind. This shall include attached tents and awnings.
11. **BUILDING COVERAGE:** That percentage of the plot or lot area covered by the building area.
12. **BUILDING HEIGHT:** The vertical distance measured from the established sidewalk grade to the highest point of the roof surface for flat roofs, to the deck line of mansard roofs, and to the average height between eaves and ridge for gable, hip and gambrel roofs. Where a building is set back from the street line, the height of the building may be measured from the average elevation of the finished grade along the front of the building by more than one (1) inch for each front foot that the building sets back from the front lines.
13. **BUILDING PERMIT:** A permit for commencing construction issued in accordance with a plan for construction that complies with all the provisions of this Zoning Ordinance.
14. **CHURCH:** A building wherein people regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such principal purpose.
15. **CLUB OR LODGE, PRIVATE:** A nonprofit association of persons who are bona fide members paying annual dues, which owns, hires, or leases a building or portion thereof, the use of such premises being restricted to members and their guests. The affairs and management of such “private club or lodge” are conducted by a board of directors, executive committee, or similar body chosen by the members at a meeting. It shall be permissible to serve food and meals on such premises, providing adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be

allowed, provided it is secondary and incidental to the promotion of some other common objective by the organizations, and further provided that such sale of the alcoholic beverages is in compliance with the applicable Federal, State and Municipal laws.

16. **CONDITIONAL USE:** A use which is subject to conditional approval by the Township Board. A conditional use may be granted when specified by this Ordinance and for those uses not specifically mentioned. A permitted conditional use is not considered to be a nonconforming use.
17. **DISTRICT:** A portion of the incorporated part of the Township within which certain regulations and requirements or various combinations thereof apply under the provision of this Ordinance.
18. **DRIVE-IN:** An establishment of the drive-in type is one which accommodates the patrons' automobiles in the off-street parking area accessory to the business from which the occupants may receive a service or obtain a product which may be used or consumed in the vehicle on the same premises.
19. **DWELLING, ONE-FAMILY:** A building designed exclusively for one (1) dwelling unit.
20. **DWELLING, TWO-FAMILY:** A building designed exclusively for two (2) dwelling units.
21. **DWELLING, MULTIPLE-FAMILY:** A building designed for three (3) or more dwelling units.
22. **DWELLING UNIT:** A building or portion thereof, designed for occupancy by one (1) family for residential purposes and having cooking facilities.
23. **ESSENTIAL SERVICES:** The phrase "essential services" means the erection, construction, alteration, or maintenance of public utilities or municipal department or commissions of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment, and accessories in connection therewith, but not including buildings, reasonable necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or safety or general welfare.
24. **FAMILY:** One person, or group of two (2) or more persons, living together who may or may not be interrelated by bonds of consanguinity, marriage, or legal adoption, occupying the whole or part of a dwelling as a separate housekeeping unit with a common and single set of culinary facilities. The persons thus constituting a family may also include foster children, gratuitous guests and domestic servants. This definition does not include the occupants of a rooming or boarding house as a family unit.



25. FARM: All of the contiguous neighboring or associated land operated as a single unit on which bona fide agriculture is carried on directly by the owner-operator, manager or tenant farmer, by his own labor or with the assistance of members of his household or hired employees, provided, however, that land be considered a farm hereunder shall include a continuous parcel of five (5) acres or more in area.
26. FLOOD PLAIN: That portion of land adjacent to a water body or watercourse which is subject to periodic inundation.
27. FRONTAGE: All the property fronting one (1) side of the street between intersection or intercepting streets, or between a street intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of dead-end street, or political subdivision boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage of the side of the street which it intercepts.
28. GARAGE, COMMERCIAL: Any garage other than a private garage available to the public, operated for gain, and used for storage, repair, rental, greasing, washing, sales, servicing, adjusting, or equipping of automobiles or other motor vehicles.
29. GARAGE, PRIVATE: An accessory building not over one (1) story or fifteen (15) feet in height used for parking or storage of vehicles as may be required in connection with the permitted use of the principal building.
30. GASOLINE SERVICE STATION: Any building or premises used for the dispensing, sale or offering for sale at retail, of any motor fuels, oils or lubricants. When the dispensing, sale or offering for sale is incidental to the conduct of public garage, the premises are classified as a public garage.
31. GRADE: The ground elevation 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 level, the grade shall be determined by averaging the elevation of the ground for each face of the building.
32. HIGHWAY: See "STREET, MAJOR".
33. HOME OCCUPATION: An occupation that is traditionally or customarily carried on in the home, provided:
  - a) That such occupation is incidental to the residential use in the extent that not more than thirty (30) percent of usable floor area of the principal building, of fifty (50) percent of an accessory building, shall be occupied by such occupation.
  - b) That no article or service be sold or offered for sale on the premises except as is produced by such occupations.

c) That such occupation shall not require internal or external alterations or construction features or equipment or machinery not customarily located in residential areas.

d) That there be no more than one (1) employee other than members of the resident family.

34. HOSPITAL: An institution providing health services, primarily for inpatients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities, central service facilities and staff offices.

35. HOTEL, MOTEL: A building containing primarily rooming units with the number of dwelling units being not greater than ten (10) percent of the total number of rooming units, and with the exception of the unit occupied by the management staff, used only for the accommodation of transients.

36. JUNKYARD: Any land or buildings where waste, used or second hand materials are bought and sold, exchanged, stored, baled, parked, disassembled, or handled including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. A junkyard includes automobile wrecking yards.

This does not include uses established entirely within enclosed buildings.

37. LIVING SPACE: That area within a structure intended, designed, erected or used for human occupancy; that is the sum of the gross horizontal area of the floor in question of the building used for such occupancy, measured from the exterior walls, from the center line of walls separating two (2) buildings, from the center lines of interior walls, and excluding porches, garages and breezeways not usable the year around.

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

39. LOT: A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance including one (1) principal building together with its accessory buildings, and providing the open spaces, parking spaces and loading spaces required by this Ordinance. Said parcel of land may consist of one (1) or more lots of record according to any recorded plat, but for the purpose of this Ordinance shall be deemed one (1) parcel.

40. LOT, CORNER: A lot where the interior angle of two (2) adjacent sides at the intersection of the two (2) streets is less than one hundred thirty-five degrees (135°). A lot abutting upon a curved street, or streets, shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve at the two (2) points where the lot lines meet the curve or the straight street line extended from an interior angle of less than one hundred thirty-five degrees (135°).

41. LOT, INTERIOR: Any lot other than a corner lot.

42. LOT AREA: The total horizontal area within the lot lines of a lot.
43. LOT COVERAGE: That part or percent of the lot occupied by buildings or structures including accessory buildings or structures.
44. LOT DEPTH: The horizontal distance between the front and rear lot lines, measured along the median between side lot lines.
45. LOT LINES: The lines bounding lots as defined herein:

Front Lot Line: In the case of an interior lot, the line separating said lots from the street; in the case of a corner lot or double frontage lot, the line separating said lot from that street which is designated as the front street in the plat and the request for zoning compliance permit. In the case of lots bordering on a lake, river, or canal, the established water or shoreline may be designated as the front of such lots.

Rear Lot Line: The lot line opposite the front lot line. In the case of a lot irregularly shaped at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.

Side Lot Line: Any lot lines other than the front lot lines or rear lot lines.

46. LOT WIDTH: The horizontal distance between the side lot lines, measured at the two (2) points where the building line or setback intersects the side lot lines,
47. MANUFACTURED HOME: A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Code. For the purposes of this Ordinance, manufactured homes shall be further described as follows:
- a) Type I Manufactured Home: A type I manufactured home shall contain not less than nine hundred fifty (950) square feet of occupied space in a double section or larger multi-section unit; be placed onto a permanent under-floor foundation constructed in accordance with local building codes; contain a permanent perimeter retaining wall of solid masonry, concrete, all weather wood, or other approved materials extending from the floor joists of the home to the excavated under-floor grade and below the frost line; be anchored to the ground; have wheels, axles and hitch mechanisms removed; meet appropriate utility connecting standards, and have siding and roofing materials, (including a 12" overhang) of a type customarily used on site-constructed residences, as approved by the Building Inspector.
  - b) Type II Mobile or Manufactured Home: A type II mobile or manufactured home shall be placed onto an under-floor foundation; be enclosed with foundation siding which is weather resistant, noncombustible, or self-extinguishing materials that blend with the

exterior siding of the home; be anchored to the ground; and meet appropriate utility connection standards.

48. **MASTER PLAN:** The statement of policy by the Township Planning Commission relative to the agreed upon desirable physical pattern of future community development. Consists of a series of maps, charts and written material representing in summary form the soundest conception to the community as to how it should grow in order to bring about the very best community living conditions.
49. **MOBILE OR MANUFACTURED HOME PARK:** A mobile or manufactured home development designed with facilities for common use and in which home spaces are rented.
50. **MOBILE OR MANUFACTURED HOME SUBDIVISION:** A subdivision providing lots for sale for the placement of mobile or manufactured homes for residential purposes.
51. **NONCONFORMING BUILDING:** A building or portion thereof, existing at the effective date of this Ordinance, or amendments thereto, and which does not conform to the provisions of the Ordinance nor to the use regulations of the district in which it is located.
52. **NONCONFORMING USE:** A use which lawfully occupied a building or land at the time this Ordinance or amendments thereto became effective, and which does not conform to the use regulations of the district in which it is located.
53. **NURSING OR CONVALESCENT HOME:** A structure with sleeping rooms where persons are housed or lodged and furnished meals and nursing care for hire.
54. **OFF-STREET PARKING LOT:** A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of more than two (2) automobiles.
55. **OPEN SPACE:** Any space suitable for recreation, gardens, or household service activities such as clothes drying. Such space must be at least seventy-five (75) percent open to the sky, free of automotive traffic, parking, and undue hazard, and readily accessible by all those for whom it is required.
56. **PARKING SPACE:** A land area of not less than ten (10) by twenty (20) feet, exclusive of driveways and aisles, and so prepared as to be usable for the parking of a motor vehicle, and so located as to be readily accessible to a public street or alley.
57. **PLANNED UNIT DEVELOPMENT:** This is a tract of land which includes two (2) or more principal buildings, developed under single ownership or control; the development of which is unique and of a substantially different character than that of surrounding area, and where the specific requirements of a given district may be modified, and where the minimum area is fixed. Such development shall be based on a plan which allows for flexibility of design not available under normal zoning district requirements.

58. **PRINCIPAL USE:** The main use to which the premises are devoted and the main purpose for which the premises exist.
59. **PUBLIC PARK:** Any park, playground, beach, outdoor swimming pool, or parkway within the jurisdiction and control of a governmental agency authorized by state statutes to own and maintain parks.
60. **PUBLIC SEWER SYSTEM:** A public sewer system shall be defined as a central or community sanitary sewage and collection system of pipes and structures including pipes, conduits, manholes, pumping stations, sewage and waste water treatment works, diversion and regulatory devices, and out-fall structures, collectively or singularly, actually used or intended for use by the general public or a segment thereof, for the purpose of collecting, conveying, transporting, treating or otherwise handling sanitary sewage or industrial liquid wastes of such a nature as to be capable of adversely affecting the public health, operated and maintained by the general public.
61. **PUBLIC UTILITY:** Any person, firm, corporation, municipal department, board, or commission duly authorized to furnish and furnishing under state or municipal regulations to the public, gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water.
62. **RECREATION AREA, PRIVATE:** All lands and structures which are owned and operated by private individuals, a business, or corporation which are predominately intended to accommodate recreational vehicles and provide for outdoor recreational activities.
63. **RECREATIONAL VEHICLES:** All those small mobile units principally designed for recreation pastime such as motor homes, camper trailers, pick-up campers, pop-up campers, pop-up tent trailers, and similar camping-type vehicles or trailers.
64. **RETAIL AND RETAIL STORE:** Any building or structure in which goods, wares, or merchandise are sold to the ultimate consumer for direct consumption and not for resale.
65. **RIGHT-OF-WAY:** A street, alley, or other thoroughfare or easement permanently established for passage of persons or vehicles.
66. **ROADSIDE STAND:** A permanent structure which is used seasonally for the sale of produce. The use of a roadside stand shall not constitute a commercial district.
67. **SANITARY LANDFILL:** A method of disposing of refuse on land without creating nuisances or hazards to public health or safety, by utilizing principles of engineering to confine the refuse to the smallest practical area and to cover it with a layer of suitable cover at the conclusion of each day's operation or at more frequent intervals as necessary; and maintained in accordance with applicable State laws regulating the management of solid waste.

68. **SETBACK:** The minimum horizontal distance between the street, rear, or side lines of the lot and the front, rear, or side lines of the building. When two (2) or more lots under one (1) ownership are used, the exterior property lines so grouped shall be used in determining offsets.
69. **SCHOOL:** A building used for the purpose of elementary or secondary education which meets all requirements of compulsory education laws of the State of Michigan, and not providing residential accommodations.
70. **SHOPPING CENTER:** A group of commercial establishments planned, developed, owned, and managed as a unit, with off-street parking provided on the property, and related in its location, size and type of shops to the trade area which the unit serves.
71. **SIGNS:** Any words, numbers, figures, devices, designs, or trademarks by which anything is made known, other than billboards, such as are used to show an individual, firm, or professional business, and are visible from the exterior of the structure.
72. **STORY:** That part of a building included between the surface of one (1) floor and the surface of the next floor, or if there is no floor above, then the ceiling next above.
73. **STREET:** A thoroughfare which affords the principal means of access to abutting property.
74. **STREET, MAJOR:** A public way, the principal use of which is to provide an arterial route for through traffic and has as its secondary use the provision of access to abutting properties.
75. **STREET, MINOR:** A public way, the principal use of which is to give access to abutting properties.
76. **STRUCTURE:** Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.
77. **STRUCTURAL ALTERATION:** The erection, strengthening, removal, or other change of the supporting elements of a building, such as footings, bearing walls, beams, columns, and the like.
78. **TRAILER COACH:** Same as “MANUFACTURED HOME”.
79. **TRAILER COACH PARK:** Same as “MOBILE OR MANUFACTURED HOME PARK”.
80. **UNDERDEVELOPABLE LAND:** Land which has soil types or a high water table condition which present severe limitations on septic tank and tile fields.
81. **USE:** The purpose of which land or premises of a building thereon is designed, arranged, or intended, or for which it is occupied or maintained, let or leased.

82. **VARIANCE:** A modification of the literal provisions of this Ordinance which the Zoning Board of Appeals is permitted to grant when strict enforcement of said provisions would cause undue hardship owing to circumstances unique to the individual property on which the variance is sought.

83. **YARD:** An open space on the same lot with the main building, unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance.

**Front Yard:** A yard extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building.

**Rear Yard:** A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building.

**Side Yard:** A yard between the main building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line to the nearest point of the main building.

84. **ZONING DISTRICT:** See “DISTRICT”.

#### <sup>11</sup>**Section 18.03 OPEN SPACE DEFINITIONS**

1. **Conservation Easement:** That term as defined in Section 2140 of the Natural Resources and Environmental Protection Act. 1994 PA 451, MCL 324.2140.
2. **Cluster Zoning Development:** A residential development in which the developer, at their choice, clusters homes and provides a perpetual open space within the development.
3. **Greenway:** A contiguous or linear open space, including habitats, wildlife corridors, and trails that link parks, nature reserves, cultural features or historic sites with each other, for recreation and conservation purposes.
4. **Undeveloped State:** A natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course or other exclusionary commercial recreational uses, but may include a recreational trail, picnic area, children’s play area, greenway, or linear park. Land in an undeveloped state may be, but is not required, to be dedicated to the use of the public.
5. **Open Space Preservation:** A provision for “permanently preserved open space” in developments as defined by PA 177, 2001, Section 125.286H of the Township Zoning Act.

---

<sup>11</sup> Amendment 4 – See Appendix A

## <sup>12</sup>ARTICLE 19. LAKE COMMERCIAL/RESIDENTIAL DISTRICT

### **Section 19.01 PURPOSES**

The purpose of this district is to provide for those commercial uses which are compatible with and enhance the residential uses and character of the area in proximity to Diamond and Donnell Lakes. Commercial uses will be allowed only following the issuance of a conditional use permit which may require mitigating actions to avoid any negative impact on the adjacent residential areas.

### **Section 19.02 PERMITTED USES**

Uses permitted in the “R-1” “Low Density Residential District”.

### **Section 19.03 CONDITIONAL USES**

The following uses of land, buildings and structures are permitted subject to obtaining a conditional use permit as provided in Article 8.

1. Marinas, including boat sales, rental, repair and storage provided that all repair be conducted entirely within enclosed buildings and that all outdoor storage be screened with natural materials from adjacent residential uses. Outdoor storage and screening shall be located so as not to obstruct views as determined by the Planning Commission.
2. Restaurants, not including fast food and those providing dining within automobiles.
3. Yacht Clubs and other private clubs.
4. Gift shops, only in connection with an above use.

### **19.04 REGULATIONS**

The following regulations shall apply in all Lake Commercial Districts:

- A. Lot Area: No building or structure shall be established on any lot less than one-half (1/2) acre in area, except where a lot is served with a public water supply system and a public sanitary sewerage system, in which case there shall be provided a minimum lot area of ten thousand (10,000) square feet.

---

<sup>12</sup> Amendment 1 – See Appendix A



B. Lot Width: The minimum lot width for lots served with a central water supply system and a central sanitary sewerage system shall be eighty (80) feet. Where a lot is not so served, the minimum lot width shall be one hundred twenty (120) feet.

C. Lot Coverage: The maximum lot coverage shall not exceed twenty-five (25) percent.

D. Yard and Setback Requirements:

1. Front Yard: Not less than thirty-five (35) feet.

2. Side Yards: Least width of either yards shall not be less than twenty (20) feet, except in the case of a corner lot or parcel where the side yard on the road or street side shall not be less than thirty-five (35) feet.

3. Rear Yard: Not less than thirty-five (35) feet.

4. The above yard requirements shall apply to every lot, building, or structure.

E. Height: No building or structure shall exceed a height of thirty-five (35) feet.

F. Transition Strips:

1. On every lot in this district which abuts a lot in a residential district there shall be provided a transition strip. Such transition strip shall be not less than fifteen (15) feet in width, shall be provided along every lot line, except at front lot lines, which abuts a lot in a residential district, shall not be included as part of the yard required around a building or structure, and shall be improved, when said lot in this district is improved, with an opaque fence, wall or hedge of a material and height as required by the Planning Commission.

2. A use or structure on any lot in this district fronting a public road, street, or way shall provide in addition to and as an integral part of any site development, on the front yard, a landscaped strip of land twenty (20) feet or more in depth; such landscaped strip to be defined and designed to provide access to the lot and separate off-street parking areas from the public right-of-way.

G. Off-Street Parking: As required in Article 9.

H. Signs: A sign in any Lake Commercial District is permitted only where it advertises a business occupying the same lot upon which the sign is erected. The sign or signs may be affixed flat against the wall of the building or may be freestanding not more than 48 inches above the finished grade and located not less than one-third the minimum front yard depth from the street right-of-way. The total area of all signs on any lot may not be more than one square foot for each foot of building length of the principal building.

## APPENDIX A

### APPROVED AMENDMENTS

**AMENDMENT #1 – (Approved by Penn Township Board on 12/09/91.)**

Added Article 19 - Lake Commercial/Residential District, Sections 19.01-19.04

**AMENDMENT #071398 – (Approved by Penn Township Board on 7/13/98.)**

Added to Article 8 - Conditional Uses, Section 8.13 Public Facilities

**AMENDMENT #2 – (Approved by Penn Township Board on 9/13/99.)**

Revised Article 12 - “R-1” Low Density Residential Districts, Section 12.04 Regulations

Revised Article 13 - “R-2” High Density Residential District, Section 13.04 Regulations

**AMENDMENT #3 – (Approved by Penn Township Board on 11/12/01.)**

Repealed Article 12 - Section 12.04A(3) Section 12.04B(3) and Section 13.04B(3)

**AMENDMENT #4 - (Approved by Penn Township Board on 6/9/03.)**

Added to Article 1 - Title, Purposes and Legal Clauses, Section 1.06 Filing A Petition of Submission of Ordinance to Electors

Added to Article 6 - Supplemental Regulations, Section 6.25 Open Space Preservation

Added to Article 11 “A-R” Agricultural-Residential District, Section 11.03(I) Conditional Uses

Added to Article 18 - Construction of Language and Definitions, Section 18.03 Open Space Definitions

**AMENDMENT #5 – (Approved by Penn Township Board on December 12, 2003.)**

Added to Article 8 - Conditional Uses, Section 8.12 Site Condominiums