

Pennfield Charter Township

Zoning Ordinance



Effective October 27, 2023

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ARTICLE 1: TITLE

1.1 TITLE

This Ordinance shall be known as the "Pennfield Charter Township Zoning Ordinance" and will be referred to herein as "this ordinance."

1.2 AREA OF JURISDICTION

The provisions of this ordinance shall apply to all development, public and private, throughout the incorporated areas of the Pennfield Charter Township, Calhoun County, Michigan, to the extent permitted by law.

1.3 PURPOSE

In accordance with the authority and intent of 2006 PA 110, The Michigan Zoning Enabling Act, [MCL 125.3101—125.3702] as may be amended, the Township desires to provide for the following through this Zoning Ordinance:

- A. Orderly development which is essential to the well-being of the community, and which will place no undue burden upon industry, commerce, residents, food producers, natural resources, or energy conservation;
- B. Assure standards for the physical development of industry, commerce, food production, recreation and residences mitigate public nuisances;
- C. Provide for the free movement of vehicles and nonmotorized users upon the streets and highways of the Township;
- D. Protect industry, commerce, food producers, natural resources, energy consumption, and residences against incongruous and incompatible uses of land; and
- E. Promote and protect the public health, safety, comfort, convenience and general welfare of all persons and property owners within the Township.

1.4 RELATIONSHIP TO THE MASTER PLAN

This ordinance is a tool used by the community to effectuate the recommendations of Pennfield Charter Township Master Plan and other planning documents, which serve as a guide to the long-term physical development of the Township.

1.5 AUTHORITY

This ordinance is ordained and enacted into law pursuant to the provisions and in accordance with the Michigan Zoning Enabling Act, PA 110 of 2006, as amended.

1.6 EFFECTIVE DATE

The provisions of this ordinance are hereby adopted, and this ordinance shall take effect on October 26, 2023.

ARTICLE 2: GENERAL PROVISIONS

2.1 APPLICABILITY

Unless otherwise specifically stated, the provisions of this Article shall apply to all lands within Pennfield Charter Township and within all zoning districts. As an aid to users, this ordinance cross-references sections that are or might be applicable to other sections. An incorrect or lack of cross-reference does not relieve a person from complying with all applicable requirements of this ordinance. The ordinance must be read and applied “as a whole.”

2.2 CONFLICTING REGULATIONS

In the interpretation, application, and enforcement of this ordinance, whenever any of the provisions or limitations imposed or required by this ordinance are more stringent than any other law or ordinance, then the provisions of this ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than is imposed or required by this ordinance, then the provisions of such other law or ordinance shall govern.

The graphics, tables, and text used throughout this ordinance are regulatory. In case of a conflict, text shall control over tables or graphics; tables shall control over graphics. Photographs and illustrations marked “example” or “for illustrative purposes only” are not regulatory and are provided for illustrative support only.

2.3 VESTED RIGHT

Nothing in this Article should be interpreted or construed to give rise to permanent vested rights in the continuance of any particular use, district, zoning classification, or any permissible activities therein, and they are hereby declared to be subject to subsequent amendment, change, or modification, as may be necessary to the preservation or protection of public health, safety, and welfare.

2.4 CORNER LOTS

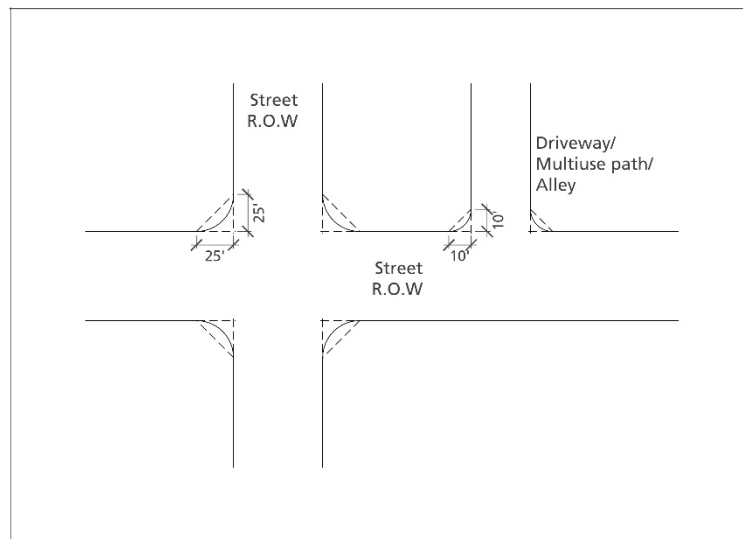
- A. The required front setback shall be measured from both the principal and secondary front lot lines unless specified elsewhere in this ordinance. The remaining setbacks shall be a rear and a side setback.
- B. For a corner lot with three front setbacks, the remaining setback shall be a rear setback.
- C. Commercial and industrial zoning districts: For a corner lot which is completely within a commercial or industrial district, the setback along the secondary lot line(s) shall not be less than 20 feet, if it abuts a residentially zoned property. All other setbacks shall comply with the minimum setback requirements of the zoning district within which the lot is located.
- D. Detached accessory buildings: For a detached accessory building on a corner lot, the secondary front may be reduced. See article 3 for setback requirements.

2.5 ROAD ACCESS

No building permit shall be issued unless the property for which the permit is requested fronts upon a designated and approved public or private road right-of-way or easement that is at least the length of the minimum lot width as required for zoning district in which the lot is located.

2.6 CLEAR VISION AREAS

- A. All streets, multiuse paths, right-of-way easements, alleys, or driveways that intersect a street shall establish a clear vision area in which no plantings, signs, fences, or structures shall be installed or maintained that are 30 inches or greater. Nothing shall be placed in the right-of-way except for mailboxes.
- B. Nothing shall be established in any yard, according to the Zoning Administrator, that will obstruct the view from driveways or adjacent roadways of vehicles entering or leaving the site.
- C. The clear vision area shall be a triangular area formed at the intersection with any street by a straight line drawn between right-of-way or easement lines at the following distances:
 1. Street: 25 feet
 2. Multiuse Path: 10 feet
 3. Driveway: 10 feet
 4. Alley: Ten 10 feet



Clear Vision Areas

2.7 PRINCIPAL BUILDING OR USE

No more than one (1) principal building or use may be located on a parcel, except for groups of related industrial or commercial buildings, multiple-family dwellings, or

manufactured homes contained within a single, integrated complex, sharing parking and access.

2.8 PUBLIC USES: CRITICAL, ESSENTIAL & SUPPORTING

Critical, essential, and supporting public uses shall be allowed in any zoning district by right. It is the intention to exempt such erection, construction, alteration, or maintenance from the application of this ordinance.

2.9 ILLEGAL DWELLINGS

The use of any portion of a garage or accessory building for dwelling or sleeping purposes in any zoning district is prohibited. Basements shall not be used for sleeping purposes, unless adequate ingress and egress is provided per the requirements of the Township Building Code and other applicable regulations. In no case shall any living space located in a basement be counted toward the required floor area living space for the district in which it is located.

2.10 BARRIER FREE MODIFICATION

Nothing in this ordinance shall prevent the unlimited modification of a building only as it may be necessary to comply with barrier-free requirements and the Americans with Disabilities Act.

2.11 RESTORATION OF UNSAFE BUILDINGS

Nothing in this ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Zoning Administrator, Building Official, or Public Health Inspector.

2.12 RELOCATION OF BUILDINGS

The relocation of a building to a different location in the Township shall be the same as erection of a new building, and all applicable provisions, regulations, and required permitting shall be followed and obtained.

2.13 DEMOLITION OF BUILDINGS

No structure shall be demolished until zoning and buildings permits for demolition have been issued by the Zoning Administrator and the Building Department. The demolition shall be completed within such a reasonable time period as shall be prescribed by the Township and under conditions that may be specified as necessary to protect the public health, safety and welfare. The demolition of structures within the Township shall comply with the following:

- A. The demolition of a structure shall include the demolition and removal of all foundation, cement flooring, footings, and walls, unless the applicant has immediate plans to incorporate those features into the proposed structure's design.
- B. The demolition of structures shall not damage any public property. If any damage is done to public property, the applicant is responsible for making all of the repairs and is required to remediate the damage in a timely manner.
- C. The demolition of a principal structure that will leave an accessory structure on the property shall not be allowed unless the accessory structure is also demolished, or if the applicant has plans to construct a new principal structure immediately.

- D. Following demolition of the structure and the removal of all required materials, the site shall be backfilled with clean fill and the site graded to meet existing grades at the property lines and prevent drainage of surface water onto abutting properties. All non-paved areas on the site shall be top dressed in a minimum of two (2) inches of topsoil and seeded with an appropriate grass seed.

2.14 TEMPORARY BUILDINGS FOR CONSTRUCTION

Temporary buildings or structures may be utilized, with a zoning permit, during construction for the storage of construction materials and for construction offices during a construction period of an approved project. Temporary buildings shall be removed prior to issuance of a Certificate of Occupancy. No temporary building or structure shall be used as a dwelling unit.

2.15 VOTING PLACE

The provisions of this ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

2.16 YARD PROJECTIONS

Architectural features may encroach into required yards as follows:

- A. Certain architectural features, such as cornices, bay windows (or windows without foundations), gutters, chimneys, pilasters, and similar features may not project into the required setbacks.
- B. Decks (At-grade or less than 24 inches high) may project into a required yard provided that such structures are:
 - 1. Unroofed and without walls or other continuous enclosed.
 - 2. That no such structure shall be permitted nearer than five (5) feet to any lot line.
 - 3. That such areas and structures may have open railings or fences not exceeding three (3) feet in height.
- C. Elevated decks and balconies may project into a required yard a distance not to exceed five (5) feet, provided:
 - 1. That such structure shall not be permitted within ten (10) feet of any lot line.
 - 2. That no building shall have more than one (1) such elevated deck or balcony in any one (1) yard.
 - 3. That such areas and structures may have open railings or fences not exceeding three (3) feet in height.
- D. Stoops or steps must lead to an exterior entrance to a building and shall not encroach into any required yard more than five (5) feet.

- E. No permitted projection shall encroach into a public right-of-way except for approved awnings.

2.17 HEIGHT EXCEPTIONS

Architectural, mechanical, and structural features may exceed the height limitations as follows:

- A. The building height restrictions of all zoning districts shall be subject to the following exceptions: cooling towers, elevator bulkheads, fire towers, grain elevators, silos, stacks, stage towers and scenery lofts, shall not exceed 20% of the height of the principal structure on the same parcel. If it is the only structure onsite, then it shall have to demonstrate to the satisfaction of the Planning Commission that the height is essential to its function.
- B. Parapet walls may extend above the maximum height specified in the respective district by up to five (5) feet. Roof-mounted mechanical equipment may extend above the maximum height specified in the respective district if completely screened by said parapet wall.
- C. Any other use determined to be accessory in nature, such as for personal communication or power generation, shall be limited to no more than 50 feet in height unless otherwise provided for in this ordinance.
- D. Freestanding telecommunications towers may exceed the maximum height specified in the respective district.
- E. Chimneys attached to residential dwellings may extend above the maximum height specified in the respective district only to the extent required to meet fire and state construction codes.
- F. Architectural features associated with religious institutions and public monuments shall be exempt from district height limits.

2.18 FLOODPLAINS

The floodplain area of lakes, ponds, rivers, and streams and their branches and tributaries shall be determined from time to time by the Federal Emergency Management Agency (FEMA), the County Engineer, the U.S. Army Corp of Engineers, or other official U.S. or Michigan public agency responsible for defining and determining floodplain areas. No building for human occupancy shall be erected or hereafter occupied, if vacant, in such designated floodplain areas.

2.19 ACCESSORY BUILDINGS & STRUCTURES

- A. Accessory to Permitted Residential Use in Residential Districts: No accessory building, structure, or use may be placed on a lot without an associated permitted principal use except if the property has an established agricultural use.
- B. When Attached to a Principal Building or Structure: Unless specifically provided for, accessory buildings or structures structurally attached to a principal building or structure shall be subject to all the regulations of this ordinance applicable to principal buildings, structures, and uses.

C. When Detached from a Principal Building or Structure:

1. All detached accessory buildings and structures shall be located a minimum of ten (10) feet from any other building or structure, unless otherwise provided for in this ordinance.
2. No detached accessory building shall be located within an easement or within a dedicated right-of-way.
3. Detached accessory farm buildings containing poultry or animal livestock shall be located at least 50 feet from a potable well and at least 100 feet from any dwelling on an adjacent property. It shall be so constructed and maintained that odor, dust, noise, or drainage shall not constitute a nuisance or hazard to adjoining or nearby parcels.
4. In all zoning districts, a detached accessory building shall be used for only those intended uses specified in the applicable zoning district.
5. When a rear yard line abuts a street right-of-way line, the detached accessory building shall set back a distance at least equal to the minimum front yard setback requirement of the district.
6. It is prohibited for detached accessory structures to be used as living quarters.

D. Accessory structure size is limited to the maximum lot coverage as listed in Article 3.

E. Prohibited Accessory Buildings, Structures, and Uses: No mobile home, tank, junk object, salvage materials, trailer, vehicle, or similar item shall be utilized as an accessory building or storage structure; provided, however, the above requirements shall not be applicable to:

1. Temporary offices, tool sheds, or similar temporary storage structures used as part of a permitted construction project and as regulated in this Article.
2. Storage/shipping containers, such as PODS (Portable on Demand Storage units), shall be allowed as a temporary use within the Township for a period not to exceed thirty (30) days. Such containers shall only be for the use of the person utilizing the storage/shipping container for the moving of goods and materials. At no time shall any container be placed as a permanent structure within any zoning district. Only one (1) container may be placed at any residentially zoned property or use at a time, and it may not be located in a road right-of-way.

F. Flagpoles. They may be erected in any yard, including any required yard, provided they shall be set back from any property line a distance equal to the height of the flagpole.

2.20 **SWIMMING POOLS**

Private pools shall be permitted as an accessory use within the rear or side yards only and shall comply with the maximum lot coverage requirements of the zoning district. Private swimming pools must meet the following requirements:

- A. There shall be a distance of not less than ten feet from adjoining property line and the outside of the pool wall or appurtenant structures that are accessory to it.

- B. There shall be a distance of not less than ten feet between the outside pool wall and any building located on the same lot.
- C. No swimming pool shall be located in the front yard.
- D. The pool shall be kept clean with a water filtration system.
- E. If electrical service, drop conductors, or other utility wires cross under or over a proposed pool area, the applicant shall make satisfactory arrangements with the utility involved for the relocation of wires before a permit shall be issued for the construction of a swimming pool.
- F. No swimming pool shall be located in an easement.
- G. All pool areas shall be accessible to emergency services personnel in the event of an emergency.
- H. Below ground pools:
 - 1. The yard shall have an enclosed fence not less than four feet in height surrounding the pool with a gate.
 - 2. The gate shall be of a self-closing and latching type, with the latch on the inside of the gate not readily available for children to open.
 - 3. Gates shall be capable of being securely locked when the pool is not in use for extended periods.
- I. Above ground swimming pools:
 - 1. The yard shall be completely enclosed by a fence not less than four feet in height, unless the outer wall of the aboveground pool which completely encircles the swimming pool is 42 inches above the ground level adjacent to the pool.
 - 2. The 42-inch wall height must be maintained continuously at all points along the side wall that surrounds the pool.
 - 3. The gate and/or stairs shall be of a self-closing and latching type and must be in operable condition at all times.
 - 4. If the entire pool area is enclosed by a fence 48 inches high, then these provisions may be waived by the Zoning Administrator upon inspection and approval.

2.21 FENCES

- A. Fences shall not be erected or maintained in any district in such a way as to obstruct the vision of vehicle drivers within the clear vision area as outlined in Section 2.22.
- B. Fences may be erected along the property line but shall be wholly on the property they intend to serve.
- C. Fences shall have the finished side of the fence facing outward away from the property.

- D. Fences enclosing public facilities including, but not limited to tennis courts, playgrounds, and municipal storage yards shall not exceed 12 feet in height.

2.22 DONATION BOXES

- A. Bins designed to solicit donations shall be allowed in any non-residential zoning district as an accessory structure requires a zoning permit, subject to the following standards:
 - 1. Donation bins shall be limited to one (1) per parcel.
 - 2. No illumination shall be used to draw attention to any donation bin.
 - 3. Donation bins shall be located adjacent to the principal structure on the parcel, but shall not encroach into any required yard setbacks, public rights-of-way, required parking spaces, or required landscape areas.
 - 4. The size of all donation bins shall be limited to a height of five (5) feet and a width and depth not to exceed four (4) feet.
 - 5. All donation bins shall be securely attached to the ground or principal structure to prevent any tipping hazard.
 - 6. Donation bins shall be constructed of metal or a similar durable material and be maintained in good condition and appearance with no structural damage, holes or visible rust and shall be free of any graffiti.
 - 7. Donation bins shall be of the type that are locked or otherwise secured in such a manner that the contents cannot be accessed by anyone other than those responsible for the retrieval of the contents.
 - 8. Donation bins signage shall not exceed 20 percent of each side.
 - 9. Donation bins shall be serviced and emptied as needed, but at least every 30 days.
 - 10. The owner of the property on which the bin is located shall maintain, or cause to be maintained, the area surrounding the donation bins, free from any junk, debris, or other material.
 - 11. Donation bins shall not be permitted on any unimproved parcel, shall not be allowed as a principal use of a parcel, and shall not be permitted where the principal use of the land has been closed or unoccupied for more than 30 days.
 - 12. Donation bins shall not cause a visual obstruction to vehicular or pedestrian traffic.
 - 13. Donation bins shall be placed on a level, hard (asphalt or concrete) paved, dust-free surface.
- B. Donation Box Permit Process:
 - 1. Permit issued by the Zoning Administrator shall be required prior to the installation of any donation bin on property in Pennfield Charter Township

2. Permit applications shall be submitted to the Zoning Administrator along with required fees, as established by the Township Board.
3. The Zoning Administrator shall review requests for all donation bins and find that they meet all standards and conditions identified herein. Where appropriate, the Building Department shall consult with the Police Chief and Fire Chief.
4. If the request meets all the standards and conditions, the permit shall be approved. If not, the request shall be denied, and the Zoning Administrator shall state the reasons for denial in writing and provide a copy to the applicant.

2.23 PERFORMANCE STANDARDS

All activities, in any zoning district, shall be conducted so as not to create or permit trespass or spillage of dust, glare, sounds, noise, vibrations, fumes, odors, or light onto neighboring properties, adjacent streets or public right-of-ways.

2.24 REQUIRED WATER SUPPLY & SANITATION FACILITIES (3.05)

No structure for human occupancy shall be erected, altered, or moved and used in whole or (in) part for dwelling, commercial, industrial, or recreation purposes unless provided with a safe, sanitary, and potable water supply and with a safe and effective means of collection, treatment, and disposal of human, domestic, commercial, and industrial waste. Such installations and facilities, if not from an approved public system, shall conform with the minimum requirements for such facilities set forth by the State of Michigan Health Department and the Calhoun County Health Department, the subdivision regulations, building code, and other applicable ordinances of Pennfield Charter Township and Calhoun County, including the Township's Well Head Protection Plan, and ordinance for Well Abandonment (Utility Division Ordinances).

2.25 REFUSE RECEPTACLES

All trash and refuse stored outdoors shall be placed in a designated container and shall meet the following standards:

- A. Dumpsters shall only be used for residential structures serving more than four (4) dwelling units on a single lot and for non-residential uses. Exceptions shall be made for temporary dumpsters used for construction projects that have been approved through a zoning permit or building permit but shall be removed within seven (7) days after the work has been completed.
- B. Dumpsters shall be placed on a concrete pad and shall have a deep strength concrete approach large enough to accommodate a truck used for emptying the dumpster(s).
- C. All dumpsters shall be screened on all sides with a solid wood fence, masonry wall, or of materials that match the front facade of the principal structure and shall include an opaque gate. The screening shall be a minimum of six (6) feet high, but tall enough to completely screen the refuse container. The Planning Commission shall have final determination in approving the screening material.
- D. No refuse receptacle shall be stored in any front yard, yard setback, or required landscape areas.

2.26 SATELLITE DISH ANTENNAS AND RADIO AND TELEVISION RECEIVING ANTENNAS

- A. Satellite dish antennas in any nonresidential district, the following restrictions shall apply:
 - 1. The dish antenna shall be permitted in the side and rear yard, or mounted on top of a building, and securely anchored.
 - 2. The nearest part of the antenna shall be at least five (5) feet from any property line.
 - 3. The height shall not exceed the height restrictions in the district in which the proposed device is to be located.
 - 4. No portion of the dish antenna shall contain any name, message, symbol, or other graphic representation.
 - 5. A site plan shall be prepared and submitted to the Zoning Administrator for approval prior to issuance of a building permit. The site plan shall include the proposed location and an elevation drawing showing the proposed height and foundation details.
- B. Satellite dish antennas in any residential district, the following restrictions shall apply:
 - 1. The dish antenna shall be permitted in the rear yard only.
 - 2. The nearest part of the antenna shall be at least five (5) feet from any property line.
 - 3. The unit shall be securely anchored as determined by the Zoning Administrator.
 - 4. The maximum height measured from the ground to the top edge of the dish shall be 14 feet.
 - 5. The antenna shall be an unobtrusive color, as approved by the Zoning Administrator.
 - 6. No part of the dish antenna shall contain any name, message, symbol, or other graphic representation.
 - 7. A site plan shall be submitted to the Zoning Administrator for approval prior to the issuance of a building permit. The site plan shall include the proposed location of the antenna and an elevation drawing showing the proposed height, color, and foundation details.
- C. The following procedures shall govern the issuance of administrative approvals for antennas:
 - 1. Each applicant for administrative approval shall submit a site plan as outlined in this ordinance, along with a nonrefundable fee as established by Township Board.

2. The Zoning Administrator shall review the application and determine if the proposed use complies with the general standards set for site plan review of this ordinance.
3. In connection with any administrative approval, the Zoning Administrator may, in order to encourage the use of monopoles, administratively allow the reconstruction of an existing lattice or guyed tower to monopole construction.

D. Exceptions.

1. This ordinance shall not govern any tower, or the installation of any antenna, that is under 50 feet in height, and is either wholly owned and used by a federally licensed amateur radio station operator or is used exclusively for receive-only antennas.
2. Existing towers and antennas shall not be required to meet the requirements of this ordinance other than to conform with FAA, FCC, and applicable state construction, building and electrical codes.
3. For the purpose of this ordinance, an AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer parameter of the towers included in the AM array. Additional tower units may be added within the parameter of the AM array by right.
4. These regulations shall not apply to dish antennas that are one (1) meter (39.37 inches) or less in diameter in residential districts or two (2) meters or less in diameter in nonresidential districts.
5. The Zoning Administrator shall permit any waivers or modifications of these restrictions to the minimum extent necessary to permit full reception and use of the dish antenna, if existing buildings, vegetation, topography, or other factors cause interference with reception.

2.27 ANIMAL KEEPING

This section shall apply to any person keeping animals for personal use of animals and not engaged in commercial agriculture.

- A. For this subsection, one animal unit shall be equal to the following:
 - a. One (1) horse, cow, donkey, alpaca, bison, or similar large animal
 - b. Five (5) pigs, sheep, goats, or similar medium animal
 - c. Ten (10) poultry, rabbits, or similar small animal.
- B. The keeping of animals not normally considered household pets, shall be permitted with the following restrictions:
 1. In the AG zoning district:

- a. A minimum lot size of one (1) acre shall be required for one (1) small animal unit.
 - b. A minimum lot size of five (5) acres shall be required for the first two (2) animal units and one (1) additional acre per additional animal unit.
2. In the LMR zoning district:
 - a. A minimum lot size of two (2) acres shall be required one (1) small animal unit and one (1) additional acre per additional small animal unit. No medium or large units shall be allowed.
3. Detached accessory farm buildings containing poultry or animal livestock shall be located at least 50 feet from a potable well and at least 100 feet from any dwelling on an adjacent property. It shall be so constructed and maintained that odor, dust, noise, or drainage shall not constitute a nuisance or hazard to adjoining or nearby parcels.
4. Any grazing or exercise area shall not be nearer than 100 feet to any property line.
5. In the LMR zoning district, roosters are prohibited. In the AG zoning district, roosters are prohibited on properties less than ten (10) acres.
6. Poultry shall be located in the rear yard in an enclosed structure or fenced area.
7. Disposal of animal manure in these residential zones shall be composted onsite in a way that does not produce noxious odors for its neighbors or shall be removed from site regularly in accordance with Generally Accepted Agricultural and Management Practices (GAAMPS).

2.28 KEYHOLING

2.28.1 Intent and purpose

In its deliberations leading to the adoption of this section, the Township Board has recognized and concluded that the use of water resources should be considered within a framework of long-term cost and benefits to the Township, and that it is desirable to retain and maintain the physical, cultural, and aesthetic characteristics of lakes in the Township. Moreover, it has been recognized that, as the shorelines of lakes become further developed, the cumulative impact of boat usage from each respective property must be regulated in order to preserve and protect the rights of riparian owners as well as the Township as a whole. It has further been recognized that the lack of regulation may result in a nuisance condition and an impairment of these important and irreplaceable natural resources of the Township and may further result in the destruction of property values and threaten the public health, safety and welfare of all persons making use of lakes within the Township and properties adjacent to lakes in the Township. Accordingly, it is the intent and purpose of the Township Board to adopt reasonable regulations for boat usage in the Township.

2.28.2 Scope and Applicability

- A. The terms and provisions of this section shall be interpreted and applied as minimum standards and requirements for the promotion and protection of the public health,

- safety, and welfare, and for the public peace and preservation of natural resources and public and private property within the Township.
- B. This section shall not interfere with, abrogate, annul nor repeal any other law, ordinance, rule, or regulation previously in effect, including any other ordinance regulating boat launching and/or usage. Moreover, in instances where this section specifically imposes a greater restriction or higher standard than other ordinances, the provisions of this section shall govern.
 - C. This section is not intended to conflict with and/or pre-empt application of Part 301 of the Natural Resources Environmental Protection Act (MCL 324.30101 et seq.) but is intended to supplement such part in a compatible manner so as to enhance water usage in a manner consistent with the public interest.

2.28.3 Regulations

Not more than one (1) dock shall be constructed, placed or maintained for every 70 feet of lake frontage on a waterfront parcel, provided that lots or parcels of record prior to the effective date of this section with frontage of less than 70 feet shall be permitted a single dock. For purposes of computing the length of frontage, the measurement shall be along the water's edge at the normal highwater mark of the lake as determined by the Department of Natural Resources or Environmental Quality. If the department has not made such a finding, the normal highwater mark location shall be determined at the discretion of the Township. Moreover, the measurement shall be made only along a natural shoreline, and shall not include any manmade, channel, lagoon, canal, or the like.

ARTICLE 3: ZONING DISTRICTS AND MAP

3.1 ZONING MAP

The boundaries of the zoning districts established by the ordinance are shown on a map or series of maps designated the "zoning map." The zoning map including all notations, references, data, and other information shown therein, is adopted and made a part of this ordinance as fully as if it were contained within the pages of this ordinance.

3.2 LOCATION

The Official Zoning Map is filed in the office of the Township Clerk.

3.3 UPDATES

The Township Board may adopt amendments to the district boundaries designated on the zoning map upon review and recommendation by the Pennfield Charter Township Planning Commission.

3.4 ZONING DISTRICTS ESTABLISHED

For the purpose of this ordinance, the Township is hereby divided into the following Districts:

Residential Districts

AG: Agricultural District

LMR: Low Medium Density Residential District

HDR: High Density Residential District

MH: Manufactured Housing District

Non-Residential Districts

GC: General Commercial District

LC: Local Commercial

I: Industrial District

3.5 OVERLAY DISTRICT ESTABLISHED

In addition to the above established zoning districts, the following overlay districts are established and regulated in Article 4:

WC: Waterfront Conservation Overlay District

WP: Wellhead Protection Overlay District

3.6 ZONING DISTRICT BOUNDARIES

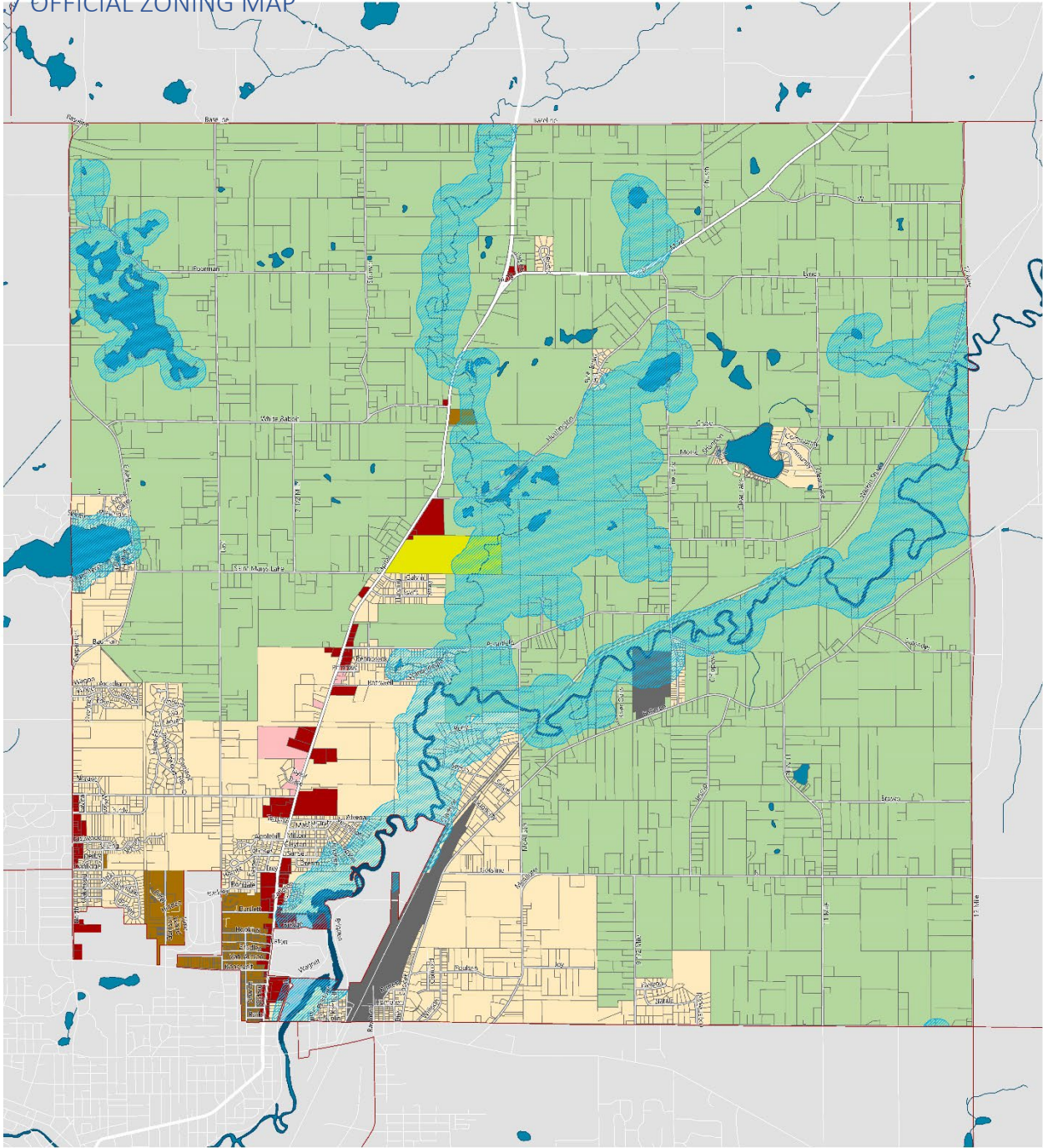
Where uncertainty exists with respect to the boundaries of the various districts, the following rules shall apply:

- A. The district boundaries are public rights-of-way including either streets, places, or alleys unless otherwise shown; where the districts designated on the zoning map are

approximately bounded by street, road, place, or alley lines, the same shall be construed to be the boundary of the district.

- B. For the sake of map clarity, various districts may not cover public rights-of-way. It is intended that such district boundaries extend to the center of any public right-of-way.
- C. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines; where districts designated on the zoning map are approximately bounded by lot lines, the same shall be construed to be the boundary of the districts, unless otherwise indicated on the zoning map.
- D. Boundaries indicated as following railroad lines shall be construed to be the midpoint between the main tracks.
- E. Boundaries indicated as following shorelines shall be construed to follow such shorelines and, in the event of change in the shoreline, shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines.
- F. Boundaries indicated as parallel to or extensions of features indicated by rules "A" through "E", shall be so construed. Distances not specifically indicated on the zoning map shall be determined by the scale of the map.
- G. Where physical or natural features existing on the ground are at variance with those shown on the zoning map, or in other circumstances not covered by rules "A" through "F", the Zoning Board of Appeals shall provide an interpretation of the boundaries.
- H. Whenever any street, road, alley, place, or other public way is officially vacated it shall automatically become a part of the district to which it attaches. If a vacated area is bordered by two different districts, the area is divided along a line halfway between, unless the Township Board shall otherwise designate.
- I. Any dispute in the opinion of the zoning district boundaries from the Zoning Administrator shall be heard by the Zoning Board of Appeals for a final determination.

3.7 OFFICIAL ZONING MAP



Zoning Map

Sources: Michigan Open Data Portal, Calhoun County, Charter Township of Pennfield

0.5 Miles
Beckett & Raeder, Inc.

- | | |
|--------------------------------|---------------------------------|
| Agricultural | Industrial |
| Low/Medium Density Residential | Waterfront Conservation Overlay |
| High Density Residential | |
| Manufactured Home Park | |
| Local Commercial | |
| General Commercial | |

Effective Date: October 27, 2023

3.8 ZONING DISTRICT REGULATIONS

3.8.1 Overview

The following sections regulate the uses, dimensional standards, principal building form, landscaping, screening, off-street parking design, and signage. Additional standards related to these items exist throughout the ordinance and are in effect as applicable.

3.8.2 Determinations of Use

If a proposed use is not clearly listed or identified in the Regulated Uses Tables, the Zoning Administrator shall make a determination as to whether or not the proposed use is similar enough to fit within the definition of an existing listed use and should be accommodated. The determination of the Zoning Administrator regarding unclassified uses may be appealed to the Zoning Board of Appeals for a final determination. If a proposed use is found not be similar enough to an existing listed use to be accommodated, a request to add the proposed use through an amendment may be requested subject to the procedures and standards in Article 13.

3.8.3 Interpreting District Regulations

- A. The standards provided in the following sections are to be interpreted as the minimal requirements, unless explicitly stated as a maximum.
- B. Regulated uses listed as "By Right" approval type shall require site plan review, where applicable. Regulated uses listed as "Special" approval type shall require a special land use permit, in addition to site plan review.
- C. Regulated uses that have additional supplemental use standards are indicated with the section number where the supplemental use standards can be found. Lack of noted section number or incorrect reference does not waive the requirements of the supplemental standards.
- D. Additional standards applicable to the items regulated for each zoning district, including but not limited to landscaping, fencing, parking, and loading zones, exist within this ordinance.
- E. Nothing in this Article shall exempt a land use or development from satisfying any additional, applicable standards, or design requirements contained within this ordinance.
- F. When a parcel is subdivided, it shall follow the regulations in the Township ordinances regarding Subdivisions and Other Divisions of Land.

3.9 AG: AGRICULTURAL DISTRICT

3.9.1 Intent and Purpose

This district is intended for agricultural uses, including other uses generally associated with agriculture. The purpose of this district is to provide residential uses in the rural and agricultural areas of the Township. This district will promote a low-intensity rural environment which preserves those natural features that are important to the agricultural and rural residential character of the Pennfield Charter Township. Careful consideration is given to environmental concerns related to groundwater quality and other related issues pertaining to development in rural areas with limited public services. This district shall provide for larger-lot residential uses for areas not served with public water or sewer utility.



3.9.2 Regulated Uses

AG: REGULATED USES	APPROVAL TYPE	SUPPLEMENTAL STANDARDS	MINIMUM PARKING
Accessory Buildings/Structures	By Right	§2.19	--
Adult Foster Care Family Homes	By Right	--	1 / 4 clients + 1 / employee
Agricultural Operations	By Right	§6.2	1 / employee working during the largest shift
Agricultural Processing Facilities	Special	§6.3	1 / employee working during the largest shift
Agri-tainment	Special	§6.4	.5 / occupancy
Campgrounds	Special	§6.10	1 / campsite
Clubhouse Facilities	Special	§6.24	.5 / occupancy
Educational Institutions	Special	§6.19	1.5 / classroom + spaces required for auditorium / gymnasium seating
Extractive Industries	Special	§6.20	1 / employee working during the largest shift
Family Child Care Homes	By Right	--	1 / 4 clients + 1 / employee
Golf Courses & Driving Range	Special	§6.24	2 / hole
Greenhouses & Nurseries	Special	--	1 / 4 clients + 1 / employee
Home Occupations	By Right	§6.25	--

AG: REGULATED USES	APPROVAL TYPE	SUPPLEMENTAL STANDARDS	MINIMUM PARKING
Kennels	Special	§6.27	--
Public Use–Critical	By Right	§2.8	--
Public Use–Essential	By Right	§2.8	--
Public Use–Supporting	By Right	§2.8	--
Recycling Centers	Special	§6.32	1 / employee working during the largest shift
Religious Institutions	Special	--	1 / 3 seats in the main unit of worship or 1 / each 6 feet of pew length, whichever is less
Riding Stables & Boarding Facilities	Special	§6.34	.5 / stall
Roadside stands	By Right	--	1 / 200 square feet of indoor usable area + 1 / 1,000 sq.ft. of outdoor display area
Single-Family Detached Dwellings	By Right	--	2 / dwelling
Solar Installations–Commercial	Special	§6.38.2	--
Solar Installations–Personal	By Right	§6.38.1	--
Veterinary Clinics	Special	--	1 / 75 square feet waiting area + 1 / examining room
Wireless Telecommunication Towers	By Right	§6.39	--
Wind Energy Conversion Systems	Special	§6.42	--

3.9.3 Dimensional Standards

AG: DIMENSIONAL STANDARDS	
Lot Occupation	
Minimum Lot Width	200 feet
Minimum Lot Area	2 acres

AG: DIMENSIONAL STANDARDS	
Maximum Lot Coverage	20%
Maximum Impervious Coverage	25%
Principal Structure	
Front Setback	60 feet
Side Setback	50 feet
Rear Setback	50 feet
Water Setback	50 feet
Maximum Height	35 feet
Minimum Ground Floor Area	1,000 square feet
Minimum Horizontal Dimensions	20 ft x 20 ft
Accessory Structures	
Permitted Locations	Residential Use: Front, side, and rear yards Nonresidential Use: Side or rear yards
Front Setback	60 feet
Secondary Front Setback (detached only)	50 feet
Side Setback	5 feet
Rear Setback	5 feet
Water Setback	50 feet
Maximum Height	35 feet
<i>NOTES: Additional accessory building standards located in Article 2.</i>	

3.9.4 Landscaping Standards

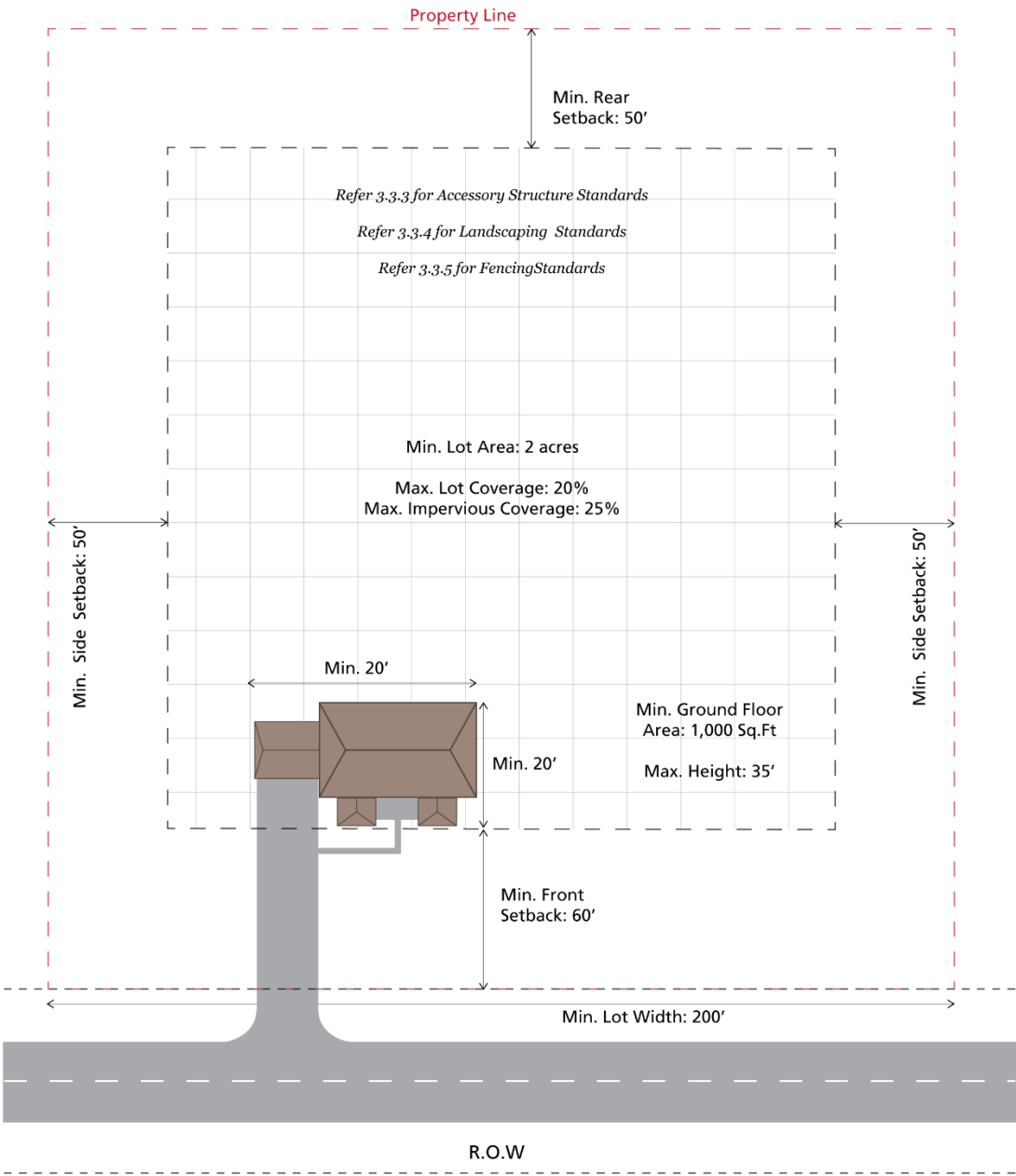
AG: LANDSCAPING STANDARDS		
Item	Residential Uses	All Other Uses
Lot Landscaping	--	--
Right-Of-Way Landscaping	--	--
Screening & Buffering	--	Side & rear property lines: vegetated screen, obscuring wall/fence, or combination thereof at a minimum height of 6 feet.
Treed Parking Island Required	--	Yes

NOTES: Additional landscaping standards located in Article 5.

3.9.5 Fencing Requirements

AG: FENCING REQUIREMENTS		
	Maximum Height	Additional Requirements
Front Yard	4 feet	Fences within any front yard shall not be more than 50 percent solid
Side Yard	6 feet	--
Rear Yard	6 feet	--
Waterside	6 feet	Must be 25 feet from high water mark
Security gates or fencing may be permitted in the front yard of up to five (5) feet in height provided they are set back no less than 30 feet from the road right-of-way, are located on parcels of two (2) acres or more		
Fences may contain barbed wire or be electrified when used in connection with a bona fide agricultural operation.		

NOTES: Additional landscaping standards located in Article 2.



Agricultural District
Pennfield Charter Township

(Illustration not to scale)

3.10 LMR: LOW/MEDIUM DENSITY RESIDENTIAL

3.10.1 Intent and Purpose

This district is intended to provide for single-family and two-family residential living environment and to foster stable, high-quality neighborhoods free from other uses that are incompatible with residential uses. At the same time, the regulations for this district recognize the need to provide large enough parcels to sustain a healthy on-site water supply and liquid wastewater disposal. However, with further development, the uses in this area may be served by a public water supply and sanitary sewer and treatment systems. This district will act as a transitional area between higher density residential and agricultural or rural lands.



3.10.2 Regulated Uses

LMR: REGULATED USES	APPROVAL TYPE	SUPPLEMENTAL STANDARDS	MINIMUM PARKING
Accessory Buildings/Structures	By Right	\$2.19	1 / 4 clients + 1 / employee
Cemeteries	Special	\$6.11	--
Clubhouse Facilities	Special	\$6.24	.5 / occupancy
Educational Institutions	Special	\$6.19	1.5 / classroom + spaces required for auditorium / gymnasium seating
Extractive Industries	Special	\$6.20	1 / employee working during the largest shift
Family Child Care Homes	By Right	--	1 / 4 clients + 1 / employee
Foster Family Group Homes	By Right	--	1 / 4 clients + 1 / employee
Foster Family Homes	By Right	--	1 / 4 clients + 1 / employee
Group Child Care Homes	Special	\$6.23	1 / 4 clients + 1 / employee
Golf Courses & Driving Range	Special	\$6.24	2 / hole
Home Occupations	By Right	\$6.25	--
Public Use–Critical	By Right	\$2.8	--
Public Use–Essential	By Right	\$2.8	--
Public Use–Supporting	By Right	\$2.8	--
Religious Institutions	Special	--	1 / 3 seats in the main unit of worship or 1 / each 6 feet of pew length, whichever is less

LMR: REGULATED USES	APPROVAL TYPE	SUPPLEMENTAL STANDARDS	MINIMUM PARKING
Single-Family Detached Dwellings	By Right	--	2 / dwelling
Solar Installations--Personal	By Right	§6.38.1	--
Telecommunication Towers	Special	§6.39	--
Two-Family Dwellings	By Right	--	2 / dwelling
Wind Energy Conversion Systems	Special	§6.42	--

3.10.3 Dimensional Standards

LMR: DIMENSIONAL STANDARDS	
Lot Occupation	
Minimum Lot Width	125 feet
Minimum Lot Area	1 acre
Maximum Lot Coverage	30%
Maximum Impervious Coverage	40%
Principal Structure	
Front Setback	30 feet
Side Setback	15 feet
Rear Setback	30 feet
Water Setback	50 feet
Maximum Height	35 feet
Minimum Ground Floor Area	1,000 square feet
Minimum Horizontal Dimensions	20 ft x 20 ft
Accessory Structures	
Permitted Locations	Front, side, and rear yards
Front Setback	30 feet
Secondary Front Setback (detached only)	20 feet
Side Setback	5 feet
Rear Setback	5 feet
Water Setback	50 feet
Maximum Height	16 feet
<i>NOTES: Additional accessory building standards located in Article 2.</i>	

3.10.4 Landscaping Standards

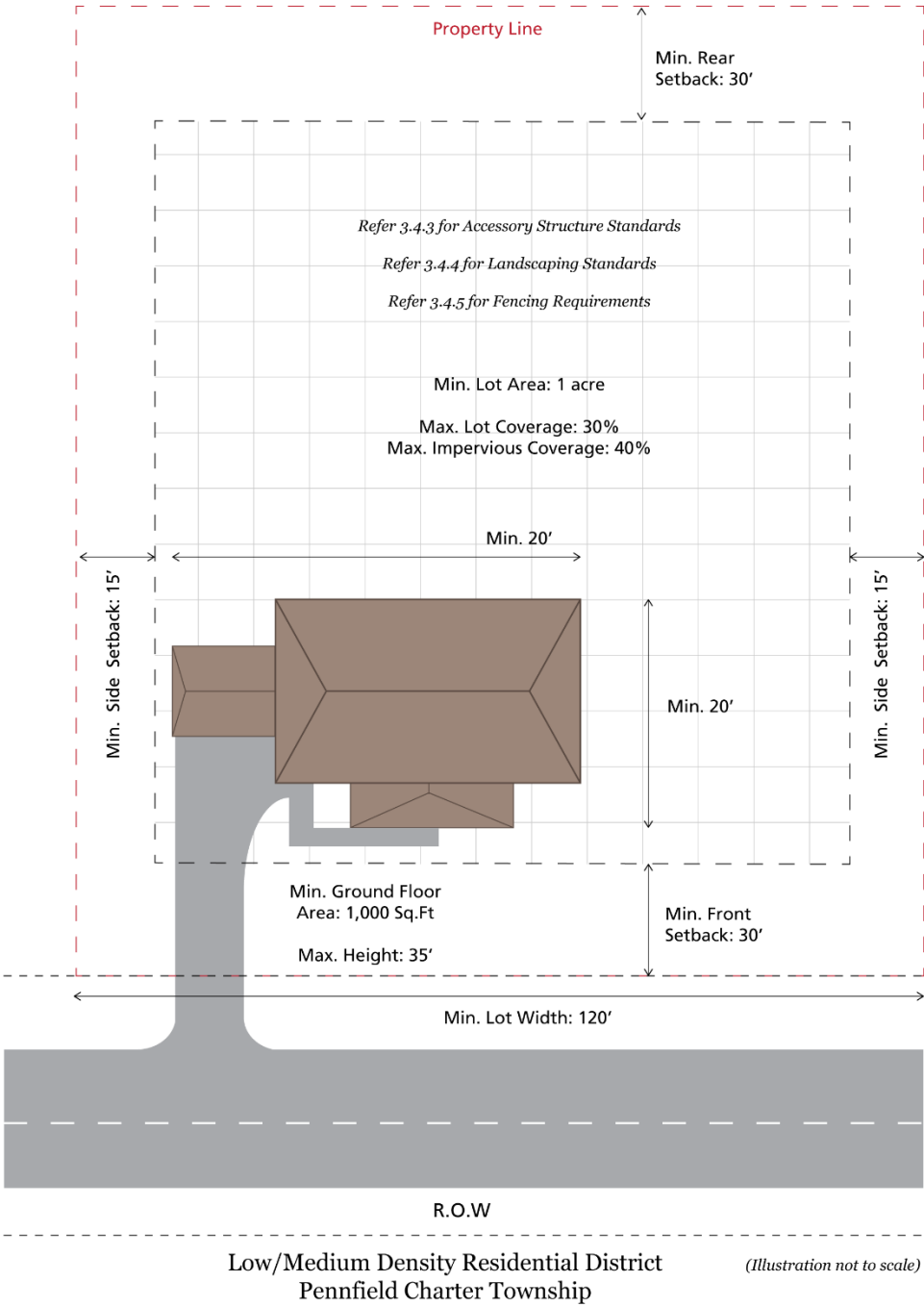
LMR: LANDSCAPING STANDARDS		
Item	Residential Uses	All Other Uses
Lot Landscaping	--	--
Right-Of-Way Landscaping	--	1 tree and 4 shrubs per 40 lineal feet of right-of-way
Screening & Buffering	--	Side & rear property lines: vegetated screen, obscuring wall/fence, or combination thereof at a minimum height of 6 feet.
Treed Parking Island Required	--	Yes

NOTES: Additional landscaping standards located in Article 5.

3.10.5 Fencing Requirements

LMR: FENCING REQUIREMENTS		
	Maximum Height	Additional Requirements
Front Yard	4 feet	Fences within any front yard shall not be more than 50 percent solid
Side Yard	6 feet	--
Rear Yard	6 feet	--
Waterside	6 feet	Must be 25 feet from high water mark
Security gates or fencing may be permitted in the front yard of up to five (5) feet in height provided they are set back no less than 30 feet from the road right-of-way, are located on parcels of two (2) acres or more		
Shall not contain barbed wire or be electrified		

NOTES: Additional landscaping standards located in Article 2.



3.11 HDR: HIGH DENSITY RESIDENTIAL

3.11.1 Intent and Purpose

This district is intended to provide a mix of housing styles, types, and densities to accommodate the residential needs of all groups. This district provides areas for two-family and multiple-family residential living environments, allowing additional variety in housing opportunities and choices. Such density of development would require connection to a public or private wastewater collection facility. The regulations for this district recognize the need to provide affordable and varying housing opportunities and will act as a transitional zone between lower density residential uses and nonresidential uses.



3.11.2 Regulated Uses

HDR: REGULATED USES	APPROVAL TYPE	SUPPLEMENTAL STANDARDS	MINIMUM PARKING
Accessory Buildings/Structures	By Right	§2.19	--
Adult Foster Care Family Homes	By Right	--	1 / 4 clients + 1 / employee
Child Care Center	Special	--	1 / 4 clients + 1 / employee
Community Centers	Special	§6.15	
Educational Institutions	Special	§6.19	1.5 / classroom + spaces required for auditorium / gymnasium seating
Extractive Industries	Special	§6.20	1 / employee working during the largest shift
Family Child Care Homes	By Right	--	1 / 4 clients + 1 / employee
Foster Family Group Homes	By Right	--	1 / 4 clients + 1 / employee
Foster Family Homes	By Right	--	1 / 4 clients + 1 / employee
Group Child Care Homes	Special	§6.23	1 / 4 clients + 1 / employee
Home Occupations	By Right	§6.25	--
Multiple-Family Dwellings	By Right	-	1 / dwelling
Nursing Homes	Special	-	1 / 2 dwelling units + 1 / 5 dwelling units for visitors
Public Use–Critical	By Right	§2.8	--
Public Use–Essential	By Right	§2.8	--

HDR: REGULATED USES	APPROVAL TYPE	SUPPLEMENTAL STANDARDS	MINIMUM PARKING
Public Use–Supporting	By Right	§2.8	--
Religious Institutions	Special	--	1 / 3 seats in the main unit of worship or 1 / each 6 feet of pew length, whichever is less
Senior Living Facilities	Special	--	1 / 2 dwelling units + 1 / 5 dwelling units for visitors
Single-Family Detached Dwellings	By Right	--	2 / dwelling
Solar Installations–Personal	By Right	§6.38.1	--
Telecommunication Towers	Special	§6.39	--
Two Family Dwellings	By Right	--	2 / dwelling
Wind Energy Conversion Systems	Special	§6.42	--

3.11.3 Dimensional Standards

HDR: DIMENSIONAL STANDARDS	
Lot Occupation	
Minimum Lot Width	120 feet
Minimum Lot Area	1 acre
Density	Without sewer/water: 5 units/acre With sewer/water: 12 units/acre
Maximum Lot Coverage	60%
Maximum Impervious Coverage	65%
Principal Structure	
Front Setback	30 feet
Side Setback	20 feet
Rear Setback	30 feet
Water Setback	50 feet
Maximum Height	35 feet
Minimum Ground Floor Area	500 square feet
Minimum Horizontal Dimensions	20 ft x 20 ft
Accessory Structures	
Permitted Locations	Side and Rear yards
Front Setback	30 feet
Secondary Front Setback (detached only)	20 feet
Side Setback	5 feet

HDR: DIMENSIONAL STANDARDS	
Rear Setback	5 feet
Water Setback	50 feet
Maximum Height	16 feet
<i>NOTES: Additional accessory building standards located in Article 2.</i>	

3.11.4 Landscaping Standards

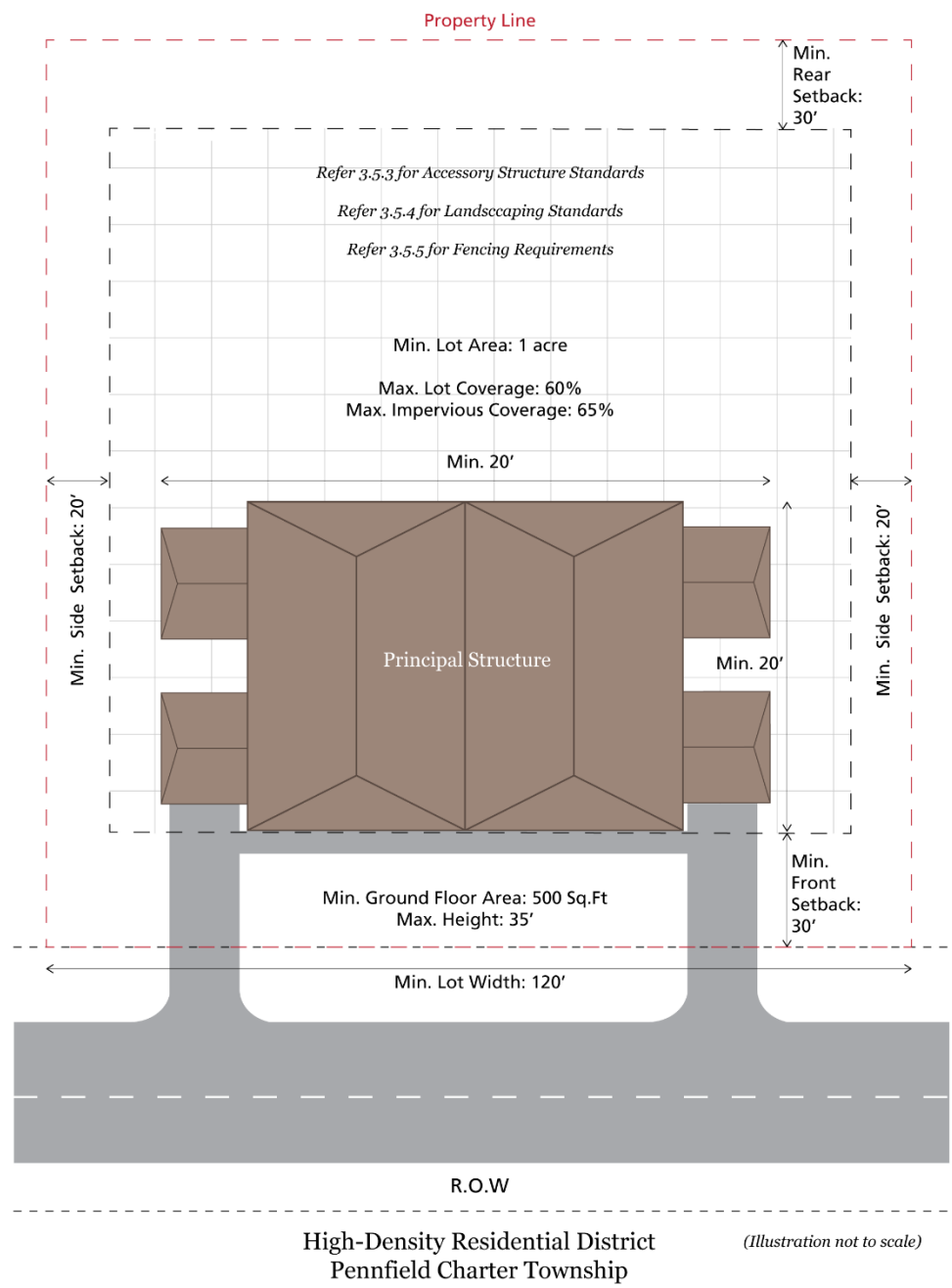
HDR: LANDSCAPING STANDARDS		
Item	1 & 2 Family Residential Uses	All Other Uses
Lot Landscaping	--	--
Right-Of-Way Landscaping	--	1 tree and 6 shrubs per 40 lineal feet of right-of-way
Screening & Buffering	--	Side & rear property lines: vegetated screen, obscuring wall/fence, or combination thereof at a minimum height of 6 feet.
Treed Parking Island Required	--	Yes

NOTES: Additional landscaping standards located in Article 5.

3.11.5 Fencing Requirements

HDR: FENCING REQUIREMENTS		
	Maximum Height	Additional Requirements
Front Yard	4 feet	Fences within any front yard shall not be more than 50 percent solid
Side Yard	6 feet	--
Rear Yard	6 feet	--
Waterside	6 feet	Must be 25 feet from high water mark
Security gates or fencing may be permitted in the front yard of up to five (5) feet in height provided they are set back no less than 30 feet from the road right-of-way, are located on parcels of two (2) acres or more		
Shall not contain barbed wire or be electrified		

NOTES: Additional landscaping standards located in Article 2.



3.12 MH: MANUFACTURED HOUSING DISTRICT

3.12.1 Intent and Purpose

Consistent with the Township's goal to provide a mix of housing styles, types, and densities to accommodate the residential needs of all people, the manufactured home park district is intended to provide regulations for manufactured home residential developments to permit additional variety in housing opportunities and choices.



3.12.2 Regulated Uses

MH: REGULATED USES	APPROVAL TYPE	SUPPLEMENTAL STANDARDS	MINIMUM PARKING
Accessory Buildings/Structures	By Right	§2.19	--
Adult Foster Care Family Homes	By Right	--	1 / 4 clients + 1 / employee
Community Centers	By Right	§6.15	
Extractive Industries	Special	§6.2	1 / employee working during the largest shift
Family Child Care Homes	By Right	--	1 / 4 clients + 1 / employee
Foster Family Group Homes	By Right	--	1 / 4 clients + 1 / employee
Foster Family Homes	By Right	--	1 / 4 clients + 1 / employee
Group Child Care Homes	Special	--	1 / 4 clients + 1 / employee
Home Occupations	By Right	§6.25	--
Manufactured Homes	By Right	-	--
Public Use–Critical	By Right	§2.8	--
Public Use–Essential	By Right	§2.8	--
Public Use–Supporting	By Right	§2.8	--
Solar Installations–Personal	By Right	§6.38.1	--
Telecommunication Towers	Special	§6.39	--
Wind Energy Conversion Systems	Special	§6.42	--

3.12.3 Dimensional Standards

MH: DIMENSIONAL STANDARDS	
Lot Occupation	
Minimum Lot Width	125 feet
Minimum Lot Area	1 acre
Maximum Lot Coverage	30%
Maximum Impervious Coverage	40%
Principal Structure	
Front Setback	30 feet
Secondary Front Setback (detached only)	20 feet
Side Setback	15 feet
Rear Setback	30 feet
Water Setback	50 feet
Maximum Height	35 feet
Minimum Ground Floor Area	1,000 square feet
Minimum Horizontal Dimensions	20 ft x 20 ft
Accessory Structures	
Permitted Locations	Front, side, and rear yards
Front Setback	30 feet
Side Setback	5 feet
Rear Setback	5 feet
Water Setback	50 feet
Maximum Height	16 feet
<i>NOTES: Additional accessory building standards located in Article 2.</i>	

3.12.4 Landscaping Standards

MH: LANDSCAPING STANDARDS		
Item	Residential Uses	All Other Uses
Lot Landscaping	--	--
Right-Of-Way Landscaping	--	1 tree and 6 shrubs per 40 lineal feet of right-of-way
Screening & Buffering	--	Side & rear property lines: vegetated screen, obscuring wall/fence, or combination thereof at a minimum height of 6 feet.
Treed Parking Island Required	--	Yes

NOTES: Additional landscaping standards located in Article 5.

3.12.5 Fencing Requirements

MH: FENCING REQUIREMENTS		
	Maximum Height	Additional Requirements
Front Yard	4 feet	Fences within any front yard shall not be more than 50 percent solid
Side Yard	6 feet	--
Rear Yard	6 feet	--
Waterside	6 feet	Must be 25 feet from high water mark
Security gates or fencing may be permitted in the front yard of up to five (5) feet in height provided they are set back no less than 30 feet from the road right-of-way, are located on parcels of two (2) acres or more		
Shall not contain barbed wire or be electrified		

NOTES: Additional landscaping standards located in Article 2.

3.13 GC: GENERAL COMMERCIAL DISTRICT

3.13.1 Intent and Purpose

This district provides locations within the Township for small, convenient office and personal service areas. Uses shall cater to the residents of Pennfield Charter Township and nearby areas, while remaining small enough in scale to be well integrated into a neighborhood setting. This district also provides locations near the highway and interchanges within the Township for larger retail and professional office areas. The areas should possess appropriate traffic safety components which will limit potential negative impacts resulting from a nonresidential use on the nearby residential uses.



3.13.2 Regulated Uses

GC: REGULATED USES	APPROVAL TYPE	SUPPLEMENTAL STANDARDS	MINIMUM PARKING
Accessory Buildings/Structures	By Right	§2.19	--
Adult Foster Care Large Homes	Special	--	--
Adult Foster Care Family Homes	Special	--	--
Assembly Facilities	Special	§6.06	2 / 5 seats, or 8 feet pew length; or 1 / 3 persons at maximum occupancy
Automobile Sales and Rentals	Special	§6.06	1 / 500 square feet of useable floor area
Automobile Service Stations	Special	§6.07	1 / 5 stalls
Automobile Washing Station	Special	§6.08	--
Bars, Taverns, Lounges	By Right	--	1 / 100 square feet of useable area; or 1 / 3 persons at maximum occupancy whichever is greater
Child Care Center	By Right	--	1 / 4 clients + 1 / employee
Contractor Establishments	Special	§6.16	1 / 500 square feet of useable floor area
Contractor Storage Yard	Special	§6.17	1 / employee
Cultural Institutions		--	.5 / occupancy

GC: REGULATED USES	APPROVAL TYPE	SUPPLEMENTAL STANDARDS	MINIMUM PARKING
Drive Through Services	Special	§6.18	--
Educational Institutions	By Right	§6.19	1 / 8 students + 1.5 / classroom + spaces required for auditorium / gymnasium seating
Extractive Industries	Special	§6.20	1 / employee working during the largest shift
Financial Services	By Right	--	1 / 150 square feet of useable floor area + 3 / teller machine
Funeral Homes	Special	§6.21	1 / 50 square feet of useable area
Greenhouses and Nurseries	By Right	§6.22	--
Hospitals	Special	--	--
Hotels	Special	§6.26	1.5 / room + required spaces for accessory uses
Motels	Special	§6.26	1.5 / room + required spaces for accessory uses
Motor Vehicle Repair-Minor	Special	§6.29	--
Motor Vehicle Service Centers	Special	§6.29	1 / 200 square feet of useable floor area
Office	By Right	--	1 / 300 square feet of useable area
Outdoor Dining	By Right	§6.30	1 / 100 square feet of useable area; or 1 / 3 persons at maximum occupancy whichever is greater
Outdoor Sales and Displays	Special	§6.31	1 / 200 square feet of useable floor area + 1 / 1000 area of outdoor display
Personal Services	By Right	--	1 / 50 square feet of useable area
Public Use–Critical	By Right	§2.8	--
Public Use–Essential	By Right	§2.8	--
Public Use–Supporting	By Right	§2.8	--
Recreational Facilities	By Right	--	1 / 500 square feet of useable floor area
Religious Institutions	Special	--	1 / 3 seats in the main unit of worship or 1 / each 6 feet of pew length, whichever is less

GC: REGULATED USES	APPROVAL TYPE	SUPPLEMENTAL STANDARDS	MINIMUM PARKING
Restaurants	By Right	--	1 / 100 square feet of useable area; or 1 / 3 persons at maximum occupancy whichever is greater
Retail Sales Establishments	By Right	--	1 / 200 square feet of useable floor area
Self-Storage Facilities	Special	§6.36	1 / 2000 square feet of useable floor area
Shopping Centers or Plaza	By Right	--	1 / 200 square feet of useable floor area
Solar Installations--Personal	By Right	§6.38.1	--
Solar Installations--Commercial	Special	§6.38.2	--
Telecommunication Towers	Special	§6.39	--
Transportation Terminals	Special	§6.40	--
Veterinary Clinics	By Right	--	1 / 75 square feet waiting area + 1 / examining room
Wind Energy Conversion Systems	Special	§6.42	--

3.13.3 Dimensional Standards

GC: DIMENSIONAL STANDARDS	
Lot Occupation	
Minimum Lot Width	100 feet
Minimum Lot Area	25,000 square feet
Maximum Lot Coverage	60%
Maximum Impervious Coverage	70%
Minimum Distance Between Buildings	10 feet
Principal Structure	
Front Setback	20 feet
Side Setback	15 feet
Rear Setback	20 feet
Water Setback	50 feet
Maximum Height	35 feet

GC: DIMENSIONAL STANDARDS	
Accessory Structures	
Permitted Locations	Side or Rear yard
Front Setback	20 feet
Side Setback	5 feet
Rear Setback	5 feet
Water Setback	50 feet
Maximum Height	16 feet
<i>NOTES: Additional accessory building standards located in Article 2.</i>	

3.13.4 Landscaping Standards

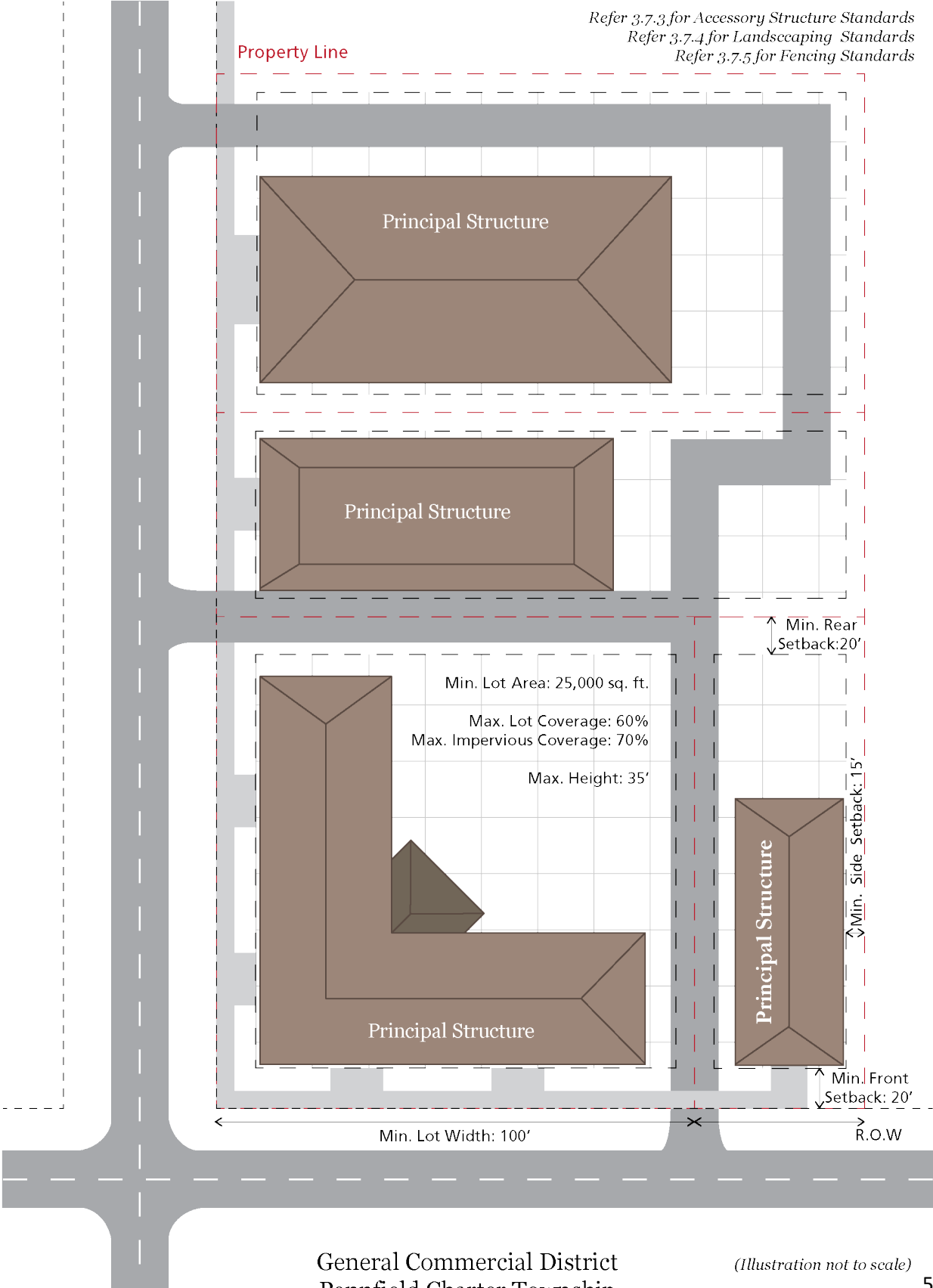
GC: LANDSCAPING STANDARDS	
Item	All Uses
Lot Landscaping	--
Right-Of-Way Landscaping	1 tree and 6 shrubs per 40 lineal feet of right-of-way
Screening & Buffering	Side & rear property lines adjacent to residential: vegetated screen, obscuring wall/fence, or combination thereof at a minimum height of 6 feet.
Treed Parking Island Required	Yes
<i>NOTES: Additional landscaping standards located in Article 5.</i>	

3.13.5 Fencing Requirements

GC: FENCING REQUIREMENTS		
	Maximum Height	Additional Requirements
Front Yard	4 feet	Fences within any front yard shall not be more than 50 percent solid
Side Yard	6 feet	--
Rear Yard	6 feet	--
Waterside	6 feet	Must be 25 feet from high water mark
Security gates or fencing may be permitted in the front yard of up to five (5) feet in height provided they are set back no less than 30 feet from the road right-of-way, are located on parcels of two (2) acres or more		
Fences that enclose areas requiring security may contain barbed wire provided that the barbed portion of the fence shall not be nearer than eight (8) feet to the property line, measured from the surface of the ground to the uppermost portion of the fence; Materials stored shall not exceed the height of the fence		
<i>NOTES: Additional landscaping standards located in Article 2.</i>		

3.13.6 Design Standards

- A. Layout and design: The layout and design shall include curb and gutter, sidewalks, and lighting. In addition, such layout shall meet access management requirements and be oriented to enhance pedestrian movement and minimize conflict with vehicular circulation and parking areas. Sidewalks and/or bike paths may be required where planned for or for connection to adjoining businesses.
- B. Visual appearance: For retail and personal service business, the visual appearance of the building shall include glass for eye-level display and may include porches, awnings or canopies to provide cover for pedestrians.
- C. Landscaping: In addition to landscaping standards in Article 3 and 5, landscape islands within the parking lots are required for any lot or site in excess of 50 spaces at 200 square feet for every ten spaces.
- D. Parking: Parking areas shall be located in a manner that minimizes the conflict with continuous pedestrian movement. Emphasis is placed on reducing the size of individual parking lots unless devoted to shared parking accessible to a number of businesses. Toward this intent, multiuse sites shall not be required to meet parking standards for all uses when it can be shown that days and hours of operation may not overlap between the proposed and existing uses on the site. Where available, parking is within 500 feet of the subject site and private cross access agreements are in place, including connection by sidewalk or bikepath facilities, a site plan may be approved with a deficiency in required parking. It is recommended that parking be located within rear or side yards to reduce conflict with pedestrian movement to the establishment.



3.14 LC: LOCAL COMMERCIAL

3.14.1 Intent and Purpose

This district is intended to be a transitional commercial district adjacent to residential properties. Uses in this district shall provide for local commercial needs to the neighboring properties and be limited to not create nuisances to the adjacent residential properties.

3.14.2 Regulated Uses

LC: REGULATED USES	APPROVAL TYPE	SUPPLEMENTAL STANDARDS	MINIMUM PARKING
Accessory Buildings/Structures	By Right	§2.19	--
Adult Foster Care Large Homes	Special	--	1 / 4 clients + 1 / employee
Adult Foster Care Family Homes	Special	--	1 / 4 clients + 1 / employee
Bars, Taverns, Lounges	By Right	--	1 / 100 square feet of useable area; or 1 / 3 persons at maximum occupancy whichever is greater
Bed & Breakfast Establishments	By Right	--	1 / room
Child Care Center	By Right	--	1 / 4 clients + 1 / employee
Contractor Establishments	Special	§6.16	1 / 500 square feet of useable floor area
Dwelling Units Above 1st Floor Commercial	By Right	-	
Educational Institutions	By Right	§6.19	1 / 8 students + 1.5 / classroom + spaces required for auditorium / gymnasium seating
Extractive Industries	Special	§6.20	1 / employee working during the largest shift
Financial Services	By Right	--	1 / 150 square feet of useable floor area + 3 / teller machine
Funeral Homes	Special	§6.21	1 / 50 square feet of useable are
Greenhouses and Nurseries	By Right	§6.22	--
Multiple Family Dwelling	By Right	--	1 / dwelling
Nursing Homes	Special	--	1 / 2 dwelling units + 1 / 5 dwelling units for visitors

LC: REGULATED USES	APPROVAL TYPE	SUPPLEMENTAL STANDARDS	MINIMUM PARKING
Office	By Right	--	1 / 300 square feet of useable area
Outdoor Dining	By Right	§6.30	1 / 100 square feet of useable area; or 1 / 3 persons at maximum occupancy whichever is greater
Outdoor Sales and Displays	Special	§6.31	1/ 200 square feet of useable floor area + 1/ 1000 area of outdoor display
Personal Services	By Right	--	1 / 50 square feet of useable area
Public Use–Critical	By Right	§2.8	--
Public Use–Essential	By Right	§2.8	--
Public Use–Supporting	By Right	§2.8	--
Recreational Facilities	By Right	-	1 / 500 square feet of useable floor area
Restaurants	By Right	--	1 / 100 square feet of useable area; or 1 / 3 persons at maximum occupancy whichever is greater
Retail Sales Establishments	By Right	§6.33	1 / 200 square feet of useable floor area
Self-Storage Facilities	Special	§6.36	1 / 2000 square feet of useable floor area
Senior Living Facilities	Special	--	1 / 2 dwelling units + 1 / 5 dwelling units for visitors
Solar Installations–Personal	By Right	§6.38.1	--
Telecommunication Towers	Special	§6.39	--
Veterinary Clinics	Special	--	1 / 75 square feet waiting area + 1 / examining room
Wind Energy Conversion Systems	Special	§6.42	--

3.14.3 Dimensional Standards

LC: DIMENSIONAL STANDARDS	
Lot Occupation	
Minimum Lot Width	100 feet
Minimum Lot Area	25,000 square feet
Maximum Lot Coverage	50%
Maximum Impervious Coverage (new)	60%
Principal Structure	
Front Setback	25 feet
Side Setback	15 feet
Rear Setback	20 feet
Water Setback	50 feet
Maximum Height	35 feet
Accessory Structures	
Permitted Locations	Side or Rear yard
Front Setback	15 feet
Side Setback	5 feet
Rear Setback	5 feet
Water Setback	50 feet
Maximum Height	16 feet
<i>NOTES: Additional accessory building standards located in Article 2.</i>	

3.14.4 Landscaping Standards

LC: LANDSCAPING STANDARDS	
Item	All Uses
Lot Landscaping	--
Right-Of-Way Landscaping	1 tree and 6 shrubs per 40 lineal feet of right-of-way
Screening & Buffering	Side & rear property lines adjacent to residential: vegetated screen, obscuring wall/fence, or combination thereof at a minimum height of 6 feet.
Treed Parking Island Required	Yes

NOTES: Additional landscaping standards located in Article 5.

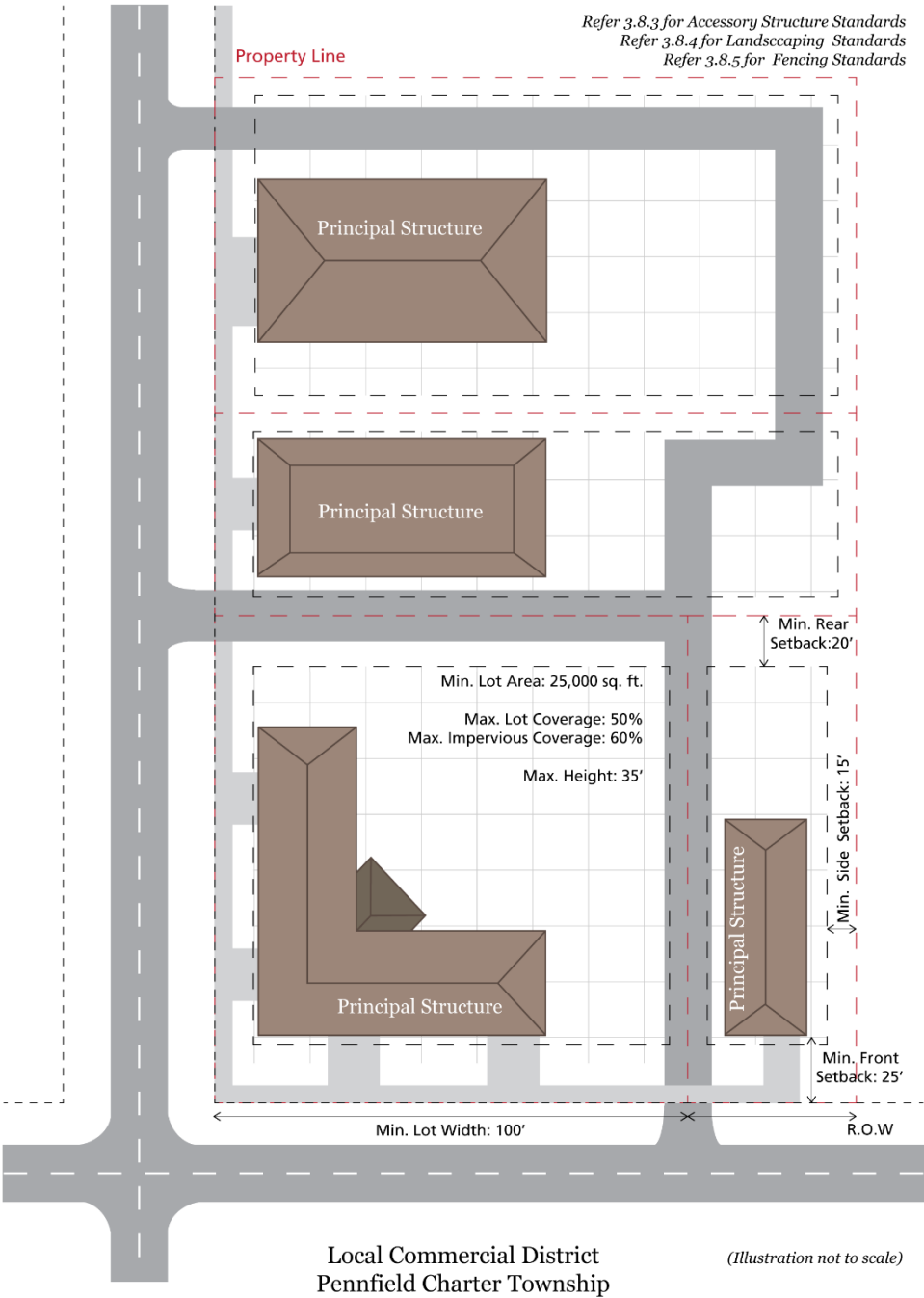
3.14.5 Fencing Requirements

LC: FENCING REQUIREMENTS		
	Maximum Height	Additional Requirements
Front Yard	4 feet	Fences within any front yard shall not be more than 50 percent solid
Side Yard	6 feet	--
Rear Yard	6 feet	--
Waterside	6 feet	Must be 25 feet from high water mark

Security gates or fencing may be permitted in the front yard of up to five (5) feet in height provided they are set back no less than 30 feet from the road right-of-way, are located on parcels of two (2) acres or more

Fences that enclose areas requiring security may contain barbed wire provided that the barbed portion of the fence shall not be nearer than eight (8) feet to the property line, measured from the surface of the ground to the uppermost portion of the fence; Materials stored shall not exceed the height of the fence

NOTES: Additional landscaping standards located in Article 2.



3.15 I: INDUSTRIAL DISTRICT

3.15.1 Intent and Purpose

The industrial district provides locations within the Township for light manufacturing, storage, and other related activities and facilities which will not create hazards; and minimize offensive or loud noises, excessive vibration, smoke, or glare. These uses are characterized by moderate lot coverage, adequate setbacks, environmental sensitivity, and creative site design. Such uses will include appropriate traffic safety components which will limit potential negative impacts resulting from a nonresidential use. Existing uses should not be eliminated; however, minimum standards shall be in place to regulate all uses in the district.



3.15.2 Regulated Uses

I: REGULATED USES	APPROVAL TYPE	SUPPLEMENTAL STANDARDS	MINIMUM PARKING
Accessory Buildings/Structures	By Right	§2.19	--
Automobile Sales and Rentals	Special	§6.06	1 / 500 square feet of useable floor area
Automobile Service Stations	Special	§6.07	1 / 5 stalls
Automobile Washing Station	Special	§6.08	--
Contractor Establishments	By Right	§6.16	1 / 500 square feet of useable floor area
Contractor Storage Yard	By Right	§6.17	1 / employee
Drive Through Services	Special	§6.18	--
Extractive Industries	By Right	§6.20	1 / employee working during the largest shift
Junkyard	Special	--	1 / employee working during the largest shift
Manufacturing-Food	By Right	--	1 / employee working during the largest shift
Manufacturing-Heavy	Special	--	1 / employee working during the largest shift
Manufacturing-Light	By Right	--	1 / employee working during the largest shift
Motor Vehicle Repair-Major	Special	§6.29	1 / employee working during the largest shift
Motor Vehicle Repair-Minor	Special	--	1 / employee working during the largest shift

I: REGULATED USES	APPROVAL TYPE	SUPPLEMENTAL STANDARDS	MINIMUM PARKING
Outdoor Sales and Displays	Special	§6.31	1/ 200 square feet of useable floor area + 1/ 1000 area of outdoor display
Outdoor Storage	Special	--	--
Printing & Publishing	By Right	--	1 / employee working during the largest shift
Professional Services	By Right	--	1 / 300 square feet of useable area
Public Use–Critical	By Right	§2.8	--
Public Use–Essential	By Right	§2.8	--
Public Use–Supporting	By Right	§2.8	--
Recreational Facilities	By Right	--	1 / 500 square feet of useable floor area
Recycling Centers	Special	§6.32	--
Research and Development Facilities	By Right	--	1 / 300 square feet of useable area
Retail Sales Establishments	By Right	--	1 / 200 square feet of useable floor area
Salvage Yards	Special	§6.35	--
Self-Storage Facilities	Special	§6.36	1 / 2000 square feet of useable floor area
Sexually Oriented Businesses	Special	§6.37	1 / 200 square feet of useable floor area
Solar Installations–Personal	By Right	§6.38.1	--
Solar Installations–Commercial	Special	§6.38.2	--
Telecommunication Towers	Special	§6.39	--
Transportation Terminal	Special	§6.40	--
Warehousing	By Right	§6.41	1 / 2000 square feet of useable floor area
Wholesale Establishments	By Right	-	1 / 2000 square feet of useable floor area
Wind Energy Conversion Systems	Special	§6.42	--

3.15.3 Dimensional Standards

I: DIMENSIONAL STANDARDS	
Lot Occupation	
Minimum Lot Width	150 feet
Minimum Lot Area	1 acre
Maximum Lot Coverage	60%
Maximum Impervious Coverage (new)	80%
Principal Structure	
Front Setback	30 feet
Side Setback	15 feet
Rear Setback	25 feet
Water Setback	50 feet
Maximum Height	45 feet
Accessory Structures	
Permitted Locations	Side or Rear yard
Front Setback	30 feet
Side Setback	5 feet
Rear Setback	5 feet
Water Setback	50 feet
Maximum Height	20 feet
<i>NOTES: Additional accessory building standards located in Article 2.</i>	

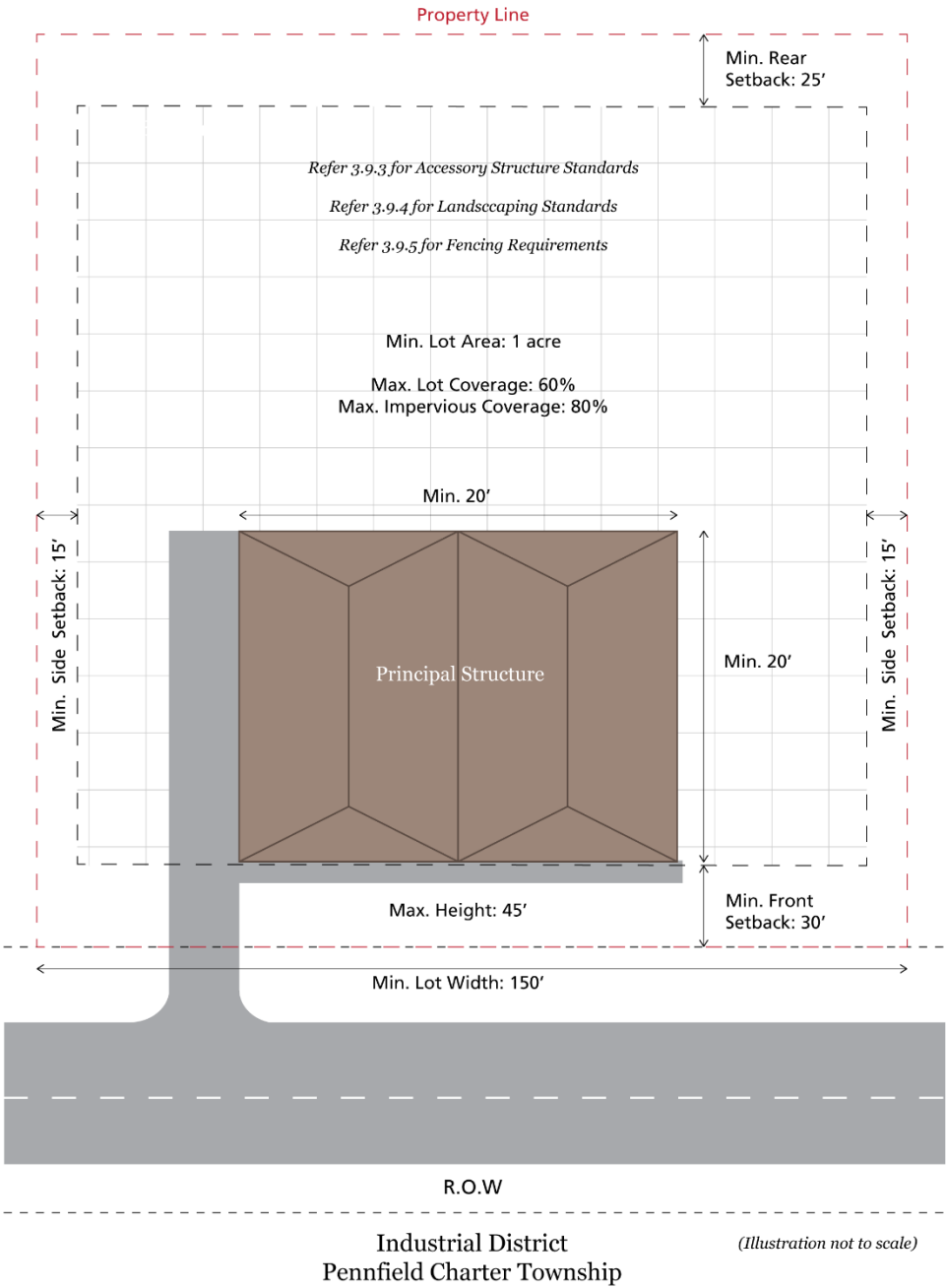
3.15.4 Landscaping Standards

I: LANDSCAPING STANDARDS	
Item	All Uses
Lot Landscaping	--
Right-Of-Way Landscaping	1 tree and 6 shrub per 40 lineal feet of right-of-way
Screening & Buffering	Side & rear property lines adjacent to residential: vegetated screen, obscuring wall/fence, or combination thereof at a minimum height of 6 feet.
Treed Parking Island Required	Yes

NOTES: Additional landscaping standards located in Article 5.

3.15.5 Fencing Requirements

I: FENCING REQUIREMENTS	
	Maximum Height
Front Yard	10 feet
Side Yard	10 feet
Rear Yard	10 feet
Fences that enclose areas requiring security may contain barbed wire provided that the barbed portion of the fence shall not be nearer than eight (8) feet to the property line, measured from the surface of the ground to the uppermost portion of the fence; Materials stored shall not exceed the height of the fence	
<i>NOTES: Additional landscaping standards located in Article 2.</i>	



ARTICLE 4: OVERLAY DISTRICTS

4.1 INTENT & PURPOSE

The Michigan Zoning Enabling Act, PA 110 of 2006 as amended, allows for the creation of special land development regulations to address problems, and needs in specific areas through overlay districts. The overlay districts established under this Article have been created in order to implement the goals and objectives of the Pennfield Charter Township Master Plan or other planning documents, and to further protect the health, safety, and welfare of the community. In addition to the standards of the base zoning districts applicable to a particular site, the standards of the established special district shall also apply. To the extent there is a conflict between the standards with the applicable base zoning district, the standards of the overlay district shall apply.

4.2 WATERFRONT CONSERVATION (WC) DISTRICT

4.2.1 Intent and Purpose

The Waterfront Conservation District is a supplementary district which applies to designated lands, simultaneously with any of the other zoning districts as established in this ordinance, hereinafter referred to as the "underlying zoning district." Lands included in the WC district are all such lands located within 300 feet of the edge of a recognized 1% annual hazard floodplain as determined by the Federal Emergency Management Agency (FEMA), the County Engineer, the U.S. Army Corp of Engineers, or other official federal or state public agency responsible for defining and determining floodplain areas for Pennfield Charter Township. Such lands are characterized by uses which are strongly oriented toward the residential and recreational experience and enjoyment of the surface waters and shorelines of the Township. It is the intent of the WC district to provide regulations in addition to those contained in the underlying zoning district pertaining to lands located along the waterfront and shoreline areas of the Township. The purpose of these regulations is to recognize the unique physical, economic, and social attributes of waterfront and shoreline properties, and to ensure that the structures and uses in this district are compatible with and protect these unique attributes. Where specific requirements of the WC district vary or conflict with the regulations contained in the underlying zoning district, the more strict requirement shall govern.

4.2.2 Regulated Uses

In addition to the regulated uses in the underlying districts, the following uses are permitted in the WC District.

WC: REGULATED USES	APPROVAL TYPE	SUPPLEMENTAL STANDARDS	MINIMUM PARKING
Solar Installations–Commercial	Special	§2	—
Boat Launches–Private	Special	§2	—
Boat Launches–Private	Special	§2	—

4.2.3 Dimensional Standards

Except as provided for in this section, dimensional standards for all buildings shall be met as indicated in Article 3 in the underlying district.

A. Additional setbacks and lot widths for structures:

Notwithstanding any other provision of this ordinance, no dwelling, accessory building, or septic system shall be hereafter constructed, erected, installed, or enlarged within a minimum of 50 feet from a shoreline or ordinary high water mark.

1. Exception: For every one (1) foot of bank height above a minimum of seven (7) feet above the ordinary high water mark, new structures may be placed five (5) feet closer to the shoreline or ordinary high water mark. However, no structure shall be located closer than 30 feet to the shoreline or ordinary high water mark.
- B. No dwelling shall be constructed or placed on lands which are subject to flooding, or on banks where four feet between the finished grade level and high ground water line cannot be met. Land may be filled to meet the minimum requirement of four feet between the finished grade level and high ground water line, only under the following conditions:
1. No material is allowed to enter the water either by erosion or mechanical means.
 2. The fill material is of a pervious nature, such as gravel or sand.
- C. Any necessary permits shall have been acquired as required by the laws of Calhoun County, the State of Michigan, and the rules and regulations of the Department of Environmental Quality of the State of Michigan. It shall be unlawful to alter the shoreline of any river or creek in the Township by soil removal or fill.
- D. All filling or grading work shall be accomplished so as not to alter the natural drainage of adjoining land.

4.2.4 Landscaping

- A. A strip 20 feet wide bordering the bank, as measured from the shoreline or ordinary high water mark, shall be maintained in its natural vegetative state, except for the permitted clearing or dead or noxious plants.
- B. Within this strip a space of not greater than 25 feet in width may be selectively trimmed and pruned to allow for the placement of private boat docks (subject to the requirements of Section 5.03), and for a view of the waterway, with the approval of the Zoning Administrator.
- C. The Zoning Administrator may allow limited clearing for the vegetative strip only when required for construction of a permitted building or structure outside the vegetative strip. However, the land cleared shall be returned to a vegetative state which is approximately the same quality and extent as that which existed prior to the clearing.

4.3 WELLHEAD PROTECTION OVERLAY DISTRICT

4.3.1 Intent and Purpose

The purpose of the Wellhead Protection Overlay District is to provide supplemental development regulation in the designated areas so as to permanently protect the Pennfield Charter Township drinking water source from long-term contamination originating from land use activities on the earth's surface. Due to the vulnerability of groundwater to contamination, the need of public health protection, and the significant public investment in the municipal water system, these regulations contain protective measures which do not apply to other areas of the community. This ordinance addresses both a one-year and ten-year time-of-travel to the Delineated wellhead protection area (WHPA).

4.3.2 Applicability

Requirements of this Article apply to any person, firm or corporation within the wellhead protection overlay zone when new or expanded land uses are proposed.

4.3.3 Wellhead Protection Area Map

The wellhead protection overlay zone shall be mapped and the land area where water infiltrates into the soils and reaches groundwater used by the public water supply wells shall be delineated. The wellhead protection overlay zone map shall be periodically reviewed. The wellhead protection overlay zone map is hereby incorporated into this zoning district regulation.

4.3.4 Regulated Uses

All permitted uses within the underlying district are permitted within the wellhead protection overlay district except for the following uses which are not permitted regardless of the underlying district:

- A. Sanitary and/or solid waste landfills
- B. Junkyards
- C. Recycling Centers
- D. Extractive Industries

4.3.5 Special Land Uses

Except for single-family dwellings and accessory buildings located within appropriately zoned districts, no land uses within the wellhead protection overlay zone shall be constructed or expanded unless a special use permit has been granted by the Planning Commission.

- A. Data Submission Requirements: In addition to the required data for a special land use, the following shall be included:
 - a. Listing of types and quantities of regulated substances which shall be used or stored on site at the facility in quantities of greater than 55 gallons aggregate for liquid materials or 440 pounds aggregate for dry weights.
 - b. Completion of the "hazardous substances reporting form" as provided by the Zoning Administrator.

- c. Location of the site within the wellhead protection area.
 - d. Areas to be used for the storage, use, loading/unloading, recycling, or disposal of hazardous substances, including interior and exterior areas.
 - e. Location of existing wetlands and watercourses, including lakes, ponds, rivers, on or within a quarter mile of the site.
- B. Standards for Special Land Uses: In addition to all special land use standards, all projects proposed for special land use approval within the wellhead protection area shall meet the following minimum standards:
- a. Sites at which hazardous substances are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, lakes, streams, rivers, or wetlands.
 - b. Secondary containment of hazardous substances shall be provided for areas where such substances are stored or used. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
 - c. General purpose floor drains shall be approved for connection to a public sewer system, an on-site holding tank, or a system authorized through a state groundwater discharge permit.
 - d. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances shall be met, including, but not limited to, the following:
 - i. A Michigan groundwater discharge permit shall be required for any discharge to groundwater.
 - ii. A pollution incident prevention plan shall be prepared by facilities which store any quantity of materials listed on the Michigan critical materials list.
 - e. Commercial or industrial land uses shall have specially designed stormwater facilities in areas where hazardous substance spills may occur. Such facilities shall be designed to:
 - i. Prevent the commingling of stormwater runoff and hazardous substances;
 - ii. Enhance spill cleanup procedures; and
 - iii. Meet all county, state and federal agency requirements.
 - f. All guidelines and requirements of federal, state, county and local agencies specified in the state-approved wellhead protection plan for Pennfield Charter Township shall be met. (Note: the guidelines specified in the wellhead protection plan could include: underground storage tank requirements which duplicate or exceed requirements of the State Police Fire Marshal Division; septic

system density requirements which duplicate or exceed the county sanitary code; additional secondary containment and spill prevention measures which are developed through the wellhead protection program).

- C. Maintenance plan required: All special land uses proposed for the wellhead protection area shall have an approved maintenance plan recorded with the Township Clerk. The maintenance plan may include standards and operational requirements related to:
 - a. The application rate and timing of lawn fertilizers;
 - b. The pumpout and operation of on-site septic systems;
 - c. The repair and reconstruction of secondary containment dikes and other spill protection measures;
 - d. The application of de-icing chemicals to road surfaces and parking lots;
 - e. Maintenance of stormwater management facilities located on-site; and
 - f. Other topics identified in the Pennfield Charter Township Wellhead Protection Plan.
- D. Administrative review fees: All applicants for special use permits shall pay an administrative fee sufficient to cover the expense of reviewing and approving the proposal, including, but not limited to, the cost of planning and engineering site reviews.

4.3.6 Continuation of Existing Nonconforming Facilities and Land Uses

- A. Existing nonconformities for land uses/activities will be allowed within the WHPA only if in accordance with the Pennfield Charter Township Zoning Ordinance.
- B. In addition, the facility must meet the requirements of the Pennfield Charter Township Code of Ordinances dealing with the requirements for wellhead protection.

ARTICLE 5: SITE DEVELOPMENT STANDARDS

5.1 INTENT & PURPOSE

The purpose of the regulations contained in this Article is to protect the public health, safety, and general welfare; to promote harmonious and orderly development; and to foster civic beauty by improving the appearance, character, and economic value of civic, commercial, and industrial development.

5.2 OFF-STREET PARKING

5.2.1 General Requirements

The following standards shall apply to any required off-street parking areas:

- A. Use: Off-street parking, loading, or stacking areas shall only be used for their intended purpose unless and until equal facilities are provided elsewhere, in compliance with this section.
- B. Location:
 - 1. Off-street parking for all nonresidential zone districts and uses shall be either on the same lot, or within 300 feet of the building or use it is intended to serve, as measured from the nearest public entrance of the building to the nearest point of the off-street parking area. Exception is granted to municipal parking lots for public use with or without a fee.
 - 2. Residential off-street parking spaces shall be located on the on the same lot as the use it serves. Residential off-street parking spaces may be permitted on the front yard provided the spaces occupy no greater than 30 percent of the required front yard.
 - 3. No off-street parking areas shall be located in the front yard on any lot unless expressly allowed in this ordinance.
- C. Screening and Landscaping: Off-street parking areas for uses other than single-family detached dwellings and duplexes that are adjacent to a residential use or zoning district shall be screened with a six (6) foot high wall, fence or vegetated screen as prescribed in Landscape Buffers and Screening subsection of this Article.
- D. Treed Islands: Treed islands shall be installed when required by the district standards in Article 3 and shall meet the following requirements:
 - 1. Single-loaded aisles shall have one (1) treed island containing one (1) canopy tree at both ends of each row. The minimum dimensions for each island shall be nine (9) feet by 18 feet.
 - 2. Double-loaded aisles shall have one (1) treed island containing two (2) canopy trees at both ends of each row. The minimum dimensions for each island shall be 12 feet by 36 feet.
 - 3. Additional treed islands that are required shall be evenly spaced throughout the off-street parking area. The treed islands shall contain one (1) canopy tree each and shall have the minimum dimensions of nine (9) feet by 18 feet.

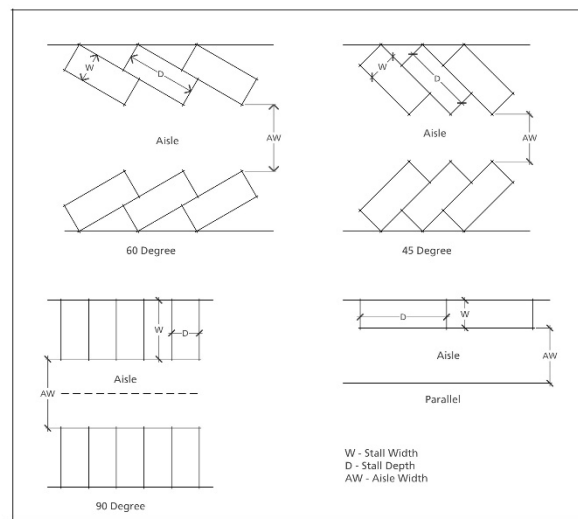
4. Treed islands shall be surrounded by a concrete curb at a height of six (6) inches. In addition to the required canopy tree(s), the interior of the islands shall be vegetated with turf and may be used for stormwater management, however, snow storage is prohibited.

E. Defined Area:

1. Off-street parking areas and loading zones shall include painted lines, vehicle stops, or other delineating features to clearly define parking and loading spaces.
2. Residential off-street parking spaces shall consist of parking strip, parking bay, driveway, garage, or combination thereof.

- F. Dimensions: Off-street parking areas shall be designed to the following minimum standards. Minor adjustments of the dimensions prescribed in this section may be authorized by the Zoning Administrator if consistent with generally recognized design standards for off-street parking facilities.

DIMENSIONAL STANDARDS FOR PARKING SPACES			
Parking Angle	Stall Width	Stall Depth	Min. – Max. Aisle Width
Parallel	8 feet	22 feet	12 – 16 feet
30 – 75 degrees	10 feet	21 feet	12 – 24 feet
76 – 90 degrees	10 feet	20 feet	15 – 24 feet
45 degrees	8.5 feet	19 feet	12 – 20 feet
60 degrees	8.5 feet	18 feet	16 – 20 feet
90 degrees	8.5 feet	18 feet	22 – 26 feet



Parking Layout

- G. Surfacing: All driveways and parking areas shall be improved with concrete with a minimum thickness of six (6) inches, asphalt with a minimum thickness of 2½ inches over a six-inch gravel base, or brick pavers manufactured for use as a driving course.
- H. Drainage: All parking lots shall be constructed so as to permit proper drainage and prevent ponding or storage of water within the lot. Drainage shall be in accordance with the requirements of Pennfield Charter Township and the Calhoun County Drain Commission.
- I. Curbs and Vehicle Stops: All off-street parking areas shall include curbs or vehicle stops to prevent vehicles from overhanging into or over public rights-of-way, sidewalks, adjacent areas, or landscape areas.
- J. Barrier-Free Parking: Off-street parking areas shall provide barrier-free spaces in compliance with the State Building Code and the Americans with Disabilities Act (ADA), as applicable.
- K. Exterior Lighting: Exterior lighting for new or redeveloped off-street parking, stacking, and loading areas shall comply with the standards of this Section.
- L. Maintenance:
 - 1. All parking areas shall be maintained in good condition and kept free of debris and garbage.
 - 2. The storage of merchandise or products, motor vehicles displayed for sale, or the repair of vehicles is prohibited in any off-street parking lot.
- M. Completion: All off-street parking, stacking, and loading areas indicated on a site plan shall be fully completed before the issuance of certificate of occupancy. In the case of phased developments, only the off-street parking, stacking, and loading areas associated with a given phase of development shall be required to be completed.
- N. Access Through Yards: Access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures. These drives shall not be considered as structural violations in front or side yards. Any walk, terrace, or like surface area not in excess of nine (9) inches above the grade upon which placed shall not be considered to be a structure and shall be permitted in any required yard.

5.2.2 Parking Requirements

- A. Calculating Minimum Parking Spaces: The following rules shall be applied when calculating the minimum number parking spaces:
 - 1. Measurements based on square feet shall be calculated by Usable Floor Area as defined in this ordinance.
 - 2. The number of employees shall be based on the maximum number needed for the largest shift.
 - 3. Requirements based on the number of seats shall use a measurement of 24 inches of bench or pew space or 25 square feet of floor as one (1) seat.

4. Occupancy shall mean legal occupancy as determined by the fire department or other authorized agency.
 5. When units of measurement determining the number of required off-street parking spaces result in the requirement of a fractional space that fraction shall require one (1) parking space.
- B. Use Not Specified: For uses not specified, the Zoning Administrator shall make an interpretation as to the maximum number for a proposed use based on similar uses prescribed in Article 3. The Zoning Administrator's determination may be appealed to the Zoning Board of Appeals for a final determination.
- C. Shared Parking: Joint use of an off-street parking area may be permitted for two (2) or more uses located on the same, adjacent or nearby lots provided that the number of parking spaces does not exceed the sum of the maximum number of spaces allowed for each use sharing the off-street parking area. The owners of all lots used for or making use of shared parking areas shall record a commitment that is binding on future owners of the property(s) and shall be recorded with the Calhoun County Register of Deeds.
- D. Commercial Vehicle Parking: Parking of semitrucks, including the tractor and trailers, and commercial vehicles exceeding a two-ton load capacity shall be prohibited in the residential zoning districts.
- E. Parking Waiver: The Planning Commission may defer construction of the required number of parking spaces if the following conditions are met:
1. Areas proposed for deferred parking shall be shown on the site plan and shall be sufficient for construction of the required number of parking spaces in accordance with the standards of this ordinance for parking area design and other site development requirements.
 2. Evidence shall be presented by the applicant in support of a lower requirement.
 3. In the General Commercial District where on-street or off-site parking facilities are available within 500 feet and/or where the mix of uses supports varying times of peak utilization.
 4. Alterations to the deferred parking area may be initiated by the owner or required by the Zoning Administrator. Any alteration to the deferred parking area shall require the approval of an amended site plan, submitted by the applicant accompanied by evidence documenting the justification for the alteration.
- F. Change to Parking Requirements: No building shall be permitted to change use, be enlarged, or expanded until the required number of spaces have been constructed or waived. A major change consists of one or more of the following:
1. Replacement or alteration of existing drainage elevations or structures affecting more than 50 percent of the existing parking lot.
 2. Any expansion or addition of a parking lot equal to or greater than 25 percent of the area of the existing parking lot.

3. Reconstruction of the parking lot, including the removal of existing pavement or drainage structures, which affects more than 25 percent of the existing parking lot.
4. Any other change which, in the opinion of the Zoning Administrator, constitutes a major change.

5.2.3 Access

- A. All off-street parking, loading, and stacking areas shall be arranged for convenient access and safety of pedestrians, bicyclists, and vehicles.
- B. Adequate ingress and egress shall be provided by clearly defined driveways. Backing into public street rights-of-way shall be prohibited.
- C. Access to off-street parking areas shall be limited to one (1) curb cut or driveway per lot.
- D. Where a parking area abuts an improved alley, access shall be obtained from the alley. The Planning Commission may waive this requirement if a practical difficulty has been presented that prevents the requirement from being satisfied.
- E. Where a parking area has no access to an alley, or the alley has not been maintained or improved for access, but has access to two or more streets, access shall be from the street with the lower traffic volume. The Planning Commission may waive this requirement if a practical difficulty has been presented that prevents the requirement from being satisfied.
- F. Access to off-street parking areas for non-residential uses shall not be permitted across lots that are residential in use or in a residential zoning district.
- G. Cross Access Management:
 1. All off-street parking areas not accessed by an alley shall be designed to allow internal vehicle circulation between adjacent lots by providing a location for cross access on the site plan.
 2. A cross access agreement shall be recorded with the Calhoun County Register of Deeds prior to the issuance of a zoning permit.
 3. The Planning Commission may waive this requirement if deemed impractical during site plan review due to topography, natural features, or vehicular safety factors if appropriate bicycle and pedestrian connections are provided between adjacent developments and uses.

5.2.4 Loading Zones

- A. In all zoning districts, every building or portion thereof that is occupied by a use requiring the receipt and distribution of materials or merchandise by vehicles shall provide and maintain adequate off-street space for standing, loading, and unloading.
- B. Location:
 1. On-site loading zones shall be permitted in the rear yard only, except in the I district which allows side yard loading zones. In exceptional instances, loading zones may

be permitted in an interior side yard, with approval of the Planning Commission, when it can be shown that such location is necessitated by site conditions.

2. Loading zones shall not interfere with the normal movement of pedestrians and vehicles in the public street rights-of-way, internal drives, and off-street parking areas.
 3. Loading zones shall be designed for the largest vehicle intended to serve the use, with adequate turning radii, maneuverability, and loading space.
 4. Developments with rear alley access may use the alley as a loading zone.
- C. Presence of Rear Alley: Where an alley exists in the rear yard, loading requirements may be computed from the center of the alley.
- D. Surfacing: All dedicated loading spaces shall be provided with a pavement having an asphalt or Portland cement binder so as to provide a permanent, durable and dustless service.
- E. Loading Space Dimensions: All loading spaces shall be at least ten (10) feet by 70 feet, or a minimum of 700 square feet in area and shall be designed with a minimum 14-foot height clearance.
- F. Loading Space Requirements: The minimum number of loading zone spaces shall be provided as described below:

NUMBER OF LOADING ZONE SPACES REQUIRED		
Use Type	Size	Loading Space(s)
Residential	0–24 dwelling units	None
	25–74 dwelling units	1
	75 or more dwelling units	2
Non-Residential	Less than 20,000 sq.ft. gross floor area	None
	20,001–75,000 sq.ft. gross floor area	2
	75,001–100,000 sq.ft. gross floor area	3
	100,001 sq.ft. gross floor area or more	5

- G. Administrative Waiver: The Planning Commission may defer construction of the required number of loading spaces if the following conditions are met:
1. The proposed deferred loading spaces shall be shown on the site plan and shall be sufficient for construction of the required number of loading spaces in accordance with the standards of this ordinance.

2. Evidence shall be presented by the applicant in support of a lower requirement.
3. Alterations to the deferred loading space area may be initiated by the owner or required by the Zoning Administrator. Any alteration to the deferred loading space area shall require the approval of an amended site plan, submitted by the applicant accompanied by evidence documenting the justification for the alteration.

5.3 LANDSCAPING

5.3.1 Intent & Purpose

The intent and purpose of the provisions in this section are to:

- A. Improve the visual image of the Township and properties abutting public rights-of-way, thereby reducing conditions which may lead to community blight.
- B. Requiring buffering between conflicting land uses and zoning districts.
- C. Promote public health, safety, and general welfare.
- D. Protect and preserve the appearance, character, and value of the surrounding development.
- E. Promote the use of native plant materials while discouraging the use of invasive plant materials.

5.3.2 Applicability

A. Landscape Plan Required:

1. All new uses requiring a site plan review.
2. Additions to existing non-residential structures that increase the floor area by more than 25 percent.
3. Expansions or contractions of nonconforming sites that do not meet the landscape requirements of this Section.

B. Exceptions: The landscape plan requirement shall not apply to the following:

1. The reconstruction of an existing structure of which 50 percent or less of the floor area was destroyed or ruined by flooding, fire, wind, storm, or act of nature, and where the reconstruction will not result in an increase in size of the structure, parking facilities, or paved areas.
2. Interior remodeling or façade improvements that do not result in an increase in size of the structure, parking facilities, or paved areas.
3. Any use, building, or structure for which only a change of use is requested, and which requires no exterior structural modifications that increase its volume or scale.

C. Application: All applicable projects shall submit a landscape plan as part of the site plan review process that contains the following:

1. Plan scale equal to that of the site plan and a north arrow.
2. Existing and proposed topography.

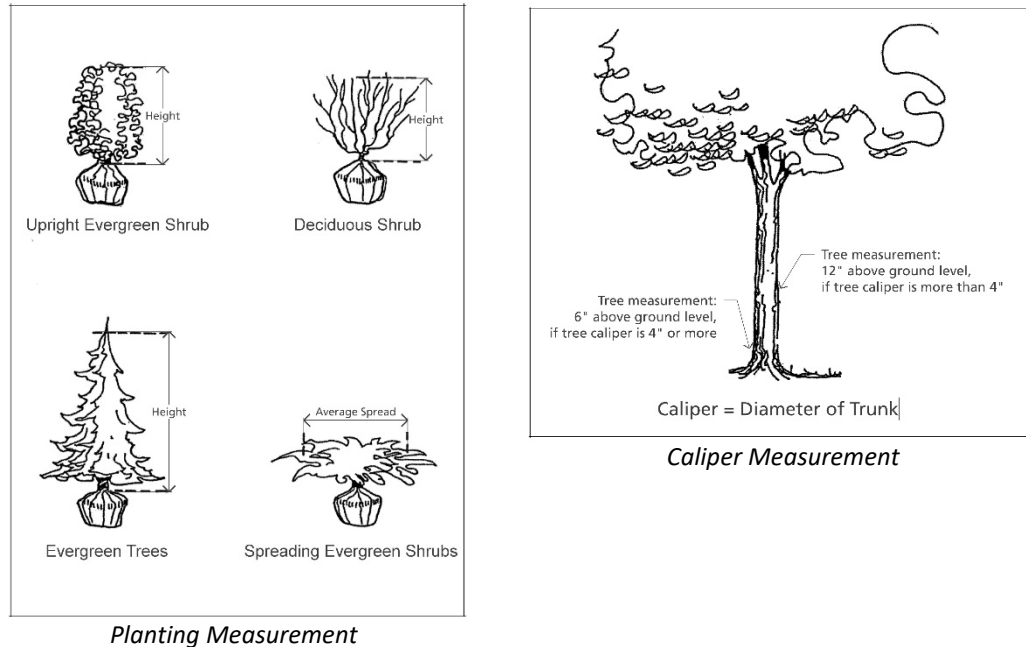
3. Location and general type of all existing vegetation and wetlands.
4. Location and size of all proposed plant materials.
5. Zoning district classification of adjacent properties.
6. Planting list for all proposed landscape materials indicating botanical and common names, sizes, root condition and quantities.
7. Vegetation inventory of all trees with a caliper of 12 inches or greater, measured at four and a half (4 ½) feet above grade, and all invasive species, including their location and species type.

5.3.3 Standards and Criteria

A. Planting Materials:

1. Plant material shall be healthy, free of insects, diseases, and physical damage.
2. Unless otherwise specified, the minimum size for plant materials installed shall be as follows:

PLANTING SIZE STANDARDS		
Plant Material		Minimum Size
Deciduous (canopy) Trees		2.5" caliper
Coniferous (evergreen) Trees		6' height
Ornamental Trees	Single Trunk	2" caliper
	Multiple Trunks	6' height
Deciduous Shrubs		2' height
Upright Coniferous Shrubs		2' height
Spreading Coniferous Shrubs		18" spread



3. Caliper of trunk shall be the diameter measured at breast height (dbh) equal to four and a half (4 ½) feet above grade.
- B. Fractional Requirements: Where any calculation of required plant materials in this Article results in a fractional requirement shall be rounded up to the next whole number.
- C. Ground Cover: All areas not covered by buildings, parking areas, driveways, walkways, pedestrian plazas or other pedestrian-oriented impervious surfaces or water features shall be replanted with ground cover at a minimum. Ground cover may include:
 1. Maintained lawn area.
 2. Non-invasive wildflowers, vines, grasses, rushes sedges or ferns.
 3. Wood chips, mulch or rock provided this type of material does not exceed 20 percent of the total of any individual landscaped area.
- D. Plant Substitutions: The Zoning Administrator may approve minor revisions to the landscape plans due to seasonal planting problems and/or lack of plant availability. Minor revisions may be approved only when there is no reduction in the quality of plant material, no significant change in size or location of plant material, the new plant material is compatible with the area, and the new plant material is of the same general category (i.e., deciduous or evergreen trees) as the material being replaced.
- E. Invasive Species Management: An applicant shall develop a removal and/or management strategy for invasive species identified on the vegetation inventory.
- F. Site Design: Landscape areas must be protected from vehicular traffic through the use of concrete curbs, vehicle stops, or other permanent barriers. Protecting significant trees requires locating buildings, roads, and sidewalks in areas of the site which will minimize

tree destruction, as well as establishing Protected Root Zones (i.e., tree root buffer zones) to protect vegetation during road widening, sidewalk construction, and cut-and-fill activities.

- G. Utilities: Where overhead and underground utilities are present, consideration shall be given to the location and mature height of species. Adjustments to the location of required planting areas may be approved by the Planning Commission to avoid conflict with such utilities provided the intent of the planting or screening requirements are maintained.
- H. Maintenance: All required landscaped areas shall be maintained in a healthy condition and kept orderly in appearance. Irrigation shall be provided to all required landscaping by means of a piped underground system. The Planning Commission may waive the irrigation requirements if no additional planting is required, or if a reliable source of water is not reasonably available, so long as the suitable alternative is presented that will ensure the health of the landscaping.
- I. Time Period: Required landscaping shall be installed prior to the issuance of an occupancy permit. If a development is completed during the off-season when plants cannot be installed, the developer shall submit a performance guarantee equal to the materials and labor for the required landscaping to ensure installation at the beginning of the next planting season.
- J. Replacement: When trees or shrubs planted in accordance with the requirements of this section die or are removed for any reason, they must be replaced during the next suitable planting season in a manner, quantity and size approved by the Zoning Administrator.

5.3.4 Landscape Buffers & Screening

- A. Greenbelts: In order to provide protective screening for residential areas adjacent to or near nonresidential areas, a landscaped greenbelt shall be provided along the district boundary line by the nonresidential property owners.
 - 1. The greenbelt shall be planted and maintained with evergreen trees at least five (5) feet in height at the time of planting, and 15 feet on center; or a compact hedge of evergreen shrubs at least four (4) feet in height, situated so as to provide an effective sound and visual buffer.
 - 2. For each three evergreen trees, or each 45 feet of linear frontage, one deciduous tree shall be planted in the greenbelt. Such trees may be planted in a row or located in a single location. Further, such deciduous trees shall have a two-inch caliper measured six (6) inches from ground level, and the trees shall be properly maintained.
 - 3. The portion of the greenbelt not covered by trees or hedges shall be planted with grass or other living material and kept in a healthy growing condition, neat and orderly in appearance.
 - 4. Any shrubs, bushes, or other plants which project into or across adjacent land may be trimmed back to the property line by the adjacent property owner.

5. The evergreen buffer shall not in any way cause a vision hazard at a road intersection, or driveway.
- B. Screening Materials: Effective screening shall be provided as required between incompatible land uses. The Planning Commission shall make the final determination on the required screening method based on site conditions and the specific land use. The Planning Commission shall have final approval of all buffer and screening methods which may include the following separately, or in combination:
 1. Vegetated Screens: Vegetated screens shall consist of evergreen trees at a height required of the screen and spaced at an interval that achieves an effective screen at the time of planting. Deciduous trees may be incorporated for plant diversity provided the effectiveness of the screen is achieved.
 2. Berms: Berms shall be constructed with slopes no greater than one (1) foot of vertical rise for every three (3) feet of horizontal run with at least a two (2) feet flat surface on top and sodded to provide adequate protection against erosion. Berms shall be landscaped with one (1) deciduous or evergreen tree, and six (6) shrubs for every 40 lineal feet. Clustering of trees and shrubs is allowed upon approval of the Planning Commission.
 3. Obscuring Walls or Fences: Obscuring walls or fences shall be constructed of durable materials and placed inside and along the property lines. The Planning Commission has the authority to require specific materials based on the site conditions and the nature of the use. Walls and fences shall include one (1) vine or shrub for every ten (10) lineal feet, planted on the exterior face of the structure.

5.3.5 Right-of-Way Landscaping

Where required by a district or use, right-of-way (ROW) landscaping shall be provided along the street frontage that meets the following standards:

- A. A landscape buffer shall be established along the right-of-way frontage at a minimum width of five (5) feet and shall be the location of all required right-of-way plantings.
- B. Required trees shall be evenly spaced but required shrubs may be clustered.
- C. Required plantings shall include one (1) tree and six (6) shrubs for every 40 feet of length of property line on right-of-way.

5.3.6 Lot Landscaping

Additional trees may be required beyond those for screening, buffering and rights-of-way in order to preserve an effective tree canopy in the Township that reduces the urban heat island effect, mitigates sound and pollution, and absorbs stormwater. Lot landscaping requirements shall be applicable to all unpaved or undeveloped portions of a lot.

5.3.7 Existing Vegetation

- A. Preservation: Existing deciduous trees, evergreens, flowering trees, and shrubs shall be protected and incorporated into the site plan wherever feasible.

- B. Credit: Existing vegetation may be credited as detailed below for the purpose of calculating landscaping compliance provided that the plants are in healthy growing condition, are at least the minimum size, and are the appropriate species. Caliper of trunk shall be the diameter measured at breast height (dbh) equal to four and a half (4 ½) feet above grade.

EXISTING LANDSCAPING CREDIT RATION		
Vegetation Type	Maturation	Landscaping Credit
Deciduous Tree	3" or less caliper	1:1
Deciduous Tree	4" – 6" caliper	1:2
Deciduous Tree	7" – 9" caliper	1:3
Deciduous Tree	10" – 12" caliper	1:4
Deciduous Tree	Greater than 12" caliper	1:5
Evergreen or Ornamental Tree	6' or less height	1:1
Evergreen or Ornamental Tree	7' – 12' height	1:2
Evergreen or Ornamental Tree	13' – 16' height	1:3
Evergreen or Ornamental Tree	Greater than 16' height	1:4
Shrub	Any size	1:1

C. Protection of Vegetation:

1. Preserved trees shall be protected with high visibility barriers around the protected root zone. The protected root zone shall be a radius one and a half (1 ½) feet from the trunk for every one (1) inch of the tree caliper.
2. Barriers shall not be supported by the trees.
3. No grading, demolition, trenching, operation or storage of equipment, or other activity shall occur in the protected root zone.
4. Where the Zoning Administrator determines that irreparable damage has occurred to a tree credited for preservation, the tree shall be removed and replaced in size and quantity as required in this section and having been given credit for.

5.4 EXTERIOR LIGHTING

5.4.1 Intent & Purpose

The provisions of this section are intended to control the use of outdoor, artificial illuminating devices emitting rays into the night sky by:

- A. Encourage good lighting practices such that lighting systems are designed to save energy and money.

- B. Minimize glare.
- C. Protect the use and enjoyment of surrounding property.
- D. Increase nighttime safety, utility, security, and productivity.

5.4.2 Exemptions

The following uses and activities shall be exempt from the standards of this section, provided they do not create glare perceptible to persons operating motor vehicles in the public right-of-way:

- A. New Technology and/or Location: The Zoning Administrator may grant exceptions to the material, light source, method of installation, or location standards in this Section in consideration of any new state-of-the-art technology, so long as the exception still meets all other applicable standards of this Section.
- B. Residential Lighting: Low intensity residential decorative lighting, such as porch lights or low-level façade and landscape lighting, provided any such lights are directed toward the residential building or land.
- C. Holiday Decorations: Provided the decorative exterior lighting shall not include searchlights, floodlights, or stroboscopic lights.
- D. Neon Lights: Displayed in windows or part of an approved sign.
- E. Flag Lighting: Luminaires used for the illumination of the flag of the United States of America.
- F. Temporary Lighting: Associated with an approved temporary event permitted by this ordinance.
- G. Statutory Authority: Circumstances where federal or state laws, rules or regulations take precedence over the provisions of this section, or where fire, police, emergency, or repair personnel need light for temporary or emergency situations, or lighting that is only activated at the time of power outages.

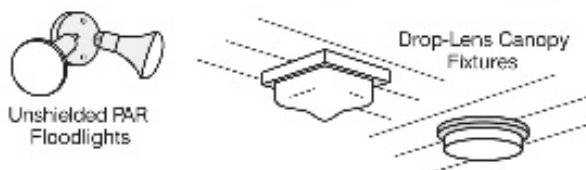
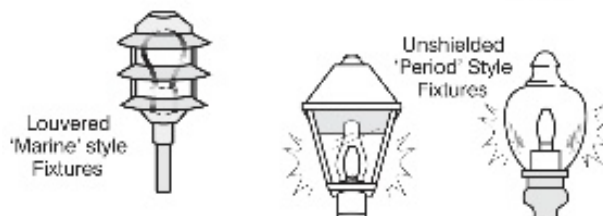
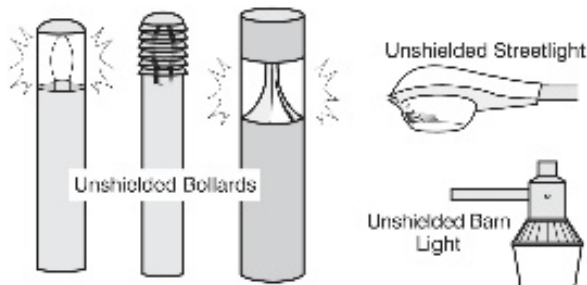
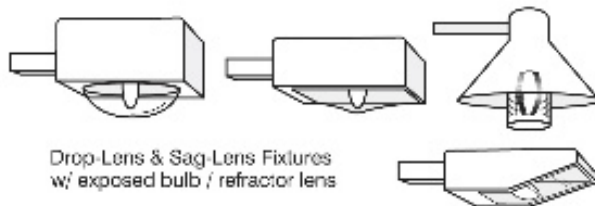
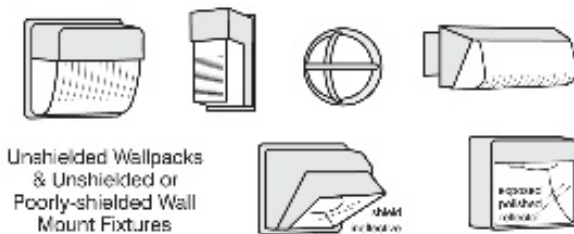
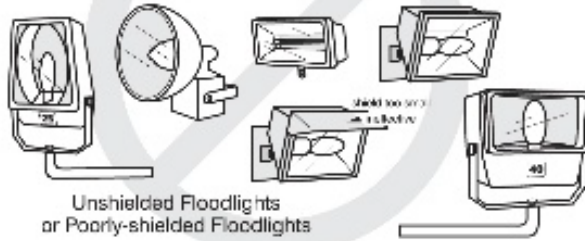
5.4.3 Shielding & Filtration

- A. All nonexempt exterior lighting shall be hooded and/or louvered to prevent light from spilling over onto neighboring properties and rights-of-way.
- B. All lighting fixtures shall have 100 percent cut-off shielding that prevents light from being emitted above a horizontal plane, the lowest direct light emitting part of the luminaire.
- C. Light sources shall be located as to minimize the hazards of glare, and all poles or standards used to support outdoor light fixtures shall be coated with a material that minimizes glare for the light source.

Examples of Acceptable / Unacceptable Lighting Fixtures

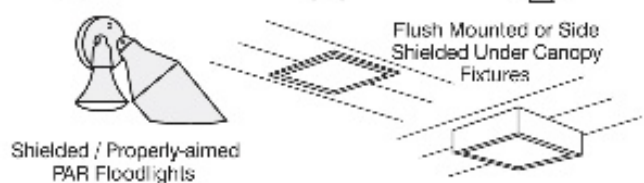
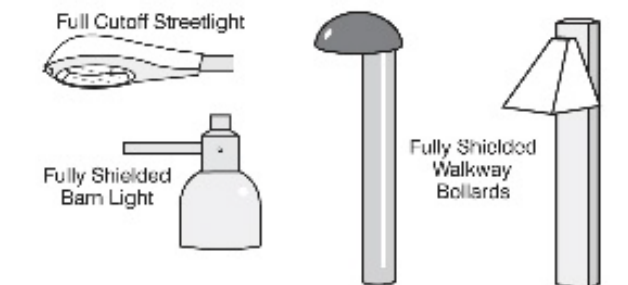
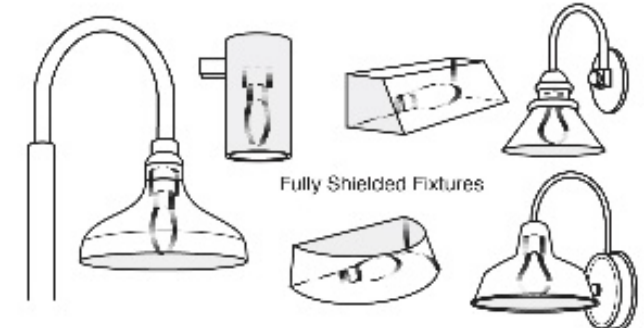
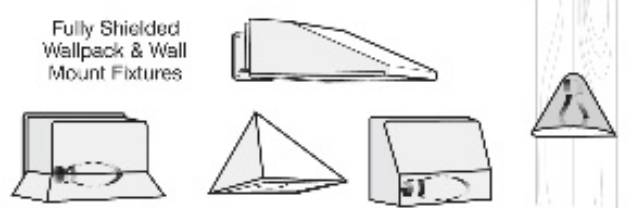
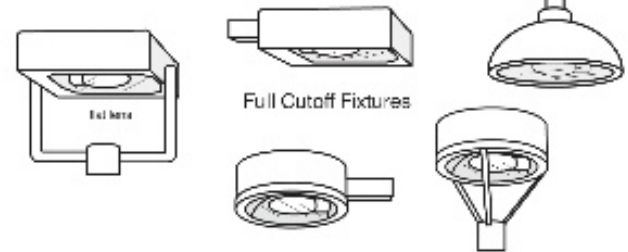
Unacceptable / Discouraged

Fixtures that produce glare and light trespass



Acceptable

Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



5.4.4 Exterior Lighting Site Standards

- A. Hours of Operation: All exterior lighting shall be equipped with automatic timing devices and shall be shut off if no customers or staff are present between the hours of 10:00 pm and sunrise, except for lighting necessary for security purposes or for uses that continue after 10:00 pm.
- B. Pole Height: The maximum pole height for exterior lighting shall not exceed 25 feet above the average grade of the adjacent ground, or the maximum height of the principal building, whichever is less.
- C. Prohibitions: The following light sources and fixtures shall be prohibited:
 - 1. Unshielded luminous tube (neon), fluorescent or LED lighting used as accent lighting on facades
 - 2. Mercury vapor
 - 3. High pressure sodium
 - 4. Animated, flashing, or moving lights
 - 5. Laser sources of light
 - 6. Search lights

5.5 SIGNS

5.5.1 Intent & Purpose

This section is intended to protect and further the health, safety, and welfare of the residents of Pennfield Charter Township; to maintain and improve the appearance of the Township; to conserve community character; to prevent traffic hazards; to provide safer conditions for pedestrians; and to promote economic development by regulating the construction, alteration, repair, maintenance, size, location, and number of signs. These regulations are further intended to provide reasonable identification for businesses and other uses within the community but are not intended to serve as a means of advertising.

The intent of this section is to regulate the location, size, construction, and manner of display of signs and outdoor advertising in order to minimize their harmful effects on the public's health, safety, welfare, and traffic safety. While this section recognizes that signs and outdoor advertising are necessary to promote commerce and public information, it also recognizes that the failure to regulate them may lead to poor identification of individual business, deterioration and blight of the business and residential areas of the Township, conflicts between different types of land use, and reduction in traffic safety to pedestrians and motorists. To achieve its intended purpose, this section has the following objectives:

- A. To prevent the placement of signs in a manner that will conceal or obscure signs or adjacent businesses.
- B. To keep the number of signs and sign messages at the level reasonably necessary to identify a business and its products.
- C. To keep signs within a reasonable scale with respect to the buildings they identify

- D. To reduce visual distractions and obstructions to motorists traveling along, entering, or leaving streets.
- E. To provide safer conditions for pedestrians.
- F. To prevent the proliferation of temporary signs which might promote visual blight.
- G. Promote economic development by allowing a fair opportunity for each property owner to attractively display their message in a clean and clear way.
- H. To maintain and improve the appearance of the Township.

5.5.2 General Requirements

- A. Permit Required: Prior to the erection, structural alteration, or replacement of a sign a building permit shall be secured. Exceptions to the permit requirements of this subsection shall include:
 - 1. Directional signs of six (6) square feet area or less.
 - 2. Address signs bearing only the property numbers, post box numbers, name of occupants, or other identification of the premises, limited to one (1) per building entrance and three (3) square feet of area.
 - 3. Historical signs designated by the state or federal government, limited to ten (10) square feet per parcel.
 - 4. Government signs erected on behalf or pursuant to the authorization of a government body, including street signs, legal notices, informational signs, and regulatory signs.
- B. Design and Fastening:
 - 1. No wall sign shall extend beyond the edge of the wall to which it is affixed, and no wall sign shall extend above the roof line of a building more than two (2) feet.
 - 2. No light pole, utility pole, or other supporting member shall be used for the placement of any sign unless specifically designed and approved for such use.
- C. Right-Of-Way:
 - 1. No sign shall be placed in, upon, or over any public right-of-way, alley, or other public place, except permitted awning, canopy, and marquee signs with approval by the agency managing the right-of-way.
 - 2. Small temporary signs may be placed on the sidewalk during business hours in accordance with the provisions of this section, and provided the small temporary sign still allows four (4) feet of unobstructed sidewalk clearance.
- D. Clear Vision Area: No sign above three (3) feet shall be placed in any required clear vision area.
- E. Traffic Interference: No sign shall be erected or maintained which simulates or imitates in size, color, lettering, or design any traffic sign or signal or other word, phrase, symbol, or

character in such manner as to interfere with, mislead, confuse, or create a visual impediment or safety hazard to pedestrian or vehicular traffic.

F. Maintenance:

1. All signs and sign structures shall be properly maintained and kept in a good state of repair.
2. Signs shall be maintained free of peeling paint or paper, fading, staining, rust, or other condition which impairs legibility or intelligibility.
3. Sign supports, braces, guys and anchors shall be maintained in such a manner as not to cause a hazard.

G. Commercial Vehicle Sign: No commercial vehicle, which in the opinion of the Zoning Administrator has the intended function of acting as a sign, shall be parked in any area abutting the street, unless no other parking area is available.

H. The standards in this section shall not be applicable to any sign not visible from a public right-of-way.

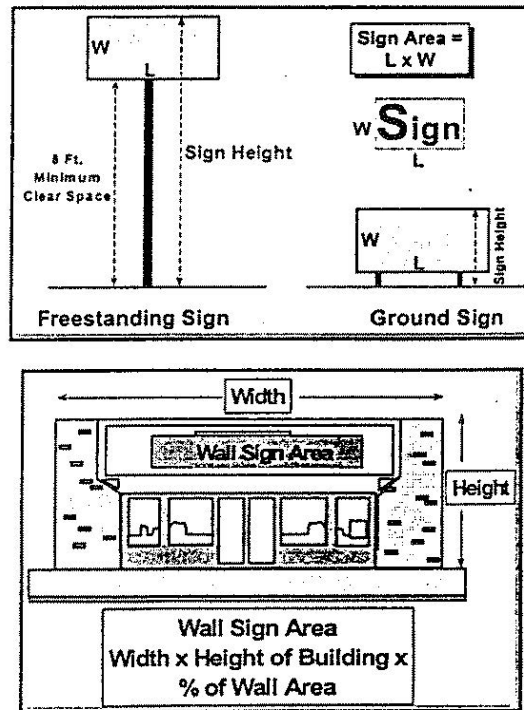
5.5.3 Sign Measurements

A. Surface Area:

1. Signs shall not exceed the maximum allowable area permitted in this section for sign type and district or use. When not limited to one sign of a specific type, the maximum area shall be determined by the cumulative total of all the signs of a specific type.
2. The area of a sign shall mean the area of all lettering, wording, and accompanying designs, logos, and symbols. The area of a sign shall not include any supporting framework, bracing or trim which is incidental to the display, provided it does not contain any lettering, wording, or symbols.
3. Where the sign consists of individual letters, designs, or symbols attached to a building, awning, wall, or window, the area shall be that of the smallest rectangle which encompasses all of the letters, designs, and symbols.
4. Signs that consist of, or have attached to them, one or more three-dimensional (3-D) or irregularly shaped objects, shall have a sign area of the sum of two (2) adjacent vertical sign faces of the smallest cube encompassing the sign or object.
5. Only one (1) face of a double-sided sign will be used to determine the area of the sign.
6. For V-shaped signs, either horizontally or vertically oriented, with interior angles greater than 90 degrees, the sign area is the sum of both sign faces, otherwise the area is the same as for double-sided signs.

B. Height:

1. Sign height shall be measured as the distance from the highest portion of the sign to the mean finished grade at the base of the sign.
2. Clearance for projecting, awning, and canopy/marquee signs shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other structural elements.
3. The permitted maximum height for all signs is determined by the sign type and the zoning district or use in which the sign is located.

*Sign Measurements*

5.5.4 Illumination

Internal and external illumination of signs shall be permitted for all signs, except where limited or prohibited in this section, subject to the following:

- A. All illumination shall be concentrated on the area of the sign or landscape feature and the source of light shall be directed and/or shielded so as to not interfere with the vision of persons on the adjacent streets or adjacent property.
- B. Internally illuminated signs shall have a dark background and light lettering.
- C. No sign shall include reflective materials.

5.5.5 Prohibited Signs

The following signs shall be prohibited in the Township:

- A. No sign or banner shall be placed across any public right-of-way except by permission of the Township. Signs incorporating any manner of flashing, strobe, or moving lights.
- B. Animated Signs: A sign employing actual motion or the illusion of motion. Animated signs, which are differentiated from changeable signs as defined and regulated by this code, include the following types:
 - 1. Environmentally Activated: Animated signs or devices motivated by wind, thermal changes, or other natural environmental input. Includes spinners, pinwheels, pennant strings, feather flags, and/or other devices or displays that respond to naturally occurring external motivation.
 - 2. Mechanically Activated: Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.
 - 3. Flashing: Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non-illumination. For the purposes of this ordinance, flashing will not be defined as occurring if the cyclical period between on-off phases of illumination exceeds one (1) hour.
- C. Signs on park-type benches, trees, or utility poles.
- D. Abandoned signs.
- E. Inflatable signs.
- F. Roof signs.
- G. Pole- or pylon-mounted signs, except associated with the installation of an approved billboard sign.
- H. Portable and vehicle signs parked primarily for the purpose of attracting attention to the message contained within.
- I. Any sign unlawfully installed, erected, or maintained.
- J. Signs that completely block the view of other signs.
- K. Any additional signage for a business that has an existing nonconforming sign.
- L. Signs displayed on umbrellas or table coverings used in association with outdoor dining areas.

5.5.6 Nonconforming Signs

A legal nonconforming sign may be continued and shall be maintained in good condition, including replacement faces, and shall be subject to the following:

- A. The non-conforming sign shall not be expanded, altered, or changed so as to increase the degree of nonconformity of the sign.
- B. The sign may be diminished in size or dimension, or the copy of the sign amended or changed without jeopardizing the privilege of nonconforming use.
- C. If a sign is nonconforming in its setback, this section shall not apply, and the sign shall not be replaced.
- D. Re-established after damage or destruction if the estimated cost of reconstruction exceeds 50 percent of the appraised replacement cost, as determined by the Zoning Administrator.
- E. Any sign which for a period of six (6) months or more no longer advertises a bona fide business conducted or product sold shall be removed by the owner of the building, structure, or property upon which such sign is located, within 30 days of receipt of written notice by the Zoning Administrator.
- F. A sign accessory to a nonconforming use may be erected in the Township in accordance with the sign regulations for the subject zoning district.

5.5.7 Removal Of Unsafe, Unlawful or Abandoned Signs

- A. Unsafe or Unlawful Signs: Upon written notice by Zoning Administrator, the owner, person, or firm maintaining a sign shall remove the sign when it becomes unsafe, is in danger of falling, or it becomes so deteriorated that it no longer serves a useful purpose of communication, or it is determined by Zoning Administrator to be a nuisance, or it is deemed unsafe by Zoning Administrator, or it is unlawfully erected in violation of any of the provisions of this ordinance. Pursuant to law, the Township may remove or cause to be removed the sign at the expense of the owner and/ or lessee in the event of the owner of the person or firm maintaining the sign has not complied with the terms of the notice within thirty (30) days of the date of the notice. In the event of immediate danger, the Township may remove the sign immediately upon the issuance of notice to the owner, person, or firm maintaining the sign.
- B. Abandoned Signs:
 - 1. It shall be the responsibility of the owner of any property upon which an abandoned sign is located to remove such sign within 180 days of the sign becoming abandoned as defined in this ordinance. Removal of an abandoned sign shall include the removal of the entire sign including the sign face, supporting structure, and structural trim.
 - 2. Where the owner of the property on which an abandoned sign is located fails to remove such sign in 180 days, the Township may remove such sign. Any expense directly incurred in the removal of such sign shall be charged to the owner of the property. Where the owner fails to pay, the Township may file a lien upon the property for the purpose of recovering all reasonable costs associated with the removal of the sign.

5.5.8 Permit Application & Approval Process

- A. Application and Approval: Application forms for a zoning permit to erect, alter or move a sign shall contain or have attached to it the following information at a minimum:
1. Name, address, and telephone number of the applicant.
 2. Location of building, structure, or lot to which or upon which the sign or other advertising structure is to be attached or erected.
 3. If proposed to be attached to a building, its proposed location on the building.
 4. A plot plan with dimensions of the sign, location on the lot, illumination source and method of construction and attachment to the building or placement in the ground.
 5. Name of person, firm, or corporation erecting the sign.
 6. Written consent of the owner of the building, structure, or lot to which or upon which the sign is to be erected.
 7. Other information as the Zoning Administrator shall require establishing compliance with this Section.
 8. For temporary signs, the specific dates that the sign is to be displayed.
- B. It shall be the duty of the Zoning Administrator, upon the filing of an application for a sign permit, to examine the plans and specifications and other data and the premises upon which it is proposed to erect the sign. If the proposed sign meets all ordinance requirements, the Zoning Administrator shall issue the sign permit within 15 days of receipt of a fully completed application.
- C. Administrative decisions made by the Zoning Administrator, which relate to signs, may be appealed to the Zoning Board of Appeals in accordance with the procedures of Article 11 of this ordinance.
- D. Revocation and Extensions of Sign Permits:
1. Any sign or other advertising structure regulated by this ordinance, which is unsafe or insecure, or is a menace to the public, or has been constructed or erected, or is otherwise not in compliance with this ordinance shall be a violation of this ordinance.
 2. If the work associated with a sign authorized under a zoning permit is not completed within one (1) year after the date of issuance, the permit shall become null and void. However, the Zoning Administrator may grant a three (3) month extension without payment of an additional fee if the extension is requested prior to the original sign permit becoming null and void.

5.5.9 Freestanding Signs

FREESTANDING SIGN STANDARDS						
Definition					Example (for illustrative purposes only)	
A sign supported by structures or supports that are placed on, or anchored in, the ground, and that is independent and detached from any building or other structure. Regulations A. Freestanding ground signs shall be supported and permanently placed by embedding, anchoring, or connecting the sign in such a manner as to incorporate it into the landscape or architectural design scheme. B. No freestanding sign may occupy an area designated for parking, loading, walkways, driveways, fire lane, easement, cartway of the right-of-way or other areas required to remain unobstructed. C. Prohibited in any side yard setback.						
District	Use	Max. Area (Square feet)	Max. Height (feet)	Max. Quantity	Limitations	Permit Required
AG	Non-Residential	16	4	1 per major entrance	• May be used to identify subdivision • Non-illuminated only	Yes
LMR	Non-Residential	16	4	1 per major entrance	• May be used to identify subdivision • Non-illuminated only	Yes
HDR	Non-Residential	16	4	1 per major entrance	• May be used to identify subdivision • Non-illuminated only	Yes
MH	Non-Residential	16	4	1 per major entrance	• May be used to identify subdivision • Non-illuminated only	Yes
GC	Businesses (1-2 businesses per building)	32	6	1 per parcel	• Minimum 15 feet from property line • Outside of right-of-way	Yes
	Multi-use Building (3+ businesses per building)	60	6	1 per parcel	• Minimum 15 feet from property line • Outside of right-of-way	Yes
LC	Businesses (1-2 businesses per building)	24	8	1 per parcel	• Setback 25 feet from right-of-way • Base shall be landscaped with shrubbery, plants, or flowers	Yes
	Multi-use Building (3+ businesses per building)	48	15	1 per parcel	• Setback 25 feet from right-of-way • Base shall be landscaped with shrubbery, plants, or flowers	Yes
I	Businesses (1-2 businesses per building)	24	8	1 per parcel	• Setback 25 feet from right-of-way • Base shall be landscaped with shrubbery, plants, or flowers	Yes
	Multi-use Building (3+ businesses per building)	60	6	1 per parcel	• Minimum 15 feet from property line • Outside of right-of-way	Yes

5.5.10 Wall Signs

WALL SIGN STANDARDS					
Definition			Example (for illustrative purposes only)		
A building-mounted sign which is either attached to, displayed on, or painted on an exterior wall in a manner parallel with the wall surface. A sign installed on a false or mansard roof is also considered a wall sign. Also known as a fascia sign, parallel wall sign, or band sign. A wall sign may also be located on an awning.					
Regulations					
A. No portion of a wall sign shall extend out more than twelve (12) inches from the building wall on which it is affixed. B. No portion of a wall sign shall extend above the wall. C. A projecting sign may be used in place of a wall sign and shall count towards the maximum area allowed.					
District	Type of Use	Max. Area (total sq. ft. for type)	Max. Quantity (for type)	Limitations	Permit Required
AG	Residential	9	1	Non-illuminated only	Yes
	Non-Residential	5% of wall area	--	Non-illuminated only	Yes
LMR	Residential	2	1	Non-illuminated only	Yes
	Non-Residential	5% of wall area	--	Non-illuminated only	Yes
HDR	Residential	2	1	Non-illuminated only	Yes
	Non-Residential	5% of wall area	--	Non-illuminated only	Yes
MH	Residential	2	1	Non-illuminated only	Yes
	Non-Residential	5% of wall area	--	Non-illuminated only	Yes
GC	All Uses	10% of wall area, not-to-exceed 200 sq ft	1 per street frontage		Yes
LC	All Uses	10% of wall area, not-to-exceed 50 sq ft	--	Wall signs shall be separated from each other by 5 feet	Yes
I	All Uses	10% of wall area, not-to-exceed 200 sq ft	1 per street frontage		Yes

5.5.11 Small Temporary Signs

SMALL TEMPORARY SIGN STANDARDS					
Definition			Example (for illustrative purposes only)		
A type of non-permanent, sign that is located on private property that can be displayed for a limited duration of time and is not intended to be a permanent display.					
Regulations					
A small temporary sign shall not reduce the unobstructed width of any sidewalk or pedestrian path by less than 4 feet.					
District	Max. Area (total sq. ft. for type)	Max. Height (ft)	Max. Quantity (for type)	Limitations	Permit Required
AG / LMR / HDR / MH	6	6	--	• Illumination prohibited • Minimum 15 feet from property line • Outside right-of-way	No
GC / LC / I	16	6	--	• Illumination prohibited • Minimum 15 feet from property line • Outside right-of-way	No

5.6 STORMWATER MANAGEMENT

5.6.1 Intent & Purpose

The purpose of this section is to provide adequate measures for the retention, detention, and distribution of stormwater in a manner that minimizes the possibility of adverse impacts on both water quantity and water quality during development.

5.6.2 Applicability

No development requiring a site plan review in this ordinance shall take place except in conformity with an approved stormwater management plan upon review by the Township Engineer.

5.6.3 Stormwater Management Facilities

- A. Level of Service Standard: Stormwater detention shall mitigate peak flow rates to predevelopment or existing development conditions.

- B. Grading: No premises shall be filled or graded so as to discharge surface runoff onto abutting premises or in such a manner that will cause inconvenience or damage to adjacent properties. When property is developed adjacent to existing properties previously developed, existing grades have priority.
- C. Storm Sewer System:
 - 1. No development shall be allowed to discharge stormwater runoff into the municipal storm sewer system unless approved by the Township. Where stormwater runoff will be direct to the municipal storm sewer system, the use of pre-treatment structures such as oil-water separators shall be required.
 - 2. For all uses, stormwater management and drainage facilities shall be designed to detain water on-site or the applicant shall seek approval to retain water with overflow discharge directed away from the wellhead area where feasible.
- D. Low Impact Development Stormwater Management: All projects not approved to discharge stormwater runoff into the municipal storm sewer system shall incorporate low impact development (LID) water quality technologies to manage stormwater on-site. LID water quality technologies shall include, but are not limited to, rain gardens, rooftop gardens, vegetated swales, cisterns, permeable pavers, porous pavement, and filtered stormwater structures will be required on site as a component of the overall stormwater plan. The Planning Commission shall have the authority to approve the type of LID that will be used as part of the site plan review process.
- E. Hazardous Substance Spills: Commercial or industrial land uses shall have specially designed stormwater facilities in areas where hazardous substance spills may occur. Such facilities shall be designed to:
 - 1. Prevent the commingling of stormwater runoff and hazardous substances.
 - 2. Enhance spill cleanup procedures.
 - 3. Meet all county, state and federal agency requirements.
- F. Maintenance: On-site detention facilities shall be privately owned and shall be maintained in their designed state. A maintenance schedule may be required by the Township prior to approval of a site plan.

5.7 PRIVATE ROADS

- A. The Township has determined that it is in the best interest of the community to regulate the construction, improvement, extension, relocation, and use of private roads. These provisions have been enacted to ensure that:
 - 1. Proposed private roads will not be detrimental to the public health, safety, or general welfare.
 - 2. Proposed private roads will not adversely affect the long-term development policies of Pennfield Charter Township. Private roads will be designed and constructed with

- adequate width, road surface, and grade to ensure safe passage and maneuverability of private vehicles, as well as police, fire, ambulance, and other safety vehicles.
3. Private roads will be constructed so as to protect against or minimize soil erosion, and prevent damage to the lakes, rivers, streams, wetlands, and natural environment of Pennfield Charter Township.
- B. The following terms found in this section shall be defined as outlined below. Terms not herein defined shall have the meaning customarily assigned to them.
1. *Certificate of compliance.* A document signed by an authorized Township official as a condition precedent to the commencement of opening a private road which acknowledges that such road complies with the provisions of this ordinance.
 2. *Cul-de-sac.* A road with a single, common ingress and egress, with a turnaround at the end.
 3. *Design professional.* A registered land surveyor or certified civil engineer.
 4. *Existing features.* Any buildings, structures, trees or other vegetation, or significant topographical changes.
 5. *Frontage.* The continuous linear distance of that portion of a parcel abutting upon a public or private road right-of-way.
 6. *Parcel.* A tract of land which can be legally described with certainty and is capable of being located by survey.
 7. *Road Department.* The Calhoun County Road Department.
 8. *Road surface.* The paved portion of the right-of-way treated for safe passage of all types of motorized vehicles that meet the minimum standards outlined in this ordinance.
 9. *Significant natural features.* A natural area as designated by the Planning Commission, Township Board, or the Michigan Department of Environment, Great Lakes, and Energy which exhibits unique topographic, ecological, hydrological, or historical characteristics such as a wetland, floodplain, river, lake, or other unique natural features.
- C. Application procedure. The application packet for the construction of a private road shall be submitted to the Zoning Administrator. The application packet shall contain the following to be considered a complete packet:
1. An application form supplied by the Township, completed by the applicant.
 2. Payment of a fee for such permits shall be submitted. Such fee shall be established by the Township Board from time to time by resolution.

3. Ten (10) copies of a site plan prepared by a design professional, drawn to scale, shall be submitted. Such site plan shall include the following:
 - a. The precise location of the private road.
 - b. Road grade.
 - c. Road route.
 - d. Road elevation.
 - e. Road dimensions.
 - f. A written legal description of the right-of-way.
 - g. Existing features within 300 feet of the proposed road.
 - h. Other roads within 300 feet of the proposed road, and any road to which the proposed road connects.
 - i. Location of public utilities.
 - j. Location of lakes, rivers, streams, wetlands, and significant natural features within 100 feet of the proposed road.
 - k. Any proposed extensions to the road, or additional phases of construction.
 - l. A small map to illustrate the proposed road location in relation to the existing Township road system.
4. Review procedure. Private roads shall be review in the same procedure as a Special Land Use permit in Article 8 using the design requirements below instead of the special land use criteria.
5. Design requirements. The construction of private roads shall comply with the following standards:
 - a. No private road shall extend for a distance more than 2,640 feet in length from the nearest public road right-of-way, without a second direct access available from another public road. Said distance shall be measured along the centerline of the private road.
 - b. All private roads shall have a recorded permanent right-of-way and easement with a minimum width of 66 feet. Public utilities shall be permitted to be installed in a required 15-foot right-of-way utility easement on both sides of the right-of-way.

- c. The road surface shall follow as closely as practicable, the centerline of the right-of-way. The board may permit variations if the applicant can demonstrate that adhering to the strict letter of the ordinance will diminish the rural character of the area or will result in the removal or degradation of significant natural features.
 - d. The road surface shall be a minimum of 24 feet in width and be a paved surface constructed upon a compacted gravel base. Pavement shall be either concrete or bituminous asphalt and of sufficient depth to support all types of motorized vehicles.
 - e. A road shoulder at least four (4) feet wide and shall be constructed on each side of the road surface.
 - f. Roadside ditches shall be at least 28 feet apart, have a minimum depth of 18 inches, and a minimum width at the bottom of 24 inches.
 - g. In any case, the road, including the surface and shoulders, shall be constructed to meet the road department specifications for local roads.
 - h. The maximum longitudinal road grade shall not exceed six (6) percent, however, if the applicant produces written justification satisfactory to the Township Engineer, that an increase in the road grade will not adversely affect public safety and the design of the road system(s), then ten (10) percent grade may be permitted.
 - i. The layout of the private road and the intersections of the private road with any other road shall be such that clear vision and safe turning and travel in all directions at the posted speed limit is assured, as determined by the Township Engineer. The minimum distance between intersections shall not be less than 300 feet, as measured along the right-of-way line.
 - j. The private road shall be constructed with stormwater runoff culverts and drainage contours as is required by the Calhoun County Drain Commission, if the Township Engineer determines construction with such systems would promote the purpose of this section.
 - k. All roads may be named by the applicant; however, the road department is not obligated to approve said road name if it is the same as, or in their opinion closely resembles an existing road name. The street addresses shall be posted in a conspicuous place at the entrance to the private road.
 - l. Stop signs shall be provided by the applicant at the intersection of the private road and any other road. All signs shall be in accordance with the Michigan Manual of Uniform Traffic Control Devices.
6. Frontage requirements are as follows:

- a. Parcels utilizing a private road shall have frontage on the private road for a distance equal to, or greater than the minimum lot width required for the zoning district in which the parcel is located.
 - b. If the road surface ends at the parcel, and the lot has access to the road by a cul-de-sac or continuous loop, then the frontage shall be not less than 100 feet.
 - c. The right-of-way shall continue the entire length of the end lot(s), for possible future development. If the applicant can demonstrate that no future development can take place because of soil type or topography, for example, then the board may waive this requirement.
 - d. A cul-de-sac, or a continuous loop shall be required at the end of any dead-end private road. The cul-de-sac shall have a minimum radius of 60 feet, and a road surface radius of 45 feet.
7. All existing private roads shall be made to comply with these standards if another private road connects to it, it is extended, or if additional lots are created adjacent to it, and to be served by it.
8. For all private roads, overhead clearance of 15 feet from the ground level shall be maintained.
9. *Maintenance and repairs.*
 - a. Private roads shall be maintained in a manner that complies with the provisions of this section.
 - b. All private roads shall be continuously maintained in such way that they will not constitute a danger to the health, safety, and welfare of the inhabitants of the Township, and are readily accessible to, and usable by emergency vehicles in all types of weather.
 - c. All costs for maintenance and repair of the private road shall be the responsibility of the property owners served by the private road.
 - d. The applicant shall provide the Township Board with a recordable Private Road Maintenance Agreement which shall indicate that the road will be regularly maintained, repaired, and snowplowed, so as to ensure that the provisions of this section are complied with. The maintenance agreement shall also indicate the responsible parties for carrying out the private road maintenance outlined in said agreement.
10. *Effect of approval.* The private road approval shall not become effective until the applicant provides the following:

- a. A letter indicating acceptance of all conditions of approval made by the Township Board.
- b. A letter indicating that by applying for or securing a permit to construct the private road they shall indemnify and will hold the Township harmless from any and all claims for personal injury or property damage arising out of the use of the private road, or of the failure to properly construct, maintain, use, repair, and replace the private road.
- c. Prior to the beginning of road construction, the board may require as a condition of approval, the applicant to provide a performance guarantee, in accordance with following:
- d. As a condition of approval, the Township Board may require a financial guarantee of sufficient sum to assure the installation of those features or components of the approved activity or construction which are considered necessary to protect the health, safety, and welfare of the public and the users of the proposed development. Such features or components, hereafter referred to as "improvements."
- e. Performance guarantees shall be processed in the following manner:
 - i. Prior to the issuance of a permit, the applicant shall submit an itemized estimate of the cost of the required improvements which are subject to the performance guarantee, which shall then be reviewed by the Township Supervisor. The amount of the performance guarantee shall be 100 percent of the cost of purchasing materials and installing the required improvements, plus the cost of necessary engineering and a reasonable amount for contingencies.
 - ii. The required performance guarantee may be in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township.
 - iii. Upon receipt of the required performance guarantee, a permit for the subject development shall be issued, provided it is in compliance with all other applicable provisions of this ordinance and other applicable ordinances of the Township.
 - iv. The Township Treasurer will refund to the developer portions of the performance guarantee, only after written notice from the Township Supervisor, that the improvements for which the rebate has been requested have been satisfactorily completed. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvements.
 - v. When all of the required improvements have been completed, the applicant shall send written notice to the Township Supervisor of completion of said

improvements. Thereupon, the Township Supervisor shall cause a final inspection to be made of the improvements and approve, partially approve, or reject the improvements with a statement of the reasons for any rejections. If partial approval is granted, the cost of the improvement rejected shall be set forth.

- vi. A record of authorized performance guarantees shall be maintained by the Township Clerk.
- vii. Private road construction is to be completed within one year of approval by the board. Failure to complete private road construction within one (1) year shall render said approval null and void.
- viii. Upon completion of the private road, the applicant shall provide a letter signed by their design professional indicating the private road has been constructed to meet the standards outlined in this ordinance.

11. *Permits.*

- a. The Township Board may elect to have all design and construction plans, and maintenance agreements or other covenants reviewed by the Township Attorney, Engineer, and/or Planner prior to consideration of the application for the private road permit.
- b. No building permits shall be issued for construction of any building or structures on lots or condominium units served by a private road until construction of the private road as approved by the board has been completed and certificate of compliance has been issued.
- c. A driveway permit shall be obtained from the road department prior to issuance of any building permit.
- d. A soil erosion and sedimentation control permit shall be obtained from the Calhoun County Drain Commission, as may be required by the Soil Erosion and Sedimentation Control Act of 1972, as amended.
- e. It shall be the applicant's responsibility to obtain all applicable state and federal permits for the road construction.

ARTICLE 6: SUPPLEMENTAL USE STANDARDS

6.1 INTENT AND PURPOSE

Those uses permitted by right and uses allowed by special land use permit enumerated in any zoning district, if included below, shall be subject to the following conditions and requirements. The uses listed in this Article are only allowed where listed in Article 3.

6.2 AGRICULTURAL OPERATIONS

- A. Operations shall occur on land containing at least ten (10) contiguous acres under single ownership unless the agricultural operation is compliant with GAAMPS.
- B. Agricultural buildings and structures shall also be regarded as principal permitted uses, provided they directly relate to and are actively used in the bona fide agricultural enterprise being conducted on the property.
- C. No agricultural operation shall be operated as a feed lot or for the disposal of garbage, rubbish, offal, or rendering plants or for the slaughtering of animals except such animals raised on the premises for the use and consumption by those persons residing on the premises.

6.3 AGRICULTURAL PROCESSING FACILITIES

These regulations shall apply to facilities processing agricultural products not grown by the owner (i.e., cooperatives).

- A. All buildings shall be set back at least 100 feet from any property line.
- B. Access driveways shall be located no less than 75 feet from the nearest right-of-way line of any intersecting street or from the nearest edge of any other driveway.
- C. The site shall be served by either a public water and sanitary sewer system, or by an on-site system approved by the County Health Department.
- D. On a site plan provided by the applicant the following information shall be outlined:
 - 1. The size, nature, and character of the proposed use.
 - 2. The extent of traffic congestion or hazard which would accompany such a use, i.e., the approximate number of trucks entering and exiting the site on a daily basis.
 - 3. The frequency of use and hours of operation.
- E. Lighting the site shall not create a nuisance to adjacent property owners, nor to traffic on adjacent roads.
- F. The property shall be kept free of litter, and in a sanitary condition.
- G. Any odor, gas, glare, heat, or smoke detectable at any point along the lot lines shall not be permitted.

6.4 AGRI-TAINMENT

- A. Shall include uses such as wedding venues, bed and breakfasts, food to table operations, and other uses that are associated with an active agricultural enterprise.

- B. Minimum lot area shall be ten (10) acres and the minimum lot width shall be 200 feet.
- C. Parking shall be screened from adjacent properties and road rights-of-way.
- D. Activities associated with the use shall be located a minimum of 100 feet from any property line.
- E. The Planning Commission shall determine appropriate hours of operation, number of events, and maximum occupancy.

6.5 ASSEMBLY FACILITIES

- A. Places of assembly, including but not limited to, dance pavilions, auditoriums, and private clubs.
- B. Access driveways shall be located at least 100 feet from the nearest right-of-way line of any intersecting street or 75 feet from the nearest edge of any other driveway.

6.6 AUTOMOBILE SALES AND RENTALS

- A. The principal and accessory buildings and structures shall not be located within 100 feet of any residential use or district.
- B. Minimum lot area shall be one (1) acre and the minimum lot width shall be 150 feet.
- C. All equipment and activities associated with vehicle repair operations, except those in incidental use, such as air hoses, shall be kept within an enclosed building.
- D. Inoperative vehicles left on the site shall be stored within an enclosed building or in an area screened by an opaque fence not less than six (6) feet in height. Such fences shall be continuously maintained in good condition. This area shall be paved with asphalt or concrete and shall be no larger than 5,000 square feet.
- E. Storage of vehicle components and parts, trash, supplies, or equipment outside of a building is prohibited, except in designated and approved screened storage areas.
- F. Access driveways shall be located at least 100 feet from the nearest right-of-way line of any intersecting street or 75 feet from the nearest edge of any other driveway.
- G. The lot area used for parking shall be paved, graded, and drained so as to dispose of all surface water free from ponding, and not harmful to adjacent property owners.

6.7 AUTOMOBILE SERVICE STATIONS

- A. Minimum lot area shall be one (1) acre and the minimum lot width shall be 150 feet.
- B. Pump islands shall be a minimum of 40 feet from any public right-of-way or property line.
- C. All equipment and activities associated with vehicle service operations, except those in incidental use, such as air hoses, shall be kept within an enclosed building.
- D. Storage of vehicle components and parts, trash, supplies, or equipment outside of a building is prohibited.

- E. If retail sales of convenience goods are conducted on the premises, parking for such uses shall be computed and provided separately for that use.
- F. Canopy roofs shall be permitted to encroach into any required yard, provided that a minimum setback of five (5) feet is maintained, and further provided that the fascia of such canopy is a minimum of 12 feet above the average grade.
- G. Access driveways shall be located at least 100 feet from the nearest right-of-way line of any intersecting street or 75 feet from the nearest edge of any other driveway.
- H. The lot area used for parking shall be paved, graded, and drained so as to dispose of all surface water free from ponding, and not harmful to adjacent property owners.
- I. Written verification of review and approval of the site plan from the county drain commissioner.
- J. Written verification of review and approval of the site plan from the Township Fire Chief.

6.8 AUTOMOBILE WASHING STATION

- A. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of 15 stacking spaces for an automatic wash facility shall be provided. For self-service establishments, each stall shall have at least two (2) stacking spaces at the entrance and one space at the exit.
- B. Vacuuming activities, if outdoors, shall be at least 100 feet from any residential use or district property line. Wash bays for self-service establishments shall be located at least 50 feet from any residential use or district line.
- C. Only one (1) access driveway shall be permitted on any single street. Access driveways shall be located at least 100 feet from the nearest right-of-way line of any intersecting street or 75 feet from the nearest edge of any other driveway.

6.9 BOAT LAUNCHES

- A. There shall be no storage of gasoline, fuel oil, or other flammable liquids or gases on the lot.
- B. No building, structure, dock, or parking area which is part of the boat launch area shall be located closer than 50 feet to any residential lot line.
- C. Parking facilities shall not be used for the overnight storage of boats, trailers, or other vehicles.
- D. 14 off-street parking spaces per ramp, plus off-street queuing space for two (2) vehicles with trailers per ramp shall be required. The parking area shall be configured in a manner to comply with the following table:

Boat Launching Areas					
Parking Pattern (degrees)	Maneuvering Lane Width (feet)	Parking Space Width (feet)	Parking Space Length (feet)	Total Width of 1 Tier of Spaces and Maneuvering Lane (feet)	Total Width of 2 Tiers of Spaces and Maneuvering Lane (feet)
30—53	25	10	45	70	115
54—90	45	10	45	90	135

6.10 CAMPGROUNDS

- A. The campground must provide a health department approved sewage disposal and water system.
- B. The setback of a campsite, building, or facility from the property line must be at least 50 feet.
- C. The property must be screened with six (6) foot fencing or proper greenbelt when adjacent to a residential use.
- D. Minimum lot size of 10 acres is required for the first 25 sites, and one (1) acre for each additional 15 sites, or fraction thereof.
- E. A store may be permitted as an accessory use, to serve the immediate needs of those using the campground. Off-street parking requirements for the store will be one-half the required amount for retail outlets, as outlined in this ordinance.

6.11 CEMETERIES

- A. Minimum lot size of three (3) acres is required.
- B. Site plan shall show all roads and plots within the cemetery.
- C. A five (5) foot fence is required along any property line not adjacent to a road right-of-way.

6.12 CHURCHES

- A. The property location shall be such that at least one (1) side of the property abuts and has access to a public road.
- B. Minimum lot size of three (3) acres shall be required.
- C. The off-street parking area shall be screened with a greenbelt buffer as required in Section 3.10.

- D. Within a commercial district, the applicant shall waive the requirement of location within 300 feet of any business with alcohol sales.

6.13 CLUBHOUSE FACILITIES

See GOLF COURSES

6.14 COMMERCIAL DAY CARE CENTERS

- A. Minimum lot size of two (2) acres shall be required for such use.
- B. Playground equipment shall be located in the interior side or rear yard of the lot and must have a five (5) foot fence around its border. The playground must be at least 50 feet from the property line and any residential use or residential zoning district.
- C. The off-street parking shall be arranged so the client loading and unloading area will not be in the path of vehicular traffic.

6.15 COMMUNITY CENTERS

- A. The parcel on which the use is located shall front on at least one (1) side on a paved road.
- B. Any outdoor playground equipment shall be enclosed by a fence at least four (4) feet in height. Such a play area shall be set back from any residential use at least 50 feet.

6.16 CONTRACTOR ESTABLISHMENTS

- A. The principal and accessory buildings and structures shall not be located within 300 feet of any residential use or district property line.
- B. Any outside storage shall be so screened to obstruct outside vision of the materials from any public road, or adjacent property.
- C. Outdoor sales and display areas shall be limited to 20 square feet for each linear foot of building frontage.
- D. All driveways, parking, loading, storage, and vehicular circulation areas shall be paved.

6.17 CONTRACTOR STORAGE YARDS

- A. The storage area shall be within a totally enclosed building or in the rear yard of the property inside a six (6) foot high solid fence or wall.
- B. No repairs on equipment shall be permitted, except on equipment owned or leased by the firm that owns the storage yard. Further, repairs shall take place within an entirely enclosed building.
- C. The use shall be adjacent to and have direct access to a paved public road.
- D. The area where the equipment is stored, and any driveways on the site, shall be paved, or treated so as to prevent dust.

6.18 DRIVE-THROUGH FACILITIES

Drive-through facilities for uses including, but not limited to, restaurants, banks and other financial institutions, and personal service establishments like dry-cleaning pickup stations and pharmacies.

- A. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of ten (10) stacking spaces for each service ordering station shall be provided. Stacking spaces shall be located so as to not interfere with vehicular circulation and egress from the property or parking spaces by vehicles not using the drive-through portion of the facility.
- B. In addition to parking space requirements, at least three (3) parking spaces shall be provided, in close proximity to the exit of the drive-through portion of the operation, to allow for customers waiting for delivery of orders.
- C. Parking areas shall have a front yard setback of 20 feet and side and rear yard setbacks of 10 feet which shall be landscaped.
- D. Access driveways shall be located no less than 100 feet from the centerline of the intersection of any street or 75 feet from the centerline of any other driveway.
- E. Outdoor speakers for the drive-through facility shall be located in a way that minimizes sound transmission toward neighboring property and uses.

6.19 EDUCATIONAL INSTITUTIONS

- A. Minimum lot size:
 - 1. For elementary schools, a minimum of five (5) acres.
 - 2. For secondary schools, a minimum of 10 acres.
 - 3. For trade, martial arts, or other professional or technical schools, a minimum of one (1) acre.
- B. Playground equipment may only be located in the side or rear yard of the lot and must have a five (5) foot fence around its border. The playground must be at least 50 feet from any side or rear property line.
- C. The off-street parking shall be arranged so the bus loading and unloading of students area will not be in the path of vehicular traffic.
- D. The off-street parking shall meet the requirements outlined in this ordinance for schools.
- E. Sidewalks shall be required connecting the off-street parking area to the main entrance to the school and to the required sidewalk along the adjacent road right-of-way line.
- F. The main school building shall be 100 feet from any property line.
- G. Practice and playing fields, tracks, and ball diamonds shall be set back at least 50 feet from any property line.

6.20 EXTRACTIVE INDUSTRIES

Mining of natural resources includes the excavation or mining of sand and gravel; the processing, storage, loading, and transportation of sand and gravel; the mining of clay; the extraction of peat or marl; the quarrying of stone; and the mining of coal. The incidental excavation of sand and gravel for on-site use only is excluded from the regulations of this ordinance, except that the setback and yard requirements for the district shall be met.

- A. Minimum parcel size shall be 80 acres.
- B. Minimum setback of 300 feet from any property line, and 300 feet from any public road.
- C. The permanent processing plant and its accessory structures shall not be closer than 600 feet from any property line or public road.
- D. When practicable, the permanent processing plant shall be located within the excavation area, at a point lower than the general level of the surrounding terrain, in order to reduce the visual impact of the plant structure.
- E. Storage piles of processed material and overburden stripped mining areas shall not be located closer than 300 feet from any property line, and 300 feet from any public road.
- F. With application for the special land use, an operational plan must be submitted for review by the Planning Commission and Township Board. If the operational plan meets the intent and purpose of this ordinance, the goals and objectives of the Township master plan, and is consistent with sound planning principles, the Township Board may approve the plan. The plan should provide at least the following information, but not [be] limited to: the areas to be mined, the location of permanent structures, locations for storage piles, the points of access upon public roads, screening, and reclamation plans. The operational plan must be approved prior to issuance of a zoning permit.
- G. Upon commencement of mining operations, the mining area shall be enclosed within a six-foot-high fence plus two feet barb wire, and "No Trespassing" signs shall be posted at most 100 feet apart.
- H. Sight barriers shall be provided along all boundaries adjacent to roads which lack the natural vegetative terrain conditions to effectively screen the mining operation. The sight barriers shall consist of one or more of the following:
 - 1. Earth berms which shall be constructed to a height of five (5) feet above the mean elevation of the centerline of the public road adjacent to the mining property. The berm shall have a slope not in excess of one (1) foot vertical to four (4) feet horizontal, and shall be planted with grass, trees, and shrubs.
 - 2. Screen plantings of coniferous or other suitable species at least five (5) feet in height, in two (2) rows parallel to the boundary of the property, with spacing of rows no greater than 10 feet, and spacing of trees within rows no greater than 10 feet apart.
 - 3. Masonry walls or solid fences which shall be constructed to a height at least five (5) feet.

- I. Noise and vibration shall not be nuisance to the general health, safety, and welfare of the residents in Pennfield Charter Township, and shall be minimized in their effect on adjacent properties by the proper use of berms, walls, and screen plantings.
- J. Air pollution in the form of dust and dirt shall be kept at a minimum.
- K. All equipment used for the mining operation shall be operated in such a manner as to minimize, insofar as is practicable, dust, noise and vibration conditions which are injurious or substantially annoying to persons living in the vicinity.
- L. Interior roads serving the mining operation shall be paved, treated, or watered insofar as is practicable, to minimize dust conditions.
- M. No mining shall take place within the specified distance from the margin of any stream or waterway as established by the Michigan Water Resources Commission, Michigan Department of Environment, Great Lakes, and Energy (EGLE).
- N. All natural resource extraction areas shall be reclaimed and rehabilitated as soon as may be practicable after each mining phase has been completed, and in accordance with the plan approved by the Planning Commission. Reclamation may be conducted concurrently with phased mining operations, for example, a mined-out phase section of the area may be undergoing rehabilitation while a second phase may be undergoing active mining.
- O. Reclamation shall be completed in accordance with the plan approved by the Planning Commission within one (1) year after all extraction has been completed.
 - 1. The excavated area shall not retain stagnant water.
 - 2. The surface of the excavated area shall be graded or backfilled to produce a gently rolling surface that will minimize wind and water erosion and be compatible with the adjoining land area.
 - 3. The finished grade resulting from excavation shall not be steeper than one (1) foot vertical to three (3) feet horizontal.
 - 4. Topsoil of a quality equal to that occurring naturally in the surrounding area, shall be replaced on all excavated areas, except on roads, beaches, or other planned improvements. The depth of the topsoil shall be at least four (4) inches deep.
 - 5. Vegetation shall be restored by the appropriate planting of grass, trees, and shrubs in order to establish a permanent vegetative cover on the land surface, and to minimize erosion.
 - 6. All processing plant structures, buildings, stockpiles, and equipment shall be removed from the area no later than one year after extraction has ceased.
- P. The mining company shall post a minimum financial guarantee in the amount of \$1,000,000.00 for the first five (5) operational acres. The financial guarantee shall be increased on the yearly anniversary date of the mining permit at a rate of \$100,000.00 per each additional operation acre which exceeds the first five (5) acres. The guarantee shall be provided in one of the following forms:

1. Cash.
 2. Cashier's check.
 3. Surety bond acceptable to the Planning Commission.
- Q. Upon rehabilitation of mined acreage, and reduction of net operational area, the bond or security shall be released in accordance with the amount or security required per acre.
- R. Operations agreement must be approved before a special use permit is granted.
- S. Failure to correct a reported violation shall be reason for revocation of the special land use permit. Additional time for correction of the cited violation may be allowed upon submission to the Zoning Administrator of proof of good and sufficient cause by the operating company.

6.21 FUNERAL HOMES AND MORTUARIES

- A. Lighting for parking areas or outdoor activity areas shall not be a nuisance to adjacent properties.
- B. An off-street vehicle assembly area shall be provided to be used in support of funeral processions and activities. This area shall be in addition to the required off-street parking and its related maneuvering area.
- C. No waiting lines of vehicles shall extend off-site or onto any public street.
- D. Access driveways shall be located at least 75 feet from the nearest right-of-way line of any intersecting street or from the nearest edge of any other driveway.

6.22 GREENHOUSES AND NURSERIES

- A. All buildings shall be set back at least 100 feet from all property lines.
- B. Outdoor display areas shall be set back at least 50 feet from all property lines and shall be limited to an area equal to one-half the square footage all buildings on the lot associated with the use.

6.23 GROUP DAY CARE HOMES

- A. The use may not be closer than 1,500 feet to any of the following:
 1. Another licensed group day care home.
 2. Another adult foster care small group home or large group home licensed under the Adult Foster Care Facility Licensing Act, 1979 PA 218 (MCL 400.701 et seq.).
 3. A facility offering substances abuse treatment and rehabilitation service to seven or more people licensed under Article 6 of the Public Health Code, 1978 PA 368 (MCL 333.6101 et seq.)
 4. A community correction center, resident home, half-way house, or other similar facility which houses an inmate population under the jurisdiction of the department of corrections.

- a) This distance shall be measured along a street, road, or place maintained by the state, county, or Township of Pennfield and generally open to use by the public as a matter of right for the purpose of vehicular traffic, not including an alley.
- B. A dropoff/pickup area shall be provided for motorists off the public street, which permits vehicles to exit the property without backing into the street.
- C. Fencing at least six (6) feet in height shall be provided around all outdoor areas accessible to children.
- D. All playground equipment, and areas for playing and exercise shall be in the side and rear yard of the property. This area shall be at least 2,500 square feet in size.
- E. The property shall be consistent with the characteristics of the neighborhood.
- F. The facility shall not exceed 16 hours of operations during a 24-hour period, and shall not operate between the hours of 10:00 p.m. and 5:00 a.m.

6.24 GOLF COURSES

- A. Minimum lot size of 120 acres is required for a regulation 18-hole golf course, or 40 acres for each nine holes of a par-3 style course.
- B. The site shall be so planned to provide all access directly onto or from a major paved road.
- C. All structures shall be at least 100 feet from any property line abutting residentially zoned land.
- D. The off-street parking area shall be so arranged as to provide the most safety for pedestrians, and ease of vehicular maneuvering.
- E. The off-street parking area shall be at least 50 feet from any property line abutting residentially zoned land.
- F. Accessory uses like pro shops, restaurants and lounges, and golf driving ranges may be permitted.

6.25 HOME OCCUPATIONS

- A. One (1) person, other than members of the immediate family residing on the premises may be engaged in such occupation, provided adequate off-street parking for the employee is available, in addition to that required for the dwelling.
- B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate, and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the floor area of the dwelling area shall be used in the conduct of the home occupation.
- C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation.
- D. The home occupation shall be operated entirely within in primary dwelling.

- E. No goods shall be sold from the premises which have not been produced from the conduct of the home occupation.
- F. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood. Any need for parking generated by the conduct of such home occupation shall be met off the street and not in the required front yard.
- G. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or cause fluctuation in line voltage off the premises.
- H. Only normal domestic or household equipment and equipment characteristic of small workshops, businesses, and professional offices shall be used to accommodate the home occupation.
- I. The essential residential character of the dwelling, in terms of use and appearance, shall not be changed by the occurrence of the home occupation.

6.26 HOTELS

- A. Minimum lot area shall be one (1) acre and minimum lot width shall be 200 feet.
- B. Parking areas shall have a front yard setback of 40 feet and side and rear yard setbacks of 20 feet.
- C. Access driveways shall be located at least 100 feet from the nearest right-of-way line of any intersecting street or 75 feet from the nearest edge of any other driveway.
- D. Restaurants and retail shops may be permitted accessory to the hotel or motel. However, off-street parking for the accessory uses must be provided in addition to the required parking for the sleeping rooms.

6.27 KENNELS

- A. Minimum parcel size shall be five (5) acres.
- B. Outdoor dog runs and exercises areas shall be located in the rear yard and shall not be located in a required setback.
- C. All areas where animals are kept shall be located 100 feet from residential uses and residential zoning districts.
- D. There shall be a solid wall around the outside perimeter of the dog runs and/or exercise areas, with a height of not less than six (6) feet.

6.28 MOTELS

See HOTELS

6.29 MOTOR VEHICLE REPAIRS

- A. The principal and accessory buildings and structures shall not be located within 200 feet of any residential district or use property line.

- B. Access driveways shall be located no less than 75 feet from the nearest part of the intersection of any street or any other driveway.

6.30 OUTDOOR DINING

- A. Shall be an accessory use to a restaurant, bar, or tavern.
- B. In addition to items required for the site plan review, a detailed plan for the outdoor seating area shall include the design, relevant details, and location of all temporary structures such as awnings, planters, landscaping, railing, tables, chairs, and other equipment, as well as lighting and electrical outlet locations. The layout shall show all seating, tables, and chairs and shall be used to determine maximum occupancy load for the outdoor seating. The occupancy load shall be posted in a conspicuous location.
- C. Outdoor seating, including any canopy or cover associated with area, may be permitted within a required setback.
- D. If alcohol is being served, the area shall be fenced.
- E. No food and beverage preparation would occur in the outdoor dining area. All food and beverage preparation will occur inside the building housing the principal use and brought to the customer or carried by the customer to the outdoor seating.
- F. The outdoor dining must be part of a licensed restaurant and meet all the requirements of the Department of Health and any other local, county or state requirements, including the Michigan Liquor Control Commission, if applicable.
- G. If outdoor dining is to be located on or near any public or private sidewalk, minimum of six (6) feet of unobstructed pedestrian access on the side shall be maintained. No outdoor dining area shall block or interfere with entrances or exits of any structure or building.

6.31 OUTDOOR SALES AND DISPLAYS

- A. Minimum lot size of two (2) acres is required.
- B. The lot area used for parking, display, or storage shall be paved or treated so as to prevent dust.
- C. The parking area shall also be graded and drained so as to dispose of all surface water in a safe and effective manner without causing ponding, or harm to adjacent property owners.
- D. Access driveways shall be located at least 100 feet from the nearest right-of-way line of any intersecting street or 75 feet from the nearest edge of any other driveway.
- E. Any display materials or equipment stored or displayed outside of an enclosed building shall not extend into any required yard or occupy any required parking or maneuvering areas for vehicles.
- F. Any outside storage shall be so screened to obstruct outside vision of the materials from any public road, or adjacent property.

6.32 RECYCLING CENTERS

- A. A minimum lot size of five (5) acres is required.
- B. Plans and specifications shall be submitted to the Planning Commission and shall include the following:
 - 1. Specific location of the facility shown on a vicinity map.
 - 2. Location of public roadways, habitable structures, and places of public use on the site and other properties influenced by the project.
 - 3. Legal description and site boundaries.
 - 4. Means of limiting access including fencing, gates, natural barriers, or other methods.
 - 5. Details of the method of treating or disposing of liquid waste resulting from operation of the facility as it relates to the Township's wastewater treatment facility.
 - 6. The location of all structures and equipment.
 - 7. A detailed description and statement of appurtenances and procedures intended to handle heavy or bulky items, store refuse beyond the end of the working day, and control dust, odors, and fire as they comply with state and federal regulations.
 - 8. The location of existing proposed utilities available to the site.
 - 9. The method of final reduction, such as compacting, grinding, shredding, compression, or tamping equipment.
 - 10. Daily cleanup procedures.
 - 11. Other details necessary as required by the Planning Commission.
- C. A facility shall be located not less than 500 feet from the nearest residential zone and must be completely screened by a solid fence of not less than eight (8) feet in height.
- D. The site must be located on a major paved county road, and not on residential- or collector-type roads. Roadways on the property shall be all-weather roads and shall maintain a condition to prevent a dust nuisance.
- E. Dust and odor resulting from unloading and operation of the facility shall be reasonably controlled at all times. Operation of the facility shall be carried on in a manner to prevent noise and vibration, or a nuisance to an adjoining property.
- F. Highly flammable or explosive materials shall not be accepted unless approved by the health department.
- G. Open burning shall not be carried out in a recycling facility.
- H. The recycling area shall be maintained in a sanitary manner at all times so as not to create general unsightliness or health and safety hazards.

- I. Necessary operations of the recycling center shall be carried out promptly in a systematic manner so that conditions are unfavorable for harborage and production of insects and rodents.
- J. Adequate provisions shall be made for routine operational maintenance of the facility and all appurtenances.

6.33 RETAIL ESTABLISHMENTS (ACCESSORY TO A PERMITTED USE)

- A. The retail sales area shall not constitute more than ten (10) percent of the gross floor area of the building in which the sales take place.
- B. No outdoor displays shall be permitted.
- C. Off-street parking shall be increased by ten percent of that required for the principal use, however, in any case, not fewer than three additional spaces shall be required.

6.34 RIDING STABLES

- A. The minimum lot size shall be ten (10) acres.
- B. The maximum horse population shall be limited to one (1) horse per acre.
- C. Any buildings used to breed, house, feed, train, or shelter horses shall be located at least 150 feet from any lot line.
- D. The facility shall be so constructed and maintained that odor, dust, noise, or drainage shall not constitute a nuisance, disturbance, or hazard to adjacent or nearby property owners.
- E. All on-site accumulations of manure and other animal related solid wastes shall be disposed of in accordance with county and state health regulations. On-site accumulations of manure shall not adversely affect adjoining parcels.
- F. Off-street parking shall be provided as required in this ordinance for outdoor recreation, assembly halls, and any other related use accessory to the stable.
- G. Off-street loading and unloading of horses, feed, straw, or any other on-site use related to the facility shall be completely on the property.
- H. A map of the riding trail shall be submitted to the Planning Commission, with a maintenance plan for the trail, and hours of operation.
- I. The riding trail shall not unreasonably affect adjoining property.

6.35 SALVAGE YARDS

- A. Minimum lot size shall be 20 acres.
- B. Requests for a special land use approval for establishment of a salvage yard shall also require submission of a detailed proposal identifying the predominant type of salvage material to be received, the methods of separation or recycling, and ultimate destination of waste materials. The applicant shall be required to submit written materials outlining measures taken to comply with all necessary state, county, and local laws.

- C. The site shall abut and have suitable access to a paved county primary road to ensure safe, direct transport of salvage to and from the site.
- D. No portion of the storage area shall be located within 1,000 feet of any residential use or district, or any church, school, park, or cemetery.
- E. Any outdoor storage area shall be completely enclosed by a fence or wall at least ten (10) feet in height constructed of a sturdy, durable material and sufficiently opaque to ensure that salvaged material is not visible from outside the storage area. The fence or wall shall have a minimum of two (2) nontransparent gates, providing an opening not to exceed 24 feet in width. Such gates shall provide access to the storage area for vehicles but shall not allow direct view of the storage area from adjacent properties or streets. Said fence or wall shall be of uniform appearance and continuously maintained in good condition and shall contain only approved signs.
- F. The fence or wall enclosing the storage area shall meet all applicable building setback requirements for the zoning district.
- G. A management office shall be provided on-site. A residence may be permitted for security personnel or on-site operator.
- H. Conditions within the storage area shall be controlled to minimize the hazards of fire and other threats to health and safety.
- I. Stored materials shall not be stacked higher than ten (10) feet and shall be stored in a manner so as not to be visible from adjoining properties or rights-of-way. In no case shall salvage material be stored at a height exceeding the height of the storage area fence or wall.
- J. Piles of material shall be limited to encompassing not more than 300 square feet in area, and a 20-foot separation shall be required between each pile.
- K. All portions of the storage area shall be accessible to emergency vehicles.
- L. Vehicles or vehicle bodies shall be stored in rows with a minimum of 20-foot wide, with continuous loop drives separating each row of vehicles.
- M. All batteries shall be removed from any vehicle, and all radiators and fuel tanks shall be drained prior to the vehicle being placed in the storage yard. Salvaged batteries, oil and other such substances shall be removed by a licensed disposal company or be stored in a manner which prevents leakage. No fluids removed from vehicles shall be applied as a dust control method.
- N. Vehicle parts shall not be stored, loaded, unloaded, or dismantled outside the fence enclosing the salvage yard.
- O. In order to protect surrounding areas, the crushing of vehicles or any part thereof shall be limited to daylight hours.

6.36 SELF-STORAGE FACILITIES

- A. Minimum lot area shall be two (2) acres.

- B. A six (6) foot fence shall surround the property. The fence shall be aesthetically pleasing, and be made of an acceptable material, such as, but not limited to, redwood, cinder block, or chain link with slats. The fence must be set back at least 20 feet from the road right-of-way.
- C. The facility shall be fully lighted to ensure optimal security. Any lights shall be shielded to direct light onto the use establish, and away from the adjacent properties.
- D. An office may be permitted on-site, but the office area shall be included in calculating the lot coverage.
- E. In addition to any standards in this section, outside storage shall also comply with the following:
 - 1. Must be at the rear of the property, at least 100 feet from the front property line, and not in any required yard.
 - 2. A decorative and aesthetically pleasing fence shall be required with a minimum height of eight (8) feet.
- F. No toxic, hazardous, or flammable materials may be stored in such a unit.
- G. The Planning Commission may stipulate additional standards to promote health, safety, and welfare for the public.

6.37 SEXUALLY ORIENTED BUSINESS

In the development and execution of this subsection, it is recognized that there are some uses which, because of their very nature, have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances or when one or more of them is located in proximity to a residential zone, thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this subsection. These controls are for the purpose of preventing a concentration of these uses within any one area, or to prevent deterioration or blighting of a nearby residential neighborhood. These controls do not legitimize activities which are prohibited in other sections of the Zoning Ordinance. A sexually-oriented business shall be permitted if:

- A. The use is located within a zone district where the use requires special land use approval.
 - 1. The use is not located within a 1,000-foot radius of another such use except that such restrictions may be waived by the Planning Commission, if the following findings are made:
 - 2. That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this subsection will be observed.
 - 3. That the proposed use will not enlarge or encourage the development of a blighted or deteriorating area in its immediate surroundings.

4. That the establishment of a regulated use, or an additional regulated use, in the area will not be contrary to any program of neighborhood conservation.
 5. That all applicable state laws and local ordinances will be observed.
 6. Prior to the granting of any waiver as herein provided, the Planning Commission may impose any such conditions or limitations upon the establishment, location, construction, maintenance, or operation of the regulated use as may, in its judgment, be necessary for the protection of the public interest. Any evidence and any guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled.
- B. Parking spaces shall be provided at the ratio of one (1) space per person permitted by the maximum occupancy load established by local, county, state, fire, health, or building codes.
 - C. No sexually-oriented business shall remain open at any time between the hours of 11:00 p.m. and 10:00 a.m., and no such use shall be open on Sundays.
 - D. No alcohol shall be served at any sexually-oriented business.
 - E. No sexually-oriented business shall permit any person under the age of 18 years to enter the premises. Signs shall be conspicuously posted noting that such minors are not allowed.
 - F. All parking areas and the building shall be well lighted to ensure the safety and security of patrons. These areas shall remain lighted for one hour after closing each night.
 - G. The lot or parcel on which the use is located shall not be closer than 1,000 feet from any residential use or zoning district, school, church, or park, measured from lot line to lot line.

6.38 SOLAR INSTALLATIONS

6.38.1 Personal Solar installations

Personal solar installations shall be permitted as an accessory use and structure where the primary purpose is to provide energy for on-site consumption. Personal solar installations shall be subject to the following standards:

- A. Nothing in this section modifies the minimum building standards required to construct a personal solar installation, consistent with applicable building and fire codes. The personal solar installation components and all accessory equipment shall comply with the most recently adopted building code as determined by the Building Official and fire code as determined by the fire official.
- B. The building permit shall include review by local permitting departments including, but not limited to, the local fire authority, for health and safety requirements.
- C. The personal solar installation shall not be located over a septic system, leach field area or identified reserve area unless approved by the County Health Department.
- D. Abandonment

1. A personal solar installation that ceases to produce energy on a continuous basis for 12 months will be considered abandoned unless the current responsible party (or parties) with ownership interest in the personal solar installation provides substantial evidence (updated every six months after 12 months of no energy production) to the Township or its designee of the intent to maintain and reinstate the operation of that facility. It is the responsibility of the responsible party (or parties) to remove all equipment and facilities and restore the parcel to its condition prior to development of the personal solar installation, unless otherwise approved by the Township.
2. Upon determination of abandonment or other violation(s), the Township shall notify the party (or parties) responsible that they must remove the personal solar installation and restore the site to its condition prior to development of the personal solar installation within 365 days of notice by the Township.
3. If the responsible party (or parties) fails to comply, the Township may remove the personal solar installation, sell any removed materials, and initiate judicial proceedings or take any other steps legally authorized against the responsible parties to recover the costs required to remove the personal solar installation and restore the site to a nonhazardous pre-development condition. Primary use personal solar installations shall be removed in accordance with the decommissioning plan required to be provided in this section.
4. Personal solar installation deemed by the Township to be unsafe, and facilities erected in violation of this section shall also be subject to this section. The Code Enforcement Officer or any other employee of the Planning and Building Departments shall have the right to request documentation and/or affidavits from the applicant regarding the system's usage and shall make a determination as to the date of abandonment or the date on which other violation(s) occurred.

E. Roof-Mounted Solar Installations

1. Height: The height of the roof-mounted personal solar installation shall not exceed the maximum allowed height for the structure it is mounted on in any zoning district.
2. Setback: Roof-mounted personal solar installations shall be considered part of the building and meet all applicable building setbacks.
3. Placement: Roof-mounted personal solar installations may be permitted on principal or accessory buildings. The color of the solar collector is not required to be consistent with other roofing materials.
4. Coverage: Roof-mounted personal solar installations shall be allowed to cover the entire roof upon which they are mounted.
5. Visibility and Glare: Roof-mounted personal solar installations shall be mounted or oriented so that concentrated solar glare will not be directed toward or onto nearby properties or rights-of-way at any time of the day. Support structures

shall be of a single, non-reflective matte finish that is consistent throughout the project.

6. Energy Sales: Excess energy generated by roof-mounted personal solar installations may be sold to utility company and returned to the grid.

F. Ground-Mounted Solar Installations

1. Height: The maximum height of a ground-mounted personal solar installation shall be 10 feet above grade at maximum tilt.
2. Setbacks: Ground-mounted personal solar installations shall comply with all district required setbacks for a primary structure.
3. Placement: Ground-mounted personal solar installations shall only be allowed in the rear or side yard on a property with an established permitted principal use.
4. Visibility and Glare: Ground-mounted personal solar installations shall be mounted or oriented so that concentrated solar glare will not be directed toward or onto nearby properties or rights-of-way at any time of the day. Systems designed to track the maximum sun angle throughout the day shall be programed to prevent positioning at any point that would result in glare directed toward nearby properties or rights-of-way. Support structures shall be of a single, non-reflective matte finish that is consistent throughout the project.
5. Energy Sales: Excess energy generated by ground-mounted personal solar installations may be sold to utility company and returned to the grid.

6.38.2 Commercial Solar Installations

When the commercial solar installation is located on more than one parcel, there shall be proper easement agreement or other approved methods for the notification of all impacted parties. The following standards shall apply to all commercial solar installations, notwithstanding the development standards for the underlying zone:

- A. Lot coverage for ground mounted structures shall be limited by the 75 feet setbacks.
- B. The buffer may be reduced if the decision-making body determines that there is a substantial screen such as existing topography or landscaping vegetation and/or an operational management plan and/or an agricultural operation easement is provided.
- C. Facilities shall conform to 16 feet height.
- D. Grading within the Township shall be minimized whenever possible.
- E. An applicant for a commercial use solar installation shall have up to one (1) year to obtain a building permit and start construction of its use, with options for extension from the Township when progress and need has been demonstrated.
- F. The protection of high value biological resources is an important consideration. Commercial use solar installation projects shall demonstrate that they have completed due diligence as to minimize impacts on rare species or features protected by local,

- state, or federal agencies. If approvals are required, the applicant shall obtain them from the applicable agency prior to construction.
- G. For commercial use solar installations, the following requirements shall apply for soil stabilization, erosion control, and ground water management:
1. To the extent feasible and compatible with the climate and pre-project landscaping of the property, the site shall be restored with native vegetation. The re-vegetation plans shall be reviewed and approved by the Township.
 2. A stormwater management plan showing existing and proposed grading and drainage demonstrating the project is in compliance with applicable stormwater regulations shall be submitted to the Zoning Administrator prior to the start of actual construction on the approved site or sites.
 3. A maintenance plan shall be submitted for the continuing maintenance of the commercial solar installation, which may include, but not be limited to, planned maintenance of vegetation or ground cover, equipment maintenance, and plans for cleaning of solar panels if required, prior to issuance of a building permit.
 4. After construction is completed, as-built surveys for the project must be prepared by a licensed professional surveyor or other approved qualified professional and shall be submitted to the reviewing agency's engineer for review and record keeping. The surveys shall show that the as-built conditions are substantially the same as those submitted for building permit.
 5. Through the special use permit process, the Planning Commission may evaluate screening and buffering requirements on a site-by-site basis to assure the proposed commercial solar installation is appropriately screened due to adjacent land uses and existing vegetation. When it is properly demonstrated that there exists no need to buffer due to existing natural vegetation or lack of impact due to adjoining land uses, such as but not limited to crop productions, wood lots, etc., screening and buffering requirements may be excused. A buffer area may not be required between a solar energy facility and an industrial or commercial use. A planted buffer may not be required if an opaque fence is installed. The Planning Commission has the authority to either increase or decrease the buffer requirements based on site conditions.
- H. For ground mounted, commercial solar installation if lighting is required for site access or safety:
1. It shall be activated by motion sensors, fully shielded and downcast type where the light does not spill onto the adjacent parcel or the night sky;
 2. Not display advertising, except for reasonable identification of the panel, inverter or other equipment manufacturer, warning signs, and the facility owner;
 3. Be sited behind existing vegetation when possible (which shall be supplemented with landscaping where not adequate to screen the project) or be sited using the natural topography to help screen the project; and,

4. Be enclosed by a fence, barrier, barbwire, or other appropriate means as determined by National Electric Code (NEC), as amended. Fences or barriers shall work to incorporate wildlife friendly design, when identified as appropriate.
- I. Decommissioning plan.
1. The commercial solar installation project must contain a decommissioning plan to ensure it is properly decommissioned upon the end of the project life or facility abandonment.
 2. Decommissioning shall include removal of all structures (including transmission equipment and fencing) and debris to a depth of four feet, restoration of the soil, and restoration of vegetation within 12 months of the end of project life or facility abandonment.
 3. The decommissioning plan shall state how the facility will be decommissioned, the professional engineer's estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the type of surety to be provided prior to construction.
- J. Surety.
1. The owner(s) and/or operator of the commercial solar installation may be required to post a surety in a form acceptable to the Township, such as security bond, irrevocable letter of credit, escrow, or other form deemed acceptable by the Township equal to 150 percent of the total estimated decommissioning and reclamation costs prior to issuance of a building permit. The cost of decommissioning shall be reviewed between the operator and the Township Board every three to five years, at the request of the Township Board, to ensure adequate funds are allocated for decommissioning; the required surety may be appropriately adjusted to reflect the current decommissioning estimate.
 2. A required surety shall be established and maintained with a company licensed in the State of Michigan and/or a federal- or state-chartered lending institution acceptable to the Township.
 3. The company providing a required surety shall provide the Township with 90 days' notice of the expiration of the surety. Lapse of a valid security bond is grounds for the actions defined in subpart 5. below.
 4. In the event of sale or transfer of ownership and/or operation of the commercial solar installations, the required surety shall be maintained throughout the entirety of the process and notice of the transfer shall be provided to the Township a minimum of 60 days before transfer.
 5. If at any time during the operation of the commercial solar installations or prior to, during, or after the sale or transfer of ownership and/or operation of the commercial solar installations the required surety is not maintained, the Township may take any action permitted by law to revoke the special land use permit and to order a cessation of operations and or removal of the structure and reclamation of the site in accordance with the decommissioning plan.

6. The Township shall have access to a required surety for the expressed purpose of completing decommissioning if decommissioning is not completed by the owner(s)/operator within 12 months of the end of the project life or facility abandonment as defined.
7. The Township is granted right of access to the site, pursuant to reasonable notice, in the event that decommissioning is not completed by the owner(s)/operator within 12 months of the end of the project life or facility abandonment as defined.

6.39 WIRELESS TELECOMMUNICATION TOWERS

- A. Intent and Purpose: It is the general purpose and intent of this subsection to carry out the will of the United States Congress by authorizing communication facilities needed to operate wireless communications systems. It is the further purpose and intent of this subsection to establish general guidelines for the siting of wireless communication towers and antennas. The goals of this subsection are to:
 1. Protect residential areas from potential adverse impacts of wireless communication towers and antennas;
 2. Encourage the location of towers in nonresidential areas;
 3. Minimize the negative visual impact of towers throughout the community;
 4. Strongly encourage the joint use of tower sites rather than construction of additional single-use towers;
 5. Require the disclosure of information about plans for wireless communication facilities so as to permit the Township to effectively plan for the location of such facilities; and
 6. Minimize the adverse effect of technological obsolescence of such facilities, including a requirement to remove unused or unnecessary facilities in a timely manner.
- B. General requirements:
 1. Antennas and Towers: Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.
 2. Lot dimensions: For purposes of determining whether the installation of a tower or antenna complies with zoning district regulations, including but not limited to setback requirements, lot coverage requirements, land division requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.
 3. Inventory of sites:
 - a. Each applicant for an antenna and/or tower shall provide to the Zoning Administrator an inventory of existing towers, antennas, or sites approved for towers or antennas that are either within the Township or within one (1)

mile of the corporate limits thereof, including specific information about the location, height, and design of each tower.

- b. The Zoning Administrator may share such information with other applicants applying for approval, or other organizations seeking to locate antennas within the Township. However, the Zoning Administrator is not, by sharing such information, in any way representing or warranting that such sites are available or suitable for collocation.
4. Franchise required: Owners or operators of towers or antennas shall certify that any franchise required by law for the construction or operation of a wireless communications system in the Township has been obtained and shall file a copy of same with the Township Clerk.
5. Collocation: It is the policy of the Township that all wireless communication providers collocate on existing towers or structures capable of accommodating antennas to minimize the overall number of newly established towers within the Township, and to encourage the use of existing towers and structures for new antennas.
 - a. The policy of the Township is for collocation. Thus, if a party who owns or otherwise controls a tower as defined herein, shall fail or refuse to allow the alteration of a tower so as to accommodate a proposed and otherwise feasible collocation, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect.
 - b. A proposed tower for commercial telecommunications services shall be required to be designed, constructed, and placed so as to accommodate both the applicant's equipment and comparable equipment for at least three or more, additional users. The Planning Commission or Zoning Administrator may permit a tower design which would allow fewer than three other users if the commission finds that three additional users would not be consistent with the intent and purposes of this section.
6. A site plan shall be submitted with the requirements of Article 7 and the following information:
 - a. A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning classification, adjacent land uses and zoning classification, adjacent roadways, setbacks from property lines, elevation drawings of the proposed tower, and any other proposed structures, and topography of the lot.
 - b. A legal description of the lot, and the leased parcel, as applicable.
 - c. Evidence of the lot owner's consent to place the proposed tower.
 - d. The setback distances between the proposed tower and the nearest residential unit, dwelling, and residential zoned property.

- e. The separation distance from other towers described in the inventory of existing sites set forth in part 4, g, of this subsection.
- f. A landscape plan showing specific proposed landscape materials.
- g. Method of fencing and finish color and, if applicable, the method of camouflage and illumination.
- h. A signed and notarized statement by the applicant certifying compliance with all applicable federal, state, and local laws.
- i. A signed and notarized statement of the applicant as to whether the construction of the tower will accommodate collocation of additional antennas for future users.
- j. Identification of the entities providing the backhaul network for the proposed tower.
- k. A signed and notarized statement indicating a demonstration on the part of the applicant that no existing tower, structure, or alternative technology that does not require the use of towers or structures, can accommodate the applicant's proposed antenna.
- l. A description of feasible locations of future towers or antennas within the Township based upon existing physical, engineering, technological, or geographical limitations in the event the proposed tower is erected.
- m. In addition to the above information, a statement by the applicant that the proposed tower is needed. The Planning Commission shall use the following factors when determining the tower's necessity:
 - 1. Proximity to an interstate or Michigan highway, or its proximity to areas of population concentration or commercial, business or industrial centers;
 - 2. There are areas where signals interference occurs due to tall buildings, masses of trees, or other obstructions;
 - 3. The proposed antenna is needed to complete a communications grid as it relates to the needs of the Township and surrounding areas;
 - 4. The telecommunications provider is not able to collocate its antenna on another tower.
- n. Any information of an engineering nature that the applicant submits, whether civil, mechanical or electrical, shall be certified by a licensed professional engineer.

C. Applicable standards:

- 1. Towers and antennas shall meet the following aesthetic requirements:

- a. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the Federal Aviation Administration (FAA), be painted a neutral color so as to reduce visual obtrusiveness.
 - b. The design of the buildings and related structures serving the tower on site shall, to the extent possible, use the material, colors, textures, screening and landscaping that will blend them into the natural settings and surrounding buildings.
 2. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to surrounding views.
 3. All towers must meet or exceed current standards and regulations of the Federal Communications Commission (FCC), FAA, and any other agency of the State of Michigan or federal government with authority to regulate towers and antennas. Should such standards and regulations be changed, the owners of towers and antennas governed by this ordinance shall bring their towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective dates of such revised standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds of nonconformance with this ordinance, and the removal of the tower or antenna at the owner's expense.
 4. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with the standards contained in state construction, building and electrical codes, and the applicable standards for towers that are published by the Electronic Industries Association, as amended. If upon inspection the Township concludes that a tower fails to comply with such codes and standards, and constitutes a danger to persons or property, then upon notice provided to the owner, the tower shall be brought into compliance with such standards within 30 days following said notice. Failure to bring the tower into compliance within 30 days shall constitute grounds of nonconformance with this ordinance, and the removal of the tower or antenna at the owner's expense.
 5. No advertising or identification signs visible from off-site shall be allowed or permitted on the antenna or tower.
 6. The following setbacks shall be required for all towers:
 - a. Towers shall be set back from all lot lines a distance equal to the fall zone for the tower proposed. However, the Planning Commission may modify this setback based on documentation from the applicant that a lesser setback will not create a hazard to adjoining properties or roads.
 - b. Guys and accessory buildings shall meet the minimum setbacks for principal buildings for the zoning district in which the tower is located.
- D. The following separation distances shall be required for all towers:

1. Separation from off-site uses and other designated areas: Tower separation shall be measured from the base of the tower to the lot line of the off-site use or other designated area.
 - a. A tower shall be located 200 feet, or three (3) times the height of the tower, whichever is greater, from any single-family residential dwelling or vacant single-family residentially zoned land, for which approval has been granted for a site condominium, or preliminary subdivision plat approval, or where site condominium approval has not expired.
 - b. A tower shall be located 100 feet, or two times the height of the tower, whichever is greater, from any vacant unplatted residentially zoned land, or existing multiple-family residential complex.
2. Separation distances between towers: Separation distances between towers shall be measured between the proposed tower and the existing tower(s). Separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, as indicated on the site plan of the proposed tower. Separation distances between towers shall be based on the type of construction, as follows:
 - a. The distance between a proposed lattice or guyed tower, and an existing lattice or guyed tower shall be 5,000 feet;
 - b. The distance between a proposed lattice or guyed tower and an existing monopole 75 feet tall or more, shall be 1,500 feet;
 - c. The distance between a proposed lattice or guyed tower and an existing monopole less than 75 feet in height, shall be 750 feet.
 - d. The distance between a proposed monopole 75 feet tall or more, and an existing lattice or guyed tower, or monopole 75 feet tall or more, shall be 1,500 feet;
 - e. The distance between a proposed monopole 75 feet tall or more, and an existing monopole less than 75 feet in height, shall be 750 feet; and
 - f. The distance between a proposed monopole less than 75 feet in height, and any existing tower shall be 750 feet.
- E. Fencing, landscaping, and equipment requirements are as follows:
 1. The tower shall be enclosed by security fencing not less than six (6) feet in height and shall be equipped with an appropriate anticlimbing device.
 2. The tower facility shall be landscaped with a proper buffer or greenbelt, as outlined in Section 3.10 of this ordinance. In locations where the visual impact of a tower would be minimal, the Planning Commission may reduce or waive the landscaping requirements.
 3. Any unmanned equipment structure associated with a communications tower shall not exceed 600 square feet in size, and meet the height, yard, and building

coverage requirements for the zoning district for which the tower is located. Such building or structure shall be of size, type, color, and exterior materials which are aesthetically compatible with existing principal building within the surrounding area.

F. Other factors when considering a new tower:

1. In addition to any standards outlined in Section 17.04, general standards for approval, the Planning Commission shall also consider the following factors in determining whether to approve a special land use request for a tower. The Planning Commission is empowered to waive or reduce the burden on the applicant of one or more of these criteria if the Planning Commission concludes that the goals of the ordinance are better served thereby. The factors to be considered are:
 - a. Height of the proposed tower does not exceed that which is minimally required to function in accordance with federal requirements and permit the collocation of additional antennae.
 - b. Proximity of the tower to residential structures and residential district boundaries.
 - c. Nature of uses on adjacent and nearby properties.
 - d. Surrounding topography.
 - e. Surrounding tree coverage and foliage.
 - f. Design of the tower with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
 - g. Proposed ingress and egress.
 - h. Availability of suitable existing towers, other structures or alternative technologies not requiring the use of towers or structures.
 - i. A willingness to permit other communication service providers to collocate antennae on the tower, upon agreement to reasonable terms and conditions. This factor does not require the tower owner to permit access where doing so will interfere with the owner's ability to provide or receive signals.
2. No new tower shall be permitted unless the applicant can demonstrate by a preponderance of the evidence submitted on the record to the Planning Commission that no existing tower, structure, or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. The applicant shall submit information to the Planning Commission relating to the availability of suitable existing towers, other structures, or alternative technology. Evidence submitted to demonstrate that no existing tower, structure, or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:
 - a. No existing towers or structures are located within the geographic area which meets the applicant's engineering requirements.

- b. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
 - c. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
 - d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
 - e. The fees, costs or other contractual provisions required by the owner in order to share an existing tower or structure, or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
 - f. The applicant demonstrates there are other limiting factors that render existing towers and structures unsuitable.
 - g. The applicant demonstrates that an alternative technology that does not require the use of towers or structures such as cable micro cell network using multiple low powered transmitters/receivers attached to a wire line system is unsuitable. Costs of alternative technology would exceed new tower or antenna development shall not be presumed to render the technology unsuitable.
- G. Removal of abandoned antennas and towers. Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove such within 90 days after receipt of notice from the Township notifying the owner of such abandonment. Failure to remove an abandoned tower or antenna within 90 days shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all owners cease using the tower.

6.40 TRANSPORTATION TERMINALS

- A. The minimum required lot area shall be five (5) acres with a minimum lot width of 200 feet.
- B. Access driveways shall be located at least 100 feet from the nearest right-of-way line of any intersecting street or any other driveway.
- C. Trucks and trailers parked overnight shall be set back from the front lot line a minimum of 100 feet.
- D. The principal and accessory buildings and structures shall not be located within 200 feet of any residential use or district.
- E. The lot area used for parking or display shall be paved or treated so as to prevent dust.
- F. The parking area shall be graded and drained so as to dispose of all surface water in a safe and effective manner without causing ponding, or harm to adjacent property owners.

- G. Any vehicle or equipment stored outside of an enclosed building shall not be located within any required yard.
- H. No outside storage shall be permitted. However, storage of licensed and operable vehicles may be permitted in an enclosed fence.

6.41 WAREHOUSING

- A. No parking shall be allowed within 50 feet of a residence or residential zoning district.
- B. All refuse containers shall be screened on at least three sides and located on a concrete pad.
- C. No outdoor storage shall be allowed.
- D. No toxic, hazardous, flammable, explosive materials shall be stored or allowed on-site.
- E. Security entry shall be required, restricting access to operators and users of the facility.

6.42 WIND ENERGY CONVERSION SYSTEMS (WECS)

- A. Intent and Purpose: The regulation of wind energy conversion systems, including the height, minimum lot area and required setbacks for such systems, is intended to provide for an alternative source of power generation while protecting the health, safety, and welfare of Township residents.
- B. In addition to special land use standards, the following requirements shall be met:
 - 1. In addition to the requirements for site plan review, the site plan of the property shall show the location of overhead electrical transmission or distribution lines, whether utilized or not, and the location of the WECS with its specific dimensions, including the entire area through which the rotor(s) may pass, the location of any guy wires or other support devices, and the location of all dwelling units within 500 feet of the WECS.
 - 2. Each special land use permit application shall be accompanied by a complete set (either the original or an accurately reproduced copy) of the manufacturer's instructions which shall, at a minimum, include the following: A standard foundation and anchor design or specifications for normal soil conditions; detailed instructions for operation and maintenance of the WECS on site; a copy of all warnings and/or documents provided by the manufacturer of the WECS; grounding and lightning procedures protection which follow the National Electrical Code, Articles 250 (Grounding) and 280 (Lightning Arresters). In addition, the Underwriters Label shall be attached to the base of the tower and any subsystem, such as the generator. The following information shall also be included with the application: The name, address, and telephone number of the owner of the tower/subsystem; manufacturer's name and address; model number; emergency and normal shutdown procedures; the survival wind speed in miles per hour and meters per second for the tower and the maximum power output for the generator. Following installation, the name of the installer; name of the person responsible for maintenance; emergency telephone number in force for the installer and the person responsible for maintenance shall be attached to the base of the tower.

3. Electromagnetic interference: The entire WECS (including turbines, alternators, generators, and interconnect systems) shall be filtered and/or shielded to prevent the emission of generated radio frequency energy which would cause any interference with radio, and/or television broadcasting or reception, and shall comply with Federal Communication Commission Rules.
 4. Noise: The maximum level of noise permitted to be generated by any WECS shall be 50 decibels, as measured on the dBA scale, measured at the property line nearest the WECS. The Planning Commission may request that a baseline study of the decibel levels existing prior to the installation be included as required documentation for review.
- C. Site development: The following site development requirements shall apply:
1. Lot area/setbacks: No "small turbine/on-site" WECS shall be erected on any lot or parcel less than one acre in area and no "large turbine/utility grid" WECS shall be erected on any parcel less than 20 acres in area. The tower(s) shall be situated on the lot or parcel so that no portion of the tower or turbine is closer to above-ground utility lines and/or property lines than 150 percent of the height of the tower as defined in [paragraph] b., below. For roof-mounted systems that exceed the maximum building height within the underlying district, the minimum setback from any property line shall be no less than 110 percent of the combined height of the roof location and system, including any blades. For roof-mounted systems that do not exceed the building height requirements, the system may be permitted without obtaining a special use permit but shall be required to obtain a building, electrical or mechanical permit for such installation and adhere to the noise standards as listed above.
 2. Height: The maximum allowable height for any "small turbine/on-site" WECS, based upon the combined tower and rotor blade length, shall be 40 feet for parcels of one to less than five acres, 80 feet for parcels of five to less than ten acres and up to 120 feet for parcels of ten acres or more. The maximum allowable height for any large turbine/utility grid WECS, based upon the combined tower and rotor blade length, shall be 500 feet. The Planning Commission may waive this height requirement where this would not negatively impact adjoining properties.
 3. Accessibility: Towers shall be designed and constructed in such a manner that climbing devices are only accessible with a separate ladder to a height of 12 feet.
 4. Connection to power grid: In the case of a WECS to be interconnected with the power grid of the local electric utility, the applicant shall provide proof of written notice to the utility of the proposed interconnection and the utility's response thereto.
 5. Vibration: Under no circumstances shall a WECS produce vibrations humanly perceptible beyond lot boundaries.
 6. Additional studies: The applicant may offer and submit, or the Planning Commission may require that the applicant submit studies related to noise, vibration, or similar issues that may be considered a nuisance. In addition, studies may be required to

address avian and wildlife impact, visual impacts, shadow flicker (changes in light intensity caused by the moving blade) or similar issues related to the compatibility of the proposed use in the requested location.

7. Plan for WECS removal: The applicant shall submit with its application a plan that indicates the design life of the WECS, the estimated cost for the removal of the WECS and the manner in which the WECS shall be removed, and the site reclaimed once the WECS is no longer in operation. The owner of the WECS shall, within 120 days after the WECS ceases to be in operation, either (1) remove the WECS in accordance with the removal plan submitted hereunder, or (2) repair or replace the deficient WECS component(s) and resume operation of the WECS. All replacement components shall conform in all material respects to the components they replace, (e.g., height, setback, noise, vibration, shadow flicker, wildlife impact, other impacts on the surrounding area) or receive amended special exception use permit approval from the Planning Commission. The Township Board shall have authority, if it deems it necessary, to assure satisfaction of the general standards for special land use permit approval, to require the applicant to file and maintain with the Township a financial guaranty in an adequate amount to cover the cost of the proper removal of the WECS. The financial guaranty shall be in the form of cash, certified check or an irrevocable bank letter of credit in a form acceptable to the Township and shall give the Township the right, but not the obligation, to use such funds to cause the removal of the WECS if the owner fails to do so within the time frame prescribed herein.

ARTICLE 7: SITE PLAN REVIEW

7.1 INTENT & PURPOSE

This Article governs the processes and standards for all uses and structures for which site plan approval is required under other provisions of this ordinance. The purpose of this Article is to evaluate the applicant's submission to determine its compliance with the Zoning Ordinance.

7.2 SITE PLAN REQUIRED

No building permit shall be issued for any use, building, or site unless site plan approval has been granted by the Zoning Administrator or the Planning Commission. Site plans are required for the following uses:

- A. All land uses, new construction, new uses established, or additions to existing buildings greater than 10 percent of its total square footage, except the following:
 - 1. Up to four dwelling units.
 - 2. Temporary buildings and uses.
 - 3. Accessory uses or structures.
- B. Special land uses in any zone district.
- C. Development that establishes more than one (1) principal use on a parcel, such as, a single family site condominium, mixed use building, or similar project where a single parcel is developed to include two (2) or more uses or sites for development.
- D. Any use, construction, or approval for which a site plan is required by any provision of this ordinance.
- E. Any use which the Zoning Administrator, during "administrative" site plan review, determines could contaminate or negatively impact surface water or groundwater supplies, based upon the standards outlined within this section or outlined within the Township's Wellhead Protection Plan.

7.3 ADMINISTRATIVE REVIEW

The Zoning Administrator may review and make a determination on a site plan review application that meets all the standards for administrative review eligibility. Nothing in this subsection shall prohibit the applicant or Zoning Administrator from requesting the site plan review application be submitted to the Planning Commission for determination. The standards for administrative review eligibility shall be:

- A. The use is permitted by right in the established zoning district.
- B. Will result in less than 1,000 square feet of new building and/or impervious area.

- C. Will generate less than 200 trip ends per day as determined by the proposed land use activity based on the most recent edition of the Trip Generation Manual published by the Institute of Transportation Engineers.

The Zoning Administrator may determine if a site plan requires further review and approval by the Planning Commission. Such review may include, but shall not be limited to, the following:

- A. For agriculture uses, the State of Michigan's generally accepted agricultural management practices shall be employed where applicable. Bulk storage facilities for pesticides and fertilizers shall be in compliance with the requirements of the Michigan Department of Agriculture.
- B. For all uses, methods of secondary containment shall be used to protect groundwater from spills associated with above ground storage, underground storage tanks (UST's) or the loading or unloading of materials or hazardous substances. For above ground storage this shall include product-tight containers that are protected from weather, leakage, accidental damage, or vandalism. For underground storage, the tanks shall be double-walled, and the installation, operation, maintenance, closure, and removal shall be in accordance with the requirements of the state fire marshal and the Michigan Department of Environment, Great Lakes, and Energy (EGLE). Any permitted use or legal nonconforming use seeking to replace an underground storage tank may do so provided the new tank meets these standards for secondary containment.
- C. For all uses, stormwater management and drainage facilities shall be designed to detain water on-site or the applicant shall seek approval to retain water with overflow discharge directed away from the wellhead area where feasible. The applicant shall assess the storage capacity of any wetland, water body, or watercourse to assure that discharge into such natural resource will not create the potential for increased flooding leading to the pollution of surface or groundwater supplies either on-site or off-site.
- D. For all uses, any private wells that are no longer in service shall be sealed and abandoned in accordance with the applicable requirements of the Michigan Department of Environment, Great Lakes, and Energy (EGLE).

7.4 STANDARDS FOR SITE PLAN APPROVAL

The following criteria shall be used as a basis upon which site plans will be reviewed and approved:

- A. Adequacy of Information: The site plan shall include all required information in sufficiently complete and understandable form to provide an accurate description of the proposed uses and structures.
- B. Site Design Characteristics: All elements of the site shall be harmoniously designed in relation to the topography, size, and type of land, and the character of the adjacent properties and the proposed use. The site shall be developed so as not to impede the reasonable and orderly development or improvement of surrounding properties for uses permitted on such property.

- C. Site Appearance: Landscaping, earth berms, fencing, signs, walls, structures, and other site features shall be designed and located on the site so that the proposed development is harmonious with nearby existing or future developments.
- D. Landscaping: The landscaping plan shall include planting along the perimeter of the site, around the building and in the interior of parking areas where feasible or desired. Removal or alteration of significant natural features shall be restricted to those areas which are reasonably necessary to develop the site in accordance with the requirements of this section. Where landscaping is not feasible or desired, the Planning Commission may waive this requirement that proposed uses will be adequately buffered from one another and from surrounding public and private property.
- E. Emergency Vehicle Access: All buildings or groups of buildings shall be so arranged as to permit convenient and direct emergency vehicle access.
- F. Circulation: Every structure or dwelling unit shall be provided with adequate means of ingress and egress via public streets and walkways. The site plan shall provide a pedestrian circulation system that is insulated as completely as is reasonably possible from the vehicular circulation system. The arrangement of public and common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets or pedestrian ways in the vicinity of the site. The width of streets and drives shall be appropriate for the volume of traffic they will carry.
- G. Drainage: Appropriate measures shall be taken to ensure that the removal or drainage of surface water will not adversely affect adjoining properties or the capacity of the public drainage system. Provisions shall be made for a feasible storm drainage system, the construction of storm water collection, storage and transportation facilities, and the prevention of erosion. Surface water on all paved areas shall be collected at intervals so that it will not obstruct vehicular or pedestrian traffic and will not create nuisance ponding in paved areas. Final grades may be required to conform to existing and future grades of adjacent properties. Grading and drainage plans shall be subject to review and approval by the Township Engineer.
- H. Soil Erosion and Sedimentation: The proposed development shall include measures to prevent soil erosion and sedimentation during and upon completion of construction, in accordance with current Township and County standards.
- I. Exterior Lighting: Exterior lighting shall be designed so that it is deflected away from adjoining properties, visual glare is minimized, the dark sky is preserved, and does not impede vision of drivers along adjacent streets.
- J. Public Services: Adequate services and utilities, including water, sewage disposal, sanitary sewer, and storm water control services, shall be available or provided, and shall be designed with sufficient capacity and durability to properly serve the development.

- K. Danger From Fire and Hazards: The level of vulnerability to injury or loss from incidents involving fire and hazardous materials, or processes, shall not exceed the capability of the Township to respond to such incidents so as to prevent injury and loss of life and property.
- L. Health and Safety Concerns: Any use in any zoning district shall comply with applicable federal, state, county, and local health and pollution laws and regulations with respect to noise, dust, smoke and other air pollutants, vibration, glare and heat, fire and explosive hazards, gases, electromagnetic radiation, radioactive materials, and toxic and hazardous materials.
- M. Phases: All development phases shall be designed in logical sequence to ensure that each phase will independently function in a safe, convenient, and efficient manner without being dependent upon subsequent improvements in a later phase or on other sites.
- N. Compliance: Satisfactory assurance shall be provided that the requirements of all other applicable ordinances, codes, and requirements of Pennfield Charter Township will be met.
- O. Spirit of the Ordinance: The general purposes and spirit of this ordinance and the Master Plan of Pennfield Charter Township shall be maintained.

7.5 SITE PLAN APPLICATION REQUIREMENTS

An application for site plan review shall be submitted on a form provided by the Township with the required items presented in the table below. Required items shall be demonstrated on the site plan drawings, written narrative/submitted documentation, or both as indicated in the table. Site plans shall be prepared in a neat and orderly manner, drawn to a scale, unless specific requirements are waived by the Planning Commission. The applicant shall provide eight copies of the site plan, and an application form provided by the Township, completed by the property owner, or their authorized agent.

SITE PLAN APPLICATION REQUIREMENTS			
Site Plan Item	Description	Shown on Site Plan	Written Narrative/ Submissions
A.	The date, north arrow, and scale. Scale shall be as follows: < 3 acres: One (1) inch = twenty (20) feet > 3 acres: One (1) inch = one hundred (100) feet	✓	
B.	A boundary survey of the property, to include all dimensions, setbacks, gross and net acreage, and legal description.	✓	
C.	The existing zoning district in which the site is located and the zoning of adjacent parcels. In the case of a zoning change request, the classification of the proposed new district must be shown.	✓	

SITE PLAN APPLICATION REQUIREMENTS			
Site Plan Item	Description	Shown on Site Plan	Written Narrative/ Submissions
D.	The location of all existing and proposed structures and uses on the site, including proposed drives, walkways, signs, trash receptacle, exterior lighting, parking, and access points, (showing the dimensions of a typical parking area), loading and unloading areas, common use areas, and recreational areas and facilities.	✓	
E.	The location and identification of all existing structures, existing and proposed rights-of-way and curb cuts, and land uses within a 100-foot radius of the site. If no buildings are within 100 feet of the property lines, the use of the adjacent property shall be indicated.	✓	
F.	The location and description of the environmental characteristics of the site prior to development such as topography, soils, vegetative cover, mature specimen trees, drainage, streams, wetlands, shorelands, or any other unusual environmental features.	✓	✓
G.	Natural features that will be retained, removed, and/or modified including vegetation, hillsides, drainage, streams, wetlands, and wildlife habitat.	✓	
H.	The description of the areas to be changed shall include their effect on the site and adjacent properties. An aerial photo may be used to delineate areas of change.		✓
I.	Written approval or waiver from the appropriate agency regarding any earth-change plans require by state law (1994 PA 451, pt. 91 (MCL 324.9101 et seq.)).		
J.	A landscaping plan with all existing and proposed landscaping, walls, green belts, buffers, and/or fences.	✓	
K.	A grading plan showing the topography of the existing and finished site, including ground floor elevations, shown by contours or spot elevations. Contours shall be shown at height intervals of five (5) feet or less.	✓	
L.	A stormwater management plan showing all existing above and below grade drainage facilities, and proposed plans incorporating low impact development water quality technologies and other best management practices.	✓	✓
M.	Location, type, and size of all above and below grade utilities.	✓	
N.	Type, direction, and intensity of outside lighting shown on a photometric plan in compliance with exterior lighting standards.	✓	
O.	Location of any cross-access management easements, if required.	✓	
P.	Location of pedestrian and non-motorized facilities, if required.	✓	
Q.	The method to be used to control any increase in effluent discharge to the air or any increase in noise level emanating from the site, if applicable. Consideration of any nuisance that would be created within the site or external to the site whether by reason of dust, noise, fumes, vibration, smoke, or lights.		✓

SITE PLAN APPLICATION REQUIREMENTS			
Site Plan Item	Description	Shown on Site Plan	Written Narrative/ Submissions
R.	The number of units proposed, by type, including a typical floor plan for each unit, dimensions, and area in square feet.	✓	
S.	Elevations for all building façades.	✓	
T.	The number of people to be housed, employed, visitors or patrons, anticipated vehicular and pedestrian traffic counts, and hours of operation.		✓
U.	Phasing of the project, including ultimate development proposals.	✓	
V.	General description of deed restrictions and/or cross access management easements, if any or required.		✓
W.	The name, address, and contact information of the property owner.	✓	✓
X.	Name(s), address(es), and contact information of person(s) responsible for preparation of site plan drawings and supporting documentation.	✓	✓
Y.	Sealed/stamped drawings from a licensed architect, engineer, or landscaped architect.	✓	
Z.	Proposed method of providing sewer and water service, as well as other public and private utilities, and approval documentation from the appropriate agency for such services. (Review of the Township's Wellhead Protection Plan and ordinance for well abandonment (utility division ordinances).	✓	✓

- A. Upon the recommendation of the Zoning Administrator, the Planning Commission may waive any of the above required items based upon a finding that it is not applicable.
- B. The Planning Commission, Zoning Administrator, or other party authorized by the Township may request any additional information it deems necessary in the review of submitted site plan.
- C. Evidence the plan has been submitted for review to all affected jurisdictions, including but not limited to Calhoun County Road Department, Pennfield Charter Township Fire Department, Department of Public Works, Township Engineer, Calhoun County Water Resource Commission, Michigan Department of Transportation (MDOT), and Michigan Department of Energy, Great Lakes, and Environment (EGLE). If an applicable review is not submitted, statement of a date certain for submission or the reason why their review is not applicable must be provided.
- D. All site plan drawings shall be submitted on two (2) set of sheets 24 inches by 36 inches and in digital PDF format.

7.6 SITE PLAN APPLICATION REVIEW PROCEDURES

For every site plan review, the site plan shall be accompanied by a nonrefundable application fee, and a review fee. Such fees shall be established by Township Board resolution, periodically. An application for site plan review shall be submitted at least 30

days prior to the next scheduled Planning Commission meeting through the Zoning Administrator, who will review the application materials to ensure that the requirements of Sections 7.4 and 7.5. If the plan does not meet the requirements of Section 7.4 and 7.5, then the plan shall be returned to the applicant without further action, and the application fee shall be forfeited. If the plan meets the requirements of the above section, then the plan, application, and materials shall be transmitted to the Planning Commission for review.

- A. Pre-Application Conceptual Review: An applicant may request a pre-application conceptual review with the Zoning Administrator or Planning Commission to discuss in general the substantive requirements for the application prior to formal submittal of a site plan review application. The purpose is to gather feedback on the proposed land use and potential requirements by the Township. Feedback provided by the Zoning Administrator or Planning Commission under a pre-application conceptual review is non-binding, subject to change, and is not to be construed as a guarantee for approval. A pre-application conceptual review does not include a completeness or technical review by the Zoning Administrator.
- B. Completeness Review: The Zoning Administrator shall review the application for completeness to determine if the application has been properly submitted. Completeness reviews are solely for the purpose of determining whether the preliminary information required for submission of the application is sufficient to allow further processing and shall not constitute a decision as to whether an application complies with the provisions of this ordinance. This will be based on compliance with the table in Section 7.5. Once deemed complete, the application will be placed on the agenda for next regularly scheduled Planning Commission meeting.
- C. Technical Review: An application determined to be complete will undergo a technical review by the Zoning Administrator or Township designee to determine compliance with applicable standards. This review may include distributing the plan to other local agencies or departments with jurisdiction for comment on any problems the plans might pose and shall result in a report submitted to the Planning Commission with the site plan review application. Once the technical review is complete, the application will be placed on the next regularly scheduled Planning Commission meeting.

7.7 SITE PLAN APPLICATION DETERMINATIONS

The Zoning Administrator or Planning Commission shall review the application and make a determination to approve the application, require any conditions it may find necessary, or deny the application. The Planning Commission and/or Zoning Administrator shall review the site plan, along with any comments submitted by agencies, departments, or consultants, and make such recommendations to the applicant that will cause the plan to be in conformance with the review standards required by this section and this ordinance. To this end, the Planning Commission may request from the applicant additional graphic or written materials, prepared by a qualified person or persons, to assist in determining the appropriateness of the site plan. Such material may include, but is not limited to, aerial photography, photographs, traffic impacts, impact on significant natural features and drainage, soil tests, and other pertinent information.

- A. Approval: The site plan shall be approved upon determination that it complies with the standards of this ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes.
- B. Conditional Approval: The Planning Commission may approve a site plan, subject to any conditions to address necessary modifications, obtain variances, or approvals from other agencies. Conditions imposed shall meet each of the following objectives:
 - 1. Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being, of those who will use the land use or activity under consideration, residents, and landowners immediately adjacent to the proposed land use or activity, and the community.
 - 2. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
 - 3. Be necessary to meet the intent and purpose of the zoning requirements, be related to the standards established in the Zoning Ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards.
- C. Denial: If the Planning Commission determines that a proposed site plan does not meet the standards of this ordinance, or otherwise will tend to be injurious to the public health, safety, welfare, or orderly development of the Township, it shall deny the application by a written endorsement which clearly sets forth the reason for such denial.

7.8 RECORD OF ACTIONS

The Township shall keep a record of decisions on all site plans on file in the Clerk's Office. The record shall include the following information:

- A. Minutes: All minutes from any meeting where the site plan was considered.
- B. Findings of Fact: The decision on a site plan review shall be incorporated in a finding of fact relative to the land use under consideration and shall specify the basis for the decision and any conditions imposed.
- C. Final Site Plans: Upon approval of the site plan, the Township Clerk, the applicant, and the Planning Commission Chair shall sign three copies. One signed copy shall be made a part of the Township's files, one copy shall be forwarded to the Zoning Administrator for issuance of a zoning compliance permit, and one copy shall be returned to the applicant.
 - 1. Approved site plans shall include any required revisions and the date of the revisions. The print sets shall be marked "Approved" and signed and dated by the applicant and Planning Commission Secretary if approved by the Planning Commission, or the Zoning Administrator if administratively approved.

2. Denied site plans shall be marked "Denied" and signed and dated by Planning Commission Secretary if denied by the Planning Commission, or the Zoning Administrator if administratively denied.
- D. Development Agreement: An approved site plan shall include a site plan development agreement outlining the approved use, any applicable conditions, and procedural process. The development agreement shall be signed and notarized by the applicant and Planning Commission Secretary.

7.9 EXPIRATION & REVOCATION

- A. Expiration: A site plan review approved under this Article shall be valid for a period of one (1) year from the date of approval. If the applicant fails to submit an application for a zoning permit to the Township for the approved site plan review in that time period, then the site plan review approval shall automatically expire. The applicant may request an extension of the permit by submitting a written request for consideration to the Planning Commission before the expiration date. The Planning Commission may grant one (1) extension for a period of up to one (1) year provided that:
 - ii. The site plan requirements and standards, including those of the Zoning Ordinance and Master Plan, that are reasonably related to said development have not changed.
 - iii. If neither of the above provisions are met, or the extension has expired without construction underway, the site plan approval shall be null and void.
- C. Revocation: If a violation of any of the conditions or standards imposed on an approved site plan review is found to exist following inspection, the Zoning Administrator shall notify the owner of the premises, the applicant of the site plan review, and the Planning Commission that such violation exists and that the site plan review approval will be revoked within 15 days of such notification. If said violation is not corrected within 15 days, the Planning Commission may revoke the permit. Furthermore, such a violation is hereby declared a violation of this ordinance, subject to all the remedies and penalties provided for within this ordinance.

7.10 AMENDMENTS & MODIFICATIONS

Amendments to an approved site plan may occur only under the following circumstances:

- A. The holder of a valid site plan approval shall notify the Zoning Administrator of any proposed amendment to such approved site plan.
- B. Minor changes, requested by the applicant, may be approved by the Zoning Administrator upon certification in writing to the Planning Commission that the proposed revision does not alter the basic design nor any specified conditions of the plan as agreed upon by the Commission. In considering such a determination, the Zoning Administrator shall consider the following to be a minor change:

- i. Reduction of the size of any building or sign.
 - ii. Movement of a building or less than ten (10) feet (but remains outside of the setbacks).
 - iii. Landscaping approved in the site plan that is replaced by similar landscaping to an equal or greater extent.
 - iv. Changes in floor plans, of up to five (5) percent of the total floor area, which do not alter the character of the use or increase the amount of required parking.
 - v. Internal rearrangement of a parking lot which does not affect the number of parking spaces, or alter access locations or design, or alter vehicular or pedestrian safety.
- C. Major Amendments: Should the Zoning Administrator determine that the requested modification to the approved site plan is not minor, a new site plan shall be submitted and reviewed as required by this Article, and a second application fee shall be required. All other requests for amendments to an approved site plan shall be processed in the same manner as a new application. The Planning Commission may impose new conditions on the approval of an amendment request if such conditions are warranted as described in this Article. The holder of the original site plan approval may reject such additional conditions by withdrawing the request for an amendment and proceeding under the existing site plan approval.

7.11 FEES & PERFORMANCE GUARANTEES

Fees and performance guarantees associated with the review and approval of a site plan review application shall be consistent with the requirements in Article 12.

ARTICLE 8: SPECIAL LAND USES

8.1 INTENT & PURPOSE

This Article provides a set of procedures and standards for special uses of land or structures which, because of their unique characteristics, require special consideration in relation to the welfare of adjacent properties and the community. The regulations and standards are designed to allow practical latitude for the applicant, at the same time maintain adequate provisions for the protection of the health, safety, convenience, and general welfare of Pennfield Charter Township. For purposes of this ordinance, all special land uses within the various districts are subject to the conditions and standards of this Article.

8.2 GENERAL STANDARDS

Each application for a special land use permit shall be reviewed on an individual basis for conformity and compliance with the standards of this ordinance, including those for site plan review and the specific standards below:

- A. The use is designed and constructed and will be operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, will be compatible with adjacent uses of land, and will not change the essential character of the area in which it is proposed.
- B. The use is, or will be, as a result of the special land use permit, served adequately by public services and facilities, including, but not limited to streets, police and fire protection, drainage structures, refuse disposal, and schools. Adequate water and sewer facilities must be available.
- C. The use does not involve activities, processes, materials and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of traffic, noise, smoke, fumes, glare, or odors.
- D. The use will be compatible with the natural environment and will be designed to encourage conservation of natural resources and energy.

8.3 SPECIAL LAND USE APPLICATION REQUIREMENTS

An application for special land use permit approval shall include a complete site plan review satisfying all the standards in Article 7.

8.4 SPECIAL LAND USE APPLICATION REVIEW PROCEDURES

The procedures for a special land use permit application review shall follow those for a site plan review in Article 7 with the following modifications:

The Planning Commission shall:

- A. Review the application to determine if it satisfies the standards for special land uses, and all other applicable standards of this ordinance. Administrative review shall not be an option for special land use permit applications.
- B. Hold a public hearing to consider the proposed special land use consistent with the procedures for a public hearing in Article 12.
- C. The Planning Commission shall review the application to determine if it satisfies the standards for special land uses, and all other applicable standards of this ordinance. The Planning Commission makes a recommendation to approve, approve with conditions, or deny the application. Any decision made shall include the adoption of a finding of facts to support the Planning Commission's decision.
- D. The Township Board may deny, approve, or approve with conditions a request for special land use approval. The decision on a special land use shall be incorporated in a statement of findings and conclusions relative to the special land use which specifies the basis for the decision and any conditions imposed.

8.5 SPECIAL LAND USE DETERMINATIONS

- A. Approval: The special land use permit shall be approved upon determination that it is in compliance with the standards of this ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes. Upon approval, a special land use shall be deemed a conforming use permitted in the district in which it is proposed, subject to any conditions imposed on the use. Such approval shall affect only the lot or area thereof upon which the use is located.
- B. Conditional Approval: The Planning Commission or Township Board may approve a special land use permit, subject to any reasonable conditions deemed necessary to ensure compliance with Section 8.2 and to permit modifications, obtain variances, or approvals from other agencies. Conditions imposed shall the objectives of outlined in Article 7.
- C. Denial: If the Planning Commission determines that a proposed special land use does not meet the standards of this ordinance, or otherwise will tend to be injurious to the public health, safety, welfare, or orderly development of the Township, it shall recommend denial the application. No request for a special land use that has been denied shall be resubmitted for six (6) months unless new and significant facts or conditions might result in a favorable action upon resubmittal.

8.6 RECORD OF ACTIONS

All decisions on a special land use shall be recorded consistent with the requirements of Article 7 with the addition that the development agreement and final site plans be recorded at the Calhoun County Register of Deeds Office and evidence of the record by submitted to the Township Clerk within 45 days.

8.7 EXPIRATION & REVOCATION

The standards and procedures for expiration and revocation of an approved special land use permit shall be the same as those for site plan review in Article 7. A special land use permit, including conditions imposed, is attached to, and shall run with the land for which the permit is granted. The special land use permit shall be binding upon subsequent owners and all occupants of the subject land. However, a time limit for the operation special land use may be imposed as a condition of approval.

8.8 AMENDMENTS & MODIFICATIONS

The standards and procedures for amendments or modifications of an approved special land use permit shall be the same as those for site plan review in Article 7, with the exception that a major amendment to an approved special land use permit will require a new public hearing following the standards and process in Article 7.

8.9 FEES & PERFORMANCE GUARANTEES

Fees and performance guarantees associated with the review and approval of a special land use application shall be consistent with the requirements in Article 12.

ARTICLE 9: LAND DEVELOPMENT OPTIONS

9.1 INTENT AND PURPOSE

Development may be pursued in a variety of different ways. This Article sets forth the development options established by the Pennfield Charter Township. Depending on the circumstances of particular development scenarios, these options may be used singly or jointly. The purpose of this Article is to set forth the regulations regarding the different land development options in order to protect the health, safety, and welfare of the citizens of the Pennfield Charter Township.

9.2 PLANNED UNIT DEVELOPMENT (PUD)

9.2.1 Intent and Purpose

- A. The Planned Unit Development (PUD) option is intended to allow, with Planning Commission approval, private or public development which is consistent with the goals and objectives of the Pennfield Charter Township Master Plan and Future Land Use Map.
- B. The development allowed under this section shall be considered as an optional means of development only on terms agreeable to the Township.
- C. Use of the PUD option will allow flexibility in the control of land development by encouraging innovation through an overall, comprehensive development plan to provide variety in design and layout; to achieve economy and efficiency in the use of land, natural resources, energy and in the provision of public services and utilities; to encourage useful open spaces suited to the needs of the parcel in question; to provide proper housing including workforce housing; or to provide employment, service and shopping opportunities suited to the needs of the residents of the Township.
- D. The PUD is intended to permit and control the development of planned areas for various compatible uses allowed by this Zoning Ordinance, and for other exceptional uses not so provided.
- E. The use, area, height, bulk, and placement regulations of this ordinance are primarily applicable to the usual situation of one main building on a lot. In certain large developments, these requirements might result in situations less in the interest of public health, safety, and welfare than if a controlled degree of flexibility were allowed.
- F. It is intended that uses in a PUD shall afford each type of land use reasonable protection from encroachment or interference by other incompatible land uses, and that reasonable protection be afforded to uses adjacent to a PUD.
- G. Under this subsection, all proceedings shall be conducted with due consideration for maintenance of reasonable conditions regarding emission and transmission of injurious or obnoxious noise, fire or explosion hazard, liquid or solid waste disposal, vibration, gas fumes, smoke, dust, dirt, litter, odor, light, glare, traffic congestion, ingress and egress, ease of police and fire protection, drainage, lateral land support, blighting influence, effect on property values, light and air, overcrowding of persons, sanitation, general appearance of the area, surface and ground water quality, and other similar

considerations affecting public health, safety and general welfare of the people of the surrounding area.

9.2.2 Objectives

The following objectives shall be met by any application for any PUD in order to realize the inherent advantages of coordinated, flexible, comprehensive, long-range planning, and development of such planned development:

- A. To provide more desirable living, shopping, and working environments by preserving as much of the natural character of the property as possible, including, but not limited to, open space, stands of trees, brooks, ponds, floodplains, hills, and similar natural features.
- B. To encourage the provision of open space and the development of recreational and, where included in the plan, other support facilities in a generally central location within reasonable distance of all living units or working/shopping outlets.
- C. To encourage developers to use a more creative and imaginative approach in the development of areas.
- D. To encourage underground utilities that can be more efficiently designed when master planning a larger area.
- E. To allow phased construction with the knowledge that subsequent phases will be approved as originally planned and approved by the Township.
- F. To promote flexibility in design and permit planned diversification in the location of structures.
- G. To promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land use, and utilities.
- H. To combine and coordinate architectural styles, building forms, and building relationships within the PUD.
- I. To ensure a quality of construction commensurate with other developments in the Township.

9.2.3 Qualifying Conditions

Any proposed PUD must meet the following qualifying conditions:

- A. The tract of land for which a PUD application is received must be either in one (1) ownership, or the subject of an application filed jointly by the owners of all affected properties.
- B. The property that is the subject of a PUD application must be a minimum of ten (10) contiguous acres in total area, unless specified elsewhere in this subsection.
- C. To be considered as a PUD the proposed development must fulfill at least two (2) of the following conditions:
 - 1. The PUD contains two (2) or more separate and distinct uses, for example, single-family and multiple-family dwellings;

2. The PUD site exhibits significant natural features encompassing at least 20 percent of the land area of the PUD, which will be preserved as a result of the plan.
- D. The PUD is designed to preserve in perpetuity at least 20 percent of the total area of the site for open space.

9.2.4 Basis of Determination

Prior to approval of a PUD application, the Planning Commission shall ensure that the standards specified in this subparagraph, as well as applicable standards established elsewhere in this ordinance, shall be satisfied by the completion of the PUD under consideration.

- A. General standards: The Planning Commission shall review the particular circumstances of the PUD application under consideration in terms of the following standards, and shall approve a PUD only upon a finding of compliance with each of the following standards:
 1. The standards for approval in the special land use article;
 2. The standards for approval in the site plan review article;
 3. The applicable standards of this subparagraph;
 4. The applicable standards as may be established elsewhere in this ordinance.
- B. Conditions: The Planning Commission may impose conditions with the approval of a PUD which are necessary to ensure compliance with the standards for approval stated in this subsection, and any other applicable standards contained in this ordinance. Such conditions shall be considered an integral part of the PUD approval and shall be enforced by the Zoning Administrator.

9.2.5 Application procedures

- A. An application for a PUD shall be submitted and acted upon as a special land use in accordance with the requirements of Article 9 and as noted in this section.
- B. In addition to the requirements of a special land use, an application for PUD shall be accompanied by a statement with regard to compliance with the criteria required for approval in Section 17.07, X, 2, and other criteria imposed by this ordinance affecting the PUD under consideration.
- C. Review and approval: The Planning Commission shall review the application for a PUD, the site plan, and other materials submitted in relation to the application. After such review, the Planning Commission may deny, approve, or approve with conditions, the PUD application in accordance with the purpose of this section, and the criteria for approval stated in Section 17.07, X, 2. Other such standards contained in this ordinance that relate to the PUD under consideration, including those for site plan review will also be considered by the Planning Commission. The Planning Commission shall prepare a report stating its conclusions on the request for a PUD, the basis for this decision, any conditions relating to an affirmative decision, or reasons for denial.

9.2.6 Open Space Requirements

At least 20 percent of the site must be set aside and designated as open space. Open space provided in the PUD shall meet the following conditions and requirements:

- A. Additional open space may be established to separate use areas within the PUD.
- B. Open space areas shall be large enough and of proper dimensions so as to constitute a usable area, with adequate access, through easements or other similar arrangements, such that all properties within the entire PUD may utilize the available open space.
- C. Open space may be provided where significant natural features may be preserved or be used for passive or active recreation.
- D. All open space shall be in the joint ownership of the property owners within the PUD. A property owner's association shall be formed which shall take responsibility for the maintenance of the open space.
- E. Designated open space shall be set aside by means of a conveyance approved by the Township Board. For condominium projects, these open space provisions shall be referenced or consistent with the draft master deed or bylaws for the association relating to the common element. The conveyance shall state and outline:
 - 1. That the open space is protected from all forms of development except as shown on the approved site plan
 - 2. That the open space shall not be changed to another use without the consent of the Township
 - 3. The proposed allowable use of the designated open space
 - 4. That the designated open space is maintained by the parties who have an ownership interest in the open space
 - 5. The scheduled maintenance of the open space
 - 6. That the maintenance of the open space may be undertaken by the Township in the event that the open space is inadequately maintained or becomes a nuisance. Further, that any costs incurred by the Township for such maintenance shall be assessed against the property owners.
- F. Dedicated open space areas shall be continuous and contiguous throughout the PUD. A separate contiguous parcel may be utilized provided that parcel is part of the overall site plan for purposes of calculating the development area. Open space areas shall be large enough and of proper dimensions so as to contribute significantly to the purpose and objectives of the PUD.
- G. Open space preservation incentive. In order to preserve the maximum amount of open space, for PUDs with an underlying residential district, an increase in the total number of dwelling units may be permitted, according to the following requirements:

1. PUDs providing at least 35 percent of open space in an undisturbed state shall be entitled an additional 10 percent of the number of dwelling units otherwise permitted by this section.
2. PUDs providing between 36 percent and 50 percent of open space in an undisturbed state shall be entitled an additional 20 percent of the number of dwelling units otherwise permitted by this section.
3. PUDs providing 51 percent of open space in an undisturbed state, or more, shall be entitled an additional 25 percent of the number of dwelling units otherwise permitted by this section.
4. All open space provided under these provisions shall meet the following criteria:
 - a. The open space shall not be part of any building lot included in the development. For condominium projects, the open space may be calculated as the common element less any areas devoted to streets. Fenced retention areas shall not be included within the calculation of open space area.
 - b. The open space shall be in contiguous areas, and shall not be of an unusual shape, configuration, or other conditions that would make the open space largely unusable.

9.2.7 Planned Unit Developments in a Residential District

- A. The AG districts shall be considered agricultural districts for purposes of PUD and shall only allow for single-family detached dwellings. The following uses may be permitted, either singularly, or in combination, in accordance with the applicable PUD requirements, in a residential district:
 1. Single-family detached dwellings.
 2. Two-family dwellings, provided that such units make up no more than 50 percent of the total number of residential dwelling units within a PUD.
 3. Multiple-family dwellings, provided that such units, when combined with the number of two-family dwellings, make up no more than 50 percent of the total number of residential dwelling units within an LMR and HDR zoning district PUD. Within both the LMR and HDR zoning districts, the multiple-family dwellings shall be in the form of attached single-family townhouses not exceeding 25 feet in height.
- B. Single-family residential development shall be limited to cluster areas established within the development site. Cluster areas shall have adequate access for vehicles and utilities, shall have linkage to the development's open space areas; should be visually and physically separate from one another and roadways by open space buffers; should be integrated into the site in such a manner that minimizes the impacts on neighboring properties; shall be designed in such a manner that is compatible with the character of the surrounding community; and should be designed to avoid the appearance of a suburban subdivision.

- C. The maximum number of dwelling units permitted shall be determined by the density permitted within the underlying zoning district, with this calculated from the minimum lot area requirement.
- D. The total amount of land to be used for the calculation of the permitted density in a PUD shall be determined by using the net developable area, which shall be determined by taking the total site area, and subtracting lands used or dedicated for public easements and public or private road rights-of-way.
- E. The minimum setbacks and yard requirements for any lot designated for residential use shall comply with the requirements of the underlying zone district, unless the Planning Commission finds that slight deviations from those standards is necessary for the site to meet the objectives of this section.
- F. Land not proposed for development but used for the calculation of overall density shall be considered open space and subject to the requirements of Section 17.07, X, 4.
- G. Nonresidential uses:
 - 1. All nonresidential uses allowed in the PUD shall occupy no more than 10 percent of the PUD project's developable area.
 - 2. All such uses shall be integrated into the design of the project with similar architectural and site development elements, such as signs, landscaping, etc., unless the area devoted to such use is adjoining a commercial or industrial zoning district.
 - 3. Such uses shall be permitted only if they will not materially alter the residential character of the neighborhood.
 - 4. All merchandise for display, sale or lease shall be entirely within an enclosed building(s).
 - 5. Buildings designed for nonresidential uses shall be constructed according to one of the following requirements:
 - a. If the nonresidential use is centrally located within the development area and is to be used primarily by its residents, such facilities shall be constructed before 50 percent of the residential units are complete and ready for sale or lease.
 - b. If the nonresidential use is located on the perimeter of the development area, at least 50 percent of the residential units shall be completed and ready for sale or lease before an occupancy permit is granted for the nonresidential use, unless the area devoted to such use is adjoining a commercial or industrial zoning district.

9.2.8 Planned Unit Developments in a Commercial District (GC & LC Districts)

- A. The minimum area required for a parcel to be considered as a commercial PUD shall be not less than five (5) contiguous acres.
- B. The following uses may be permitted, either singly, or in combination, in accordance with the applicable PUD requirements, in a commercial district:

1. Retail businesses where no treatment or manufacturing is required.
2. Personal service establishments which perform services on the premises such as:
 - a. Small appliance, television, radio, or watch repair shops,
 - b. Tailor shops,
 - c. Beauty salons or barbershops,
 - d. Photographic studios, and
 - e. Self-service laundries and pickup dry cleaners.
3. Banks, credit unions, and other financial institutions.
4. Office buildings.
5. Restaurants, and private clubs, provided such restaurants shall not offer drive-through facilities.
6. Accessory buildings and uses customarily incidental to the foregoing uses.
- C. The buildings and improvements within the PUD shall be designed and developed with a unified architectural treatment.

9.2.9 Planned Unit Developments in the Industrial District (I District)

- A. The minimum area required for a parcel to be considered as an industrial PUD shall be no less than ten (10) contiguous acres.
- B. The following uses may be permitted, either singly, or in combination, in accordance with the applicable PUD requirements, in an industrial district:
 1. Industrial manufacturing operations and operations for the servicing, compounding, assembly, or treatment of articles or merchandise.
 2. Research and development facilities, including production activities which shall be limited to 50 percent of the floor area of the building.
 3. Warehousing, including refrigerated and general storage.
 4. Motor freight, truck, and warehousing business.
 5. Any accessory offices, shipping, receiving, and warehousing with a permitted principal use.
 6. Related essential public services ancillary to the industrial PUD.
 7. Accessory buildings and uses customarily incidental to the foregoing uses.
- C. The buildings and improvements within the PUD shall be designed and developed with a unified architectural treatment.
- D. Open space in PUDs in an industrial district:
 1. A buffer strip, not less than 75 feet wide shall surround the site.

2. No development shall be permitted in this buffer strip, except for street, utility easements, or driveways.
3. This buffer strip shall exempt PUDs with an underlying industrial district from the open space requirements in Section 17.07, X, 4.

9.2.10 Other Conditions

- A. All electric, television cable, telephone transmission wires, and other such public or private utilities within the PUD shall be placed underground.

9.3 OPEN SPACE PRESERVATION (OSP) OVERLAY DISTRICT

9.3.1 Intent and Purpose

The establishment of this development option is to satisfy the requirements of 2006 PA 110 (commonly referred to as The Michigan Zoning Enabling Act, [MCL 125.3101—125.3702], as may be amended). It requires that qualified Townships provide, at the option of the landowner, for the development of residential units on a portion of the property provided that 50 percent or more of the land is preserved in permanent open space. This shall be a development option for landowners within the following districts: AG and LMR. The purposes of this development option, among others, are as follows:

- A. To encourage the preservation of larger tracts of land in an undeveloped state whereby natural resources, natural features, scenic or wooded conditions, agricultural use, open space, and similar uses or conditions are preserved;
- B. To conserve areas containing unique and sensitive features such as steep slopes, floodplains and wetlands, by setting them aside from development;
- C. To protect areas of the Township with productive agricultural and forestry soils for continued or future agricultural/forestry uses, by conserving blocks of land large enough to allow for efficient farming/forestry operations unimpeded by other types of development;
- D. To provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce length of roads, utility runs and the amount of paving required for new development;
- E. To reduce erosion and sedimentation by the retention of existing vegetation, and the minimization of development on steep slopes;
- F. To provide for a diversity of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups, and residential preferences, so that the community's population diversity may be maintained;
- G. To implement the policies in Pennfield Charter Township land use plan to conserve a variety of aesthetically and environmentally sensitive resource lands, including provisions for reasonable incentives to create a network of conservation lands for the benefit of present and future residents;
- H. To create neighborhoods with direct visual access to open land, with amenities in the form of neighborhood open space, and with a strong neighborhood identity;

- I. To provide for the conservation and maintenance of open land within the Township to achieve the above-mentioned goals and for active or passive recreational use by residents;
- J. To provide multiple options for landowners in order to minimize impacts on environmental resources (sensitive land such as wetlands, floodplains, and steep slopes) and disturbance of other natural or cultural features;
- K. To provide standards reflecting the varying circumstances and interests of landowners, and the individual characteristics of their properties; and
- L. To conserve scenic views and elements of Pennfield Charter Township's rural character, and to minimize perceived density, by minimizing views of new development from existing roads and bodies of water.

9.3.2 Regulated Uses

All permitted residential uses within the underlying district are permitted within the open space development.

- A. Application Procedure for Regulated Uses: At the landowners' option, single-family dwellings will be permitted within residential developments subject to the following:
 - 1. An application will be filed identifying the landowners desire to exercise the open space preservation development option. With the application, the landowner will submit a comparison plan that adheres to site development requirements for the underlying zoning district. This can be in the form of a proposed plat establishing lots, a land division plan creating parcels, or a planned unit residential development creating sites and/or units. This comparison plan will determine the number of dwelling units that can be developed within the open space preservation plan. This application and comparison may be reviewed administratively with the applicant prior to the submission of a site plan.
 - 2. A site plan, adhering to the standards within the ordinance under Section 16.01, will be submitted for review and approval by the Planning Commission. It will be titled "Open Space Preservation Plan", and a copy of the comparison plan will be included with the site plan. A copy of these plans will be submitted to the Calhoun County Health Department by the applicant for their review and any correspondence received from them will be submitted by the applicant to the Township.
 - 3. The Planning Commission will review the site plan and determine compliance with the ordinance standards for:
 - a. Site plan review;
 - b. Requirements within the underlying zoning district; and
 - c. The requirements of this development option including site development requirements.

4. They may approve the site plan as presented, approve subject to conditions or changes reflected in the motion to approve, table pending the submission of additional information, or deny the request based upon noncompliance with the ordinance standards.
 5. The applicant will submit a timeline for development and identify any phases that may require further Township review and approval. The Planning Commission may impose conditions on this development and in no case can require open space in each phase not meet a minimum of 50 percent of the area for that phase.
- B. Conditions for Approval for Regulated Uses: The required conditions will be based upon the layout and design of the dwelling units and preservation of the open space as follows:
1. Initial conditions: New parcels within the AG and LMR districts may be created in accordance with the open space preservation option if both of the following apply:
 - a. The development does not depend upon the extension of a public sewer or a public water supply system, unless development of the land without the exercise of the option provided by this Article would also depend upon such an extension.
 - b. The option provided pursuant to this section has not previously been exercised with respect to that land.
 2. Open space preservation option: A maximum of 50 percent of any parent parcel buildable area may be divided into new parcels as described below. The remaining 50 percent plus of the parent parcel shall be kept as open space in perpetuity by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land acceptable to the Planning Commission. Development rights shall be transferred from the portion of the parent parcel kept as open space to the parent parcel's buildable area such that the same number of dwelling units as would otherwise be allowed on the entire area in the absence of the open space preservation option shall be allowed on the parent parcel's buildable area.
 3. Layout/design provisions: The layout and design of the dwelling units will be in a manner that achieves the greatest compatibility with surrounding land use and with the intent and purpose of this overlay district and the underlying zone. It will balance what is economically feasible for efficient conservation development with the need to preserve the character of the area.
 4. Dimensional Standards: In addition to the dimensional standards for the underlying zones, individual parcels, lots, or sites within the residential development shall meet the following dimensional standards:

OSP: DIMENSIONAL STANDARDS	
Lot Occupation	
Minimum Lot Width	50% of underlying zone or 75 feet whichever is greater
Minimum Lot Area	25% of underlying zone or 7,500 square feet whichever is greater
Maximum Density	Same as underlying district
Maximum Lot Coverage	25%
Maximum Impervious Coverage	Same as underlying district
Principal Structure	
Front Setback	Min. 30 feet or 50% of underlying zone
Side Setback	Min. 10 feet or 50% of underlying zone
Rear Setback	Min. 20 feet or 50% of underlying zone
Maximum Height	Same as underlying district
Minimum Ground Floor Area	Same as underlying district
Minimum Horizontal Dimensions	Same as underlying district

5. Additional provisions: The intent of this overlay district is to preserve land in an undeveloped state as well as to preserve the character of the area consistent with that of the underlying zone. In order to achieve this intent, the following conditions will apply:
 - a. The applicant will provide documentation of the means to preserve the open space, whether in the form of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land acceptable to the Planning Commission. The applicant shall likewise identify the party responsible for maintenance of the open space area. If proposed for dedication to the public, a letter of support from the public entity, indicating acceptance and responsibility for maintenance, will be included with the application. The Planning Commission may impose conditions on the preserved open space, and any change in use shall require a formal amendment of the site plan.
 - b. No part of the developed parcels, lots or sites will be counted toward the open space, nor shall any land devoted to roadways or other impervious surfaces, other than those of a recreational nature (such as bike paths, recreational trails or linear park paths).
 - c. The open space will be arranged in a manner so that it is contiguous and accessible by residents within the residential development. It shall also be arranged to connect to other open space areas on adjoining properties and/or connected to possible pedestrian or nonmotorized trails. The Planning Commission shall approve open space preservation projects with the goals and objectives for establishing the district.

- d. The open space shall preserve those areas where protection of the highest quality of natural resource is achieved. This includes areas of mature tree stands or forested areas, habitat areas for wildlife or similar areas that could otherwise be developed.

9.3.3 Special Land Uses

No special land use within the underlying zoning district will be allowed unless such use is processed separately under the special land use process for review and approval.

9.3.4 Site Development Requirements

The following regulations are based upon the relationship of the residential cluster(s) and the restricted open space to the adjoining properties, including the road right-of-way:

- A. Development setback: The placement of any residential development will be setback 50 feet from any abutting property line and 100 feet from any existing public road right-of-way. This area may be included within the calculated open space.
- B. Access: Access to the dwelling units within the residential development may be in the form of a public road or private road, with any private road adhering to public road standards. If the residential development is made up of no more than two (2) dwelling units, a private driveway may be utilized, provided it has an improved surface with a width of no less than 20 feet and a height clearance of 15 feet to support access by emergency vehicles.
- C. Siting criteria for new parcels: Diversity and originality in parcel lay-out shall be encouraged to achieve the best possible relationship between buildable and conservation land areas as described in this Article. The Planning Commission shall evaluate proposals to determine whether the proposed site plan meets the following criteria in site plan criteria contained elsewhere in this Article:
 - 1. Protects and preserves all flood plains, wetlands, and steep slopes (grades of 25 percent or greater) from clearing, grading, filling, or construction.
 - 2. So far as practicable, preserves and maintains existing fields, meadows, crop land, pastures, and orchards and creates sufficient buffer areas to minimize conflict between residential and agricultural/forestry uses. When new development must be located in these areas due to greater constraints in all other parts of the site, buildings should be sited on the least prime and important or unique farmland or forest land soils.
 - 3. Maintains or creates an undisturbed upland buffer of natural native vegetation of at least 100 feet in depth adjacent to surface waters, including lakes, rivers, and streams.
 - 4. Minimizes impacts on large woodlands five (5) acres or greater in area, especially those located on prime or important farmland soils or those located on prime timberland soils.
 - 5. Leaves scenic views and vistas unblocked and uninterrupted, particularly as seen from adjacent roads and surface water.

6. Avoids siting new construction on prominent hilltops or ridges, by taking advantage of lower topographic features or by siting in forested areas.
7. Protects wildlife habitat areas of species listed as endangered, threatened or of special local concern.
8. Designs around and preserves sites of historic, archeological, or cultural value, insofar as needed to safeguard the character of the feature.
9. Protects rural roadside character and improves public safety and vehicular carrying capacity by avoiding development fronting directly onto existing public roads. Establishes buffer zones along the scenic corridor of rural roads by allowing historic buildings, stone walls, hedgerows, and similar features to remain so far as is practicable.
10. Provides that conservation lands shall be reasonably contiguous. While conservation lands are exempt from the maximum lot depth to width ratio requirements of Chapter 46, fragmentation of conservation lands shall be minimized as much as is practicable so that, except for common greens and playground areas, conservation lands are not divided into numerous small parcels located in various parts of the development.
11. When conservation lands are held in common by surrounding parcel owners, the proposed site plan shall:
 - a. Provide active recreation areas in suitable locations that offer convenient access by residents.
 - b. Include a pedestrian circulation system designed to assure that pedestrians can walk safely and easily on the site, between parcels, activity areas, special features and contiguous developments.
 - c. Ownership of conservation lands may remain with the owner of the parent parcel, a homeowner's association made up of parcel owners in the development, the Township, or a recognized not-for-profit land conservancy.
 - d. Conservation lands created pursuant to this Article may be used for any use allowed in the zoning district in which it is located so long as such use complies with the other provisions of this Article.

ARTICLE 10: NONCONFORMITIES

10.1 INTENT & PURPOSE

It is the intent of this ordinance to permit legal nonconforming uses, sites, structures, and lots to continue until they are removed but not to encourage their survival. It is recognized that there exists within districts established by this ordinance and subsequent amendments, uses, sites, structures, and lots which were lawful before this ordinance was passed or amended which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendments.

10.2 GENERAL STANDARDS

- A. Continuation: On or after the effective date of this ordinance or any subsequent amendments, a nonconformity that was lawfully operated, established, or commenced in accordance with the provisions of all ordinances, statutes, or regulations in effect at that time may continue subject to this Section.
- B. Change in Tenancy or Ownership: There may be a change of tenancy, ownership, or management of any existing nonconforming use or structure which does not alter the nonconforming status.
- C. Special Uses and Variances: If a special land use or variance has been approved, the structure or use shall not be considered "nonconforming."
- D. Issued Zoning Permit: Any zoning permits issued prior to the effective date of this ordinance, or any subsequent amendments, shall be valid in accordance with its terms, even though not conforming to the provisions of this ordinance, provided that construction is commenced within 12 months after the date of permit issuance and proceeds meaningfully until completion.
- E. Exception for Repairs Pursuant to Public Order: Nothing in this Article shall be deemed to prevent the strengthening or restoration to a safe condition of a building or structure in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders it to restoration to a safe condition, provided that such restoration is not otherwise in violation of the various provisions of this ordinance prohibiting the repair or restoration of partially damaged or destroyed buildings or structures.
- F. Loss of Nonconformity: A legal nonconformity is lost by changing to conform to the ordinance or through vacancy, lack of operation or otherwise for 12 or more successive calendar months. If lost, any future use of such premises shall be in conformity, in its entirety, with the provisions of this ordinance. Loss of a nonconformity shall terminate the right to continue the nonconformity.

10.3 NONCONFORMING USES

Nonconforming uses may be continued, enlarged, or expanded in accordance with the following provisions:

- A. Continuance: A legal nonconforming use of any structure may be continued, although such use does not conform to the provisions of this ordinance. Such use may be extended throughout the structure, provided that no structural alterations or additions to the structure are made.
- B. Enlargement or Expansion: A conforming structure in which a nonconforming use is operated shall not be enlarged or expanded unless approved by the Zoning Board of Appeals, except as required by law or to comply with an order of the Building Official.
- C. Change of Use Regulations:
 - 1. Changes to Conforming Uses: Any nonconforming use may be changed to a use conforming with the regulations established for the district in which the nonconforming use is located, provided, however, that a nonconforming use so changed shall not in the future be changed back to the former nonconforming use.
 - 2. Changes to Other Nonconforming Uses: A nonconforming use may be changed to another nonconforming use if approved of the Zoning Board of Appeals, provided that the new use is determined to be more consistent with the spirit of this ordinance, the neighborhood, and the master plan than the nonconforming use which is being replaced.
 - 3. Approval Standards: The Zoning Board of Appeals shall only approve the enlargement or expansion of an existing conforming structure for a nonconforming use or the change of use to another nonconforming use if it makes findings in support of each of the following:
 - a. The new use or expansion will not be contrary to the public interest.
 - b. The new use or expansion will not substantially or permanently injure the appropriate use of adjacent conforming property in the same district.
 - c. The new use or expansion will be in harmony with the spirit and purpose of these regulations and the master plan goals, objectives, and policies.
 - d. The plight of the applicant for which the new use or expansion is sought is due to unique circumstances existing on the property and/or within the surrounding district.

- e. Approval of the new use or expansion will not substantially weaken the general purposes of this Section, or the regulations established in this ordinance for the applicable zoning district.
- f. The new use or expansion shall not require more off-street parking and loading space than the former nonconforming use unless additional adequate off-street parking and loading space is provided for the increment of the new nonconforming use or expansion as if the increment were a separate use.
- g. The new use or expansion shall conform to all regulations and standards established in this ordinance.
- h. The new use or expansion will not adversely affect the public's health, safety, and welfare.

10.4 NONCONFORMING SITES

Nonconforming sites may be continued, enlarged, or expanded in accordance with the following provisions:

- A. Applicable Standards: Various site design standards are established in Article 5: Site Development Standards and Article 6: Supplemental Use Standards of this ordinance. Consequently, many development sites do not meet current requirements for such items as parking lot standards, landscaping, exterior lighting, storm water requirements and other design specifications. This subsection requires that such nonconforming sites be brought into conformance with all applicable development standards prescribed by this ordinance.
- B. Authority to Continue: Any legal nonconforming site may be continued so long as it remains otherwise lawful subject to this subsection.
- C. Extensions:
 - 1. In General: A nonconforming site on which there is a conforming use shall not be expanded or contracted unless the site is brought into conformance with the provisions of this ordinance.
 - 2. Single Family Residential Exception: A single family residential structure that is located on a legally nonconforming site with respect to required yards, areas, or height may be structurally altered or enlarged, providing the portion of the structure that is altered or enlarged conforms with the provisions of this ordinance.
- D. Relocations: No structure shall be relocated within a nonconforming site until the site is brought into conformance with the provisions of this ordinance.

- E. Change in Use: A nonconforming site shall be allowed to be occupied by another use allowed by right in the district so long as no exterior structural or site modifications are to occur. In the event the new occupant desires to provide exterior structural modifications, the site shall be brought into compliance with all applicable site and use standards, unless a nonconforming site variance has been approved by the Zoning Board of Appeals.

10.5 NONCONFORMING STRUCTURES

Nonconforming structures may be continued, repaired, replaced, enlarged, or expanding in accordance with the following provisions:

- A. Continuance of Nonconforming Structures: Subject to all limitations in this Article, any nonconforming structure may be occupied, operated, and maintained in a state of good repair, but no nonconforming structure shall be enlarged or extended unless in accordance with the allowable standards of this Article.
- B. Repair and Maintenance of Nonconforming Structures: Nothing in this ordinance shall prevent the repair, reinforcement, improvement or rehabilitation of any nonconforming structure, or any part thereof, which results from wear and tear, deterioration, fire, windstorm, snowstorm, rainstorm, flood or other casualty damage, nor shall it prevent compliance with the provisions of the State Construction Code Act, relative to the maintenance of buildings or structures, provided such repair and maintenance does not exceed 50 percent of the appraised replacement cost of the structure which was damaged. For the purposes of this subsection, the determination of whether proposed repairs and maintenance constitute more than 50 percent of the appraised replacement cost shall be made by the Zoning Administrator. The determination of the Zoning Administrator shall be appealable to the Zoning Board of Appeals.
- C. Replacement of Damaged Nonconforming Structures: Nothing in this ordinance shall prevent the replacement of any nonconforming building or structure damaged or destroyed by fire, windstorm, snowstorm, rainstorm, flood or other casualty damage beyond the control of the owner, provided such replacement utilizes the original structure footprint, does not increase the original usable floor area or volume of such structure, and does not exceed 50 percent of the appraised replacement cost for the structure as determined by the Zoning Administrator. Such replacement shall commence within 12 months of the damage or destruction.
- D. Enlargement or Expansion: A nonconforming structure in which only permitted uses are operated may be enlarged or expanded provided that the area of nonconformance is not increased and provided further that compliance with all of the provisions of this ordinance established for structures in the district in which the nonconforming structure is located. Such enlargement shall also be subject to all other applicable Township ordinances.

10.6 NONCONFORMING LOTS

- A. Any nonconforming lot of record may be used for any purpose authorized by the district in which it is located, except those uses that specify a minimum lot size. This provision shall apply even though such lot fails to meet the requirements for area or width applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Any required variances may be requested pursuant to the procedures and standards of this ordinance.

ARTICLE 11: ZONING BOARD OF APPEALS

11.1 AUTHORITY

There is hereby established a Zoning Board of Appeals (herein referred to as the “ZBA”), which shall perform its duties and exercise its power as provided for in this ordinance and the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, in such a way that the objectives of this ordinance shall be served, public health, safety and welfare protected, and substantial justice done.

11.2 JURISDICTION

The ZBA shall have the power to act on those matters where this ordinance provides for an administrative review, interpretation, and to authorize a variance as defined in this Article and the laws of the State of Michigan. The ZBA shall not have the authority to hear appeals from a decision made in respect to any rezoning. The ZBA shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files, and other evidence pertinent to the matters before it. The powers of the ZBA include:

- A. *Hearing of appeals.* To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision, or refusal made by the Zoning Administrator or any other administrative official in carrying out or enforcing the provisions of this ordinance.
- B. *Granting of non-use variances.* A variance from the specific dimensional requirements of this ordinance may be granted by the ZBA in accordance with the requirements and procedures of this Article. The ZBA shall not grant use variances.
- C. *Zoning Ordinance interpretation.* The ZBA may interpret the provisions of this ordinance to carry out the intent and purposes of the Zoning Ordinance where the meaning of the provision is uncertain.

11.3 MEMBERSHIP

- A. *Composition and terms.* The ZBA shall consist of five (5) regular members appointed by the Township Board for a three-year term, unless staggered during initial appointment or subject to the term of office based upon appointment or election to the Planning Commission or Township Board. One member shall be from the Planning Commission. In addition to the five (5) regular members, there shall be appointed two (2) alternate members. These alternate members shall also be appointed for a three-year term. The alternate member may serve as a voting member in the absence of a regular member or where such regular member has a conflict of interest. The alternate member will continue to serve until such decision is made.
- B. *Vacancies.* Any vacancies in the ZBA shall be filled by appointment by the Township Board. Vacancies for unexpired terms are to be filled for the remainder of the term.

- C. *Officers.* The ZBA shall annually elect its own chairman, vice-chairman, and secretary. The chairman of the ZBA shall not be an elected official or serve as the chairman of the Planning Commission.

11.4 MEETINGS

- A. *Meetings.* All meetings of the ZBA shall be held at the call of the chairman and at such times as the ZBA may determine. All hearings conducted by the ZBA shall be open to the public. The secretary to the board or their representative, shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact; and shall also keep records of its hearings and other official action.
- B. Three (3) regular members of the ZBA shall constitute a quorum for the conduct of its business; and no business shall be conducted without a quorum. A concurring vote of the majority of the ZBA shall be necessary to render a decision.
- C. *Hearings.* The ZBA shall make no decision regarding a variance except after a hearing is conducted by the ZBA. Due notice shall be given to all parties to the appeal stating the time and place of such hearing.

11.5 APPLICATIONS

- A. *Procedure.* An appeal may be taken by a person aggrieved, or by an officer, department, or board of the Township. Such appeal shall be taken within 21 days..
- B. *Filing.* The party from whom the appeal is taken shall immediately transmit to the ZBA all the papers constituting the record upon which the action appealed was taken. These papers shall include a completed application form and site plan, including the following, unless determined to be inapplicable to the request and specifically waived by the ZBA:
1. *Project information, including:*
 - a. The applicant's name and contact information;
 - b. Name of the development;
 - c. The preparer's name and contact information;
 - d. North arrow;
 - e. Complete and current legal description and size of property in acres; and
 - f. Small scale location sketch of sufficient size and scale.
 2. *Existing features.*
 - a. Property lines and dimensions;
 - b. Zoning and current land use of applicant's property and all abutting properties and of properties across any public or private road from the site;
 - c. Lot lines and all structures on the property, the ZBA may require buildings and structures within 100 feet of the site's property lines, also be shown;
 - d. Location of any access points on both sides of the street within 100 feet of the site along streets where access to the site is proposed.

3. *Proposed construction.*
 - a. Building footprints, setbacks, floor plans and elevations showing height and materials for all proposed structures, including any residential units, with the acreage allotted to each use;
 - b. Location and dimensions of parking spaces;
 - c. Details of site circulation and access design, including:
 - i. Indication of street right-of-way and pavement widths and pavement type;
 - ii. Names of abutting public roads, proposed access driveways and parking areas, and existing and proposed pedestrian/bicycle paths; and
 - iii. Written verification of access easements or agreements, if applicable.
- C. *Stay of proceedings.* An appeal stays all proceedings in furtherance of the action appealed from unless the officer or body from whom the appeal is taken certifies to the ZBA, after the notice of appeal is filed, that by reason of facts stated in the certificate, a stay would, in the opinion of the officer or body, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order. This restraining order may be granted by the ZBA or circuit court on application or notice to the officer or body from whom the appeal is taken, and due cause shown.
- D. *Notice.* Following receipt of a written request seeking a variance, the ZBA shall fix a reasonable time for the hearing of the request and shall give notice as provided in Section 103 of the Michigan Zoning Enabling Act, 2006 PA 110 [MCL 125.101, et seq.]. If the ZBA receives a written request seeking an interpretation of the Zoning Ordinance or an appeal of an administrative decision, the ZBA shall conduct a public hearing on the request. Notice shall be given as required under Section 103 of the Michigan Zoning Enabling Act, 2006 PA 110 [MCL 125.101 et seq.]. However, if the request does not involve a specific parcel of property, notice need only be published as provided in Section 103(1) of the Act and given to the person making the request as provided in Section 103(3) of the Act.

11.6 DECISIONS

- A. The concurring vote of a majority of the membership of the board shall be required to reverse an order, requirement, decision, or determination of an administrative official or body, or to decide in favor of the applicant on a matter upon which the board is required to pass, or to grant a non-use variance in the Zoning Ordinance.
- B. The ZBA shall render its decision upon any appeal or application submitted to it within a reasonable time after the hearing.
- C. All decisions of the ZBA shall be final.
- D. *Record of actions.* For each decision of the ZBA, a record shall be prepared. Such record shall include, at a minimum, the following items:
 1. Description of the applicant's request.
 2. The zoning board of appeal's motion and vote.

3. A summary or transcription of all relevant material and evidence presented at hearing.
 4. Any conditions attached to an affirmative decision.
- G. *Appeals to circuit court.* The decision of the ZBA shall be final. However, a person having an interest affected by the decision of the ZBA may appeal to the circuit court. An appeal filed under this section shall be filed within 30 days after the ZBA issues its decision in writing signed by the chairperson, if there is a chairperson, or signed by the members of the ZBA, if there is no chairperson, or within 21 days after the ZBA approves the minutes of its decision. Upon appeal, the circuit court shall review the record in accordance with the requirements of the Township or the Michigan Zoning Enabling Act, 2006 PA 110, as may be amended [MCL 125.3101—125.3702]. The court may affirm, reverse, or modify the decision of the ZBA, or may remand the decision to the ZBA for further hearings or action.
- H. *Resubmission.* No variance request which has been decided by the ZBA shall be submitted for reconsideration within a one-year period from the date of the original application unless the board finds that at least one of the following conditions exist:
1. That the conditions involving all of the reasons for the original denial have been significantly altered.
 2. That new conditions or circumstances exist which change the nature of the original request.

11.7 APPEALS OF ADMINISTRATIVE DECISIONS

The ZBA shall hear and decide appeals where it is alleged there is error of law in any order, requirement, decision, or determination made by the person or body charged with administration or enforcement of the Zoning Ordinance. Such appeals may be taken to the ZBA by the person, firm or corporation aggrieved, or by an officer, department, board, or bureau of the Township affected by the order, requirement, decision, or determination, provided that a notice of appeal application is filed with the Township within a reasonable time of the order, requirement, decision, or determination, not to exceed 21 days. An appeal shall stay all administrative or enforcement proceedings associated with the appeal, unless the Building Official certifies to the ZBA that, by reason of facts stated in the certificate, a stay in the opinion of the Building Official would cause imminent peril to life or property.

The ZBA shall reverse an administrative decision only after finding that the order, requirement, decision, or determination was arbitrary or capricious, based upon an erroneous finding of a material fact, constituted an abuse of discretion, or based upon an erroneous interpretation of the Zoning Ordinance.

11.8 INTERPRETATION OF ZONING ORDINANCE PROVISIONS

- A. Interpretations: The ZBA shall have the power to hear and decide requests for interpretations of Zoning Ordinance provisions in such a way as to preserve and promote the character of the zoning district in question and carry out the intent and purpose of this ordinance, the Master Plan, or any sub-area plans. This shall not include

use determinations as provided for in this ordinance, except upon appeal of a determination that has been made.

- B. Determinations of Similar Uses: In recognition that every potential use cannot be addressed in this ordinance, the ZBA shall have the authority, upon referral by the Zoning Administrator or appeal of the Zoning Administrator's determination, to determine whether a proposed use not listed in this ordinance is similar to a principal or special approval use permitted by this ordinance, subject to the following:
1. Prior to making such a determination, the ZBA must find that the principal or special approval use closely resembles the proposed use in terms of characteristics, intensity, nature, and other applicable common elements of such uses, including but not limited to potential impacts on property values, traffic generated, aesthetics, noise, vibration, dust, smoke, odor, glare and other objectionable impacts on public health, safety, and welfare.
 2. The ZBA may make a determination that the use is or is not similar to a use listed in this ordinance.
 3. If it is determined that there is no similar use listed in this ordinance, the use shall be prohibited.
 4. If it is determined that the proposed use is similar to a use listed in this ordinance, the proposed use shall comply with any conditions or special approval use standards that apply to the listed use.

11.9 VARIANCES

Use variances shall be prohibited. The ZBA shall have authority in specific cases to authorize one or more dimensional or nonuse variances from the strict letter and terms of this ordinance by varying or modifying any of its rules or provisions so that the spirit of this ordinance is observed, public safety secured, and substantial justice done. A dimensional or nonuse variance allows a deviation from the dimensional (i.e., height, bulk, setback) requirements of the ordinance. The ZBA may grant a requested dimensional or nonuse variance only upon a finding that practical difficulties exist. A finding of practical difficulties is when the applicant has demonstrated all of the following:

- A. That there are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the same zoning district.
- B. That the condition or situation of the specific piece of property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or situations. Unique circumstances include:
 1. Exceptional narrowness, shallowness or shape of a specific property on the effective date of this Article;

2. Exceptional topographic conditions or other extraordinary situation on the land, building, or structure;
 3. The use or development of the property immediately adjoining the property in question; and
 4. The literal enforcement of the requirements of this Article would involve practical difficulties.
- C. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.
 - D. The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood.
 - E. The variance will not impair the intent and purpose of this ordinance.
 - F. That the immediate practical difficulty causing the need for the variance request was not created by the applicant.

11.10 HEARINGS & DECISIONS

The ZBA shall make no determination on a specific case until after a public hearing conducted in accordance with the requirements in Article 12. Each decision of the ZBA shall include a written record of the ZBA's findings and determinations in the case.

11.11 FEES

The Township Board may prescribe and amend by resolution a reasonable schedule of fees to be charged to applicants for appeals to the ZBA. The fee shall be paid to the Township Treasurer at the time the application for the appeal or variance is filed.

11.12 LIMITATIONS OF AUTHORITY

- A. No order of the ZBA permitting the erection or alteration of a structure shall be valid for a period longer than one (1) year, unless a zoning permit for such erection or alteration is obtained within such period, and such erection or alteration is started and completed in accordance with the terms of such permit.
- B. The ZBA shall not consider appeals of any decisions by the Planning Commission or Township Board regarding requests for approval of amendments, special approval uses, or planned developments, as defined in this ordinance.
- C. ZBA jurisdiction to consider appeals of site plan determinations shall be limited to cases referred by the Planning Commission, where the Planning Commission has approved a site plan contingent upon approval of one or more variances by the ZBA. In such cases, the Planning Commission Secretary shall provide copies of the site plan, application materials and Planning Commission meeting minutes to the ZBA, and consideration shall be limited to the specific variances identified as conditions of site plan approval by the Planning Commission.
- D. The ZBA shall not have the authority to alter this Zoning Ordinance or zoning map.

ARTICLE 12: ADMINISTRATION, ENFORCEMENT, & VIOLATIONS

12.1 ZONING ADMINISTRATOR

Except where herein otherwise stated, the provisions of this ordinance shall be administered by the Zoning Administrator, or such other official or officials as may be designated by the Township Board. The Zoning Administrator shall have the authority to:

- A. Receive applications for zoning permits and issue or deny.
- B. Inspect buildings or structures in order to determine compliance with the zoning permits issued in compliance with this ordinance.
- C. Issue and serve appearance tickets to any person with respect to any violation of this ordinance where there is reasonable cause to believe that the person has committed such an offense.
- D. The Township Board may, in its discretion, instruct the Zoning Administrator to make efforts to obtain voluntary compliance with this ordinance. The Township Board may instruct the Zoning Administrator in writing, to initiate a criminal complaint or other legal action. Under no circumstances is the Zoning Administrator permitted to make changes in this ordinance or to vary its terms in carrying out the Zoning Administrator's duties.
- E. Perform pre-application conferences, completeness reviews, and technical reviews for all applications that include a site plan review, and to perform administrative reviews of applicable site plan review applications.

12.2 ZONING PERMITS

- A. No building, structure, or sign shall be erected, altered, or moved unless a zoning permit shall have been first issued for such work.
- B. No zoning permit shall be issued for the erection, alteration, or use of any building or structure, or for the use of any land which is not in accordance with all provisions of this ordinance.
- C. A record of all zoning permits issued shall be kept on file in the office of the Zoning Administrator and copies shall be furnished upon request to any person owning or renting the property which is the subject of the permit.
- D. No vacant land shall be used and no existing use of land shall be changed to a different class of use unless a zoning permit is first obtained for the new or different use.
- E. The Zoning Administrator shall promptly inform the applicant of the denial of a zoning permit if the proposed structure or use does not comply with the provisions of this ordinance.

- F. Issuance of a zoning permit, or approval of a site plan for a permitted use or special land use permit does not waive the requirements to comply with all applicable local, state, and federal codes and statutes, including, but not limited to State Construction Code, Electrical Code, Property Maintenance Code, Mechanical Code, and Fire Prevention Code.
- G. No building permit for the construction, erection, alteration, repair, or moving of any building or structure shall be issued until a zoning permit, or zoning approval for such work has been issued by the Zoning Administrator.
- H. *Application.* Each application for a zoning permit shall include the following minimum requirements:
 - 1. *Plot Plan:* Drawn to scale illustrating:
 - a. The actual shape, location, and dimensions of the lot.
 - b. The shape, size, and location of all buildings or other structures to be erected, altered, or moved, and if any building or other structure is already on the lot.
 - c. The existing and intended use of the lot and of all such structures upon it, including residential areas and the number of dwelling units that the building is intended to accommodate.
 - d. Such other information concerning the lot or adjoining lots may be essential to determining that the provisions of this ordinance are being observed.
 - 2. *Property Boundaries.* In cases where property boundaries are not clearly indicated by corner markers or other means, the Zoning Administrator may require, at the applicant's expense, the property to be located by a registered surveyor.
 - 3. *Evidence of Ownership.* All applications for zoning permits under the provisions of this ordinance shall include the land owner's signature authorizing the application for the permit and be accompanied with proof of ownership of all property affected by the coverage of the permit. Proof of ownership shall be established by one of the following means: current title policy, or commitment, abstract or attorney's opinion of title, or such other evidence of ownership as the Zoning Administrator determines acceptable.
 - 4. *Supporting Documentation.* In the event the Zoning Administrator feels additional information is required before determining the suitability of an application for a zoning permit, the Zoning Administrator may request that the applicant submit such additional information as surveys, deed descriptions, soil suitability tests, surface water disposal surveys, erosion control surveys, excavation disposal plans, easements, and permits from other governmental agencies.

- I. *Voiding Permit.* Any permit granted under this Section shall become null and void after one (1) year from the date of granting such permit unless the development proposed shall have passed its first construction code inspection. The applicant shall have the option of extending the permit by a maximum of one (1) year upon written notice to the Zoning Administrator. Said notice shall be filed no later than five (5) working days following the expiration of the permit. If a zoning permit expires, the applicant will have to reapply as a new application.
- J. *Inspection.* The developer of the property is solely responsible for meeting the conditions and terms of the zoning permit and this ordinance.

12.3 BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY

- A. A final zoning inspection shall be required prior to the issuance of a certificate of occupancy.
- B. No building or structure which is hereafter erected or altered shall be occupied or used unless and until a certificate of occupancy shall have been issued for such building or structure.
- C. Certificates of occupancy, as required by the currently adopted building code for Pennfield Charter Township, shall also constitute certification of compliance with the Zoning Ordinance.
- D. A record of all certificates of occupancy issued shall be kept on file in the office of the building inspector, and copies shall be furnished upon request to any person owning or renting the property which is the subject of the certificate.

12.4 FEES

Fees for the inspection and issuance of zoning permits, building permits, or certificates of occupancy, or copies required or issued under the provisions of this ordinance, shall be collected by the Township in advance of issuance. The amount of such fees shall be established by resolution of the Township Board and shall cover the cost of inspection and supervision resulting from the enforcement of this ordinance.

12.5 PERFORMANCE GUARANTEES

- A. As a condition of approval of a site plan review, special use, or PUD, the Township Board may require a financial guarantee of sufficient sum to assure the installation of those features or components of the approved activity or construction which are considered necessary to protect the health, safety, and welfare of the public and of users or inhabitants of the proposed development. Such features or components, hereafter referred to as "improvements," may include, but shall not be limited to, roadways, curbing, landscaping, fencing, walls, screening, lighting, drainage facilities, sidewalks, driveways, utilities, and similar items.
- B. Performance guarantees shall be processed in the following manner:
 - 1. Prior to the issuance of a zoning permit, the applicant shall submit an itemized estimate of the cost of the required improvements which are subject to the

performance guarantee, which shall then be reviewed by the person designated by the Township Board. The amount of the performance guarantee shall be 100 percent of the cost of purchasing materials and installing the required improvements, plus the cost of necessary engineering and a reasonable amount for contingencies.

2. The required performance guarantee may be in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township.
3. Upon receipt of the required performance guarantee, the Zoning Administrator shall issue a zoning permit for the subject development or activity, provided it is in compliance with all other applicable provisions of this ordinance and other applicable ordinances of the Township.
4. The Township Treasurer will refund the obligor portions of the performance guarantee, only after written notice from the building inspector, that the improvements for which the rebate has been requested have been satisfactorily completed. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvements.
5. When all of the required improvements have been completed, the obligor shall send written notice to the building inspector of completion of said improvements. Thereupon, the building inspector shall inspect all of the improvements and approve, partially approve, or reject the improvements with a statement of the reasons for any rejections. If partial approval is granted, the cost of the improvement rejected shall be set forth. Where partial approval is granted, the obligor shall be released from liability pursuant to relevant portions of the performance guarantee, except for that portion sufficient to secure completion of the improvements not yet approved.
6. A record of authorized performance guarantees shall be maintained by the Zoning Administrator.

12.6 PUBLIC HEARINGS

The body charged with conducting a public hearing required by this ordinance shall, upon receipt of a completed application, select a reasonable time and place for such hearing. Such hearings shall be held in accordance with the Michigan Zoning Enabling Act, PA 110 of 2008, as amended, and the following:

- A. Notice of the public hearing shall be:
 1. Posted by the Township Clerk at the place where the hearing will be held.
 2. Published in a newspaper of general circulation in the Township not less than 15 days before the date of the public hearing.
 3. Sent by mail or personal delivery not less than 15 days before the date of the public hearing to:

- a. The applicant, owner(s) of property for which approval is being considered, all persons to whom real property is assessed within 300 feet of the boundary of the property in question.
 - b. All occupants of structures within 300 feet of the boundary of the property in question. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that one (1) occupant of each unit or spatial area shall receive notice if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner, who shall post the notice at the primary entrance to the structure.
- B. The notice shall include all of the following:
1. Describe the nature of the request.
 2. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 3. State when and where the request will be considered.
 4. Indicate when and where written comments will be received concerning the request.

12.7 VIOLATIONS & PENALTIES

- A. *Nuisance Per Se.* Any uses, land, dwellings, buildings, or structures, including tents and trailer coaches, used, erected, altered, razed, or converted in violation of this ordinance or in violation of any regulations, conditions, permits or other rights granted, adopted, or issued pursuant to this ordinance are hereby declared to be a nuisance per se.
- B. *Municipal Civil Infraction.* Any person, partnership, corporation, or association who creates or maintains a nuisance per se as defined above or who violates or fails to comply with any provision of this ordinance, or any permit issued pursuant to this ordinance shall be guilty of a municipal civil infraction. Every day that such violation continues shall constitute a separate and distinct offense under the provisions of this ordinance. Nothing in this section shall exempt the offender from compliance with the provisions of this ordinance. The fine shall be the amount as outlined in the fine

schedule as adopted by Township Board resolution, and in addition to all other costs, damages, and expenses provided by law.

For purposes of this section, subsequent offense means a violation of the provisions of this ordinance committed by the same person within 12 months of a previous violation of the same provision of this ordinance for which said person admitted responsibility, or was adjudicated to be responsible; provided, however, that offenses committed on subsequent days within a period of one week following the issuance of a citation for a first offense shall all be considered separate first offenses. Each day during which any violation continues shall be deemed a separate offense.

- C. *Penalties.* Any person who shall violate any provision of this ordinance, who creates or maintains a nuisance per se, or who fails to comply with any of the regulatory measures or conditions of the ZBA adopted pursuant hereto, shall, upon conviction thereof, be fined not to exceed two hundred dollars (\$200.00), and each day such violation continues shall be deemed a separate offense.
- D. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.
- E. *Nuisance Abatement.* In addition to enforcing this ordinance as a municipal civil infraction the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this ordinance.

ARTICLE 13: AMENDMENTS, SEVERABILITY, & REPEAL

13.1 AMENDMENTS

The Township Board may, after recommendation from the Planning Commission, amend, supplement, or change the provisions of this ordinance or zoning map. Such actions shall be consistent with the Michigan Zoning Enabling Act, P.A. 110 of 2008, as amended, and the following:

13.1.1 Initiation Of Amendment

Amendments to the provisions of this ordinance may be initiated by the Township Board, Planning Commission, Zoning Administrator, or by petition from one (1) or more residents or property owners of the Township. An amendment to the zoning map (rezoning) may be initiated by the Township Board, Planning Commission, Zoning Administrator, or by the titleholder for the property subject to the proposed amendment. No fee shall be charged for amendments initiated by Township Board, Planning Commission, or Zoning Administrator.

13.1.2 Application

An amendment to this ordinance, except those initiated by the Township Board, Planning Commission or Zoning Administrator, shall be initiated by submission of a complete and accurate application to the Zoning Administrator, along with the required fee established by Township Board, and referred to the Township Clerk to set a public hearing. In the case of an amendment to the zoning map. The Planning Commission shall conduct at least one public hearing, notice of which shall be given in the manner provided in the Michigan Zoning Enabling Act, 2006 PA 110, as may be amended [MCL 125.3101—125.3702]. The following information shall accompany the application and fee:

- A. A legal description and street address of the subject property, together with a survey and location map identifying the subject property in relation to surrounding properties.
- B. The name and address of the owner of the subject property, and a statement of the applicant's interest in the subject property, if not the owner in fee simple title.
- C. The existing and proposed zoning district designation of the subject property and surrounding properties.
- D. A written description of how the requested amendment meets the criteria stated in this Section.

13.1.3 Amendment Review Procedure

Proposed amendments to this ordinance or zoning map shall be reviewed in accordance with the following:

- A. Completeness Review: Upon receipt of an application to amend this ordinance, the Zoning Administrator shall review the application to confirm all required material has been submitted. The Zoning Administrator shall notify the applicant of any outstanding items.
- B. Technical Review: Prior to Planning Commission consideration, the proposed amendment and application materials shall be distributed to appropriate Township officials for review and comment. The Zoning Administrator may also submit the application materials to designated Township consultants for review.
- C. Public Hearing: The Planning Commission shall hold a public hearing for all proposed amendments in accordance with the procedures in Article 12.
- D. Planning Commission Consideration and Recommendation: Subsequent to the hearing, the Planning Commission shall review the proposed amendment, together with any reports and recommendations from staff, consultants, other reviewing agencies, and any public comments. The Planning Commission shall identify and evaluate all relevant factors and shall report its findings and recommendation to the Township Board. In considering an amendment to the zoning map (rezoning) or ordinance text, the Planning Commission shall consider the following factors in making its findings and recommendations, although not all standards must be met in order to recommend approval of an amendment:
 - 1. Consistency with the Master Plan's goals, policies, and future land use map, including planned timing or sequence of development. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area shall be considered.
 - 2. Compatibility of all the potential uses allowed in the proposed zoning district(s) with the site's physical, geological, hydrological, and other environmental features.
 - 3. Compatibility of all the potential uses allowed in the proposed district(s) with surrounding uses and zoning in terms of suitability, intensity, traffic impacts, aesthetics, infrastructure, and potential influence on property values.
 - 4. Capacity of available utilities and public services to accommodate the uses permitted in the district(s) without compromising the health, safety, and welfare of Township residents or burdening the Township or Calhoun County with unplanned capital improvement costs or other unplanned public expenses.

5. Capability of the road system to safely and efficiently accommodate the expected traffic generated by uses permitted in the zoning district(s).
 6. The apparent demand for the types of uses permitted in the district(s) in relation to the amount of land currently zoned and available in the Township and surrounding communities to accommodate the demand.
 7. The boundaries of the proposed district(s) in relationship to the surrounding area and the scale of future development on the site.
 8. The requested rezoning will not create an isolated or incompatible zone in the neighborhood.
 9. Other factors deemed appropriate by the Planning Commission and/or Township Board.
- E. County Planning Commission Review and Recommendation: Following the public hearing, the Planning Commission shall submit the proposed amendment including any zoning map changes to the County Planning Commission for review and recommendation. If the recommendation of the County Planning Commission has not been received within thirty (30) days after the receipt of the proposed amendment, it shall be conclusively presumed that the County has waived its right to review.
- F. Township Board Action: The Township Clerk shall forward a copy of the proposed amendment, findings, and recommendation from the Planning Commission and County Planning Commission to the Township Board for consideration and final action.
1. The Township Board may adopt or reject the proposed amendment or may refer the amendment back to the Planning Commission for revision or further consideration. The Township Board may modify the proposed amendment before adopting.
 2. The Township Board may, at its discretion, hold additional public hearings on the proposed amendment. Furthermore, the Township Board shall hold a public hearing if requested by an interested property owner. Any public hearing held by the Township Board shall follow the procedures in Article 12. The Township Board shall grant a hearing on a proposed amendment to a property owner who requests a hearing by certified mail, addressed to the Township Clerk.

13.1.4 Effective Date

A notice of adoption of an approved amendment shall be published in a newspaper of general circulation in the Township within 15 days of adoption. The amendment shall become effective eight (8) days after being published or a later date as established by the Township Board.

13.1.5 Re-Application

Whenever an application for an amendment to this ordinance has been rejected by the Township Board, a new application for the same amendment shall not be accepted by the Township for a period of one (1) year unless the Zoning Administrator determines that one (1) or more of the following conditions has been met:

- A. There is a substantial change in circumstances relevant to the issues or facts considered during review of the application.
- B. New or additional information is available that was not available at the time of the review.
- C. The new application is materially different from the prior application.

13.2 SEVERABILITY

Sections of this ordinance shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

13.3 REPEAL

The Zoning Ordinance adopted by Pennfield Charter Township, known as Ordinance No. 94-10-91, and all amendments thereto, is hereby repealed. The repeal does not affect any act done or offense committed, or any liability, penalty, forfeiture, or punishment acquired thereunder. The repeal includes the zoning map of the Pennfield Charter Township Zoning Ordinance, which is hereby adopted as a part of this ordinance.

13.4 SAVINGS CLAUSE

A prosecution which is pending on the effective date of this ordinance and which arose from a violation of an ordinance repealed by this ordinance, or a prosecution which is started within one year after the effective date of this ordinance arising from a violation of an ordinance repealed by this ordinance and which was committed prior to the effective date of this ordinance, shall be tried and determined exactly as if the ordinance had not been repealed.

ARTICLE 14: DEFINITIONS

14.1 RULES OF CONSTRUCTION

The following rules apply to the text of this ordinance:

- A. The particular shall control the general.
- B. All words used in the present tense shall include the future.
- C. All words in the singular number include the plural number and all words in the plural number include the singular number, unless the context clearly indicates the contrary.
- D. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- E. The masculine gender includes the feminine and neuter.
- F. All measurements shall be to the nearest integer, unless otherwise specified within this Zoning Ordinance.
- G. The words "used" or "occupied" includes the words "intended," "designed," "arranged to be used or occupied" and "maintained."
- H. A "building" or "structure" includes any part thereof. The word "dwelling" includes "residence." The word "build" includes the words "erect" and "construct."
- I. The word "person" includes "corporation," "co-partnership," "partnership," "association," "incorporated association," "individual," or any similar entity.
- J. The words "zone" and "district" are the same, meaning a zoning district as herein defined.
- K. Whenever a word or term defined in this Article appears in the text of this Zoning Ordinance, its meaning shall be construed as defined herein. Words or terms not herein defined shall have the meaning customarily assigned to them.
- L. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either/or" the conjunction shall be interpreted as follows:
 - 1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - 2. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - 3. "Either/or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
- M. Unless the context clearly indicates to the contrary, where an illustration accompanies any item within this Zoning Ordinance, the written text shall have precedence over said illustrations.
- N. The intent, when spelled out in a section, dictates the meaning of any regulation.

14.2 TERMS

Whenever used in this Zoning Ordinance, the following words and phrases shall have the meaning ascribed to them in this Article.

14.2.1 "A" Terms

ABANDONMENT: To cease or discontinue a use or activity without intent to resume but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.

ABUTTING: Having a common border with or being separated from such a common border by a right-of-way, alley, or easement.

ACCESS: An established public or private road, subject to the requirements for either within this ordinance, or within an overall commercial or industrial development plan serving more than two parcels, lots, or units with a paved surface.

ACCESSORY BUILDING or STRUCTURE: A building or structure that is clearly incidental to, customarily found in connection with, subordinate to, and is located on the same lot as the principal building or structure to which it is exclusively related.

ACCESSORY USE: A use that is clearly incidental to, customarily found in connection with, subordinate to, and is located on the same lot as the principal use to which it is exclusively related.

ADULT DAYCARE FACILITY: A facility, other than a private residence, receiving at least three (3) but not more than 12 adults to be provided with care for periods of less than 24 hours a day.

ADULT DAYCARE HOME: A private residence receiving fewer than six (6) adults or more adults to be provided with care for periods of less than 24 hours a day.

ADULT FOSTER CARE CONGREGATE FACILITY: A facility defined as an "adult foster care facility" by the Adult Foster Care Facility Licensing Act, 1979 PA 218 (MCL 400.701 et seq.), as amended, having as its principal function the receiving of adults for foster care, and licensed by the state under the act. An adult foster care facility includes facilities and foster care family homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis, but who do not require continuous nursing care.

ADULT FOSTER CARE FAMILY HOME: A private residence with the approved capacity to receive at least three (3) but not more than six (6) adults to be provided with foster care. The adult foster care family home licensee must be a member of the household and an occupant of the residence.

ADULT FOSTER CARE LARGE GROUP HOME: An adult foster care facility with the approved capacity to receive at least 13 but not more than 20 adults to be provided with foster care.

AGRICULTURE OR AGRICULTURAL OPERATIONS: Including farming and farm operation, shall hold the same meaning as defined in the Michigan Right to Farm Act (MCL 286.471 et seq. as amended).

AGRICULTURAL PROCESSING FACILITY: A facility where agricultural products, both plant and animal, are brought for storage, packaging, treatment, or modification but does not raise produce or animals.

AGRI-TAINMENT: Land devoted to entertainment or retail purposes and possessing an agricultural or horticultural theme or objective.

ALLEY: Any dedicated public way affording a secondary means of access to abutting property and not intended for general traffic circulation.

ALTERNATIVE TOWER STRUCTURE: Manmade trees, clock towers, bell steeples, light poles, and similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers.

ALTERATION: A change, addition, or modification in construction or type of occupancy, 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 in this Zoning Ordinance as "altered" or "reconstructed."

ANIMAL HUSBANDRY: A branch of agriculture concerned with the care of domestic animals and fowl.

ANTENNA: Any exterior transmitting or receiving device mounted on a tower, building, or structure, and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunication signals, or other communication signals.

APARTMENT: A room or suite of rooms used as a dwelling for one family, which has a complete kitchen and at least one complete bathroom.

APARTMENTS: The dwelling units in a multiple dwelling, defined as follows:

- A. **Efficiency Apartment:** A dwelling unit containing not over 350 square feet of floor area and consisting of not more than one (1) room in addition to the kitchen-dining room and bathroom, and, for the purposes of computing density, shall be considered as a one-room unit.
- B. **One-Bedroom Unit:** A dwelling unit containing a minimum floor area of at least 500 square feet per unit, consisting of not more than two (2) rooms in addition to kitchen, dining, and bathroom, and, for the purposes of computing density, shall be considered as a two-room unit.
- C. **Two-Bedroom Unit:** A dwelling unit containing a minimum floor area of at least 700 square feet per unit, consisting of not more than three (3) rooms in addition to kitchen, dining, and bathroom, and, for the purposes of computing density, shall be considered as a three-room unit.
- D. **Three- or More Bedroom Unit:** A dwelling unit wherein for each room in addition to the three (3) rooms permitted in a two-bedroom unit there shall be provided an additional area of 200 square feet to the minimum floor area of 700 square feet. For the purpose of computing density, a three-bedroom unit shall be considered as a four-room unit and

each increase in a bedroom over three (3) shall be an increase in the room count by one (1) over the four (4).

APOGEE: The highest point in wind energy system.

ASSEMBLY FACILITY: A meeting place at which the public or membership groups are assembled regularly or occasionally, indoors, or outdoors as a principal or accessory use, including but not limited to schools, religious institutions, theaters, auditoriums, funeral homes, stadiums, lecture halls, lodge rooms, conference rooms, convention centers, dining halls, and similar places of assembly.

AUTOMOBILE REPAIR GARAGE: See MOTOR VEHICLE REPAIR.

AUTOMOBILE SALES AND RENTALS: Storage and display for sale of more than two (2) motor vehicles or any type of trailer provided the trailer is unoccupied, and where repair or body work is incidental to the operation of the new or used vehicle sales. Motor vehicles sales includes motor vehicle retail or wholesale sales.

AUTOMOBILE SERVICE STATIONS: Any place where motor vehicle fuel is sold and dispensed as either a principal or incidental activity or where car washing services are sold. Where the sale and dispensing of vehicle fuel is the principal activity, accessory activities may include the retail sale of lubricants, tires, batteries, motor vehicle accessories and supplies, including minor installation services or repairs customarily incidental thereto, and sale of convenience goods, food and beverages.

AUTOMOBILE WASHING STATION: A building or portion thereof, the primary purpose of which is that of washing motor vehicles.

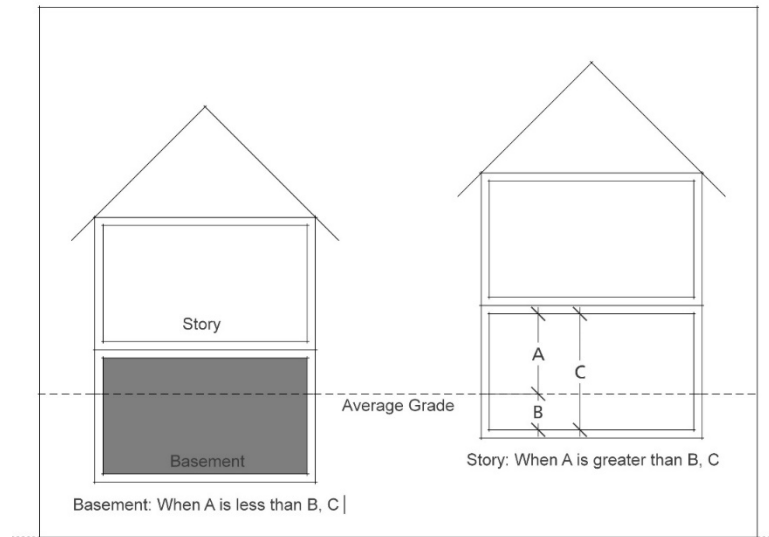
AWNING: A retractable or fixed shelter constructed of nonrigid materials on a supporting framework that projects from the exterior wall of a building.

14.2.2 "B" Terms

BALCONY: A platform elevated over 24 inches in height, no part of which is roofed, which is five (5) feet or less in any horizontal direction and which is commonly projecting from the wall of a building. A balcony may be cantilevered from the building or attached to the ground.

BAR: A commercial enterprise whose primary activity is the sale of alcoholic beverages to be consumed on the premises and may also include the incidental sale of prepared food and live performances.

BASEMENT: That portion of a building between the floor and ceiling which is partly below and partly above ground level, but so located that the vertical distance from grade to the floor below is more than a vertical distance from grade to ceiling. A basement shall not be considered as a story for the purposes of determining building height, except in an approved soil sheltered structure.



Basement and Story

BED & BREAKFAST ESTABLISHMENTS: A use that is subordinate to the principal use of a dwelling unit as a single-family dwelling unit, in which transient guests are provided a sleeping room and breakfast in return for payment, and that does not provide separate cooking facilities for such guests.

BEDROOM: A room designed or used in whole or part for sleeping purposes and has a closet and window.

BERM: A mound of soil graded, shaped, and improved with landscaping in such a fashion as to be utilized for screening purposes.

BLOCK: The property abutting one side of a street and lying between the two nearest such streets or other rights-of-way, unsubdivided acreage, river, or live stream; or between any of the foregoing and other barrier to the continuity of development, or corporate boundary lines of the Township.

BOARD: See TOWNSHIP BOARD

BREEZEWAY: A covered, enclosed structure connecting an accessory building with the principal building making the two structures, one.

BUFFER-STRIP: A strip of land required between certain zoning districts reserved for plant material, berms, walls, or fencing to serve as a visual barrier or to block noise, light, and other impacts.

BUILDING:

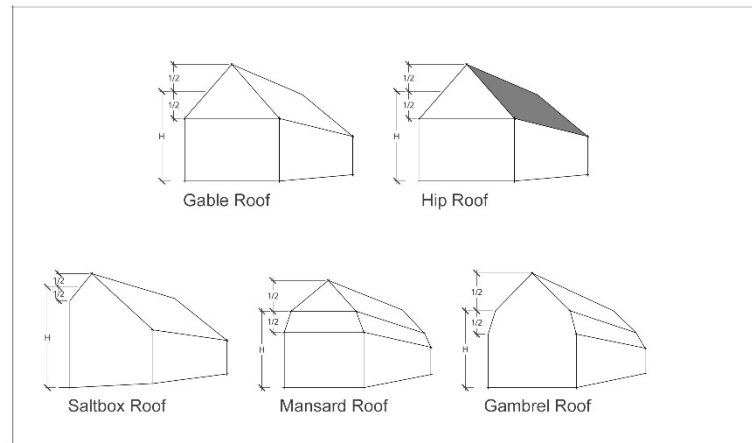
- A. The term "building" means any structure enclosed within exterior walls, built, erected, and framed of a combination of materials, whether portable or fixed, having a roof, to form a structure for the shelter of persons, animals, or property.
- B. A building shall not include such structures as fences, or structures such as gas or propane tanks, grain elevators, coal bunkers, or similar structures.

C. The terms "building" or "structure" include any part thereof.

BUILDING, ACCESSORY: See ACCESSORY BUILDING.

BUILDING AREA: The space remaining on a property for building purposes after compliance with minimum building setback requirements and any applicable lot area coverage limitations.

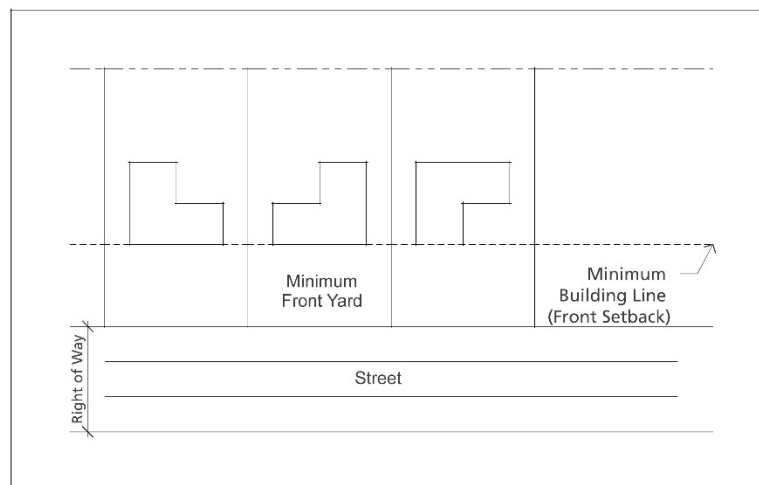
BUILDING HEIGHT: The vertical distance measured from the finished grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.



Building Height

BUILDING INSPECTOR: See BUILDING OFFICIAL

BUILDING LINE: A line formed by the face of the buildings parallel to the front lot line. A minimum building line is the same as a front setback line.



Building Line

BUILDING, MAIN OR PRINCIPAL: means a building, or group of buildings where applicable, built, used, designed, or intended for the principal use of the land on which it is situated.

BUILDING OFFICIAL: The Township official(s) authorized to administer the Building Code on a day-to-day basis. Duties include but are not limited to inspecting and reviewing new construction, installations, and alterations of private and public buildings to ensure that all applicable codes, laws, and regulations have been met; reviewing proposed construction plans and documents; issuing notices of code violations requiring corrective action; and testifying at hearings or court cases related to violations of codes, laws, or regulations.

BUILDING SITE: This term shall be used in connection with site condominiums and shall mean either:

- A. The area within the site condominium unit by itself (i.e., exclusive of any appurtenant limited common element), including the area under the building envelope and the area around and contiguous to the building envelope; or
- B. The area within the condominium unit (as described above), taken together with any contiguous and appurtenant limited common element.

14.2.3 "C" Terms

CAMP OR CAMPGROUND: A voluntary association of persons engaging in outdoor activities while living in nonpermanent housing, such as tents, trailers, and cabins, designated for short-term experiences in nature or specific recreational or educational pursuits. The term "camp" shall exclude persons or organizations operating programs involving persons sentenced or assigned to such programs by government agencies or courts of law having statutory authority to detain persons against their will.

CEMETERY: Land used or intended to be used for burial of the human dead, including a columbarium, crematorium, and/or mausoleum.

CERTIFICATE OF OCCUPANCY: A document signed by an authorized Township official as a condition precedent to the commencement of a use which acknowledges that such use, structure or building complies with the provisions of the Zoning Ordinance.

CHILD CARE: The provision of care and supervision of children for periods of less than 24 hours a day. The term "child care" shall include the following:

- A. Commercial Day Care Center: A facility, other than a private residence, receiving one or more preschool or school-age children for care for periods of less than 24 hours a day, where the parents or guardians are not immediately available to the child. The term "child care center" includes a facility that provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before- or after-school program, or drop-in center. The term "child care center" does not include any of the following:
 - 1. A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are attending for not more than three (3) hours per day for an indefinite period or for not more than eight (8) hours per day for a period not to exceed four (4) weeks during a 12-month period.

2. A facility operated by a religious organization where children are in the religious organization's care for not more than three (3) hours while persons responsible for the children are attending religious services.
 3. A program that is primarily supervised, school-age-child-focused training in a specific subject, including, but not limited to, dancing, drama, music, or religion. This exclusion applies only to the time a child is involved in supervised, school-age-child-focused training.
 4. A program that is primarily an incident of group athletic or social activities for school-age children sponsored by or under the supervision of an organized club or hobby group, including, but not limited to, youth clubs, scouting, and school-age recreational or supplementary education programs. This exclusion applies only to the time the school-age child is engaged in the group athletic or social activities and if the school-age child can come and go at will.
- B. Family Day Care Home: A private home in which one (1) but fewer than seven (7) minor children are received for care and supervision for compensation for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family child care home includes a home in which care is given to an unrelated child for more than four (4) weeks during a calendar year. A family child care home does not include an individual providing babysitting services for another individual. As used in this subsection, "providing babysitting services" means caring for a child on behalf of the child's parent or guardian when the annual compensation for providing those services does not equal or exceed an amount that would obligate the child's parent or guardian to provide a form 1099-MISC under the IRS Code, as amended, to the individual for compensation paid during the calendar year for those services.
- C. Group Day Care Home: A private home in which more than seven (7), but not more than 14, minor children are given care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption, but including a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.
- D. Private Home: A private residence in which the licensee or registrant permanently resides as a member of the household, which residency is not contingent upon caring for children or employment by a licensed or approved child placing agency. Private home includes a full-time foster family home, a full-time foster family group home, a group child care home, or a family child care home.

CHURCH: See RELIGIOUS INSTITUTION.

CLINIC: An establishment where human patients, who are not lodged overnight, are admitted for examination and treatment by a group of physicians, dentists, or similar professions.

CLUBHOUSE FACILITY: A place, structure, area, or other facility used for providing fraternal, social and/or recreational gathering space.

COLLOCATION: The use of a single support structure, building, and/or site by more than one wireless communications provider

COMMERCIAL USE: The use of property for retail sales or similar businesses where goods or services are provided directly to the consumer intended for financial gain. As used in these regulations, "commercial use" shall not include industrial, manufacturing, or wholesale businesses.

COMMERCIAL STORAGE WAREHOUSE: See SELF-STORAGE FACILITY

COMMUNITY CENTER: A building either owned and maintained publicly, or in cooperation under an owner's association or manufactured home park owner, that is generally open to the public or members to rent, or as a safe haven in case of a natural or other disaster.

CONDOMINIUM: A form of ownership, which is applied to the following terms:

- A. Common Elements: The portions of the condominium project other than the condominium units.
- B. Condominium Bylaws: The required set of bylaws for the condominium project attached to the master deed.
- C. Condominium Project: A plan or project consisting of not less than two (2) condominium units established in conformance with the Condominium Act (1978 PA 59, as amended, MCL 559.101). A site condominium project shall follow the process and procedures outlined in Article II of Chapter 46 of the Pennfield Charter Township Code of Ordinances.
- D. Condominium Site Plan: A scaled drawing of a site, including a survey, utility layouts, floor plans and elevation sections, as appropriate, showing existing and proposed structures, improvements, parking, etc., to be erected on the site.
- E. Condominium Unit: That portion of a condominium project designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use.
- F. Consolidating Master Deed: The final amended master deed for a contractible condominium project and expandable condominium project, or a condominium project containing convertible land, or convertible space which final amended master deed fully describes the condominium project, as completed.
- G. Contractible Condominium: A condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to express provisions in the condominium documents and in accordance with this Zoning Ordinance and the Condominium Act, as amended (MCL 559.101 et seq.).
- H. Conversion Condominium: A condominium project containing condominium units, some or all of which were occupied before the filing of a notice of taking reservations under Section 71 of the Condominium Act, as amended (MCL 559.101 et seq.).
- I. Convertible Area: A unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional

- condominium units, or general or limited common elements, may be created pursuant to express provision in the condominium documents and in accordance with this ordinance and the Condominium Act, as amended (MCL 559.101 et seq.).
- J. Expandable Condominium: A condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this ordinance and the Condominium Act, as amended (MCL 559.101 et seq.).
 - K. Limited Common Elements: A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.
 - L. Master Deed: The condominium document recording the condominium project as approved by the Township, to which is attached as exhibits, and incorporated by reference, the approved bylaws for the project and the approved condominium subdivision plan for the project.

CONTRACTOR ESTABLISHMENTS: Establishments primarily engaged in retailing new building material and garden equipment and supplies from a fixed point-of-sale location. May include display equipment designed to handle lumber and related products and garden equipment and supplies kept either indoors or outdoors under covered areas. The staff is usually knowledgeable in the use of the specific products being retailed in the construction, repair, maintenance of the home and associated grounds.

CONTRACTOR'S EQUIPMENT: Equipment, vehicles, and material used to tow or haul other vehicles; to perform earth moving or landscaping duties; or to aide in building construction or other related activities.

CONTRACTOR STORAGE YARD: A site on which is stored equipment, tools, vehicles, building materials, and other appurtenances used in or associated with building or construction trades. A contractor's yard may include outdoor or indoor storage, or a combination of both.

CONSERVATION EASEMENT: Term as defined in Section 2140 of the Natural Resources and Environmental Protection Act PA 451, MCL 324.2140.

CONVALESCENT HOME: See NURSING HOME

CULTURAL INSTITUTIONS: A use providing for display, performance, or enjoyment of heritage, history, or the arts. This use includes but is not limited to museums, arts performance venues, cultural centers, or interpretive sites, but does not include commercially operated theatres.

14.2.4 "D" Terms

DAY CARE CENTER: See "CHILD CARE CENTER"

DECK: A platform 24 inches in height or less above grade at any point, no part of which is roofed, which is more than five feet in any horizontal direction. A deck may be cantilevered from the building or attached to the ground.

DECK, ELEVATED: A platform elevated over 24 inches in height above grade at any point, no part of which is roofed, which is more than five feet in any horizontal direction. An elevated deck may be cantilevered from the building or attached to the ground.

DEED STRIP: A projection of land, the sole purpose of which is to provide a means of access from a public or private road right-of-way or easement to an interior single parcel of land which does not otherwise have direct frontage on a public or private road right-of-way or easement.

DELINEATED WELLHEAD PROTECTION AREA (WHPA): The area through which water travels below the surface and reaches a Township well or well field within a specified period of time, under specified conditions set by the Michigan Department of Environmental, Great Lakes, and Energy (EGLE).

DENSITY: The number of families residing on, or dwelling units developed on, an acre of land. All densities are stated in families per net acre, i.e., per acre of land devoted to residential use, exclusive of land in streets, alleys, parks, playgrounds, schoolyards, or other public lands and open spaces.

DEVELOPMENT: The construction of a new building or other structure on a lot, the relocation of an existing building on another lot, or the use of open land for a new use.

DEVELOPMENT RIGHTS: The rights to develop land to the maximum intensity of development authorized by 2006 PA 110, The Michigan Zoning Enabling Act, [MCL 125.3101—125.3702], as may be amended.

DISTRICT: A portion of the unincorporated area of the Township within which certain regulations and requirements or various combinations thereof apply under the provisions of this Zoning Ordinance.

DONATION BOX: A freestanding accessory structure, container, receptacle, or similar device that is used for soliciting and collecting donations of clothing or other salvageable personal property. This term excludes any unattended donation boxes located within a building.

DRIVE-THROUGH SERVICES: A business establishment designed and intended to provide a driveway approach and temporary motor vehicle standing space or stacking space where customers receive delivery of a product or service while in the motor vehicle.

DRIVEWAY: An access serving a single parcel, lot or unit. Such driveway may serve an additional parcel, lot or unit provided the access is established by an easement or shared driveway agreement and the width of the drive is at least 20 feet and there is at least a 15 feet height clearance for emergency vehicles. For uses requiring site plan review, such driveway shall meet the standards for an access or service drive.

DUMPSTER: A container used for the temporary storage of rubbish, or materials to be recycled pending collection, having capacity of at least one cubic yard.

DWELLING: A place of residence, an abode, a place of continued living; a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

DWELLING, MANUFACTURED: A dwelling unit which is substantially built, constructed, assembled, and finished off the premises upon which it is intended to be located.

DWELLING, MULTIPLE-FAMILY: A building, or a portion thereof, designed exclusively for occupancy by three or more families living independently of each other.

DWELLING, ONE-FAMILY: A building designed exclusively for, and occupied exclusively by, one family.

DWELLING, SITE-BUILT: A dwelling unit which is substantially built, constructed, assembled, and finished on the premises which are intended to serve as its final location. Site-built dwelling units shall include dwelling units constructed of pre-cut materials, and panel walls, roof, and floor sections when such sections require substantial assembly and finishing on the premises which are intended to serve as its final location.

DWELLING, TWO-FAMILY: A building designed exclusively for occupancy by two (2) families living independently of each other.

DWELLING UNIT: One or more rooms, along with bathroom and kitchen facilities, designed as a self-contained unit for occupancy by an individual or one (1) family for living, bathing, cooking, and sleeping purposes.

14.2.5 "E" Terms

EARTH BERM, OBSCURING: An earthen mound of definite height, location, and appearance, designed and intended to serve as an obscuring device in carrying out the screening requirements of this Zoning Ordinance.

EASEMENT: A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose and within which the owner of the property shall not erect any permanent structures.

EDUCATIONAL INSTITUTIONS: Use of land or a building or buildings as or for an institution not for profit but for the establishment and maintenance of a public or private college, secondary or elementary school or other educational institution for the academic instruction and cultivation of the mind and or the inculcation of a clearer sense of moral and spiritual values. This does not include an institution or organization directed primarily to the physical training or development of physical or manipulative skills, or for-profit schools.

ESSENTIAL SERVICES: The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel or water transmission or distribution systems, collections, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and related appurtenances, but not including buildings necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare. Essential services shall be permitted as authorized and regulated by law, the applicable standards of this Zoning Ordinance, and other applicable ordinances of the Township.

EXCAVATION: Any breaking of ground, except common household gardening and ground care.

EXTRACTIVE INDUSTRIES: The extraction of minerals, including solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gases. The term also includes quarrying; well operation; milling, such as crushing, screening, washing and flotation; and other preparation customarily done at the extraction site or as a part of the extractive activity, subject to the standards of the Michigan Zoning Enabling Act, Public Act 110 of 2006 of the State of Michigan.

14.2.6 "F" Terms

FAMILY: One or more persons related by blood, marriage, or legal adoption plus up to a total of three (3) additional persons not so related who are either domestic servants or gratuitous guests, occupying a single dwelling unit and living as a single nonprofit housekeeping unit; or a collective number of individuals living together in one dwelling unit, under a relationship that is continuing, non-transient, and domestic character, who cook and live as a single, nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period.

FARM: Contiguous land under single ownership, and which is actively operated as a single unit on which bona fide traditional farming is carried on as defined in the Michigan Right to Farm Act, as amended (MCL 286.471 et seq.), 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. Farms may be considered as including establishments operated as greenhouses, nurseries, orchards, chicken hatcheries, poultry farms and apiaries, but establishments such as public riding or boarding stables or commercial dog kennels shall not be considered a farm. A farm includes those buildings, activities, and equipment essential to such farming activities; it is not intended and not implied to permit trucking, equipment and/or vehicle repair and/or sales, contractor yards or any other activities other than those directly incidental to and directly related to a farm.

FARM BUILDING: Any building or structure other than a dwelling that is moved upon, maintained, used, or built on a farm which is essential and customarily used on farms for the pursuit of agricultural activities.

FENCE: An artificially constructed barrier of wood, wire, metal, or any other material or combination of materials, used to prevent or control entrance, confine within, mark a boundary, or constitute an obstruction to human passage regardless of the component material.

FILLING: The depositing or dumping of any matter on or into the ground, except deposits resulting from common household gardening and general farm care.

FINANCIAL SERVICES: Any trust company, savings bank, industrial bank, savings, and loan association, building and loan association, commercial bank, credit union, federal association, investment company, or other business association, which is chartered under federal or state law, solicits, receives, or accepts money or its equivalent on deposit and loans money as a regular business.

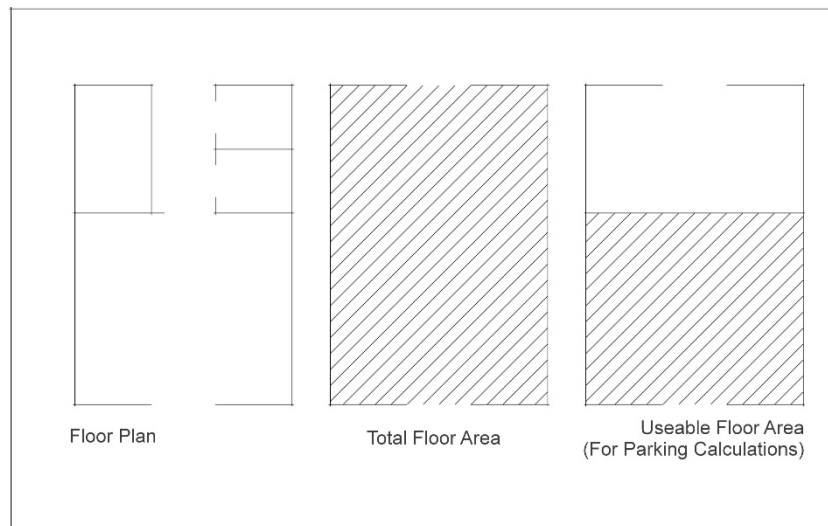
FLOOD: A general and temporary condition of partial or complete inundation of normally dry land areas from overflow of inland or tidal waters or from the unusual and rapid accumulation or runoff of surface waters from any source.

FLOODPLAIN: All areas adjoining a lake, stream, river, creek, or a channel which are subject to inundation at a high flood water level as determined by an engineer or agency designated by the Township Board, or by the Michigan Department of Environment, Great Lakes, and Energy (EGLE) where it has jurisdiction.

FLOOR AREA: Area measured to the exterior face of exterior walls and to the centerline of interior partitions.

FLOOR AREA, USEABLE, NONRESIDENTIAL: The sum of the horizontal area of the first story measured to the exterior face of exterior walls; plus, similarly measured, that area of all other stories, including mezzanines, which may be made fit for occupancy, including the floor area of all accessory buildings measured similarly and the floor area of basements used for activities related to the principal use, such as storage, but excluding furnace and utility rooms. Parking space located within a building shall not be considered useable floor space.

FLOOR AREA, USEABLE, RESIDENTIAL: The sum of the horizontal area of the first story measured to the exterior face of exterior walls; plus, similarly measured, that area of all other stories having more than 84 inches of headroom which may be made useable for human habitation; but excluding the floor area of basements, attics, attached or unattached garages, breezeways, unenclosed porches and accessory buildings (see also Story, Story Half, and Basement).



Useable Floor Area

FLOOR, GROUND: That portion of a building which is partly below grade, but so located that the vertical distance from the average grade to the ceiling is greater than the vertical distance from the average grade to the floor. A ground floor shall be counted as a story.

FRONTAGE: The continuous linear distance of that portion of a parcel abutting upon a public street right-of-way or private street easement.

FORESTRY OPERATION: The growing or harvesting of forest tree species trees used for commercial or related purposes.

FUNERAL HOME: An establishment where the dead are prepared for burial or cremation and where wakes or funerals may be held. May also be referred to as a mortuary.

14.2.7 "G" Terms

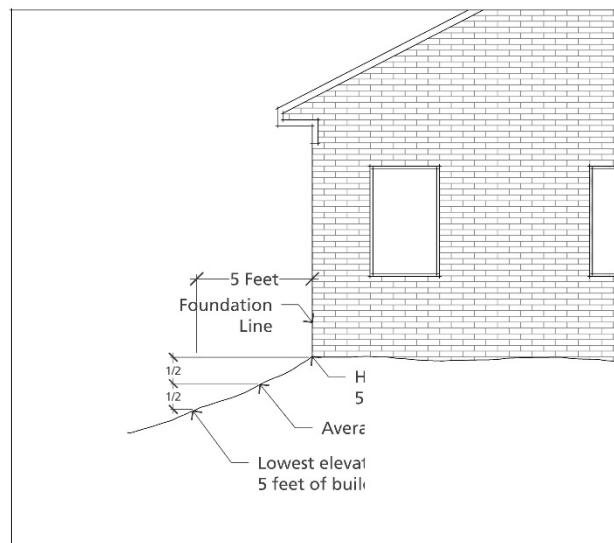
GARAGE, PRIVATE: A detached accessory building or integral portion of a main building designed or used solely for the storage of motor-driven vehicles, boats, and similar vehicles owned and used by the occupants of the building.

GARAGE, REPAIR: See MOTOR VEHICLE REPAIR.

GASOLINE SERVICE STATION: See AUTOMOBILE SERVICE STATION.

GRADE: The ground elevation established for the purpose of regulating the number of stories and the height of the building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by computing the average elevation of the ground for each face of the building and taking the average of such total averages.

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



Useable Floor Area

GREENBELT, COSMETIC: A landscape area in which live plantings are placed for aesthetic purposes and not for the purpose of screening.

GREENBELT, OBSCURING: A landscape area of definite width, height and location containing live plant materials of definite spacing or grouping designed and intended to serve as an obscuring device in carrying out the requirements of this Zoning Ordinance.

GREENHOUSE: A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this ordinance

does not include any space, building or structure used for the sale of fruits, vegetables, or Christmas trees.

GROUNDWATER: The water below the land surface in a zone of saturation, excluding those waters in underground piping for water, wastewater, or stormwater distribution/collection systems.

GREENWAYS: 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.

GOLF COURSE: A tract of land laid out with at least nine holes for playing a game of golf and improved with trees, greens, fairways, and hazards. A golf course includes a clubhouse and shelters as accessory uses.

GOLF COURSE, MINIATURE: A theme-oriented recreational facility, typically comprised of nine or 18 putting greens, each with a "cup" or "hole," where patrons in groups of one to four pay a fee to move in consecutive order from the first hole to the last.

GOLF DRIVING RANGE: A limited area on which golf players drive golf balls from a central driving tee, such area to include the driving tee and other incidental activities pertaining to this activity.

14.2.8 "H" Terms

HOME OCCUPATION: A use incidental and secondary to a property's primary residential use. A home occupation use shall not change the residential character of the property or the neighborhood and shall meet all applicable legal requirements.

HOSPITAL: A building, structure, or institution in which sick or injured persons are given medical or surgical treatment and operating under license by the County Health Department and the state, and is used for primarily inpatient services, and including such related facilities as laboratories, outpatient departments, central service facilities, and staff offices.

HOTEL: A building or part of a building, with a common entrance or entrances, in which the dwelling units or rooming units are used primarily for transient occupancy and within which one or more of the following services are offered: maid service, furnishing of linens, telephone, secretarial or desk service, and bellboy service. A hotel may include a restaurant and cocktail lounge, banquet halls, ballrooms, or meeting rooms.

14.2.9 "I" Terms

IMPERVIOUS SURFACE: Any material which prevents, impedes, or slows infiltration or absorption of storm water directly into the ground at the rate of absorption of vegetation-bearing soils, including building, asphalt, concrete, gravel, and other surfaces.

INDUSTRY: A business operated primarily for profit including those of product manufacturing or conversion through assembly of new or used products or through the disposal or reclamation of salvaged material and including those businesses and service activities that are a normal integral part of an industrial enterprise.

14.2.10 "J" Terms

JUNK: Any motor vehicles, machinery, appliances, product, merchandise with parts missing, or scrap metals or other scrap materials that are damaged, deteriorated, or are in a condition which cannot be used for the purpose for which the product was manufactured.

JUNKYARD: An open area where waste or used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled. These materials include automobile wrecking yards, any area where junk vehicles are stored, keeping or abandonment of junk, including scrap metal or other scrap materials, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof, except for the normal household refuse which is stored only between regular pickup and disposal of household refuse; provided the same is not left for a period of over 30 days, in which case it shall be considered as junk. This definition does not pertain to uses conducted entirely within an enclosed building.

14.2.11 "K" Terms

KENNEL: Any lot or premises on which six or more dogs, or other household pets, over six months of age are either permanently or temporarily boarded. The term "kennel" shall also include any lot or premises where household pets are bred or sold.

14.2.12 "L" Terms

LAKE, PRIVATE: Any body of water, other than a public lake, which is owned by one person, group of persons, partnership, or corporation for use by the owners only.

LICENSED MARIHUANA FACILITY: The location(s) where the Permit Holder shall operate as a medical or recreational marihuana Grower, Processor, Secured Transporter or Safety Compliance Facility under the Acts and as allowed by ordinance.

- A. **Grower:** a licensee that is a commercial entity located in this State that cultivates, dries, trims, or cures and packages marihuana for sale to a processor, provisioning center, or another grower.
- B. **Processor:** shall have the same meaning as defined in MMFLA and MRTMA and shall apply to both medical marihuana facilities and recreational marihuana facilities.
- C. **Safety Compliance Facility:** shall have the same meaning as defined in MMFLA and MRTMA and shall apply to both medical marihuana facilities and recreational marihuana facilities.
- D. **Secured Transporter:** shall have the same meaning as defined in MMFLA and MRTMA and shall apply to both medical marihuana facilities and recreational marihuana facilities.

LIGHTING, SOURCE: The source of light shall refer to the lightbulb or filament which is exposed or visible through a clear material. Exposed mercury vapor lamps or neon lamps shall be considered a direct source of light.

LINEAR PARK: An open space in a public easement or part of a public right-of-way that connects traditional parks, historic sites, and natural areas; is used for nonmotorized travel, walking, or running paths; or as a buffer strip along rivers or other natural features to prevent erosion, act as a line of defense against pollution, or to provide a wildlife habitat.

LOADING SPACE: See OFF-STREET LOADING SPACE.

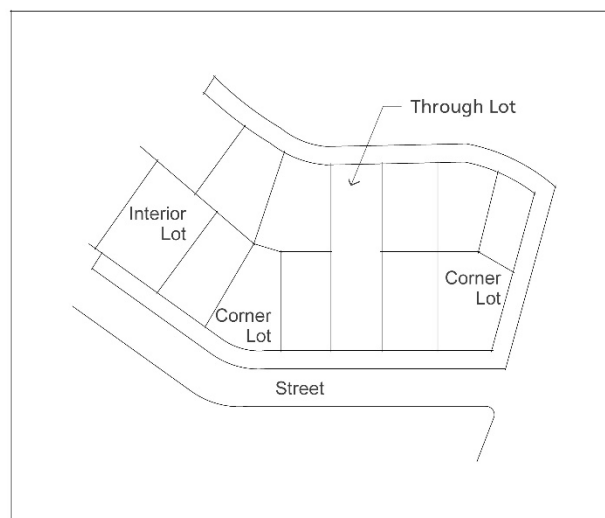
LOCAL STREET: A street of limited continuity which is to be used to gain immediate access to abutting residential properties.

LOT: A parcel of land under that is sufficient in size to meet the minimum requirements for use, coverage, area, setbacks, access, and open space as required in this Zoning Ordinance. A lot may consist of any of the following, or a combination of any of the following, excluding any portion of property subject to a public easement or right-of-way for highway purposes, and provided that in no case shall a division or combination of properties create a residual lot which does not meet the requirements of this ordinance:

- A. A platted lot, or a portion of a platted lot.
- B. A parcel of land described by metes and bounds, or a portion of a parcel of land described by metes and bounds.
- C. A building site as defined in this ordinance in connection with a site condominium project.

LOT AREA: The total horizontal area within the lot lines of the lot, excluding any portion of abutting private streets.

LOT, CORNER: A lot abutting on and at the intersection of two or more streets. A lot abutting upon a curved street or streets shall be considered a corner lot if the arc is of less radius than 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, form an interior angle of less than 135 degrees.



Corner, Interior, Through Lots

LOT, FLAG: A lot with access provided to the bulk of the lot by means of a narrow corridor fronting on a public street.

LOT COVERAGE: The part or percentage of the lot occupied by buildings or structures, including accessory buildings.

LOT DEPTH: The horizontal distance between the front and rear lot lines measured along the median between the side lot lines.

LOT, INTERIOR: Any lot other than a corner lot with only one lot line fronting a street.

LOT LINES: The property lines bounding the lot.

A. Front lot line:

1. In the case of an interior lot abutting upon one public or private street, the line separating such lot from such street right-of-way.
2. In the case of a corner lot, a corner lot shall have two (2) front lot lines: a principal front lot line, and a secondary front lot line. The principal front lot line shall be the shorter of the two lot lines. Where the lot lines are of equal length, or the principal front lot line is not evident, then the Zoning Administrator shall determine the principal front lot line.
3. In the case of a double frontage lot, the front lot line shall be that line separating such lot from that street which is designated as the front street by the owner, with Township approval, or the Zoning Board of Appeals shall designate the front lot line.

B. Rear lot line:

1. Ordinarily, that lot line which is opposite and most distant from the front lot line of the lot.
2. In the case of a corner lot, shall be the lot line opposite the principal front lot line.
3. In the case of an irregular, triangular, or cone-shaped lot, a line ten feet in length entirely within the lot parallel to and at the maximum distance from the front lot line of the lot shall be considered to be the rear lot line for the purpose of determining the depth of the rear yard.
4. In cases where none of these definitions are applicable, the property owner, with Township approval, may designate the rear lot line, or the Zoning Board of Appeals shall designate the rear lot line.

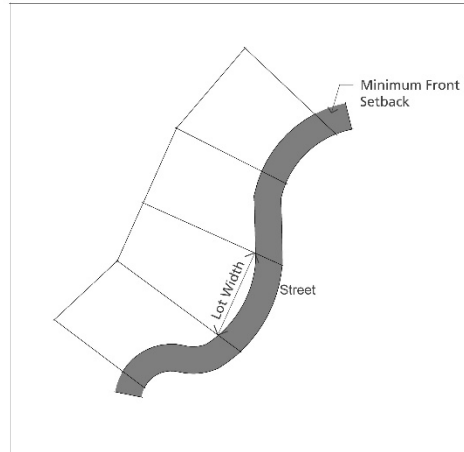
C. Side lot line: Any lot line not a front lot line or a rear lot line. A side lot line separating a lot from a street is an exterior side lot line. A side lot line separating a lot from another lot(s) is an interior side lot line.

D. Water lot line: A lot line that separates the lot from a body of water.

LOT OF RECORD: A parcel of land, the dimensions of which are shown on a document or map on file with the Township or county and which actually exists as so shown, or any part of such parcel held in record ownership separate from that of the remainder.

LOT, THROUGH: A double frontage lot, with street frontage at the front and the rear of the property. A double frontage lot is not a corner lot.

LOT WIDTH: The horizontal straight-line distance between the side lot lines. The width of a corner lot shall be determined by the entire length of that front lot line which is opposite the rear lot line.



Lot Width

LOT WIDTH, REQUIRED: The minimum required horizontal straight-line distance between the side lot lines, measured between the two (2) points where the minimum required front setback line intersects the side lot lines.

LOT, ZONING: A single tract of land which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit under single ownership or control. A zoning lot shall satisfy this Zoning Ordinance with respect to area, size, dimensions, and frontage as required in the zoning district in which the zoning lot is located. A zoning lot, therefore, may not coincide with a lot of record as filed in the county register of deeds, but may include one or more lots of record. A zoning district line of the zoning lot shall serve as though it is a lot line for the purposes of establishing building setbacks and percent of lot coverage.

LOUNGE: See BAR.

14.2.13 "M" Terms

MAIN BUILDING: A building in which is conducted the principal use of the lot upon which it is situated.

MAIN USE: The principal use to which the premises are devoted and the principal purpose for which the premises exist.

MAJOR THOROUGHFARE: An arterial street which is intended to serve as a large volume trafficway for both the immediate area and the region beyond, and may be designated as a major thoroughfare, parkway, freeway, expressway, or equivalent terms to identify those streets comprising the basic structure of the street plan. Any street with a width, existing or proposed, of 120 feet or greater shall be considered a major thoroughfare.

MANUFACTURED HOME: A factory-built home constructed off-site after to June 15, 1976 and transportable in one or more sections. A manufactured home is designed and constructed to the Federal Manufactured Construction and Safety Standards and is so labeled with a Department of Housing and Urban Development (HUD) Certification Label and Data Plate. Manufactured homes include a permanent chassis constructed of metal beams that are structurally part of the dwelling, cannot be removed, and are supported by blocks and/or piers on footers.

MANUFACTURED HOME PARK: A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual non-recreational basis and that is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home, subject to conditions set forth in the Mobile Home Commission Rules and Michigan Public Act 96 of 1987, as amended.

MANUFACTURING, FOOD: Establishments that transform agricultural products into products for intermediate or final consumption, distinguished by the raw materials (generally of animal or vegetable origin) processed into food products. The food products manufactured in these establishments are typically sold to wholesalers or retailers for distribution to consumers.

MANUFACTURING, HEAVY: The manufacturing, assembly, fabrication, packaging or compounding of extracted or raw materials. These activities or processes would necessitate the use or storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. These activities may involve outdoor operations as part of their manufacturing process, and have the potential to produce noise, dust, glare, odors or vibrations beyond the property line.

MANUFACTURING, LIGHT: The act of processing, assembling, fabricating, treating and packaging of raw or unfinished materials into a more complete or finished product, and incidental storage sales and distribution of such products, which may be perceived to have a relatively limited to moderate potential for adverse effect on surrounding properties and the environment, including noise, vibration, pollution, odor, and aesthetics.

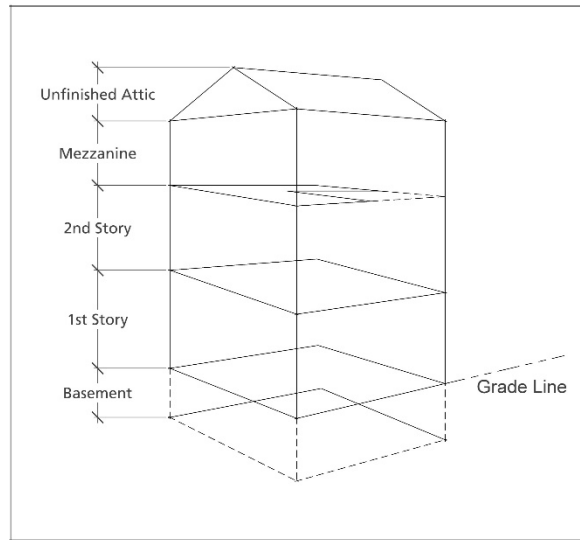
MARGINAL ACCESS ROAD: A service roadway parallel to a feeder road, designed to provide access to abutting properties and limited access to the feeder road. A marginal access road may also be called a limited access frontage road or service drive.

MARIHUANA: That term as defined in the Michigan Medical Marihuana Act (MMMA) of 2008, MCL 333.26421, et seq., the Medical Marihuana Facilities Licensing Act (MMFLA), MCL 333, 27101, et seq., or the Michigan Regulation and Taxation of Marihuana Act (MRTMA), MCL 333.27951, et seq., as applicable.

MARQUEE: A roof-like structure of a permanent nature projecting out horizontally from the wall of a building.

MASTER PLAN: A comprehensive plan, including graphic and written proposals, indicating the general location for streets, parks, schools, public buildings, and all physical development of the Township, and includes any unit or part of such plan, and any amendment to such plan.

MEZZANINE: An intermediate or fractional story between the floor and ceiling of a full story and occupying not more than one-third of the floor area of the full story.



Basic Structural Terms

MOTEL: A series of attached, semi-detached or detached rental units containing a bedroom, bathroom and closet space. Units shall provide overnight lodging and are offered to the public for compensation.

MOTOR VEHICLE REPAIR, GENERAL OR MINOR: The general mechanical repair, including overhaul and reconditioning of motor vehicle engines, transmissions, and other mechanical repairs, but not including collision services such as body, frame or fender straightening and repair, painting or undercoating.

MOTOR VEHICLE REPAIR, MAJOR: The general repair, engine rebuilding, rebuilding, or reconditioning of motor vehicles, collision services such as body, frame or fender straightening and repair, painting, or undercoating.

MOTOR VEHICLE SERVICE CENTER: A use which is accessory to a designated retail commercial outlet located within a shopping center or which is within a building composed of the same construction material and of the same design as the shopping center, wherein automobile products such as motor oils, lubricants and various automobile parts retailed directly to the public by such retail commercial outlet are installed.

14.2.14 "N" Terms

NATURAL FEATURES: Natural features shall include soils, wetlands, floodplains, water bodies and channels, topography, trees and other types of vegetative cover, and geologic formations.

NONCONFORMING BUILDING: A building or portion thereof that lawfully existed at the time of adoption or amendment to this Zoning Ordinance, that does not conform to the provisions of this Zoning Ordinance with respect to the size, dimension, or location in the district in which it is located.

NONCONFORMING LOT: A lot, parcel, or unit of land that lawfully existed at the time of adoption or amendment to this Zoning Ordinance and does not conform to the dimensional requirements in the district in which it is located.

NONCONFORMING USE: A use which lawfully existed at the time of adoption or amendment to this Zoning Ordinance and that does not conform to the use regulations of the district in which it is located.

NUISANCE: Any offensive, annoying, or disturbing practice or object that prevents the free use of one's property, or that renders its ordinary use or physical occupation uncomfortable. Nuisance commonly involves continuous or recurrent acts that give offense to the senses, the laws of decency, obstruct reasonable and comfortable use of property, or endangers life and health.

NURSERY: An area for the growing of plant materials not offered for sale on the premises.

NURSERY, COMMERCIAL: A space, building or structure, or combination thereof, for the growing and storage of live trees, shrubs, or plants offered for sale on the premises, including products used for gardening or landscaping.

NURSERY SCHOOL: See CHILD CARE.

NURSING HOME: A home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders, wherein two (2) or more persons are cared for. Such home shall conform and maintain licensure under applicable state law.

14.2.15 "O" Terms

OCCUPANCY LOAD: The number of individuals normally occupying a building or part thereof, or for which the existing facilities have been designed.

OCCUPIED: Used in any manner at the time in question.

ORDINARY HIGH WATER MARK: See SHORELINE

OFFICE: A room or group of rooms used for conducting the affairs of a business, profession, service industry, or government.

OFF-STREET LOADING SPACE: A facility or space specifically intended to permit the standing, loading or unloading of trucks and other vehicles outside of a public right-of-way.

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 three vehicles.

OUTDOOR SALES AND DISPLAYS: Not conducted from a wholly enclosed building, if operated for profit, shall include the following uses:

- A. Bicycle, trailer, mobile home, motor vehicle, farm implements, boats or home equipment sale or rental services.
- B. Outdoor display and sale of garages, swimming pools, and similar uses.
- C. Retail sale of fruit, vegetables, and perishable foods.

- D. Retail sale of trees, shrubbery, plants, flowers, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
- E. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park or similar recreation uses.

OPEN FRONT STORE: A business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter the structure. The term "open front store" shall not include automobile repair stations or automobile service stations.

OPEN SPACE: An area of land that remains primarily undeveloped and in its natural state. Open space may include park lands and park facilities so long as they are provided as a part of an open space area.

OPEN STORAGE, MOTOR VEHICLE: The outdoor standing or placement of motor vehicles, including truck trailers, for more than 18 hours, including new or used motor vehicles on display for lease or sale.

OPEN STORAGE, NONRESIDENTIAL: The outdoor standing or placement of any material which is manmade, assembled, fabricated, or treated in any manner and which may or may not be used directly in the processing or fabrication of a product manufactured on the premises.

OPEN STORAGE, RESIDENTIAL: The outdoor placement or keeping of material which is owned and possessed by the resident occupying the dwelling unit on the premises or by the owner of the premises where open storage is to take place.

OUT LOT: A lot in a subdivision which is restricted from use for building purposes, whether or not deeded to the Township, but which is not dedicated as a street or public reservation or public park.

OUTDOOR DINING: A designated area for dining and/or consumption seats and/or tables located outdoors entirely outside the walls of an established principal use such as a restaurant, coffee shop, bar, tavern, lounge, bakery, or other drinking or eating establishment.

OUTDOOR STORAGE: The keeping of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours in an unroofed area.

14.2.16 "P" Terms

PARCEL: A continuous area, tract, or acreage of land that has not been divided or subdivided according to the provisions of the Land Division Control Act (PA 288 of 1967, as amended) or the Condominium Act (PA 59 of 1978, as amended) and has frontage on a public or private street.

PARENT PARCEL: A parcel of record on the effective date of this Article amendment or "parent parcel" or "parent tract" as defined by the Michigan Land Division Act, 1967 PA 288 9MCL 560.101).

PARK: Any public or private improved land available for recreational, educational, cultural, or aesthetic use, or scenic purposes.

PARKING: The parking of a motor vehicle for short duration and possessing the element of a vehicle in use, being temporarily parked until it is shortly to be again put into service. The terms "temporarily" or "shortly" shall mean and be measured by hours or, at most, up to a maximum of 18 hours.

PARKING SPACE: An area of definite length and width; such area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the parking of vehicles.

PATHWAY: A path physically separated from motor vehicle traffic by an open space or barrier and either within a highway right-of-way or within an independent right-of-way. A multi-use path is used by bicyclists, pedestrians, joggers, skaters, and other nonmotorized travelers.

PATIO: An improved recreation area which is commonly made of pavement or pavers, no part of which is roofed.

PERSONAL SERVICES: Enterprises serving individual necessities primarily on the premises, such as barber shops, beauty salons and spas, clothing rental, self-service laundromats, dry cleaning drop-off/pick-up establishments, marriage bureaus, massage services by masseurs/masseuses, personal laundry and dry-cleaning establishments, pressing, dyeing, tailoring, shoe repair, photographic studios, tattoo parlors, and travel agencies.

PLANNING COMMISSION: The Planning Commission of the Pennfield Charter Township, Calhoun County, Michigan as designated in the Michigan Planning Enabling Act, Michigan Public Act 33 of 2008.

PORCH: A structure, which may be a covered, partially enclosed and is projecting out from a building. A porch may be cantilevered or attached to the ground.

POULTRY: A domestic fowl, such as chickens, turkeys, ducks, and geese.

PREEXISTING TOWERS AND PREEXISTING ANTENNAS: Any tower or antenna for which a building permit or special land use permit has [has] been properly issued prior to the effective date of this ordinance, including permitted towers or antennas that have not yet been constructed so long as such approval is current and unexpired.

PRINCIPAL STREET: In the case of a corner lot, the principal street shall be that street abutting the shorter of the two lot lines adjoining a street.

PRINCIPAL USE: See MAIN USE.

PRIVATE DRIVE: A means of vehicle access serving one property or one dwelling.

PROFESSIONAL SERVICES: A business that offers any type of individual service to the public which requires as a condition precedent to the rendering of such service the obtaining of a license or other legal authorization. By way of example, and without limiting the generality of this definition, professional services include services rendered by certified public accountants, public accountants, engineers, architects, attorneys at law, and life insurance agents. Professional services shall not include healthcare or financial services, or veterinarian clinics.

PROPERTY LINE: See LOT LINES.

PUBLIC USE: Basic services usually furnished by local government or public utility, but which also may be provided by private enterprise to support the development of the community. Public uses may be categorized as one of the following:

- A. Critical: such as, but not limited to fire station, ambulance services, police station, etc., and associated facilities.
- B. Essential: the erection, construction, alteration, or maintenance by public utilities or municipal or governmental agencies of underground or overhead gas, electrical, steam, communications, supply, or disposal systems including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, which are necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies for the public health, safety or general welfare.
- C. Supporting: such as, but not limited to, Township Hall, library, civic center, park, public recreational facility, community center, official government offices, authority office, post office, special events approved by the Township, etc., and associated facilities.

PUBLIC UTILITY: A person, firm or corporation, municipal department, board or commission duly authorized to furnish, and furnishing under governmental regulations, to the public, gas, steam, electricity, sewage disposal, communication, telegraph, telecommunication, transportation or water.

PUBLIC WATER: The supply of potable water from a municipal department, board, or commission authorized to furnish such. All public water systems shall meet the minimum standards of the local, state, and federal agencies regulating drinking water.

14.2.17 "R" Terms

RECREATION LAND: Any publicly or privately owned property that is utilized for recreation activities, including, but not limited to, such activities as camping, swimming, picnicking, hiking, nature study, hunting, boating, and fishing.

RECREATIONAL FACILITY: An entity which receives a fee, whether by membership or daily passes, in return for the provision of some active recreational activity including but not limited to: gymnastic facilities, indoor soccer, bike & skate parks, racquet clubs, tennis and pickle ball courts, physical fitness facilities, swimming pools, athletic fields, yoga, spinning, martial arts, and other similar activities related to personal or team athletics, exercise, fitness and including their ancillary support services.

RECREATION VEHICLE OR EQUIPMENT: shall include the following:

- A. Travel trailer, which is a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, commonly identified as "travel trailer" by the manufacturer.
- B. Pickup camper, which is a structure designed primarily to be mounted in the bed of a pickup or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational, and vacation uses.

- C. Motorized home, which is a portable dwelling designed and constructed as an integral part of a self-propelled vehicle.
- D. Folding tent trailer, which is a folding structure, mounted on wheels and designed for travel and vacation use, commonly referred to as a “pop-up” trailer.
- E. Boats and boat trailers, which shall include boats, floats and rafts, along with the necessary equipment to transport.
- F. Snowmobile and all-terrain vehicles, along with the necessary equipment to transport.

RECYCLING: The process by which waste products are reduced to raw materials and transformed into new and often different products.

RECYCLING CENTER: A facility where recycled products or materials are separated, processed, or transformed into new and often different products. A recycling center shall be other than a junkyard.

RELEASE: The spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing of one or more regulated substances upon or into any land or water within a WHPA. Release includes, without limitation, leakage of such materials from failed or discarded containers or storage systems and disposal of such materials into any on-site sewage disposal system, dry-well, catch basin, or landfill. The term “release” when used and applied herein does not include:

- A. Disposal, in accordance with all applicable legal requirements and in accordance with the requirements of RCRA regulations, of hazardous wastes in a facility that has received and maintained all necessary legal approvals for that purpose;
- B. Disposal or release of any substance in compliance with applicable legal requirements, including without limitation, the terms and provisions of a valid municipal, state, or federal permit, if such permits are required by applicable environmental laws;
- C. Disposal, in accordance with all legal requirements, of any substance to a sanitary sewer system that has received and maintained all necessary legal approvals for that purpose;
- D. Disposal, in accordance with all legal requirements, of “sanitary sewage” to subsurface sewage disposal systems, as defined and permitted by the State of Michigan or the Calhoun County Environmental Health Department;
- E. A release for which there is no obligation to report under federal, state, or other local regulations that occurs on an impervious ground surface (e.g., building floor or concrete driveway) that is effectively cleaned up before reaching permeable ground (e.g., unpaved), a dry well, a storm sewer, or surface water body; or
- F. The application of agricultural chemicals, fertilizers, mineral acids, organic sulfur compounds, etc., as used in routine agricultural operations and applied under the “Generally Accepted Agricultural Management Practices,” and consistent with label directions approved by the U.S. EPA or the Michigan Department of Agriculture.

RELIGIOUS INSTITUTIONS: A place of worship or religious assembly with related facilities such as the following in any combination: rectory or convent, private school, meeting hall,

offices for administration of the institution, licensed child or adult day care, playground, and cemetery.

REGULATED SUBSTANCES: Include a chemical or other material which is or may become injurious to the public health, safety, or welfare or to the environment including, but not limited to, the following:

- A. Substances for which there is a material safety data sheet (MSDS), as established by the United States Occupational Safety and Health Administration, and the MSDS cites possible health hazards for said substance.
- B. Hazardous waste, as defined by the Solid Waste Disposal Act, as amended by the RCRA of 1976, as amended.
- C. Hazardous substance, as defined by the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), when the hazardous substance is the focus of remedial or removal action being conducted under CERCLA in accordance with the U.S. Environmental Protection Agency (U.S. EPA) regulations.
- D. Radiological materials
- E. Biohazards.

Regulated substances shall not, however, include:

- 1. Substances in an amount equal or less than 2,200 pounds that are in an area capable of fully containing a total release of said substance or an area that would drain the substance to a wastewater treatment system capable of treating the released substance(s), excluding septic tank systems;
- 2. Substances in a parked or stopped vehicle in transit, provided the vehicle is stopped or parked for less than 72 hours;
- 3. Substances, such as gasoline or oil, in operable motor vehicles or boats, so long as used solely for the operation of the vehicle, but not the tanker portion of a tank truck;
- 4. Pressurized gases such as chlorine, propane, hydrogen, and nitrogen when in a chemical storage tank;
- 5. Refrigerants contained within equipment and used for on-site air cooling or in household appliances;
- 6. Substances contained within electrical utility transformers/switches; or
- 7. Substances used in construction for which all necessary permits have been obtained and in accordance with the "performance standards."

RESEARCH AND DEVELOPMENT FACILITIES: An establishment which conducts research, development, or controlled production of high-technology electronic, industrial, or scientific products or commodities for sale or laboratories conducting educational or medical research or testing. This term includes but is not limited to a biotechnology firm or a manufacturer of nontoxic computer components.

RESIDENTIAL DISTRICT: This term shall include the AG, LMR, and HDR zoning districts.

RESIDENTIAL SALE: A temporary event where household goods are sold by the occupants and owners of a property, or by their relatives, on said property.

RESTAURANT: Any establishment where food and drink are prepared, served, and consumed and whose design or principal method of operation is characterized by customers making a selection off a menu and being served their food and drink by a restaurant employee at the same table or counter at which said items are consumed, but may also offer take-out service.

RETAIL SALES ESTABLISHMENTS: Establishments primarily engaged in retailing new or used goods in stores.

RIDING STABLES & BOARDING FACILITIES: An establishment where horses or other animals that can be ridden by humans are kept for riding and boarding, and which offers access to the general public for a fee.

RIGHT-OF-WAY LINE: The line established by the state or county road department in its right-of-way requirements established for the Township or the Township's adopted Master Plan.

ROAD, PRIVATE: See STREET, PRIVATE

ROAD, PUBLIC: See STREET, PUBLIC

ROAD, SECONDARY: On a corner lot, it is the road adjacent to the street side yard.

ROADSIDE STAND: A temporary or permanent building operated for the purpose of selling produce raised or produced by the proprietor of the stand or his family on the premises. Such use in an agricultural or residential district shall not be deemed an approved commercial activity.

ROOF LINE: The top edge of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys, or other minor projections.

ROOM: For the purpose of determining lot area requirements and density in a multiple-family district, a living room, dining room, and bedrooms, each equal to at least 80 square feet in area. A room shall not include the area in kitchen and bathrooms, utility provisions, corridors, hallways, and storage. Plans presented having one-, two-, or three-bedroom units and including a den, library, or other extra room shall count as a bedroom for the purpose of computing density.

ROOMING UNIT: A room or group of rooms forming a single habitable unit used for living and sleeping, but not containing kitchen or eating facilities.

ROW HOUSE: A building occupied by three or more families, where each dwelling unit is divided from the one adjacent to it by a party wall extending the full height of the building. Each dwelling unit is capable of individual use and maintenance without trespassing upon adjoining properties, and utilities and service facilities are independent for each property.

14.2.18 "S" Terms

SALVAGE YARD: An open area where used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, scrap iron and other metals.

SATELLITE DISH ANTENNA: An apparatus capable of transmitting to or receiving communications from an orbiting satellite.

SCREENING: A wall, earth berm, fence or land used for growing heavy concentrations of trees and shrubs, or combinations of these, for the purpose of shielding the view of one use of land from another, and for the protection of adjoining premises.

SEASONAL FESTIVAL, OUTDOOR: An event for feasting and celebration, which may or may not have a theme, but which is conducted outdoors on a seasonal basis for the purpose of bringing together artists, craftspeople, entertainers and food and beverage purveyors for the purpose of entertaining the public.

SECONDARY THOROUGHFARE: A street of limited continuity designed and intended to collect and distribute traffic to and from local streets and to and from major thoroughfares.

SELF-STORAGE FACILITY: A building or group of buildings divided into separate compartments used to meet the temporary storage needs of small businesses, apartment dwellers, and other residential uses; and may include climate-controlled facilities.

SENIOR LIVING FACILITIES: Licensed personal care facilities, other than hotels, adult foster care homes, hospitals, nursing homes, or county medical care facilities, that provide supervised personal care to 21 or more individuals who are age 60 or older. Homes that are operated in conjunction with and as a distinct part of a licensed nursing home may serve 20 or fewer adults.

SETBACK: The minimum horizontal distance between the furthest most projection of a structure and the nearest lot line or street right-of-way line.

SEXUALLY ORIENTED BUSINESS: A use which shall include the following uses:

- A. **Adult Arcade:** Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.
- B. **Adult Bookstore and Adult Video Store:** A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:
 - 1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes or video reproductions, slides, or other audio-visual representations which depict or describe specified sexual activities or specified anatomical areas.
 - 2. Instruments, devices, or paraphernalia which are designed for use in connection with specified sexual activities. A commercial establishment may have other principal

business purposes that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be categorized as an adult bookstore or adult video store. Such other business purposes will not serve to exempt such commercial establishment from being categorized as an adult bookstore or adult video store so long as one of its principal business purposes is the offering for sale or rental, for consideration, of the specified materials which depict or describe specified sexual activities or specified anatomical areas.

- C. Adult Cabaret: A nightclub, bar, restaurant, or similar commercial establishment which regularly features:
 - 1. Persons who appear in a state of nudity.
 - 2. Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.
 - 3. Films, motion pictures, videocassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- D. Adult Motel: A hotel, motel, or similar commercial establishment which:
 - 1. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions.
 - 2. Offers a sleeping room for rent for a period of time that is less than ten hours.
 - 3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten hours.
- E. Adult Motion Picture Theater: A commercial establishment where, for any form of consideration, films, motion pictures, videocassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- F. Adult Theater: A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.
- G. Employee: A person who performs any service on the premises of a sexually oriented business on a full-time, part-time or contract basis, whether or not the person is denominated as employee, independent contractor, agent or otherwise and whether or not such person is paid a salary, wage or other compensation by the operator of the business. The term "employee" does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises.

- H. Escort: A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
- I. Escort Agency: A person or business association which furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.
- J. Establishment: Includes any of the following:
 - 1. Opening or commencement of any sexually oriented business as a new business.
 - 2. Conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business.
 - 3. Addition of any sexually oriented business to any other existing sexually oriented business.
 - 4. Relocation of any sexually oriented business.
- K. Licensee: A person in whose name a license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a license; and, in the case of an employee, a person in whose name a license has been issued authorizing employment in a sexually oriented business.
- L. Massage parlor: Any establishment having a fixed place of business where massages are administered for pay, including but not limited to massage parlors, sauna baths, and steam baths. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the State of Michigan, nor barbershops or beauty salons in which massages are administered only to the scalp, the face, the neck, or the shoulder. This definition shall not be construed to include a nonprofit organization operating a community center, swimming pool, tennis court, or other educational, cultural, recreational, and athletic facilities for the welfare of the residents of the area, nor practices of massage therapists who meet one or more of the following criteria:
 - 1. Proof of graduation from a school of massage licensed by the State of Michigan;
 - 2. Official transcripts verifying completion of at least 300 hours of massage training from an American community college or university; in addition, three (3) references from massage therapists who are professional members of a massage association referred to in this section;
 - 3. A certificate of professional membership in the American Massage Therapy Association, International Myomassethics Federation, or any other recognized massage association with equivalent professional membership standards; or,
 - 4. A current occupational license from another state.
- M. Nude Model Studio: Any place where a person who appears seminude, in a state of nudity, or who displays specified anatomical areas and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. The term "nude model studio"

- shall not include a proprietary school licensed by the state, or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:
1. That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or seminude person is available for viewing;
 2. Where, in order to participate in a class, a student must enroll at least three days in advance of the class; and
 3. Where no more than one nude or seminude model is on the premises at any one time.
- N. Nudity and State of Nudity: The appearance of a human bare buttocks, anus, male genitals, female genitals, or full female breast.
- O. Permittee: A person in whose name a permit to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a permit.
- P. Seminude and Seminude Condition: The showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. The term "seminude" and "seminude condition" shall include the entire lower portion of the human female breast but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel, provided the areola is not exposed in whole or in part.
- Q. Sexual encounter center: A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:
1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex.
 2. Activities such as, but not necessarily limited to, dancing which is conducted between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or is seminude; except no such activity shall include any sexual activities, or any activity which would violate any provisions of state or federal criminal or penal status.
- R. Sexually Oriented Business: An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.
- S. Specified Anatomical Area:
1. Human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
 2. Less than completely and opaquely covered human genitals, pubic region, buttocks, or a female breast below a point immediately above the top of the areola.

T. Specified Criminal Activity: Any of the following offenses:

1. Prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; engaging in organized criminal activity; sexual assault; molestation of a child; gambling; or distribution of a controlled substance; or any similar offenses to those described above under the criminal or penal code of the state, other states, United States criminal or penal law statutes, or the criminal or penal law statutes of other countries.
2. An offense for which:
 - a. Less than two (2) years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;
 - b. Less than five (5) years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense; or
 - c. Less than five (5) years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of two or more misdemeanor offenses or combination of misdemeanor offenses occurring within a 24-month period.
 - d. The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant or a person residing with the applicant.

U. Specified Sexual Activities: includes any of the following:

1. Fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts.
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, and sodomy.
3. Masturbation, actual or simulated.
4. Excretory functions as part of or in connection with any of the activities set forth in this definition.

V. Substantial Enlargement of a Sexually Oriented Business: The increase in floor areas occupied by the business by more than 25 percent.

W. Transfer of Ownership or Control of a Sexually Oriented Business: Includes any of the following:

1. Sale, lease, or sublease of the business.
2. Transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means.

3. Establishment of a trust, gift or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

Sexually oriented businesses are classified as follows: adult arcades; adult bookstores or adult video stores; adult cabarets; adult motels; adult motion picture theaters; adult theaters; escort agencies; nude model studios; sexual encounter centers.

SHORELINE: The line between upland and bottomland that persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation. Where the water levels vary for purposes of water level management, the ordinary high-water mark shall be the higher of the levels generally present.

SIGN: A name, identification, description display, or illustration which is affixed to, painted or represented, directly or indirectly, upon a building, structure, parcel, or lot and which directs attention to an object, product, place, activity, person, institution, organization, or business. A sign includes the sign faces as well as any supporting structure. A sign shall include the following types:

- A. Accessory Sign: A sign which directs attention to a person or profession conducted upon the same premises.
- B. Animated Sign: A sign employing actual motion or the illusion of motion.
- C. Awning sign: A sign affixed flat against the surface of an awning.
- D. Banner sign: A fabric, plastic, or other sign made of nonrigid material without an enclosed structural framework.
- E. Billboard: Any structure or portion thereof designed or intended to be used for posting, printing, or otherwise affixing any advertising sign larger than 20 square feet, which does not pertain to the premises or to the use of premises on which the billboard is located or to goods sold or services rendered or activities conducted on such premises, but not including bulletin boards used to display official court notices or official public notices.
- F. Changeable Sign: A sign capable of displaying words, symbols, figures, or images that can be electronically or mechanically changed by remote or automatic means, including animated graphics and video.
- G. Directional Sign: A sign intended solely for the purpose of showing direction or guiding either by symbol or by language, or by both.
- H. Freestanding Sign: A sign supported by structures or supports that are placed on, or anchored in, the ground, and that is independent and detached from any building or other structure.
- I. Ground sign: A sign resting directly on the ground or supported by short poles not attached to a building or wall.

- J. Marquee sign: A sign affixed flat against the surface of a marquee.
- K. Non-Accessory Sign: A sign which directs attention to a business, commodity, activity, service or entertainment conducted, sold, placed or otherwise offered elsewhere than on the premises on which the sign is located.
- L. Off-premise(s) sign: A sign which relates to or advertises an establishment, product, merchandise, good, service or entertainment which is not located, sold, offered, produced, manufactured or furnished at the property on which the sign is located.
- M. On-premise(s) sign: Any sign which pertains solely to the use of the property on which it is located, such as to an establishment, product, merchandise, good, service or entertainment which is located, sold, offered, produced, manufactured or furnished at the property on which the sign is located.
- N. Portable sign: A sign designed to be moved easily and not permanently attached to the ground, a structure, or a building.
- O. Projecting Sign: A sign other than a wall sign suspended from or supported by a building or structure and projecting therefrom, including marquees.
- P. Roof Sign: A sign which is erected, constructed, and maintained above the roof of a building.
- Q. Temporary Sign: A sign which is not permanently affixed to a wall or to the ground and whose message does not represent a permanent status of place, product, or activity.
- R. Wall Sign: A sign which is attached directly to the wall of a building, and which extends not more than 18 inches from the wall, including window signs.

SIGN AREA: The sign area within a continuous perimeter enclosing the limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed, excluding the necessary supports or uprights on which such sign is placed; provided, however, any open space contained within the outer limits of the display face of a sign or between any component, panel, strip, or figure of any kind composing the display face shall be included in the computation of the area of the sign, whether such open space is enclosed or not by a frame or border. For double-faced signs, each display face shall be measured or counted in computing the sign area. All lettering and other sign elements printed or mounted upon a wall of a building without any distinguished border, panel or background and pertaining to the same enterprise shall be treated as a single sign for purposes of area computation and enclosed tightly with an imaginary line to define the area for computation.

SITE PLAN: A plan showing all salient features of a proposed development so that it may be evaluated in order to determine compliance with the applicable requirements of this ordinance.

SOLAR INSTALLATION, PERSONAL: A ground- or roof-mounted solar installation used to distribute generated energy primarily on-site for consumption, however, excess energy output may be delivered to the power grid with or without compensation.

SOLAR INSTALLATION, COMMERCIAL: A ground- or roof-mounted solar installation used to distribute generated energy primarily through the utility grid but may also be utilized to meet on-site energy demand.

SOLAR INSTALLATIONS, GROUND-MOUNTED: A personal system installed on the ground of a lot as a principal or accessory use that converts sunlight into electricity or thermal energy, whether by photovoltaics, concentrating solar thermal devices, or any other various experimental solar technologies. The primary purpose is for consumption of generated energy on site.

SOLAR INSTALLATIONS, ROOF-MOUNTED: A private system installed on the roof of a building as an accessory use that converts sunlight into electricity or thermal energy, whether by photovoltaics, concentrating solar thermal devices, or any other various experimental solar technologies. The primary purpose is for consumption of generated energy on site.

SPILL CONTINGENCY PLAN: A written site-specific plan conforming to the specifications contained in the "performance standards," including the documentation of general site operations; regulated substance storage areas; potential for releases of regulated substances and an analysis of the potential destination of such releases; and procedures to be followed in the event of a release.

SPECIAL LAND USE: A use of land which requires compliance with certain development or location conditions as set forth for the use in this Zoning Ordinance. A permitted special land use is not a nonconforming use.

STABLE, LIVERY: A structure or shelter where horses owned and not owned by the proprietor of the property are boarded or are kept for remuneration and where horses may be ridden by the public and trained.

STABLE, PRIVATE: A structure or shelter with capacity for not more than three horses which are not boarded and are not for hire or sale and are owned by the immediate family.

STABLE, PUBLIC: A building where horses for hire, sale, or boarding are kept, for remuneration.

STATE-LICENSED RESIDENTIAL FACILITY: A structure constructed for residential purposes that is licensed by the state pursuant to the adult foster care facility licensing act (1979 PA 218 (MCL 400.701 et seq.) or the child care organizations act (1973 PA 116 (MCL 722.111 et seq.) which provides resident services or care for six (6) or fewer persons under 24-hour supervision for persons in need of that supervision or care. A state-licensed residential facility (six or less persons) as defined by this section shall not include an establishment commonly described as an alcohol or substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house that does not provide or offer to provide foster care.

STOOP OR STEPS: A projection from the entrance to a building, five feet or less in any horizontal dimension, which may include a landing, steps, and roof (attached only to the building such as an awning).

STORY: That part of a building, except a mezzanine and excluding a basement, included between the surface of one floor and the surface of the next floor, or, if there is no floor above, then the ceiling next above. A story shall not be counted as a story when more than 50 percent, by cubic content, is below the height level of the adjoining ground.

STORY, HALF: An uppermost story lying under a sloping roof having an area of at least 200 square feet with a clear height of seven (7) feet six (6) inches. The usable floor area is only that area having at least four (4) feet clear height between floor and ceiling.

STREET, PRIVATE: A street which provides the principal means of access to abutting land use, portions of which may be owned and controlled by the abutting property owners, and which may or may not be open to public use.

STREET, PUBLIC: A dedicated public right-of-way, other than an alley, which affords the principal means of access to abutting property.

STRUCTURAL ALTERATION: Any change in the supporting members of a building or structure, such as bearing walls or partitions, columns, beams or girders, stairways, or any change in the width or number of exits, or any change in the roof.

STRUCTURE: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this ordinance, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or the Michigan Register of Historic Places.

SWIMMING POOL: Any structure located above grade or below grade, designed to hold water to a depth greater than 24 inches, to be used for swimming.

14.2.19 "T" Terms

TAVERN: see BAR

TELECOMMUNICATION TOWER: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio, and similar communication purposes, including self-supporting lattice or skeleton towers, guyed towers, or monopole towers. The term also includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereof.

TELECOMMUNICATION TOWER HEIGHT: When referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

TEMPORARY OUTDOOR SALE: A temporary outdoor sale is an outdoor accessory event to the established business and intended to provide the business owner with the ability to sell goods or products outdoors on the property for a limited time. This type of sale is typically referred to as a tent sale and does not include transient sales, third-party vendors, or mobile food sales.

TEMPORARY USE: A use or building permitted by the Zoning Board of Appeals to exist during periods of construction of the main building or use, or for special events.

TIME OF TRAVEL: Marks the time it will take a particle of water to travel through the wellhead protection area and into a well.

TOWNHOUSE: See ROWHOUSE

TOWNSHIP BOARD: The elected legislative body of The Pennfield Charter Township Board, Calhoun County, Michigan

TOWNSHIP ENGINEER: The person or firm authorized by the Township to advise the Township Board and Planning Commission on drainage, grading, paving, storm water management and control, utilities, and other related site engineering and civil engineering issues. The Township Engineer may be a consultant or an employee of the Township.

TOWNSHIP PLANNER: The Township Planner is the person or firm designated by the Township Board to advise the Township Board, Planning Commission, and Township staff on planning, zoning, land use, housing, and other related planning and development issues. The Township Planner may be a consultant or an employee of the Township.

TRANSITION and TRANSITIONAL: A zoning district, a landscaped area, arrangement of lots, wall or other means which may serve as a district or area of transition, i.e., a buffer zone between various land use districts and/or land use and thoroughfares.

TRANSIT STOP: A facility located at selected points along transit routes for passenger pickup, drop off, or transfer, but excluding areas for vehicle repair or storage, which are defined as a public service facility, or bus stops or shelters.

TRANSPORTATION TERMINAL: A lot intended to store fleet vehicles, either inside or outside, when not in use.

14.2.20 "U" Terms

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 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.

USE: The principal purpose for which land or a building is arranged, designed, or intended, or for which land or a building is or may be occupied.

USABLE FLOOR AREA: See FLOOR AREA, USABLE.

UTILITY POLE: Means a pole or similar structure that is or may be used in whole or in part for cable or wireline communications service, electric distribution, lighting, traffic control, signage, or a similar function, or a pole or similar structure that meets the height requirements and is designed to support small cell wireless facilities. Utility pole does not include a sign pole less than 15 feet in height above ground.

14.2.21 "V" Terms

VARIANCE: A modification of the literal provisions of the Zoning Ordinance granted by the Zoning Board of Appeals when strict enforcement of the Zoning Ordinance would cause practical difficulties or unnecessary hardship owing to circumstances unique to the individual property on which the variance is granted.

VEHICLE, COMMERCIAL: as defined in the state vehicle code (MCL 257.7), as amended, means every vehicle which is used for the transportation of passengers for hire, or which is constructed or used for the transportation of goods, wares, or merchandise. The term "commercial vehicle" also means a motor vehicle which is designated and used for drawing other vehicles and which is not constructed to carry any load thereon, either independently or as any part of the weight of a vehicle or load so drawn.

VEHICLE DEALER: A person or business establishment selling cars, trucks, motorcycles, recreational vehicles, boats and related parts, supplies and services.

VEHICLE SALES AREA: See AUTOMOBILE SALES AND RENTALS

VETERINARY CLINIC: A place for the care, diagnosis, and treatment of sick or injured animals and those in need of medical or minor surgical attention. A veterinary clinic may include customary pens or cages which are permitted only within the walls of the clinic structure. A veterinary clinic may also be known as a veterinary hospital.

14.2.22 "W" Terms

WALL, OBSCURING: A structure of definite height and location to serve as an opaque screen in carrying out the requirements of this Zoning Ordinance.

WAREHOUSING: A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, excluding bulk storage of materials that are inflammable or explosive or that present hazards or conditions commonly recognized as offensive. May include frequent, heavy truck traffic, open storage of materials, or nuisances such as dust, noise and odors, and wholesale activities, but does not include onsite manufacturing.

WHOLESALE ESTABLISHMENTS: Establishments primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. This is not considered a general commercial use.

WELL: Any individual well used for supplying water.

WILD ANIMAL: Any non-domesticated animal and/or any cross of a non-domesticated animal.

WIND ENERGY CONVERSION SYSTEM, PERSONAL: A wind energy conversion system established as an accessory use to distribute generated energy primarily on-site for consumption, however, excess energy output may be delivered to the power grid with or without compensation.

WIND ENERGY CONVERSION SYSTEM, COMMERCIAL: A wind energy conversion system established as an accessory or principal use to distribute generated energy primarily through the utility grid but may also be utilized to meet on-site energy demand.

WIND ENERGY CONVERSION SYSTEM: Any device or assemblage which converts wind energy into electricity through the use of a wind turbine generator which may include turbines, blades, towers and supporting structures and such directly connected facilities as generators, alternators, inverters, batteries, and associated electrical equipment. This does not include wiring to connect the wind energy system to the grid.

WIRELESS TELECOMMUNICATION FACILITY: means and includes all structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not necessarily be limited to, radio towers, television towers, telephone devices and exchanges, microwave relay towers, telephone transmission equipment buildings and commercial mobile radio service facilities, but not including citizen band radio facilities, shortwave facilities, ham, amateur radio facilities, satellite dishes, and government facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority. The term "wireless telecommunication facility" shall include the following definitions:

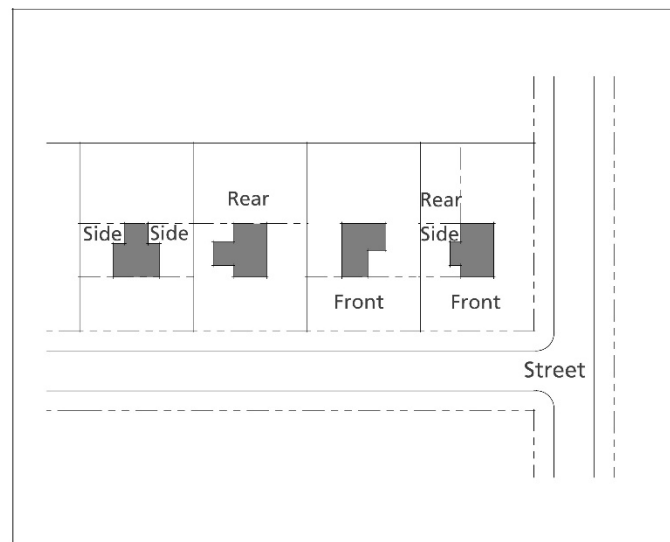
1. Attached Wireless Telecommunications Facility: A wireless telecommunications facility that is affixed to an existing structure, such as a building, tower, water tower, utility tower and the like. A wireless telecommunications support structure proposed to be newly erected shall not be included in this definition.
2. Colocation: The location by two (2) or more wireless telecommunication providers of wireless telecommunication facilities on a common support structure, including their related ground equipment facilities.
3. Wireless Telecommunications Tower: Structures erected or modified to support a wireless telecommunication antenna or antenna array. Support structures within this definition include, but shall not necessarily be limited to, monopoles, lattice towers, light poles, wood poles, guyed wire towers, or other structures which appear to be something other than a support structure specifically designed to support antennas.

WOODLAND AND WOODLOT: A tract of land dominated by trees but usually also containing woody shrubs and other vegetation.

14.2.23 "Y" Terms

YARD: The open space on the same lot with a main building, unoccupied and unobstructed from the ground upward, except as otherwise provided in this Zoning Ordinance, and as defined herein:

- A. Front Yard: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.
- B. Rear Yard: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.
- C. Side Yard: An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.
- D. Required Yard: The required yard shall be that set forth as the minimum yard setback requirements for each district.



Yards

14.2.24 "Z" Terms

ZONING ADMINISTRATOR: The Township official(s) authorized to administer the Zoning Ordinance on a day-to-day basis, including but not limited to processing applications, granting ministerial approvals, maintaining the records of Planning Commission actions, sending notices of public hearing, and similar work.

ZONING BOARD OF APPEALS: The Body appointed pursuant to the provisions of Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, to serve as the Zoning Board of Appeals for Pennfield Charter Township.

ZONING DISTRICT: See DISTRICT.

ZONING LOT: See LOT, ZONING.

ZONING MAP: An official map of the Township which visually depicts by area, and identifies by name, various zoning districts throughout the Township.

ZONING PERMIT: A permit for commencing construction issued in accordance with a plan for construction that complies with all the provisions of this Zoning Ordinance.



Pennfield Charter Township

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"A great place to live – A great place to grow"

**PENNFIELD CHARTER TOWNSHIP RESOLUTION 23-48
(A RESOLUTION FOR THE ADOPTION OF THE ZONING ORDINANCE
PROVIDED BY BECKETT & RAEDER, INC. AND RECOMMENDED APPROVAL
BY THE PENNFIELD CHARTER TOWNSHIP PLANNING COMMISSION)**

BE IT RESOLVED That Pennfield Charter Township approves the adoption of the Zoning Ordinance as provided by Beckett & Raeder, Inc. and recommended for approval by the Pennfield Charter Township Planning Commission at a public hearing held on August 1, 2023, with the correction to the Zoning Ordinance text to change the Commercial (C) zoning district to General Commercial (GC) to be consistent with the Zoning Map.

Moved by: Trustee Anderson

Supported by: Trustee Beard

Supervisor Leiter – Yes

Trustee Anderson – Yes

Clerk Case – Yes

Trustee Beard – Yes

Treasurer Jackson – Yes

Trustee Goodman – Yes

Trustee Vandlen – Excused

I, Kathleen R. Case, Pennfield Charter Township Clerk do hereby certify that the foregoing resolution was duly adopted by the Township Board on October 10, 2023.

Kathleen R. Case, Pennfield Charter Twp. Clerk