

APPENDIX B - ZONING

Footnotes:

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Editor's note— Printed herein is Ord. No. 104-03-00, as adopted by the township board on November 1, 1999, and effective on March 29, 2000. Amendments are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform and the same system of capitalization, citation to state statutes, and expression of numbers in text as appears in the Code of Ordinances has been used. Additions made for clarity are indicated by brackets.

Cross reference— Buildings and building regulations, ch. 10; subdivisions and other divisions of land, ch. 46.

State Law reference— Zoning, MCL 125.271 et seq.

CHAPTER 1. - TITLE AND PURPOSE

Section 1.01. - Preamble.

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 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. The township further desires to assure adequate sites for industry, commerce, food production, recreation and residences; to provide for the free movement of vehicles upon the streets and highways of the township; to protect industry, commerce, food producers, natural resources, energy consumption and residences against incongruous and incompatible uses of land; to promote the proper use of land and natural resources for the economic well-being of the township as a whole; to assure adequate space for the parking of vehicles for customers and employees using commercial, retail, and industrial areas; to assure that all uses of land and buildings within the township are so related as to provide for economy in government and mutual support; and to promote and protect the public health, safety, comfort, convenience and general welfare of all persons and property owners within the township.

(Ord. No. 104E-09-07, § 1, 8-30-2007)

Section 1.02. - Enacting clause.

The Charter Township of Pennfield, County of Calhoun, State of Michigan, ordains:

Section 1.03. - Short title.

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

Section 1.04. - Scope.

It is not intended by this ordinance to repeal, abrogate, annul or interfere with existing provisions of other laws or ordinances, except those specifically or impliedly repealed by this ordinance, or with any private restrictions placed upon property by covenant, deed or other private agreement unless contradictory hereto.

Section 1.05. - Control.

Where this ordinance imposes a greater restriction than is imposed or required by such rules, regulations or private restrictions, the provisions of this ordinance shall control.

Section 1.06. - Effective date.

Public hearing having been held hereon, the provisions of this ordinance are hereby adopted, and this ordinance shall take effect on the 29th day of March, 2000.

Section 1.07. - 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.

Section 1.08. - 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 official zoning map of the Pennfield Charter Township Zoning Ordinance, which is hereby adopted as a part of this ordinance.

Section 1.09. - 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.

CHAPTER 2. - DEFINITIONS

Section 2.01. - Construction of language.

The following rules apply to the text of this ordinance:

- A. The particular shall control the general.
- B. In the case of any difference in meaning or implication between the text of this ordinance and any caption or illustration, the text shall control.
- C. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- D. Words used in the present tense shall include the future; and words used in the singular number shall include the plural; and the plural the singular, unless the context clearly indicates the contrary.
- E. A "building" or "structure" includes any part thereof.
- F. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- G. The word "occupied" includes arranged, designed, built, altered, converted to, rented, and leased.
- H. The words "zone" and "district" are the same, meaning a zoning district as herein defined.
- I. Unless the context clearly indicates the contrary, the conjunctions noted below shall be interpreted as follows:
 1. The term "and" indicates that all connected items, conditions, provisions, or events shall apply.
 2. The term "or" indicates that the connected items, conditions, provisions or events may apply singularly or in any combination.

3. The term "either...or" indicates that the connected items, conditions, provisions or events shall apply singularly but combination.

J. Terms not herein defined shall have the meaning customarily assigned to them.

Section 2.02. - Definitions—A.

Accessory building (accessory structure). A subordinate building on the same premises with a main building or portion of a main building and occupied or devoted to an accessory use; for example, a private garage. When attached to a main building, the accessory building shall be considered part of the main building for determining setbacks only.

Accessory use or accessory. A use which is clearly incidental to the principal use of the lot on which such uses are located, and customarily found in connection with the principal use.

Adult foster care 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 six or fewer adults to be provided with foster care for five or more days a week and for two or more consecutive weeks. The adult foster care family home licensee shall 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.

Adult foster care small group home. An adult foster care facility with the approved capacity to receive at least seven, but not more than 12, adults to be provided with foster care.

Agriculture. Undeveloped land devoted to the production of plants and animals useful to humans, including forages and sod crops; grains, feed crops, and field crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing cattle or bison, swine, captive cervine, and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; Christmas trees; and other similar uses and activities.

Agricultural processing and warehousing. A facility where agricultural products, both plant and animal, are brought for storage, packaging, treatment, or modification. Such facilities do not raise produce or animals.

Agri-tainment. Land devoted to entertainment or retail purposes and possessing an agricultural or horticultural theme or objective.

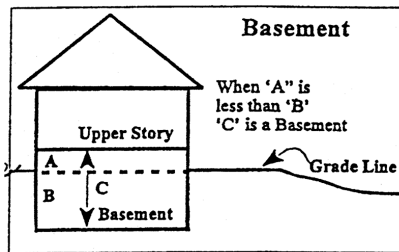
Alley. Any dedicated public way other than a street which provides only secondary access to abutting property, and is not intended for general traffic circulation.

Animal husbandry. A branch of agriculture concerned with the care of domestic animals and fowl.

(Ord. No. 104B-06-03, § 1, 6-11-2003; Ord. No. 104Q-11-2014, § 1, 11-12-2014)

Section 2.03. - Definitions—B.

Basement. A portion of a building partly below the average grade, that portion being more than one-half of its height below the average grade. A basement shall not be counted as a story.



Bed and breakfast establishment. A residential structure which is occupied by the owner(s), and has one or more of the sleeping rooms available for rent by transient people, and in which the owner(s) serves the breakfast to the transient people at no extra cost.

Berm. A mound of earth graded, shaped and improved with landscaping in such a fashion as to be used for visual or audible screening purposes. The development of a berm shall be subject to approval by the planning commission through site plan review.

Billboard. A sign which contains a message or advertises an establishment, product, service, space or activity not available on the lot on which the sign is located.

Board. The Pennfield Charter Township Board.

Board of appeals or zoning board of appeals. The Zoning Board of Appeals of Pennfield Charter Township.

Boathouse. A structure located on or near any body of water, used to store boats or other like equipment. Such structure is not intended to be used for guest or sleeping quarters or dwelling purposes.

Breezeway. A covered 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. An independent structure, temporary or permanent, having a roof supported by columns, walls, or any other support and used for the enclosure of persons, animals, possessions, or the conduct of business activities or other uses.

Building, accessory. See "Accessory building."

Building, principal. A building in which the main use of the premises is conducted on which the building is situated.

Building height. See "Height of building."

Building line. A line parallel to the street line formed by the face of the building or touching that part of a building closest to the road. For the purposes of this ordinance, a minimum building line is the same as the front setback.

Building official or building inspector. The person designated by the township board to administer the provisions of the adopted Building Codes for Pennfield Charter Township.

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.

(Ord. No. 104B-06-03, § 2, 6-11-2003; Ord. No. 104F-08-08, § 1, 8-12-2008)

Campground. A publically [publicly] or privately owned establishment intended, or used for the purpose of supplying a location for overnight camping. Such areas may open to the public and may be operated free of charge, or for profit.

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 center. [A child care center] may be one of the following:

- A. *Commercial day care center.* A facility, other than a private residence, licensed by the State of Michigan Family Independence Agency, in which one or more preschool or schoolage children are given care and supervision for periods of less than 24 hours per day, and where a parent or legal guardian is not immediately available to the child. Child care center includes a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day.
- B. *Family day care home.* A private home in which one but less than seven minor children are given care and supervision for periods of less than 24 hours per day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than four weeks during a calendar year.
- C. *Group day care home.* A private home in which more than six but not more than 12 minor children are given care and supervision for periods of less than 24 hours per day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to unrelated minor children for more than four weeks during a calendar year.

Child care center does not include a Sunday school, a vacation bible school, or a religious class that is conducted by a religious organization where children are in attendance for not greater than four hours per day for an indefinite period, or not greater than eight hours per day for a period not to exceed four weeks, during a 12-month period, or a facility operated by a religious organization where children are cared for not greater than four hours, while persons responsible for the children are attending religious classes or services.

Church. A building, or group of buildings, which by design and construction are primarily intended for organized religious services and accessory uses associated therewith.

Club. An organization of persons for special purposes such as sports, arts, sciences, literature, politics, or the like, but not operated for profit.

Commercial. Any use connected with, or work intended for financial gain.

Commercial storage warehouse. A building or buildings used primarily as a commercial business for the storage of personal goods and materials of individuals or households, but not limited to these groups. Commercial storage warehouses are commonly referred to as "ministorage, or self-storage units."

Common element. That portion of the condominium project other than the condominium unit or limited common element associated with a site condominium project.

Community center. A building either owned and maintained publically [publicly], or in cooperation under an owners 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 project. A plan or project consisting of not less than two 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.

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 type of use.

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.

(Ord. No. 104B-06-03, § 3, 6-11-2003)

Section 2.05. - Definitions—D.

Day care center. See "Child care center."

Donation boxes. 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, access or service. A drive established as a 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 minimum 24 feet paved surface.

Drive-through facility. A business so developed that its retail or service character provides a driveway approach or parking spaces for motor vehicles to serve patrons while in their motor vehicle, either exclusively or in addition to service within a building or structure, or to provide self-service for patrons and food carryout.

Driveway, private. 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.

Dwelling unit. A room, or rooms connected together, constituting a separate, independent housekeeping establishment for one-family occupancy, physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, bathroom, and sleeping facilities. In the case of mixed occupancy, the part of a building occupied as a dwelling shall be deemed the dwelling unit and shall comply with all applicable provisions of this ordinance for dwellings.

Dwelling, multiple-family. A building containing three or more individual dwelling units.

Dwelling, single-family detached. A building containing only one dwelling unit.

Dwelling, two-family. A building on a single lot containing two attached dwelling units.

(Ord. No. 104A-03-02, § 1, 4-9-2002; Ord. No. 104O-04-13, § 1, 4-9-2013)

Section 2.06. - Definitions—E.

Erected. Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction, excavation, fill, drainage, etc.

Essential public 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, distribution, collection, 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 similar equipment, but not including buildings and storage yards, which are necessary for the

furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare. The term "essential public services" shall not include wireless communication towers, unless located on public property and used as part of a municipal emergency communications network.

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

Section 2.07. - Definitions—F.

Family. A person living alone in a single dwelling unit, or two or more persons whose domestic relationship is of a continuing, nontransient character and who reside together as a single housekeeping unit in a single dwelling unit. Family does not include a collective number of individuals occupying a motel, fraternity, sorority, society, club, boarding[house], or lodginghouse, or any other collective number of individuals whose domestic relationship is of a transient or seasonal nature.

Family day care home. See "Child care center."

Farm. Any parcel or the contiguous neighboring or associated parcels operated as a single unit which is used for raising agricultural products, livestock, poultry, or dairy products as a significant source of income for the owner-operator, manager, or tenant farmer, carried on by his own labor or with the assistance of members of his household or hired employees. Farms may include a single-family dwelling, and may be considered as including establishments operated as greenhouses, nurseries, orchards, livestock and poultry farms, and apiaries; but establishments for the purpose of keeping furbearing animals or game, stock yards, sand and gravel pits, or intensive livestock operations as defined herein, shall not be considered farms.

Fence. A structure of a definite height and width constructed of wood, masonry, earth, stone, wire, metal, vinyl or other natural or manmade material serving as a physical barrier, marker or enclosure. No excavated material may be used to establish or increase the height of a fence unless such excavation has been approved by the planning commission through site plan review.

Flood. A general and temporary condition of partial or complete inundation of normally dry land areas from:

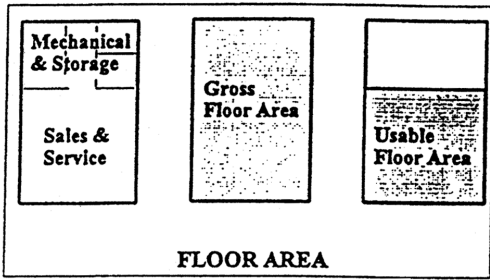
- A. The overflow of inland waters.
- B. The unusual and rapid accumulation or runoff of surface waters from any source.

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 Environmental Quality where it has jurisdiction.

Floor area, gross. The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls.

Floor area, living space. The area in a dwelling unit of all floors computed by measuring the dimensions of the outside walls of a building excluding any room or space not having a clear height of seven feet, six inches, the basement, unenclosed porches and patios, terraces, breezeways, carports, verandas, and attached accessory buildings.

Floor area, usable (for the purpose of computing parking). That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Floor area which is used or intended to be used principally for the storage or processing of merchandise, for hallways, or for utilities or sanitary facilities shall be excluded from the computation of usable floor area. Measurements of usable floor area shall be the sum of the horizontal areas of the several floors of the building measured from the interior faces of the exterior walls.



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

(Ord. No. 104F-08-08, § 2, 8-12-2008)

Section 2.08. - Definitions—G.

Grade. The gradient, the rate of incline or decline expressed as a percent. (A rise of 20 feet in a horizontal distance of 80 feet would be expressed as a grade of 25 percent.)

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.

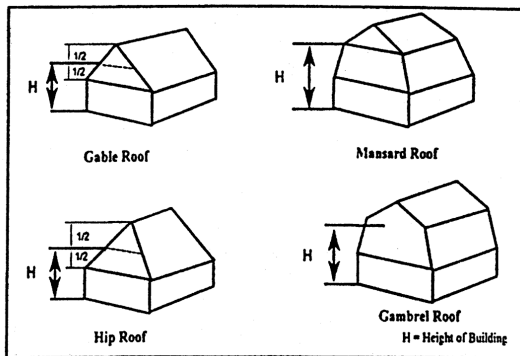
Greenbelt. A strip of land of definite width and location reserved for the planting of shrubs, trees, or grasses to serve as an obscuring screen or buffer strip in carrying out the requirements of this ordinance. (See also "Berm" and "Buffer Strip.")

Group day care home. See "Child care center."

Section 2.09. - Definitions—H.

Heavy equipment. Equipment and vehicles to tow or haul other vehicles, or to perform construction, earth moving, or landscaping duties.

Height of building. The vertical distance measured from the average grade to the highest point of a structure. In the case of a building, height shall be measured from the average grade to the highest point of the roof surface for a flat roof; to the deck line of mansard roofs; and to the midpoint between the eaves and ridge for gable, hip, and gambrel roofs.



Home occupation. An occupation or profession carried on within a portion of a dwelling unit that is clearly a customary, incidental, and secondary use of the residence. Home occupations include occupations involving instruction in a craft or fine art within the residence.

Hospital. An institution providing health services primarily for inpatients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, outpatient departments, training facilities, central service facilities, and staff offices.

Hotel/motel. A facility offering lodging accommodations to the general public for a daily rate and which may or may not provide additional services, such as restaurants, meeting rooms, and recreational facilities.

(Ord. No. 104E-09-07, § 2, 8-30-2007)

Section 2.10. - Definitions—I.

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.

Intensive livestock operations. An operation where live animals or poultry are concentrated or restricted to an area more limited than to natural feeding habitats and containing one or more of the following:

- A. A total of 350 dairy cattle (all classes); 500 slaughter or feeder cattle, 1,250 swine each weighing 55 pounds or more, 250 horses, 5,000 sheep or lambs, 27,500 turkeys; 50,000 laying hens or broilers (with continuous overflow watering); 15,000 laying hens or broilers (with a liquid manure system); 2,500 ducks or a combination of the above equal to or exceeding 500 animal units; or
- B. A population per acre of at least three dairy cattle, four slaughter or feeder cattle, ten swine (55 pounds or more), 400 laying hens or broilers, 40 sheep or lambs, 200 turkeys, two horses, or a combination of the above equal to or exceeding four animal units per acre. For the purpose of this ordinance, one animal unit shall be equivalent to approximately 1,000 pounds of live body weight.

Section 2.11. - Definitions—J.

Junk. Any wornout or discarded materials including, but not limited to, scrap metal, inoperable motor vehicles and parts, construction material, household wastes, including garbage and discarded appliances.

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, but are not limited to: scrap iron and other metals, paper, rags, rubber tires, and bottles. A "junkyard" includes automobile wrecking yards and includes any area of more than 200 square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

Section 2.12. - Definitions—K.

Kennel, commercial. Any lot or premises on which three or more dogs, cats, or other household pets, four months of age or older, are either permanently or temporarily boarded for commercial purposes. A kennel shall also include any lot or premises where household pets are bred, sold, or treated for commercial purposes.

Section 2.13. - Definitions—L.

Lighting, source of. 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.

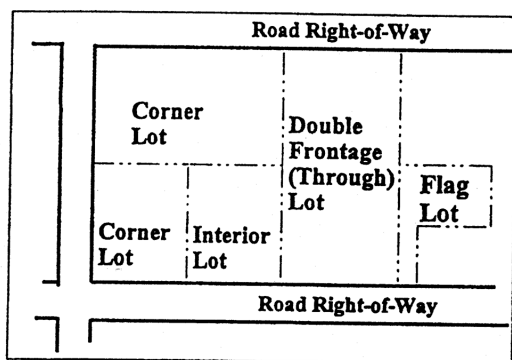
Linear park. An open space in a public easement or part of a public right-of-way that connects traditional parks, historic sites, and natural areas; is used for nonmotorized travel, walking, or running paths; or as a buffer strip along rivers or other natural features to prevent erosion, act as a line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

Livery, boat or canoe. An establishment where boats or canoes are kept for hire or rent.

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

Lot. A parcel, vacant land, occupied land, or land intended to be occupied by a building and accessory buildings, or utilized for principal and accessory use(s) together with yards and open spaces required under the provisions of this ordinance. A lot may or may not be specifically designated as such on public records. 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; or
- C. A building site as defined in this ordinance in connection with a site condominium project.



Lot

Lot area. The total horizontal area within a parcel, lot or site. For the purposes of this appendix, where the front lot line is the centerline of the right-of-way or private easement, or a portion of the lot lies in part of the right-of-way or easement, that portion of the lot shall not be considered to calculate the lot area.

Lot, corner. Any lot having at least two contiguous sides abutting upon a road, provided that the interior angle at the intersection of such two sides is less than 135 degrees. A lot abutting upon a curved road or roads shall be considered a corner lot if the tangents to the curve, at its points of beginning within the lot or at the points of intersection of the side lot lines with the street line, intersect at an interior angle of less than 135 degrees.

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, interior. A lot other than a corner lot, flag lot, or through lot.

Lot, through. Any interior lot having frontage on two parallel streets. In the case of a row of through lots, all yards of said lots adjacent to streets shall be considered frontage, and through yard setbacks shall be provided as required.

Lot, waterfront. A lot having a property line abutting a shoreline.

Lot area. The total horizontal area within the lot lines. For the purposes of this ordinance, where the front lot line is the centerline of the right-of-way or private easement, or a portion of the lot lies in part of the right-of-way or easement, that portion of the lot shall not be considered to calculate the lot area.

Lot coverage. The part of the lot occupied by any building, including accessory buildings.

Lot depth. The horizontal distance between the front and rear lot lines, measured in a straight line along the median between the side lot lines.

Lot lines. The lines bounding a lot as defined herein:

- A. *Front lot line.* In the case of a flag lot, waterfront lot, or interior lot, it is the line separating the lot from the street. In the case of a corner lot or through lot, it is that line separating said lot from both streets.
- B. *Rear lot line.* The lot line opposite and most distant from the front lot line. In the case of a lot which is pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long, lying farthest from the front lot line and wholly within the lot.
- C. *Side lot line.* Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a street side lot line. A side lot line separating a lot from another lot is an interior side lot line.

Lot of record. A parcel of land, the dimensions of which are shown on a document or map on file with the county register of deeds or in common use by municipal or county officials, which actually exists as shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

Lot width. The horizontal straight line distance between the side lot lines, measured between the two points where the required front setback line intersects the side lot lines.

(Ord. No. 104B-06-03, § 4, 6-11-2003)

Section 2.14. - Definitions—M.

Marina. A parcel on which boat slips or dock space is available for rent, and may include repair, supply, and fueling facilities.

Manufactured home. A transportable, factory-built home, designed to be used as a year-round residential dwelling.

Manufactured home park. A parcel or tract of land under the control of a person upon which three or more manufactured homes are located on a continual nonrecreational basis and which 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 manufactured home and which is not intended for use as a temporary trailer park.

Master plan. The Pennfield Charter Township Master Plan currently adopted by Pennfield Charter Township, including written proposals indicating the general physical development of the township, and any unit or part of such plan and any amendment to such plan.

(Ord. No. 104K-08-11, § 2, 8-9-2011; Ord. No. 104S-10-19, § 2, 11-13-2019)

Section 2.15. - Definitions—N.

Nonconforming building or structure. A building or structure, the size, dimensions, or location of which was lawful prior to the adoption or amendment of the zoning ordinance, but that fails by reason of such adoption or amendment to conform to the present requirements of the zoning district in which it is located.

Nonconforming lot. A lot, the area, dimensions, or location of which was lawful prior to the adoption or amendment of the zoning ordinance, but that fails by reason of such adoption or amendment to conform to the present lot requirements of the zoning district in which it is located.

Nonconforming use. A use or activity that was lawful prior to the adoption or amendment of the zoning ordinance, but that fails by reason of such adoption or amendment to conform to the present use regulations of the zoning district in which it is located.

Nursing home. A nursing care facility licensed as a nursing home by the state department of public health under article 17 of the public health code, 1978 PA 368 (MCL 333.20101 et seq.), as amended. A nursing home as defined by this section shall include extended care facility and convalescent home.

Section 2.16. - Definitions—O.

Off-street parking lot. A facility providing parking spaces, along with adequate drives, maneuvering areas, and aisles, for the parking of more than three vehicles.

Office. A room, suite of rooms, or building in which are located desks, chairs, tables, couches, bookcases, and equipment for current use in the office business, including personnel engaged in executive, administrative, professional, political, informative, research or clerical duties, and other similar related or incidental furniture equipment or personnel connected or concerned with the performance of a service.

Open air business. Retail sales establishments operated substantially in the open air, including:

- A. Utility truck or trailer, motor vehicle, boats, recreational vehicles, or home service equipment sales or rental.
- B. Outdoor display area for sale or rent of recreation[al] vehicles, manufactured homes, swimming pools, farm implements, commercial construction equipment, and similar goods.
- C. Retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment, but not including lumberyards.

Open space. Any space suitable for growing vegetation, recreation, or gardens, but not occupied by buildings or structures.

Section 2.17. - Definitions—P.

Parking space. An area of definite length and width, said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.

Personal service establishment. A commercial business conducting services that are performed primarily on the premises.

Planned unit development (PUD). A development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.

Planning commission. The Pennfield Charter Township Planning Commission.

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.

Public utility. Any person, firm, corporation, municipal department, board, or commission duly authorized to furnish, under federal, state or municipal regulations, to the public, electricity, gas, steam, communications (excluding wireless communications), telegraph, transportation, or water services; provided that this definition shall not include any person, firm, or corporation engaged in radio or television broadcasting.

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.

(Ord. No. 104B-06-03, § 5, 6-11-2003)

Section 2.18. - Definitions—R.

Recreational vehicle or equipment. Vehicles or equipment used primarily for recreational purposes, excluding motorcycles or motorbikes or other similar means of transportation intended primarily for on-street use. For the purpose of this ordinance, recreational vehicle shall also mean:

- A. A vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle such as a motor

home or camper;

- B. Boats and trailers designed to transport boats;
- C. Snowmobiles and trailers designed to transport snowmobiles;
- D. Off-road vehicles and trailers designed to transport off-road vehicles; and
- E. Pop-up tent and camper trailers.

Recycling center. An area where used, or discarded materials are brought, then disassembled or separated, and stored, baled, packed, or handled for sale or exchange to be reprocessed into another useful product. These materials include, but are not limited to: scrap iron and other metals, paper, rubber, corrugated paper and paper board, glass, and plastic.

Residential district. This term shall include the R-1, R-2, R-3, and MHP 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.

Road, private. An undedicated, privately maintained road established on a minimum 66-foot easement with a minimum 24-foot paved surface providing access to three or more parcels, lots or units. Any development proposing a private road or with access from a private road shall be subject to site plan review. See section 3.22.

Road, public. A public dedicated right-of-way controlled and maintained by the Calhoun County Road Commission, Michigan Department of Transportation, or the U.S. Department of Transportation, which affords the principal means of access to abutting property.

Road, secondary. On a corner lot, it is the road adjacent to the street side yard.

Roadside stand. A temporary building or structure operated for the purpose of selling produce raised on the same premises, by the property owner or their family.

(Ord. No. 104A-03-02, § 2, 4-9-2002; Ord. No. 104B-06-03, § 6, 6-11-2003)

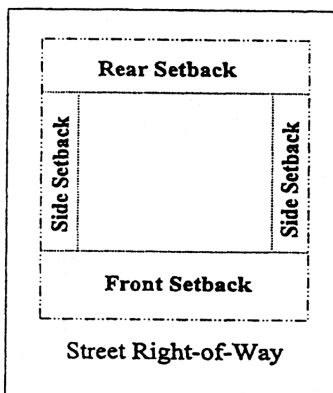
Section 2.19. - Definitions—S.

Salvage yard. An open space where waste, surplus, discarded, or salvaged materials are brought, sold, exchanged, stored, baled, cleaned, packed, disassembled, or handled, including house wrecking and structural steel materials and equipment and automobile wrecking.

Satellite dish antenna. An apparatus capable of transmitting to or receiving communications from an orbiting satellite.

Seasonal dwelling. A wheeled, licensed and registered vehicle designed for sleeping and camping.

Setback. The distance required to obtain minimum front, side or rear yard open space provisions of this ordinance.



Setback

Sexually-oriented business. The term shall include adult bookstores, adult cabarets, adult motion picture theaters, massage establishments, and nude artist and photography studios. These terms shall have the following indicated meanings:

- A. *Adult bookstore.* A building used for the sale of motion picture films, video cassettes, magazines, posters, and other printed material, or tapes, or sex objects for other than contraceptive purposes, distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in this ordinance, for sale to patrons therein.
- B. *Adult live entertainment theater.* A building for presenting live entertainment involving the use of strip dancers, naked individuals, individuals who wear see through clothing which permits the view of specified anatomical areas, individuals who are partially clothed and partially unclothed so as to permit the view of specified anatomical areas, or individuals conducting specified sexual activities.
- C. *Adult motion picture theater.* A building used for presenting motion picture films, video cassettes, cable television, or any other such visual media, distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in this ordinance, for observation by patrons therein.
- D. *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 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.
- E. *Specified anatomical areas.* [Specified anatomical areas] are defined as:
 - 1. Less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; and
 - 2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.
- F. *Specified sexual activities.* [Specified anatomical areas] are defined as:
 - 1. Human genitals in a state of sexual stimulation or arousal;
 - 2. Acts of human masturbation, sexual intercourse or sodomy; [and]
 - 3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Shoreline or ordinary high water mark. 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 device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of any business, establishment, person, entity, product, service or activity, or to communicate information of any kind to the public.

Significant natural feature. A natural area as designated by the planning commission, township board, or the Michigan Department of Environmental Quality which exhibits unique topographic, ecological, hydrological, or historical characteristics such as a wetland, floodplain, river, lake, or other unique natural features.

Special land use. A use which is subject to approval by the planning commission. A special land use may be granted when specified by this ordinance. A permitted special land use is not a nonconforming use.

Stable shall mean either:

- A. *Private stable.* A building where horses are kept for the personal enjoyment of the property owner without remuneration.
- B. *Public stable.* A building where horses for hire, sale, or boarding are kept, for remuneration.

State highway. Any public thoroughfare dedicated and maintained for the use and operation of vehicular traffic by the Michigan Department of Transportation.

State-licensed residential facility (six or fewer persons). 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 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 roominghouse that does not provide or offer to provide foster care.

Story. That part of a building included between the surface of any floor above the average grade or ground at the foundation and the surface of the next floor, or if there is no floor above, then the ceiling next above.

Story, half. An uppermost story lying under a sloping roof having an area of at least 70 square feet, but less than 200 square feet with a clear height of seven feet, six inches.

Structure. Anything constructed or erected, the use of which requires location on the ground or attachment to something 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 either above or below grade designed to hold water to a depth of greater than 24 inches, intended for swimming or bathing. A swimming pool shall be considered an accessory structure for purposes of computing lot coverage.

(Ord. No. 104B-06-03, § 7, 6-11-2003; Ord. No. 104Q-11-2014, § 2, 11-12-2014)

Section 2.20. - Definitions—T.

Transportation terminal. A building or area in which freight brought by truck is stored for routing or reshipment, or in which semitrailers, including tractor or trailer units and other trucks, are parked or stored.

Section 2.21. - Definitions—U.

Use. The lawful purpose for which land or premises of a building thereon is designated, arranged, intended, or for which is occupied, maintained, let, or leased.

Use, accessory. A use normally and naturally incidental to, subordinate to, and devoted exclusively to the principal use of the land or buildings.

Use, principal. The main, primary, or predominate use of the premises.

Use, temporary. A use or building permitted to exist during period of construction of the main building or use, or for special events.

Section 2.22. - Definitions—V.

Vehicle sales area. An area used for the display, sale or rental, of new or used automobiles in operable condition.

Vehicle service station. Building and premises where the primary use is the supply and dispensing at retail of motor fuels, lubricants, batteries, tires, and other similar motor vehicle accessories and including the customary space and facilities for the installation of such commodities, including storage, minor repair, and servicing but not including vehicle repair as defined herein.

Vehicle repair. Any major activity involving the general repair, rebuilding, or reconditioning of motor vehicles, engines, or trailers; collision services such as body, frame or fender straightening and repair; overall painting and rust proofing; and refinishing or steam cleaning. Such activities take place in vehicle repair establishments.

Vehicle wash establishment. A building or portion thereof, the primary purpose of which is that of washing motor vehicles.

Section 2.23. - Definitions—W.

Warehouse facility. A structure and all necessary appurtenances for the storage or [of] merchandise or commodities.

Waste 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.

Wireless communications tower, commercial. A structure designed and constructed to support one or more antennas used for licensed telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

Section 2.24. - Definitions—Y.

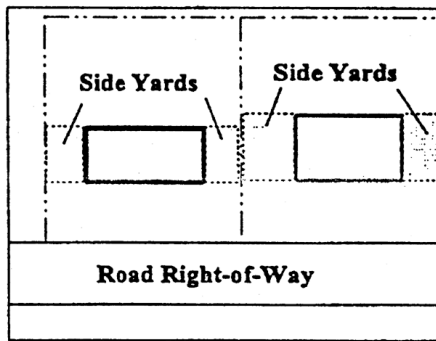
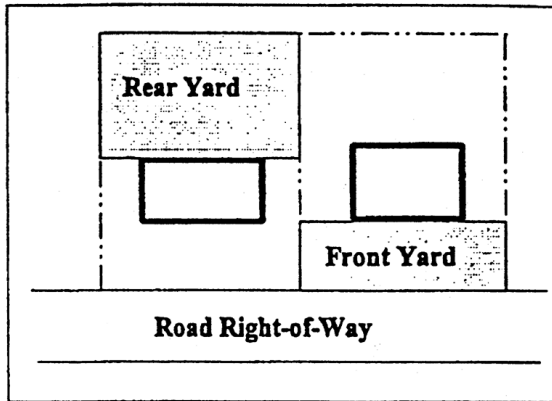
Yards. The open spaces on the same lot with a main building that are unoccupied and unobstructed from the ground upward except as otherwise provided in this ordinance, and as defined herein.

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 building line 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 building line of the main building. In the case of a corner lot, the rear yard shall be opposite the street frontage of the principal street.

- 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 building line of the main building.



Yards

Yard, required. The required yard shall be that set forth as the minimum yard setback requirements for each district.

Section 2.25. - Definitions—Z.

Zoning administrator. The person or persons designated by the township board to administer the provisions of this zoning ordinance.

Zoning 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 ordinance.

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.

CHAPTER 3. - GENERAL PROVISIONS

Section 3.01. - Essential public services.

The erection, construction, alteration or maintenance of essential public services shall be permitted in any zoning district. It is the intention thereof to exempt such erection, construction, alteration or maintenance from the application of this ordinance.

Section 3.02. - Main building or use.

No more than one main 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.

Section 3.03. - Required area or space.

[The required area or space is as follows:]

- A. No lot, adjacent lots in common ownership, required yard, parking area or other required open space shall be created, divided or reduced in dimensions or area below the minimum requirements of this ordinance. If already less than the minimum requirements of this ordinance, a lot or adjacent lots in common ownership or a required yard, parking area or other open space shall not be divided or reduced in dimensions or area so as to increase its noncompliance with the minimum requirements of this ordinance. Lots or yards created after the effective date of this ordinance shall comply with the requirements of this ordinance.
- B. Accessory buildings or structures, including, but not limited to, porches enclosed by walls, or garages, attached to a dwelling unit or other main building in a substantial manner, such as by a wall or roof, shall be deemed a part of such main building, for the purpose of determining compliance with the provisions of this ordinance concerning required yards.

Section 3.04. - Required 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, at least the length of the minimum lot width as required for zoning district in which the lot is located.

Section 3.05. - Water and sanitary sewer service.

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).

Section 3.06. - 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.

Section 3.07. - Regulations applicable to single-family dwellings outside manufactured home parks.

Any single-family dwelling on a lot, whether constructed and erected on-site, or a manufactured home, shall be permitted only if it complies with the following requirements:

- A. If the dwelling unit is a manufactured home, the manufactured home must either be new and certified by the manufacturer or appropriate inspection agency as meeting the Mobile Home Construction and Safety Standards of

the U.S. Department of Housing and Urban Development, as amended, or any similar successor or replacement standards which may be promulgated, or used and certified by the manufacturer or appropriate inspection agency as meeting the standards referenced above, and found, upon inspection by the building inspector or his designee, to be in excellent condition and safe and fit for residential occupancy.

- B. The dwelling unit shall comply with all applicable building, electrical, plumbing, fire, energy and other similar codes which are, or may be adopted by the township. However, where a dwelling unit is required by law to comply with any federal or state standards or regulations for construction, and where such standards or regulations for construction are different than those imposed by township codes, then such federal or state standards or regulations shall apply. Appropriate evidence of compliance with such standards or regulations shall be provided to the building inspector.
- C. The dwelling unit shall comply with all restrictions and requirements of this ordinance, including, without limitation, the minimum lot area, minimum lot width, minimum floor area living space, required yard and maximum building height requirements of the zoning district in which it is located.
- D. If the dwelling unit is a manufactured home, the manufactured home shall be installed with the wheels removed.
- E. The dwelling unit shall be firmly attached to a permanent continuous foundation constructed on the building site, such foundation to have a wall of the same perimeter dimensions as the dwelling unit and to be constructed of such materials and type as required by the building code for on-site constructed single-family dwellings. If the dwelling unit is a manufactured home, its foundation shall fully enclose the chassis, undercarriage and towing mechanism.
- F. If the dwelling unit is a manufactured home, it shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the building site by an anchoring system or device complying with the rules and regulations, as amended, of the Michigan Mobile Home Commission, or any similar or successor agency having regulatory responsibility for manufactured home parks.
- G. The dwelling unit shall have a horizontal dimension across the side and rear elevation of at least 24 feet, and a horizontal dimension across the front, or that wall nearest the principal street frontage of at least 30 feet.
- H. Storage area shall be provided within the dwelling unit of no less than 120 square feet. This storage area may consist of a basement, closet area, attic, or attached garage.
- I. Permanently attached steps or porch areas at least three feet in width shall be provided where there is an elevation difference greater than eight inches between the first-floor entry of the dwelling unit and the adjacent grade.
- J. The pitch of the main roof of the dwelling unit shall not be less than four feet of rise for each 12 feet of horizontal run, and shall have not less than a six-inch overhang.
- K. The dwelling unit shall have no less than two exterior doors, with one being in either the rear or the side of the dwelling unit.
- L. No building which has been wholly or partially erected or assembled on any premises located within or outside Pennfield Charter Township shall be moved to or placed upon any other premises in the township without full compliance with the provisions of this ordinance in the same manner as a new building.

Section 3.08. - Projections into yards.

[The standards for projections into yards are 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. Any porch, terrace, deck, or balcony which is enclosed shall meet the minimum setback requirements of the main building or accessory building to which it is attached.

Section 3.09. - Building height exceptions.

The building height restrictions of all zoning districts shall be subject to the following exceptions: parapet walls not exceeding four feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, gas tanks, grain elevators, silos, stacks, stage towers and scenery lofts, water tanks, public monuments, church spires, and penthouses or roof structures housing necessary mechanical appurtenances. 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.

(Ord. No. 104F-08-08, § 3, 8-12-2008)

Section 3.10. - Required greenbelts/buffers.

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.

- A. Such greenbelt shall be a strip of at least 30 feet in width which is planted and maintained with evergreen trees at least five feet in height at the time of planting, and 15 feet on center; or a compact hedge of evergreen shrubs at least four feet in height, situated so as to provide an effective sound and visual buffer.
- B. 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 inches from ground level, and the trees shall be properly maintained.
- C. 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.
- D. 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.
- E. The evergreen buffer shall not in any way cause a vision hazard at a road intersection, or driveway.
- F. Where it is determined by the zoning administrator that insufficient area is available to provide the required greenbelt or that such vegetation screen would be ineffectual, a six-foot-high sight-obscuring fence or wall may be substituted. However, evergreen trees, evergreen bushes, and/or deciduous trees shall be planted on the residential side of the fence, on the nonresidential property, at a ratio of one tree or four evergreen bushes for each 45 feet of fence length.
- G. At the discretion of the planning commission, an earthen berm may be required in addition to the above greenbelt screening to provide a more effective screen between uses in close proximity to each other, or due to the nonresidential use, or the density of the residential development. Such berm shall be built at a ratio not to exceed one foot of vertical rise, for each three feet or [of] horizontal run.

Section 3.11. - General lighting and screening requirements.

All lighting upon any premises, regardless of the zoning district, shall be so arranged that such lighting does not produce any glare which is a nuisance, or annoyance to residents or occupants of adjoining premises or to the traveling public on public highways. No lighting source shall be mounted on a pole, building, or other structure higher than 25 feet above the average grade of the adjacent ground.

Section 3.12. - Corner lots.

[The requirements for corner lots are as follows:]

- A. [*Lot lines.*] A corner lot shall have two 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.

B. *General provisions.*

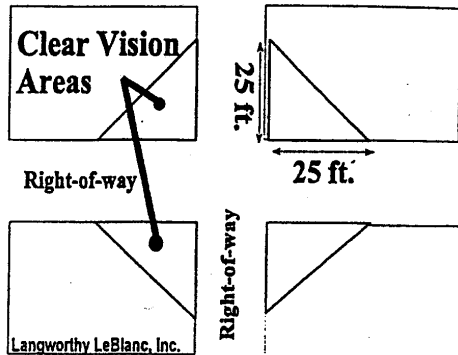
1. The required front setback shall be measured from both the principal and secondary front lot lines. For a corner lot with three front setbacks, the remaining setback shall be a rear setback.
2. The remaining setbacks shall be a rear and a side setback. The rear setback shall be measured from the rear lot line, which in the case of a corner lot, shall be the lot line opposite the principal front lot line.
3. 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.

- 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. All other setbacks shall comply with the minimum setback requirements of the zoning district within which the lot is located.

Section 3.13. - Clear vision.

[The requirements for clear vision are as follows:]

- A. No plantings shall be established or maintained on any corner lot which will obstruct the view of a vehicle driver approaching the intersection. Such unobstructed corner shall mean a triangular area formed by the street right-of-way lines and a line connecting them at points 25 feet from the intersection of the street lines, or in the case of a rounded property corner, from the intersection of the right-of-way lines extended. This shall prohibit the planting of shrubbery which will achieve a height at maturity of more than 30 inches.
- B. No plantings shall be established in any required front yard which, in the opinion of the zoning administrator, will obstruct the view from driveways or adjacent roadways of vehicles entering or leaving the site.



- C. No plantings, landscaping, fences, or other structures or obstacles, except mail boxes, shall be placed in any road right-of-way.

Section 3.14. - Accessory buildings and structures.

[The requirements for accessory buildings and structures are as follows:]

A. *Accessory buildings or structures, general.*

1. An accessory building may be erected detached from the main building, or it may be erected as an integral part of the main building.
2. When erected as an integral part of the main building, the accessory building shall comply in all respects with the requirements of this ordinance applicable to the main building. However, its size shall be determined as outlined in this section.
3. No accessory building or structure shall be erected in the front yard, except where the principal building is set

back at least 100 feet from the road right-of-way or easement, then the setback for the accessory building shall be a minimum of 100 feet.

4. The distance between detached accessory buildings and garages, and the main building shall not be less than ten feet. Accessory buildings or garages shall be considered as attached to the main building when the distance between structures is less than ten feet or enclosed by a breezeway, portico, covered colonnade, or similar architectural devices.
5. No accessory building shall include residential or living quarters for human beings.
6. No accessory building may be permitted on a parcel that does not contain a principal building, unless the accessory building is the principal building on a parcel in support of an agricultural operation.
7. It shall be a violation of the zoning ordinance to split a parcel where the existing principal building or accessory building becomes a nonconforming building under the provisions of this ordinance.

B. *Residential accessory buildings and structures.* Accessory buildings shall be permitted within the AGP, AG, RR, R-1, R-2, R-3, and MHP districts, or with any residential use provided that the following restrictions are met:

1. The combined floor area of all accessory buildings shall be based on the lot size, as outlined in the following chart:

Zoning District	Lot Size	Maximum Square Footage of All Accessory Structures
R-1 and R-2	35,000 square feet or less	The gross floor area of the principal structure, excluding attached garage or 1,000 square feet, whichever is greater.
MHP and R-3	NA	Each manufactured home site may have 1 accessory structure up to 144 square feet in area.
		For manufactured home parks with up to 300 manufactured home sites, 1 accessory building for the storage of equipment for the park equivalent to 10 square feet of area for each manufactured home site shall be permitted.
		For manufactured home parks with 301 to 600 manufactured home sites, 1 accessory building for the storage of equipment for the park equivalent to 7 square feet of area for each manufactured home site shall be permitted.
		For manufactured home parks with over 600 manufactured home sites, 1 accessory building for the storage of equipment for the park equivalent to 5 square feet of area for each manufactured home site shall be permitted.
All single-family residential districts	35,000 square feet through 2 acres	1.5 times the gross floor area of the principal structure, excluding attached garage, or 1,500 square feet, whichever is greater.
All single-family residential districts	2.01 acres through 5 acres	2 times the gross ground floor area of the principal structure.
All single-family residential districts	5.01 acres through 10 acres	3 times the gross ground floor area of the principal structure.
All single-family residential districts	10.01 acres or greater	4 times the gross ground floor area of the principal structure.

2. The total area occupied by the principal building and all accessory buildings shall not exceed the maximum lot coverage permitted in each district.
3. No detached accessory building shall be located closer than ten feet to any other building on the lot.

- 4. No detached accessory building shall be located closer than five feet to any side or rear lot line.
- 5. No accessory building shall exceed 16 feet in height. (See definition for "Height of building.")

C. *Nonresidential district accessory buildings and structures.* Accessory buildings shall be permitted within the C-1, C-2, and I-1 districts provided the following restrictions are met:

1. The combined floor area of all accessory buildings shall be based on the lot size, as outlined in the chart below:

Zoning Districts	Lot Size	Maximum Square Footage of All Accessory Structures
All nonresidential districts	2.0 acres or less	Gross ground floor area of the principal structure
All nonresidential districts	2.01 acres or greater	1.5 times the gross ground floor area of the principal structure.

- 2. The total area occupied by the principal building and all accessory buildings shall not exceed the maximum lot coverage permitted in each district.
- 3. Detached accessory buildings shall meet all setback requirements for the zoning district in which they are located.
- 4. No detached accessory building shall be located nearer than 18 feet to any other building on the property.
- 5. No accessory building shall exceed the permitted height for main buildings in the district in which it is located.

D. *Boathouses on waterfront lots.* One boathouse may be constructed within the required setback from the ordinary high water mark on any waterfront lot, provided it is no larger than 128 square feet in area, and no more than eight feet in height. The area of such building shall be counted toward the total area allowed for all accessory buildings on the property. Any other accessory building or structure shall otherwise comply with the applicable requirements of this section.

(Ord. No. 104F-08-08, § 4, 8-12-2008; Ord. No. 104G-12-08, § 1, 12-9-2008)

Section 3.15. - Fences.

[The requirements for fences are as follows:]

- A. Fences in all districts except Commercial C-1 and C-2 and Industrial I-1 shall not exceed six feet in height, measured from the surface of the ground to the uppermost portion of the fence, unless greater restrictions apply elsewhere in this ordinance.
- B. Fences erected in any front yard in any district, except in the industrial district, shall not exceed 48 inches in height. Fences within any front yard shall be of a type which is not more than 50 percent solid, so as not to obscure vision at the right-of-way or property line of the lot or parcel on which it is placed. Security gates or fencing may be permitted in the front yard of up to five 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 acres or more, and comply with all other requirements within this section of the zoning ordinance.
- C. Fences in residential districts or enclosing residential uses shall not contain barbed wire or be electrified, unless in the AGP and AG districts, and used in connection with a bona fide farm operation.
- D. Fences in nonresidential districts which enclose storage lots or other areas requiring security may contain barbed wire provided that the barbed portion of the fence shall not be nearer than eight feet, measured from the surface of the ground to the uppermost portion of the fence, unless greater restrictions apply elsewhere in this ordinance.

Fences intended for the keeping of animals in an agricultural district may contain barbed wire that is less than four feet from the ground with maximum height not to exceed six feet.

The total height of any fence in a Commercial C-1 or C-2 or Industrial I-1 district shall not exceed ten feet, measured from the surface of the ground to the uppermost portion of the fence, unless greater restrictions apply elsewhere in this ordinance.

- E. 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 3.13.
- F. Fences may be erected along the property line.
- G. Fences enclosing public facilities including, but not limited to tennis courts, playgrounds, and municipal storage yards shall not exceed 12 feet in height.
- H. Shrubbery, compact evergreen hedges, or other such hedgerows may be planted and maintained in any zoning district provided such living fences comply with the clear vision standards outlined in section 3.13, and that such hedgerows in front yards shall not exceed a height of 36 inches, in side yards hedgerows shall not exceed a height of six feet, and said living fences shall not exceed a height of eight feet in rear yards.

(Ord. No. 104D-04-04, §§ 1, 2, 4-13-2004; Ord. No. 104E-09-07, § 3, 8-30-2007; Ord. No. 104F-08-08, § 5, 8-12-2008; Ord. No. 104G-12-08, § 2, 12-9-2008)

Section 3.16. - Swimming pools.

Private pools shall be permitted as an accessory use within the rear or side yards only. 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. Other standards:
 - 1. For all yards containing belowground swimming pools:
 - a. The yard shall have an enclosed fence not less than four feet in height surrounding the pool with a gate.
 - b. 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.
 - c. Gates shall be capable of being securely locked when the pool is not in use for extended periods.
 - 2. For all yards containing aboveground swimming pools:
 - a. 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.

- b. The 42-inch wall height must be maintained continuously at all points along the side wall that surrounds the pool.
 - c. The gate and/or stairs shall be of a self-closing and latching type and must be in operable condition at all times.
3. 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.

Section 3.17. - Temporary dwellings or structures and seasonal dwellings.

Unless as may otherwise be exempted in this ordinance, all temporary dwellings or structures and seasonal dwellings shall not be occupied unless a permit has been issued by the township board.

A. Permits.

1. Each permit shall specify the location and use for such temporary dwelling or structure, and shall be valid for a period of not more than 12 calendar months, unless otherwise provided for herein.
2. Upon applying for a temporary dwelling or structure permit or seasonal dwelling permit, the applicant shall pay a fee as determined by the township board, to the township clerk. The fee shall include the cost of any clerical processing, administrative review and/or zoning review which may be required. A fee shall also be collected by the township for any extensions requested by the applicant, and granted by the township board.
3. Permits may be renewed by the township board for one additional successive period of six calendar months, or less, at the same location and for the same purpose.
4. Each application for a temporary dwelling or structure shall include the information required as outlined in chapter 16 for site plan review, except for those requirements that may be waived by the township board.

B. Types of dwellings or structures allowed by this section.

1. Temporary construction office building, storage building, or storage yard for construction materials and equipment during construction of a permanent building may be permitted, under the following conditions:
 - a. The requirements of section 3.17.A. have been met.
 - b. Extensions shall only be granted if such building or yard is still incidental and necessary to construction at the site where it is located.
2. Temporary sales office or model home that is both incidental and necessary for the sale or rental of real property in a new subdivision, condominium project, or other housing project may be permitted, under the following conditions:
 - a. The requirements of section 3.17.A. have been met.
 - b. Extensions may only be granted if the township board determines that such office or model home is still incidental and necessary for the sale or rental of real property in said residential project.
3. Temporary dwellings in any residential district may be permitted for a period of not more than one year, however, permits may be renewed at the option of the township board at the same location and for the same purpose only after the board finds the following conditions outlined below to be true:
 - a. The temporary dwelling is a manufactured home meeting the United States Department of Housing and Urban Development regulations entitled, "Mobile Home Construction and Safety Standards," effective June 15, 1976, as amended. However, the wheels and towing mechanism of the manufactured home shall remain intact.
 - b. The temporary dwelling is for the use and occupancy of the property owner, and his or her family while they are constructing a permanent residence at the same location.

- c. A building permit has been issued for the construction of a permanent residence to the individual applying for a dwelling permit.
 - d. The temporary dwelling meets the water and sewer requirements of the public health department, and all other applicable township ordinances.
 - e. The temporary dwelling is sufficiently secured to the ground to prevent overturning through the actions of high winds or other natural conditions.
 - f. The applicant has signed an agreement of understanding of the requirements for removal of temporary dwellings as outlined below.
 - i. The temporary dwelling shall be removed upon expiration of the temporary permit, and any extensions thereto, or upon completion of the permanent residence, whichever occurs first.
 - ii. The temporary dwelling may be removed by the township upon expiration of the temporary permit, and any extensions thereto, or upon completion of the permanent residence, and any costs incurred by the township in carrying out this provision shall be charged to the property owner. If the property owner does not pay the charges within six months of the first billing notice, said charges shall become a lien on the property, and recorded as provided for by law.
4. Seasonal dwellings are permitted within the AGP, AG, and RR districts, provided that:
- a. The seasonal dwelling shall be:
 - i. A wheeled vehicle, licensed and registered;
 - ii. In compliance with the Michigan Motor Vehicle Code;
 - iii. Have properly inflated tires; and
 - iv. Have working turn signals and brake lights.
 - b. The seasonal dwelling shall be designed for sleeping and camping, and shall contain, at a minimum, portable sanitary facilities.
 - c. The seasonal dwelling shall not be occupied for a period more than 45 days, either consecutively or cumulatively, within a 12-month time period. Occupation for longer periods constitutes a temporary dwelling and the standards in subsection 3.17.B.3., shall be met.
 - d. The dwelling shall not be located in the required front or side yard.
 - e. Where possible, access to the parcel where the seasonal dwelling is located shall be limited to one driveway.
5. Temporary accessory dwelling for care of family members provided it is situated in close proximity to an established dwelling unit owned in fee and occupied by a lineal blood relative of the occupant in need of constant care and attention from the aforesaid lineal blood relative due to age, illness, or infirmity, provided such temporary dwelling occupant shall, to the satisfaction of the township, provide certification of his or her infirmity by a State of Michigan licensed physician and shall comply with the following provisions:
- a. The temporary dwelling is:
 - i. A wheeled vehicle, licensed and registered;
 - ii. In compliance with the Michigan Motor Vehicle Code;
 - iii. Have properly inflated tires; and
 - iv. Have working turn signals and brake lights.
 - b. The occupant of the temporary dwelling in [is] a blood relative of the property owner on which the temporary dwelling is to be located.
 - c. The minimum yard and area standards, excepting the lot area requirements shall be met for the temporary dwelling.

- d. The temporary dwelling shall meet the water and sewer requirements of the public health department, and all other applicable township ordinances.
 - e. A performance guarantee may be required for the removal of the temporary dwelling at the end of its useful purpose.
- C. In considering authorization for any temporary dwelling or structure, the township board shall consider the following standards:
- 1. That there will be no unsanitary conditions or other detrimental effects upon the property, occupants, or adjacent properties;
 - 2. That, in the case of occupancy during construction, the use or structure is reasonably necessary for the convenience and safety of the construction proposed;
 - 3. That the structure does not impact the nature of the surrounding neighborhood;
 - 4. That access to the use, area, or structure is located at the least offensive point on the property; and
 - 5. That a hardship exists which necessitates the use of a temporary structure during construction of a permanent structure.
- D. A performance guarantee may be required in a form as outlined in section 19.03.B. to ensure the proper removal of the temporary dwelling or structure or seasonal dwelling, following the expiration of the permit and any extensions, or upon completion of the permanent building or structure.
- E. The township board may attach reasonable conditions to temporary dwellings or structures to ensure the standards of this section are met.

(Ord. No. 104Q-11-2014, §§ 3—5, 11-12-2014)

Section 3.18. - Satellite dish antennas and wireless communication and radio and television receiving antennas.

[The requirements for antennas are as follows:]

A. *Satellite dish antennas.*

- a. 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 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. 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 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.

B. *Wireless communication and radio and television receiving antennas.*

- a. The following uses may be approved by the zoning administrator after conducting an administrative review:
 - (1) Antennas or towers located on property owned, leased or otherwise controlled by the township provided a license or lease authorizing such antenna or tower has been approved by the township board.
 - (2) Receive-only antennas less than 50 feet in height, except that satellite dish antennas which are over one meter (39.37 inches) in diameter shall be subject to the regulations of section 318.A., above.
 - (3) Antennas and towers less than 50 feet in height, when wholly owned and used by a federally licensed amateur radio station operator.
 - (4) Locating an antenna on existing structures other than a tower may be approved by the zoning administrator as an accessory use to any commercial, industrial, professional, institutional or multifamily structure of eight or more dwelling units provided that:
 - (a) The antenna does not extend more than 30 feet above the highest point of the structure,
 - (b) The antenna complies with all applicable Federal Communications Commission (FCC) and Federal Aviation Administration (FAA) regulations, and
 - (c) The antenna complies with all applicable building codes.
 - (5) Locating an antenna on an existing tower may be approved by the zoning administrator and, to minimize adverse visual impact associated with the proliferation and clustering of towers, collocation of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such collocation is accomplished in a manner consistent with the following:
 - (a) *Modifications:* A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower unless the zoning administrator allows reconstruction as a monopole;
 - (b) *Height:* An existing tower may be modified or rebuilt to a taller height not to exceed 30 feet over the tower's existing height, only to accommodate the collocation of an additional antenna. The height change permitted by this section may only occur one time per communication tower. The additional height permitted by this section shall not require an additional distance separation as set forth in section 17.07.TT.4.g. of this ordinance. The tower's premodification height shall be used to calculate such distance separations.
 - (c) *On-site relocation:* A tower which is being rebuilt to accommodate the collocation of an additional antenna may be moved on a lot within 50 feet of its existing location. After such tower is rebuilt to accommodate the collocation, only one tower may remain on the lot. A relocated on-site tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers pursuant to section 17.07.TT.4.g. of this ordinance. The on-site relocation of a tower under this section shall not be deemed to be a violation of those provisions of this ordinance regarding separation distances between towers. However, the on-site relocation of a tower shall comply with the separation distances between towers and off-site uses and other designated areas as set forth in section 17.07.TT.4.g(1), of this ordinance.
 - (6) Installing a cable micro cell network through the use of multiple low powered transmitters/receivers attached to existing wire line systems such as conventional cable or telephone wires, or utility poles or similar

technology that does not require the use of towers.

- b. The following procedures shall govern the issuance of administrative approvals for towers and antennas:
 - (1) Each applicant for administrative approval shall submit a site plan in as outlined in section 17.07.TT.3.f. of 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 forth at section 17.07.TT.4. of this ordinance.
- c. 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.

C. *Exceptions.*

- a. 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.
- b. 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.
- c. 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.
- d. These regulations shall not apply to dish antennas that are one meter (39.37 inches) or less in diameter in residential districts or two meters or less in diameter in nonresidential districts.
- e. 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.

(Ord. No. 104F-08-08, §§ 6—8, 8-12-2008)

Section 3.19. - Home occupations.

Home occupations shall be permitted as a special land use in the AGP, AG, RR, R-1, R-2, and R-3 zoning districts. See section 17.07.N., for specific standards.

Section 3.20. - Residential sales.

Residential sales are permitted in any residential use area for no more than three days per sale, and four sales per calendar year, per property.

(Ord. No. 104E-09-07, § 4, 8-30-2007)

Section 3.21. - Keeping of animals.

[The requirements for keeping of animals is as follows:]

- A. The keeping of dogs is permitted as an accessory use in any residential district as outlined below.
 - 1. All commercial kennels shall be operated in conformance with all applicable county, state, and federal regulations.
 - 2. Keeping of dogs for personal enjoyment without remuneration (noncommercial kennels) shall be limited to three

dogs, and one additional acre shall be required [for] each dog after the first three [dogs]. A maximum of seven dogs shall be permitted. The keeping of said dogs shall not become a nuisance, or a public health hazard.

3. Commercial kennels may be permitted as indicated in chapters 5 through 14.
- B. The keeping of animals not normally considered household pets, including, but not limited to, horses, pigs, sheep, cattle, pigeons, and poultry is prohibited in the R-2, R-3, MHP, C-1, C-2, and CBD districts. Keeping animals is permitted with the following restrictions, with the exception of a bona fide farm in the AGP, AG, RR, and R-1 zoning districts:
1. A minimum lot size of five acres shall be required for the first two animal units, and one acre for each additional animal unit.
 2. For this subsection, one animal unit shall be equal to the following:
 - One horse, donkey, mule, or cow;
 - Two pigs;
 - Ten sheep or goats;
 - 20 poultry or pigeons; and
 - 20 rabbits.
 3. An accessory building used to house, feed or shelter the animals shall not be nearer than 100 feet to any dwelling adjacent to the subject parcel, and 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 dwelling adjacent to the subject parcel.

(Ord. No. 104Q-11-2014, § 6, 11-12-2014)

Section 3.22. - Private roads.

[The provisions and requirements for private roads are as follows:]

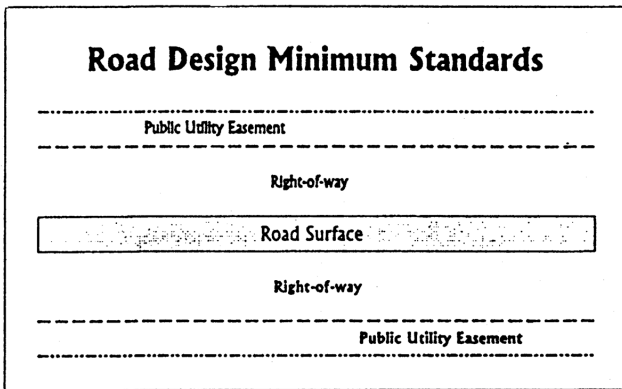
- A. *Purpose.* The township has determined that it is in the best interest of the community to regulate the construction, improvement, extension, relocation, and use of private roads. These provisions have been enacted to ensure that:
1. Proposed private roads will not be detrimental to the public health, safety, or general welfare.
 2. Proposed private roads will not adversely affect the longterm development policies of Pennfield Charter Township.
 3. 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.
 4. 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. [*Definitions.*] 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 commission.* The Calhoun County Road Commission.
 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 Environmental Quality 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 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.
- D. *Review procedure.*
1. The application packet shall be forwarded to the planning commission, at the next scheduled meeting. The commission shall then schedule a public hearing within 40 days of their receipt of the application packet.
 2. The planning commission shall hold a public hearing on the application.
 - a. Prior to the hearing, the township shall cause a notice to be published in a newspaper with general circulation in the township, such notice shall indicate that the planning commission will hold a public hearing regarding the proposed private road, including the proposed road location (by approximate common address), where the hearing will take place, the date and time of the hearing, and an address where comments may be sent regarding the request.
 - b. Further, the same notice shall be sent, or personally delivered to all property owners adjacent to the properties to be served by the proposed road, as indicated by the last tax assessment roll.

- c. Said notices shall be published and sent at least five, but not more than 15 days prior to such hearing.
- 3. The commission shall consider the application based on the standards outlined in subsection E of this ordinance.
- 4. The planning commission shall review the private road application, and make a recommendation to the township board.
- 5. Within a reasonable time after the planning commission holds a public hearing, the commission shall make a recommendation to the township board to either approve, approve with conditions, or deny the requested private road. Written reasons shall be included with the planning commission's recommendation.

E. *Design requirements.* The construction of private roads shall comply with the following standards:

- 1. 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.



Road Design Minimum Standards

- 2. 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.
- 3. 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.
- 4. 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.
- 5. A road shoulder at least four feet wide, and shall be constructed on each side of the road surface.
- 6. 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.
- 7. In any case, the road, including the surface and shoulders, shall be constructed to meet the road commission specifications for local roads.
- 8. The maximum longitudinal road grade shall not exceed six 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 percent grade may be permitted.
- 9. 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.

10. The private road shall be constructed with stormwater runoff culverts and drainage contours as is required by the C Drain Commission, if the township engineer determines construction with such systems would promote the purpos section.
 11. All roads may be named by the applicant, however, the road commission 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.
 12. 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.
 13. 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.
 - d. 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 subsection 3.22, E, 13, c, above.
 14. 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.
 15. 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.
 16. At the initiation of a property owner(s) being served by the private road, or the township board, private road rights-of-way may be vacated after a public hearing as outlined under section 3.22, D, parts 1, 2, and 4. However, a public utility easement shall be maintained where the right-of-way was abandoned.
 17. For all private roads overhead clearance of 15 feet from the ground level shall be maintained.
- F. *Maintenance and repairs.*
1. Private roads shall be maintained in manner that complies with the provisions of this section.
 2. 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.
 3. All costs for maintenance and repair of the private road shall be the responsibility of the property owners served by the private road.
 4. 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.
- G. *Effect of approval.* The private road approval shall not become effective until the applicant provides the following:
1. A letter indicating acceptance of all conditions of approval made by the township board.
 2. 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.
 3. 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:

- a. As a condition of approval, the township board may require a financial guarantee of sufficient sum to assure the those features or components of the approved activity or construction which are considered necessary to prote safety, and welfare of the public and the users of the proposed development. Such features or components, her as "improvements."
- b. 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.
4. Private road construction is to be completed within one year of approval by the board. Failure to complete private road construction within one year shall render said approval null and void.
5. 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.

H. *Permits.*

1. 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.
2. 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.
3. A driveway permit shall be obtained from the road commission prior to issuance of any building permit.
4. 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.
5. It shall be the applicant's responsibility to obtain all applicable state and federal permits for the road construction.

Section 3.23. - Nonconforming lots, uses, and buildings and structures.

[Provisions concerning nonconforming lots, uses, and buildings and structures are as follows:]

A. *Intent.*

1. It is recognized that there exist in zoning districts certain lots, buildings and structures, and uses which were lawful before this ordinance was passed or amended, which would be prohibited, regulated, or restricted under the terms of this ordinance. It is the intent of this section to permit legal nonconforming lots, buildings and structures, and uses to continue until they are removed, but not to encourage their survival.
2. Nonconforming lots, buildings and structures, and uses are declared by this ordinance to be incompatible with permitted uses in the districts in which they are located. It is the intent of this section that these nonconformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other buildings, structures or uses prohibited elsewhere in the district.
3. Nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been diligently conducted.

B. *Nonconforming lots of record.*

1. Where a lot of record in existence at the time of the adoption or amendment of this ordinance does not meet the minimum requirements for lot width or lot area, such lot of record may be used for single-family residential purposes, subject to compliance with setbacks and lot coverage requirements, approval of water supply, and sanitary sewer or septic system by the county health department, or other proper agency having jurisdiction.
2. If two or more lots of record or combination of lots and portions of lots of record, in existence at the time of the passage of this ordinance, or an amendment thereto, with continuous frontage and under single ownership do not meet the requirements established for lot width or lot area, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance, and no portion of such parcel shall be used or divided in a manner which diminishes compliance with lot width and area requirements established by this ordinance.

C. *Nonconforming uses.*

1. No nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of the adoption or amendment of this ordinance.
2. No part of any nonconforming use shall be moved unless such movement eliminates the nonconformity.
3. If a nonconforming use is abandoned for any reason for a period of more than one year, any subsequent use shall conform to the requirements of this ordinance. A nonconforming use shall be determined to be abandoned if one or more of the following conditions exists, and which shall be deemed to constitute an intent on the part of the property owner to abandon the nonconforming use:
 - a. Utilities, such as water, gas and electricity to the property, have been disconnected;
 - b. The property, buildings, and grounds have fallen into disrepair;
 - c. Signs or other indications of the existence of the nonconforming use have been removed;
 - d. Equipment or fixtures necessary for the operation of the nonconforming use have been removed;
 - e. Other actions, which in the opinion of the zoning administrator, constitute an intention of the part of the property owner or lessee to abandon the nonconforming use.
4. A nonconforming use may be changed to another nonconforming use provided that all of the following determinations are made by the zoning board of appeals:
 - a. The proposed use shall be as compatible or more compatible with the surrounding neighborhood than the previous nonconforming use.

- b. The proposed nonconforming use shall not be enlarged or increased, nor extended to occupy a greater area of land than the previous nonconforming use.
 - c. That appropriate conditions and safeguards are provided that will ensure compliance with the intent and purpose of this ordinance.
5. Wireless communication facilities, including towers, antennas, and related equipment.
- a. Towers that are constructed and antennas that are installed in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of the nonconforming use or structure.
 - b. Towers existing on the date of adoption of this ordinance shall be allowed to continue their use as they presently exist. Routine maintenance, including replacement with a new tower of like construction and height, shall be permitted on existing towers. New construction, other than routine maintenance on an existing tower, shall comply with the requirements of this ordinance.
 - c. Notwithstanding section 17.07, TT, 6, nonconforming towers or antennas that are damaged or destroyed, may be rebuilt without having to first obtain administrative approval or a special land use permit, and without having to meet separation requirements specified within this ordinance. The type, height, and location of the tower shall be of the same type and intensity as the original facility approved. Building permits to rebuild the facility shall comply with the applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained, or said permit expires, the tower and antenna shall be deemed abandoned as specified by this ordinance.
- D. *Nonconforming buildings and structures.*
1. Where a lawful building or structure exists at the effective date of this ordinance, or an amendment thereto, that does not comply with the requirements of this ordinance because of restrictions such as lot area, coverage, width, height, or yards, such building or structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
 - a. No such building or structure may be enlarged or altered in a way that increases its nonconformity, except in cases in which the setback of a building or structure is nonconforming by no more than one-half the distance required by this ordinance. Only in these cases may the nonconforming setback be extended along the same plane as the existing nonconforming setback, provided that in so doing, the setback itself is not further reduced and no additional variances are required.
 - b. Should a nonconforming building or structure be destroyed to an extent of more than 50 percent of its replacement value, exclusive of the foundation, it shall be reconstructed only in conformity with the provisions of this ordinance.
 - c. Should a nonconforming building or structure be moved for any reason and for any distance, it shall be moved to a location which complies with the requirements of this ordinance.
 2. None of the provisions of this section are meant to preclude normal repairs and maintenance on any nonconforming building or structure that would prevent strengthening or correcting of any unsafe condition of the building or structure.
- E. [*Private property acquisition.*] The township may acquire, through purchase or condemnation, private nonconforming buildings, structures, or land. The township board may make this purchase of private property in the manner provided for by law.
- F. [*Illegal nonconforming uses.*] Those alleged nonconforming uses of land, buildings, and structures which cannot be proved conclusively to have been existing prior to the effective date of this ordinance, or any amendment thereto, shall be declared illegal nonconforming uses and shall be discontinued upon written notification from the zoning administrator.

(Ord. No. 104F-08-08, §§ 9, 10, 8-12-2008)

Section 3.24. - Floodplain.

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.

Section 3.25. - Lake regulation.

- (a) *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 of St. Mary's Lake 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 shore lines 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.
- (b) *Scope and application.*
- (1) 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.
 - (2) 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.
 - (3) 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.
- (c) *Definitions.* For the purpose of construction and application of this section, the following definitions shall apply:
- (1) *Dock or docking* shall mean the mooring of a boat directly to a pier, which is a platform or other permanent or seasonal fixture extending from the shore, and directly accessible to a separate frontage; and shall also mean the regular anchoring of a boat adjacent to a separate frontage.
 - (2) *Lake* shall mean St. Mary's Lake.
 - (3) *Separate frontage* means that portion of a lot or parcel of land existing on documentation recorded within the Calhoun County Register of Deeds, which abuts or intersects with the normal high water mark of St. Mary's Lake, whether such lot or parcel is owned by one or more persons, or commonly owned by several persons, or combinations of persons.
- (d) *Regulations.* Not more than one 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 in 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.

(e) *Penalties.*

- (1) A person who violates any provision of this ordinance is responsible for a municipal civil infraction subject to payment of a civil fine of not less than \$50.00 or more than \$500.00 plus costs and other sanctions for each infraction. Each day on which any violation of this ordinance continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense. Repeat offenses shall be subject to increased fines as provided by section 2.72 of this Code.
- (2) In addition to or in lieu of seeking to enforce this section by proceeding under section 30-5(a) [subsection 3.25(a)] above, the township may institute an appropriate action in circuit court seeking equitable relief.

(Ord. No. 104C-08-03, § 1, 8-12-2003)

Section 3.26. - Donation boxes.

Donation boxes are prohibited in all zoning districts, unless the donation box is accessory to the principal use of the premises. To qualify as an approved accessory use, the donation box must be owned, maintained, and operated by the owner of the principal use.

(Ord. No. 104O-04-13, § 2, 4-9-2013)

CHAPTER 4. - ZONING DISTRICTS—GENERAL

Section 4.01. - Districts established.

	Zoning District Designation	Chapter
WC	Waterfront conservation district	5
AGP	Agricultural preservation district	6
AG	Agricultural district	<u>6b</u>
RR	Rural residential district	7
R-1	Low-density residential district	8
R-2	Medium-density residential district	9
R-3	High-density residential district	10
MHP	Manufactured home park district	11
C-1	Local commercial district	12
C-2	Community commercial district	13
CBD	Capital business district	<u>13A</u>
I-1	Industrial district	14

(Ord. No. 104I-1-09, § 1, 11-10-2009)

Section 4.02. - District boundaries.

[The criteria concerning district boundaries are as follows:]

- A. *Boundaries.* The boundaries of the districts listed in section 4.01 are hereby established as shown on the Pennfield

Charter Township Zoning Ordinance Map dated November 10, 2009, which is part of this ordinance.

- B. *Interpretation of district boundaries.* Where uncertainty exists with respect to the boundaries of the various districts as shown on the zoning map, the following rules shall apply:
1. Boundaries indicated as approximately following the centerlines of streets, roads, highways, or alleys shall be construed to follow such centerlines.
 2. Boundaries indicated as approximately following platted lot lines or township limits shall be construed as following such lot lines or township limits.
 3. Boundaries indicated as following railroad lines shall be construed to be the midpoint between the main tracks.
 4. Boundaries indicated as parallel to or extensions of features indicated in section 4.02, B, 1, 2, and 3, shall be so construed. Distances not specifically indicated on the zoning map shall be determined by the scale of the map.
 5. Where physical or natural features existing on the ground differ from those shown on the zoning map, or in other circumstances not covered by this section, the zoning board of appeals shall interpret the district boundaries.
 6. 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.

(Ord. No. 104I-1-09, § 2, 11-10-2009)

Section 4.03. - Zoning of vacated areas.

Whenever all or part of a street, alley or other public way is 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 half way between, unless the township board shall otherwise designate.

Section 4.04. - Overlay districts.

The following districts are established as overlay districts, meaning the permitted uses, special land uses and site development requirements within the "underlying" zoning district are supplemented by additional requirements directed at the implementation of those township goals and objectives:

WC—Waterfront conservation district.

CP—Corridor preservation overlay district.

OSP—Open space preservation overlay district.

(Ord. No. 104A-03-02, § 5, 4-9-2002; Ord. No. 117-01-03, § 1, 1-14-2003)

CHAPTER 5. - WATERFRONT CONSERVATION (WC) DISTRICT

Section 5.01. - Purpose.

[The purpose and intent of the WC district are as follows:]

- A. The WC 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 centerline of a recognized 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.

- B. 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.

Section 5.02. - Permitted uses.

No land or buildings where the regulations of the WC district have been added to the underlying zoning district shall be used, erected, altered, or converted, in whole or in part, except for the following purposes by right:

- A. Permitted uses in the underlying zoning district.

Section 5.03. - Special land uses.

No land or buildings in the WC district may be used, erected, altered, or converted except for the following purposes when approved in accordance with the requirements of chapter 17:

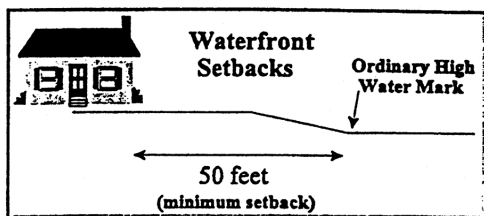
- A. Special land uses permitted in the underlying zoning district.
 B. Public or private boat launches.
 C. Commercial use solar energy facilities.

Section 5.04. - Site development requirements.

All permitted uses and special uses are subject to the following site development requirements:

- A. *Additional setbacks and lot widths for structures.*

1. 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. Exception: For every one foot of bank height above a minimum of seven feet above the ordinary high water mark new structures may be placed five 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.



2. 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:
- a. No material is allowed to enter the water either by erosion or mechanical means.
 b. 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.
- B. *Vegetative strip.*
1. 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.
 2. 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.
 3. 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.
- C. General provisions outlined in chapter 3.
- D. Site plan review as may be required in accordance with chapter 16, section 16.0.1.
- E. Off-street parking as may required in accordance with chapter 16, section 16.02.
- F. Signs are permitted in accordance with the requirements of chapter 16, section 16.03.
- G. Except as provided for in section 5.04, lot dimension, setbacks, height, and lot coverage requirements for all buildings shall be met as indicated, in the underlying district, and as outlined in Schedule of District Regulations, chapter 15.

(Ord. No. 104R-03-20, § 1, 3-17-2020)

CHAPTER 5A. - CORRIDOR PRESERVATION (CP) OVERLAY DISTRICT

Section 5A.01. - Purpose.

The CP district is a supplementary district that seeks to preserve transportation corridors for purposes of promoting orderly development in areas impacted by more intensive land use. Toward this end, the Pennfield Charter Township master plan has recommended the use of access management techniques in order to limit the number and placement of drives along M-66. The intent is to establish additional setback distances for all uses along this corridor in order to preserve this right-of-way for future expansion. In addition, these overlay standards provide for improved traffic flow through the township, limiting the number of turning movements and access points where accidents are of the greatest likelihood. In addition, the expanded right-of-way can support the need for utility improvements to serve more intensive use. The intent will also be to achieve a consistent pattern and appearance of development, creating a unified corridor regardless of the specific use.

The following areas are designated as part of this overlay district:

Capital Avenue (M-66) from Morgan Road to Pennfield Road, including uses or parcels within 330 feet of those intersections.

(Ord. No. 104A-03-02, § 6, 4-9-2002)

Section 5A.02. - Permitted uses.

Where the regulations of the CP district have been added to the underlying zoning district, no land shall be used, erected, altered or converted, in whole or in part, except for the following purposes by right:

- A. Permitted uses in the underlying zoning district.

(Ord. No. 104A-03-02, § 6, 4-9-2002)

Section 5A.03. - Special land uses.

No land or buildings within the CP district shall be used, erected, altered or converted except for the following purposes when approved in accordance with the requirements of chapter 17:

- A. Special land uses permitted in the underlying zoning district.

(Ord. No. 104A-03-02, § 6, 4-9-2002)

Section 5A.04. - Site development requirements.

All permitted uses and special land uses are subject to the site development requirements within the underlying zoning district, and the following requirements where these requirements exceed those of the underlying zoning district:

- A. *Location of district.* The district shall include a 250 feet wide preservation corridor, including all land within 125 feet of the centerline of the existing right-of-way for the areas designated [Capital Avenue (M-66)].
- B. *Lot width.* The minimum lot width for any parcel served by a private driveway accessible from Capital Avenue/M-66 shall be 800 feet.
- C. *Front yard setback.* The minimum front yard setback is established as 125 feet from the existing centerline of the road. The first 75 feet (from the centerline) are preserved for expansion of M-66, related infrastructure, sidewalks, utility right-of-way and landscaping. The last 50 feet provides for the required building setback and can be utilized for parking purposes and may include sidewalks and landscaping.
- D. *Access management.* An existing intersecting public road or private access road shall be at least 800 feet from any other existing public road, private road or access drive. Parcels or lots with frontage on the preserved corridor having a frontage width of at least 800 feet shall be allowed one access drive or private driveway. All other lots or parcels fronting on the corridor less than 800 feet in width shall be accessed by public roads or private access roads or drives as defined within this ordinance. Private driveways shall not be located within 330 feet of any adjacent driveway, private road or public road intersection located on the same side as the point of access, unless existing driveways or roads make such location unfeasible.
- E. *Improvements.* Following approval of the site plan but prior to the issuance of a building permit, the applicant shall sign a letter notifying the Michigan Department of Transportation (MDOT) (or the Calhoun County Road Commission where they have such jurisdiction) of their intent to make parking, road or driveway improvements within the preserved right-of-way. The applicant indicates through this notification that any improvements may be removed upon roadway expansion as the right-of-way is acquired. Where service drives are employed within the preserved right-of-way, all parking accessed directly from the service drive shall only be located on the building side of the drive.
- F. *Appearance/site plan review.* A uniform appearance of structures and parcels with access defined by this corridor is desired, with such appearance based upon use of construction materials and landscaping treatment in a manner consistent with existing or proposed new development. Design review procedures shall be utilized during site plan review as follows:
1. Perimeter and interior landscaping between and within any parking areas and the preserved right-of-way shall include at least one shrub for each 30 feet and one tree for each 50 feet of frontage. Such landscaping can be arranged in a manner to reduce conflict with visibility and turning movements.
 2. The width of any greenbelt, berm or landscape area shall be not less than 20 feet, with this measured

perpendicular to the centerline of the road. The planning commission may waive this requirement where infeasible or in order to support sidewalk or other infrastructure improvements or as part of a drainage plan.

(Ord. No. 104A-03-02, § 6, 4-9-2002; Ord. No. 104I-1-09, § 3, 11-10-2009)

CHAPTER 5B. - OPEN SPACE PRESERVATION OVERLAY DISTRICT

Section 5B.01. - Purpose.

In conformance of 2006 PA 110 [MCL 125.3101—125.3702], as may be amended, and the Pennfield Charter Township land use plan the purposes of this chapter, 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 the Pennfield 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 Township's rural character, and to minimize perceived density, by minimizing views of new development from existing roads and bodies of water.

(Ord. No. 117-01-03, § 2, 1-14-2003; Ord. No. 104E-09-07, § 5, 8-30-2007)

Section 5B.02. - Definitions.

[The following definitions apply to this chapter:]

- A. *Agricultural land* means substantially undeveloped land devoted to the production of plants and animals useful to

humans, including forage and sod crops; grains, feed crops, and field crops; dairy products; poultry and poultry products; livestock, including breeding and grazing of cattle, swine, and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; Christmas trees; and other similar uses and activities.

- B. *Conservation easement* means that term as defined in section 2140 of the Natural Resources and Environmental Protection Act PA 451, MCL 324.2140.
- C. *Development rights* means 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.
- D. *Greenway* means 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.
- E. *Parcel* means a continuous area or acreage of land which can be described as provided for in the Land Division Act, 1967 PA 288, as amended (MCL 560.101 et seq.) or a division or site made for a condominium project under the Condominium Act, 1978 PA 59, as amended (MCL 559.101 et seq.)
- F. *Parent parcel* means a parcel of record on the effective date of this chapter amendment or "parent parcel" or "parent tract" as defined by the Michigan Land Division Act, 1967 PA 288 9MCL 560.101).
- G. *Planned unit development* means a special use which encompasses more than one residential unit and/or more than one commercial use.
- H. *Undeveloped state* means 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.

(Ord. No. 117-01-03, § 2, 1-14-2003; Ord. No. 104E-09-07, § 6, 8-30-2007)

Section 5B.03. - Overlay district established.

The establishment of this overlay district 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 district is an overlay over those existing districts that have a permanent open space. This district is an overlay over those existing districts that have a residential density of three units per acre or less (with public sewer) or two units per acre or less (without public sewer). This shall be a development option for landowners within the following districts: AGP, AG, RR, R-1, and R-2.

(Ord. No. 117-01-03, § 2, 1-14-2003; Ord. No. 104E-09-07, § 7, 8-30-2007)

Section 5B.04. - Permitted uses.

All permitted residential uses within the underlying district are permitted within the OSP overlay district. At the landowners option, single-family dwellings will be permitted within residential developments subject to the following:

A. *Application procedure.*

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 overlay district including site development requirements listed in section 5B.06 below.

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.

4. The applicant will submit a time-line 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 required open space in each phase not meet a minimum of 50 percent of the area for that phase.
- B. *Conditions for approval.* 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 AGP, AG, RR, R-1, and R-2) 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. Individual parcels, lots or sites within the residential development will meet the following:
 - a. *(Lot) width.* The parcels, lots, or sites (units) will have a minimum lot width of no less than 50 percent of the minimum lot width within the underlying zone or 75 feet, whichever is greater.
 - b. *(Lot) area.* The parcels, lots, or sites (units) will have a minimum lot area of 25 percent of the minimum lot

- area within the underlying zone or 7,500 square feet, whichever is greater.
- c. *(Lot) coverage.* The parcels, lots or sites (units) will have a maximum lot coverage of 25 percent, including accessory buildings.
 - d. *Floor area.* The minimum floor area for the dwelling unit will meet the minimum standard within the underlying zone.
 - e. *Yard/setback.* The dwelling units will meet the following setback provisions:
 - Front.* 50 percent of the minimum setback within the underlying zone, but no less than 30 feet.
 - Side.* 50 percent of the minimum setback within the underlying zone, but no less than ten feet.
 - Rear.* 50 percent of the minimum setback within the underlying zone but no less than 20 feet.
 - f. *Height.* The maximum height will meet the maximum height standard within the underlying zone.
4. *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 project 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.

(Ord. No. 117-01-03, § 2, 1-14-2003)

Section 5B.05. - 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.

(Ord. No. 117-01-03, § 2, 1-14-2003)

Section 5B.06. - 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. *Setback and access.*
1. *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.
 2. *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 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.
- B. *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 chapter. 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 chapter:
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 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 for 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 chapter 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 chapter.

(Ord. No. 117-01-03, § 2, 1-14-2003)

Section 5B.07 - Land division options.

As of the effective date of this chapter, new parcels may be created either pursuant to 1967 PA 288, as amended (MCL 460.101 et seq.), or as provided in this chapter.

(Ord. No. 117-01-03, § 2, 1-14-2003)

CHAPTER 5C. - WELLHEAD PROTECTION OVERLAY DISTRICT

Section 5C.01. - 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.

(Ord. No. 104J-08-11, § 1, 8-9-2011)

Section 5C.02. - Definitions.

The following definitions apply to this ordinance:

- A. *Best management practices (BMP)* means the best available methods, activities, maintenance procedures, technologies, operating methods or management practices for preventing or reducing the quantity of regulated substances entering groundwater and surface water from a particular land use activity.
- B. *Delineated wellhead protection area (WHPA)* means that 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 Quality [MDEQ]). This ordinance addresses both a one-year and ten-year time-of-travel to the WHPA.
- C. *Groundwater* means 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.
- D. *Michigan Department of Environmental Quality (MDEQ)* shall include its predecessors and successors.
- E. *Performance standards* means those BMPs and engineering controls contained within the document "Wellhead Protection Ordinance Site Plan Review Checklist", dated August 2011 and prepared by Civil Engineers, Inc. of Battle Creek, Michigan.
- F. *RCRA* means the Resource Conservation and Recovery Act of 1976 (Pub. L. 94-580; 42 U.S.C. 6901 et seq.), as amended.
- G. *Regulated substances* shall 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:
 1. 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;
2. Hazardous waste, as defined by the Solid Waste Disposal Act, as amended by the RCRA of 1976, as amended;
 3. 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;
 4. Radiological materials; and,
 5. 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."
- H. *Release* means 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:
1. 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;
 2. 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;
 3. 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;
 4. 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;
 5. 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
 6. 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.
- I. *Spill contingency plan* means 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.

J. *Time of travel* marks the time it will take a particle of water to travel through the wellhead protection area and into a well.

K. *Township* means Pennfield Charter Township.

L. *Well* means any individual well used for supplying water.

(Ord. No. 104J-08-11, § 1, 8-9-2011)

Section 5C.03. - Application to land use activities.

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

(Ord. No. 104J-08-11, § 1, 8-9-2011)

Section 5C.04. - Permitted uses.

Subject to section 5C.06 of this chapter, 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. Scrap or recycling yards;
- C. Sand, gravel, bedrock, or other types of mining operations or quarry operations involving the excavation and/or extraction of naturally occurring ores, stone, salt, sand or other naturally occurring minerals;
- D. Drilling for natural gas or petroleum, whether for exploration, production or otherwise within the one-year WHPA.

(Ord. No. 104J-08-11, § 1, 8-9-2011)

Section 5C.05. - 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 section 3.23 of the Pennfield Charter Township Zoning Ordinance (Appendix B of the Pennfield Charter Township Code of Ordinances).
- B. In addition, the facility must meet the requirements of chapter 30 of the Pennfield Charter Township Code of Ordinances dealing with the requirements for wellhead protection.

Section 5C.06. - Special land use permit required.

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.

(Ord. No. 104J-08-11, § 1, 8-9-2011)

Section 5C.07. - 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.

(Ord. No. 104J-08-11, § 1, 8-9-2011)

Section 5C.08. - Site plan review requirements.

All land uses proposed or expanded within the wellhead protection area shall meet the site plan review standards specified in section 16.01.C.2.p. of the Pennfield Charter Township Zoning Ordinance.

(Ord. No. 104J-08-11, § 1, 8-9-2011)

Section 5C.09. - Data submission requirements.

Data required for special land use review purposes includes the following:

- 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.

(Ord. No. 104J-08-11, § 1, 8-9-2011)

Section 5C.10. - Standards for special land uses.

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:
 - (1) A Michigan groundwater discharge permit shall be required for any discharge to groundwater.
 - (2) 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:
 - (1) Prevent the commingling of stormwater runoff and hazardous substances;

- (2) Enhance spill cleanup procedures; and
- (3) 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).

(Ord. No. 104J-08-11, § 1, 8-9-2011)

Section 5C.11. - 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.

(Ord. No. 104J-08-11, § 1, 8-9-2011)

Section 5C.12. - 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.

(Ord. No. 104J-08-11, § 1, 8-9-2011)

CHAPTER 6. - AGRICULTURAL PRESERVATION (AGP) DISTRICT

Section 6.01. - Purpose.

This district is intended to provide land for the production of food and fiber, as well as for residential uses in a pastoral, agricultural, and woodland setting. The purpose of this district is to guard the agricultural lands and open spaces of Pennfield Township from loss due to pressures from development. In doing so, conflicts between homes and agricultural activities will be prevented, land lost for nonagricultural uses will be minimized, longterm investment in agricultural production will be possible, land speculation will be reduced, important aesthetic and scenic qualities will be maintained, and rural character will be preserved.

Section 6.02. - Permitted uses.

No land or buildings in the AGP district shall be used, erected, altered, or converted, in whole or in part, except for the following purposes by right:

- A. Crop farming.
- B. Animal or fowl husbandry.
- C. Single-family dwellings.
- D. State-licensed residential family care facilities.
- E. Essential public services.
- F. Intensive livestock operations.

(Ord. No. 104E-09-07, § 8, 8-30-2007)

Section 6.03. - Special land uses.

No land or buildings in the AGP district may be used, erected, altered, or converted except for the following purposes when approved in accordance with the requirements of chapter 17:

- A. Greenhouses and nurseries.
- B. Roadside stands.
- C. Riding stables.
- D. Public or private campgrounds.
- E. Mining of natural resources, excluding forest-related programs.
- F. Agricultural processing and warehousing.
- G. Planned unit developments.
- H. Kennels.
- I. Veterinary hospitals and clinics.
- J. Repealed.
- K. Home occupations.
- L. Wireless communication towers, and radio and television broadcast towers.
- M. Agri-tainment facilities.

(Ord. No. 104B-06-03, § 8, 6-11-2003; Ord. No. 104E-09-07, § 9, 8-30-2007)

Section 6.04. - Site development requirements.

All permitted uses and special uses are subject to the following site development requirements:

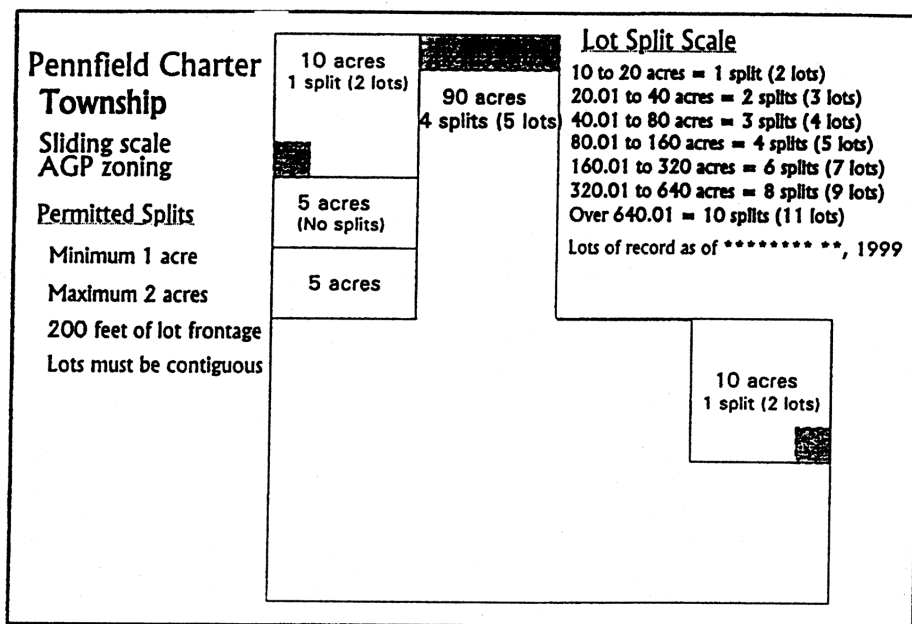
- A. General provisions outlined in chapter 3.
- B. Site plan review as may be required in accordance with chapter 16, section 16.01.
- C. Off-street parking as may required in accordance with chapter 16, section 16.02.
- D. Signs are permitted in accordance with the requirements of chapter 16, section 16.03.
- E. The following dimensional requirements shall be met for any use in this district, unless otherwise provided:

Agricultural Preservation (AGP) District	
Minimum lot size	40 acres, except as noted in subsection <u>6.04, F</u> , below.
Minimum lot width	660 feet, except as noted in subsection <u>6.04, F</u> , below.
Front yard setback	60 feet
Side yard setback	50 feet
Rear yard setback	50 feet
Maximum height	40 feet

Maximum lot coverage	15%
See also footnotes (a) and (b) in chapter 15, section 15.02.	

F. Permitted minimum lot area reductions:

1. For each parcel of ten acres or more existing as of the date of adoption of this ordinance, _____, 1999, additional nonfarm lots may be created as outlined below.
 - a. For each parcel having between ten acres and 20 acres, one nonfarm split shall be permitted.
 - b. For each parcel having between 20.01 acres and 40 acres, two nonfarm splits shall be permitted.
 - c. For each parcel having between 40.01 acres and 80 acres, three nonfarm splits shall be permitted.
 - d. For each parcel having between 80.01 acres and 160 acres, four nonfarm splits shall be permitted.
 - e. For each parcel having between 160.01 acres and 320 acres, six nonfarm splits shall be permitted.
 - f. For each parcel having between 320.01 acres and 640 acres, eight nonfarm splits shall be permitted.
 - g. For each parcel having over 640.01 acres, ten nonfarm splits shall be permitted.
2. Any lot created according to the above requirements shall be at least one acre and no greater than two acres in areas and shall have a minimum of 200 feet of public road frontage. The permitted lots shall be contiguous.



Sliding Scale—AGP Zoning.

CHAPTER 6b. - AGRICULTURAL (AG) DISTRICT

Section 6.01b. - 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

Pennfield 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.

Section 6.02b. - Permitted uses.

No land or buildings in the AG district shall be used, erected, altered, or converted, in whole or in part, except for the following purposes by right:

- A. Crop farming and animal or fowl husbandry.
- B. Single-family dwellings.
- C. State-licensed residential family care facilities.
- D. Essential public services.

Section 6.03b. - Special land uses.

No land or buildings in the AG district may be used, erected, altered, or converted except for the following purposes when approved in accordance with the requirements of chapter 17:

- A. Greenhouses and nurseries.
- B. Roadside stands.
- C. Riding stables.
- D. Public or private campgrounds.
- E. Kennels.
- F. Public parks and recreation areas.
- G. Golf courses and country clubs.
- H. Veterinary hospitals and clinics.
- I. Group day care homes.
- J. Churches.
- K. Planned unit developments.
- L. Public or private schools.
- M. Municipal buildings.
- N. Recycling centers.
- O. Home occupations.
- P. Wireless communication towers, and radio and television broadcast towers.
- Q. Mining of natural resources, excluding forest-related programs.
- R. Agricultural processing and warehousing.
- S. Intensive livestock operations.
- T. Agri-tainment facilities.
- U. Commercial use solar energy facilities.

(Ord. No. 104B-06-03, § 9, 6-11-2003; Ord. No. 104R-03-20, § 2, 3-17-2020)

Section 6.04b. - Site development requirements.

All permitted uses and special uses are subject to the following site development requirements:

- A. General provisions outlined in chapter 3.
- B. Site plan review as may be required in accordance with chapter 16, section 16.01.
- C. Off-street parking as may required in accordance with chapter 16, section 16.02.
- D. Signs are permitted in accordance with the requirements of chapter 16, section 16.03.
- E. Lot dimension, setbacks, height, and lot coverage requirements for all buildings, shall be met as noted on the following chart, unless otherwise indicated, and as outlined in Schedule of District Regulations, chapter 15.

Agricultural (AG) District	
Minimum lot size	87,120 square feet or 2 acres
Minimum lot width	200 feet
Front yard setback	60 feet*
Side yard setback	50 feet*
Rear yard setback	50 feet*
Maximum height	35 feet*
Maximum lot coverage	20%
See also footnote (a) in chapter 15, <u>section 15.02</u> .	

Note: 1 acre = 43,560 square feet.

*For principal building only. See sections 3.14 and 3.15 for requirements for accessory buildings and fences, respectively.

CHAPTER 7. - RURAL RESIDENTIAL (RR) DISTRICT

Section 7.01. - Purpose.

This district is intended for residential uses, including other uses generally associated with agriculture. The purpose of this district is to preserve the rural residential and agricultural character of the lands within this district, promote a low-intensity rural environment which preserves those natural features that are important to the character of Pennfield Township, minimize public service costs, limit urban influence, and preserve a maximum of open space. 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 large-lot residential uses for areas not served with public water or sewer utility.

Section 7.02. - Permitted uses.

No land or buildings in the RR district shall be used, erected, altered, or converted, in whole or in part, except for the following purposes by right:

- A. Single-family dwellings.
- B. State-licensed residential family care facilities.
- C. Essential public services.

Section 7.03. - Special land uses.

No land or buildings in the RR district may be used, erected, altered, or converted except for the following purposes when approved in accordance with the requirements of chapter 17:

- A. Greenhouses and nurseries.
- B. Roadside stands.

- C. Public or private campgrounds.
- D. Kennels.
- E. Public parks and recreation areas.
- F. Golf courses and country clubs.
- G. Veterinary hospitals and clinics.
- H. Group day care homes.
- I. Churches.
- J. Planned unit developments.
- K. Public or private schools.
- L. Municipal buildings.
- M. Recycling centers.
- N. Riding stables.
- O. Home occupations.
- P. Wireless communication towers, and radio and television broadcast towers.
- Q. Mining of natural resources, excluding forest-related programs.

Section 7.04. - Site development requirements.

All permitted uses and special uses are subject to the following site development requirements:

- A. General provisions outlined in chapter 3.
- B. Site plan review as may be required in accordance with chapter 16, section 16.0.1.
- C. Off-street parking as may required in accordance with chapter 16, section 16.02.
- D. Signs are permitted in accordance with the requirements of chapter 16, section 16.03.
- E. Lot dimension, setbacks, height, and lot coverage requirements for all buildings shall be met as noted on the following chart, unless otherwise indicated, and as outlined in Schedule of District Regulations, chapter 15.

Rural Residential (RR) District	
Minimum lot size	87,120 square feet or 2 acres
Minimum lot width	200 feet
Front yard setback	60 feet*
Side yard setback	50 feet*
Rear yard setback	50 feet*
Maximum height	35 feet*
Maximum lot coverage	20%
See also footnote (a) in chapter 15, <u>section 15.02</u> .	

Note: 1 acre = 43,560 square feet.

*For principal building only. See sections 3.14 and 3.15 for requirements for accessory buildings and fences, respectively.

CHAPTER 8. - LOW-DENSITY RESIDENTIAL (R-1) DISTRICT

Section 8.01. - Purpose.

This district is intended to provide for single-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.

Section 8.02. - Permitted uses.

No land or buildings in the R-1 district shall be used, erected, altered, or converted, in whole or in part, except for the following purposes by right:

- A. Single-family dwellings.
- B. State-licensed residential family care facilities.
- C. Essential public services.

Section 8.03. - Special land uses.

No land or buildings in the R-1 district may be used, erected, altered, or converted except for the following purposes when approved in accordance with the requirements of chapter 17:

- A. Group day care homes.
- B. Churches.
- C. Cemeteries.
- D. Public or private schools.
- E. Public parks and recreation areas.
- F. Planned unit developments.
- G. Municipal buildings.
- H. Country clubs and golf courses.
- I. Home occupations.

(Ord. No. 104B-06-03, § 10, 6-11-2003)

Section 8.04. - Site development requirements.

All permitted uses and special land uses are subject to the following site development requirements:

- A. General provisions outlined in chapter 3.
- B. Site plan review as may be required in accordance with chapter 16, section 16.01.
- C. Off-street parking as may required in accordance with chapter 16, section 16.02.
- D. Signs are permitted in accordance with the requirements of chapter 16, section 16.03.
- E. Lot dimension, setbacks, height, and lot coverage requirements for all buildings shall be met as noted on the following chart, unless otherwise indicated, and as outlined in Schedule of District Regulations, chapter 15.

Low-Density Residential (R-1) District	
Minimum lot size	43,560 square feet or less, however, the minimum lot size may be reduced to 14,000 square feet if public water or sewer are available to the lot
Minimum lot width	150 feet, however, the minimum lot width may be reduced to 100 feet if public water or sewer are available to the lot
Front yard setback	40 feet*

Side yard setback	15 feet*
Rear yard setback	30 feet*
Maximum height	25 feet*
Maximum lot coverage	30%
See also footnotes (a) and (c) in chapter 15, <u>section 15.02</u> .	

Note: 1 acre = 43,560 square feet.

*For principal building only. See sections 3.14 and 3.15 for requirements for accessory buildings and fences, respectively.

CHAPTER 9. - MEDIUM-DENSITY RESIDENTIAL (R-2) DISTRICT

Section 9.01. - Purpose.

This district is intended to provide for a primarily single-family residential living environment, and to foster stable neighborhoods free from incompatible uses. At the same time, the regulations for this district recognize the need to preserve existing housing stock and provide housing that is affordable for the present and future residents of Pennfield Township.

Section 9.02. - Permitted uses.

No land or buildings in the R-2 district shall be used, erected, altered, or converted, in whole or in part, except for the following purposes by right:

- A. Single-family dwellings.
- B. State-licensed residential family care facilities.
- C. Essential public services.

Section 9.03. - Special land uses.

No land or buildings in the R-2 district may be used, erected, altered, or converted except for the following purposes when approved in accordance with the requirements of chapter 17:

- A. Group day care homes.
- B. Churches.
- C. Cemeteries.
- D. Public or private schools.
- E. Public parks and recreation areas.
- F. Planned unit developments.
- G. Municipal buildings.
- H. Two-family dwellings.
- I. Home occupations.

(Ord. No. 104B-06-03, § 11, 6-11-2003)

Section 9.04. - Site development requirements.

All permitted uses and special land uses are subject to the following site development requirements:

- A. General provisions outlined in chapter 3.
- B. Site plan review as may be required in accordance with chapter 16, section 16.01.
- C. Off-street parking as may required in accordance with chapter 16, section 16.02.
- D. Signs are permitted in accordance with the requirements of chapter 16, section 16.03.
- E. Lot dimension, setbacks, height, and lot coverage requirements for all buildings shall be met as noted on the following chart, unless otherwise indicated, and as outlined in Schedule of District Regulations, chapter 15.

Medium-Density Residential (R-2) District	
Minimum lot size	43,560 square feet or 1 acre, however, the minimum lot size may be reduced to 10,000 square feet, if public water or sewer are available to the lot
Minimum lot width	110 feet, however, the minimum lot width may be reduced to 70 feet, if public water or sewer are available to the lot
Front yard setback	30 feet*
Side yard setback	15 feet*
Rear yard setback	30 feet*
Maximum height	25 feet*
Maximum lot coverage	30%
See also footnotes (a) and (d) in chapter 15, <u>section 15.02</u> .	

Note: 1 acre = 43,560 square feet.

*For principal building only. See sections 3.14 and 3.15 for requirements for accessory buildings and fences, respectively.

CHAPTER 10. - HIGH-DENSITY RESIDENTIAL (R-3) DISTRICT

Section 10.01. - 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. 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.

Section 10.02. - Permitted uses.

No land or buildings in the R-3 district shall be used, erected, altered, or converted, in whole or in part, except for the following purposes by right:

- A. Multiple-family dwellings.
- B. Two-family dwellings.
- C. Single-family dwellings.
- D. State-licensed residential family care facility.
- E. Essential public services.

Section 10.03. - Special land uses.

No land or buildings in the R-3 district may be used, erected, altered, or converted except for the following purposes when approved in accordance with the requirements of chapter 17:

- A. Planned unit developments.
- B. Public and private schools.
- C. Community centers.
- D. Office buildings.
- E. Public parks and recreation areas.
- F. Group day care homes.
- G. Commercial day care centers.
- H. Home occupations.
- J. Churches.

(Ord. No. 104B-06-03, § 12, 6-11-2003; Ord. No. 104E-09-07, § 10, 8-30-2007)

Section 10.04. - Site development requirements.

All permitted uses and special land uses are subject to the following site development requirements:

- A. General provisions outlined in chapter 3.
- B. Site plan review as may be required in accordance with chapter 16, section 16.01.
- C. Off-street parking as may required in accordance with chapter 16, section 16.02.
- D. Signs are permitted in accordance with the requirements of chapter 16, section 16.03.
- E. Lot dimension, setbacks, height, and lot coverage requirements for all buildings shall be met as noted on the following chart, unless otherwise indicated, and as outlined in Schedule of District Regulations, chapter 15.

High-Density Residential (R-3) District	
Minimum lot size	43,560 square feet or 1 acre for the first dwelling unit, plus 3,000 square feet for each additional dwelling unit with 2 or more bedrooms; 2,000 square feet for each additional dwelling unit having less than 2 bedrooms. Public water and sanitary sewer shall be available to the lot.
Minimum lot width	330 feet
Front yard setback	40 feet*
Side yard setback	35 feet*
Rear yard setback	40 feet*
Maximum height	35 feet*
Maximum lot coverage	30%
See also footnotes (a), (e), and (f) in chapter 15, <u>section 15.02</u> .	

Note: 1 acre = 43,560 square feet.

*For principal building only. See sections 3.14 and 3.15 for requirements for accessory buildings and fences, respectively.

CHAPTER 11. - MANUFACTURED HOME PARK (MHP) DISTRICT

Section 11.01. - 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.

Section 11.02. - Permitted uses.

No land or buildings in the MHP district shall be used, erected, altered, or converted, in whole or in part, except for the following purposes by right:

- A. State-licensed manufactured home parks.
- B. State-licensed residential family care facilities.
- C. Essential public services.

Section 11.03. - Special land uses.

No land or buildings in the MHP district may be used, erected, altered, or converted except for the following purposes when approved in accordance with the requirements of chapter 17:

- A. Public parks and recreation areas.
- B. Community centers.

(Ord. No. 104B-06-03, § 13, 6-11-2003)

Section 11.04. - Site development requirements.

All permitted uses and special uses are subject to the following site development requirements:

- A. General provisions outlined in chapter 3.
- B. Site plan review as may be required in accordance with chapter 16, section 16.01.
- C. Off-street parking as may required in accordance with chapter 16, section 16.02.
- D. Signs are permitted in accordance with the requirements of chapter 16, section 16.03.

Section 11.05. - General requirements.

[General requirements for the MHP district are as follows:]

- A. All manufactured home parks shall comply with the applicable requirements of Public Act 96 of the Michigan Public Acts of 1987 (MCL 125.2301 et seq.), as amended, provided further that said developments meet the standards and conditions and all other provisions as herein established.
- B. The parking of more than one manufactured home on a single parcel of land or on two or more adjoining parcels of land under common ownership shall be illegal in Pennfield Charter Township, irrespective of the requirements of any other ordinance of Pennfield Charter Township, unless such parcel or parcels of land shall have been approved as a licensed manufactured home park under the provisions of this chapter.
- C. All applications for manufactured home parks must be approved by the township board, upon the recommendation of the planning commission, in accordance with the provisions of this section.
- D. The business of selling new and/or used manufactured homes as a commercial operation in connection with the operation of a manufactured home development is prohibited. New or used manufactured homes located on lots within the manufactured home park may be sold by a licensed dealer and/or broker. This section shall not prohibit

the sale of a new or used manufactured home by a resident of the manufactured home development provided the development permits the sale.

CHAPTER 12. - LOCAL COMMERCIAL (C-1) DISTRICT

Section 12.01. - Purpose.

This district provides locations within the township for small, convenient office and personal service areas. Uses considered to be appropriate for the C-1 district 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. The areas should possess appropriate traffic safety components which will limit potential negative impacts resulting from a nonresidential use on the nearby residential uses. Uses are prohibited which may create hazards; offensive or loud noises; or excessive vibration, smoke, glare, or heavy truck traffic.

Section 12.02. - Permitted uses.

No land or buildings in the C-1 district shall be used, erected, altered, or converted, in whole or in part, except for the following purposes by right:

- A. Retail sales uses where no assembly, treatment, or manufacturing takes place on-site.
- B. Office buildings.
- C. Banks, credit unions, and other financial institutions with no drive-through facilities.
- D. Restaurants with no drive-through facilities.
- E. Personal service uses including but not limited to, barbershops and beauty salons, shoe repair, electronics repair, or dry cleaning and laundry service.
- F. Indoor recreational and entertainment facilities, including but not limited to, theaters, bowling lanes, billiard parlors, taverns, and skating rinks.
- G. Commercial schools including, but not limited to, dance, music, trade, and martial arts.
- H. Health and physical fitness clubs.
- I. Essential public services.
- J. Churches, subject to conditions.

(Ord. No. 104E-09-07, § 11, 8-30-2007)

Section 12.03. - Special land uses.

No land or buildings in the C-1 district may be used, erected, altered, or converted except for the following purposes when approved in accordance with the requirements of chapter 17:

- A. Places of assembly, including but not limited to, dance pavilions, auditoriums, and private clubs.
- B. Offices and showrooms for building and general construction contractors, electricians, plumbers, mechanical contractors, and similar trades.
- C. Funeral homes and mortuaries.
- D. Veterinary hospitals and clinics.
- E. Wireless communication towers, and radio and television broadcast towers.
- F. Municipal buildings.
- G. Laundromats.

- H. Commercial day care centers.
- I. Drive through facilities.
- J. Hospitals.
- K. Single family dwellings.

(Ord. No. 104B-06-03, § 14, 6-11-2003)

Section 12.04. - Site development requirements.

All permitted uses and special uses are subject to the following site development requirements:

- A. All areas for the storage of waste dumpsters shall be screened on at least three sides with a six-foot-tall solid fence or wall.
- B. General provisions outlined in chapter 3.
- C. Site plan review as may be required in accordance with chapter 16, section 16.01.
- D. Off-street parking as may required in accordance with chapter 16, section 16.02.
- E. Signs are permitted in accordance with the requirements of chapter 16, section 16.03.
- F. Lot dimension, setbacks, height, and lot coverage requirements for all buildings shall be met as noted on the following chart, unless otherwise indicated, and as outlined in Schedule of District Regulations, chapter 15.

Local Commercial (C-1) District	
Minimum lot size	25,000 square feet
Minimum lot width	100 feet
Front yard setback	30 feet*
Side yard setback	30 feet*
Rear yard setback	30 feet*
Maximum height	32 feet*
Maximum lot coverage	30%
See also footnotes (h) and (i) in chapter 15, <u>section 15.02</u> .	

*For principal building only. See sections 3.14 and 3.15 for requirements for accessory buildings and fences, respectively.

CHAPTER 13. - COMMUNITY COMMERCIAL (C-2) DISTRICT

Section 13.01. - Purpose.

This district will provide locations within the township for larger retail and professional office areas. Uses considered to be appropriate in this district shall cater to the residents of Pennfield Charter Township, as well as serving a larger regional area. Careful consideration shall be given to appropriate traffic safety components which will limit potential negative impacts resulting from the more intensive nature of the uses allowed in this district. These uses are encouraged to locate near the highway and interchanges where heavy traffic and other characteristics will not be detrimental to, or incompatible with residential uses.

Section 13.02. - Permitted uses.

No land or buildings in the C-2 district shall be used, erected, altered, or converted, in whole or in part, except for the following purposes by right:

- A. Retail sales uses where no assembly, treatment, or manufacturing takes place on-site.

- B. Office buildings.
- C. Banks, credit unions, and other financial institutions with no drive-through facilities.
- D. Restaurants with no drive-through facilities.
- E. Personal service uses including but not limited to, barbershops and beauty salons, shoe repair, electronics repair, or dry cleaning and laundry service.
- F. Indoor recreational and entertainment facilities, including but not limited to, theaters, bowling lanes, billiard parlors, taverns, and skating rinks.
- G. Commercial schools including, but not limited to, dance, music, trade, and martial arts.
- H. Health and physical fitness clubs.
- I. Essential public services.
- J. Churches, subject to conditions.

(Ord. No. 104E-09-07, § 12, 8-30-2007)

Section 13.03. - Special land uses.

No land or buildings in the C-2 district may be used, erected, altered, or converted except for the following purposes when approved in accordance with the requirements of chapter 17:

- A. Hotels and motels.
- B. Places of assembly, including but not limited to, dance pavilions, auditoriums, and private clubs.
- C. Repealed.
- D. Vehicle service establishments.
- E. Gasoline stations.
- F. Vehicles sales areas.
- G. Vehicle wash establishments.
- H. Lumberyards and building material sales areas.
- I. Offices and showrooms for building and general construction contractors, electricians, plumbers, mechanical contractors, and similar trades.
- J. Funeral homes and mortuaries.
- K. Veterinary hospitals and clinics.
- L. Transportation terminals.
- M. Sales of farm implements and commercial construction equipment.
- N. Rental shops for equipment, tools, cars, trailers, trucks, and recreational products.
- O. Commercial outdoor recreation facility.
- P. Wireless communication towers, and radio and television broadcast towers.
- Q. Commercial storage warehouses (ministorage or self-storage units).
- R. Planned unit developments.
- S. Municipal buildings.
- T. 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.
- U. Laundromats.

- V. Greenhouses and nurseries.
- W. Commercial day care centers.
- X. Hospitals.
- Y. Single family dwellings.
- Z. Adult foster care large group home.
- AA. Adult foster care small group home.
- BB. Commercial use solar energy facilities.

(Ord. No. 104B-06-03, § 15, 6-11-2003; Ord. No. 104E-09-07, § 13, 8-30-2007; Ord. No. 104Q-11-2014, § 7, 11-12-2014; Ord. No. 104R-03-20, § 3, 3-17-2020)

Section 13.04. - Site development requirements.

All permitted uses and special uses are subject to the following site development requirements:

- A. All areas for the storage of waste dumpsters shall be screened on at least three sides with a six-foot-tall solid fence or wall.
- B. General provisions outlined in chapter 3.
- C. Site plan review as may be required in accordance with chapter 16, section 16.01.
- D. Off-street parking as may required in accordance with chapter 16, section 16.02.
- E. Signs are permitted in accordance with the requirements of chapter 16, section 16.03.
- F. Lot dimension, setbacks, height, and lot coverage requirements for all buildings shall be met as noted on the following chart, unless otherwise indicated, and as outlined in Schedule of District Regulations, chapter 15.

Community Commercial (C-2) District	
Minimum lot size	43,560 square feet or 1 acre
Minimum lot width	150 feet
Front yard setback	50 feet*
Side yard setback	30 feet*
Rear yard setback	50 feet*
Maximum height	35 feet*
Maximum lot coverage	30%
See also footnotes (h) and (i) in chapter 15, <u>section 15.02</u> .	

Note: 1 acre = 43,560 square feet.

*For principal building only. See sections 3.14 and 3.15 for requirements for accessory buildings and fences, respectively.

CHAPTER 13A. - CAPITAL BUSINESS DISTRICT (CBD)

Section 13A.01. - Purpose.

This district is intended to support a wide range of uses with frontage or access from Capital Avenue (M-66). The CP corridor preservation overlay district will further define these frontage and access requirements. The scope of permitted uses and special land uses within the CBD is based upon prior zoning that included commercial, residential and agricultural zones. This district is based upon the primary intent to support commercial uses, with residential and agricultural uses permitted as special land uses.

(Ord. No. 104I-1-09, § 4, 11-10-2009)

Section 13A.02. - Permitted uses.

No land or buildings in the CBD shall be used, erected, altered or converted, in whole or in part, except for the following uses permitted by right:

- A. All uses permitted in C-2 community commercial district.
- B. Shopping centers or plazas supporting two or more permitted uses, with any special land uses subject to that approval process.
- C. Municipal offices or public facilities, including park and recreation areas, or those devoted to public utilities, communications and emergency services. Such use may include open-air buildings with roofs (such as pavilions and gazebos) and other permanent or temporary structures (including tents) for seasonal or community event purposes.
- D. Accessory uses or buildings.

(Ord. No. 104I-1-09, § 4, 11-10-2009)

Section 13A.03. - Special land uses.

No land or buildings in the CBD shall be used, erected, altered or converted, in whole or in part, except when approved in accordance with the requirements under chapter 17. The planning commission may recommend, and the township board may approve, a waiver of the specific conditions listed for such use based upon the desire to support a mix of uses within the district. In addition, any such use utilizing a regulated substance under the Pennfield Township Wellhead Protection Ordinance shall be regulated as a special land use and subject to those wellhead protection requirements.

- A. All special land uses in the C-2 community commercial district excluding municipal buildings.
- B. Package liquor, beer and wine sales, unless secondary and incidental to the primary grocery business.
- C. Agricultural and horticultural uses or similar uses that include either production or sale of such crops, plants or trees.
- D. Residential use within a mixed use development, including attached residential units.
- E. Bed and breakfast or similar lodging establishment that does not exceed six sleeping rooms and no meals, other than a breakfast, are served.
- F. Assisted living facilities, nursing homes or similar facilities.

(Ord. No. 104I-1-09, § 4, 11-10-2009)

Section 13A.04. - Site development requirements.

All permitted uses and special uses are subject to the following site development requirements:

- A. General provisions outlined in chapter 3.
- B. Site plan review as required under section 16.01.
- C. Parking standards as outlined under section 16.02, subject to waiver 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.
- D. Signs, in accordance with the provisions under section 16.03 and the design guidelines outlined within this chapter 13A.
- E. The following guidelines shall be adhered to in lieu of no specific lot area requirements:
 - (1) Adherence to the corridor preservation (CP) overlay district requirements.

- (2) The lot or site shall provide for no less than 20 percent open space, inclusive of setback areas, with such space devoted to landscaping and to enhance pedestrian movement.
- (3) The maximum building height shall be 35 feet, with exceptions for towers, cupolas or steeples up to a maximum of 50 feet in height.
- (4) The minimum floor area for a single business shall be 600 square feet and the storefront shall have a minimum width of 20 feet.
- (5) The minimum front yard setback for both buildings and parking areas shall be 15 feet from the actual or preserved road right-of-way, unless street trees and no less than a five-foot wide sidewalk are included within the right-of-way, in which case the front yard setback may be reduced to five feet.

(Ord. No. 104I-1-09, § 4, 11-10-2009)

Section 13A.05. - Design criteria and review.

Prior to the formal submission of a site plan to the planning commission, a preliminary site plan shall be submitted to a five-member design review committee made up of two members of the downtown development authority, one member of the township board, one member of the planning commission and one member of the general public residing in, or within one mile of, the CBD boundary. Such members shall be appointed by the township supervisor and their role shall be to assist the planning commission in conducting site plan review and shall be advisory in nature. The criteria to be considered, in addition to the requirements for site plan review, are as follows:

- A. *Layout and design.* The layout and design shall include curb and gutter, sidewalks and lighting, with standards established by the design review committee (subject to appeal to the ZBA). 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.* Landscaping shall be provided between the roadway and the building and/or between the roadway and any parking or service drive. Shade trees shall be planted at intervals not greater than one tree for every 50 feet along any public street within the CBD or use shrubbery or planting areas where visibility is of concern for pedestrians and motorists. The use of berms or screen fencing (not to exceed 30 inches in height) shall be considered when large expanses of parking or service drives front onto or parallel the public street. 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. A landscape plan shall be submitted with the preliminary plan for review by the design committee.
- D. *Exterior lighting.* Exterior lighting shall not exceed .5 footcandle at the property line and be coordinated with adjoining businesses and to enhance pedestrian movement and safety. Any freestanding poles shall be situated within a landscape island or be designed in a manner that blends with the appearance of the development.
- E. *Parking.* Parking areas shall be located in a manner that minimizes the conflict with continuous pedestrian movement throughout the CBD. 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.

F. *Signs.* Signs shall adhere to the requirements under section 16.03 unless in conflict with the following:

- (1) Individual ground-mounted signs shall not exceed a height of eight feet and shall not exceed 24 square feet in area. The front yard sign setback shall be a minimum of 25 feet or within a landscaped area between an existing or proposed sidewalk and parking area. It shall not be closer than 50 feet to any other freestanding sign and shall not be a physical or visual obstacle to pedestrian or vehicular movement. The base shall be landscaped with shrubbery, plants or flowers.
- (2) Multiuse signs identifying no less than three businesses within a shopping center or similar development may not exceed 15 feet in height and 48 square feet in area, unless such sign is for a shopping center or primary anchor tenant exceeding 50,000 square feet in building area, in which case the sign shall not exceed 20 feet in height and 200 square feet in area. Within such multibusiness sign, each individual nameplate shall not exceed 12 square feet in area, unless such nameplate is for an anchor tenant exceeding 50,000 square feet in building area, in which case the nameplate shall not exceed 50 square feet in area. Address identification shall be included with any multiuse sign. Ground-mounted signs with landscaping are required.
- (3) Wall signs shall not exceed one square foot for every two linear feet of building wall area for each entrance, not exceeding two sides. The total wall sign area shall not exceed 20 square feet for each sign unless such wall exceeds 200 square feet in area, then it shall not exceed 10% of the total wall area up to 50 square feet for each sign. All wall signs shall be separated from any other wall sign by at least five feet.
- (4) Decorative projecting signs shall be permitted in place of a wall sign, with the structure of the projecting sign not extending beyond four feet from the building.
- (5) Use of canopy or awning signs are permitted, provided the sign does not exceed ten square feet in area and the content is limited to business name, logo or address. Down lighting is preferred and any back lighting within the canopy or awning may only illuminate the name, logo or address of the business.

(Ord. No. 104I-1-09, § 4, 11-10-2009; Ord. No. 104L-06-12, § 1, 6-12-2012)

CHAPTER 14. - INDUSTRIAL (I-1) DISTRICT

Section 14.01. - Purpose.

The I-1 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 for all uses in the district with which to comply.

Section 14.02. - Permitted uses.

No land or buildings in the I-1 district shall be used, erected, altered, or converted, in whole or in part, except for the following purposes by right:

- A. Office buildings for executive, administrative, professional, accounting, drafting, and other similar professional activities, accessory to an industrial use.
- B. Research and development facilities, including production activities.
- C. The manufacture, compounding, processing, packaging, warehousing, or treatment of products such as:
 1. Foodstuffs (except slaughterhouses or other similar uses),

2. Cosmetics,
 3. Pharmaceuticals,
 4. Pottery or other ceramic products,
 5. Monuments,
 6. Glass products,
 7. Musical instruments,
 8. Toys,
 9. Furniture,
 10. Electrical appliances and electronic instruments,
 11. Signs,
 12. Light sheetmetal products.
- D. Laboratories (experimental, film, research, or testing).
- E. Converted paper and paper board products.
- F. Printing, publishing, and allied industries.
- G. Essential public services.

Section 14.03. - Special land uses.

No land or buildings in the I-1 district may be used, erected, altered, or converted except for the following purposes when approved in accordance with the requirements of chapter 17:

- A. Salvage yards and recycling centers.
- B. Sexually-oriented businesses.
- C. Transportation terminals.
- D. Warehousing facilities.
- E. Wireless communication towers, and radio and television broadcast towers.
- F. Commercial storage warehouses (ministorage or self-storage units).
- G. Retail sales accessory to a permitted use.
- H. Tool, die, gauge, and machine shops.
- I. Vehicle service establishments.
- J. Gasoline stations.
- K. Lumberyards and building material sales areas.
- L. Rental shops for equipment, tools, cars, trailers, trucks, and recreational products.
- M. Commercial outdoor recreation facility.
- N. Planned unit developments.
- O. Storage yards for contractor's equipment.
- P. Commercial use solar energy facilities.

Section 14.04. - Site development requirements.

All permitted uses and special uses are subject to the following site development requirements:

- A. General provisions outlined in chapter 3.

- B. Site plan review as may be required in accordance with chapter 16, section 16.01.
- C. Off-street parking as may required in accordance with chapter 16, section 16.02.
- D. Signs are permitted in accordance with the requirements of chapter 16, section 16.03.
- E. Lot dimension, setbacks, height, and lot coverage requirements for all buildings, shall be met as noted on the following chart, unless otherwise indicated, and as outlined in Schedule of District Regulations, chapter 15.

Industrial (I-1) District	
Minimum lot size	43,560 square feet or 1 acre, public water and sanitary sewer shall be required for all lots in the I-1 district
Minimum lot width	150 feet
Front yard setback	50 feet*
Side yard setback	20 feet*
Rear yard setback	35 feet*
Maximum height	45 feet*
Maximum lot coverage	60%
See also footnotes (g), (h), and (i) in chapter 15, <u>section 15.02</u> .	

Note: 1 acre = 43,560 square feet.

*For principal building only. See sections 3.14 and 3.15 for requirements for accessory buildings and fences, respectively.

(Ord. No. 104R-03-20, § 4, 3-17-2020)

CHAPTER 15. - DISTRICT REGULATIONS

Section 15.01. - Schedule of regulations.

Unless specified elsewhere in this ordinance, all uses, structures and buildings on all zoning lots shall conform to the Schedule of Regulations and accompanying footnotes shown on the following pages.

SCHEDULE OF REGULATIONS*

Zoning Districts (a)	Lot Area	Lot Width (feet)	Yard Setbacks			Building Height (feet)	Lot Coverage (percent)
			Front (feet)	Side (j) (feet)	Rear (feet)		
WC—Waterfront conservation	See <u>chapter 5</u> for specific requirements						
AGP—Agricultural preservation (b)	40 acres	660	60	50	50	40	15

AG—Agricultural	87,120 square feet or 2 acres	200	60	50	50	35	20
RR—Rural residential	87,120 square feet or 2 acres	200	60	50	50	35	20
R-1—Low-density residential (c)	43,560 square feet or 1 acre	150	40	15	30	25	30
R-2—Medium-density residential (d)	43,560 square feet or 1 acre	110	30	15	30	25	30
R-3—High-density residential (e), (f)	43,560 square feet or 1 acre	330	40	35	40	35	30
MHP Manufactured home park (f)	See chapter 10 for specific requirements						
C-1—Local commercial (h), (i)	25,000 square feet	100	30	30	30	32	30
C-2—Community commercial (h), (i)	43,560 square feet or 1 acre	150	50	30	50	35	30
CBD—Capital business district	See <u>chapter 13A</u> for specific requirements						

I-1—Industrial (g), (h), (i)	43,560 square feet or 1 acre	150	50	20	35	45	60
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*Footnotes are an integral part of these district regulations and should be read in conjunction with the above schedule.

Note: 43,560 square feet = 1 acre.

(Ord. No. 104I-1-09, § 5, 11-10-2009)

Section 15.02. - Footnotes to district regulations.

[Footnotes to district regulations are as follows:]

A. In all districts where residential uses are permitted either by right, or as a special use, all dwellings shall contain a minimum floor area in accordance with the following, unless otherwise specified in this ordinance:

Single-family	1,200 sq. ft., with at least 1,000 sq. ft. on the ground floor, or 1,500 sq. ft. total
Two-family	800 sq. ft., with at least 500 sq. ft. on the ground floor, per unit
Multiple-family	450 sq. ft., for dwellings with one bedroom, per unit
	600 sq. ft., for dwellings with two bedrooms, per unit
	800 sq. ft., for dwellings with three bedrooms, per unit
	800 sq. ft., plus 100 sq. ft. for each bedroom over the first three [bedrooms], per unit

- B. See chapter 6 (AGP agricultural preservation) for permitted lot size reductions.
- C. Lots served by public sewer or public water may be reduced to a minimum lot area of 14,000 square feet, and a minimum lot width of 100 feet.
- D. Lots served by public sewer or public water may be reduced to a minimum lot area of 10,000 square feet, and a minimum lot width of 70 feet.
- E. One-acre minimum lot size for the first dwelling unit. Plus 3,000 sq. ft. for each additional dwelling unit with two or more bedrooms, and/or, 2,000 sq. ft. for each additional dwelling unit with less than two bedrooms.
- F. All lots shall be served by public water and sanitary sewer facilities.
- G. In no case shall the minimum required setback be less than the height of the building.
- H. Where a side or rear yard abuts a residential district, a buffer shall be provided in accordance with section 3.10.
- I. The required front yard shall not be used for off-street parking, except for driveways, and shall be landscaped with grass and trees and/or lot [sic] shrubs.

- J. On corner lots, the required setback along the secondary road shall be the same as the required front yard setback for

CHAPTER 16. - SITE DEVELOPMENT REQUIREMENTS

Section 16.01. - Site plan review procedures for planning commission.

[The site plan review procedures for the planning commission are as follows:]

- A. [*Purpose.*] The purpose of this chapter is to consider and evaluate the applicant's planned objectives in the utilization of land and to ensure compliance with the regulations of this zoning ordinance.
- B. *Uses subject to site plan review.* No building permit shall be issued for any use, building, or site unless site plan approval has been granted by the zoning administrator. However, when planning commission approval is required, for uses outlined in section 16.01 B. 1. no building permit shall be issued for any use, building, or site unless a site plan has been approved by the planning commission.
1. The following uses shall be subject to site plan review in accordance with the provisions of this section.
 - a. All land uses, new construction, new uses established, or additions to existing buildings in the R-3, MHP, C-1, C-2, and I-1 districts, except the following:
 - i. Single-family dwellings.
 - ii. Temporary buildings and uses.
 - iii. Accessory uses or structures.
 - b. Special land uses in any zone district.
 - c. 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.
 2. All uses for which site plan review is not required under section 16.01 B. 1. shall be subject to administrative site plan review by the zoning administrator. Such review may result in a determination that the characteristics of such use require 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 Environmental Quality (MDEQ). 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 requirements of the Michigan Department of Environmental Quality (MDEQ).
- C. *Application and review procedures.*
1. *Application procedures.*
 - a. 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 township board resolution, periodically.
 - b. 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 section 16.01, C, 1, d, and [section] 16.01, C, 2, are met. If the plan does not meet the requirements of 16.01, C, 1, d, and 16.01, C, 2, 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.
 - c. Review comments shall be submitted by such departments and consultants to the planning commission for consideration prior to the meeting at which the request is to be considered.
 - d. An application for site plan review shall consist of the following:
 - i. An application form provided by the township, completed by the property owner, or their authorized agent.
 - ii. Sixteen copies of the site plan.
 - iii. Payment of a fee, in accordance with a fee schedule, as determined by township board resolution.
 - iv. A legal description, including the permanent parcel number, of the subject property and a boundary survey map.
 - v. Other materials as may be required by this section or the planning commission.
 2. *Site plan requirements.* Site plans shall be prepared in a neat and orderly manner, drawn to a scale, and unless specific requirements are waived by the planning commission, all the following information shall be provided by the applicant:
 - a. The date, north arrow, and scale. The scale shall not be less than one inch equals 20 feet for sites under three acres, and at least one inch equals 100 feet for those site[s] of three acres or more.
 - b. Small sketch of properties, streets and use of land within one-quarter mile of the subject property.
 - c. Existing adjacent streets and proposed streets and existing curb cuts within 100 feet of the property.
 - d. All lot lines with dimensions.
 - e. Parking lots and access points.
 - f. A landscaping plan that identifies any required or proposed buffer strips, greenbelts, or screening.
 - g. Significant natural features; and other natural characteristics, including but not limited to open space, stands of trees, brooks, ponds, floodplains, hills, and similar natural assets.
 - h. Location and size of any signs.
 - i. Location of trash receptacle and enclosure.
 - j. Existing and proposed buildings, including use of existing buildings or structures within 100 feet of the boundaries of the property. If no buildings are within 100 feet the property lines, the use of the adjacent property shall be indicated.
 - k. General topographical features including existing contours at intervals no greater than five feet.
 - l. Number of acres allocated to each proposed use and gross area in building, structures, parking, public or

private streets and drives, and open space.

- m. Architectural elevations of all sides of the main building.
 - n. Dwelling unit densities by type, if applicable.
 - o. Written approval or waiver from the appropriate agency regarding any earth-change plans required by state law (1994 PA 451, pt. 91 (MCL 324.9101 et seq.).
 - p. 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 townships's Wellhead Protection Plan and ordinance for well abandonment (utility division ordinances). The following information shall be included:
 - i. The location of public and private groundwater supply wells on-site and within 100 feet of the site.
 - ii. The location of septic systems and other wastewater treatment systems on site and within 100 feet of the site.
 - iii. Any interior or exterior areas used for the loading or unloading, storage, use or disposal of hazardous materials.
 - iv. Above ground or underground storage tanks on-site and those within 100 feet of the site.
 - v. Any interior or exterior drains, dry wells, catch basins, retention or detention areas or ponds or any other facilities designed to collect, store or transport stormwater or waste water. The point of all discharge shall be identified on the site plan.
 - vi. Any existing or potential waterbody on-site or within 500 feet of the site, including wetlands, floodplains, lakes, rivers or streams.
 - vii. Any areas previously delineated on-site or within 500 feet of the site that are known to be contaminated, with a report as to their cleanup status.
 - q. Proposed method of providing storm drainage, and approval documentation from the appropriate agency for such service.
 - r. Written description of the computation for required parking (see [section 16.02](#), C).
 - s. Name, address, and phone number of applicant.
 - t. Name, address, [and] phone number, of the individual responsible for preparing the plan.
3. [*Review and recommendation.*] The planning commission 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.
 4. [*Conditions for health, safety, and general welfare.*] The planning commission may include conditions to the approval of the site plan to ensure the maintenance of the health, safety, and general welfare of the residents of the township.
 5. [*Site plan approval or denial.*] The planning commission shall approve, deny, or approve with conditions any site plan it reviews based on the requirements of this ordinance, and specifically the review standards of [section 16.01](#), D.
 6. [*Resubmittal of denied petition.*] No petition submitted for site plan review which has been denied, shall be resubmitted for a period of six months from the date of denial, except as may be permitted by the township

board after learning of new and significant facts or conditions which might result in a favorable action upon resubmittal.

D. *Site plan review standards.*

1. All site plans shall be approved, approved with conditions, or denied based on the purposes, objectives and requirements of this ordinance, and specifically, the following considerations when applicable:
 - a. The relationship of uses proposed will not adversely affect the public health, safety, or welfare. Uses and structures located on the site shall be planned to take into account topography, size of the property, the uses on adjoining property and the relationship and size of buildings to the site. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this ordinance.
 - b. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. Drives, streets and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points.
 - c. The arrangement of public or private vehicular and pedestrian connections to existing or planned streets in the area shall be planned to provide a safe and efficient circulation system for traffic within Pennfield Charter Township.
 - d. 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. Satisfactory assurance shall be provided that the requirements of all other applicable ordinances, codes, and requirements of Pennfield Charter Township will be met.
 - f. The general purposes and spirit of this ordinance and the master plan of Pennfield Charter Township shall be maintained.

E. *Approved plans and amendments.*

1. Upon approval of the site plan, the township clerk shall sign three copies thereof. 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.
2. Each development shall be under construction within one year after the date of approval of the site plan, except as noted in this section.
 - a. The township board may grant one extension of up to an additional one-year period if the applicant applies for such extension prior to the date of the expiration of the site plan and provided that:
 - i. The applicant presents reasonable evidence that said development has encountered unforeseen difficulties beyond the control of the applicant; and
 - 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.
 - b. Should neither of the provisions of section 16.01, E, 2, a, be fulfilled, or an extension has expired without construction underway, the site plan approval shall be null and void.
 - c. Amendments to an approved site plan may occur only under the following circumstances:
 - i. The holder of a valid site plan approval shall notify the zoning administrator of any proposed amendment

to such approved site plan.

- ii. 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:
 - (a) Reduction of the size of any building or sign.
 - (b) Movement of buildings or signs less than ten feet.
 - (c) Landscaping approved in the site plan that is replaced by similar landscaping to an equal or greater extent.
 - (d) Changes in floor plans, of up to five percent of the total floor area, which do not alter the character of the use or increase the amount of required parking.
 - (e) Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
 - (f) Changes required or requested by the township, Calhoun County, or other state or federal regulatory agency in order to conform to other laws or regulations.
- iii. 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 chapter, and a second application fee shall be required.

(Ord. No. 104A-03-02, §§ 7—9, 4-9-2002; Ord. No. 104B-06-03, §§ 16, 17, 6-11-2003)

Section 16.02. - Off-street parking and loading provisions.

[Provisions for off-street parking and loading are as follows:]

A. *General requirements.*

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 lot.
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.
3. Residential off-street parking spaces shall consist of parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve. Such parking spaces shall occupy no greater than 30 percent of the required front yard.
4. Minimum required off-street parking spaces shall not be replaced by any other use unless and until equal facilities are provided elsewhere, in compliance with this section.
5. No building shall be permitted to change use, be enlarged, or expanded until the required number of spaces have been constructed, or waived under subsection 16.02, A, 8, below.
6. Off-street parking existing at the effective date of this ordinance, or amendment thereto, in connection with the operation of an existing building or use, shall not be reduced to an amount less than required for a similar new building or new use.
7. Two or more buildings or uses may collectively provide the required off-street parking.
8. The planning commission may defer construction of the required number of parking spaces if the following

conditions are met:

- a. 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.
 - b. Evidence shall be presented by the applicant in support of a lower requirement.
 - c. 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.
9. Parking of semitrucks, including the tractor and trailers, and commercial vehicles exceeding a two-ton load capacity shall be prohibited in the R-1, R-2, R-3, MHP, and agricultural zoned districts excluding agricultural operations.

B. *Parking lot design standards.*

- 1. Minimum dimensions of parking spaces and maneuvering aisles shall be in accordance with the following requirements:

Parking Pattern	Two-Way Aisle Width (feet)	One-Way Aisle Width (feet)	Parking Space Width (feet)	Parking Space Length (feet)
Parallel parking	18	12	10	25
30—75 degree angle	24	12	10	21
76—90 degree angle	24	15	10	20

- 2. 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.
- 3. All driveways and parking areas in the R-3, MHP, C-1, C-2, and I-1 zoning districts shall be improved with concrete with a minimum thickness of six 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.
- 4. 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.
- 5. All parking lots shall be provided with adequate lighting. Parking lot lighting shall be shielded so as to prevent light from spilling onto adjacent properties.
- 6. No permit will be issued for major changes to an existing parking lot unless the parking lot is made to comply with the requirements of this ordinance. A major change consists of one or more of the following:
 - a. Replacement or alteration of existing drainage elevations or structures affecting more than 50 percent of the existing parking lot.
 - b. Any expansion or addition of a parking lot equal to or greater than 25 percent of the area of the existing parking lot.
 - c. 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.
 - d. Any other change which, in the opinion of the zoning administrator, constitutes a major change.

C. *Off-street parking requirements.*

- 1. Required off-street parking spaces are noted in the table below for the uses listed. For those uses not specifically mentioned, the requirements for off-street parking shall be in accord with a use which the zoning administrator

considers similar in type.

2. 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 parking space.
3. The minimum number of off-street parking spaces shall be determined in accordance with the following tables:

Use	Parking Space Per Unit of Measurement
	<i>Residential</i>
Nursing or convalescent homes	1 space for each 2 dwelling units, plus 1 space for each 5 dwelling units to be marked as visitor spaces
Single-family dwellings	2 for each dwelling unit
Two-family dwellings	2 for each dwelling unit
	<i>Institutional</i>
Assembly areas, auditoriums, and gymnasiums	2 spaces for: each 5 seats, or each 8 feet of pew length; or, 1 space for each 3 persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Churches	1 space for each 3 seats in the main unit of worship; or 1 space for each 6 feet of pew length, whichever is less
Group day care homes and group foster care homes	1 space for each 4 clients, plus 1 space for each employee
Schools, elementary and middle	1.5 spaces for each classroom, plus amount required for auditorium or gymnasium seating
Schools, secondary and institutions of higher learning	1 space for each 8 students, plus 1.5 spaces for each classroom, plus amount required for auditorium or gymnasium seating
	<i>Commercial</i>
Beauty[shop]/barbershop	3 spaces for each chair
Bowling alleys	4 spaces for each bowling lane plus required spaces for each accessory use
Funeral homes and mortuary establishments	1 space for each 50 square feet of usable floor area
Furniture, appliance and household goods retail sales	1 space for each 500 square feet of usable floor area
Hotels and motels	1.5 spaces for each guestroom, plus required spaces for any accessory uses
Open air businesses and roadside stands	1 space for each 200 square feet of indoor usable area, plus 1 space for each 1,000 square feet of outdoor display area
Personal service establishments	1 space for each 50 square feet of usable floor area
Restaurants without drive-through facilities	1 space for each 100 square feet of usable floor area; or 1 space for each 2 persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Restaurants with drive-through facilities	1 space for each 200 square feet of usable floor area; or 1 space for each 3 persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Retail stores not otherwise specified	1 space for each 200 square feet of usable floor area
Theaters	2 spaces for: each 5 seats; or 1 space for each 3 persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Vehicle wash (self-service)	1 space for each 5 stalls
Vehicle wash (automatic)	1 space for each employee on the largest shift
Video rental stores	1 space for each 100 square feet of usable floor area, plus 1 space for the maximum number of employees on the premises at any one time
	<i>Offices</i>
Banks, credit unions, savings and loan associations and other similar uses	1 space for each 150 square feet of usable floor area, plus 3 spaces for each non-drive-through automatic teller machine.

Medical and dental offices and clinics	1 space for each 75 square feet of waiting room area, plus 1 space for each examining room, dental chair, or similar use area.
Offices not otherwise specified	1 space for each 300 square feet of usable floor area.
	<i>Industrial</i>
Manufacturing, processing, and research establishments	1 space for each employee working during the largest shift
Warehouses and wholesale	1 space for each 2,000 square feet of gross floor area, plus those spaces required for offices located on the premises

D. *Off-street loading requirements.*

1. On the same premises with every building or structure involving the receipt or distribution of vehicles, materials or merchandise there shall be provided and maintained on the lot adequate space for standing, loading and unloading. This space shall be placed so as to avoid undue interference with public use of dedicated rights-of-way and parking areas.
2. In the C-1 and C-2 districts all loading spaces shall be located in the rear yard in the ratio of at least ten square feet per front linear foot of building and shall be computed separately from off-street parking requirements.
3. [In the] I-1 district:
 - a. At least one loading space shall be provided for each 20,000 square feet of floor area, or fraction thereof. All loading spaces shall be at least ten feet by 70 feet, or a minimum of 700 square feet in area. A minimum 14-foot clearance height shall be provided.
 - b. Loading spaces shall only be permitted off-street and in the rear yard or interior side yard.
4. The planning commission may defer construction of the required number of loading spaces if the following conditions are met:
 - a. 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.
 - b. Evidence shall be presented by the applicant in support of a lower requirement.
 - c. 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. Where an alley exists in the rear yard, loading requirements may be computed from the center of the alley.
6. 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.

(Ord. No. 104E-09-07, § 14, 8-30-2007)

Section 16.03. - Sign regulations.

[The sign regulations are as follow:]

- A. *Intent.* 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.

B. *Sign definitions.*

1. *Awning:* A retractable or fixed shelter constructed of nonrigid materials on a supporting framework that projects from the exterior wall of a building.
2. *Awning sign:* A sign affixed flat against the surface of an awning.
3. *Banner sign:* A fabric, plastic, or other sign made of nonrigid material without an enclosing structural framework.
4. *Billboard:* A sign which advertises an establishment, product, service, or activity not available on the premises on which the sign is located.
5. *Construction sign:* A sign which identifies the owners, financiers, contractors, architects, and engineers of a project under construction.
6. *Directional sign:* A sign which gives directions, instructions, or facility information for the use on the lot on which the sign is located, such as parking or exit and entrance signs.
7. *Freestanding sign:* A sign supported on poles not attached to a building or wall.
8. *Government sign:* A temporary or permanent sign erected by Pennfield Charter Township, Calhoun County, or the state or federal government.
9. *Ground sign:* A sign resting directly on the ground or supported by short poles not attached to a building or wall.
10. *Marquee:* A permanent structure constructed of rigid materials that projects from the exterior wall of a building.
11. *Marquee sign:* A sign affixed flat against the surface of a marquee.
- 11A. *Message center sign:* An internally illuminated sign that has a changeable electronic message board.
- 11B. *Multi-use sign:* A freestanding sign that includes signage for not less than three businesses.
12. *Mural:* A design or representation painted or drawn on a wall which does not advertise an establishment, product, service, or activity.
13. *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.
14. *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.
15. *Placard:* A sign not exceeding two square feet which provides notices of a public nature, such as "No Trespassing" or "No Hunting" signs.
16. *Political sign:* A temporary sign used in connection with a noncommercial message or an official Pennfield Charter Township, school district, county, state, or federal election or referendum.
17. *Portable sign:* A sign designed to be moved easily and not permanently attached to the ground, a structure, or a building.
18. *Projecting sign.* A double-faced sign attached to a building or wall that extends more than 12 inches but not more than 36 inches from the face of the building or wall.
19. *Reader board:* A portion of a sign on which copy is changed manually.
20. *Real estate sign:* A sign advertising the real estate upon which the sign is located as being for sale, rent, or lease.
21. *Roof line:* The top edge of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys, or other minor projections.
22. *Roof sign:* A sign erected above the roof line of a building.
23. *Sign:* A device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for

the purpose of advertising or identifying an establishment, product, service, or activity.

24. *Special event sign:* Temporary and portable signs containing public messages concerning special events sponsored by governmental agencies or nonprofit organizations.
25. *Wall sign:* A sign painted or attached directly to and parallel to the exterior wall of a building extending no greater than 12 inches from the exterior face of the wall to which it is attached.
26. *Window sign:* A sign installed inside a window and intended to be viewed from the outside.

C. *General sign provisions.*

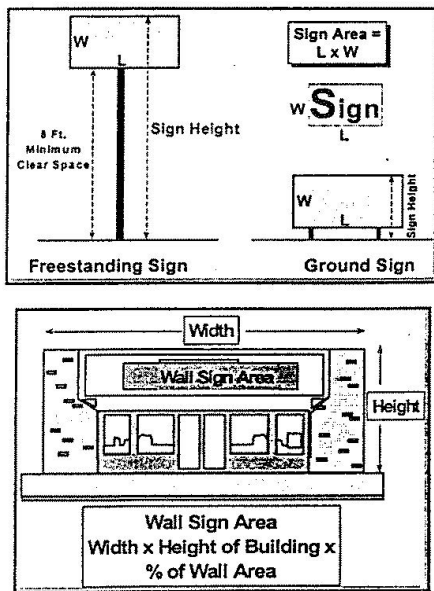
1. No person shall erect, alter, place or permit to be placed, or replaced any sign without first obtaining a building permit, unless otherwise provided in this section.
2. The following signs shall not require a building permit:
 - a. Directional signs of six square feet in size or less.
 - b. Government signs.
 - c. Placards.
 - d. Temporary sale signs of four square feet in size or less.
 - e. Window signs.
 - f. Political signs.
3. Signs shall be maintained free of peeling paint or paper, fading, staining, rust, or other condition which impairs legibility or intelligibility.
4. Sign supports, braces, guys and anchors shall be maintained in such a manner as not to cause a hazard.
5. Signs, may be internally illuminated or if externally illuminated, except for home occupation signs which shall not be illuminated, the source of the light shall be enclosed and directed to prevent the source of light from shining directly onto traffic or residential property.
6. No sign shall be placed in, upon, or over any public right-of-way, alley, or other public place, except as may be otherwise permitted by this section.
7. 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.
8. No sign shall be erected in any place where it may, by reason of its position, shape, color, or other characteristic, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or constitute a nuisance per se.
9. 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.
10. No sign shall employ any flashing, moving, oscillating, blinking, or variable intensity light, unless approved as a message center sign subject to those restrictions. Otherwise, only variable time-temperature signs may be permitted.
11. No sign shall contain any moving or animated parts nor have the appearance of having any moving or animated parts.
12. 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 feet.

D. *Exempted signs.* The following signs shall be exempt from the provisions of the Pennfield Charter Township Zoning Ordinance, except for the provisions of section 16.03.C:

1. Government signs.

2. Historical markers.
 3. Window signs.
 4. Memorial signs or tablets.
 5. Murals.
 6. Signs not visible from any street.
 7. Signs for essential services.
 8. Placards not exceeding two square feet.
 9. Signs with address, owner, or occupant name, of up to two square feet in area attached to a mailbox, light fixture or exterior wall.
 10. Flags or insignia of any nation, state, township, community organization, or educational institution.
- E. *Nonconforming signs, illegal signs, and signs accessory to nonconforming uses.*
1. Every permanent sign which does not conform to the height, size, area, or location requirements of this section as of the date of the adoption of this ordinance, is hereby deemed to be nonconforming, unless such sign has been approved subject to a variance request.
 2. Nonconforming signs may not be altered, expanded, enlarged, or extended; however, nonconforming signs may be maintained and repaired so as to continue the useful life of the sign.
 3. For purposes of this article, a nonconforming sign may be diminished in size or dimension or the copy of the sign amended or changed without jeopardizing the privilege of nonconforming use. If a sign is nonconforming in its setback, this section shall not apply, and the sign may not be replaced.
 4. Any nonconforming sign destroyed by fire or other casualty loss shall not be restored or rebuilt if reconstruction will constitute more than 50 percent of the value of the sign on the date of loss.
 5. Any sign which for a period of six 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. Notice shall also be given for removal of such sign structure, if nonconforming, within six months of the date of such written notice, unless a new business owner or tenant has occupied such business location.
 6. A sign accessory to a nonconforming use may be erected in the township in accordance with the sign regulations for the subject zoning district.
- F. *Units of measurement.*
1. The area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign.
 2. The area of a freestanding, ground, or projecting sign that has two or more faces shall be measured by including the area of all sign faces, except if two such faces are placed back-to-back and are of equal size, the area of the two back-to-back faces shall be counted as one face. If the two back-to-back faces are of unequal size, the larger of the two sign faces shall be counted as the one face.
 3. The height of a sign shall be measured as the vertical distance from the highest point of the sign to the grade of the adjacent street or the average grade of the ground immediately beneath the sign, whichever is less.
 4. For buildings with multiple tenants, the sign areas for wall signs, projecting signs and awning signs shall be determined by taking that portion of the front wall of the building applicable to each tenant and computing sign

requirements for that portion of the total wall.



G. *Sign regulations applicable to all zoning districts.*

1. All ground, wall and freestanding signs may include reader boards, provided the entire area utilized complies with the overall sign area calculation. Message center signs may be approved for schools, churches or similar public or non-profit entities that have a variety of facility uses for multi-use business locations. Such signs shall not exceed 72 square feet in area or exceed a height of 11 feet. The message shall not scroll continuously but shall be fixed for not less than a five-second interval. Illumination levels shall not exceed one footcandle at any property line.
2. Any sign, including awnings to which signs are affixed or displayed, not resting directly on the ground shall maintain a minimum clear space of eight feet from the bottom of the sign to the ground.
3. Real estate signs shall be removed within 30 days after completion of the sale or lease of the property.
4. Construction signs are permitted within any zone district, subject to the following restrictions:
 - a. One sign is permitted to be placed on the lot where the construction is taking place to identify contractors, design professionals, lending institutions, etc.
 - b. The sign shall be no larger than 16 square feet in area, and not exceed eight feet in height. In a case where two or more firms utilize a sign, the sign shall be no larger than 32 square feet in area, and not exceed eight feet in height.
 - c. Construction signs shall not be erected until a building permit has been issued for the project which is the subject of the proposed sign and construction activity has begun.
 - d. Construction signs shall be removed within 15 days of the issuance of any occupancy permit for the building or structure which is the subject of the construction sign.
5. Special event signs, including banner signs, are permitted in conjunction with any permitted nonresidential use, or agricultural use in a residential zone district, subject to the following restrictions:
 - a. No more than four such signs shall be displayed for each special event. Such signs shall be located on the lot on which the special event is held.
 - b. The display of such signs shall be limited to the 21 days immediately preceding the special event which is being advertised.
 - c. Such signs shall have a maximum size of 24 square feet in area, and a maximum height of five feet and shall

- be set back from any side or rear property line a minimum of 15 feet.
- d. Such signs shall be removed within 48 hours of the conclusion of the special event which is being advertised.
- e. Such signs shall not cause a vision hazard at any road intersection, or driveway.
- 6. Directional signs are permitted subject to the following restrictions:
 - a. A directional sign may contain a logo of an on-premise[s] establishment, but no advertising copy.
 - b. No such sign shall exceed six square feet in area or three feet in height.
 - c. Directional signs shall be limited to traffic control functions only.
 - d. Such signs shall not cause a vision hazard at any road intersection, or driveway.
- 7. Residential sale signs are permitted subject to the following restrictions:
 - a. One sign per lot or parcel is permitted, located on the lot or parcel on which such sale is being conducted, and set back a minimum of 15 feet from any side or rear property line.
 - b. Such sign shall not exceed six square feet in area.
 - c. Such sign shall be erected no more than seven days prior to the day(s) of the sale and shall be removed within one day after the completion of the sale.
- 8. Billboards shall be located so as to be visible to persons traveling on state primary highways or trunk-lines and shall conform to the regulations and provisions under Act 1972 PA 106, MCL 252.301 et seq., as amended, unless such billboard is prohibited by the provisions of this Code. Billboards are prohibited in all districts except the C-2 commercial and I-1 industrial districts. All billboards located in these districts shall conform to the following requirements:
 - a. Billboards are required to have the same setback as other principal structures or buildings in the zone in which they are situated. No billboard shall be located within 300 feet of any residence or residential zone.
 - b. Where two or more billboards are along the frontage of a single street or highway, they shall not be less than 1,000 feet apart. A double face (back to back) structure shall be considered a single sign. No V-type signs shall be allowed where the face of each side of the sign can be seen from one location. Billboards shall not be located less than 500 feet from any on-premises free-standing sign approved or installed in order to minimize conflict between signs.
 - c. The total surface area of any billboard, facing in one direction, shall not exceed 200 square feet and the maximum height shall not exceed 30 feet above the grade of the ground providing support for the sign.
 - d. No billboard shall be erected on the roof of any building, nor have one sign above another sign.
 - e. Billboards may be illuminated by reflected light only, provided the source of light is not directly visible and is so arranged to reflect away from the adjoining premises and provided that such illumination shall not be so placed as to cause confusion or a hazard to traffic or conflict with traffic control signs or lights. No illumination involving movement by reason of the lighting arrangement or other devices shall be permitted.
 - f. Billboards shall be designed, constructed, operated, maintained and managed so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and so their use will not change the essential character of the same area.

H. *Sign regulations by district.* Signs in each zoning district shall be subject to the following regulations:

AGP, AG, RR, R-1, R-2, R-3, and MHP Zoning Districts—Permitted Signs	
<i>Ground signs for residential subdivisions, manufactured home parks, schools, or other nonresidential uses allowed in the district</i>	
Number	1 per major entrance
Size	No greater than 16 square feet
Location	Minimum of 15 feet from any side or rear property line

Height	No higher than 4 feet
<i>Signs for home occupations</i>	
Number	1 per lot or parcel
Size	No greater than 2 square feet unless otherwise provided; 9 square feet in the AGP, AG, and RR districts
Location	On wall of principal building facing street, or in front yard in the AGP, AG, and RR districts
<i>Signs for nonresidential uses</i>	
Number	1 per street frontage
Size	No greater than 5 percent of the wall area to which the sign is affixed
Location	On wall of building facing street
<i>Political signs</i>	
Number	1 per issue or candidate, per parcel
Size	No greater than 6 square feet
Location	Minimum of 15 feet from any side or rear property line
Height	No higher than 6 feet
<i>Real estate signs</i>	
Number	1 per lot or parcel, per 300 feet of road frontage
Size	No greater than 6 square feet for developed properties or lots; 32 square feet for vacant lots or parcels
Location	Minimum of 15 feet from any property line, and outside the public right-of-way
Height	No higher than 6 feet

C-1, C-2, and I-1 Zoning Districts—Permitted Signs (For CBD See chapter 13.A)

<i>Ground signs</i> (Required for a single business)	
Number	1 per lot or parcel, except that only 1 ground sign or 1 freestanding sign shall be permitted per lot or parcel
Size	No greater than 32 square feet
Location	Minimum of 15 feet from any property line, and outside the public right-of-way
Height	No higher than 6 feet
<i>Freestanding signs</i> (Permitted only for multi-use business locations)	
Number	1 per lot or parcel, except that only 1 ground sign or 1 freestanding sign shall be permitted per lot or parcel
Size	No greater than 60 square feet
Location	Minimum of 15 feet from any property line, and outside the public right-of-way
Height	No higher than 20 feet, with a minimum of 8 feet between the ground and the bottom of the sign
<i>Wall signs</i>	
Number	1 per street frontage
Size	No greater than 10 percent of the wall area to which the sign is affixed, not to exceed a maximum sign area of 200 square feet
Location	On wall of building facing street
<i>Political signs</i>	
Number	1 per issue or candidate, per parcel
Size	No greater than 6 square feet
Location	Minimum of 15 feet from any property line, and outside the public right-of-way
Height	No higher than 6 feet
<i>Real estate signs</i>	
Number	1 per lot or parcel
Size	No greater than 16 square feet for developed properties or lots; 32 square feet for vacant lots or parcels

Location	Minimum of 15 feet from any property line, and outside the public right-of-way
Height	No higher than 6 feet
<i>Gasoline stations</i>	
Ground signs	
Number	1 per lot or parcel, except that only 1 ground sign or 1 freestanding sign shall be permitted per lot or parcel
Size	No greater than 50 square feet
Location	Minimum of 15 feet from any side or rear property
Height	No higher than 6 feet
Freestanding signs	
Number	1 per lot or parcel, except that only 1 ground sign or 1 freestanding sign shall be permitted per lot or parcel
Size	No greater than 72 square feet
Location	Minimum of 15 feet from any side or rear property line
Height	No higher than 20 feet, with a minimum clearance of 8 feet between the ground and the bottom of the sign
Additional sign	1 additional sign may be attached to the support column(s) of the freestanding sign. Such sign shall not exceed 3 square feet, and shall have at least 10 feet of ground clearance
Temporary signs (no permit required)	
Number	2
Size	No greater than 9 square feet each
Location	Minimum of 5 feet from front lot line, and 15 feet from any side or rear lot line
Height	No higher than 4 feet
Other permitted signs for gasoline stations	
	Directional signs or lettering over entrance doors or service bays may only display the type of service taking place in such bay
	Customary lettering on or other insignia which are a structural part of a gasoline pump, and any other insignia required by law. If illuminated, such signs shall be nonflashing and shall not in any manner constitute a traffic hazard
	1 nonilluminated credit card sign not exceeding 2 square feet in area which may be placed on or near each gasoline pump
<i>Movie theaters</i>	
Ground signs	
Number	1 per lot or parcel, except that only 1 ground sign or 1 freestanding sign shall be permitted per lot or parcel
Size	No greater than 100 square feet
Location	Minimum of 15 feet from any property line, and driveway
Height	No higher than 6 feet
Freestanding signs	
Number	1 per lot or parcel, except that only 1 ground sign or 1 freestanding sign shall be permitted per lot or parcel
Size	No greater than 200 square feet
Location	Minimum of 15 feet from any property line
Height	No higher than 20 feet, with a minimum clearance of 8 feet between the ground and the bottom of the sign
Wall signs	
Number	2
Size	No greater than 32 square feet each
Location	On the front wall as determined by the property owner
"Now Showing" and "Coming Attraction" display cases	
Number	1 for each screen

Size	No greater than 12 square feet each
Location	On the front walls of the building, as determined by the property owner

Billboards are permitted in the C-2 and I-1 districts only.

All billboards shall conform to the requirements of the Highway Advertising Act (MCL 252.301 et seq.).

(Ord. No. 104B-06-03, § 18, 6-11-2003; Ord. No. 104L-06-12, §§ 2—7, 6-12-2012)

CHAPTER 17. - SPECIAL LAND USES

Section 17.01. - Purpose.

This chapter 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 as a whole. The regulations and standards, herein, 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 chapter. In addition, the following uses shall conform to the specific standards cited in section 17.07, as applicable.

Section 17.02. - Application procedures.

Application for a special land use permit shall be made to the zoning administrator and shall include the following:

- A. Sixteen copies of a site plan containing the information required by section 16.01, C, 2.
- B. A completed application form.
- C. Payment of an application fee, which shall be nonrefundable, and a review fee, in escrow, which may be refundable, or a portion thereof, established by township board resolution, periodically.

Section 17.03. - Notification, hearing, and review procedures.

[The notification, hearing, and review procedures for a special land use permit are as follows:]

- A. *Notification.* Upon receipt of an application for a special land use permit, the zoning administrator shall cause:
 1. A notice to be published in a newspaper which circulates in the township, that a request for special land use approval has been received.
 2. Send by mail or personal delivery a notice of special land use request to the owners of the property for which the request is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet of the property regardless of whether the property or the occupant is located in the township.
 3. The notice shall be given not less than 15 days before the date the application will be considered for approval.
 4. If the name of the occupant is not known, the term "occupant" may be used in making notification.
 5. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, the occupant of each unit or spatial area shall receive notice. In the case of a single structure

containing more than four 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 of the structure who shall be requested to post the notice at the primary entrance of the structure.

6. The notice shall describe the nature of the request, indicate the property which is the subject of the special land use request, and indicate a listing of all street addresses within the property. However, 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. The notice shall also state when and where the request will be considered, and indicate when and where written comments will be received concerning the request. Finally, the notice shall indicate that a public hearing on the special land use request may be requested by any property owner or the occupant of any structure located within 300 feet of the property being considered for a special land use regardless of whether the property or occupant is located in the township.
- B. *Public hearing.* At the initiative of the township board or upon request of the applicant, a real property owner whose real property is assessed within 300 feet of the property, or the occupant of a structure located within 300 feet of the property, a public hearing shall be held before a discretionary decision is made on the special land use request.
- C. *Review, recommendation.* The planning commission shall make its recommendation of approval, approval with conditions, or denial of the special land use permit request to the township board. The planning commission shall base its recommendation upon the review and consideration of materials submitted with the application and the applicable standards of this chapter.
- D. *Approval.* 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.

(Ord. No. 104E-09-07, § 15, 8-30-2007)

Section 17.04. - General standards for approval.

[General standards for approval of a special land use permit are as follows:]

- A. The township board shall approve, or approve with conditions, a special land use permit request only upon a finding that all of the following general standards for approval are complied with:
 1. The use is designed and constructed, and will be operated and maintained, so as 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.
 2. 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.
 3. 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.
 4. The use will be compatible with the natural environment and will be designed to encourage conservation of natural resources and energy.
 5. The site plan proposed for such use demonstrates compliance with the specific design standards for the special land use as contained in section 17.07.
- B. The recommendation of the planning commission shall be incorporated in a statement of conclusions specifying the basis of the recommendation, and any conditions imposed. The decision and statement of conclusions, including

conditions imposed on any approval, shall be kept and made a part of the township board minutes.

- C. No request for special land use approval which has been denied shall be resubmitted for six months, following such disapproval, except as may be permitted after learning of new and significant facts or conditions which might result in favorable action upon resubmittal.

Section 17.05. - Conditions of approval.

[Conditions of approval for a special land use permit and manner of imposition are as follows:]

- A. The planning commission or township board may impose reasonable conditions in conjunction with approval of a special land use permit which are deemed necessary to ensure compliance with the general standards for approval in section 17.04 and the specific design standards of section 17.07.
- B. Conditions shall be imposed in a manner that would further the purpose of this ordinance as outlined in section 1.01 (Preamble).

Section 17.06. - Approval term and expiration.

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.

Section 17.07. - Special land use specific design standards.

The following special land uses shall be subject to the requirements of the district in which located, in addition to all the applicable conditions, standards, and regulations as are cited in this section. The following uses have such conditions, standards, or regulations:

A. *Agricultural processing and warehousing.*

1. All buildings shall be setback at least 100 feet from any property line.
2. 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.
3. 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.
4. On a site plan provided by the applicant the following information shall be outlined:
 - a. The size, nature, and character of the proposed use.
 - b. 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.
 - c. The frequency of use and hours of operation.
5. Lighting the site shall not create a nuisance to adjacent property owners, nor to traffic on adjacent roads.
6. A proper buffer or greenbelt to screen the use from any adjacent residential uses, as outlined in section 3.10.
7. Trash containers shall be enclosed by a structure screened on at least three sides.
8. The property shall be kept free of litter, and in a sanitary condition.
9. Any odor, gas, glare, heat, or smoke detectable at any point along the lot lines shall not be permitted.

B. *Cemeteries.*

1. Minimum lot size of three acres or 130,680 square feet is required.
2. Plan must show any roads, and plot areas.

3. A five-foot-tall fence is required along any property line not adjacent to a road right-of-way.
4. One sign is permitted that must conform with the district restrictions for signs.

C. *Churches.*

1. The property location shall be such that at least one side of the property abuts and has access to a public road.
2. Minimum lot size of three acres or 130,680 square feet shall be required for such use.
3. The off-street parking area shall be screened with a greenbelt buffer as required in section 3.10.
4. Within the C-1 and C-2 districts, the applicant shall waive the requirement of location within 300 feet of any business with alcohol sales.

D. *Commercial day care centers.*

1. Minimum lot size of two acres or 87,120 square feet shall be required for such use.
2. Playground equipment may only be located in the interior side or rear yard of the lot, and must have a five-foot fence around its border. The playground must be at least 50 feet from the property line, and any residential use or district line.
3. The off-street parking shall be arranged so the client loading and unloading area will not be in the path of vehicular traffic.
4. The required off-street parking shall meet the conditions outlined in section 16.02, C, 3, for elementary schools.
5. The main building shall be 100 feet from any property line.

E. *Commercial outdoor recreation facility.*

1. Minimum lot size of two acres or 87,120 square feet.
2. All outdoor lighting shall be directed away from, and shall be shielded from adjacent parcels.
3. All adjacent parcels shall be screened with a proper buffer or greenbelt, as outlined in section 3.10, to afford adjacent property owners protection from noise, light, dust, or other nuisances.
4. Accessory retail sales may be permitted, but limited to the sale of goods specific to the recreation facility, be it miniature golf, a golf driving range, go-carts, etc.
5. All areas for the storage of waste dumpsters shall be screened on three sides with a six-foot-tall solid fence or wall.

F. *Commercial storage warehouses (ministorage or self-storage units).*

1. Minimum lot area shall be two acres or 87,120 square feet.
2. No more than 85 percent of the lot may be covered by buildings, on-site driveways, parking and loading areas, and vehicular circulation aisles.
3. Parking and circulation:
 - a. One parking space shall be provided for each ten storage cubicles, and shall be equally distributed throughout the site.
 - b. All driveways, parking and loading areas, and vehicular circulation aisles shall be paved.
4. A six-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 chainlink with slats. The fence must be set back at least 20 feet from the road right-of-way.
5. The use shall be screened from adjacent residential uses with a proper buffer or greenbelt, as outlined in section 3.10.
6. 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.

7. An office may be permitted on-site, but the office area shall be included in calculating the lot coverage.
 8. In addition to any standards in this section, outside storage shall also comply with the following:
 - a. Must be at the rear of the property, at least 100 feet from the front property line, and not in any required yard.
 - b. A decorative and aesthetically pleasing fence shall be required with a minimum height of eight feet.
 9. No toxic, hazardous, or flammable materials may be stored in such a unit.
 10. The planning commission may stipulate additional standards to promote health, safety, and welfare to the public.
- G. *Community centers.*
1. Off-street parking shall be required as outlined for "Assembly areas, auditoriums, and gymnasiums" in section 16.02, C, 3.
 2. The parcel on which the use is located shall front on at least one side, on a paved road.
 3. Any outdoor playground equipment shall be enclosed by a fence at least four feet in height. Such play area shall be set back from any residential use at least 50 feet.
- H. *Country clubs and golf courses.*
1. 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.
 2. The site shall be so planned to provide all access directly onto or from a major paved road.
 3. All structures shall be at least 100 feet from any property line abutting residentially zoned land.
 4. The off-street parking area shall be so arranged as to provide the most safety for pedestrians, and ease of vehicular maneuvering.
 5. The off-street parking area shall be at least 50 feet from any property line abutting residentially zoned land. Required off-street parking requirements are outlined in section 16.02, C, 3.
 6. Accessory uses like pro shops, restaurants and lounges, and golf driving ranges may be permitted.
- I. [*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.
1. 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 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.
 2. In addition to parking space requirements, at least three 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.
 3. Parking areas shall have a front yard setback of 20 feet and side and rear yard setbacks of ten feet which shall be landscaped.
 4. 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.
 5. Outdoor speakers for the drive-through facility shall be located in a way that minimizes sound transmission toward neighboring property and uses.
 6. A proper buffer or greenbelt to screen the use from any adjacent residential uses, as outlined in section 3.10.
- J. *Funeral homes and mortuaries.*
1. Lighting for parking areas or outdoor activity areas shall not be a nuisance to adjacent properties.

2. An off-street vehicle assembly area shall be provided to be used in support of funeral processions and activities. This in addition to the required off-street parking and its related maneuvering area.
3. No waiting lines of vehicles shall extend off-site or onto any public street.
4. 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.

K. *Gasoline stations.*

1. Minimum lot area shall be one acre or 43,560 square feet, and the minimum lot width shall be 150 feet.
2. Pump islands shall be a minimum of 40 feet from any public right-of-way or property line.
3. 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.
4. Storage of vehicle components and parts, trash, supplies, or equipment outside of a building is prohibited.
5. If retail sales of convenience goods are conducted on the premises, parking for such uses shall be computed and provided separately for that use.
6. Canopy roofs shall be permitted to encroach into any required yard, provided that a minimum setback of five feet is maintained, and further provided that the fascia of such canopy is a minimum of 12 feet above the average grade.
7. 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.
8. Where adjoining residentially zoned or used property, buffer or greenbelt shall be provided along the nonresidential property line, as outlined in section 3.10.
9. 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.
10. Written verification of review and approval of the site plan from the county drain commissioner.
11. Written verification of review and approval of the site plan from the township fire chief.

L. *Greenhouses and nurseries.*

1. All buildings shall be set back at least 100 feet from all property lines.
2. 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.

M. *Group day care homes.*

1. The use may not be closer than 1,500 feet to any of the following:
 - a. Another licensed group day care home.
 - b. 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.).
 - c. A facility offering substance 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.)
 - d. 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.

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.

2. 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.

3. Fencing at least 54 inches, and no more than six feet in height shall be provided around all outdoor areas accessible to children.
4. 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.
5. The property shall be consistent with the characteristics of the neighborhood.
6. 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.
7. One nonilluminated sign measuring no more than 16 square feet maybe permitted if attached to the principal structure.

N. *Home occupations.*

1. Home occupations may be approved by the Zoning Administrator, without the requirement of a special land use application or permit, only after receipt of a letter from the applicant stating his or her intent to comply with the requirements of this section.
2. One other 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.
3. 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.
4. 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, other than one sign, not exceeding two square feet in area, nonilluminated, and mounted flat against the wall of the principal building. In the AGP, AG, and RR districts, however, the sign shall not exceed nine square feet, and the sign may be located no closer than half the required front yard setback to the right-of-way line.
5. The home occupation shall be operated entirely within an enclosed structure, and not within any accessory building.
6. No goods shall be sold from the premises which have not been produced from the conduct of the home occupation.
7. 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.
8. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectible 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.
9. Only normal domestic or household equipment and equipment characteristic of small workshops, businesses, and professional offices shall be used to accommodate the home occupation.
10. The essential residential character of the dwelling, in terms of use and appearance, shall not be changed by the occurrence of the home occupation.
11. The home occupation shall be subject to annual inspections by the Zoning Administrator, and may be terminated if it is found to no longer comply with this Section.

(Ord. No. 104K-08-11, § 1, 8-9-2011; Ord. No. 104S-10-19, § 1, 11-13-2019)

O. *Hotels and motels.*

1. Minimum lot area shall be one acre or 43,560 square feet, and minimum lot width shall be 200 feet.
2. Parking areas shall have a front yard setback of 40 feet, and side and rear yard setbacks of 20 feet.
3. 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.
4. 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.

P. *Intensive livestock operations.*

1. Minimum lot area shall be 40 acres.
2. Two or more contiguous animal feeding operations are deemed to be a single animal feeding operation if they are under common ownership, operation, or share a common area or system for waste disposal.
3. An application for an intensive livestock operation shall include, in addition to the requirements for site plans in section 15.01 [16.01], the following information:
 - a. A description of the types and total number of animal units to be confined on the site;
 - b. A detailed plan for the handling, storage, treatment, and disposal of animal waste, including a timetable for the implementation of the plan and location of any waste application;
 - c. A detailed plan for controlling noise, dust, and odors, including a timetable for the implementation of the plan;
 - d. A description of the design, installation, and operation of all facilities and equipment required to monitor groundwater, soil, and air contamination as required by federal, state, or local regulating agencies. In addition, copies of reports or results of test shall be submitted to the township upon receipt by the owner/operator;
 - e. Locations of principle [principal] buildings, manure storage areas, drainage areas, truck loading/unloading areas, and other areas where accessory activities may take place; [and]
 - f. Separation distances between all facilities and uses associated with the use, including the animal holding area and the manure and waste storage areas: and adjacent property lines, on-site water wells, private homes, and any body of water or floodplain.
4. The ILO shall meet the following setback and location standards:
 - a. All structures used to house or contain animals or animal waste shall be set back at least 300 feet from any adjacent property lines.
 - b. All structures used to house or contain animals or animal waste shall be set back at least:
 - (1) Seven hundred fifty feet from any residence, except that of the ILO operator.
 - (2) One thousand five hundred feet from any church, school, recreational area, or any public building.
 - (3) Two thousand two hundred fifty feet from any R-1 zoning district.
5. Other standards [are as follows:]
 - a. No livestock waste shall be discharged, allowed to seep or otherwise be released into any surface water or groundwater.
 - b. All waste discharge, handling and storage facilities shall adhere to the requirements of the State of Michigan GAAMPs (Generally Accepted Agricultural Management Practices) and be subject to such review prior to final action on approval of the required site plan.

- c. No application of livestock waste shall occur to, or on, any soil or ground if the meteorological, topographical, or the rate of application of livestock waste, will cause pollution or degradation of surface waters, groundwater, and an application will cause the livestock waste to seep from the boundary of the particular livestock operation involved.
- d. Liquid manure that cannot be applied in accordance with nutrient restrictions, or put to another beneficial use must be treated in accordance with wastewater treatment standards.
- e. As a condition of issuance of a zoning permit, the applicant shall submit a professional engineer's certification to the zoning administrator, that the construction, modification, or expansion of a manure storage facility has been properly built, modified, or expanded.

Q. *Commercial kennels.*

- 1. Buildings wherein dogs are kept, dog runs, and/or exercise area shall not be located nearer than 100 feet to any occupied dwelling or any building on an adjacent parcel used by the public and shall not be located in any required front, rear, or side yard setback area.
- 2. Dog runs and/or exercise area, and buildings where the dogs [dogs] are maintained shall be located in the rear yard only.
- 3. Each dog run and/or exercise area shall be separately fenced from the adjoining dog run and/or exercise area.
- 4. There shall be a solid wall or solid fence around the outside perimeter of the dog runs and/or exercise areas, with a height of not less than six feet.
- 5. Parcel shall be five acres or 217,800 square feet, or more in size.
- 6. Such facilities shall be under the jurisdiction of the township planning commission, and subject to other conditions and requirements of said body deemed necessary to ensure against the occurrence of any possible nuisance by requiring necessary minimum distances, berms, additional fencing, soundproofing, and sanitary requirements.

R. *Lumberyards and building material sales areas.*

- 1. The principal and accessory buildings and structures shall not be located within 300 feet of any residential use or district property line.
- 2. A proper buffer or greenbelt shall be provided between the subject use, and any adjacent residential district, in accordance with section 3.10.
- 3. Any outside storage shall be so screened to obstruct outside vision of the materials from any public road, or adjacent property.
- 4. Outdoor sales and display areas shall be limited to 20 square feet for each linear foot of building frontage.
- 5. All driveways, parking, loading, storage, and vehicular circulation areas shall be paved.

S. *Mining of natural resources, excluding forest-related programs.*

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.

- 1. A minimum setback of 300 feet from any property line, and 300 feet from any public road.
- 2. The permanent processing plant and its accessory structures shall not be closer than 600 feet from any property line or public road.
- 3. 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.

4. Storage piles of processed material and overburden stripped mining areas shall not be located closer than 300 feet property line, and 300 feet from any public road.
5. A minimum of 80 acres is required for the use.
6. 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.
7. 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.
8. 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:
 - a. Earth berms which shall be constructed to a height of five 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 foot vertical to four feet horizontal, and shall be planted with grass, trees, and shrubs.
 - b. Screen plantings of coniferous or other suitable species at least five feet in height, in two rows parallel to the boundary of the property, with spacing of rows no greater than ten feet, and spacing of trees within rows no greater than ten feet apart.
 - c. Masonry walls or solid fences which shall be constructed to a height at least five feet.
9. 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.
10. Air pollution in the form of dust and dirt shall be kept at a minimum.
11. 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.
12. Interior roads serving the mining operation shall be paved, treated, or watered insofar as is practicable, to minimize dust conditions.
13. No mining shall take place within the specified distance form the margin of any stream or waterway as established by the Michigan Water Resources Commission, Department of Environmental Quality.
14. 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.
15. Reclamation shall be completed in accordance with the plan approved by the planning commission within one year after all extraction has been completed.
 - a. The excavated area shall not retain stagnant water
 - b. The surface of the excavated area shall be graded or backfilled to produce gently rolling surface that will minimize wind and water erosion, and be compatible with the adjoining land area.

- c. The finished grade resulting from excavation shall not be steeper than one foot vertical to three feet horizontal.
 - d. 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 inches deep.
 - e. 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.
 - f. All processing plant structures, buildings, stockpiles, and equipment shall be removed from the area no later than one year after extraction has ceased.
16. The mining company shall post a minimum financial guarantee in the amount of \$1,000,000.00 for the first five 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. The guarantee shall be provided in one of the following forms:
- a. Cash.
 - b. Cashiers check.
 - c. Surety bond acceptable to the planning commission.

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.

- 17. Operations agreement must be approved before a special use permit is granted.
- 18. Inspections shall be made of the mining site, not less often than twice in each calendar year, by the zoning administrator. 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.

T. *Municipal buildings.*

- 1. The proposed site shall front upon a paved county primary or county local street. All ingress and egress shall be from said thoroughfare.
- 2. Buildings and structures shall be set back at least 100 feet from the side and rear property lines, the front yard setback shall be that for the district in which the use is located.

U. *[Office buildings.]* Office buildings shall meet those requirements outlined for municipal buildings under section 17.07, T, above.

V. *[Offices and showrooms.]* Offices and showrooms for building and general construction contractors, electricians, plumbers, mechanical contractors, and similar trades.

- 1. The use shall be in the building where such allied goods and [are] assembled, repaired, altered, or stored.
- 2. The offices and showrooms shall not occupy more than 50 percent of the floor area of the building or space the main use occupies.
- 3. No outside storage shall be permitted.
- 4. The wall facing and visible from the primary street shall be used for the main entrance, offices, and display area.
- 5. Off-street parking shall be required as provided in this ordinance for office uses, plus required parking for the main use. (See section 16.02, C, 3.)

W. *[Places of assembly.]* Places of assembly, including but not limited to, dance pavilions, auditoriums, and private clubs.

- 1. Off-street parking shall be required as outlined for "Assembly areas, auditoriums, and gymnasiums" in section

16.02, C, 3.

2. A proper buffer or greenbelt shall be provided between the subject use, and any adjacent residential district, in accordance with section 3.10.
3. 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.

X. *Planned unit developments.*1. *Description and purpose.*

- a. 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. The planned unit development (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.
- b. 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.
- c. 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.

2. *Objectives and qualifying conditions.*

- a. 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:
 - (1) 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.
 - (2) 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.
 - (3) To encourage developers to use a more creative and imaginative approach in the development of areas.
 - (4) To encourage underground utilities that can be more efficiently designed when master planning a larger area.
 - (5) To allow phased construction with the knowledge that subsequent phases will be approved as originally planned, and approved by the township.
 - (6) To promote flexibility in design and permit planned diversification in the location of structures.
 - (7) To promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land use, and utilities.
 - (8) To combine and coordinate architectural styles, building forms, and building relationships within the

PUD.

- (9) To ensure a quality of construction commensurate with other developments in the township.
- b. Any proposed PUD must meet the following qualifying conditions:
- (1) The tract of land for which a PUD application is received must be either in one ownership, or the subject of an application filed jointly by the owners of all affected properties.
 - (2) The property that is the subject of a PUD application must be a minimum of ten contiguous acres in total area, unless specified elsewhere in this subsection.
 - (3) To be considered as a PUD the proposed development must fulfill at least two of the following conditions:
 - (a) The PUD contains two or more separate and distinct uses, for example, single-family and multiple-family dwellings;
 - (b) 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.
 - (c) The PUD is designed to preserve in perpetuity at least 20 percent of the total area of the site for open space.
 - (4) Basis of determination. Prior to approval of a planned unit development 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 planned unit development under consideration.
 - (a) *General standards.* The planning commission shall review the particular circumstances of the planned unit development application under consideration in terms of the following standards, and shall approve a planned unit development only upon a finding of compliance with each of the following standards:
 - i. The standards outlined in section 17.04;
 - ii. The standards of review for site plan review in section 16.01;
 - iii. The applicable standards of this subparagraph; and
 - iv. The applicable standards as may be established elsewhere in this ordinance.
 - (b) *Conditions.* The planning commission may impose conditions with the approval of a planned unit development 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 planned unit development approval, and shall be enforced by the zoning administrator.
3. *Application procedures.*
- a. An application for a planned unit development shall be submitted, and acted upon as a special land use in accordance with the requirements of chapter 17, and as noted in this subparagraph.
 - b. In addition to the requirements of a special land use, an application for planned unit development 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 planned unit development under consideration.
 - c. Review and approval. The planning commission shall review the application for a planned unit development, 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 planned unit development 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 planned unit development 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 planned unit development, the basis for this decision, any conditions relating to an affirmative decision, or reasons for denial.

4. *Open space.* 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; and
 - (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 ten 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.
5. *PUDs in a residential district. (The AG and RR districts shall be considered agricultural districts for purposes of PUD and shall only allow for single-family detached dwellings.)*
- a. 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 an R-1 zoning district 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 R-1 zoning district PUD. Within both the R-1 and R-2 zoning districts, the multiple-family dwellings shall be in the form of attached single-family townhouses not exceeding 25 feet in height.
- (4) Permitted uses in the C-1 district, subject to the standards noted for nonresidential uses in the PUD, section 17.07, X, 5, g, and the requirements of the C-1 district.
- 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 right-of-ways.
- 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 ten 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.
6. *PUDs in a commercial district.*
- a. The minimum area required for a parcel to be considered as a commercial PUD shall be not less than five 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.
 - (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.
7. *PUDs in the I-1 (industrial) district.*
- a. The minimum area required for a parcel to be considered as an industrial PUD shall be no less than ten 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.
8. *Required conditions.*
- a. All electric, television cable, telephone transmission wires, and other such public or private utilities within the PUD shall be placed underground.
 - b. Parking is required in accordance with chapter 16.
 - c. Signs are permitted in accordance with the requirements of chapter 16.
- Y. *Public parks and recreation areas.*
- 1. The use shall be located on property with direct access to a public road.
 - 2. Any outdoor activity areas including band shells, pavilions, and picnic areas shall be set back a minimum of 150 feet from all property lines.
 - 3. Lighting for parking areas or outdoor activity areas shall not be a nuisance to adjacent property owners.
 - 4. Access driveways shall be located at least 150 feet from the nearest right-of-way line of any intersecting street, and 200 feet from the nearest edge of any other driveway.
 - 5. A proper buffer or greenbelt shall be provided and maintained between the subject use, and any adjacent residential uses, as outlined in section 3.10.
 - 6. Plans for the use, operation, maintenance, water supply and sewer disposal systems, and any other special features must be submitted.
 - 7. All existing and proposed buildings shall be shown.
 - 8. The use shall not constitute a public health or safety hazard, or adversely affect adjacent properties.
 - 9. Linear parks shall be exempted from these standards, however, shall comply with the general standards outlined in section 17.04.
- Z. *Public or private boat launches.*
- 1. There shall be no storage of gasoline, fuel oil, or other flammable liquids or gases on the lot.
 - 2. 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.
 - 3. Parking facilities shall not be used for the overnight storage of boats, trailers, or other vehicles.
 - 4. Fourteen off-street parking spaces per ramp, plus off-street queuing space for two 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

AA. *Public or private campgrounds.*

1. The campground must provide a health department approved sewage disposal and water system.
2. The setback of a campsite, building, or facility from the property line must be at least 50 feet.
3. The property must be screened with six-foot fencing or proper greenbelt when adjacent to a residential use, as outlined in [section 3.10](#).
4. Minimum lot size of ten acres is required for the first 25 sites, and one acre for each additional 15 sites, or fraction thereof.
5. 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 (section [16.02](#), C, 3).

BB. *Public or private schools.*

1. Minimum lot size:
 - a. For elementary schools, a minimum of five acres.
 - b. For secondary schools, a minimum of ten acres.
 - c. For trade, martial arts, or other professional or technical schools, a minimum of one acre.
2. Playground equipment may only be located in the side or rear yard of the lot, and must have a five-foot fence around its border. The playground must be at least 50 feet from any side or rear property line.
3. 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.
4. The off-street parking shall meet the requirements outlined in this ordinance for schools.
5. 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.
6. The main school building shall be 100 feet from any property line.
7. Practice and playing fields, tracks, and ball diamonds shall be set back at least 50 feet from any property line.

CC. *Rental shops for equipment, tools, cars, trailers, trucks, and recreational products.*

1. Security fencing six feet in height shall be required around all outside storage.

2. All outside storage areas shall have sufficient lighting as to illuminate the entire storage area, but to not be visible o properties.
3. All outside storage areas shall be constructed and maintained as to provide a smooth, dustless, and a well-drained surface.
4. A proper buffer or greenbelt shall be required to protect adjacent residential areas, as outlined in section 3.10.
5. Outside storage shall not be permitted in any required yard setback area, furthermore, outside storage is limited to the side and rear yards of the premises.
6. Outdoor sales and display areas shall be limited to 20 square feet for each linear foot of building frontage.

DD. *Retail sales accessory to a permitted use.*

1. The retail sales area shall not constitute more than ten percent of the gross floor area of the building in which the sales take place.
2. No outdoor displays shall be permitted.
3. 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.

EE. *Riding stables.*

1. The minimum lot size shall be ten acres.
2. The maximum horse population shall be limited to one horse per acre.
3. Any buildings used to breed, house, feed, train, or shelter horses shall be located at least 150 feet from any lot line.
4. 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.
5. Height limitations must be followed for the district.
6. 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.
7. 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.
8. 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.
9. A map of the riding trail shall be submitted to the planning commission, with a maintenance plan for the trail, and hours of operation.
10. The riding trail shall not unreasonably affect adjoining property.
11. Additional standards may be imposed by the planning commission to maintain the health, safety, and welfare of the township.

FF. *Roadside stands.*

1. The use may be permitted for up to seven months in any one calendar year.
2. Only farm produce may be sold.
3. The produce sold, shall be grown on the same premises as the roadside stand sits.
4. Off-street parking must be provided as outlined in this ordinance.

GG. *Sale of farm implements and commercial construction equipment.*

1. The lot area used for parking, display, or storage shall be paved or treated so as to prevent dust.

2. The parking area shall also be graded and drained so as to dispose of all surface water in a safe and effective manner causing ponding, or harm to adjacent property owners.
3. 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.
4. 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.
5. A proper buffer or greenbelt shall be provided between the subject use, and any adjacent residential uses, as outlined in section 3.10.
6. Any outside storage shall be so screened to obstruct outside vision of the materials from any public road, or adjacent property.
7. Minimum lot size of two acres or 87,120 square feet is required.

HH. *Salvage yards and recycling centers.*

1. *Recycling centers.*

- a. A minimum lot size of five acres is required for the use.
- 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 screened by a fence of not less than eight feet in height and not less than 90 percent solid. It must also be screened by fences from streets, roads, or highways open to public vehicle travel.
- 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 on 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.
2. *Salvage yards.*
- a. 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.
 - b. 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.
 - c. 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.
 - d. Any outdoor storage area shall be completely enclosed by a fence or wall at least ten 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 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.
 - e. The fence or wall enclosing the storage area shall meet all applicable building setback requirements for the zoning district.
 - f. A management office shall be provided on-site. A residence may be permitted for security personnel or on-site operator.
 - g. Conditions within the storage area shall be controlled to minimize the hazards of fire and other threats to health and safety.
 - h. Stored materials shall not be stacked higher than ten 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.
 - i. 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.
 - j. All portions of the storage area shall be accessible to emergency vehicles.
 - k. 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.
 - l. 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.
 - m. Vehicle parts shall not be stored, loaded, unloaded, or dismantled outside the fence enclosing the salvage yard.

- n. The property shall be no less than 20 acres in size.
- o. In order to protect surrounding areas, the crushing of vehicles or any part thereof shall be limited to daylight hours.
- p. The planning commission may impose other conditions which have a reasonable relationship to the health, safety and general welfare of Pennfield Charter Township. These conditions can include a provision for an annual inspection by the zoning administrator to ensure continuing compliance with the above standards.

II. *Laundromats (self-serve).*

- 1. Off-street parking shall be provided at a ratio of one parking space for each three washing machines.

JJ. *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.

- 1. 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.
- b. 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:
 - i. 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.
 - ii. That the proposed use will not enlarge or encourage the development of a blighted or deteriorating area in its immediate surroundings.
 - iii. 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.
 - iv. That all applicable state laws and local ordinances will be observed.
 - v. 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.

- d[c]. Parking spaces shall be provided at the ratio of one space per person permitted by the maximum occupancy load established by local, county, state, fire, health, or building codes.
- e[d]. 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.
- f[e]. No alcohol shall be served at any sexually-oriented business.
- g[f]. 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.
- h[g]. 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.

i[h]. 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.

KK. *Storage yards for contractor's equipment.*

1. The storage area shall be within a totally enclosed building; or in the rear yard of the property inside a six-foot-high solid fence or wall.
2. 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.
3. The use shall be adjacent to, and have direct access to a paved public road.
4. The area where the equipment is stored, and any driveways on the site, shall be paved, or treated so as to prevent dust.

LL. *Tool, die, gauge, and machine shops.*

1. The principal and accessory buildings and structures shall not be located within 200 feet of any residential district or use property line.
2. Access driveways shall be located no less than 75 feet from the nearest part of the intersection of any street or any other driveway.

MM. *Transportation terminals.*

1. Access driveways shall be located at least 100 feet from the nearest right-of-way line of any intersecting street or any other driveway.
2. Trucks and trailers parked overnight shall be set back from the front lot line a minimum of 100 feet.
3. The principal and accessory buildings and structures shall not be located within 200 feet of any residential use or district.
4. The lot area used for parking or display shall be paved or treated so as to prevent dust.
5. 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.
6. A proper buffer or greenbelt shall be provided between the subject use, and any adjacent residential uses, as outlined in [section 3.10](#).
7. Any vehicle or equipment stored outside of an enclosed building shall not be located within any required yard.
8. The minimum required lot area shall be five acres with a minimum lot width of 200 feet.
9. No outside storage shall be permitted. However, storage of licensed and operable vehicles may be permitted in an enclosed fence.

NN. *Two-family dwellings.*

1. Minimum lot area of two acres or 87,120 square feet for each two-family dwelling, unless the lot is served by public sanitary sewer and public water, then a minimum lot area of 20,000 square feet shall be permitted.
2. A minimum lot width of 200 feet for each two-family dwelling.
3. Building setbacks and height requirements shall comply with the requirements for single-family dwellings as required for the district in which the use is located.
4. Two paved off-street parking spaces shall be provided for each dwelling unit.
5. The building shall be of substantially similar appearance as other residential buildings on adjacent properties and in the neighborhood.

OO. *Vehicle sales areas.*

1. The principal and accessory buildings and structures shall not be located within 100 feet of any residential use or di
2. Minimum lot area shall be one acre or 43,560 square feet, and minimum lot width shall be 150 feet.
3. 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.
4. 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 feet in height. Such fence 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.
5. Storage of vehicle components and parts, trash, supplies, or equipment outside of a building is prohibited, except in designated and approved storage areas as outlined in subsection 4.
6. 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.
7. Where adjoining residentially zoned or used property, buffer or greenbelt shall be provided along the nonresidential property line, as outlined in section 3.10.
8. 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.

PP. *Vehicle service establishments.* [Vehicle establishments] shall meet the applicable provisions for vehicle sales areas as outlined in subsection 17.07, OO.

QQ. *Vehicle wash establishment.*

1. 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 stacking spaces at the entrance and one space at the exit.
2. 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.
3. Only one 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.
4. Where adjoining residentially zoned or used property, a proper buffer or greenbelt shall be installed and maintained, as outlined in section 3.10.

RR. *Veterinary hospitals and clinics.* [Veterinary hospitals and clinics] shall meet the applicable provisions for commercial kennels, as outlined in subsection 17.07, Q.

SS. *Warehousing facilities.*

1. No parking shall be allowed within 50 feet of a residence, or residential district.
2. The site shall be screened from all adjacent residential uses or districts.
3. All refuse containers shall be screened on at least three sides, and located on a concrete pad.
4. No outdoor storage of any kind shall occur in the parking or site area.
5. No toxic, hazardous, flammable, explosive materials shall be stored or allowed on-site.
6. Security entry shall be required, restricting access to operators and users of the facility.
7. The use must be conducted in a building which fully encloses all activities.

TT. *Wireless communication facilities.*

1. *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:

- a. Protect residential areas from potential adverse impacts of wireless communication towers and antennas;
 - b. Encourage the location of towers in nonresidential areas;
 - c. Minimize the negative visual impact of towers throughout the community;
 - d. Strongly encourage the joint use of tower sites rather than construction of additional single-use towers;
 - e. 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
 - f. Minimize the adverse effect of technological obsolescence of such facilities, including a requirement to remove unused or unnecessary facilities in a timely manner.
2. *Definitions.* As used in this subsection, the following terms shall have the meanings set forth below:
- a. *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.
 - b. *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.
 - c. *Backhaul network.* The lines connecting a telecommunication provider's tower site and antennas to one or more cellular telephone switching offices, and/or long distance telephone providers, or the publicly switched telephone network.
 - d. *Collocation.* The use of a single support structure, building and/or site by more than one wireless communications provider.
 - e. *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.
 - f. *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.
 - g. *Tower (or communications 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.
3. *General requirements.*
- a. *[Antennas, towers.]* Antennas and towers may be considered either principle [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.
 - b. *[Entire 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.
 - c. *Inventory of sites.*

- (1) Each applicant for an antenna and/or tower shall provide to the zoning administrator an inventory of existing sites approved for towers or antennas that are either within the township or within one mile of the township including specific information about the location, height, and design of each tower.
 - (2) 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.
- d. *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.
- e. *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.
- (1) 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.
 - (2) 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.
- f. A site plan shall be submitted with the requirements outlined in section 16.01, C, 1, d, and 16.01, C, 2, (site plan review procedures for planning commission), and the following information:
- (1) 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.
 - (2) A legal description of the lot, and the leased parcel, as applicable.
 - (3) Evidence of the lot owner's consent to place the proposed tower.
 - (4) The setback distances between the proposed tower and the nearest residential unit, dwelling, and residential zoned property.
 - (5) The separation distance from other towers described in the inventory of existing sites set forth in part 4, g, of this subsection.
 - (6) A landscape plan showing specific proposed landscape materials.
 - (7) Method of fencing and finish color and, if applicable, the method of camouflage and illumination.
 - (8) A signed and notarized statement by the applicant certifying compliance with all applicable federal, state, and local laws.
 - (9) 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.
 - (10) Identification of the entities providing the backhaul network for the proposed tower.
 - (11) 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.

- (12) 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.
- (13) 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:
 - (a) Proximity to an interstate or Michigan highway, or its proximity to areas of population concentration or commercial, business or industrial centers;
 - (b) There are areas where signals interference occurs due to tall buildings, masses of trees, or other obstructions;
 - (c) The proposed antenna is needed to complete a communications grid as it relates to the needs of the township and surrounding areas;
 - (d) The telecommunications provider is not able to collocate its antenna on another tower.
- (14) Any information of an engineering nature that the applicant submits, whether civil, mechanical or electrical, shall be certified by a licensed professional engineer.

4. *General standards.*

- a. Towers and antennas shall meet the following aesthetic requirements:
 - (1) 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.
 - (2) 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.
- b. 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.
- c. 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 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.
- d. 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.

- e. No advertising or identification signs visible from off-site shall be allowed, or permitted on the antenna or tower.
- f. The following setbacks shall be required for all towers:
 - (1) 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.
 - (2) Guys and accessory buildings shall meet the minimum setbacks for principle [principal] buildings for the zoning district in which the tower is located.
- g. 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 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.
- h. Fencing, landscaping, and equipment requirements [are as follows]:
 - (1) The tower shall be enclosed by security fencing not less than six 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 principle [principal] building within the surrounding area.
5. *Other factors when considering a new tower.*
- a. 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:
 - (1) 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;
 - (2) Proximity of the tower to residential structures and residential district boundaries;
 - (3) Nature of uses on adjacent and nearby properties;
 - (4) Surrounding topography;
 - (5) Surrounding tree coverage and foliage;
 - (6) Design of the tower with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
 - (7) Proposed ingress and egress;
 - (8) Availability of suitable existing towers, other structures or alternative technologies not requiring the use of towers or structures; [and]
 - (9) 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.
 - b. 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:
 - (1) No existing towers or structures are located within the geographic area which meet the applicant's engineering requirements.
 - (2) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
 - (3) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
 - (4) 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.
 - (5) 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.

- (6) The applicant demonstrates there are other limiting factors that render existing towers and structures unsuitable.
 - (7) 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.
6. *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.

UU. *Wind energy conversion systems (WECS).*

1. *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.
2. *Definition.* Wind energy conversion systems: A system which converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blades, and tower as well as related equipment. A small turbine/on-site system is intended primarily for personal use of the customer, with a single tower that may, or may not, be connected to the utility grid. A large turbine/utility grid system is designed to generate electricity from one or more towers (within an array) and is intended primarily for commercial use or to serve institutions, residential communities or larger cooperatives.
3. *Special land use.* Due to the concerns related to health, safety and welfare, such systems shall be regulated as special land uses within all zoning districts, unless otherwise specified. The following requirements shall be met and the planning commission may impose additional conditions where appropriate:
 - a. 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.
 - b. 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.

- c. 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 Regulations.
 - d. 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.
4. *Site development.* The following site development requirements shall apply:
- a. *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.
 - b. *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.
 - c. *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.
 - d. *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.
 - e. *Vibration.* Under no circumstances shall a WECS produce vibrations humanly perceptible beyond lot boundaries.
 - f. *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.
5. *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.

(Ord. No. 104B-06-03, §§ 19—26, 6-11-2003; Ord. No. 104C-06-05, §§ 1—6, 6-14-2005; Ord. No. 104E-09-07, §§ 16—18, 8-30-2007; Ord. No. 104I-1-09, § 6, 11-10-2009; Ord. No. 104N-10-12, § 1, 9-11-2012)

CHAPTER 17A. - PLANNING COMMISSION

Section 17A.01. - Establishment; powers and duties.

The Pennfield Charter Township Planning Commission heretofore created in accordance with 285 PA 1931, State of Michigan, as amended, is hereby continued pursuant to Section 81 of 33 PA 2008 (MCL 125.3881(3)). The commission shall have all of the powers and shall be charged with all of the duties set forth in 33 PA 2008, as amended. The commission shall further have all the powers and duties now or hereafter conferred upon such commissions by the law of the state.

(Ord. No. 104P-05-14, § 1, 3-11-2014)

Section 17A.02. - Membership: compensation; other offices.

- A. The planning commission shall consist of seven members appointed by the township supervisor, subject to the approval by a majority vote of the township board elected and serving. One member of the township board or the township supervisor, or both, may be appointed to the planning commission, as ex officio members. Except as provided in this subsection, an elected officer of the township or employee of the township is not eligible to be a member of the planning commission.
- B. The term of an ex officio member of the planning commission shall be as follows:
 - (1) The term of the township supervisor shall correspond to his or her term as supervisor.
 - (2) The term of a member of the township board shall expire with his or her term on the board.
- C. Members of the planning commission, other than ex officio members shall be appointed for three-year terms or until his or her successor takes office.
- D. The membership of the planning commission shall be representative of important and social development of the township, in accordance with major interests as they exist in the township, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry and commerce. The membership shall also be representative of the entire territory of the township to the extent practicable.
- E. Members of the planning commission shall be qualified electors of the township, except that one planning commission member may be an individual who is not a qualified elector of the township.
- F. Members of the planning commission may be compensated if so determined by the township board.

(Ord. No. 104P-05-14, § 1, 3-11-2014)

Section 17A.03. - Removal of members; conflict of interest.

- A. The township board may remove a member of the planning commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.

- B. Before casting a vote on a matter upon which a member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the planning commission. The member is disqualified from voting on the matter so provided by the bylaws or by a majority vote of the remaining members of the planning commission.
- C. Failure of a member to disclose a potential conflict of interest as required by this section constitutes a malfeasance of office.
- D. The planning commission shall define conflict of interest in its bylaws.

(Ord. No. 104P-05-14, § 1, 3-11-2014)

Section 17A.04. - Vacancies.

Vacancies occurring other than through the expiration of term shall be filled for the unexpired term in the same manner as provided for in original appointment.

(Ord. No. 104P-05-14, § 1, 3-11-2014)

Section 17A.05. - Chairman; meetings; rules; records; bylaws; annual report.

The planning commission shall elect a chairperson, vice chairperson and secretary from its members and create and fill other offices as it considers advisable. An ex officio member of the planning commission is not eligible to serve as chairperson. The term of each officer shall be one year, with opportunity for reelection as specified in bylaws adopted by the planning commission. The planning commission shall adopt bylaws for the transaction of business, and shall keep a public record of its resolutions, transactions, findings, and determinations. The planning commission shall also make an annual written report to the township board regarding actions by the township board related to planning and development. The commission shall hold not less than four regular meetings each year, and by resolution shall determine the time and place of the meetings. It shall adopt rules for the transaction of business set out in its bylaws.

(Ord. No. 104P-05-14, § 1, 3-11-2014)

Section 17A.06. - Preparation and adoption of master plan.

- A. The planning commission shall make and approve a master plan as a guide for development within the township subject to MCL 125.3881. The planning commission may include any areas outside the township boundaries that, in the planning commission's judgment, are related to the planning of the township.
- B. In the preparation of the master plan, the planning commission shall do all of the following, as applicable:
 - 1. Make careful and comprehensive surveys and studies of present conditions and future growth within the planning jurisdiction with due regard to its relation to neighboring jurisdictions.
 - 2. Consult with representatives of adjacent local units of government in respect to their planning so that conflicts in master plans and zoning may be avoided.
 - 3. Cooperate with all departments of the state and federal governments, public transportation agencies, and other public agencies concerned with programs for economic, social, and physical development within the planning jurisdiction and seek the maximum coordination of the township's programs with these agencies.

(Ord. No. 104P-05-14, § 1, 3-11-2014)

CHAPTER 18. - ZONING BOARD OF APPEALS

Section 18.01. - Membership.

- A. *Continuation of present zoning board of appeals.* The zoning board of appeals existing at the time of adoption of this ordinance [Ord. No. 104H-07-09] shall perform its duties and exercise its powers as provided in Article VI of the Michigan Zoning Enabling Act, 2006 PA 110, as may be amended. [MCL 125.3101—125.3702.]
- B. *Composition and terms.* The zoning board of appeals shall consist of five 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 regular members, there shall be appointed two 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.
- C. *Vacancies.* Any vacancies in the zoning board of appeals shall be filled by appointment by the township board. Vacancies for unexpired terms are to be filled for the remainder of the term.
- D. *Officers.* The zoning board of appeals shall annually elect its own chairman, vice-chairman and secretary. The chairman of the zoning board of appeals shall not be an elected official or serve as the chairman of the planning commission.

(Ord. No. 104E-09-07, § 19, 8-30-2007; Ord. No. 104H-07-09, § 1, 7-14-2009)

Section 18.02. - Meetings.

- A. *Meetings.* All meetings of the zoning board of appeals shall be held at the call of the chairman and at such times as the zoning board of appeals may determine. All hearings conducted by the zoning board of appeals 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. Three regular members of the zoning board of appeals shall constitute a quorum for the conduct of its business. The zoning board of appeals 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.
- B. *Hearings.* The zoning board of appeals shall make no decision regarding a variance except after a hearing is conducted by the zoning board of appeals. Due notice shall be given to all parties to the appeal stating the time and place of such hearing.

(Ord. No. 104H-07-09, § 1, 7-14-2009)

Section 18.03. - Jurisdiction.

The zoning board of appeals shall not have the power to make any change in the terms of this ordinance, but does have power to act on those matters where this ordinance provides for an administrative review, interpretation, and to authorize a variance as defined in this chapter and the laws of the State of Michigan. The zoning board of appeals shall not have the authority to hear appeals from a decision made in respect to any rezoning. The powers of the zoning board of appeals 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 variances.* A variance from the specific requirements of this ordinance may be granted by the zoning board of appeals in accordance with the requirements and procedures of this chapter.
- C. *Zoning ordinance interpretation.* The zoning board of appeals 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.

D. *Granting of temporary uses and buildings.*

1. The zoning board of appeals may permit, upon proper application, temporary uses not otherwise permitted in the district. Such temporary uses shall not exceed a duration of six months, however, the zoning board of appeals may grant one extension, of up to an additional six concurrent months, or less, when appropriate. Building and zoning approval must be obtained before use or construction begins.
2. The zoning board of appeals, in granting permits for temporary uses, shall do so under the following conditions:
 - a. The granting of the temporary use shall in no way constitute a change in the basic uses permitted in the district, nor on the property where the temporary use is permitted.
 - b. The granting of the temporary use shall be issued in writing, stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of the temporary permit.
 - c. All setbacks, land coverage, off-street parking, lighting and other requirements shall be made at the discretion of the zoning board of appeals.
 - d. The use shall be in harmony with the general character of the district.
 - e. No temporary permit shall be granted without first giving notice to owners of adjacent property of the time and place of a public hearing to be held as provided for in this ordinance.
 - f. Prior to granting a temporary permit the board may seek the review and recommendation of the planning commission.
3. For temporary dwellings or structures and seasonal dwellings, the procedure as outlined in section 3.17, Temporary dwellings or structures and seasonal dwellings, shall be followed.

(Ord. No. 104H-07-09, § 1, 7-14-2009)

Section 18.04. - Decisions.

- 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, as prescribed by the rules of the zoning board of appeals, by the filing with the officer or body from whom the appeal is taken and with the zoning board of appeals of a notice of appeal specifying the grounds for the appeal.
- B. *Filing.* The party from whom the appeal is taken shall immediately transmit to the zoning board of appeals 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 zoning board of appeals:
 1. *Project information, including:*
 - a. The applicant's name;
 - b. Name of the development;
 - c. The preparer's name;
 - 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 zoning board of appeals may require buildings and structures within 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 zoning board of appeals, 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 zoning board of appeals 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 zoning board of appeals 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 zoning board of appeals receives a written request seeking an interpretation of the zoning ordinance or an appeal of an administrative decision, the zoning board of appeals 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.
- E. *Decisions.*
1. 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 variance in the zoning ordinance; except that a concurring vote of two-thirds of the membership shall be necessary to grant a use variance.
 2. The zoning board of appeals shall render its decision upon any appeal or application submitted to it within a reasonable time after the hearing.
 3. All decisions of the zoning board of appeals shall be final.
- F. *Record of actions.* For each decision of the zoning board of appeals, 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 zoning board of appeals shall be final. However, a person having an interest

affected by the decision of the zoning board of appeals may appeal to the circuit court. An appeal filed under this section shall be filed within 30 days after the zoning board of appeals issues its decision in writing signed by the chairperson, if there is a chairperson, or signed by the members of the zoning board of appeals, if there is no chairperson, or within 21 days after the zoning board of appeals 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 zoning board of appeals, or may remand the decision to the zoning board of appeals for further hearings or action.

H. *Resubmission*. No variance request which has been decided by the zoning board of appeals 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.

(Ord. No. 104E-09-07, § 20, 8-30-2007; Ord. No. 104H-07-09, § 1, 7-14-2009)

Section 18.05. - Conditions of approval.

- A. The zoning board of appeals may impose reasonable conditions in conjunction with approval of an appeal, variance, or any other decision which they are required to make.
- B. Conditions shall be imposed in a manner in accordance with the Michigan Zoning Enabling Act, 2006 PA 110, as may be amended [MCL 125.3101—125.3702] and relate to the standards by which the decision is reached.

(Ord. No. 104E-09-07, § 21, 8-30-2007; Ord. No. 104H-07-09, § 1, 7-14-2009)

Section 18.06. - Variance procedures.

- A. *Authority for variances*. The zoning board of appeals, after public hearing, shall have the power to grant requests for variances from the provisions of this ordinance where it is proved by the applicant that there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of the ordinance relating to the construction, equipment, or alteration of buildings or structures so that the spirit of the ordinance shall be observed, public safety secured and substantial justice done. Further, so long as the requested improvement is in compliance with the building code adopted by the township.
- B. *Granting of nonuse variances*. A nonuse variance may be allowed by the zoning board of appeals only in cases where there is reasonable evidence of practical difficulty in the official record of the hearing. Practical difficulty exists when all of the following conditions are met:
 1. 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.
 2. 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:
 - a. Exceptional narrowness, shallowness or shape of a specific property on the effective date of this chapter;
 - b. Exceptional topographic conditions or other extraordinary situation on the land, building or structure;
 - c. The use or development of the property immediately adjoining the property in question; [and]
 - d. The literal enforcement of the requirements of this chapter would involve practical difficulties.
 3. 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.

4. The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood.
 5. The variance will not impair the intent and purpose of this ordinance.
 6. That the immediate practical difficulty causing the need for the variance request was not created by any action of the applicant.
- C. *Granting of use variances.* A use variance may be allowed by the zoning board of appeals only in cases where there is reasonable evidence of unnecessary hardship in the official record of the hearing. Unnecessary hardship exists when all of the following conditions are met:
1. That the condition or situation of the specific piece of property or the intended use of such property for which the variance is sought is unique to that property and not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or situations. Such unique conditions or situations may include:
 - a. Exceptional narrowness, shallowness or shape of a specific property on the effective date of this chapter;
 - b. Exceptional topographic conditions or other extraordinary situation on the land, building or structure; [and]
 - c. The use or development of the property immediately adjoining the property in question.
 2. That the building, structure, or land cannot yield a reasonable return if required to be used for a use allowed in the zone district in which it is located.
 3. That the proposed use will not alter the essential character of the neighborhood or the intent of the master plan.
 4. Prior to zoning board of appeals decision on a request for a use variance, the board of appeals may request that the planning commission, upon presentation of the application by the applicant, consider such request and forward a report to the board of appeals. If requested by the board of appeals, such report shall be limited to the planning commission's review of the effect of the proposal on the existing or intended character of the neighborhood and the ability of the property owner to use the property for a use already permitted under the existing zoning classification.

(Ord. No. 104H-07-09, § 1, 7-14-2009)

Section 18.07. - Fees.

The township board may prescribe and amend by resolution a reasonable schedule of fees to be charged to applicants for appeals to the zoning board of appeals. The fee shall be paid to the township treasurer at the time the application for the appeal or variance is filed.

(Ord. No. 104H-07-09, § 1, 7-14-2009)

CHAPTER 19. - ADMINISTRATION

Section 19.01. - 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. Issue zoning permits;
- B. Make inspections of buildings and premises necessary to carry out the duties of administration and enforcement of this ordinance;
- C. Issue and serve appearance tickets on 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; and

- D. Perform such other functions necessary and proper to enforce and administer the provisions of this ordinance.

Section 19.02. - Permits.

[Criteria concerning zoning and building permits and fees are as follows:]

A. *Zoning permits.*

1. No building, structure, or sign shall be erected, altered, or moved unless a zoning permit shall have been first issued for such work.
2. 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.
3. 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.
4. 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.

B. *Building permits and certificates of occupancy.*

1. 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.
2. 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.
3. 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.
4. 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.

- C. [*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, may 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.

Section 19.03. - Enforcement.

[Enforcement provisions are as follows:]

A. *Violations.*

1. Any person, firm, or corporation, or any owner of any building, structure, or premises, or part thereof, where any condition is in violation of this ordinance exists, or has been created, and who has assisted knowingly in the commission of such violation, shall be guilty of a civil infraction, for which the fine shall be that 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.

2. Any building which is erected, altered, or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this ordinance, and is in violation of any of the provisions herein, is hereby declared to be a public nuisance per se.
3. Each day the violation occurs or continues shall be deemed a separate offense.
4. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

B. *Performance guarantees.*

1. As a condition of approval of a site plan review, special use, or planned unit development, 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.
2. Performance guarantees shall be processed in the following manner:
 - a. 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.
 - b. 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.
 - c. 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.
 - d. The township treasurer will refund to the obliger 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.
 - e. When all of the required improvements have been completed, the obliger 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 obliger 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.
 - f. A record of authorized performance guarantees shall be maintained by the zoning administrator.

Section 19.04. - Amendments.

The township board is authorized and empowered to cause this ordinance to be amended, supplemented or changed. Proposals for amendments may be initiated by the board, the planning commission or by petition of one or more owners of property in Pennfield Charter Township affected by such proposed amendment. The procedure for amending this ordinance shall

be as follows:

- A. Each petition shall be submitted to the zoning administrator, accompanied by a fee as established by the township board, and then referred to the clerk to set a public hearing and publish notices.
- B. 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].
- C. Following the public hearing required in paragraph B. above, the planning commission shall submit for review and recommendation the proposed zoning amendment to the county planning commission. The county will have waived its right for review and recommendation of a proposed amendment if the recommendation of the county planning commission has not been received by the township within 30 days from the date the proposed ordinance is received by the county.
- D. Following the required public hearing under paragraph B. above, the planning commission shall transmit a summary of comments received at the hearing and its proposed zoning amendment, including any maps and recommendations, to the township board.
- E. After receiving the proposed amendment, the township board may hold a public hearing if it considers it necessary or as may be otherwise required. Notice of the hearing to be held by the board 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 township board shall grant a hearing on a proposed amendment to a property owner who requests a hearing by certified mail, addressed to township clerk.
- F. No petition for rezoning or other ordinance amendment, which has been disapproved, shall be resubmitted for a period of one year from the date of disapproval, except as may be permitted after learning of new and significant facts or conditions which might result in favorable action upon resubmittal. This provision shall not prohibit the resubmission of an offer of certain use and development of land as a condition to rezoning earlier than one year as is allowed under Section 405 of the Michigan Zoning Enabling Act, 2006 PA 110 [MCL 125.3405].

(Ord. No. 104E-09-07, § 22, 8-30-2007)

CHAPTER 20. - SOLAR ENERGY SYSTEMS

Section 20.01. - Purpose.

The purpose of this chapter is to facilitate the construction, installation, and operation of solar energy facilities (SEFs) in Pennfield Charter Township in a manner that protects public health, safety, and welfare and avoids significant impacts to protected resources such as important agricultural lands, endangered species, high value biological habitats, and other protected resources. It is the intent of this chapter to encourage solar facilities that reduce reliance on foreign petroleum supplies, increase local economic development and job creation, reduce greenhouse gas emissions, and/or promote economic development diversification.

(Ord. No. 104R-03-20, § 5, 3-17-2020)

Section 20.02. - Supplementary definitions.

For purposes of this chapter the following terms shall have the following meanings:

1. *Applicant* means the landowner, developer, facility owner, and/or operator with legal control of the project, including heirs, successors and assigns, who has filed an application for development of a solar energy facility under this chapter.

2. *Landowner* means the persons or entities possessing legal title to the parcel(s) upon which a SEF is located.
3. *Parcel* means all land within a legally established parcel.
4. *Protected lands* means, for the purpose of this section only, lands containing resources that are protected or regulated by established regulatory standards of local, state, or federal agencies, conservation easements or other contractual instruments in such a way that prohibits or limits development of those lands.
5. *Review authority* means Pennfield Charter Township.
6. *Solar energy facility (SEF)* means an energy facility, an area of land, or a structural rooftop principally used to convert solar energy to electricity, which includes, but is not limited to, the use of one or more solar energy systems.
7. *Solar electric system (SES)* means the components and subsystems that, in combination, convert solar energy into electric or thermal energy suitable for use, and may include other appurtenant structures and facilities. The term includes, but is not limited to, photovoltaic power systems, solar thermal systems, and solar hot water systems.
8. *Commercial use* means a SEF that is devoted to solar electric power generation primarily for use off-site.

(Ord. No. 104R-03-20, § 5, 3-17-2020)

Section 20.03. - Applicability.

This chapter applies to the construction of any new SEF within the township.

(Ord. No. 104R-03-20, § 5, 3-17-2020)

Section 20.04 - Parcel line setbacks.

The following setbacks from the parcel line to the closest part of the SEF structure, such as panels, racking, or inverters, shall be established as shown in Table 1. Fencing, roads, landscaping, and utility interconnection infrastructure may occur within the setback.

Table 1. Setbacks

	Primary Use
Setback from All Property Lines	75 feet

(Ord. No. 104R-03-20, § 5, 3-17-2020)

Section 20.05. - Height.

For ground, mounted systems, height restrictions will be measured from finished grade below each module in the event the site has topographic changes.

Table 2. Height Limits

Type	Height
Ground Mounted	15'

(Ord. No. 104R-03-20, § 5, 3-17-2020)

Section 20.06. - General requirements (apply to all sef uses unless otherwise noted).

A. *Building permits are required:*

1. Nothing in this chapter modifies the minimum building standards required to construct a SEF, consistent with applicable building and fire codes. The SEF 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.
2. A site plan shall be provided at the time of the building permit application demonstrating compliance with the setbacks in Table 1.
3. The building permit shall include review by local permitting departments including, but not limited to, the local fire authority, for health and safety requirements.

B. *Supplemental information required for commercial use SEFs:*

1. The manufacturers or installer's identification and appropriate warning sign shall be posted on or near the panels in a clearly visible manner.
2. On site power lines between solar panels and inverters shall be placed underground, unless site conditions or a utility does not allow.
3. If the solar energy facility consists of storage or storage of batteries, adequate design must be provided to ensure all local, state and federal requirements regulating outdoor storage and battery storage have been met.
4. A copy of the project's interconnection application with the utility.
5. An affidavit or evidence of an agreement between the lot owner and the facility's owner or operator confirming the owner or operator has permission of the property owner to apply for the necessary permits for construction and operation of the solar energy facility.
6. A description of the proposed technology to include type of solar panel and system, fixed mounted verses solar tracking, estimated number of panels, and angles of orientation.
7. An information sign shall be posted and maintained at the entrance(s) which lists the name and phone number of the operator.
8. For ground mounted SEF, a description of the ground covering of non- invasive plantings beneath the solar panels (i.e. grass, plantings) and a plan for maintaining the groundcover to the extent feasible and compatible with the climate and pre-project landscaping of the property the site.

C. *Off-site facilities:* When the SEF is located on more than one parcel, there shall be proper easement agreement or other approved methods for the notification of all impacted parties.

D. *Glare:* Any glass, plastic, or metal panels must not produce excessive glare that is visible from the street or any neighboring home.

E. *Septic system avoidance:* The SEF shall not be located over a septic system, leach field area or identified reserve area unless approved by the county health department.

F. *Conform to development standards for underlying zone:* The SEF shall be ground mounted, or when located on structures, the SEF shall conform to the development standards for a principal structure in the zone in which such facilities and structures are to be located, except as otherwise provided herein;

G. *Abandonment.*

1. A SEF 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 SEF 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 SEF, 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 SEF and restore the site to its condition prior to development of the SEF within 365 days of notice by the township.
3. If the responsible party (or parties) fails to comply, the township may remove the SEF, 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 SEF and restore the site to a nonhazardous pre-development condition. Primary use SEFs shall be removed in accordance with the decommissioning plan required to be provided in section 20.08.5.
4. Facilities 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.

(Ord. No. 104R-03-20, § 5, 3-17-2020)

Section 20.07. - Solar energy facilities; commercial uses.

- A. *General requirements.* Primary use SEFs are required to obtain to a special land use permit. In addition to the general requirements in section 20.06 the following standards shall apply to all commercial SEFs, notwithstanding the development standards for the underlying zone:
 1. *Maximum lot coverage:* Lot coverage for ground mounted structures shall be limited by the setbacks shown in Table 1.
 2. *Setbacks:* Ground mounted structures shall conform to the setbacks as shown in Table 1. 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.
 3. *Height limits:* Facilities shall conform to the height limits of Table 2.
 4. *Grading:* Grading within the township shall be minimized whenever possible.
 5. *Permit validity:* An applicant for a commercial use SEF shall have up to one 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.
- B. *Biological resources.* The protection of high value biological resources is an important consideration. Commercial use SEF 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.
- C. *Soil stabilization, erosion control and ground water management.* For commercial use SEFs, the following requirements shall apply:
 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 SEF, 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 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.

D. *Visibility.*

1. 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 SEF 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.
2. All areas - Additionally, all ground mounted facilities shall:
 - a. If lighting is required for site access or safety, 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;
 - b. Not display advertising, except for reasonable identification of the panel, inverter or other equipment manufacturer, warning signs, and the facility owner;
 - c. 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,
 - d. Be enclosed by a fence, barrier, barbed wire, 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.

E. *Decommission plan.*

1. The SEF 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.
4. Surety.
 - a. The owner(s) and/or operator of the SEFs 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, minus salvage value, 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.

- b. A required surety shall be established and maintained with a company licensed in the State of Michigan and/or a federally chartered lending institution acceptable to the township.
- c. 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 e. below.
- d. In the event of sale or transfer of ownership and/or operation of the SEFs, the required surety shall be maintained throughout the entirety of the process.
- e. If at any time during the operation of the SEFs or prior to, during, or after the sale or transfer of ownership and/or operation of the SEFs 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.
- f. 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.
- g. 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.

(Ord. No. 104R-03-20, § 5, 3-17-2020)