

Palmyra Township
Lenawee County, Michigan

Zoning Ordinance
Draft 3b – July 8, 2016



Adopted:

Revised:

**PREPARED BY THE
PALMYRA TOWNSHIP PLANNING COMMISSION**

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WITH ASSISTANCE FROM THE



PAL MYRA TOWNSHIP

Zoning Ordinance

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ARTICLE I

ENACTING CLAUSE, TITLE, PURPOSES, AND SCOPE

SECTION 1.01 – ENACTING CLAUSE

An Ordinance adopted under authority of, and in accordance with the provisions of the Township Zoning Act (PA 184 of 1943) and administered under the authority of the Michigan Zoning Enabling Act (PA 110 of 2006, MCL 125.3101 *et seq.*) as amended, to establish comprehensive zoning regulations for Palmyra Township, Lenawee County, Michigan, and to provide for the administration, enforcement and amendment thereof, and the repeal of all ordinances in conflict herewith.

SECTION 1.02 - TITLE

This Ordinance shall be known and may be cited as “The Zoning Ordinance of Palmyra Township”. The Zoning Map referred to herein is entitled “Zoning Map, Palmyra Township”.

SECTION 1.03 – PURPOSES

The zoning ordinance of Palmyra Township regulates land development and establishes districts which regulate the use of land and structures with the following purpose and intent:

- A. To meet the needs of the state’s citizens for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land;
- B. To insure that use of the land shall be situated in appropriate locations and relationships;
- C. To limit the inappropriate overcrowding of land and congestion of population, transportation systems, and other public facilities;
- D. To facilitate adequate and efficient provision for the transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility requirements;
- E. And to promote public health, safety and welfare.

In order to more effectively protect and promote the public health, safety and welfare, and to accomplish the aims and purposes of this Ordinance, the unincorporated portion of the Township of Palmyra is divided into Districts of such number, shape, kind and area and of such common unity of purpose, adaptability or use that are deemed most suitable to insure the best use by the community in general and with reasonable consideration, among other things, to the character of the district, its peculiar suitability for particular uses, the conservation of property values and natural resources and the general trend and character of land, buildings and population development; and by further regulations to limit the location, use, and occupancy of buildings, structures and lands to be used for trade, industry, residence, agriculture, recreation or other purpose and

also the height, area and bulk of buildings and other structures including the size of parcels, setbacks, sizes of yards and other open spaces.

SECTION 1.04 – SCOPE

Every building and structure erected, every use of any lot, building, or structure established, every structural alteration or relocation or an existing building or structure occurring, and every enlargement of or addition to an existing use, building, or structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance, which are applicable in the zoning district in which such building, or structure, or lot is located.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building or structure on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance, provided that construction shall be completed within three hundred sixty-five (365) days of such effective date.

ARTICLE II DEFINITIONS

For the purpose of this Ordinance, certain terms are herewith defined. When not consistent with the context, the present tense includes the future; the words used in the singular number include the plural number, and the plural, the singular. The word “shall” is always mandatory and not merely suggestive. The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual. The words “used” or “occupied” include the words “intended”, “designed”, or “arranged” to be used or occupied.

Terms or words not herein defined shall be used with a meaning of common or standard utilization.

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

Accessory Use. A use of activity normally and naturally incidental to subordinate to and related exclusively to the principal use of the land or buildings, including all structures detached from the principal structure above and below ground; including, but not limited to garages, sheds, barns, television satellite dishes, and designed surface structures and areas.

Adult Day-Care Facility. Includes all of the following:

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

velopmentally disabled or physically handicapped that require supervision on an ongoing basis. An adult day care center does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day care center. Maximum number of 20 (twenty).

Adult Foster Care Facility. A state-licensed establishment that provides foster care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include convalescent or nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation center, residential centers for persons released from or assigned to a correctional facility, or any other facilities which have been exempted from the definition of adult foster care facility by the Adult Foster Care Facility Licensing Act, (PA 218 of 1979, MCL 400.701 *et seq.*), as amended. The following additional definitions shall apply in the application of this Ordinance:

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

Adult Regulated Uses. Includes all of the following:

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

characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” (as defined under ‘Adult Physical Culture Establishment’) for observation by patrons therein.

- D. Adult Live Stage Performing Theater. An enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” (as defined under ‘Adult Physical Culture Establishment’) for observation by patrons therein. Such establishment is customarily not open to the public generally, but only to one (1) or more classes of the public, excluding any minor by reason of age.
- E. Adult Physical Culture Establishment. An “Adult Physical Culture Establishment” is any establishment club or business by whatever name designated, which offers or advertises, or is equipped or arranged so as to provide as part of its services, massages, body rubs, alcohol rubs, physical stimulation, baths, or other similar treatment by any person. The following uses shall not be included with the definition of any adult physical culture establishment:
1. Establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed osteopath, a licensed physical therapist, a licensed practical nurse, or any other similarly licensed medical professional;
 2. Electrolysis treatment by a licensed operator of electrolysis equipment;
 3. Continuing instruction in material or performing arts or in organized athletic activities;
 4. Hospitals, nursing homes, medical clinics or medical offices;
 5. Barber shops or beauty parlors and/or salons that offer massage to the scalp, the face, or the neck and shoulders only.
 6. Burlesque Show. An establishment which features topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers, where beer or intoxicating liquors are not sold on the premises.
 7. Nude Modeling Studio. An establishment used for housing and exhibiting persons in the nude acting as models for other persons to paint, photograph or draw.
 8. Specified Anatomical Areas. Specified anatomical areas means and includes any one (1) or more of the following: (a) less than completely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or (b) human male genitals in a discernible turgid state, even if completely and opaquely covered.
 9. Specified Sexual Activities. Specified sexual activities means and includes any one (1) or more of the following: (a) the fondling or erotic touching of human genitals,

pubic region, buttocks, anus or female breasts; (b) human sex acts, normal or perverted, actual or simulated, including but not limited to intercourse, oral copulation and sodomy; (c) human masturbation, actual or simulated; (d) human excretory functions as part of, or as related to any one of the activities described above, and (e) physical violence, bondage, mutilation, or rape, actual or simulated, as part of, or as related to, any of the activities described above.

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

Aircraft. As defined in the Aeronautics Code of the State of Michigan (PA 327 of 1945, MCL259.1a *et seq.*), any contrivance now known, or hereafter invented, used, or designed for navigation of or flight in the air.

Airport. As defined in the Michigan Department of Transportation, Bureau of Aeronautics under Section 86 of the Aeronautics Code, any location, either on land or water, which is used for the landing and take-off of aircraft, which provides facilities for the shelter, supply or care of aircraft, or for receiving or discharging passengers or cargo, and all appurtenant areas used or suitable for airport buildings or other airport facilities, and all appurtenant rights-of-way, whether heretofore or hereafter established.

Alley. A public or private way not more than thirty-three (33) feet wide which affords only a secondary means of access to abutting property.

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

Alterations.

- A. Structural. A change, addition or modification to or enlargement, rearrangement, replacement, or removal of; the construction of structural parts, means of egress, or supporting members of a building, such as bearing walls, columns, beams girders, roof, or exterior walls.
- B. Building. A change, addition, modification to, enlargement of, or rearrangement of the type of occupancy, height, area, location, design, or approved method of functioning.
- C. Sign. A change, addition, or modification to, enlargement, rearrangement, replacement, or removal of any part of any sign, including the sign copy area.

Ambient Sound Level. Is the amount of background noise at a given location prior to the installation, construction, or change to the subject property which may include, but not be limited to, traffic, machinery, lawnmowers, human activity and the interaction of wind with the landscape. The ambient sound level is sound measured on the dBA weighted scale as defined by the American National Standards Institute.

Animal. A non-human zoological species, classified for purposes of this Ordinance as follows:

- A. Class I Animal: Domesticated household pets weighing less than one hundred fifty (150) pounds.
- B. Class II Animal: An animal, which is normally part of the livestock maintained on a farm including:
 - 1. Bovine and like animals, such as cows.
 - 2. Equine and like animals, such as horses.
 - 3. Swine and like animals, such as pigs.
 - 4. Ovis (ovine) and like animals, such as sheep and goats.
 - 5. Other animals, similar to those listed in subsection (1-5) above, weighing in excess of seventy-five (75) pounds, and not otherwise specifically classified herein.
- C. Class III Animal: Rabbits (which are not maintained or kept as domesticated household pets); animals considered as poultry, animals considered as waterfowl, such as pheasant, quail, geese or grouse, and other animals weighing less than seventy-five (75) pounds not specifically classified herein.

Animal Rescue or Shelter. A building supported by a governmental unit or agency or by a nonprofit corporation where domestic pets or other animals are kept because of requirements of public health officials, loss by owner, neglect or violation of a public law or ordinance.

Apartment. A dwelling unit in an apartment house arranged, designed, or occupied as a residence by a single family, individual, or group of individuals.

Automobile Dealer. A building or premises used primarily for the sale of new or used automobiles, not including farm equipment and recreational vehicles.

Automobile Repair Shop or Garage. General repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service, including, but not limited to body, frame, or fender straightening and repair, overall painting, and vehicle rust proofing.

Automobile Service Station. A place that is used or designed to be used for the retail supply of gasoline and other fuels used for the propulsion of motor vehicles, kerosene, motor oil, lubricants or grease, including sale of accessories and services, including, but not limited to: polishing, washing, cleaning, greasing, undercoating, and minor repairs, but not including body work, painting or refinishing thereof. In addition to automobile service, towing, convenience stores and carry out restaurants may be included.

Bar. An establishment containing tables and chairs, and a counter at which alcoholic beverages and sometimes food are served to be consumed on the premises.

Barn. A building for the storage of farm products, for feed, or for the housing of farm animals or farm equipment.

Basement. That portion of a building, which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than or equal to the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story. See Appendix B.

Bed and Breakfast Operations. A use which is subordinate to the principal use of a dwelling unit as a single-family dwelling unit and a use in which transient guests are provided a sleeping room and board in return for payment.

Bedroom. A bedroom is a dwelling room used for or intended to be used solely for sleeping purposes by human beings.

Block. Land bounded by streets or by a combination of streets and public parks, cemeteries, railroad right-of-ways; bulkhead lines or shorelines; or the corporate boundary lines of the township.

Building. A structure erected on-site, a mobile home or mobile structure, a pre-manufactured or pre-cut structure, above or below ground, designed primarily for the shelter, support or enclosure of persons, animals, or property of any kind.

Building Area. The interior portion of the net lot area that remains after the minimum yard requirements have been met pursuant to the application of the appropriate zoning district regulations specified in this ordinance.

Building Height. The building height is the vertical distance measured from the finished grade level to the highest point of the roof surface if a flat roof; to the deck of mansard roofs; and to the mean height level between eaves and ridges of gable, hip, and gambrel roofs. Where the building may be situated on sloping terrain, this height shall be measured from the average level of the finished grade at the building wall. 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 See Section 4.09 and Appendix.

Building Setback Line. A line parallel to or concentric with property lines delineating the minimum allowable distance between the street right-of-way and the front of any building, see Section 4.09 and Appendix E.

Campground. A parcel in which sites are offered for the use of the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters for tents, recreational vehicles or similar facilities.

“Campground” shall not include any use of land involving the operations of programs involving persons sentenced or assigned to said programs for governmental agencies or courts of law having statutory authority to detain persons against their will, a “seasonal mobile home park” licensed under Act. No. 419 of the Public Acts of 1976, as amended; being sections 125.1101 to 125.1147 of the Compiled Laws of 1970. For purposes of this Ordinance, the following additional terms are defined:

- A. Modern Campground. A campground where water flush toilets and water under pressure are available at a service building or where a water outlet and a sewer connection are available at each site.
- B. Primitive Campground. A campground where a service building is typically present and where a water outlet and a sewer connection are not available at each site.
- C. Temporary Campground. A campground used on a temporary or short-term basis not to exceed a period of four (4) weeks.
- D. Temporary Living Quarters. As related to camping, means a recreational unit or a building within a modern camp, which is occupied or used for more than four (4) hours between the hours of 10:00 p.m. to 6:00 a.m., which is not intended to be occupied or used in excess of three (3) consecutive months.

Cemetery. Property used for the interring of the dead. May include a structure for the cremation of remains and facilities for storing ashes of remains that have been cremated. Also may include structures for the interment of the dead in sealed crypts or compartments.

Central Sanitary Sewer System. Any person, firm, corporation, municipal department, or board duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public a sanitary sewerage disposal system from a central location or plant, but not including septic tanks.

Central Water System. Any person, firm, corporation, municipal department, or board duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public a central water system from a central location or plant.

Child Day Care Facilities. The following definitions shall apply in the construction and application of this Ordinance:

- A. Child Family Day-Care Home. A private residence in which one (1) but not more than six (6) minor children are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year.
- B. Child Group Day-Care Home. A private residence in which seven (7) but not more than twelve (12) children are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year.
- C. Child Day-Care Center. A facility, other than a private residence, receiving more than one (1) but less than thirty (30) children for care and supervision for periods less than twenty-four (24) hours, and where the parents or guardians are not immediately available to the child.

Child Foster Family Facilities. Means the following:

- A. **Child Foster Family Home.** A private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage, or who are not placed in the household pursuant to the adoption code, Chapter X of Act. No. 288 of the Public Acts of 1939, being sections 710.21 to 710.70 of the Michigan Compiled Laws, are given care and supervision for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
- B. **Child Foster Family Group Home.** A private home in which more than four (4) but fewer than seven (7) minor children, who are not related to an adult member of the household by blood, marriage, or who are not placed in the household pursuant to Chapter X of Act. No. 288 of the Public Acts of 1939, are provided care and supervision for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

Church. A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, along with all accessory buildings and uses customarily associated with such primary use.

Club. Buildings and facilities owned and operated by a corporation, or association or persons for social or recreational purposes for members and guests, but not operated primarily for profit or to render a service customarily carried on as a business.

Condominium. A building or lot governed under Act 59, Public Acts of 1978, as amended. The following condominium terms shall apply in the application of this Ordinance:

- A. **Condominium Documents.** The master deed, recorded pursuant to the Condominium Act, and any other instrument referred to in the master deed or bylaws which affects the rights and obligations of a co-owner in the condominium.
- B. **Condominium Lot.** The land in a condominium unit, together with the land in the adjacent and appurtenant limited common element, if there is such a limited common element.
- C. **Condominium Subdivision Plan.** The drawings and information prepared in accordance with Section 66 of the Condominium Act.
- D. **Condominium Unit.** The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.
- E. **Consolidating master Deed.** The final amended master deed for a contractible or expandable condominium project or a condominium project containing convertible land or convertible space, which final amended master deed fully describes the condominium project as completed.

- F. **Contractible Condominium.** A condominium project containing condominium units some or all of which were occupied before the filing of a notice of taking reservations under Section 7 of the Condominium Act.
- G. **Expandable condominium.** A condominium project to which additional land may be added in accordance with this Ordinance and the Condominium Act.
- H. **General Common Elements.** A portion of the common elements reserved in the master deed for the use of all the co-owners.
- I. **Limited Common Elements.** A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.
- J. **Master Deed.** The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project, and all other information required by Section 8 of the Condominium Act.
- K. **Notice of Proposed Action.** The notice required by Section 71 of the Condominium Act, to be filed with Palmyra Township and other agencies.
- L. **Site Condominium.** A condominium development containing residential, commercial, office, industrial, or other structures or improvements for uses permitted in the zoning district in which the condominium development is located, in which each co-owner may construct a structure or structures.

Construction Bond. Means a guarantee from a surety to a project owner that a general contractor will adhere to the provisions of a contract.

Convenience Grocery Store. A retail store that is designed and stocked to sell primarily food, beverage, and other household supplies to customers who purchase only a relatively few items (in contrast to a “supermarket”). Convenience grocery stores are designed to attract a large volume of stop-and-go traffic.

Decibel. Is defined as unit of measure used to express the magnitude of sound pressure and sound intensity. Decibels shall be measured on the dBA weighted scale as defined by the American National Standards Institute.

Deck. A structure with or without a roof having a foundation to hold it erect, and attached to or abutting one (1) or more walls of a building or constructed separately from a building, with or without direct access to the ground, the floor of which is above finished grade, and intended for use as an outdoor living area.

Decommissioning. Is the process of terminating operation and completely removing buildings, structures, foundations, access roads and equipment.

District. A portion of the Palmyra Township within which certain uniform regulations and requirements apply under the provisions of this Ordinance.

Direct Relative. Shall mean parent, child, sibling, grandparent or grandchild.

Drive-Through Facility. An establishment that is designed to permit customers to receive products or services while remaining seated in a motor vehicle.

Driveway. A paved or unpaved access intended for vehicular use to an individual lot. A circular and/or continuous drive with up to two (2) access points shall be considered a single driveway.

Dwelling Unit. One or more rooms with independent cooking facilities designed as a unit for residence by only one (1) family.

The Building Inspector shall not issue a building permit to locate, erect, construct, reconstruct, alter, or convert a single, two, or multiple-family dwelling unit until adequate data, information, and evidence can be shown that the dwelling complies with the following standards:

A. Minimum Size – Site Standards:

1. Minimum floor area of the dwelling shall be seven hundred twenty (720) square feet. (For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) dwellings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches).
2. Minimum width of the principal dwelling as built or assembled on the site shall not be less than fourteen (14) feet as measured across the narrowest portion. Additions to the principal dwelling shall not be considered in determining the width of the building.

B. Health – Construction Standards:

1. If central water and sanitary sewage facilities are available, the dwelling shall be connected to said facilities. On-site septic systems shall be approved by the Lenawee County Health Department.
2. Conventional site built dwellings and all other pre-manufactured dwellings, except mobile homes, shall comply with the B.O.C.A. Building Code standards and other applicable fire, plumbing, electrical, etc. codes and regulations.
3. Mobile home dwellings shall comply with the United States Department of Housing and Urban Development, Mobile Home Construction and Safety Standards (24 CFR 3280), as amended, including fire, plumbing, electrical etc. and other applicable codes and regulations. The mobile home shall be installed pursuant to the manufacturer's setup instruction.

4. All dwellings shall have a foundation wall of the same perimeter dimensions as the dwelling and constructed of such materials and type as required in the B.O.C.A. Building Code.
5. Mobile home dwellings shall be secured to the premises by an anchoring system or device compatible with those required by the Michigan Mobile Home Commission.

C. Aesthetic Standards:

1. Dwellings shall have a foundation wall around the home as specified in Health-Construction Standards 2C, for dwellings for which no foundation wall is required for structural support, or a wall which has the appearance of a foundation wall, completely enclosing the area beneath the dwelling.
2. Dwellings shall not have exposed wheels, towing mechanisms, undercarriage or chassis.
3. All additions to the original dwelling shall be constructed with a similar quality material and have a similar quality of workmanship as the original dwelling including an appropriate foundation and permanent attachment to the principal structure.
4. There shall be a minimum of two (2) exterior doors with one being in the front of the home and the other in the rear or side of the home connected to permanently attached safe conventional steps.

Dwelling – Single Family. A detached building designed for or occupied by one (1) family only and conforming in all respects to the standards See appendix E.

Dwelling – Two-Family. A building designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each and conforming in all respects to the standards of Dwelling Unit.

Dwelling – Multiple-Family. A building designed for or occupied by three (3) or more families living independently of each other with separate housekeeping and cooking facilities for each and conforming in all respects to the standards of Dwelling Unit.

Easement. Any private or dedicated public way other than a street or alley, providing a secondary means of access to a property having a width of not less than twenty (20) feet.

Essential Services. The erection, construction, alteration, or maintenance by public utilities or municipal departments, commissions, or boards, of underground, surface, or overhead gas, electric, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals or signs and fire hydrants, and other similar equipment and accessories in connection therewith, for the general public health, safety, convenience, or welfare, but not including buildings, towers, or maintenance depots.

Extractive Operation. Premises from which any rock, gravel, sand, topsoil, or earth in excess of five hundred (500) cubic yards in any calendar year is excavated or removed for the purpose of disposition away from the premises except excavation in connection with the construction of a building or within public highway rights-of-way.

FAA. Federal Aviation Administration.

FCC. Federal Communications Commission.

Family. One (1) or more persons occupying a single housekeeping unit and using common cooking facilities, provided that unless all members are related by blood or marriage no such family shall contain over five (5) persons.

Farm. As defined in the Michigan Right to Farm Act, Public Act 93 of 1981, as amended, being MCL 286.471 *et seq.*

Farm Animals. As defined in the Michigan Right to Farm Act, Public Act 93 of 1981, as amended, being MCL 286.471 *et seq.*

Farm Building. Any building or accessory structure on a farm other than a farm dwelling unit.

Farm Operation. As defined in the Michigan Right to Farm Act, Public Act 93 of 1981, as amended, being MCL 286.471 *et seq.*

Farm Product. As defined in the Michigan Right to Farm Act, Public Act 93 of 1981, as amended, being MCL 286.471 *et seq.*

Fence. An enclosure, especially an enclosing barrier erected to prevent straying from within or intrusion. Materials and structures specially designed and manufactured for use as fences or barriers shall only be permitted.

Flea Market. An outdoor facility for the sale, barter, trade, or exchange of goods.

Floodplain. Lands which are subject to periodic flooding and have been defined by the Corps of Engineers, Soil Conservation Service of the U.S. Department of Agriculture, or by any other relevant State or Federal Agency to have alluvial soil deposits, indicating that such flooding has taken place; or as defined by any registered engineer or land surveyor and accepted by the Township Board as such a flood plain.

Floor Area. The sum of the gross horizontal floor areas of the several stories of a building, as measured to the exterior of the face of the exterior walls, plus that area, similarly measured, of all other floors, except basements, that are accessible by a fixed stairway, ramp, escalator, or elevator; including all enclosed porches and balconies, and all stairways, breezeways, storage area, recreational rooms, boiler rooms, and other areas within or contiguous to the structure; and the measurement shall include the floor space of all accessory buildings measured similarly.

Frontage. The boundary of the property at the public right of way; sharing a common boundary with the public right of way. Must be equal or greater than the minimum “lot width” requirement. See Section 4.09 and Appendix E.

Garage, Commercial. Any garage, other than a private garage available to the public, operated for gain, and used for storage, repair, rental, greasing, washing, sales, servicing, adjusting, or equipping of automobiles or other motor vehicles including heavy equipment and farm equipment.

Garage, Private. An accessory building or structure used principally for storage of automobiles and for other incidental storage purpose only.

Generally Accepted Agricultural and Management Practices, (GAAMPS). As defined in the Michigan Right to Farm Act, Public Act 93 of 1981, as amended, being MCL 286.471 *et seq.*

Grade. The degree of rise or descent of a sloping surface. See Appendix C.

Grade, Finished. The final elevation of the ground surface after development. See Appendix C.

Grade, Natural. The elevation of the ground surface in its natural state, before alterations are made.

Greenhouse (Commercial – Non-Farm Related). A building, room or area usually of transparent material in which the temperature is maintained within a desired range, used for cultivating tender plants or growing plants out of season for retail sale to the general public.

Habitable Space. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

Hazardous Substances. Hazardous substances include hazardous chemicals as defined by the Michigan Department of Public Health and the Michigan Department of Labor; flammable and combustible liquids as defined by the Michigan Department of State Police, Fire Marshal Division; hazardous materials as defined by the U.S. Department of Transportation; and critical materials, polluting materials, and hazardous waste as defined by the Michigan Department of Natural Resources. Petroleum products and waste oil are subject to regulation under this section.

Highway. Any public thoroughfare, except an alley, in the Palmyra Township road system, including Federal and State roads and highways.

Home Occupation. An occupation that is traditionally and customarily carried on in the home being primarily incidental to the principal residential use.

Hotel. A building containing guest rooms in which lodging is provided, with or without meals, for compensation and which is open to transient or permanent guests, or both, and where no provision is made for cooking in any guest room.

Horse Stable. A structure used for the shelter and care of horses.

Hub Height. Shall mean, when referring to a Wind Turbine, the distance measured from ground level to the center of the turbine hub.

IEC. Shall mean the International Electro-technical Commission.

Inhabited Structure. Is a structure intended and used as human habitation and as is defined in the Michigan Building Code as it shall from time to time be amended.

Intensive Livestock Operation. An agricultural operation in which Class II and Class III animals are bred and/or raised within a confined area, either inside or outside, generally at densities greater than permitted by Section 8.23 of this ordinance. Such operations are further characterized as having an animal feeding building or feedlot, which is a facility, other than a pasture, where animals are fed and/or confined.

ISO. Shall mean International Organization for Standardization.

Kennel, Commercial. A commercial kennel shall mean any building, structure, enclosure or premises where five (5) or more dogs or cats, six (6) months of age or older, are kept for commercial purposes, including boarding, breeding, or sale, or the rendering of services for profit. For the purposes hereof, five (5) animals kept and maintained as a hobby kennel or for any other purpose, shall be deemed and considered a commercial kennel.

Kennel, Private/Hobby. A private or hobby kennel shall mean any building, structure, enclosure or other premises where four (4) or less dogs or cats, six (6) months of age or older, are kept, harbored, or maintained for:

- A. Showing in recognized dog shows, obedience trails, or field trials.
- B. Working and hunting.
- C. Improving the variety or breed with a view to exhibition in shows and trials.
- D. Household pets.

Land Owner. Is the person who owns the property.

Landfill. Any disposal area or tract of land, building, unit or appurtenance or combination thereof that is used to collect, store, handle, dispose of, bury, cover over, or otherwise accept or retain refuse.

Landscaping. The following definitions shall apply in application of this Ordinance:

- A. **Berm.** A landscaped mound of earth, which blends with the surrounding terrain.
- B. **Buffer.** A landscaped area composed of living material, wall, berm or combination thereof, established and/or maintained to provide visual screening, noise reduction, and transition between conflicting types of land uses.

- C. **Conflicting Non-residential Land Uses.** Any non-residential use, such as office, commercial, industrial, research, parking or public road right-of-way land use which abuts a residential land use.
- D. **Conflicting Residential Use.** Any residential land use developed at a higher density, which abuts a residential land use developed at a lower density.
- E. **Greenbelt.** A landscaped area, established at a depth of the minimum required front yard setback within a Zoning District, which is intended to provide a transition between a public road right-of-way and an existing or proposed land use and/or between a conflicting land use and an existing or proposed land use.
- F. **Opacity.** The state of being impervious to sight.
- G. **Plant Material.** A collection of living evergreen and/or deciduous, woody-stemmed trees, shrubs, vines and ground cover.

Leq. Means the energy average sound level.

Lighting. Fixture, floodlight, fully shielded fixture, glare, types of bulbs, incandescent, LPS (low sodium lamp), mercury vapor lamp, led, laser source light, light trespass, lumen, recessed fixture.

Loading Space, Off-Street. Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

Lot. A parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area; and to provide such yards and other open spaces as herein required. Such lot may consist of a single lot of record; a portion of a lot of record; a combination of contiguous lots of record, or a contiguous portions of lots of record; or a parcel of land described by metes and bounds. See Section 4.09 and Appendixes E &F.

Lot Area. The area within the lot lines, but excluding that portion in a road or street right-of-way. See Section 4.09 and Appendix E.

Lot Corner. A parcel of land at the junction of and fronting or abutting on two (2) or more intersecting streets. See Section 4.09 and Appendix E.

Lot Depth. The average distance between the front (or right-of-way) and rear line of a lot measured in the general direction of its side lot lines. See Section 4.09 and Appendix E.

Lot Coverage. The part or percent of the lot occupied by the building area See Section 4.09.

Lot of Record. A lot which is part of a subdivision and is shown on a map thereof which has been recorded in the Office of the Register of Deeds of Lenawee County, or a lot described by metes and bounds, the deed to which has been recorded in said office.

Lot Through (Double Frontage). An interior lot having frontage on two parallel or approximately parallel streets.

Lot Width. The width of the lot measured at the required front yard setback line.

Manufactured Housing Unit. A dwelling unit manufactured in one (1) or more sections, designed for year-round, temporary or transient dwelling purposes, capable of being transported upon its own or a separate wheeled chassis, not motorized or self-propelled, built for the purpose of being located in a licensed manufactured housing community or mobile home park, meets the requirements of the FHA Standards of the United States Department of Housing and Urban Development (HUD) or the National Standards Institute (ANSI), if built prior to 1976, and installed in accordance with this Ordinance and the State Construction Code. Such dwellings do not include recreational vehicles including, but not limited to travel trailers, motor coaches, campers and the like.

Manufactured Housing Community. A specifically designated parcel of land constructed and designed to accommodate three (3) or more manufactured housing units for residential dwelling use, and licensed by the State of Michigan in accordance with Act. No. 96 of the Public Acts of Michigan of 1987 (MCL125.2301 *et seq.*, MSA 19.855(101) *et seq.*), the Mobile Home Commission Act.

Master Land Use Plan. The plan prepared and adopted by the Township Planning Commission and the Palmyra Township Board in accordance with Public Act 33 of 2008 relative to the agreed upon desirable physical land use pattern for future Township development. The Plan consists of a series of maps, plans, charts, and written material, representing in summary form, the soundest planning direction to the Township as to how it should grow in order to realize the very best community living environment in the Township.

MET (Anemometer) Tower. Shall mean a meteorological tower used for the measurement of wind speed.

Michigan Natural Resources and Environmental Protection Act — (Act 451 of 1994 M.C.L. 324.101 *et seq.*).

Michigan Tall Structure Act (Act 259 of 1959). Shall govern the height of structures in proximity to airport related uses and is included as a standard in this Article by reference.

Mixed Use. A structure of project containing residential and non-residential uses.

Mobile Home. A structure, transportable in one or more sections, which is built on a chassis and designed to be used as dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical system contained in the structure. Mobile home does not include a recreation vehicle.

Mobile Home Park. A parcel or tract of land under the control of a person on which three (3) or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any build-

ing, structure, enclosure, street, equipment or facility used or intended for use incident to the occupancy of a mobile home and which is not intended for use as a temporary trailer park.

Mobile Home Park, Seasonal. A parcel of tract of land under of the control of a person on which three (3) or more mobile homes are located on a continual or temporary basis but occupied on a temporary basis only, and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home. A seasonal mobile home park does not include a campground licensed pursuant to laws of the State of Michigan.

Mobile Home Site. The entire area designated for use by a specific mobile home.

Motel. Any establishment in which individual cabins, courts, or similar structures or units are let or rented to transients for periods of less than thirty (30) days. The term “motel” shall include tourist cabins and motor courts. A motor court or motel shall not be considered or constructed to be either a multiple dwelling, a hotel, or a mobile home park.

Nonconforming Building or Structure. A structure which does not comply with the provisions of this Ordinance.

Nonconforming Use. The use of a structure or land or land area which does not comply with the provisions of this Ordinance.

Non-Habitable. A building or a portion of a building which cannot be defined as a dwelling unit whether attached or detached from the main building.

Non-Participating Property/Parcel. Means a parcel of real property which is not under lease or other property agreement with a Wind Energy Facility (WEF) owner/operator.

Nuisance. An offensive, annoying, unpleasant, or obnoxious thing of practice or a cause or source of annoyance, especially a continuing or repeated invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things including but not limited to: noise, dust, smoke, odor, glare, fumes, flashes, vibration, objectionable effluent, noise of a congregation of people – particularly at night, passing traffic, or invasion of street frontage by traffic generated from an adjacent land use which lacks sufficient parking and circulation facilities. Farm operations, as defined by the Michigan Right To Farm Act, P.A. 93 of 1981, as amended, shall not be considered nuisances where generally accepted agricultural and management practices of the Michigan Commission of Agriculture are adhered to.

Nursery. A space, structure, or combination thereof, for the storage of live trees, shrubs, or plants offered for sale on the premises, including products used for gardening or landscaping (including the sale of Christmas trees).

Occupied. The use of any structure, parcel or property for human endeavor, but not including the preparation of any structure of land for occupancy.

Off Street Parking. A facility providing vehicular parking spaces with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of automobiles. See Appendixes G, H & J.

Open-Air Business Uses. Open-air business uses as used herein shall be deemed to include any of the following businesses when said business is not conducted from a wholly enclosed building.

- A. Bicycle, trailer, motor vehicle, boats or home equipment sale or rental services.
- B. Outdoor display and sale of garages, swimming pools, and similar uses.
- C. Retail sale of trees, fruits, vegetables shrubbery, plants, seed, topsoil, humus, fertilizer, trellis, lawn furniture, playground equipment, and other home garden supplies and equipment.
- D. Tennis courts, archery ranges, shuffleboard, horseshoe courts, miniature golf, golf driving range, amusement park, or similar recreational uses.

Open Space. All land within a development that has been set aside as common land, under public or private ownership or control, for recreation, conservation, agricultural uses, preservation in an undeveloped state, or similar use.

Ordinary High Water Mark. The line between upland and bottomland which persists through successive changes in water levels, below which the presence of 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 vegetation. On an inland lake, which has a level established by law, it means the high-established level. Where water returns to its natural level because of the permanent removal or abandonment of a dam, it means the natural ordinary high-water mark.

Parcel. A piece of land created by a partition, subdivision, deed, or other instrument recorded with the appropriate recorder. This includes a lot, lot of record, or a piece of land created through other methods.

Park. A public or private area dedicated to recreation use and generally characterized by its natural historic, and landscape features and used for both passive and active forms of recreation and may be designed to service the residents of a neighborhood, community, or region.

For purposes of this Ordinance, the following more specific definitions shall apply:

- A. Neighborhood Park. A park which is designed and equipped to primarily serve neighboring residential areas.
- B. Community Park. A park which is designed and equipped to service the Township, as well as neighboring residential areas.

C. Regional Park. A park, which is designed and equipped to serve areas outside the Township, as well as the Township.

Parking Facility, Off-Street. A land surface or area providing vehicular parking spaces along with adequate drives and aisle for maneuvering to provide access for entrance and exit for the parking of motor vehicles. See Appendixes G, H & J.

Parking Space. One (1) unit of a parking area provided for the parking of one (1) vehicle, and shall be exclusive of driveways, aisles, or entrances giving access thereto and shall be fully accessible for the storage or parking of permitted vehicles. See Appendixes G, H & J.

Participating Parcel. Means a parcel of real property which is under lease or other property agreement.

Pavement or Hard Surface. Plant-mixed bituminous material, concrete, brick, masonry pavers, or similar durable materials approved by the Township.

Permitted Use. Any use allowed by right in a zoning district and subject to the restrictions applicable to that zoning district.

Person. Person shall include any individual, firm, association, partnership, joint venture, corporation, Limited Liability Company or other entity.

Personal Service Establishment. A business where personal services are provided for profit and where the sale of goods is only accessory to the provisions of such services, including but not limited to the following: barber shops, beauty shops, tailor shops, laundry or dry cleaning shops, shoe repair shops.

Pet. Shall mean only such animals as may commonly be housed within domestic living quarters.

Planning Commission. Shall mean the Palmyra Township Planning Commission.

Plat. A map or plan of the layout of the subdivision of a parcel of land which is in conformance with all of the provisions of Public Act 288 of 1967; The Subdivision Control Act and the Subdivision regulations of the Township.

Playground. An area of landscaped open space equipped with children's play equipment including, but not limited to slides, swings, wading pools or similar equipment and game areas.

Pond. Any excavation, or the alternating of a watercourse by damming or excavation, or combination thereof, for the purpose of creating thereby a body of water greater than fifty (50) square feet in area, and eighteen (18) inches in depth, except for detention or retention basins.

Porch, Enclosed (includes patio). A covered entrance to a building or structure which is totally enclosed, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

Porch, Open (includes patio and deck). A covered entrance to a building or structure which is unenclosed except for columns supporting the porch roof, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

Premise. All portions of contiguous land in the same ownership that are not divided by any public highway, street, or alley, and upon which is located a residence or place of business.

Principal Building or Structure. The main building or structure in which the primary use is conducted.

Principal Use. The primary, or chief purpose for which a lot is used.

Property Line. The line which represents the legal limits of property, including an apartment, condominium, room or other dwelling unit, owned, leased, or otherwise occupied by a person, business, corporation or institution. In cases involving sound from an activity on a public street or other public right-of-way, the “property line” shall be the nearest boundary of the public right-of-way.

Private Road. A means of ingress and egress serving two (2) or more parcels, which is not dedicated for public use to the Lenawee County Road Commission.

Public Service Facilities. Public service facilities within the context of this Ordinance shall include such uses and services as voting booths, pumping stations, fire halls, police stations, temporary quarters for welfare agencies, public health activities and similar uses including essential services.

Public Utility. Any person, firm, corporation, municipal department or board duly authorized to furnish and furnishing under municipal, regulation to the public, transportation, gas, water, electricity, telephone, steam, telegraph, or sewage disposal and other services.

Quarry and Earth Removal for Profit. Any pit, excavation, or mining operation for the purpose of searching for or removing from the premises any earth, rock, sand, gravel, clay, stone, slate, marble, or other non-metallic mineral in excess of five hundred (500) cubic yards in any calendar year, but shall not include an excavation preparatory to the construction of a structure of public highway.

Recreation Area. Any public or privately owned outdoor space that is made available and maintained in a suitable condition for passive and active recreational activities, such as swimming, picnicking, hiking, nature study, hunting, boating, fishing or other recreational purposes.

Recreational Facilities. Recreational facilities shall include the following:

- A. Active Recreation. An area of land dedicated to recreational activities that require intensive development of facilities and often involve cooperative or team activities.

- B. **Passive Recreation.** An area of land dedicated to recreational activities that require a low-level of development and preservation of natural areas, and often involve solitary or small group, unstructured activities.

Recreational Facility, Indoors. A public or privately owned facility designed and equipped for the conduct of sports or leisure activities and any other customary recreational activities within an enclosed building, such as gymnasiums and fitness centers, indoor soccer facilities, racquetball and tennis clubs, ice and roller-skating rinks.

Recreational Facility, Outdoors. A public or privately owned facility designated and equipped for the conduct of sports or leisure activities and other customary recreational activities outside of an enclosed building, such as tennis clubs, golf courses, golf driving ranges, and skateboarding parks.

Restaurant. Any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose method of operation is characteristic of a carry-out restaurant, drive-in restaurant, drive-through restaurant, standard restaurant or bar/lounge, or a combination thereof, as defined below:

- A. **Carry-Out Restaurant.** A restaurant whose method of operation involves the sale of food, beverage and/or frozen desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption primarily off the premises.
- B. **Drive-In Restaurant.** A restaurant whose method of operation involves delivery of prepared food to allow its consumption in a motor vehicle or elsewhere on the premises, but outside of an enclosed building.
- C. **Drive-Through Restaurant.** A restaurant whose method of operation involves the delivery of prepared food to the customer in a motor vehicle, typically through a drive-through window, for consumption off the premises.
- D. **Standard Restaurant.** A restaurant whose method of operation involves either:
 - 1. The delivery of prepared food by wait staff to customers seated at tables within a completely enclosed building; or
 - 2. The acquisition by customers of prepared food at a cafeteria line and its subsequent consumption by the customers at tables within a completely enclosed building.

Rezoning. The amendment of this Ordinance to change the official Zoning Map classification on land from its existing district to a new district classification.

Right-of-Way, Public. A legally dedicated public strip or area of land which may be varying widths allowing the right of passage and upon which a public road may be constructed, and having the minimum width as depicted on the Right-of-Way Master Plan as adopted by the Lenawee County Road Commission and other public utilities.

Right-of-Way, Private. A strip or area of land which may be varying widths allowing passage in accordance with State of Michigan Ordinance No. 97-6, Land Division Act, Section 275.008, as amended.

Road. A public or private thoroughfare which affords the principal means of access to abutting property. The road types are defined as follows:

- A. State Highway: Provides the highest level of service at the greatest speed for the longest uninterrupted distance, with some degree of access control.
- B. Primary: Provides a less highly developed level of service at a lower speed for shorter distances by collecting traffic from local roads and connecting them with arterials.
- C. Local: Consists of all roads not defined state highway or primary roads; generally provides access to land with little or no through movement.

Road, Frontage. The legal line which separates a dedicated road right-of-way or easement from abutting land to which it provides over-the-curb vehicular access.

Road, Frontage Access. A public or private road paralleling and providing ingress and egress to adjacent lots and parcels but connected to the major highway or road only at designated intersections or interchanges.

Roadside Stand or Market. A roadside stand or market is a temporary use of property or facilities for the selling of produce.

Salvage Yard. An open area where waste, used or second-hand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. "Salvage yard" includes automobile wrecking yards and any area of more than two hundred (200) square feet used for the storage, keeping or abandonment of salvaged materials, but does not include uses established entirely within enclosed buildings.

Screen. A structure providing enclosure, such as a fence, and a visual barrier between the area enclosed and the adjacent property. A screen may also be a non-structure, consisting of shrubs, or other growing materials.

School. A building used for the purpose of public or private elementary or secondary, special or higher education, which meets all requirements of the compulsory education laws of the State of Michigan.

Self-Storage Facility. A building consisting of individual, small self-contained units leased for the storage of personal and household goods.

Setback Lines. Lines established adjacent to highways for the purpose of defining limits within which no building or structure or any part thereof shall be erected or permanently maintained. "Within a setback line" means between the setback lines and the nearest boundary of the highway right-of-way. See Appendix E.

Shadow Flicker. The moving shadow, created by the sun shining through the rotating blades of a Wind Energy Turbine (WET). The amount of shadow flicker created by a Wind Energy Turbine is calculated by a computer model that takes into consideration turbine location, elevation, tree cover, location of all structures, wind activity and sunlight.

Sign. A device affixed to, located on or set upon a building, structure or parcel of land which directs attention to an activity, or business. The definition includes interior signs, which are directed at persons outside the premises of the sign owners, and exterior signs, but not signs primarily directed at persons within the premises of the sign owner. The definition does not include goods for sale displayed in a business window. The following additional definitions are provided:

- A. **Abandoned Sign.** A sign accessory to or associated with a use that has been discontinued or terminated for more than one hundred and eighty (180) days.
- B. **Banners and Flags.** Considered part of a site's signage and shall include all removable fabric, cloth, paper or other non-rigid material suspended or hung from light poles, buildings or other site amenities. These signs may or may not include a business logo or symbol.
- C. **Billboards.** A surface whereon advertising matter is set in view conspicuously and which advertising does not apply to premises or any use of premises wherein it is displayed or posted (an off-site sign) and is regulated in accordance with regulations governed by the Highway Advertising Act, P.A. 106 of 1972 as amended.
- D. **Canopy Sign.** Means a sign displayed and affixed flat on the surface of a canopy and does not extend vertically or horizontally beyond the limits of the canopy.
- E. **Changeable Copy Sign.** A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the structural integrity of the sign. A sign on which the only copy that changes is an electronic or mechanical indication of time, temperature or stock market information shall be considered a "time, temperature and stock market" portion of a sign and not a changeable copy sign for purposes of this ordinance.
- F. **Digital/Electronic Sign.** A sign that uses changing lights or other electronic media to form a sign message wherein the sequence of messages and the rate of change is electronically programmed and can be modified by an electronic process.
- G. **Directional Sign.** A sign directing and guiding vehicular or pedestrian traffic or parking but bearing no advertising matter.
- H. **Ground Sign.** A sign which is attached to or part of a completely self-supporting structure. The supporting structure shall be placed in or below the ground surface and not attached to any building or any other structure whether portable or stationary.
- I. **Menu Board.** A sign that displays menu items and may contain a communication system for placing food orders or other items at an approved drive-through facility.

- J. Nameplate Sign. A single face sign directly attached/affixed to a single family residence which only identifies the name and address of the residents.
- K. Temporary Sign. A single or double surface painted or poster panel type sign or some variation thereof, which is temporary in nature, easily movable, and not permanently attached to the ground or a building. Political signs are included within the definition for portable temporary signs.
- L. Projecting Signs. A sign other than a wall sign, which is perpendicularly attached to, and projects from a structure or building wall not specifically designed to support the sign. Marquee signs are included within the definition for projecting signs.
- M. Promotional Banner. A sign made of fabric, cloth, paper or other non-rigid material that is typically not enclosed in a frame and advertises a product or service offered on the premises.
- N. Real Estate Sign. A temporary sign placed upon property for the purpose of advertising to the public the sale or lease of said property.
- O. Roof Sign. Any sign wholly erected to, constructed/or maintained on the roof structure of any building.
- P. Sign Structure. That part of the sign which structurally supports the sign message area whether integrated into the message area through the use of the same materials or through the use of complementing but different materials.
- Q. Sign Surface. That part of the sign upon, again, or through which the message is displayed or illustrated.
- R. Sign Message Area. A sign message is the area, computed in square feet, within which the letters, figures, numbers or symbols are contained. The area is determined by measuring the height of the extreme perimeters of all letters, figures, numbers or symbols, by the width of the same. The area of all changeable copy signs shall be determined by measuring the total area within which the copy can be altered.
- S. Subdivision Entryway Sign. A ground mounted single or double sided sign which identifies the name of the subdivision/development and street address only.
- T. Suspended Sign. A sign that is suspended or hung from the underside of an eave, porch, roof or awning.
- U. Wall Sign. Any sign that shall be affixed parallel to the wall or printed or painted on the wall of any building; provided, however said wall sign shall not project above the top of the wall or beyond the end of the building. For the purpose of this ordinance, any sign display surface that is affixed flat against the sloping surface of a mansard roof shall be considered a wall sign.

V. **Window Sign.** A sign installed inside a window and intended to be viewed from the outside.

Site Plan. A scaled drawing which shows the intended and/or existing location and dimensions of improvement or structures upon a parcel of property, including buildings, driveways, parking areas, parking spaces, landscaping, landscaped areas, sidewalks, signs, drainage facilities, utilities or similar physical improvements.

Slaughter House. A building used for the slaughtering of animals and the scalding, butchering and storage of carcasses for human consumption, but not including the rendering, smoking, curing, other processing of meat, fat, bones, offal, blood, or other byproducts of the permitted operation.

Sludge. Solid or liquid waste extracted in the process of sewage treatment and/or agricultural operations.

Small Structure-Mounted Wind Energy Turbine (SSMWET). Shall mean to convert energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries or other components used in this system. A Small Structure-Mounted Wind Energy Turbine is attached to a structure's roof, walls or other elevated surface, including accessory structures such as but not limited to cellular phone towers. The Small Structure-Mounted Wind Energy Turbine has a nameplate capacity that does not exceed ten (10) kilowatts. The total height does not exceed fifteen (15) feet as measured from the highest point of the roof, excluding chimneys, antennae and other Small Tower-Mounted Wind Energy Turbine protuberances.

Small Tower-Mounted Wind Energy Turbine (STMWET). Shall mean tower-mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries or other components used in this system. The Small Tower-Mounted Wind Energy Turbine has a nameplate capacity that does not exceed thirty (30) kilowatts. The total height does not exceed one hundred (100) feet.

Sound Pressure Level. Means the sound pressure mapped to a logarithmic scale and reported in decibels (dB).

Special Land Use. A use, which may be permitted after recommendation by the Planning Commission and approval by the Township Board. A Special Land Use may be granted in a zoning district only when there is a specific provision for such use in this Ordinance. A Special Land Use is a Special Land Use as provided in Act 110, PA 2006, as amended.

Stable, Commercial. A structure that is used for the shelter and care of horses, llamas, mules or donkeys which are rented, hired, or used on a commercial basis for compensation, also to include the renting of stable space, for the above mentioned animals not owned by the owner/proprietor(s) of a commercial stable.

Stable, Private. A structure that is used for the shelter, riding and care of horses, llamas, mules or donkeys which are kept or boarded for the sole enjoyment of the owners, and does not include

the renting or hiring of the above mentioned animals on a commercial basis or the renting of stable space.

State Licensed Residential Facility. A structure constructed for residential purposes that is licensed by the State under the Adult Foster Care Facility Act, and provides residential services for six (6) or fewer persons under 24-hour supervision or care.

Story. That portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, then the space between the floor and the ceiling next above it. See Appendix B.

Story, One-Half. A story under the gable, hip or gambrel roof, which the wall plates on with at least two (2) opposite exterior walls not more than two (2) feet above the floor of such story and the floor area shall not exceed two-thirds (2/3) of the area of the floor below. See Appendix B.

Street. A traffic way which affords the principal means of access to abutting property.

Structure. Anything constructed, erected or placed with a fixed location on the surface of the ground.

Swimming Pool, Commercial. Any structure or container located either above or below grade designed to hold water to depths greater than 24 inches, intended for swimming or bathing, including swimming pools, hot tubs, Jacuzzis, and whirlpools.

Swimming Pool, Private. A swimming pool and/or wading pool, including structures necessary and incidental thereto, owned and operated by the landowner of the parcel on which situated, for use only by the residents of the parcel on which situated, and their guests.

Temporary Use of Building or Land. A use of a building or premises permitted to exist during construction of the main building, or for special events.

Time Limits. Time limits shall mean calendar days, unless otherwise specified herein.

Total Height. The vertical distance measured from the ground level to the upper most point of any structure. See Section 4.09 and Appendix D.

Township. The term township shall mean Palmyra Township, Lenawee County, Michigan.

Township Board. The Palmyra Township Board.

Transit and Temporary Amusements. Uses that are temporary and not part of an established business or where no permanent or physical structures or facilities are used such as: circuses, carnivals, music festivals, other similar amusements and similar gatherings of people.

Travel Trailer. A vehicle designed as a travel unit for occupancy as a temporary, recreational, or seasonal living unit, capable of being towed by a passenger automobile and not exceeding eight (8) feet in width or forty-five (45) feet in length. The term "travel trailer" shall also include folding campers and truck-mounted campers.

Travel Trailer Park/Campground. Land intended to house travel trailers, tents, or other similar temporary methods of travel, recreation or vacation housing.

Use. The lawful purpose for which land or premises or a structure or building thereon is designed, arranged, intended, or for which is occupied, maintained, let or leased for a use or activity.

Undefined Terms. Any term not defined herein shall have the meaning of common or standard use.

Variance. A variance is a modification of the literal provisions of the Zoning Ordinance which is granted by the Board of Appeals when strict enforcement would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. Hardships based solely on economic considerations are not grounds for a variance.

Vehicle. Unless specifically indicated otherwise, a motorized vehicle intended to be driven on roads or trails, such as cars, pickup trucks, vans and motorcycles, and other vehicle defined as motor vehicles by the Michigan Vehicle Code.

Veterinary Clinic. An enclosed building wherein animals including domestic household pets and farm animals are given medical or surgical treatment and use as a boarding place for such animals limited to short term boarding incidental to clinic or hospital use. Such clinics include only those under direction of a licensed veterinarian registered in the State of Michigan. Such animal clinics shall be constructed in such a manner that noise and odor are not discernible beyond the property upon which it is located.

Wall. An obscuring structure of definite height and location, constructed of masonry, concrete or similar approved material. See Appendices I & K.

Wetland. Land characterized by the presence of water or at a frequency and duration sufficient to support and that under normal circumstances does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh.

Wind Energy Facility (WEF). Shall mean an electricity generating facility consisting of one or more wind turbines under common ownership or operation control and includes substations, MET Towers, cables/wires and other buildings accessory to such facility, located on private land which is under lease or other property agreement with a WEF owner/operator, whose main purpose is to supply electricity to off-site customer(s).

Wind Energy Facility Total Height. Is the vertical distance measured from the ground level to the uppermost vertical extension of any blade.

Wind Energy Facility Site Permit. Is the permit issued upon compliance with standards of this Article.

Wind Energy Facility Site Plan Review. Is the process used to review a proposed Wind Energy Facility.

Wind Energy Turbine (WET). Is any structure-mounted, small, medium or large and is used as a wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blade, tower, base and pad transformer, if any; provided that such a system shall only be a wind turbine for purposes of this Article if it both has a total height greater than 150 feet and nameplate capacity of greater than 100 kilowatts.

Wireless Communications Facilities. All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment building, and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; short wave receiving facilities; amateur (HAM) radio facilities; regulations which preempt municipal regulatory authority. For purposes of this Ordinance, the following additional terms are defined:

- A. Attached Wireless Communications Facilities. Shall mean wireless communications facilities affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.
- B. Wireless Communication Support Structures. Shall mean structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light pole, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.
- C. Collocation. Shall mean the location by two (2) or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, with the view toward reducing the overall number of structures required to support wireless communications antennas within the community.

Yard, Front. An open, unoccupied space extending the full width of the lot and situated between the street line and the front building line and parallel to the street line. See Section 4.09 and Appendix E.

Yard, Minimum. The minimum distance which any building must be located from a property line, a street right-of-way line, an easement line of an approved private street, or a high water line.

Yard, Rear. An open, unoccupied space extending the full width of the lot and situated between the rear line of the lot and the rear building line and parallel to the rear lot line. See Section 4.09 and Appendix E.

Yard, Side. An open, unoccupied space situated between the side building line and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard and parallel to the side lot line See Section A and Appendix E.

Zoning Administrator. This Zoning Ordinance shall be administered and enforced by the zoning administrator by such person as the Township Board may delegate to enforce this Zoning Ordinance.

Zoning Appeal. An entreaty or demand for a hearing and/or review of facts and/or actions conducted by the Zoning Board of Appeals in accordance with the duties and responsibilities specified in this Ordinance.

Zoning Board of Appeals. As used in this Ordinance, means the Palmyra Township Zoning Board of Appeals.

Zoning District. A portion of the Township within which certain uses of land and/or buildings are permitted and within which certain regulations and requirements, or various combinations thereof, apply under the provisions of this Ordinance and designated on the Zoning District Map.

Zoning Interpretation. A review which is necessary when the provisions of this Ordinance are not precise enough to all applications without interpretation, and such review of the provisions of this Ordinance are therefore required in accordance with the procedures and provisions of this Ordinance.

Zoning Permit. A permit for commencing construction issued by the Zoning Administrator in accordance with all the provisions of this Zoning Ordinance and/or an approved Site Plan.

ARTICLE III ESTABLISHMENT OF ZONING DISTRICTS

SECTION 3.01 – DIVISION INTO ZONING DISTRICTS

For the purposes of this Ordinance, all of the unincorporated area of the Township of Palmyra, Lenawee County, Michigan, is hereby divided into the following zoning districts;

AG	Agriculture District
AR	Agriculture / Residential District
MH	Mobile Home Residential District
VR	Village Residential District
O	Office District
C	Commercial District
LI	Light Industrial District
GI	General Industrial District

SECTION 3.02 – OFFICIAL ZONING MAP

The land areas and sizes of buildings assigned to the Districts, the designation of same and the boundaries of said Districts, are shown on the zoning map part of this Ordinance and are hereby established; said map being designated as the Township Zoning Map showing use districts and building districts in the unincorporated portions of Palmyra Township, Lenawee County, Michigan, and said map and the proper notations, references, and other information shown thereon shall be as much a part of this Ordinance as if the matters and information set forth by said map were fully described herein.

3.2.1 Identification of Official Zoning Map:

The Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk. The official Zoning Map shall be located in the office of the Township Clerk and shall be available for examination.

SECTION 3.03 – INTERPRETATION of DISTRICT BOUNDARIES

Except where specifically designated on the Official Zoning Map, the zoning district boundary lines are intended to follow lot lines, the center lines of streets or alleys, the center lines of creeks, streams, or rivers, the center lines of streets or alleys projected, center lines of railroad rights-of-way lines, section lines, one-quarter section lines, one-eighth section lines, or a corporate limit line, all as they existed at the time of the enactment of this Ordinance, as subsequently modified and designated as such boundary lines. Where a district boundary does not coincide with any of the above lines, the district boundary lines shall be dimensioned on the Official Zoning Map.

When the location of a district boundary is uncertain, the Board of Appeals shall interpret the exact location of the district boundary.

SECTION 3.04 – CONFORMANCE to ORDINANCE

No building or structure, or part thereof, shall hereinafter be erected, constructed, reconstructed or altered, and no building structure, land premise, or part thereof, shall be used for a purpose other than is permitted by the provisions of this Ordinance in the district in which such building, structure and/or premise is located.

ARTICLE IV ZONING DISTRICTS REGULATIONS

The intent, permitted uses, Special Land Uses, height, area, and density, and sign regulations of each district are set forth in this article.

SECTION 4.01 – AGRICULTURAL DISTRICT (AG)

4.01.1 Purpose

The intent of this district is to preserve valuable agricultural land for agricultural uses. The district strives to discourage concentrations of incompatible residential development. By requiring this lot size, the indiscriminate urbanizing of agricultural land and the creation of urban land values in agricultural areas can be minimized. (See Section 8.39 Roadside Sales).

4.01.2 Permitted Uses:

- A. General and Specialized Farming—in accordance with the Michigan Right to Farm Act (PA 93 of 1981, MCL 286.471 *et seq.*), as amended, and the Generally Accepted Agricultural Management Practices (GAAMPs) established under the authority of that Act—including poultry raising, egg production and hatcheries, dairies and processing dairy products, livestock farms, similar bona fide agricultural enterprises, the usual agricultural buildings and structures, and biofuel production facilities (in accordance with Section 8.53).
- B. Retail Sale of Agricultural Products—in accordance with the Farm Market GAAMP established under the authority of the Michigan Right to Farm Act (PA 93 of 1981, MCL 286.471 *et seq.*), as amended—including Roadside Stands (in accordance with Section 8.39) for said sales.
- C. Single, or Two Family Detached Dwellings.
- D. Home Instruction of the Arts
- E. Conservation and/or Recreation Areas, including forest preserves, game refuges, nature reservations, hunt clubs, and similar areas of low intensity use.
- F. On-Site Signs, in accordance with Section 8.42.
- G. Essential Services, in accordance with Section 8.16.
- H. Accessory Uses or Structures, in accordance with Section 4.10.
- I. Boarding, Breeding, Training and/or Selling of any Animals,—in accordance with the Care of Animals GAAMPs established under the authority of the Michigan Right to Farm

Act (PA 93 of 1981, MCL 286.471 *et seq.*), as amended—including sales by auction or otherwise.

- J. Adult Foster Care Family Homes, Adult Foster Care Small Group Homes (serving six (6) or less adults), Child Foster Family Homes, and Child Foster Family Group Homes subject to Section 8.03
- K. Adult Family Day-Care Homes and Child Family Day-Care Homes, in accordance with Section 8.02

4.01.3 Special Land Uses

The following uses of parcels, lots, building, and structures are permitted subject to obtaining a Special Land Use Permit as provided in Article VI and Site Plan Review as provided in Article VII.

- A. Quarries and Earth Removal for Profit in accordance with Section 8.37.
- B. Golf Courses and Golf Driving Ranges, in accordance with Section 8.21.
- C. Campgrounds, Group and Organized Camps, and General and Specialized Resorts, in accordance with Section 8.11.
- D. Airports, in accordance with Section 8.05.
- E. Primary or Secondary Non-profit Schools, and Colleges and Universities.
- F. Hospitals, Sanitariums, and Charitable Institutions for Human Care, in accordance with Section 8.25.
- G. Churches and Other Buildings for Religious Worship, in accordance with Section 8.13.
- H. Cemeteries, in accordance with Section 8.12.
- I. Travel trailer park, in accordance with Section 8.41.
- J. Animal Hospitals, Veterinary Clinics, Animal Shelters, and Humane Societies, in accordance with Section 8.07.
- K. Kennels (Commercial and Private), in accordance with Sections 8.27 and/or 8.28.
- L. Slaughterhouses, in accordance with Section 8.43.
- M. Commercially Operated Trails for use by Motorized Vehicles, in accordance with Section 8.14.
- N. Amusement Enterprises, in accordance with Section 8.06.
- O. Salvage Yards, in accordance with Section 8.40.

- P. Indoor or Outdoor Gun Club, Firing and Archery Ranges, in accordance with Section 8.22.
- Q. Auction Houses, in accordance with Section 8.08.
- R. Wind Energy Turbines (Commercial), in accordance with Section 8.49.
- S. Small Structure-Mounted Wind Energy Turbines and Small Tower-Mounted Wind Energy Turbines (Private), in accordance with Section 8.50.
- T. Home occupations only in accordance with Section 8.24.
- U. Adult Foster Care Small Group Homes and Adult Foster Care Large Group Homes in accordance with Section 8.03.
- V. Adult Group Day Care Homes and Child Group Day Care Homes in accordance with Section 8.02.
- W. Wireless Communications Towers in accordance with Section 8.51.
- X. Community Waste Treatment Facilities, in accordance with Section 8.15.
- Y. Bed and Breakfast Accommodations, in accordance with Section 8.10.
- Z. Motor Vehicle Amusement Facilities, in accordance with Section 8.32

4.01.4 Area, Yard, Height, and Bulk Requirements:

See Section 4.09.

4.01.5 Off-Street Parking

See Section 8.34

SECTION 4.02 – AGRICULTURAL and RESIDENTIAL DISTRICT (AR)

4.02.1 Purpose:

The intent of this district is to provide suitable areas of the Township for residential development and to accommodate existing agriculturally used lands. The district is intended for where good roads and appropriate physical characteristics exist for residential development including slope, soil, and water table.

4.02.2 Permitted Uses:

- A. Single-family detached dwellings.
- B. Two-family dwellings.

- C. General and specialized farming—in accordance with the Michigan Right to Farm Act (PA 93 of 1981, MCL 286.471 *et seq.*), as amended, and the Generally Accepted Agricultural Management Practices (GAAMPs) established under the authority of that Act—including poultry raising, egg production and hatcheries, dairies and processing dairy products, livestock farms, similar bona fide agricultural enterprises, the usual agricultural buildings and structures, and biofuel production facilities (in accordance with Section 8.53).
- D. Home Instruction of the Arts
- E. On-Site Signs, in accordance with Section 8.42.
- F. Essential Services, in accordance with Section 8.16.
- G. Accessory Uses or Structures, in accordance with Section 4.10.
- H. Retail Sale of Agricultural Products—in accordance with the Farm Market GAAMP established under the authority of the Michigan Right to Farm Act (PA 93 of 1981, MCL 286.471 *et seq.*), as amended—including roadside stands (in accordance with Section 8.39) for said sales.
- I. Adult Foster Care Family Homes, Adult Foster Care Small Group Homes (serving six (6) or less adults), Child Foster Family Homes and Child Foster Family Group Homes in accordance with Section 8.03.
- J. Adult Family Day-Care Homes and Child Family Day-Care Homes subject to Section 8.02.

4.02.3 Special Land Uses:

The following uses of parcels, lots, buildings, and structures are permitted subject to obtaining a Special Land Use Permit as provided in Article VI.

- A. Country Clubs; Public Swimming Pools; Recreation Centers; and Parks, Playgrounds, and Playfields.
- B. Churches and Other Buildings for Religious Worship, in accordance with Section 8.13.
- C. Primary and secondary non-profit schools, and colleges and universities.
- D. Animal Hospitals, Veterinary Clinics, Animal Shelters, and Humane Society facilities, in accordance with Section 8.07.
- E. Hospitals, Sanitariums, and Charitable Institutions for Human Care, in accordance with Section 8.25.
- F. Kennels (Commercial and Private), in accordance with Sections 8.27 and/or 8.28.
- G. Multiple-Family dwellings.

- H. Indoor Gun Clubs, Firing and Archery Ranges, in accordance with Section 8.22.
- I. Auction Houses, in accordance with Section 8.08.
- J. Slaughterhouses, in accordance with Section 8.43.
- K. Golf courses and golf driving ranges, in accordance with Section 8.21.
- L. Wind Energy Turbines (Commercial), in accordance with Section 8.49.
- M. Small Structure-Mounted Wind Energy Turbines and Small Tower-Mounted Wind Energy Turbines, in accordance with Section 8.50.
- N Home occupations, in accordance with Section 8.24.
- O. Adult Foster Care Small Group Homes (serving more than six (6) adults) and Adult Foster Care Large Group Homes, in accordance with Section 8.03.
- P. Adult Group Day-Care Homes and Child Group Day-Care Homes subject to Section 8.02.
- Q. Quarries and Earth Removal for Profit subject to Section 8.37.
- R. Wireless Communications Towers subject to Section 8.51.
- S. Community Waste Treatment Facilities, in accordance with Section 8.15.
- T. Bed and Breakfast Accommodations, in accordance with Section 8.10.

4.02.4 Area, Yard, Height, and Bulk Requirements:

See Section 4.09.

4.02.5 Off-Street Parking:

See Section 8.34 & Appendix H.

SECTION 4.03 – MOBILE HOME RESIDENTIAL DISTRICT (MH)

4.03.1 Purpose:

This district is composed of those areas of the Township whose principal use is or ought to be mobile home dwellings. The regulations of this district are designed to permit a density of population and an intensity of land use in those areas which are, or feasibly could be, served by a central water supply system and a central sanitary sewerage system, and which abut or are adjacent to such other uses, buildings, structures, or amenities which support, compliment, or serve such a density and intensity.

4.03.2 Permitted Uses

A. Mobile home parks.

All mobile home parks are subject to provisions of State law and the regulations of the Michigan Mobile Home Commission.

B. Home Instruction of the Arts.

C. Adult Foster Care Family Homes, Adult Foster Care Small Group Homes (serving six (6) or less Adults), Child Foster Family Homes and Child Foster Family Group Homes, in accordance with Section 8.03.

D. Adult Family Day-Care Homes and Child Family Day-Care Homes, in accordance with Section 8.02.

E. Essential Services, in accordance with Section 8.16.

F. On-Site Signs, in accordance with Section 8.42.

4.03.3 Special Land Uses

A. Small Structure-Mounted Wind Energy Turbines and Small Tower-Mounted Wind Energy Turbines (Private), in accordance with Section 8.50.

B. Home occupations, in accordance with Section 8.24.

C. Adult Foster Care Small Group Homes (serving more than six (6) adults) and Adult Foster Care Large Group Homes subject to Section 8.03.

D. Adult Group Day-Care Homes and Child Group Day-Care Homes subject to Section 8.02.

E. Quarries and Earth Removal for Profit subject to Section 8.37.

SECTION 4.04 – VILLAGE RESIDENTIAL (VR)

4.04.1 Purpose:

This district is intended to encourage innovative, traditional residential mixed and multiple-use developments so that the growing demand for housing may be met by greater variety in type, design and layout of dwellings. Land development practices that protect the public health, safety, and welfare should be promoted in this district. Traditional neighborhoods are the desired alternative to conventional modern, use-segregated developments such as large lot suburban subdivisions and strip commercial developments. Residential/mixed-use development should be encouraged in a manner consistent with the preservation and enhancement of property values within existing residential areas, and to:

- A. Promote the creation of places, which are oriented to the pedestrian.
- B. Promote citizen security, and social interaction.
- C. Promote development of mixed-use structures or mixed-use development with offices, multiple-family residential and retail uses located with related community facilities.
- D. Discourage commercial or industrial uses that create objectionable noise, glare and odors.

4.04.2 Permitted Uses

- A. Single Family Detached Dwellings.
- B. Two-Family Dwellings.
- C. Home Instruction of the Arts.
- D. Adult Foster Care Family Homes, Adult Small Group Homes (serving six (6) or less adults), Child Foster Family Homes, and Child Foster Family Group Homes, in accordance with Section 8.03.
- E. Adult Family Day-Care Homes and Child Family Day-Care Homes, in accordance with Section 8.02.
- F. On-Site Signs, in accordance with Section 8.42.
- G. Essential Services, in accordance with Section 8.16.
- H. Accessory Uses or Structures, in accordance with Section 4.10.

4.04.3 Special Land Uses

- A. Public swimming pools, parks, playgrounds and playfields.
- B. Home occupations in accordance with Section 8.24.
- C. Hospitals, Sanitariums, and Charitable Institutions for Human Care, in accordance with Section 8.25.
- D. Activity Center Specifically for the Elderly when on a Minimum Lot Size of Two (2) Acres.
- E. Bed and Breakfast Accommodations, in accordance with Section 8.10.
- F. Churches and other Buildings for Religious Worship, in accordance with Section 8.13.
- G. Restaurants except drive-through facilities.

- H. Essential Services (in accordance with Section 8.16) and public service buildings and uses without storage yards when operating requirements necessitate their location within the district to serve the immediate vicinity.
- I. Multiple-family dwellings including townhouses, row-houses, and apartments provided that the development sites directly adjoin a county primary road.
- J. Cemeteries subject to Section 8.12 and funeral homes.
- K. Adult Foster Care Family Homes, Adult Small Group Homes (serving more than six (6) adults), Child Foster Family Homes and Child Foster Family Group Homes in accordance with Section 8.03.
- L. Government or community-owned buildings.
- M. Banks and other financial institutions, except drive through facilities.
- N. Professional and business offices.
- O. Retail sales of goods and services.
- P. Small Structure-Mounted Wind Energy Turbines and Small Tower-Mounted Wind Energy Turbines (Private), in accordance with Section 8.50.
- Q. Adult Group Day-Care Homes and Child Group Day-Care Homes subject to Section 8.02.
- R. Quarries and Earth Removal for Profit subject to Section 8.37.

SECTION 4.05 – OFFICE DISTRICT (O)

4.05.1 Purpose:

The Office District is designed principally for office use and those uses which are customarily associated with offices.

4.05.2 Permitted Uses:

- A. Medical and Dental Clinics.
- B. Funeral Home.
- C. Laboratory, Dental or Medical.
- D. Offices of Architects, Engineers, Surveyors, and Other Professions of Similar Nature.
- E. Offices of Executive, Administrative, Legal, Accounting, Insurance, Real Estate, and Uses of a Similar Nature.

- F. Essential services, in accordance with Section 8.16.
- G. On-site signs, in accordance with Section 8.42.
- H. Accessory uses and structures in accordance with Section 4.10.

4.05.3 Special Land Uses:

The following uses of parcels, lots, buildings, and structures are permitted subject to obtaining a special approval use permit as provided in Article VI and Site Plan Review as provided in Article VII.

- A. Hospitals, Sanitariums, and Charitable Institutions for Human Care, in accordance with Section 8.25.
- B. Schools and colleges.
- C. Churches and Other Buildings for Religious Worship, in accordance with Section 8.13.
- D. Primary and Secondary Non-Profit Schools, and Colleges and Universities.
- E. Small Structure-Mounted Wind Energy Turbines and Small Tower-Mounted Wind Energy Turbines (Private), in accordance with Section 8.50.
- F. Adult Day-Care Centers and Child Day-Care Centers, in accordance with Section 8.02.
- G. Quarries and Earth Removal for Profit subject to Section 8.37.

SECTION 4.06 – COMMERCIAL DISTRICT (C)

4.06.1 Purpose:

This district is intended to encourage planned and integrated groupings of retail, service, and administrative establishments which will retail convenience, comparison goods and provide personal, professional services for the Township and surrounding area.

4.06.2 Permitted Uses:

- A. Personal Services, including Barber Shops and Beauty Salons; Medical and Dental Clinics; Dry Cleaners and Self-Service Laundromats; and Sale and Repair Shops for Watches, Shoes, Radios, and Televisions.
- B. Business Services including Banks, Loan Offices, Real Estate Offices, and Insurance Offices.
- C. Office Uses.
- D. Retail Sales Establishments.

- E. Eating and Drinking Establishments.
- F. Indoor Commercial Amusement and Recreation Services including Theaters, Bowling Alleys, and Roller and Ice Skating Rinks.
- G. Clubs and Lodges.
- H. Printing Establishments.
- I. On-Site Signs, in accordance with Section 8.42.
- J. Essential Services, in accordance with Section 8.16.
- K. Accessory Uses or Structures, in accordance with Section 4.10.
- L. Auction Houses, in accordance with Section 8.08.

4.06.3 Special Land Uses:

The following uses of parcels, lots, buildings, and structures are permitted subject to obtaining a special approval use permit as provided in Article VI and Site Plan Review as provided in Article VII.

- A. Churches and Other Buildings for Religious Worship, in accordance with Section 8.13.
- B. Government or Community Owned Buildings, but not including Schools.
- C. Automobile and/or Motorcycle Service Stations and Repair Shops—but not including Salvage Yards—in accordance with Section 8.09.
- D. Hotels or Motels.
- E. Drive-in Business Services.
- F. Animal Hospitals, Veterinary Clinics, Animal Shelters, and Humane Societies, in accordance with Section 8.07.
- G. Outdoor Commercial Amusements.
- H. Single-Family or Two-Family Dwellings.
- I. Wholesale or Retail Merchandising or Storage and Self-Storage Facilities (in accordance with Section 8.41).
- J. Assembly and Manufacture, from Prefabricated Parts, of Household Appliances, Electronic Products, Machinery and Hardware Products, and Similar Products; or the Processing or Assembling of Parts for Production of Finished Equipment.
- K. Radio, TV and other Towers.

- L. Farmers Markets.
- M. Small Structure-Mounted Wind Energy Turbines and Small Tower-Mounted Wind Energy Turbines (Private), in accordance with Section 8.50.
- N. Adult Day-Care Centers and Child Day-Care Centers, in accordance with Section 8.02.
- O. Quarries and Earth Removal for Profit, in accordance with Section 8.37.

4.06.4 Area, Yard, Height, and Bulk Requirements:

See Section 4.09 and Appendix E.

4.06.5 Off-Street Parking:

See Section 8.34 and Appendix H.

4.06.6 Transition Strips:

Uses or structures on any lot in this district abutting a lot in any residential district provide a transition strip of at least fifty (50) feet, the inner twenty (20) feet of which may be used for parking purposes, and there shall be erected along all lot boundary lines of any lot abutting a residential district a solid fence or masonry wall four (4) feet high. See Article IX.

SECTION 4.07 – LIGHT INDUSTRIAL (LI)

4.07.1 Purpose:

This district is designated to provide suitable space for light industrial uses which operate in a safe, non-objectionable and efficient manner, and which are compatible in appearance with and require a minimum of buffering measures from adjoining non-industrial zoning district. These uses generate a minimum of noise, glare, odor, dust, vibration, air and water pollutants, fire, explosive and radioactive hazards, and other harmful or obnoxious matter. Lands zoned Light Industrial (LI) may include structures of more than ten thousand (10,000) square feet in size.

4.07.2 Permitted Uses:

- A. Wholesale or Retail Merchandising or Storage Warehouses.
- B. Industrial Office Buildings.
- C. General Services and Repair Establishments including Dyeing, Cleaning, or Laundry Works and Upholstery or Appliance Repair.
- D. Assembly and Manufacture, from Prefabricated Parts, of Household Appliances, Electronic Products, Machinery and Hardware Products, and Similar Products; or the Processing or Assembling of Parts for Production of Finished Equipment.

- E. Skilled Trade Services including Plumbing, Electric, Heating, Printing, and Painting Establishments.
- F. Research and Testing Laboratories.
- G. Essential Services, in accordance with Section 8.16.
- H. On-Site and Off-Site Signs, in accordance with Section 8.42.
- I. Any Permitted Uses (Section 4.06.2) in the Commercial (C) District.
- J. Auction Houses, in accordance with Section 8.08.
- K. Accessory Uses or Structures, in accordance with Section 4.10.

4.07.3 Special Land Uses:

- A. Automobile and/or Motorcycle Service Stations and Repair Shops—but not including Salvage Yards—in accordance with Section 8.09.
- B. Farm Machinery and Equipment Sales and Repair.
- C. Building and Landscape Contractor’s Offices and Yards, in accordance with Section 8.20.
- D. The Recycling of Industrial Plastic Residual/Waste Materials.
- E. Outdoor Sales of Automobiles or Vehicles (Commercial), in accordance with Section 8.35.
- F. Adult Regulated Uses, in accordance with Section 8.04.
- G. Reserved.
- H. Small Structure-Mounted Wind Energy Turbines and Small Tower-Mounted Wind Energy Turbines (Private), in accordance with Section 8.50.
- I. Quarries and Earth Removal for Profit, in accordance with Section 8.37.
- J. Wireless Communications Towers, in accordance with Section 8.51.
- K. Community Waste Treatment Plants, in accordance with Section 8.15.

4.07.4 Area, Yard, Height, and Bulk Requirements:

See Section 4.09.

4.07.5 Off-Street Parking:

See Section 8.34 and Appendix H.

4.07.6 Additional Requirements:

Any of the following uses when the manufacturing, compounding, or processing is conducted wholly within a completely enclosed building. That portion of the land used for open storage facilities for materials or equipment used in the manufacturing, compounding, or processing shall be totally obscured on those sides abutting the A, AR, MH, VR, O or, C Districts, and on any front yard abutting a public thoroughfare except as provided in this Ordinance. The screening shall be in accordance with the minimum landscape standards of this Ordinance and shall be evaluated for adequacy by the Planning Commission.

SECTION 4.08 – GENERAL INDUSTRIAL DISTRICT (GI)

4.08.1 Purpose:

This District is designed to provide suitable space for industrial operations of all types that can comply with all provisions of this Ordinance and can assure protection of the public interest and surrounding property and persons. The General Industrial (GI) District may include structures which exceed ten thousand (10,000) square feet in size.

4.08.2 Permitted Uses:

- A. All Industrial Uses not in Conflict with any Enacted State or Local Laws, or any Provisions of this Ordinance.
- B. Truck Terminals.
- C. Any Permitted Uses (Section 4.07.02) in the Light Industrial District, but not those Permitted Uses referenced in the Commercial District (Section 4.06.2).
- D. Auction Houses, in accordance with Section 8.08.
- E. Essential Services, in accordance with Section 8.16.
- F. On-Site and Off-Site Signs, in accordance with Section 8.42.
- G. Accessory Uses and Structures, in accordance with Section 4.10.

4.08.3 Special Land Uses:

The following uses of parcels, lots, buildings, and structures are permitted subject to obtaining a special approval use permit as provided in Article VI and Site Plan Review as provided in Article VII.

- A. Salvage Yards, in accordance with Section 8.4.
- B. Bulk Oil Storage.
- C. Wind Energy Turbines (Commercial), in accordance with Section 8.49 .
- D. Adult Regulated Uses, in accordance with Section 8.04.
- E. Small Structure-Mounted Wind Energy Turbines and Small Tower-Mounted Wind Energy Turbines (Private), in accordance with Section 8.50.
- F. Incineration of any Refuse, Industrial, Hazardous or Other Waste.
- G. Quarries and Earth Removal for Profit subject to Section 8.37.
- H. Wireless Communications Towers subject to Section 8.51.
- I. Community Waste Treatment Plants, in accordance with Section 8.15.

4.08.4 Area, Yard, Height, and Bulk Requirements:

See Section 4.09.

4.08.5 Off-Street Parking:

See Section 8.34 and Appendix H.

SECTION 4.09 – AREA; HEIGHT, BULK, AND PLACEMENT REQUIREMENTS

Area, Height, Bulk, and Placement Requirements

Zoning Districts	Lot Requirements			Minimum Yard (C) Requirements			Maximum (B) Building Height		Type of Use
	Minimum Lot Area	Minimum Lot Width	Max. Lot Coverage	Front	Side	Rear	Principal	Accessory	
Agricultural (AG)	2 Acres	400'	30%	70'	50'	50'	2-½ story or 35'	50'	Single Family Use (A)
	5 Acres								All other use
Agricultural and Residential (AG)	1 Acre	200'	30%	35'	25' 35'*	25'	2-½ story or 35'	50'	Single Family Use (A)
	5 Acres								All other use
Mobile Home Park (MH)	10 Acres 4,000 Sq. Ft.			In accordance with the Michigan Mobil Home Commission Act, PA 96 of 1987, as amended					Mobile Home Park site within a MH Park
Village Residential (VR)	0.5 Acre	150	30%	25	15	15	2-½ story or 35'	40'	All Uses
Office (O)	1 Acre	100'	50%	35'	10' - 25' Total 35'*	25'	2-½ story or 35'	35'	All Uses

Area, Height, Bulk, and Placement Requirements

Zoning Districts	Lot Requirements			Minimum Yard (C) Requirements			Maximum (B) Building Height		Type of Use
	Minimum Lot Area	Minimum Lot Width	Max. Lot Coverage	Front	Side	Rear	Principal	Accessory	
Commercial (C)	1 Acre	100'	50%	35'	20'	25'	2-½ story or 35'	35'	All Uses
Light Industrial (LI)	3 Acre	300'	50%	50'	20'	25'	2-½ story or 35'	35'	All Uses
General Industrial (GI)	3 Acre	300'	50%	50'	20'	25'	2-½ story or 35'	35'	All Uses

*Corner Lot

(See Appendix E)

- A. Any single or two-family dwelling constructed after the effective date of this Ordinance shall be located on an independent lot of record. If such lot of record does not exist, it shall be created according to the minimum lot area requirements of the respective zoning district in this Ordinance.
- B. Building height in excess of the height above average ground level allowed in any district may be permitted provided all minimum front, side, and rear yard depths are increased one (1) foot for each additional one (1) foot of height and provided that adequate fire protection can be demonstrated subject to approval by the Zoning Board of Appeals.
- C. Minimum yard requirements:
 - 1. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth for the district in which the yard or lot is located. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
 - 2. No part of a yard or other open space required for or in connection with, any structure for the purpose of complying with this Ordinance, shall be included as part of a yard or open space similarly required for any other structure.

4.09.1 Pond Setback

The toe of slope or water's edge, whichever is closest to the property line, must be equal to the building setback per district.

ARTICLE V NONCONFORMITIES

SECTION 5.01 – NONCONFORMITIES

Where within the districts established by this Ordinance, or by amendment, there exist lots, structures, and uses of land and structures which were lawful before this Ordinance was adopted or amended and which would be prohibited, regulated or restricted under the terms of this Ordinance, or future amendment; it is the intent of this Ordinance to permit these nonconformities to continue but not to allow their expansion. These nonconformities are declared by this Ordinance to be incompatible with the lots, structures, and uses permitted by this Ordinance in certain districts. It is further the intent of this Ordinance that such nonconformities may not be enlarged, expanded, or extended except as provided herein.

SECTION 5.02 – RECONSTRUCTION of DAMAGED NONCONFORMING BUILDINGS and STRUCTURES

Where, on the date of adoption of amendment of this Ordinance, a lawful use of land exists that is no longer permissible under the provisions of this Ordinance, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- A. No such nonconforming use of land may be enlarged, expanded, or extended to occupy a greater area of land than was occupied on the effective date of adoption or amendment of this Ordinance; and no accessory use or structure may be established therewith.
- B. No such nonconforming use of land may be moved in whole or in part to any other portion of such land not occupied on the effective date of adoption or amendment of this Ordinance.
- C. If such nonconforming use of land ceases for any reason for a period of more than one hundred eighty (180) consecutive days, the subsequent use of such land shall conform to the district in which such land is located.

SECTION 5.03 – NONCONFORMING STRUCTURES

Where, on the effective date of adoption or amendment of this Ordinance, a lawful structure exists that could not be built under the regulations of this Ordinance by reason of restrictions upon lot area, lot width, lot coverage, height, open spaces, or other characteristics of such structure or its location upon a lot, such structure may be continued so long as it remains otherwise lawful subject to the following provisions:

- A. No such structure may be enlarged, expanded, extended or altered in a way which increases its nonconformance.

- B. Should the foundation of any such structure be destroyed by any means to an extent of more than fifty (50%) percent of its replacement costs at the time of destruction, the structure may not be reconstructed except in conformity with the provisions of this Ordinance.
- C. Should any such structure be moved for any reason, of any distance, it shall thereafter conform to the regulations of the district in which it is located after it is moved.

SECTION 5.04 – NONCONFORMING USES of STRUCTURES

Where, on the date of adoption or amendment of this Ordinance, a lawful use of a structure exists that is no longer permissible under the regulations of this Ordinance, such use may be continued so long as it remains otherwise lawful, subject to the following:

- A. No non-conforming use of a structure may be enlarged, expanded, extended, or altered except in changing the use of such structure to a use permitted in the district in which such structure is located.
- B. When a nonconforming use of a structure is discontinued or abandoned for more than one hundred eighty (180) consecutive days, the structure may not thereafter be used except in conformance with the regulations of the district in which it is located.
- C. Should any structure containing a nonconforming use be moved for any reason or any distance, it shall thereafter conform to the regulations of the district in which it is located.
- D. Should any structure devoted in whole or in part to any nonconforming use be destroyed by any means to any extent, it may be reconstructed and continue to be used for the identical use which existed prior to destruction provided reconstruction begins within one hundred eighty (180) days and is completed within three hundred sixty-five (365) days.

SECTION 5.05 – CHANGE of TENANCY or OWNERSHIP

There may be a change of tenancy, ownership, or management of an existing nonconforming use, building, or structure; provided there is no change in the nature or character of such nonconforming use, building, or structure.

SECTION 5.06 – SUBSTANDARD, NONCONFORMING LOTS of RECORD

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings or structures may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership as of the date of adoption of this Ordinance. This provision shall apply even though such lots fail to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements, not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. If two or more lots or combinations of lots with continuous frontage in single ownership are of record and all or part of the lots do not meet the require-

ments for lot width and area as established by this Ordinance, the lands involved shall be considered to be an undivided parcel for the purpose of this Ordinance, and no portion of said parcel or lot shall be used or sold which does not meet lot width and area requirements established by this Ordinance nor shall any division of the parcel or lot with width or area below the requirements stated in this Ordinance.

ARTICLE VI SPECIAL LAND USES

SECTION 6.01 – SPECIAL LAND USES

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

SECTION 6.02 – AUTHORITY to GRANT PERMITS

The Planning Commission, as hereinafter provided, shall recommend to the Township Board who shall have the final authority to grant Special Land Use Permits. The Township Board may grant Special Land Use Permits, subject to such conditions of design, operation, and safeguards as the Township Board may determine for all Special Land Uses specified in the various district provisions of this Ordinance.

SECTION 6.03 – APPLICATION and FEE

Application for any Special Land Use Permit permissible under the provisions of this Ordinance shall be made to the Planning Commission through the Township Clerk by filing an official Special Land Use Permit application form; submitting a Site Plan in accordance with Article VII and depositing the required fee as established by resolution of the Township Board, except that no fee shall be required of any governmental body or agency. No part of such fee shall be returnable to the applicant.

SECTION 6.04 – APPLICATION and SITE PLAN REQUIREMENTS

An application for a Special Land Use Permit shall include the applicant's name and address in full, a statement that the applicant is the owner involved or is acting on the owner's behalf, the address of the property involved, and a Site Plan as specified in, and in conformance with, Article VII Site Plan Review and Approval, of this Ordinance.

SECTION 6.05 – PUBLIC HEARING

When a request for a Special Land Use Permit has been filed in proper form with the Planning Commission, the Commission shall immediately place said request for appeal upon the calendar for public hearing, notice of which shall be given as required in Sec. 13.2.2, PUBLIC NOTIFICATION.

SECTION 6.06 – REQUIRED STANDARDS and FINDINGS for MAKING DETERMINATIONS

The Planning Commission and Township Board shall review the Site Plan submitted in accordance with Article VII for proposed Special Land Uses in terms of the following standards and required findings, and shall find and record adequate data, information, and evidence showing that such a use on the proposed site, lot, or parcel meets or does not meet these standards.

A. Development standards applying to all proposed Special Land Uses:

1. The proposed Special Land Use shall be harmonious with and in accordance with the general objectives, intent, and purpose of this Ordinance.
2. The proposed Special Land Use 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.
3. The proposed Special Land Use shall be served adequately by essential public facilities and services, such as: highways, streets, police and fire protection, drainage structures, and refuse disposal, or that the persons or agencies responsible for the establishment of the proposed use shall be responsible to provide adequately any such services.
4. The proposed Special Land Use shall not be hazardous or disturbing to existing or future neighboring uses.
5. The proposed Special Land Use shall not create excessive additional requirements at public costs for public facilities and services.

B. Development standards applying to specific proposed Special Land Uses. A Special Land Use Permit shall not be issued for the uses specified in this subsection unless complying with the site development requirements as herein specified. The Planning Commission may recommend and the Township Board may impose additional conditions and safeguards when deemed necessary in accordance with Section 6.08 of this Ordinance.

SECTION 6.07 – APPROVAL of SPECIAL LAND USE PERMIT

Upon review of the application and Site Plan in accordance with the standards established in Section 6.06, holding of the public hearing in accordance with Section 6.05, and review of requirements of other provisions of this Ordinance as they apply to the proposed Special Land Use, the Township Board shall approve, subject to conditions in accordance with Section 6.08, or deny the Special Land Use within thirty (30) days following the public hearing. A written statement of findings and conclusions (e.g., staff report, detailed motion, meeting minutes, etc.) that specifies the basis for a decision and any conditions imposed on a Special Land Use request shall be maintained by the Township.

For the purposes of this Section, the approval of the Site Plan shall constitute the approval of the Special Land Use permit. A request for approval of a Special Land Use Permit which is in com-

pliance with standards stated in the Zoning Ordinance, the conditions imposed pursuant to Section 6.08, other applicable ordinances, and state and federal statutes, shall be approved. Upon approval of the Special Land Use Permit, a copy of the approved Site Plan shall be forwarded to the applicant, Clerk, Zoning Administrator, and Planning Commission along with full documentation regarding the findings of the review and approval or denial. The Zoning Administrator shall not issue a zoning compliance permit until he/she has received a copy of the approved Site Plan.

SECTION 6.08 – IMPOSITION of CONDITIONS

Upon review of the application and Site Plan in accordance with the standards established in Section 6.06 and the requirements of other provisions of this Ordinance, the Township Board may require reasonable conditions necessary to insure that public services and facilities affected by the proposed land use or activity shall be capable of accommodating increased service and facility loads generated by the land use or activity; to protect the natural environment and conserve natural resources and energy; to insure compatibility with adjacent uses of land; and to promote the use of land in a socially and economically desirable manner. Conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action, and shall remain unchanged except upon mutual consent of the Township Board and the landowner.

SECTION 6.09 – PERFORMANCE GUARANTEE

In authorizing a Special Land Use Permit, the Palmyra Township Board may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond be furnished by the developer to insure compliance with an approved Site Plan and Special Land Use Permit requirements. Such guarantee shall be deposited with the Palmyra Township Clerk at the time of the issuance of the Special Land Use Permit. In fixing the amount of such performance guarantee, the Palmyra Township Board shall limit the amount to reasonable improvements required to meet the standards of this Ordinance and to protect the natural resources or the health, safety, and welfare of the residents of the Township and future users or inhabitants of the proposed project or project area. These improvements may include, but are not limited to roadways, lighting, utilities, sewer, water, sidewalks, screening and drainage. The Palmyra Township Board and the project developer shall establish an agreeable procedure for the rebate of any cash deposits required under this Section, in reasonable proportion to the ratio of the work completed on the required improvements as work progresses. Said agreement shall be written as an element of the conditions contained in the Special Land Use Permit.

ARTICLE VII SITE PLAN REVIEW

SECTION 7.01 - INTENT

The intent of this Article is to require Site Plan Review and to provide for consultation and cooperation between the developer and the Township to realize maximum utilization of land and minimum adverse effects upon the surrounding land uses. Through application of these provisions, compliance with the Zoning Ordinance and the Master Plan of the Township will be assured, and the Township will develop in an orderly fashion consistent with public health, safety, and welfare.

SECTION 7.02 -- REQUIREMENTS

- A. No grading, removal of trees or other vegetation, land filling, or construction of improvements shall commence for any development which requires Site Plan approval, until a Site Plan is approved.
- B. Preliminary Site Plans shall be required for all Special Land Uses as set forth in Article VI.
- C. An applicant may also elect to submit a Preliminary Site Plan as an optional step to obtain feedback on a proposed development. A Preliminary Site Plan shall meet all of the criteria and standards set forth in Section 7.03.
- D. Final Site Plan Review and approval as set forth in Sections 7.04-7.09 is required for all proposed uses and structures within the Township except for individual single-family dwellings. Farm buildings and structures shall not be exempt from the Site Plan Review and approval process except where buildings or structures conform to and are regulated by an applicable GAAMP as adopted and published by the Michigan Department of Agriculture, or its successor, and as amended from time to time. Further, such buildings and structures shall be exempt from the Site Plan approval process only as to those details, regulations, and requirements which are specifically delineated and set forth in the applicable GAAMP.
- E. Final Site Plan Review and approval as set forth in Section 7.04-7.09 is required for existing principal or accessory structures or uses (including parking lots) where an alteration, addition, expansion, change or conversion:
 - 1. Constitutes an increase to the existing structure or use of one thousand (1,000) or more square feet or ten (10) percent, whichever is less;
 - 2. Would require a variance from the provisions of this Ordinance, regardless of its size.

SECTION 7.03 - PRELIMINARY SITE PLAN

- A. A Preliminary Site Plan is a generalized Site Plan required to be submitted for review of Special Land Uses by the Township Planning Commission. An applicant may also elect to submit a Preliminary Site Plan as an optional step in the overall Site Plan Review process to obtain feedback on a proposed development. The purpose of such preliminary review is to confirm compliance with Township standards, policies and relationship to the Master Plan, as well as to suggest changes necessary, if any, for the Final Site Plan approval.
- B. Applicants shall file a Preliminary Site Plan in conjunction with a Special Land Use application, as set forth in Section 6.04.
- C. Information Required for Review – Every Preliminary Site Plan submitted to the Planning Commission shall include the following information:
 - 1. The description, location, size and shape of the property involved.
 - 2. The shape, size, and location of existing and proposed buildings, parking areas and service drives, loading zones, location of existing and proposed public streets serving the property, and natural features including topography and soils.
 - 3. The location of all existing and proposed water and sewage treatment systems serving the property.
 - 4. Any other information deemed necessary to illustrate properly the development concept to the Planning Commission.
- D. The Planning Commission shall review the Preliminary Site Plan to determine if a Special Land Use may be approved, and/or if the overall development concept of an optional Preliminary Site Plan is acceptable.
 - 1. Approval of the Special Land Use and Preliminary Site Plan by the Planning Commission shall constitute approval of the Special Land Use but shall vest no rights in the applicant regarding approval of the Final Site Plan inasmuch as the specific details of a Site Plan prepared in accordance with Section 7.04 serve as the basis for determining that all Township standards have been met.

SECTION 7.04 - FINAL SITE PLAN

- A. All Final Site Plans shall be submitted to the Township Clerk at least twenty-one (21) days prior to the next scheduled meeting of the Planning Commission and must contain the following:
 - 1. A completed application signed by the owner; if the owner is a corporation, the application must be signed by a corporate officer; if the owner is a partnership, the application must be signed by a general partner; if the owner is an individual or individuals, each individual owner must sign the application.

2. At least 6 copies, as determined by the Township, of the Site Plan meeting all informational requirements set forth in Section 7.06 as determined by the Township. Incomplete plans will not be accepted.
 3. All items as required by Section 7.06 shown on the Site Plan.
 4. Required fees.
 5. Upon receipt of a complete application and Site Plan, the Township Zoning Administer shall place review of the Site Plan on the next Planning Commission agenda.
 6. The Township may refer the Site Plan to the Township Planner and Engineer for review as well as other applicable outside agencies.
- B. Planning Commission Review. The Planning Commission will consider the application and take one (1) of the following actions:
1. Approval. Upon finding that the application and Final Site Plan meet the criteria of Site Plan Review in Section 7.05, the Planning Commission shall recommend approval.
 2. Approval with Minor Revisions. Upon finding that the Application and Final Site Plan meet the criteria of Site Plan Review in Section 7.05, except for minor revisions, which can be made and confirmed without further technical review, the Planning Commission may recommend approval, conditioned upon said revisions being made and reviewed by appropriate Township staff and/or consultants.
 3. Tabling. Upon finding that the application and Final Site Plan do not, but could, meet the criteria of Site Plan Review in Section 7.05 upon the making of revisions, confirmation of which requires further technical review, the Planning Commission may table its recommendation until the revised Final Site Plan is resubmitted to the Planning Commission.
 4. Denial. Upon finding that the application and Final Site Plan do not meet one (1) or more of the criteria of Site Plan Review in Section 7.05 and that revisions necessary to meet said criteria are so extensive as to require the preparation of a new Site Plan, the Planning Commission shall recommend denial.

SECTION 7.05 - CRITERIA of FINAL SITE PLAN REVIEW

The Site Plan shall be reviewed and approved upon a finding that the following conditions are met:

- A. The proposed use will not be injurious to the surrounding neighborhood.
- B. There is a proper relationship between major thoroughfares and proposed service drives, driveways and parking areas and provisions have been made for acceleration,

deceleration and passing lanes or approaches to preserve the safety and convenience of pedestrian and vehicular traffic.

- C. The location of buildings, outside storage receptacles, parking areas, screen walls and utility areas is such that the adverse effects of such uses will be minimized for the occupants of that use and surrounding areas.
- D. It provides for proper development of roads, easements, and public utilities and protects the general health, safety, welfare, and character of the Township.
- E. It meets the requirements and standards for grading and surface drainage and for the design and construction of storm sewers, storm water facilities, parking lots, driveways, water mains, sanitary sewers and for acceleration, deceleration and passing lanes or approaches as determined by the Township Zoning Administrator and as set forth in any Township design and construction standards, which may be established.
- F. Proper access to all portions of the site and all sides of any structure is provided. All structures or groups of structures shall be so arranged as to permit emergency vehicle access by some practical means to all sides. Site features such as, but not limited to, trees and other plant materials, fences, retaining walls, berms, outdoor furniture, outdoor structures, and natural and artificial water bodies shall be arranged to permit adequate emergency vehicle access.
- G. Natural resources will be preserved to the maximum extent possible in the site design by developing in a manner, which will not detrimentally affect or destroy natural features such as lakes, ponds, streams, wetlands, steep slopes, groundwater, and woodlands.
- H. The proposed development respects the natural topography to the maximum extent possible by minimizing the amount of cutting, filling, and grading required.
- I. The proposed development will not cause soil erosion or sedimentation.
- J. Storm water management systems and facilities will preserve the natural drainage characteristics and enhance the aesthetics of the site to the maximum extent possible, and will not substantially reduce or increase the natural retention or storage capacity of any wetland, water body or watercourse, or cause alterations which could increase flooding or water pollution on or off site.
- K. Wastewater treatment systems, including on-site septic systems, will be located and designed to minimize any potential degradation of surface water or groundwater quality.
- L. A site which includes storage of hazardous materials or waste, fuels, salt, or chemicals will be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater or nearby water bodies.

- M. The location of buildings, parking, drives, landscaping and other improvements on the site is appropriate and consistent with good design standards for the lot size, shape and general location.
- N. Landscaping, including grass, trees, shrubs, and other vegetation is provided to maintain and improve the aesthetic quality of the site and area.
- O. The proposed use complies with all Township Ordinances and any other applicable laws.

SECTION 7.06 - INFORMATION REQUIRED on FINAL SITE PLAN

Final Site Plans, as required under Section 7.02, shall consist of an overall plan for the entire development. Sheet size shall be at least 24" x 36" with plan view drawn to a scale of 1" = 50' for property less than three acres or 1" = 100' for property three (3) or more acres. A Final Site Plan submitted for review and approval shall contain all of the following data prior to its submission to the Planning Commission for review.

A. General Information:

1. Proprietors, applicants, and owner's names, addresses, and telephone numbers.
2. Date (month, day, year), including revisions.
3. Title block.
4. Scale.
5. North point.
6. Location map drawn at a scale of 1" = 2,000' with north point indicated.
7. Architect, Engineer, Surveyor, Landscape Architect, or Planner's seal.
8. Existing lot lines, building lines, structures, parking areas, etc. within the site, and within one hundred (100) feet of the site.
9. Proposed lot lines, property lines and all structures, parking areas, etc. within the site, and within one hundred (100) feet of the site.
10. Centerline and existing and proposed right-of-way lines of any street.
11. Zoning classification of petitioner's parcel and all abutting parcels.
12. Gross acreage figure.
13. Proximity to major thoroughfares and section corners.

B. Physical features.

1. Acceleration, deceleration, and passing lanes and approaches.
2. Proposed locations and dimensions of access drives, street intersections, driveway locations, sidewalks, bike paths, curbing and areas for public use.
3. Location of existing and proposed service facilities above and below ground, including:
 - a. Well sites.
 - b. Septic systems and other wastewater treatment systems. The location of the septic tank and the drain field (soil absorption system) should be clearly identified.
 - c. Chemical and fuel storage tanks and containers.
 - d. Storage, loading, and disposal areas for chemicals, hazardous substances, salt and fuels.
 - e. Water mains, hydrants, pump houses, standpipes and building services and sizes, where applicable.
 - f. Sanitary sewers and pumping stations, where applicable.
 - g. Storm water control facilities and structures including storm sewers, swales, retention and detention basins, drainage-ways, and other facilities, including calculations for sizes.
 - h. Location and dimension of all easements.
4. Location and dimensions of all existing and proposed structures with dimensioned floor plans, setback and yard dimensions, and typical elevation views.
5. Dimensioned parking spaces and calculations, drives, and method of surfacing.
6. Exterior lighting locations and illumination patterns.
7. Location and description of all existing and proposed landscaping, berms, fencing, and walls.
8. Trash receptacle and transformer pad location and method of screening.
9. Dedicated road or service drive locations.
10. Entrance details including sign locations and size.
11. Designation of fire lanes.

12. Any other pertinent physical features.

C. Natural features.

1. Soil characteristics of the parcel to at least the detail provided by the U.S. Natural Resources Conservation Service's "Soil Survey of Lenawee County, Michigan."
2. Existing topography with a maximum contour interval of two (2) feet, both on the site and beyond the site for a distance of one hundred (100) feet in all directions. Grading plan, showing finished contours so as to clearly indicate required cutting, filling and grading.
3. Location of existing drainage-courses and associated bodies of water, on and off site, and their elevations.
4. Location of existing wetlands.
5. Location of natural resource features, including woodlands and areas with slopes greater than ten (10) percent (one (1) foot of vertical elevation for every ten (10) feet of horizontal distance).
6. An impact assessment pursuant to Section 9.04.

D. Additional requirements for residential developments.

1. Density calculations by type of unit by bedroom counts.
2. Designation of units by type and number of units in each building.
3. Carport locations and details where proposed.
4. Specific amount and location of recreation spaces.
5. Type of recreation facilities to be provided in recreation space.
6. Details of a community building and fencing of swimming pool if proposed.

E. Additional requirements for commercial and industrial developments.

1. Loading/unloading areas.
2. Total and usable floor area.
3. Number of employees in peak usage.

F. See Section 8.49, Wind Energy Facilities

SECTION 7.07 - NOTICE of ACTION or RECOMMENDATION

The Planning Commission shall note on a Final Site Plan any action or recommendation regarding that Plan and provide at least one (1) copy of that Plan together with any required written findings, conditions or reasons to the Clerk. A copy of the Planning Commission minutes shall be sufficient to satisfy the requirement.

SECTION 7.08 - BUILDING PERMITS and CONFORMITY to FINAL SITE PLAN

After filing of the approved application and Final Site Plan, satisfaction of any conditions of said approval and compliance with this and other Township Ordinances, a building permit may be issued. All development and construction shall be in complete conformity with the Site Plan as approved, together with any conditions imposed.

SECTION 7.09 - EXPIRATION of APPROVAL

Final Site Plan approval is valid for a period of one (1) year from the date of Planning Commission action within which time all necessary building or construction permits shall be secured and construction recommenced. The Planning Commission may grant an extension of Site Plan approval for up to one (1) year. All requests for extensions shall be made in writing and include a statement of why the extension is necessary and confirmation of ability to complete construction in conformity with the Final Site Plan as approved.

ARTICLE VIII GENERAL PROVISIONS

SECTION 8.01 – ACCESS to PUBLIC STREETS

- A. In any Residential Districts, Agriculture District, Commercial District, Office District and Industrial Districts, every use, building, or structure established after the effective date of this Ordinance shall be on a lot or parcel which adjoins a public street.
- B. In the Agriculture District every use, building, or structure established after the effective date of this Ordinance shall be on a lot or parcel which adjoins a public or private easement of access to a public street.

SECTION 8.02 – ADULT and CHILD DAY-CARE FACILITIES

Please see Article II for definitions of the various day-care facilities included in this section.

- A. Adult Family Day-Care Homes and Child Family Day-Care Homes shall be considered a residential use of property and a permitted use in Agricultural (AG), Agricultural and Residential (AR), Mobile Home Residential (MH), and Village Residential (VR) Districts. The family day-care homes shall receive children and adults for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children or adults related to an adult member of the family by blood, marriage, or adoption. Such facilities also include homes that give care to an unrelated child or adult for more than four (4) weeks during a calendar year.
- B. Adult Group Day-Care Homes are a Special Land Use in the Agricultural (AG), Agricultural and Residential (AR), Mobile Home Residential (MH), and Village Residential (VR) Districts subject to the following:
 - 1. The proposed use of the residence for group day-care shall not change the essential character of the surrounding residential area, and shall not create a nuisance in fact or law relating to vehicular parking, noise, or additional congestion in excess of residential uses in the district.
 - 2. Where outdoor areas are provided, they shall be enclosed by a fence that is at least four (4) feet in height, but no higher than six (6) feet.
 - 3. The hours of operation do not exceed sixteen (16) hours within a twenty-four (24) hour period. Activity between the hours of 10:00 PM and 6:00 AM shall be limited so that the drop-off and pick-up is not disruptive to neighboring residents.
 - 4. Appropriate license with the State of Michigan shall be maintained.
- C. Adult Day-Care Centers are a Special Land Use in the Office (O) and Commercial (C) Districts subject to the following conditions:

1. The property is maintained in a manner that is consistent with the character of the neighborhood.
 2. A separate drop-off and pick-up area shall be provided adjacent to the main building entrance, located off a public street and the parking access lane, and shall be of sufficient size so as to not create congestion on the site or within a public roadway.
 3. Where outdoor activity areas are provided, they shall be enclosed by a fence that is at least four (4) feet in height but no higher than six (6) feet.
- D. Child Group Day-Care Homes are a Special Land Use in the Agricultural (AG), Agricultural and Residential (AR), Mobile Home Residential (MH) and Village Residential (VR) Districts subject to the following conditions:
1. Is located not closer than 1,500 feet to any of the following:
 - a. Another licensed group child care home.
 - b. An 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 to 400.737.
 - c. A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed under article 6 of the public health code, 1978 PA 368, MCL 333.6101 to 333.6523.
 - d. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the department of corrections.
 2. Has appropriate fencing for the safety of the children in the group child care home as determined by the local unit of government.
 3. Maintains the property consistent with the visible characteristics of the neighborhood.
 4. Does not exceed 16 hours of operation during a 24-hour period. The local unit of government may limit but not prohibit the operation of a group child care home between the hours of 10 p.m. and 6 a.m.
 5. Meets regulations, if any, governing signs used by a group child care home to identify itself.
 6. Meets regulations, if any, requiring a group child care home operator to provide off-street parking accommodations for his or her employees.
- E. Child Day-Care Centers are a Special Land Use in the Office (O) and Commercial (C) Districts subject to the following conditions:

1. The property is maintained in a manner that is consistent with the character of the area.
2. A separate drop-off and pick-up area shall be provided adjacent to the main building entrance, located off a public street and the parking access lane, and shall be of sufficient size so as to not create congestion on the site or within a public roadway.
3. There shall be an on-site outdoor play area of the greater of one thousand five hundred (1,500) square feet or seventy-five (75) square feet for each child. Said play area shall not be located within the front yard. This requirement may be waived by the Planning Commission if a public play area is available within five hundred (500) feet from the subject parcel.
4. All outdoor play areas shall be enclosed by a fence that is designed to discourage climbing and is at least four (4) feet in height, but no higher than six (6) feet.
5. For each child, a center shall provide indoor activity space for use by, and accessible to, the child, exclusive of all of the following: hallways, storage areas and cloak-rooms, kitchens and reception and office areas.
6. Appropriate licenses with the State of Michigan shall be maintained.

SECTION 8.03 – ADULT and CHILD FOSTER CARE FACILITIES

- A. Adult Foster Care Family Homes and Adult Foster Care Small Group Homes (serving six (6) persons or less) shall be considered a residential use of property and a permitted use in the Agricultural (AG), Agricultural and Residential (AR), Mobile Home Residential (MH), and Village Residential (VR) Districts.
- B. Adult Foster Care Small Group Homes (serving between seven (7) and twelve (12) adults) and Adult Foster Care Large Group Homes shall be considered as a Special Land Use in the Agricultural (AG), Agricultural and Residential (AR), Mobile Home Residential (MH), and Village Residential (VR) Districts, subject to the following standards:
 1. The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located.
 2. The property is maintained in a manner that is consistent with the character of the neighborhood.
 3. Appropriate licenses with the State of Michigan shall be maintained.
- C. Child Foster Care Facilities shall be considered as a Special Land Use in the Agricultural (AG), Agricultural and Residential (AR), Mobile Home Residential (MH), and Village Residential (VR) Districts, subject to the following standards:
 1. Child Foster Family Homes shall be considered a residential use of property and a permitted use in the Agricultural (AG), Agricultural and Residential (AR), Mobile

Home Residential (MH), and Village Residential (VR) Districts, subject to the following standards:

- a. Such facilities shall provide no less than forty (40) square feet of sleeping room per child with all other requirements provided in accordance with the applicable State standards.
2. Child Foster Family Group Homes shall be considered as a Special Land Use subject to the following standards:
- a. The proposed use of the residence for foster family care shall not change the essential character of the surrounding residential area, and shall not create a nuisance of the surrounding residential area, and shall not create a nuisance relating to vehicular parking, noise, or additional congestion in excess of residential uses in the district.
 - b. There shall be an outdoor play area of at least one thousand (1,000) square feet provided on the premises. Said play area shall not be located within the front yard. This requirement may be waived by the Planning Commission if a public play area is available within five hundred (500) feet from the subject parcel.
 - c. All outdoor play areas shall be enclosed by a fence that is designed to discourage climbing, and is at least four (4) feet in height, but no higher than six (6) feet.
 - d. Appropriate licenses with the State of Michigan shall be maintained.

SECTION 8.04 – ADULT REGULATED USES

In the development and execution of this section, it is recognized that there are some uses which, because of their very nature, have serious objectionable operation characteristics, particularly when several of them are concentrated near a residential zone, thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this section. 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 that are prohibited in other sections of this Ordinance.

A. Uses subject to these controls are as follows:

1. Adult Book and Supply Store.
2. Adult Cabaret.
3. Adult Live Stage Performing Theater.
4. Adult Motion Picture Theater.

5. Adult Physical Culture Establishment.
 6. Burlesque Show.
 7. Escort Agency.
 8. Massage Parlor.
 9. Nude Modeling Studio.
- B. Building shall be setback eight (80) feet from an existing or proposed right-of-way.
- C. Ingress and egress points shall be located at least one hundred twenty (120) feet from the intersection of any two streets measured from the road right of way lines.
- D. A five (5) foot high completely obscuring masonry wall or vinyl privacy fence including landscape, compatible with the surrounding area, shall be provided where abutting districts are zoned residential and approved by the Planning Commission.
- E. Approval of any of the regulated uses listed in this section shall be permitted only after a finding has been made by the Planning Commission at a public hearing, as required for Special Land Uses, that the following conditions exist:
1. If the use is a use that is listed above in this Section, it shall be located in the Light Industrial District or General Industrial District.
 2. The use is not located within a one thousand (1,000) foot radius of one other such use except that such restriction may be waived by the Planning Commission if the following findings are made:
 - a. That the proposed use will not enlarge or encourage the development of blighted or deteriorating area in its immediate surroundings.
 - b. That the establishment of a regulated use, or and additional regulated use, in the area will not be contrary to any program of neighborhood conservation, nor will it interfere with any program of urban renewal.
 - c. That all applicable state laws and local ordinances will be observed.
- F. Limit on Reapplication. No application for a regulated use which has been denied wholly or in part shall be resubmitted for a period of one (1) year from the date of said order of denial, except on the grounds of new evidence not previously available or proof of changed conditions.

SECTION 8.05 - AIRPORTS

Airports are subject to the following standards:

- A. The area proposed shall be sufficient to meet the Federal Aeronautics Administration's requirements for the class of airport proposed.
- B. There are no existing flight obstructions such as towers, chimneys or other tall structures, or natural obstructions outside the proposed airport which would fall within the approach zone to any of the proposed runways or land strips of the airport in accordance with the Lenawee County Air Safety Zoning Ordinance.
 - 1. There is sufficient distance between the end of each usable landing strip and the airport boundary to satisfy the requirements of the Federal Aeronautics Administration or any other appropriate authority. In cases where air rights or easements have been acquired from the owners of abutting properties, in which approach zones fall, satisfactory evidence thereof shall be submitted with the application.
 - 2. Any building, hangars, or other structures shall be at least one hundred (100) feet from any street or lot line.
 - 3. The Site Plan submitted for review and approval shall, in addition to the information required in Article VII shall include the proposed layout of runways, landing strips or areas, taxi strips, aprons, roads, parking areas, hangars, buildings, and other structures and facilities; the location and height of all buildings, structures, trees, and overhead wires falling within the airport approach zone and less than five hundred (500) feet distance from the boundary lines of the airport.

SECTION 8.06 - AMUSEMENT ENTERPRISES

Amusement enterprises are subject to the following standards:

- A. The site shall be so planned as to provide all ingress and egress directly onto a County Primary Road or a State or Federal Highway.
- B. There shall be provided at least a one hundred (100) foot setback from the property line abutting the County Primary Road or State or Federal Highway.
- C. Such use shall be located at least two hundred (200) feet from any property line.

SECTION 8.07 - ANIMAL HOSPITALS, VETERINARY CLINICS, ANIMAL SHELTERS and HUMANE SOCIETIES

Animal Hospitals, Veterinary Clinics, Animal Shelters, and Humane Societies are subject to the following standards:

- A. All animals should be kept in a soundproof air conditioned building.
- B. The total property area for any such facility shall be no less than one (1) acres.
- C. All animal rescues or shelters (also known as kennels) shall conform to the Michigan Department of Agriculture, Animal Industry Division, and Regulation Number 151. Pet

Shops, Dog Pounds, and as may from time to time be amended. (By authority conferred on the director of agriculture by Section 2 of Act No. 287 of the Public Acts of 1969, being S287.332 of the Michigan Compiled Laws).

D Also see SECTION 8.27– KENNELS (Commercial)

SECTION 8.08 - AUCTION HOUSES

At this facility, there is a publicly held and advertised sale of merchandise by an auctioneer. An auction facility is considered a business. The facility is to conform to the following:

- A. Normal hours of the auction facility shall be from 8:00 AM until 11:00 PM.
- B. Signs shall be in compliance to SECTION 8.42 – SIGN REGULATIONS and the Zoning District.
- C. Lights for the business are permitted one (1) hour before the start of business at 8:00 AM and one (1) hour after the close of business at 11:00 PM. (See Section 10.6).
- D. See Section 10.06 Glare and Exterior Lighting.
- E. There shall be no parking on the road(s) adjacent to the parcel of land the auction facility occupies.
- F. Ingress(s) and Egress(s) to the auction facility shall be kept open at all times.
- G. All food and lavatory facilities of the auction facility shall comply with the Lenawee County Health Department.

SECTION 8.09 – AUTOMOBILE and/or MOTORCYCLE SERVICE STATIONS and REPAIR SHOPS or GARAGES

It is the intent of this Section to establish standards for automobile and/or motorcycle service stations and repair shops which will insure compatibility with adjacent land uses and maintain the character of the neighborhood.

- A. In order to regulate and control the problems of noise, odor, light, fumes, vibration, dust, danger of fire and explosion, and traffic congestion, which results from the unrestricted and unregulated construction and operation of automobiles and/or motorcycle service stations and repair shops and to regulate and control the adverse effects which these and other problems incidental to the automobile and/or motorcycle service may exercise upon adjacent and surrounding areas, the following additional regulations and requirements of this section apply. No station existing on the effective date of this Ordinance shall be structurally altered to provide a lesser degree of conformity with the provisions of this section than existed on the effective date of this Ordinance.

1. An automobile and/or motorcycle service stations or repair shop building housing and office and/or facilities for servicing and/or washing motor vehicles shall meet the requirements.
2. All driveways providing ingress to or egress from an automobile and/or motorcycle service, repair shop or gas station shall meet all state and local road regulations.
3. The entire lot, excluding the area occupied by a building shall be hard-surfaced with concrete or a plant-mixed bituminous material except desirable landscaped areas, which shall be separated from all paved areas by a low barrier or curb.
4. All service equipment shall be enclosed entirely within a building. All gasoline pumps and other associated facilities shall meet the required setback of the district in which the facilities are located. In addition to setbacks, all facilities shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or overhanging any public sidewalk, street, right-of-way or required setback.
5. Outdoor storage, parking or wrecked or partially dismantled vehicles shall be behind well maintained privacy fence on all sides.
6. Storage of all petroleum products must meet DEQ and EPA regulations and shall meet the requirements set forth in SECTION 10.04 – USE, STORAGE and HANDLING of HAZARDOUS SUBSTANCES.

SECTION 8.10 - BED and BREAKFAST ACCOMODATIONS

- A. Each premise must be occupied and operated by its owner.
- B. The proposed use shall not cause a nuisance to adjoining residences due to noise, odor, lighting, or traffic.
- C. The total number of sleeping rooms is limited to six (6) rooms. No bed and breakfast sleeping room shall be permitted that does not comply with the State Construction Code.
- D. There shall be no separate cooking facilities used for a bed and breakfast stay.
- E. Bed and breakfast bedrooms shall be a minimum of one hundred (100) square feet.
- F. One (1) bathroom for every three (3) sleeping rooms shall be provided, with a minimum of two (2) bathrooms.
- G. Every bed and breakfast bedroom shall contain a functional smoke detector, and an approved fire extinguisher shall be located on each floor on which such sleeping room is located.
- H. Signs are permitted in accordance with SECTION 8.42 – SIGN REGULATIONS.

- I. One (1) off street parking space shall be provided in the interior side yard or rear yard area for each bed and breakfast bedroom. The Planning Commission may increase or decrease required parking in order to meet the purposes of this section and protect the public health and safety.
- J. All Lenawee County Environmental Health Department regulations must be complied with. Prior to beginning operation the proprietor must provide proof from the Environmental Health Department that on-site disposal facilities are adequate.
- K. The applicant shall arrange, at the applicant's expense, inspection of all units proposed for bed and breakfast units by the Township's Zoning Administrator prior to review by the Planning Commission. These reports shall be included with the application.

SECTION 8.11 - CAMPGROUNDS, GROUP and ORGANIZED CAMPS, and GENERAL and SPECIALIZED RESORTS

Group or organized camps, camping grounds, and general or specialized resorts, subject to the following standards:

- A. The lot shall provide direct vehicular access to a public street or road.
- B. Public stations, housed in all-weather structures, containing adequate water outlet, toilet, waste containers, shall be provided uniformly throughout the lot at a ratio of not less than one (1) such station per each twenty (20) individual camp sites or not less than one (1) such station per each one hundred (100) persons.
- C. No commercial enterprises shall be permitted to operate on the lot.
- D. Such use shall be located at least three hundred (300) feet from any abutting residentially zoned lands.

SECTION 8.12 - CEMETERIES

Cemeteries, subject to the following standards:

- A. The cemetery shall be designed so as to provide principal access directly onto a County Primary Road or a State or Federal Highway.
- B. Any building in connection with the cemetery and the premises shall be designed, constructed and landscaped according to a comprehensive and approved plan.
- C. The use shall be in harmony with the general character of the district.
- D. No buildings or structures, containing bodies or remains (other than subterranean graves), shall be located nearer than two hundred (200) feet to the property line.
- E. The perimeter of the property will be fully fenced with chain link or decorative wrought iron fencing.

SECTION 8.13 - CHURCHES and OTHER BUILDINGS for RELIGIOUS WORSHIP

Churches and other buildings for religious worship, subject to the following standards:

- A. The minimum lot area shall be one (1) acre.
- B. The site shall be so located as to have at least one (1) property line abutting a road and all ingress and egress to the site shall be directly onto said road. Must meet parking requirements on Section 8.34.

SECTION 8.14 - COMMERCIALY OPERATED TRAILS for MOTORIZED VEHICLES

Commercially operated trails for use by motorcycles, dune buggies, snowmobiles, and similar types of vehicles, subject to the following standards:

- A. The sites shall have direct access to a County Primary Road or a State or Federal Highway.
- B. There shall be provided at least a one hundred (100) foot setback from the property line that abuts the County Primary Road or State or Federal Highway.
- C. Such use shall be located at least five hundred (500) feet from any property line.
- D. The perimeter of the site shall be fenced to a height of four (4) to six (6) feet.
- E. Depending upon location, such activity may be limited to daylight or early evening hours.
- F. A design and operations plan shall be prepared by the applicant and subject to approval by the Township. The plan shall meet the highest standards of the industry for ensuring the protection of adjacent areas from potential deleterious impacts of the proposed use. The provisions of the approved plan shall be an ongoing responsibility of the owner of the property. The plan shall also meet the highest standards of the sport for ensuring the safety of users and neighbors. Violation of the provisions shall be grounds for revoking the special land approval following a hearing.

SECTION 8.15 – COMMUNITY WASTEWATER TREATMENT FACILITIES

Community wastewater systems shall require a Special Land Use Permit from the Township Board in accordance with the procedures and standards set forth in the General Industrial (GI), Light Industrial (LI), Agricultural (AG) and the Agricultural and Residential (AR) Districts. Community wastewater utility system shall be strictly prohibited in areas of the Township served by public sanitary sewers unless it is determined, in the sole discretion of the Township Board, the proposed project to be served by the system provides a recognizable and material benefit to the community and/or provides long-term protection of natural resources and environmental features.

In addition to the requirements established by the Township, the State of Michigan and/or Le-nawee County, the following site development and use requirements shall apply:

- A. All operations shall be completely enclosed by a fence not less than six (6) feet high.
- B. All operations and structures shall be surrounded on all sides by a setback of at least three hundred (300) feet in width from the nearest dwelling located within a development project served by a community wastewater system and at least three hundred (300) feet from a property line shared with an adjacent property. Landscape buffering in accordance with SECTION 9.02 – Landscaping, Greenbelt, Buffers and Screening, shall be placed to minimize the appearance of the installation and to help confine the odors therein. The Township Planning Commission and Township Board shall have the authority to review the design and treatment of all buffer strips. See Appendix I.
- C. The point of discharge of a community wastewater utility system shall be located a minimum of:
 - 1. Two thousand (2,000) feet from an established public or private well head protection area.
 - 2. Two hundred (200) feet from an ordinary 10 year high water mark of a wetland.
 - 3. Two hundred (200) feet from the ordinary 10 year high water mark of any body of water.
- D. The area devoted to a community wastewater utility system shall not be used to satisfy open space required by any other provisions of this ordinance.

SECTION 8.16 – ESSENTIAL SERVICE

- A. Nothing in this Ordinance shall prohibit the provision of essential services, provided the installation of such service does not violate any other applicable provision of this Ordinance.
- B. Nothing in this section shall be construed to permit the erection, construction, or enlargement of any building, tower, or maintenance depot for provision of an essential service except as otherwise permitted in this Ordinance.

SECTION 8.17 – FENCES

Fences in all districts are subject to the following conditions:

- A. Fences which enclose property shall not exceed seven (7) feet in height measured from the surface of the ground.

SECTION 8.18 – RESERVED

SECTION 8.19 – FLOOD PLAINS

Notwithstanding any other provisions of this Ordinance, land subject to periodic flooding shall be used only for agriculture and recreational uses, provided no structures are located within the area subject to flooding.

The location and boundaries of land subject to periodic flooding shall be determined by reference to the U.S. Soil Conservation Service, the U.S. Army Corps of Engineers, or other official authority.

SECTION 8.20 - BUILDING and LANDSCAPE CONTRACTOR'S OFFICES and YARDS

- A. A contractor's office building shall be of permanent construction. Temporary construction trailers shall not be permitted to be occupied as the office of the contractor. Outdoor storage shall be strictly and clearly accessory to the contractor's principal office use of the property. Only products, materials and equipment owned and operated by the principal use shall be permitted for storage.
- B. Storage shall not be located within the required front yard. Stored materials shall not be located in any required parking or loading space(s). Storage of any kind shall not interfere with ingress and egress of fire and emergency vehicles and apparatus.
- C. Open storage of building materials, sand, gravel, stone, lumber, open storage or construction contractor's equipment and supplies, provided such are enclosed within an obscuring wall on those sides abutting any residential district and on any front yard abutting a public thoroughfare.
- D. The location and size of areas for storage, nature of items to be stored therein, and details of the enclosure, including a description of materials, height and typical elevation of the enclosure, shall be provided as part of the information submitted under ARTICLE VII – SITE PLAN REVIEW.
- E. The loading and unloading of equipment shall be conducted entirely within the site and shall not be permitted within a public right-of-way.

SECTION 8.21 - GOLF COURSES and GOLF DRIVING RANGES

Golf courses are subject to the following standards:

- A. The site shall be so planned as to provide all ingress and egress directly onto a County Primary Road or a State or Federal Highway.
- B. Development features including the principal and accessory buildings and structures shall be so located and related to as to minimize the possibilities of any adverse affects upon adjacent property. This shall mean that all principal or accessory buildings shall be not less than two hundred (200) feet from any property line of abutting residentially zoned lands.

- C. The course shall be adequately buffered from surrounding properties with no golf hole being able to extend into the following setback requirements:
 - 1. 300 feet front yard.
 - 2. 300 feet side yard.
 - 3. 300 feet rear yard.
- D. Must comply with Section 4.09-AREA, HEIGHT, BULK, and PLACEMENT REQUIREMENTS.
- E. Should comply with Section 9.02.
- F. A design and operations plan shall be prepared by the applicant and subject to approval by the Township. The plan shall meet the highest standards of the industry for ensuring the protection of adjacent areas from potential deleterious impacts of the proposed use. The provisions of the approved plan shall be an ongoing responsibility of the owner of the property. The plan shall also meet the highest standards of the sport for ensuring the safety of users and neighbors. Violation of the provisions shall be grounds for revoking the special use approval following a hearing.
- G. Any floodlights used to illuminate the premises are so directed and shielded as not to be an annoyance to any developed residential property. See Section 10.06.
- H. Depending upon location, such activity may be limited to daylight or early evening hours.

SECTION 8.22 - GUN CLUBS, FIRING and ARCHERY RANGES

- A. Enclosed within a building:
 - 1. A minimum lot area of not less than ten (10) acres shall be maintained, unless the Planning Commission permits a smaller area.
 - 2. The structure for the completely enclosed firing and archery range shall be bullet-proof.
 - 3. This structure shall be not less than five hundred (500) feet from any residential use or district, or highway right-of-way.
 - 4. Adequate parking is maintained.
 - 5. A license for such a range shall be obtained from the Township Board.
 - 6. Adequate public liability and property damage insurance for injuries arising from the operation of the range shall be maintained.
 - 7. An annual fee as determined by the Township Board shall be paid to the Township for range inspection.

8. There shall be continuous supervision by a responsible person when such range is in operation.

B. Outdoor:

1. A minimum lot area of not less than forty (40) acres shall be maintained, unless the Planning Commission permits a smaller area.
2. The gun firing lines of the range shall be not less than five thousand (5,000) feet in length from the firing point, and shall be at least one quarter (1/4) mile from the nearest residential use district in any direction from the firing point.
3. Shooters shall fire into a thirty (30) foot high hill or suitable backstop to be approved by the Zoning Administrator.
4. A six (6) foot chain link fence shall be provided and maintained to prevent persons from moving into the area and firing line.
5. A license for such range shall be obtained from the Township Board.
6. Adequate public liability and property damage insurance for injuries arising from the operation of the range shall be maintained.
7. An annual fee as determined by the Township Board shall be paid to the Township for range inspection.
8. There shall be continuous supervision by a responsible person when such range is in operation.
9. Shooters shall fire from a structure constructed to standards not less than those required as minimum safety standards by the National Rifle Association.
10. Shooting on the range shall be limited to the hours between sunrise and sunset but not prior to 6:00 a.m. and not later than 8:00 p.m.

SECTION 8.23 - RESERVED

SECTION 8.24 – HOME OCCUPATION

The following regulations for permitting certain home occupations after Special Land Use approval are enacted for the purpose of preserving the residential character of the community, to render the area quiet and peaceful for the surrounding residents, to provide for the safety of the adjacent residents and the well being of all of the residents on the street where such a use may be permitted. The general health, safety, and welfare of the neighborhood outweigh any benefit derived from the establishment and/or continuance of any home occupation after Special Land Use approval.

- A. Procedures for obtaining Special Land Use approval for a home occupation. Any resident seeking Special Land Use approval to conduct a home occupation within a residentially zoned district must file an application with the Palmyra Township Planning Commission that contains, at a minimum, the following information:
1. A description of the property involved, the uses of all properties adjacent to the applicant's property, the distance from the area of the proposed home occupation and any adjacent residential dwelling, the type of activity proposed to be conducted, where the activity is to be conducted on the property, and the persons to be involved in the activity.
 2. The application for a home occupation Special Land Use should describe in detail how the use will meet the standards as set forth below.
 3. The application, when completed, shall be submitted to the Township for review as to completeness and accuracy before submission to the Planning Commission.
 4. Uses that can be considered as a home occupation shall be submitted to the Planning Commission and reviewed according to the standards of paragraph B below.
- B. Standards for approval. In any building used as a dwelling, small, unobtrusive and unobstructive businesses may be conducted provided that:
1. The primary use of the structure is a dwelling unit or approved accessory building.
 2. The proposed use shall be conducted entirely within the dwelling unit or approved accessory building.
 3. The home occupation shall be restricted to fifteen (15) percent of the dwelling, and shall be clearly secondary to the use of the house for dwelling purposes.
 4. No toxic, explosive, flammable, combustible, corrosive, radioactive, or other restricted materials shall be used or stored on the premises.
 5. The home occupation shall not cause any noise, odor, gas, smoke, dust, dirt, glare, heat, fire hazard, or vibration to occur outside of the building in which such activities occur.
 6. No mechanical or electrical equipment is to be utilized except that which is necessarily, customarily or ordinarily used for household or leisure purposes.
 7. There are no outside operations, storage or display of materials or products.
 8. No process is used which is hazardous to public health, safety, or welfare.
 9. No on-street parking associated with the business is permitted.

10. One non-illuminated nameplate, not more than three (3) square feet in area, may be attached to the building, which may contain only the name and/or occupation of the residents.

11. Signs are permitted in accordance with SECTION 8.40 – SIGN REGULATIONS.

C. Conditions of approval. Any permitted home occupation use after special approval shall be permitted to continue provided it meets the following conditions:

1. The home occupation shall continue to meet the standards as set forth in Section 8.24.
2. The Planning Commission may stipulate additional specific standards that a particular home occupation must comply with relative to the special circumstances on or adjacent to the subject property.
3. The home occupation may be subject to an annual review by the Planning Commission or more frequently upon presentation of information not previously considered by the Planning Commission.
4. The home occupation may be subject to a time limit such as long as the current owner of the residence is the person conducting the home occupation.
5. The Planning Commission may also stipulate other general conditions that an applicant for a home occupation special approval must abide by in order to maintain their home occupation that the Planning Commission deems in their best judgment is necessary for the health, safety, and welfare of the Township.

SECTION 8.25 -- HOSPITALS, SANITARIUMS and CHARITABLE INSTITUTIONS for HUMAN CARE

Hospitals, sanitariums, and charitable institutions for human care are subject to the following standards:

- A. All such hospitals shall be developed only on sites consisting of at least ten (10) acres in area.
- B. The proposed site shall have at least one property line abutting a County Primary Road or a State or Federal Highway. All ingress and egress to the off-street parking area, for guests, employees, staff as well as any other uses of the facilities, shall be directly onto said County Primary Road or State or Federal Highway.
- C. All front, side, and rear yard setbacks shall be a minimum of one hundred (100) feet.

SECTION 8.26 – INCINERATION of ANY REFUSE, INDUSTRIAL, HAZARDOUS or OTHER WASTE

Incineration of any refuse, industrial, hazardous or other waste when conducted within an approved and enclosed incinerator plant subject to the following conditions:

- A. Any incinerator facility (incinerator, storage area and receiving area) shall be at least one thousand (1,000) feet from the perimeter of the parcel. Any non-hazardous waste incinerator facility with a capacity of one thousand (1,000) pounds per hour, or less, shall be exempt from these setback requirements, except for Items (b.) and (c.) below. Industrial buildings for other uses may be allowed in the one thousand (1,000) feet buffer when part of a cooperative energy recovery development and non-hazardous waste incinerator.
- B. Any other structure, building or materials, other than the incinerator, receiving area, and waste storage shall be set back a minimum of one hundred (100) feet from all abutting property lines, streets and railroad rights-of way; however, any structure or building higher than forty (40) feet. All stack heights shall follow U.S. Environmental Protection Agency guidance for Good Engineering Practice (EPA 450/2-78-046) and demonstrations shall be provided that Ground Level Concentrations (GLC's) at the property line shall not cause a nuisance or community air pollution impact.
- C. The entire site shall be surrounded by a planted and maintained greenbelt conforming to SECTION 9.02 – LANDSCAPING, GREENBELT, BUFFERS and SCREENING. (See Appendix I).
- D. All uses permitted in this subsection shall be subject to the provisions of Act 64 of the Public Acts of 1979, known as the Hazardous Waste Management Act, and Act 641 of 1978, the Solid Waste Management Act, as may from time to time be amended.
- E. All residues resulting from the operation of an incinerator shall be removed from the site of the incinerator and disposed of in an approved disposal site.
- F. Any request for approval of a hazardous waste incinerator shall include an operations and maintenance plan in graphic and text form describing the method and practices to be followed in the actual day-to-day operation of the incinerator. Data necessary to be submitted and included as a part of the operational plan include the following:
 - 1. A complete Environmental Impact Report prepared pursuant to the specifications of the Michigan Environmental Protection Act, being Act 127 of 1970, as may from time to time be amended. This shall also include a review of alternative sites. This plan shall be supplemented by a detailed analysis of impacts from noise, vibration, odor, visual impairment and air pollutants past the property line and in the surrounding communities.
 - 2. A copy of Act 64 of 1979 hazardous waste disposal facility construction permit with all attachments, and/or Act 641 of 1978 permits with all attachments, as may from time to time be amended.
 - 3. A copy of Act 348 of 1965 Air Quality Permit with all attachments, as may from time to time be amended.
 - 4. A market analysis report indicating the economic feasibility of the proposed use.

5. A site operational plan describing the methodology of transfer of wastes from vehicles to the incineration point, methods of mitigating hazardous waste spills and accidents, staffing expectations, hours of operation and methods for closing and removal of the buildings, structures, and facilities should the incinerator cease operation for a period exceeding six (6) months.
- G. Paved access with curbing that will retain rainfall and potential spills shall be available to each site and each site shall abut a paved major thoroughfare.
- H. All storage drums, or material to be incinerated, other than that stored in large holding tanks, shall be stored within a totally enclosed building(s). In addition, loaded tank trucks shall be parked only within a diked area which shall be at least one and one half (1 ½) times the volume of the amount to be stored and shall not include the access road(s).
- I. There shall be no unlicensed or non-manifested carriers on the site at any time.
- J. All facilities for rail tank cars or other rail container cars shall be provided with storage facilities under the storage rails to assure that any spillage shall be contained until removal to the approved storage area. Said storage shall be at least one and one half (1 ½) times the volume of the amount to be stored.
- K. Security methods including fencing for the incinerator facility shall be submitted with the required Site Plan.
- L. Fire and explosive hazard control shall be outlined and submitted with the required Site Plan.
- M. Methods of controlling and avoiding any spillage of liquids or materials into the storm sewer system or off the property shall be outlined for all operational areas, including access.
- N. The storage capacity of the material to be incinerated on the site shall not exceed twenty (20) calendar days at the rated capacity of the plant. Residue storage shall not exceed one hundred and twenty (120) cubic yards at any time and shall be stored inside on a contained concrete or superior surface with a dike capacity of 150 cubic yards.
- O. Facilities shall be provided for washing all carriers and containers prior to departure from the disposal site. An approved method shall be provided to store used liquids used for washing until movement to the approved disposal site.
- P. Environmental Performance Regulations.

SECTION 8.27 – KENNELS (Commercial)

Commercial kennels include any establishment wherein or whereon three (3) or more dogs, cats or other domestic animals are confined and kept for sale, boarding, breeding or training purposes, for remuneration. The purpose of regulating kennels is to maintain adequate health standards, and to protect the general public:

- A. Also see SECTION 8.07.
- B. A kennel shall provide an area of not less than one-quarter (1/4) acre for animals boarded and cared for as part of such kennel facilities.
- C. All buildings, pens and runways, for housing or keeping of such animals, shall not be less than one hundred fifty (150) feet from any adjacent property line.
- D. Pens and runways shall be screened from view from the road, either by the building or a greenbelt of plantings in accordance with Section 9.02 and Appendix I.
- E. All yard space used for pen areas and exercise areas shall be fenced with woven wire or other approved fence material except barbed wire, which shall not be acceptable as sole fence material, and said fence shall not be less than five (5) feet in height. Such fence shall be maintained in good condition.
- F. Adequate sanitary facilities shall be provided for the cleaning of the kennels, and the burning of any waste or refuse shall be prohibited.
- G. Must conform to all State Regulations and G.A.A.M.P. regulations.

SECTION 8.28 - KENNELS (Private)

Private kennels for more than three (3) animals include any building and/or land used for the temporary or permanent boarding, breeding, training or care of dogs or cats or other domestic animals belonging to the owner for the purposes of show, hunting or as pets, and subject to the following:

- A. The lot or parcel shall be adequate in size to provide a distance of not less than one hundred and fifty (150) feet to any dwelling and twenty (20) feet to a side or rear lot line, from any cage or pen housing the animals.
- B. The boarding, breeding, training or care of such animals shall be incidental to the principal use of the premises and shall not be for purposes of remuneration or sale.
- C. Adequate sanitary facilities shall be provided for the cleaning of the kennels, and the burning of any waste or refuse shall be prohibited.
- D. All yard space used for pen areas and exercise areas shall be fenced with woven wire or other approved fence material except barbed wire, which shall not be acceptable as sole fence material, and said fence shall not be less than five (5) feet in height. Such fence shall be maintained in good condition.
- E. Must conform to all State Regulations and G.A.A.M.P. regulations

SECTION 8.29 – MANUFACTURED / MODULAR HOMES OUTSIDE of MOBILE HOME PARKS

It is the intent of this section to establish standards for manufactured and/or modular homes outside of mobile home parks, which will insure compatibility with adjacent land uses and maintain the character of the neighborhood.

- A. Not more than one (1) residential unit shall be permitted per zoning lot.
- B. The lot on which a mobile home/manufactured home is located shall meet all minimum lot size, setbacks, yard area, parking, (See Section 4.09) and all other pertinent zoning ordinance requirements. The mobile home shall meet the minimum square foot requirements of the zoning district in which it is located.
- C. It shall comply with all pertinent building and fire codes for single-family dwelling units including but shall not be limited to the State of Michigan Residential Building Code as may be amended from time to time.
- D. It shall be firmly and permanently attached to a solid foundation or basement not less in area than the perimeter area of the dwelling. The foundation and/or basement shall be constructed in accordance with applicable Building Codes.
- E. It shall not have any exposed wheels, towing mechanism or undercarriage.
- F. It shall be connected to a public sewer and water supply, if available, or to private facilities approved by the Lenawee County Health Department.
- G. It shall be aesthetically comparable in design and appearance to conventionally constructed homes found within two thousand (2,000) feet of the proposed mobile/manufactured home. It shall be the responsibility of the Township's Building Inspector to determine whether this standard is met. The Township Building Inspector shall make a determination that this standard has been met if all of the following conditions exist:
 - 1. The proposed mobile/manufactured home will have a combination of roof overhang and pitch of conventionally constructed homes typically found within two thousand (2,000) feet of the proposed mobile/manufactured home.
 - 2. The proposed mobile/manufactured home will have steps and/or porches, which provide access to exterior doors, which are permanently attached to the ground and to the mobile/manufactured home structure, and which are comparable to steps and/or porches of conventionally constructed homes typically found within two thousand (2,000) feet of the proposed mobile/manufactured home.
 - 3. The proposed mobile/manufactured home will be covered with a siding material, which is in color, texture, malleability, direction of joist and method of fastening to the structure comparable to siding of conventionally constructed homes typically found within two thousand (2,000) feet of the proposed mobile/manufactured home.

4. The proposed mobile/manufactured home will have front and rear or front and side exterior doors or such a combination of doors as is found in a majority of the conventionally constructed homes within two thousand (2,000) feet of the proposed mobile/manufactured home.
5. The Building Inspector may approve a mobile/manufactured home as aesthetically comparable in design and appearance to conventionally constructed homes found within two thousand (2,000) feet of the proposed mobile home even if all of the above conditions do not exist, provided the Building Inspector finds that the mobile home and/or its site have other design features which make it aesthetically comparable to conventionally constructed homes within two thousand (2,000) feet.

SECTION 8.30 – MEDICAL MARIJUANA

SECTION 8.31–MOBILE HOME and TRAVEL TRAILERS – TEMPORARY OCCUPANCY

- A. The Zoning Administrator shall have authority to grant a permit for the temporary occupancy of a mobile home on any lot in an Agricultural (AG), or Agricultural and Residential (AR) District subject to the following conditions:
 1. During the period of construction of a new permanent dwelling, but not to exceed a period of twelve (12) consecutive months, the owner of such permanent dwelling premises, and members of such owner’s immediate family, shall be permitted to occupy as a temporary residence one (1) mobile home situated at such construction site provided that such owner intends to occupy as a residence such dwelling upon completion of its construction.
- B. Such mobile home shall not be located between the established setback line and the public right-of-way line of such premises.
- C. The mobile home shall contain sleeping accommodations, a flush toilet, and a tub or shower bath adequate to serve the occupants thereof.
- D. The sanitary facilities of the mobile home for the disposal of sewage and waste shall be properly connected to the central sewerage system available at such premises and in case such system is not there available, then properly connected to the existing septic tank sewage disposal system which is approved by the Lenawee County Health Department for the permanent dwelling to be constructed thereat.
- E. The Planning Commission may require a security deposit or bond of an amount necessary to assure compliance with this section.
- F. No travel trailer shall be used as a dwelling except for a period not to exceed four (4) weeks and in a duly licensed travel trailer park, or as a temporary dwelling for a period not to exceed one (1) week provided such travel trailer is situated on a parcel of land upon which is located a dwelling with water and sanitary facilities accessible to the travel trailer occupants and certified by the Building Inspector.

SECTION 8.32 – MOTOR VEHICLE AMUSEMENT FACILITIES

- A. It is the intent of this Section to establish standards for motor vehicle amusement facility uses, which will ensure compatibility with adjacent land uses and maintain the character of the neighborhood.
- B. Application of Regulations.
 - 1. Motor vehicle amusement facilities shall include tracks and other areas for the concentrated racing and recreational use of go-carts, motorcycles, automobiles, trucks, ATVs and other motorized vehicles.
 - 2. Access and egress requirements: Access and egress shall be provided only from a major arterial or county primary road.
 - 3. Minimum site size: To be determined by the type of activity.
 - 4. Minimum setbacks of buildings, parking and activity areas from land zoned or used for residential purposes:
 - a. Minimum setback of parking areas shall be fifty (50) feet.
 - b. Minimum setback of all viewing stands and vehicle activities shall be three hundred (300) feet.
 - c. Minimum setback of other buildings and other activity areas shall be two hundred (200) feet.
 - 5. Noise areas where noise-generating activities are located shall be set back and/or screened with walls, berms, depressions, or natural topographic features, which ensure that the noise generated by site activity will not exceed the noise impact typically generated by the lowest volume county primary road in the Township. It will be the responsibility of applicants to prepare appropriate studies to demonstrate that proposed facilities and activities will comply. It will also be the responsibility of the applicant to pay the Township's costs for an independent evaluation of the applicant's studies. See SECTION 10.03.
 - 6. Design and Operational Intent:
 - a. A design and operations plan shall be prepared by the applicant and subject to approval by the Township. The plan shall meet the highest standards of the industry for ensuring the protection of adjacent areas from potential deleterious impacts of the proposed use. The provisions of the approved plan shall be an ongoing responsibility of the owner of the property. The plan shall also meet the highest standards of the sport for ensuring the safety of users and neighbors. Violation of the provisions shall be grounds for revoking the special use approval following a hearing.

SECTION 8.33 – OFF-STREET LOADING and UNLOADING REQUIREMENTS

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

8.33.1 Plans:

Plans and specifications showing required loading and unloading spaces including the means of ingress and egress and interior circulation shall be submitted to the Zoning Administrator for review at the time of application for a zoning compliance permit.

8.33.2 Off-Street Loading Area Design:

- A. Each off-street loading and unloading space shall not be less than ten (10) feet in width and fifty-five (55) feet in length with not less than fifteen (15) foot in height clearance.
- B. Any loading-unloading space shall not be closer than fifty (50) feet to any other lot located in any residential district unless wholly within a completely enclosed building or unless enclosed on all sides by a wall, fence, or compact planting not less than six (6) feet in height.
- C. All off-street loading and unloading facilities that make it necessary to back in or out directly into a public road shall be prohibited.

8.33.3 Off-Street Loading Area Space Requirements

- A. In the case of mixed use on one (1) lot or parcel, the total requirements for off-street loading-unloading facilities shall be the sum of the various uses computed separately.
- B. All retail sales facilities having over five thousand (5,000) square feet of gross floor area shall be provided with at least one (1) off-street loading-unloading space, and for every additional twenty thousand (20,000) square feet of gross floor space, or fraction thereof, one (1) additional loading-unloading space.
- C. All industrial and wholesale commercial land uses shall provide one (1) loading space for each ten thousand (10,000) square feet of floor space, with a minimum of not less than two (2) loading spaces.

SECTION 8.34 – OFF-STREET PARKING REQUIREMENTS

In all districts, there shall be provided at the time any building, structure, or use is established, enlarged, or increased in capacity, off-street parking spaces for motor vehicles with the requirements herein specified. Such off-street parking spaces shall be maintained and shall not be encroached upon by structures or other uses so long as the principal building, structure, or use remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this Ordinance.

8.34.1 Plans:

Plans and specifications showing required off-street parking spaces, including the means of access and interior circulation, shall be submitted to the Zoning Administrator for review at the time of application for a zoning compliance permit for the erection or enlargement of a building.

8.34.2 Location of Off-Street Parking Areas:

Required off-street parking facilities shall be located on the same lot as the principal building or on a lot within three hundred (300) feet thereof except that this distance shall not exceed one hundred fifty (150) feet for single-family and two-family dwellings. The distance specified shall be measured from the nearest point of the parking facility to the nearest point of the lot occupied by the building or use that such facility is required to serve.

8.34.3 Off-Street Parking Area Design:

- A. Each off-street parking space for automobiles shall be not less than two hundred (200) square feet in area, exclusive of access drives or aisles, and shall be of usable shape and condition.
- B. There shall be provided a minimum access drive of ten (10) feet in width, and where a turning radius is necessary, it will be of such an arc as to reasonably allow an unobstructed flow of vehicles.
- C. Parking aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of a parking space. The minimum width of such aisles shall be:
 1. For ninety (90) degree of perpendicular parking, the aisle shall not be less than twenty-two (22) feet in width.
 2. For sixty (60) degree parking, the aisle shall not be less than eighteen (18) feet.
 3. For forty-five (45) degree parking, the aisle shall not be less than thirteen (13) feet in width.
 4. For parallel parking, the aisle shall not be less than ten (10) feet in width.
 5. See Appendixes H & J.
- D. All off-street parking spaces shall not be closer than five (5) feet to any property line, except where a wall, fence, or compact planting strip exists as a parking barrier along the property line.
- E. All off-street parking areas shall be drained so as to prevent drainage to abutting properties.

- F. Any lighting fixtures used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any adjoining residential lot or institutional premises.
- G. Any off-street parking area providing space for five (5) or more vehicles shall be effectively screened on any side which adjoins or faces property adjoining a residential lot or institution, by a wall, fence, or compact planting not less than four (4) feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property. See Appendix L.
- H. All off-street parking areas that make it necessary for vehicles to back out directly into a public road are prohibited, provided that this prohibition shall not apply to off-street parking areas of one-or two-family dwellings.

8.34.4 Collective Parking:

Requirements for the provision of parking facilities with respect to two (2) or more property uses of the same or different types may be satisfied if the permanent allocation of the requisite number of spaces designated is not less than the sum of individual requirements.

8.34.5 Determining Requirements:

For the purposes of determining off-street parking requirements, the following units of measurement shall apply: See Appendixes G & H.

- A. Floor Area: In the case where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the gross floor area, except that such floor area need not include any area used for parking within the principal building and need not include any area used for incidental service storage, installations of mechanical equipment, penthouse housing ventilators and heating systems, and similar uses.
- B. Places of Assembly: In stadiums, sports arenas, churches, and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities, each eighteen (18) inches of such seating facilities shall be counted as one (1) seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.
- C. Fractions: When units of measurement determining the number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) parking space.

8.34.6 Schedule of Off-Street Parking Spaces:

The minimum required off-street parking spaces shall be set forth in the following Schedule of Off-Street Parking Spaces. Where a use is not specifically mentioned, the parking requirements of a similar or related use shall apply.

<u>Use</u>	<u>Parking Space Requirements</u>
Automobile or Machinery Sales and Service Garages.	One (1) space for each two hundred (200) square feet of showroom floor area plus two (2) spaces for each service bay plus one (1) for each two (2) employees.
Bank, Business and Professional Offices.	One (1) space for each two hundred (200) square feet of gross floor area.
Barber Shops and Beauty Parlors.	One (1) space for each chair plus one (1) space for each employee.
Bowling Alleys.	Seven (7) spaces for each alley.
Churches, Auditoriums, Stadiums, Sports Arenas, Theaters, Dance Halls, Assembly Halls other than Schools.	One(1) space for each four (4) seats.
Dwelling Unit.	Two (2) spaces for each family or dwelling unit.
Funeral Homes and Mortuaries.	Four (4) spaces for each parlor or one (1) space for each fifty (50) square feet of floor area plus one (1) space for each fleet vehicle, whichever is greater.
Furniture, Appliance Stores, Household.	One (1) space for each four hundred (400) square feet.
Equipment and Furniture Repair Shops.	One (1) space for each four hundred (400) square feet.
Hospitals.	One (1) space for each bed excluding bassinets plus one (1) space for each two (2) employees.
Automobile, Service Stations.	One (1) space for each eight hundred (800) square feet of floor area plus one (1) space for each four (4) employees.
Manufacturing, Fabricating, Processing & Bottling Plants, Research & Testing Laboratories.	One (1) space for each two (2) employees on maximum shift.
Medical and Dental Clinics.	One (1) space for each two hundred (200) square feet of floor area plus one (1) space for each employee.
Restaurants, Beer Parlors, Taverns and Night Clubs.	One (1) space for each two (2) patrons of maximum seating capacity plus one (1) space for each two (2) employees.
Self-Service Laundry or Dry Cleaning Stores.	One (1) space for each two (2) washing and/or drying cleaning machines.

<u>Use</u>	<u>Parking Space Requirements</u>
Elementary and Junior High Schools, Private or Public.	One (1) space for each employee normally engaged in or about the building or grounds plus one (1) space for each thirty (30) students enrolled.
Senior High School and Institutions of Higher Learning, Private or Public.	One (1) space for each employee in or about the building or grounds plus one (1) space for each four (4) students.
Super Market, Self-Service Food and Discount Stores.	One (1) space for each two hundred (200) square feet of floor area plus one (1) space for each two (2) employees.
Wholesale Establishments and Warehouses.	One (1) space for each four hundred (400) square feet of floor area plus one (1) space for each two (2) employees.

8.34.7 Exception:

The parking requirements for all uses proposed on a lot shall be cumulative, unless the Planning Commission shall find that the parking requirements of a particular land use occur at different hours from those of other contiguous land uses, such that particular land use parking areas can be advantageously used during non-conflicting hours by the other contiguous land use, in which event the required parking spaces for such particular land use may be reduced by the Planning Commission to a minimum of the greatest number of spaces required for any of such contiguous land uses.

SECTION 8.35 - OUTDOOR SALES of AUTOMOBILES or VEHICLES (COMMERCIAL)

Outdoor sales of new and used automobiles, boats, mobile homes, lawn care and construction machinery and other vehicles, shall be subject to the following requirements:

- A. Separation shall be made between the pedestrian sidewalk and vehicular parking and maneuvering areas with the use of curbs, wheel stops, greenbelts or traffic islands.
- B. All activities related to vehicle washing, service and repair equipment shall be entirely enclosed within a building.
- C. Driveways shall be designed to accommodate the type and volume of vehicular traffic using the site and located in a manner which is compatible with uses located adjacent to and across from the site.
- D. Inoperative vehicles or discarded or salvaged materials shall not be stored outside.
- E. No banners or flags are permitted except as permitted in Section 8.42 – Sign Regulations.

- F. The entire site shall be surrounded by a planted and maintained greenbelt conforming to Section 9.02 – Landscaping, Greenbelt, Buffers and Screening. See Appendix I.
- G. There shall be no broadcast of continuous music and/or announcements over any loud-speaker or public address system.

SECTION 8.36 - PARKING and STORING of COMMERCIAL TRAILERS, TRUCKS AND EQUIPMENT

- A. Intent: It is the intent of this Section to establish standards for parking and storage of commercial trailers, trucks, and/or equipment with a rated capacity exceeding 10,000 Gross Vehicle Weight (GVW), which will insure compatibility with adjacent land uses and maintain the character of the neighborhood.
- B. Application of Regulations:
 - 1. Not more than three (3) licensed vehicles or usable condition vehicles and mobile equipment in combination shall be parked or stored on the property for no more than 30 consecutive days.
 - 2. All Vehicles and equipment shall be parked or stored in completely enclosed building(s) if located in the Office or Residential Districts.
 - 3. The restrictions in this Section, do not apply to vehicles and equipment that are used on a bona fide farm and in farming operations as defined by Article II of this ordinance or in Commercial or Industrial Zones.

SECTION 8.37 - QUARRIES and EARTH REMOVAL for PROFIT

- A. The Township shall not prevent the extraction, by mining, of valuable natural resources from any property unless very serious consequences would result from the extraction of those natural resources. Natural resources shall be considered valuable for the purposes of this section if a person, by extracting the natural resources, can receive revenue and reasonably expect to operate at a profit.
 - 1. A person challenging a zoning decision under Subsection A has the initial burden of showing that there are valuable natural resources located on the relevant property, that there is a need for the natural resources by the person or in the market served by the person, and that no very serious consequences would result from the extraction, by mining, of the natural resources.
 - 2. In determining under this section whether very serious consequences would result from the extraction, by mining, of natural resources, the standards set forth in *Silva v Ada Township*, 416 Mich 153 (1982), shall be applied and all of the following factors may be considered, if applicable:
 - a. The relationship of extraction and associated activities with existing land uses.

- b. The impact on existing land uses in the vicinity of the property.
 - c. The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence.
 - d. The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.
 - e. The impact on other identifiable health, safety, and welfare interests in the local unit of government.
 - f. The overall public interest in the extraction of the specific natural resources on the property.
- B. The Township is not limited from the reasonable regulation of hours of operation, blasting hours, noise levels, dust control measures, and traffic. Therefore, quarries and other facilities that remove the earth for profit are a Special Land Use subject to the following standards:
1. There shall be not more than one (1) entrance way from a public road to said lot for each five hundred (500) feet of front lot line.
 2. Such removal, processing, transportation, and activities relating to storage such as stockpiling shall not take place before sunrise or after sunset.
 3. On said lot no digging or excavating shall take place closer than one hundred (100) feet to any lot line.
 4. On said lot, all roads, driveways, parking lots, and loading and unloading areas within one hundred (100) feet of any lot line shall be paved, watered, or chemically treated so as to limit adjoining lots and public roads the nuisance caused by wind-borne dust.
 5. Any odors, smoke, fumes, or dust generated on said lot by any digging, excavating, processing, stockpiling, or transportation operation and borne or able to be borne by the wind shall be confined within the lines of said lot as much as is possible so as not to cause a nuisance or hazard on any adjoining lot or public road.
 6. Such removal processing or storage shall not be conducted as to cause the pollution by any material of any surface or subsurface, water-course, or body outside the lines of the lot on which such use shall be located.
 7. Such removal processing or storage shall not be conducted as to cause or threaten to cause the erosion by water of any land outside of said lot or of any land on said lot so that earth materials are carried outside of the lines of said lot, that such removal shall not be conducted as to alter the drainage pattern of surface or subsurface waters on adjacent property, and that in the event that such removal, processing, or storage shall cease to be conducted it shall be the continuing responsibility of the owner or opera-

tor thereof to assure that no erosion or alteration of drainage patterns, as specified in this paragraph, shall take place after the date of the cessation of operation.

8. All fixed equipment and machinery shall be located at least one hundred (150) feet from any lot line and five hundred (500) feet from any residential zoning district, but that in the event the zoning classification of any land within five hundred (500) feet of such equipment or machinery shall be changed to residential subsequent to the operation of such equipment or machinery may continue henceforth but in no case less than one hundred (150) feet from any lot line.
9. There shall be erected a fence not less than six (6) feet in height around the periphery of the development. Fences shall be adequate to prevent trespass, and shall be placed no closer than fifty (50) feet to the top edge of any slope.
10. All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear reasonably natural.
11. The operator shall file with the Planning Commission and the Zoning Administrator a detailed plan for the restoration of the development area which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of not greater interval than five (5) feet, steps which shall be taken to conserve topsoil; proposed and final landscaping; and the location of future roads, drives, drainage courses, and/or other improvements contemplated. Said plans shall be subject to review and modification from time to time by the Planning Commission. The anticipated cost of carrying out the plans of restoration shall be included with said plans.
12. The operator shall file with Palmyra Township a performance bond, payable to Palmyra Township and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The amount of the required bond which will reflect the anticipated cost of restoration shall be fixed by the Palmyra Township Board. The bond shall be released upon written certification of the Zoning Administrator that the restoration is complete and in compliance with the restoration plan.
13. The permit or each renewal thereof shall be for a period of not more than five (5) years and shall be renewable only upon reapplication, a redetermination by the Planning Commission and a filing of a performance bond, said redetermination to be made in accordance with the requirements of this Ordinance for the issuance of a conditional use permit.

SECTION 8.38 – REGULATION of ANIMALS

- A. It is the intent of this Section to establish standards for any residential use wherein animals are kept for the use of the owner of the premises and immediate family, which will insure compatibility with adjacent land uses and maintain the character of the neighborhood. The provisions of this Section do not apply to farms or farming operations.

B. The operation of a private or commercial kennel in any district in which such use is permitted by this Ordinance shall be in accordance with Sections 8.27 & 8.28 Kennels (both Commercial and Private).

C. Application of Regulations.

1. Class I Animals (see Article II, Definitions) may be maintained in any zoning classification district, subject to specific restrictions herein.
2. Where farm animals are maintained coincident with a farm or farm operation, then and in such event, such farm animals and/or any associated livestock production facility shall be exempt from the regulations herein where a livestock production facility and/or any associated manure storage facilities are regulated, operated, managed and conducted in accordance with a GAAMP as adopted and published by the Michigan Department of Agriculture, or its successor, and as amended from time to time.

Where a farm or farm operation proposes new and/or expanding livestock production facilities at a capacity of less than fifty (50) animal units, such farm or farm operation and/or livestock production facility shall request and receive site verification from the Michigan Department of Agriculture.

3. 4-H animals may be exempt from these regulations with approval by the Palmyra Township Board.
4. Where Class II and Class III Animals (see Article II, Definitions) are not maintained coincident with a farm or farm operation, then the following regulations shall apply;
 - a. Class II Animals may be maintained subject to the following conditions:
 - 1) The minimum lot area required to maintain Class II equine and bovine animals is two (2) acres. Four (4) Class II Animals shall be permitted for the first two (2) acres. Thereafter, one (1) additional Class II bovine or equine animal shall be permitted for each full one (1) acre in excess of two (2) acres.
 - 2) The minimum lot area required to maintain Class II swine animals is two (2) acres. Twenty (20) swine shall be permitted for two (2) acres. Thereafter, twenty (20) additional Class II swine shall be permitted for each full one (1) acre in excess of 2 acres.
 - 3) The minimum lot area required to maintain Class II ovine animals is two (2) acres. Fifteen (15) ovine shall be permitted for two (2) acres. Thereafter, five (5) additional Class II ovine shall be permitted for each full one (1) acre in excess of two (2) acres.
 - 4) There shall be adequate fencing, or other restraining device, for maintaining animals within the restricted areas provided for in this Ordinance.

- 5) Structures housing Class II animals shall meet the requirements set forth in Section 4.09.
 - 6) The refuse and wastes resulting from the maintenance of animals shall be controlled upon the premises, and shall be cared for or disposed of within a reasonable a reasonable time to minimize hazards of health and offensive effects upon neighboring people and uses.
 - 7) All feed and other substances and materials on the premises for the maintenance of animals shall be stored to not attract rats, mice or other vermin.
- b. Class III Animals may be maintained subject to the following conditions:
- 1) The minimum lot areas required to maintain Class III animals shall be two (2) acres.
 - 2) There shall be adequate fencing, or other restraining device, for the purpose of maintaining animals within the restricted areas provided for in this ordinance.
 - 3) Structures housing Class III Animals shall meet the requirements set forth in Section 4.09.
 - 4) The refuse and wastes resulting from the maintenance of animals shall be controlled upon the premises, and shall be cared for or disposed of within a reasonable time to minimize hazards of health and offensive effects upon neighboring people and uses.
 - 5) All feed and other substances and materials on the premises for the maintenance of animals shall be stored to not attract rats, mice or other vermin.
5. On any premises upon which animals are situated or maintained in the Township, garage, refuse, offal and the like shall not be brought upon the premises and fed to animals.
 6. Except as authorized in a wildlife preserve approved by the Township, wild animals shall not be permitted to be maintained in the Township, temporarily or permanently. For purposes of this section, the term 'wild animal' shall mean an animal not otherwise defined as a Class I, II or III animal, and which is not customarily domesticated and customarily devoted to the service of mankind in Palmyra Township. 'Wild animal' also means any animal which being wild shall not be altered by virtue of the fact that one or several generations of the animal in question have been maintained in captivity.

SECTION 8.39 - ROADSIDE STANDS for the SALE of AGRICULTURAL PRODUCTS

Roadside stands for the sale of agricultural products are subject to the following standards:

- A. A parking area sufficient to accommodate customers shall be provided on the lot upon which the roadside stand is located.

- B. Parking shall be discouraged within the road, street, or highway right-of-way for safety purposes.
- C. Traffic flow to and from the parking area shall be so designed as to avoid the necessity for vehicles to back onto a public street, road, or highway.
- D. See Sign Regulations, Sec. 8.42.
- E. Road side sales must be 50% grown on the premises.

SECTION 8.40 - SALVAGE YARDS

- A. The Township Board shall grant only a temporary Certificate of Occupancy for a period not to exceed five (5) consecutive years, which certificate may be renewed by the Township Board for a period not to exceed five (5) consecutive years provided development of the adjacent property has not reached the stage that the salvage yard use has become objectionable and the junk yard complies with the regulations of this Ordinance.
- B. The Certificate of Occupancy granted under the provisions of this Article shall be revoked by the Township Board if the holder violates any provisions of this Ordinance or any special provisions imposed by such Board.
- C. The area of the storage yard shall not exceed one-half (1/2) the area of the building utilized for dismantling.
- D. The storage yard shall be completely enclosed with a wall, fence, berm, landscaping or combination thereof at least six (6) feet high, and must obscure all items stored and/or outside machinery (cranes and wreckers).
- E. Nothing shall be stored within four (4) feet of the fence.
- F. An office sales outlet area which can be entered from the outside shall be provided, and include a sales area free of normal parts storage. Storage may be located behind a service counter. This office may be of modular construction, but must have a foundation.
- G. Parking shall be provided outside the yard and shall be paved with cement, asphalt or other permanent surface approved by the Township Board. There shall be at least ten (10) spaces plus one (1) space for each employee.
- H. Operating hours shall be limited to 7 AM to 7 PM, Monday through Saturday.
- I. There shall be no incineration of refuse.
- J. There can be no parking, storage or standing of inoperative vehicles in the front yard.
- K. Vehicular storage shall be in neat, organized rows with accessible aisles, and vehicles shall be uniformly perpendicular or parallel with access aisles.

- L. Vehicles shall be stored no more than one (1) level high unless in racks, and no higher than the screening fence.
- M. Any other specific requirements to assure the requested usage will not produce a detrimental effect on the surrounding area and the Township as a whole may be required.
- N. Utility information shall detail the method of storm water retention or detention, and information shall be provided to indicate the retention of liquids that may seep onto the ground.
- O. Storage of any loose tires will be required to be stored in an enclosed building or licensed trailer.

SECTION 8.41 – SELF-STORAGE FACILITIES

Self-Storage Facilities are permitted as a Special Land Use in the Commercial District and is permitted in the Light and General Industrial Districts, and shall be subject to the following requirements and conditions of this section.

- A. No activity other than the rental of storage units and the rental of outside storage space for operable and licensed recreational vehicles, boats and watercraft shall be allowed.
- B. The storage of any toxic, explosive, corrosive, flammable or hazardous material is prohibited inside the storage units. Fuel stored in motor vehicle tanks of cars, boats or other motorized devices may be subject to separate regulation by the proprietor.
- C. All storage units must be accessible by safe circular drives clearly marked to distinguish direction (if one-way) and separate from parking lanes. Parking lanes a minimum of ten (10) feet wide shall be provided for loading and unloading adjacent to all storage units. A combination parking lane-driveways must meet the following minimum standards:
 - 1. When storage units open onto one (1) side only, twenty six (26) feet wide for one-way traffic, and thirty (30) feet for two-way traffic.
 - 2. When storage units open onto both sides thirty six (36) feet wide for one-way traffic and forty (40) feet for two-way traffic.

SECTION 8.42 – SIGN REGULATIONS

8.42.1 General Sign Regulations:

- A. No sign shall be erected at any location, where by reason of the position, size, shape, color, movement, or illumination, may interfere with or obstruct the view of traffic, nor shall any sign be erected or maintained which simulates or illuminates in size, color, lettering, or design any traffic sign, signal, or device.
- B. All signs shall be designed and constructed in conformity to the provisions for materials, loads, and stresses of the latest B.O.C.A. Code. In addition, all signs shall be erected in

such a manner, and with such materials, to remain safe and secure during the period of use.

- C. Any light used to illuminate signs shall be so arranged as to reflect light away from adjoining premises and streets.
- D. All signs shall conform to the yard and height requirements of the district in which said sign is located, except signs may be placed no closer to the street right-of-way line than one-third (1/3) the minimum authorized front yard depth.

8.42.2 Specific On-Site Sign Regulations in the Agricultural (AG) District:

Signs in the Agricultural (AG) District shall be regulated as follows:

- A. Freestanding signs shall not exceed thirty-two (32) square feet in area.
- B. Signs attached or painted on the face of a building shall not extend beyond the surface area of that building.
- C. Signs may be illuminated only by non-flashing reflected light.

8.42.3 Specific Sign Regulations in the Agricultural/Residential (AR), Mobile Home (MH), and Village Residential (VR) Districts:

The following on-site signs are permitted on any one (1) lot in the Agricultural/Residential (AR), Mobile Home (MH) and Village Residential (VR) Districts.

- A. One (1) on-site sign advertising the sale or lease of the lot, chattels, or building not exceeding six (6) square feet in area.
- B. One (1) on-site sign announcing a home occupation, boarding home, or professional service, not to exceed nine (9) square feet in area and it shall be attached flat against the front wall of the building.
- C. One (1) on-site sign advertising a recorded subdivision or development not to exceed sixteen (16) square feet in area. Such sign shall be removed within one (1) year after the sale of ninety (90%) percent of all lots or units within said subdivision or development.
- D. One (1) on-site sign not having commercial connotations identifying a multiple-family building or development or mobile home park, not to exceed sixteen (16) square feet in area.
- E. One (1) on-site sign identifying a school, church, public building, or other authorized use, not to exceed sixteen (16) square feet in area.

8.42.4 Specific Sign Regulations in the Commercial, Office, Light Industrial and General Industrial Districts:

The following on-site signs are permitted in the Commercial, Office, Light Industrial and General Industrial Districts:

- A. Freestanding signs shall not exceed thirty-two (32) square feet in area.
- B. Signs attached or painted on the face of a building shall not extend beyond the surface area of that building.
- C. Signs may be illuminated internally or by reflected light provided the source of the light is not directly visible and is so arranged to reflect away from the adjoining premises and streets. No illumination involving movement by reason of the lighting arrangement or other devices shall be permitted.
- D. Temporary Signs, including portable inflatable tethered balloons and portable search lights and string lights used to advertise commercial premises, can only be used for 120 days or less.

8.42.5 Specifically Prohibited Signs:

- A. Beacons.
- B. Signs affixed to trees, rocks, shrubs or natural features, except signs denoting a site of historic significance may be allowed.
- C. Permanent signs (other than those erected by a public agency), which are located within or overhang the public right-of-way or on public property unless specified elsewhere in these regulations.
- D. Any strobe, flashing or oscillating lights either from the interior or exterior of a building.
- E. Moving signs. Except as otherwise provided in this section no sign or any portion thereof shall be permitted, which moves or assumes any motion constituting a non stationary or fixed condition except for the rotation of barber poles, and except currently licensed vehicles and trailers, which have painted upon them in a permanent manner the name of the product, which they deliver and/or the name and address of the owner.
- F. Abandoned signs. Signs that advertise an activity, business, product or service no longer conducted or available on the premises on which the sign is located are prohibited.
- G. Signs, which emit audible sound.
- H. Any sign erected on a tree or utility pole except signs of any election subdivision of this state.
- I. Awning signs with rear illumination.

8.42.6 Off-Site Signs:

A well maintained sign would be permitted up to $\frac{3}{4}$ of a mile from a business and up to 32 square feet and are subject to the regulations of the Lenawee Road Commission and the State of Michigan Department of Transportation.

8.42.7 Nonconforming Signs:

Nothing in this Ordinance shall prevent the reconstruction, repair or restoration and the continued use of any non-conforming sign damaged by fire, collapse, explosion, acts of God, subsequent to the effective date of this Ordinance, wherein the expense of such reconstruction does not exceed sixty (60%) percent of the total replacement cost of the entire sign at the time such damage occurred.

8.42.8 Permitted Billboards:

A. Where Permitted. Billboards shall be permitted only adjacent to or along Federal and State highways and major arterial streets subject to the standards contained herein, and the Highway Advertising Act 106 of 1972, as amended. The permit must be pulled through the State.

B. Spacing.

1. Not more than three (3) billboards may be located per linear mile of highway regardless of the fact that such billboards may be located on different sides of the highway. The linear mile measurement shall not be limited to the boundaries of Palmyra Township where the particular highway extends beyond such boundaries. Double-faced billboard structures (i.e., structures having back-to-back billboard faces) and V-type billboard structures having only one (1) face visible to traffic proceeding from any given direction on a highway shall be considered as one (1) billboard. Additionally, billboard structures having tandem billboard faces (i.e., two (2) parallel billboard faces facing the same direction and side by side to one (1) another) or stacked billboard faces (i.e., two (2) billboard faces facing the same direction with one (1) face being directly above the other) shall be considered as one (1) billboard. Otherwise, billboard structures having more than one (1) billboard face shall be considered as two (2) billboards and shall be prohibited in accordance with the minimum spacing requirement set forth in subsection (2) below.
2. No billboard shall be located within 1,000 feet of another billboard abutting either side of the same highway.
3. No billboard shall be located within three hundred (300) feet of a residential zoning district and/or existing residence. If the billboard is illuminated, this required distance shall instead be five hundred (500) feet.
4. No billboard shall be located closer than seventy-five (75) feet from a property line adjoining a public right-of-way or ten (10) feet from any interior boundary lines of the premises on which the billboard is located.

- C. Height. The height of a billboard shall not exceed thirty (30) feet above the level of the road upon which the billboard faces or to which the message upon the billboard is directed. In the event that the billboard is situated upon two (2) roads having different levels, the height of the billboard shall be measured from the higher road.
- D. Surface Area. The surface display area of any side of a billboard may not exceed three hundred (300) square feet. In the case of billboard structures with tandem or stacked billboard faces, the combined surface display area of both faces may not exceed three hundred (300) square feet.
- E. Illumination. A billboard may be illuminated, provided such illumination is concentrated on the surface of the sign and is located so as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of on-coming vehicles or any adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
- F. Construction and Maintenance.
 1. No billboard shall be on top of, cantilevered or otherwise suspended above the roof of any building.
 2. A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces that can normally be expected to occur in the vicinity. A billboard must be maintained so as to assure proper alignment of structure, continued structural soundness and continued readability of message.

SECTION 8.43 - SLAUGHTERHOUSES

- A. The physical plant structure, pens, stockyard or cages shall in no instance be closer than two thousand (2,000) feet to any adjacent Residential Districts.
- B. A minimum six (6) foot high chain link fence shall be provided around the entire site to assure that individuals will not unknowingly trespass on the property, particularly the stockyard area.
- C. Parking shall be provided outside the yard and shall be paved with cement, asphalt or other permanent surface approved by the Township. There shall be at least ten (10) spaces plus one (1) space for each employee.
- D. Utility information shall detail the method of storm water retention or detention, and information shall be provided to indicate the retention of liquids that may seep onto the ground. See Section 9.

SECTION 8.44 – RESERVED

SECTION 8.45 – STORAGE OF MATERIALS

The location or storage of abandoned, discarded, unused, unusable, unlicensed or inoperative vehicles, appliances, furniture, equipment, or material shall be regulated as follows:

- A. On any lot in a Commercial, Office or any District, the owner or tenant shall locate and store such materials within a completely enclosed building, except automobile service stations or dealers may store vehicles awaiting repair in an area which is not in an enclosed building for periods not to exceed ninety (90) days.
- B. On any lot in any Industrial, Commercial, Office or any District, the owner or tenant, whether or not for hire or for business, shall locate and store such materials within a completely enclosed building or within an area surrounded by an opaque fence or wall at least six (6) feet in height and not less in height than the materials located or stored therein, and not closer to the lot lines than the minimum yard requirements for buildings permitted in the appropriate District. See Section 4.09.

SECTION 8.46 - SWIMMING POOLS (Private)

Except as otherwise permitted in this Zoning Ordinance, all private swimming pools (above or below ground) shall be subject to the following:

- A Only permitted in the rear or side yard.
- B No swimming pool shall be located within ten (10) feet of any building or property line.
- C. No swimming pool shall be located less than fifty (50) feet from a front lot line.
- D. No less than a twenty-five (25) foot separation is required between a pool and a private water well and seventy-five (75) feet from a public or semipublic water well.
- E. The pool shall be three (3) feet horizontally from any sewer line and ten (10) feet from any septic field.
- F. The pool shall be at least ten (10) feet horizontally from any point directly under any overhead electrical or telephone line.
- G. No swimming pool shall be located in an easement.
- H. All pools shall be protected by a four (4) foot pool wall or fence as defined in State law guidelines. Any gate or access to the pool shall be equipped with a lock. The fencing material shall be such so that it is not easy for children to climb the stair or ladder, if it can be locked in.
- I. Before a building permit can be issued, a certificate of zoning compliance shall be sought and will be issued if determined by the Zoning Administrator that all ordinance provisions have been satisfied.

SECTION 8.47 - TEMPORARY USE

Circuses, carnivals, or other transient enterprises may be permitted in any district, upon approval by the Township Board based upon finding that the location of such an activity will not adversely affect adjoining properties, nor adversely affect public health, safety, morals, and the general welfare.

SECTION 8.48 - TRAVEL TRAILER PARKS

Travel trailer parks are subject to the following standards:

- A. The site shall be well-drained and not exposed to objectionable noise or odors.
- B. Each travel trailer space shall contain at least two thousand (2,000) square feet and be at least thirty (30) feet wide. Each space shall be clearly defined on the ground by stakes or markers.
- C. Travel trailer spaces shall be so arranged that no trailer will be parked less than fifteen (15) feet from adjacent trailer.
- D. Access to travel trailer parks shall be directly from a County Primary Road or State or Federal Highway and such access shall be of a design that will minimize traffic congestion. The minimum street or roadway within such park shall be at least thirty (30) feet in width. A dead-end street shall not exceed one hundred seventy-five (175) feet in length and the turning circle shall be at least eighty (80) feet in diameter.
- E. All entrances and exit lanes within such park shall be lighted to provide an intensity of at least five foot candles.
- F. A recreational area shall be provided in each travel trailer park at a ratio of at least two hundred (200) square feet per space, with a minimum of five thousand (5,000) square feet per park.
- G. All provisions for water, laundry, sanitary facilities, fire protection, and electrical services shall be installed and maintained in accordance to all applicable township, county and state laws and ordinances.
- H. No commercial enterprises shall be permitted to operate on the lot, except that a convenience good shopping building may be provided on a lot containing more than eighty (80) sites.
- I. Public stations, housed in all-weather structures, containing adequate water outlet, toilet, waste containers, shall be provided uniformly throughout the lot at a ratio of not less than one (1) such station per each twenty (20) sites.
- J. Gray water and black water can only be disposed of in approved waste disposal facilities.

SECTION 8.49 – WIND ENERGY TURBINES (COMMERCIAL)

SECTION 8.49.1 - PURPOSE and INTENT

The purpose of this Article is to provide a regulatory scheme for the designation of properties suitable for the location, construction and operation of Wind Energy Facilities in Palmyra Township, to protect the health, welfare, safety and quality of life of the general public and to ensure compatible land uses in the vicinity of the areas affected by Wind Energy Facilities. A Wind Energy Facility shall become qualified as a Special Land Uses for a Wind Energy Facility with construction of such facility approved pursuant to Section 8.49.5 Wind Energy Facility Site Plan Review, of this Article. It is further recognized that a Wind Energy Facility is intended as an agricultural preservation measure.

SECTION 8.49.2 - DEFINITIONS

As used in this Article, the following terms shall have the meaning indicated:

Ambient Sound Level is the amount of background noise at a given location prior to the installation of a Wind Energy Turbine(s) (WET) which may include, but not be limited to, traffic, machinery, lawnmowers, human activity and the interaction of wind with the landscape. The ambient sound level is measured on the dB(A) weighted scale as defined by the American National Standards Institute.

Construction Bond means a guarantee from a surety to a project owner that a general contractor will adhere to the provisions of a contract.

Decibel is defined as unit of measure used to express the magnitude of sound pressure and sound intensity. Decibels shall be measured on the dB(A) weighted scale as defined by the American National Standards Institute.

Decommissioning is the process of terminating operation and completely removing a Wind Energy Turbine(s) and all related buildings, structures, foundations, access roads and equipment.

Direct Relative shall mean parent, child, sibling, grandparent or grandchild.

FAA shall mean the Federal Aviation Administration.

Hub Height shall mean, when referring to a Wind Turbine, the distance measured from ground level to the center of the turbine hub.

IEC shall mean the International Electrotechnical Commission.

Inhabitable Structure is a structure intended and used as human habitation and as is defined in the Michigan Building Code as it shall from time to time be amended.

ISO shall mean International Organization for Standardization.

Land Owner is the person or entity who owns the property/parcel on which a Wind Energy Facility is located.

Leq means the energy average sound level.

MET (Anemometer) Tower shall mean a meteorological tower used for the measurement of wind speed.

Michigan Natural Resources and Environmental Protection Act ~ (Act 451 of 1994 M.C.L. 324.101 et seq.).

Michigan Tall Structure Act (Act 259 of 1959) shall govern the height of structures in proximity to airport related uses and is included as a standard in this Article by reference.

Non-Participating Property/Parcel means a parcel of real property which is not under lease or other property agreement with a Wind Energy Facility (WEF) owner/operator.

Participating Property/Parcel means a parcel of real property which is under lease or other property agreement with a Wind Energy Facility (WEF) owner/operator.

Planning Commission shall mean the Palmyra Township Planning Commission.

Shadow Flicker is the moving shadow, created by the sun shining through the rotating blades of a Wind Energy Turbine (WET). The amount of shadow flicker created by a Wind Energy Turbine is calculated by a computer model that takes into consideration turbine location, elevation, tree cover, location of all structures, wind activity and sunlight.

Small Structure-Mounted Wind Energy Turbine (SSMWET) shall mean to convert energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries or other components used in this system. A Small Structure-Mounted Wind Energy Turbine is attached to a structure's roof, walls or other elevated surface, including accessory structures such as but not limited to cellular phone towers. The Small Structure-Mounted Wind Energy Turbine has a nameplate capacity that does not exceed ten (10) kilowatts. The total height does not exceed fifteen (15) feet as measured from the highest point of the roof, excluding chimneys, antennae and other Small Tower-Mounted Wind Energy Turbine protuberances.

Small Tower-Mounted Wind Energy Turbine (STMWET) shall mean tower-mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries or other components used in this system. The Small Tower-Mounted Wind Energy Turbine has a nameplate capacity that does not exceed thirty (30) kilowatts. The total height does not exceed one hundred (100) feet.

Sound Pressure Level means the sound pressure mapped to a logarithmic scale and reported in decibels "dB(A)"

Total Height is the vertical distance measured from the existing grade at the base of the tower to the uppermost vertical extension of any blade, or the maximum height reached by any part of the Wind Energy Turbine.

Township Board shall mean the governing body of Palmyra Township.

Wind Energy Facility (WEF) shall mean an electricity generating facility consisting of one or more wind turbines under common ownership or operation control and includes substations, MET Towers, access driveways, cables/wires and other buildings accessory to such facility, located on private/public land which is under lease or other property agreement with a WEF owner/operator, whose main purpose is to supply electricity to off-site customer(s).

Wind Energy Facility Site Permit is a permit issued upon compliance with standards of this Article.

Wind Energy Facility Site Plan Review is the process used to review a proposed Wind Energy Facility.

Wind Energy Turbine (WET) is a wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator/alternator and includes the turbine, blade, tower, base and pad transformer, if any; provided that such a system shall only be a wind turbine for purposes of this Article if it both has a total height greater than 100 feet and name-plate capacity of greater than 30 kilowatts.

SECTION 8.49.3 - REGULATORY FRAMEWORK, All State and federal regulations as may from time to time be amended.

8.49.3.1 Zoning:

A. Wind Energy Facility may be constructed on land within the Agriculture District as described on the official zoning map for the township, as a Special Land Use subject to provisions and standards of Section 8.49.5 Wind Energy Facility Site Plan Review of this Article.

8.49.3.2 Principal or Accessory Use:

A Wind Energy Facility and related accessory uses may be considered either principal or accessory uses. A different existing use of an existing structure on the same parcel shall not preclude the installation of a Wind Energy Facility or a part of such facility on such parcel. Wind Energy Facilities that are constructed and installed in accordance with the provisions of this Article shall not be deemed to constitute the expansion of a nonconforming use or structure. Wind Energy Facilities shall be reviewed and approved pursuant to Section 8.49.5 of this Article.

8.49.3.3 Pre-Application Permits:

A. Utility Infrastructure: Shall comply with Federal Aviation Administration (FAA) requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950 as amended,

M.C.L. 259.431 *et seq.*), the Michigan Tall Structures Act (Public Act 259 of 1959 as amended, M.C.L. 259.481 *et seq.*), and the local jurisdiction airport overlay zone regulations. The minimum FAA lighting standards shall not be exceeded. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA. WEF systems shall comply with applicable utility, Michigan Public Service Commission and Federal Energy Regulatory Commission interconnection standards.

B. Environment:

1. The Site Plan and other documents and drawings shall show mitigation measures to minimize potential impacts on the natural environment including, but not limited to, wetlands and other fragile ecosystems, historical and cultural sites and antiquities, as identified in the Environmental Analysis.
2. Comply with applicable parts of the Michigan Natural Resources and Environmental Protection Act (Act 451 of 1994, M.C.L. 324.101 *et seq.*), including but not limited to:
 - a. Part 31 Water Resources Protection (M.C.L. 324.3101 *et seq.*),
 - b. Part 91 Soil Erosion and Sedimentation Control (M.C.L. 324.9101 *et seq.*),
 - c. Part 301 Inland Lakes and Streams (M.C.L. 324.30101 *et seq.*),
 - d. Part 303 Wetlands (M.C.L. 324.30301 *et seq.*),
 - e. Part 323 Shore Land Protection and Management (M.C.L. 324.32301 *et seq.*),
 - f. Part 325 Great Lakes Submerged Lands (M.C.L. 324.32501 *et seq.*),
 - g. Part 353 Sand Dunes Protection and Management (M.C.L. 324.35301 *et seq.*).

As shown by having obtained each respective permit with requirements and limitation of those permits reflected on the Site Plan.

SECTION 8.49.4 - APPLICABILITY

- A. Wind Energy Facility (WEF) shall be permitted as a Special Land Use in the Agriculture District. Wind Energy Facility Site Plan Review standards shall be used when reviewing an application for Wind Energy Facility permit(s).

SECTION 8.49.5 – SITE PLAN REVIEW REQUIREMENTS

WEFs shall not be located, constructed, erected, altered or used without first obtaining a Wind Energy Facility Site Permit pursuant to this Article. The Wind Energy Facility Site Plan must be reviewed and approved by the Planning Commission pursuant to standards contained herein. Modifications of development standards shall be based on a recommendation by the Zoning

Board of Appeals that said modification is in the best interest of the Township and the applicant. Where modification of a standard is requested, the Township Board shall hold a public hearing prior to consideration of a modified Site Plan. An applicant proposing a WEF must submit the following Site Plan design materials:

- A. Plan(s) of the property showing existing features such as contours, buildings, structures, roads, land use, zoning district, ownership of property and vehicular access and adjoining property.
- B. Plan(s) showing the location of proposed turbine towers, underground and overhead wiring (including depth underground wiring), access roads (including width), substations and accessory structures.
- C. A description of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary in the Township to accommodate construction vehicles, equipment or other deliveries. A cash bond which guarantees the repair of damage to public roads and other areas caused by construction of the WEF must be submitted to and approved by the Lenawee County Road Commission prior to commencement of construction.
- D. Engineering data concerning construction of the tower and its base or foundation.
- E. Description of operations, including anticipated regular and unscheduled maintenance.
- F. Documentation that sound pressure level, construction code, tower design, interconnection (if applicable) and safety requirements have been reviewed and the submitted Site Plan is prepared to show compliance with these issues.
- G. Proof of the applicant's Commercial General Liability insurance policy for the project.
- H. A copy of the documents as recorded at the Lenawee County Register of Deeds for any and all leases or easements granting authority to install the WEF which shall include the legal description of the lands covered by the lease or easement as well as a scale drawing showing the boundaries of the lease or easement.
- I. The phases or parts of construction, with a construction schedule.
- J. The location, height and dimensions of all existing buildings/structures within one (1) mile of the WEF/WET.
- K. The location, grades and dimensions of all temporary and permanent on-site and access roads from the nearest county or state maintained road.
- L. All new infrastructure(s) above ground related to the project.
- M. A copy of Manufacturers' Standard Safety Data Sheet(s) (SSDS) which shall include the type and quantity of all materials used in the operation of all equipment including, but not limited to all lubricants and coolants.

- N. A copy of a noise modeling and analysis report demonstrating that the WEF will not exceed the maximum permitted sound pressure levels. The Site Plan shall show locations of equipment identified as a source of noise which is placed, based on the analysis, so that the wind energy system will not exceed the maximum permitted sound pressure levels. The noise modeling and analysis shall conform to IEC 61400 and ISO 9613 or any updated version. After installation of the WEF, sound pressure level measurements shall be done by a third party, qualified professional according to the procedures in the most current version of ANSI S12.18. All sound pressure levels shall be measured with a sound meter that meets, or exceeds, the most current version of ANSI S1.4 specifications for a Type II sound meter. Documentation of the sound pressure level measurements shall be provided to the local government within 120 days of the commercial operation of the project.
- O. A visual impact simulation showing the completed site as proposed on the submitted Site Plan. The visual impact simulation shall be from four viewable angles.
- P. A copy of an environment analysis by a third party, qualified professional to identify and assess any potential impacts on the natural environment including, but not limited to, wetlands and other fragile ecosystems, historical and cultural sites and antiquities. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis, significance of any net effects or concerns that will remain after mitigation efforts.
- Q. A copy of an Avian and Wildlife Impact Analysis by a third party qualified professional, approved by the Township Board and the cost covered by the applicant, to identify and assess any potential impacts on wildlife and endangered species. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis and shall show those measures on the Site Plan. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.
1. Sites requiring special scrutiny include wildlife refuges, other areas where birds or bats are concentrated, bat hibernacula, sites that are frequented by federally and/or state listed endangered or threatened species of birds and bats, as well as species of birds or bats that currently are being considered for state or federal listing, significant bird and bat migration pathways and areas that have landscape features known to attract large numbers of raptors, other birds or bats.
 2. At a minimum, the analysis shall include a thorough review of existing information regarding species and potential habitats in the vicinity of the project area. Where appropriate, surveys for bats, raptors and general avian use should be conducted. The analysis shall include the potential effects on species listed or being considered for listing under the Federal Endangered Species Act and Michigan's Endangered Species Protection Law.
 3. A post-construction mortality survey for birds and bats must be conducted. The analysis shall indicate how this survey will be accomplished, and how the wind company

will respond to any evidence of excessive mortality (i.e., provide proposed mitigation strategies).

- R. A copy of a shadow flicker analysis at occupied structures to identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year. The Site Plan shall identify problem areas where shadow flicker may affect the occupants of the structures and show measures that shall be taken to eliminate or mitigate the problems.
- S. A decommissioning plan detailing the restoration plan for the site after completion of the project which includes the following supporting documentation:
 - 1. The anticipated life of the project.
 - 2. The estimated decommissioning costs net of salvage value in current dollars.
 - 3. The method of ensuring that funds will be available for decommissioning and restoration.
 - 4. The anticipated manner in which the project will be decommissioned and the site restored.
 - a. Any WET that is not operated for a continuous period of twelve (12) months shall be considered abandoned. The owner(s) of such structure shall be required to either provide to the Township a written explanation regarding why the WET is inoperable and a timeline of no longer than sixty (60) days to bring the WET back into operation or compliance or apply for the necessary demolition permits for removal within ninety (90) days of receipt of written notice from the Township.

If the owner(s) fail to provide explanation within sixty (60) days as described above or fails to apply for the necessary demolition permits within ninety (90) days for removal of an abandoned WET, the Township shall provide the owner(s) with written notice of the violation. If the owner(s) fail to cure the violation within sixty (60) days of the date of notice, the Township may begin the process of removing the WET and all associated equipment or appurtenances at the owner's/owner expense. The Township shall sell any salvageable material and deduct any monies generated from said sale from the balance of the required decommissioning fund. The remedies provided to the Township pursuant to this subsection shall be in addition to and not in place of any other remedy available to the Township at law or in equity to enforce the provisions of this Ordinance.

- b. When a WET is decommissioned, all above pre-existing grade items must be removed from the subject property including but not limited to: buildings, electrical equipment and components. Reclamation of the site

shall include the planting of a cover crop to effectively control soil erosion.

- c. Any material remaining below existing grade must be documented and recorded upon a certified survey and recorded within the Lenawee County Register of Deeds.
- T. The applicant shall submit a detailed, written complaint resolution process developed by the applicant to resolve complaints from the Township Board or the Palmyra Township property owners or residents concerning the construction or operation of the WEF. The complaint resolution process must be approved as a condition of approval of the permit application. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. The process shall not preclude the local government from acting on a complaint. During construction the applicant shall maintain and make available to nearby residents a telephone number where a project representative can be reached during normal business hours. Included in this process will be the implementation of a Complaint Resolution Board consisting of one Palmyra Township Board member, one Palmyra Township Planning Commission member, one qualified elector from Palmyra Township and two representatives of the WEF owner(s). The Palmyra Township Board member, the Palmyra Township Planning Commission member, and the qualified elector from Palmyra Township serving on the Complaint Resolution Board shall be appointed by the Palmyra Township Board and shall serve at the will of the Palmyra Township Board. A member of the Complaint Resolution Board cannot be the complainant or the Direct Relative of the complainant. If this situation occurs then the WEF owner(s) or the Township Board, as applicable, will appoint a replacement member to the Complaint Resolution Board. This board shall have power with majority vote to recommend shutting down the Wind Energy Turbine if mitigation fails. The Palmyra Township Board member, the Palmyra Township Planning Commission member, and the elector from Palmyra Township must not have a conflict of interest with a WEF.
- U. Electromagnetic Interference.
1. A report shall be produced by a third party, qualified professional acceptable to the Township to review any adverse impacts to existing telephone (including cellular and land line), microwave, navigational, or radio reception within the Township. The report required by this subsection shall, at a minimum, include the cumulative impact of all proposed, existing and permitted Utility Scale WET or WEF in Lenawee County to existing telephone (including cellular and land line), microwave, navigational, or radio reception within two and a half (2.5) miles of the Utility Scale WET or WEF Participation Parcel boundaries.
 2. A report shall be produced by a third party, qualified professional acceptable to the Township to review any adverse impacts and degradation to the signal of any existing FCC licensed television station(s) whose DTV Service Area includes the location of the proposed Utility Scale WET or WEF. The report required by this subsection shall, at a minimum, include the cumulative impact of all proposed, existing and permitted Utility Scale WET or WEF in Lenawee County to each existing station included in

the report. If the report shows that a geographical area within the DTV Service Area(s) of an affected station(s) will lose the ability to receive a signal level of at least 35dBuV/m using a receive antenna height of ten (10) feet as a result of the proposed turbines, an acceptable mitigation plan shall be submitted to restore coverage of that signal(s) to the residents in those areas.

8.49.5.1 Fees

- A. **Application Fee:** An applicant for a WEF shall remit an application fee (for each WEF application submitted) to the Township in the amount specified in the fee schedule adopted by resolution of the Township Board. This schedule shall be based on the cost to the Township of the review which may be adjusted from time to time.
- B. **Site Plan Fee:** An applicant for a WEF shall remit a Site Plan fee (for each Site Plan submitted) to the Township in the amount specified in the fee schedule adopted by resolution of the Township Board. This schedule shall be based on the cost to the Township of the review which may be adjusted from time to time.

8.49.5.2 Application Material

The following shall be included and/or be utilized as standards when preparing, submitting and reviewing an application for a WEF.

- A. **Visual Appearance; Lighting; Power Lines.** The applicant shall use measures to reduce the visual impact of wind turbines to the extent possible, utilizing the following:
 - 1. Wind turbines shall be mounted on tubular towers, painted a non-reflective, non-obtrusive color. The appearance of turbines, towers and buildings shall be maintained throughout the life of the WEF pursuant to industry standards (i.e., condition of exterior paint, signs, landscaping, etc.). A certified registered engineer and authorized factory representative shall certify that the construction and installation of the wind energy conversion system meets or exceeds the manufacturer's construction and installation standards.
 - 2. The design of the WEF's buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend facility components with the natural setting and the existing environment.
 - 3. WEFs shall not be artificially lighted, except to the extent required by the FAA or other applicable authority, or otherwise necessary for the reasonable safety and security thereof. Applicants shall consider and evaluate the potential for use of on demand FAA lighting (e.g., OCAS system) for the WEF. The review shall consider the technical and economical feasibility of using an on-demand lighting system.
 - 4. Wind turbines shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the WEF.

5. Power lines should be placed underground, within the interior of each parcel at a depth designed to accommodate the existing agricultural land use to the maximum extent practicable. All above ground lines, transformers or conductors should comply with the Avian Power Line Interaction Committee (APLIC, <http://www.aplic.org/>) published standards to prevent avian mortality. The collection system may be placed overhead adjacent to public right of ways, near substations or points of interconnection to the electric grid or in other areas as necessary.
 6. No collation with cell phone towers.
- B. Setbacks, Separation and Security. The following setbacks and separation requirements shall apply to all wind turbines within a WEF:
1. Inhabitable Structures: On a participating parcel, each WET shall be set back from the nearest inhabitable structures a distance of no less than 1320 feet or 3 times the Total Height, whichever is greater. Where a WET is proposed in the vicinity of a Non-Participating Property/Parcel, each WET shall be set back from the nearest inhabitable structures, school, businesses, hospital, church, public library, communication or otherwise equipment on a Non-Participating Property/Parcel a distance no less than 2000 feet or 4 times the Total Height, whichever is greater. Participating Parcel owners shall have the ability to reduce such a setback to 2.0 times the Total Height through written acceptance by the Land Owner without Township approval. Such written acceptance shall be filed with the application. A reduced setback shall be considered only with the written approval from the owner.
 2. Property Line Setbacks: Excepting locations of public roads (see below), WETs and access roads shall be located so as to minimize the disruption to agricultural activity and therefore, the location of WETs and access routes is encouraged along internal property lines. Where a WET location is proposed nearer to an internal property line than 3 times the Total Height of the WET, an easement shall be established on the abutting parcel(s) prior to application approval.
 3. Public Roads:
 - a. Each WET shall be set back from the nearest public road a distance no less than 2 times its Total Height, determined at the nearest boundary of the underlying right-of-way for such public road.
 - b. Any and all WETs along the US 223 corridor shall have a setback of 3 times the Total Height from the US 223 right of way.
 4. Electrical Lines: Each WET shall be set back from the nearest existing above-ground public utility electric transmission line a distance no less than 1.5 times its Total Height, determined from the existing power line.
 5. Tower Separation: Turbine/tower separation shall be based on 1) industry standards, 2) manufacturer recommendation, and 3) the characteristics [prevailing wind, topography, etc.] of the particular site location. At a minimum, there shall be a separation

between towers of not less than 3 times the turbine (rotor) diameter; and the WEF shall be designed to minimize disruption to farmland activity. Documents shall be submitted by the developer/manufacturer confirming specifications for turbine/tower separation.

6. Following the completion of construction, the applicant shall certify that all construction is completed pursuant to the Wind Energy Facility Site Permit and in addition that appropriate security will be in place to restrict unauthorized access to the WEFs.

C. Wind Turbine/Tower Height (Total Height). The Total Height of a wind turbine shall be the distance to the center of the hub of the wind turbine plus the distance to the tip of the turbine blade at its highest point. The Hub Height shall be limited to 330 feet from existing grade unless modification of this maximum height is approved pursuant to Section 8.49.5 of this Article. The applicant shall demonstrate compliance with the Michigan Tall Structure Act (Act 259 of 1959, as amended) and FAA guidelines as part of the approval process.

D. Noise.

1. On Participating Parcels, audible noise or the sound pressure level from the operation of a WEF shall not exceed 50 dB(A) or the ambient (L_{eq}) sound pressure level plus five (5) dB(A), whichever is greater, measured at any inhabitable structure, whether occupied or not. On any non-participating property/parcel, audible noise or the sound pressure level from the operation of the WEF shall not exceed 40 dB(A), or the ambient (L_{eq}) sound pressure level plus five (5) dB(A), whichever is greater, measured at any inhabitable structure, school, businesses, hospital, church or public library existing on the date of approval of any Wind Energy Facility Site Permit. The applicant shall be able to provide 10 minute L_{eq} sound pressure level measurements from a reasonable number of sampled locations at the perimeter and in the interior of the WEF to demonstrate compliance with this standard.
2. In the event audible noise from the operation of the WEF contains a steady pure tone, the standards for audible noise set forth in subparagraph 1) of this subsection shall be reduced by five (5) dB(A) pure tone is defined to exist if the one-third (1/3) octave band sound pressure level in the band, including the tone, exceeds the arithmetic average of the sound pressure levels of the two (2) contiguous one-third (1/3) octave bands by five (5) dB(A) for center frequencies of five hundred (500) Hz and above, by eight (8) dB(A) for center frequencies between one hundred and sixty (160) Hz and four hundred (400) Hz, or by fifteen (15) dB(A) for center frequencies less than or equal to one hundred and twenty-five (125) Hz.
3. The ambient noise level absent any and all turbine noise shall be expressed in terms of the L_{eq} sound pressure level in dB(A) for a 10 minute period. Ambient noise levels shall be measured at a building's exterior of potentially affected existing residences, businesses, schools, hospitals, churches and public libraries. Ambient noise level measurement techniques shall employ all practical means of reducing the effect of wind-generated noise at the microphone. Ambient noise level measurements shall be

performed when wind velocities at the proposed project site are sufficient to allow wind turbine operations, provided that the wind velocity does not exceed thirty (30) mph at the ambient noise measurement location.

4. Any noise level falling between two whole decibels shall be the lower of the two.
 5. In the event the noise levels resulting from the WEF exceed the criteria listed above, a waiver to said levels may be approved provided that the following has been accomplished:
 - a. Written consent from the affected property owner(s) has been obtained stating that they are aware of the WEF and the noise limitations imposed by this Article and that consent is granted to allow noise levels to exceed the maximum limits otherwise allowed.
 - b. If the applicant wishes the waiver to apply to succeeding owners of the property, a permanent noise impact easement must be recorded in the Lenoire County Register of Deeds office which describes the benefited and burdened properties and which advises all subsequent owners of the burdened property that noise levels in excess of those otherwise permitted by the ordinance may exist on or at the burdened property.
- E. Minimum Ground Clearance. The blade tip of any WET shall, at its lowest point, have ground clearance of not less than seventy five (75) feet.
- F. Signal Interference. No Wind Energy Facility shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antennas for radio, television, personal and public alarms or wireless phone or other personal communication systems would cause signal degradation or produce electromagnetic interference with signal transmission or reception. No Wind Energy Facility shall be installed in any location along the major axis of an existing microwave communications link where its operation is likely to cause signal degradation or produce electromagnetic interference in the link's operation.
- G. Safety
1. All collection system wiring shall comply with all applicable safety and stray voltage standards.
 2. Wind turbine towers shall not be climbable on the exterior.
 3. All access doors to wind turbine towers and electrical equipment shall be lockable and shall remain locked at all times excepting when being accessed for repairs, maintenance, or inspection.
 4. Appropriate warning signs shall be placed on wind turbine towers, electrical equipment and Wind Energy Facility entrances.

H. Shadow Flicker. The applicant shall provide a detailed report including a visual Site Plan illustrating the locations of any potential shadow areas produced by the WEF including a summation of the impacts the proposed WEF may have upon existing neighboring/adjacent properties and inhabitable structures, the number of hours per year and mechanisms or mitigation efforts that could be implemented to minimize any negative effects, including commercial software and control systems to stop all flicker. A WEF shall not cast a shadow upon non-participating property/parcel's inhabitable structure for a period exceeding 30 hours per year unless said affected property owner provides written permission. If a non-participating resident has been professionally diagnosed with a pre-existing seizure disorder or pre-existing vestibular disease and borders an approved participating property/parcel, the Palmyra Township Planning Commission and Palmyra Township Board will implement all means to control flicker.

SECTION 8.49.6 - CERTIFICATION

Operation of a WEF shall require certification of compliance; a certification report from the WEF owner/operator is required within twelve (12) months of the facility's initial operation (start-up) date. The post-construction certification report shall confirm the project's compliance with provisions of this code as well as all other applicable laws and conformity with wind industry practices.

SECTION 8.49.7 - INSPECTIONS

The applicant (owner/operator) shall submit annual reports to the Zoning Administrator of Palmyra Township confirming continued compliance with applicable township codes or ordinances. This requirement shall not preclude the township from undertaking a separate compliance report, where confirmation of data provided by the facility's operator is desired. The cost of a township-sponsored report shall be reimbursed to the township by the facility's owner/operator through an escrow fund established pursuant to the 'schedule of fees for Wind Energy Facilities', adopted from time-to-time by the Township Board.

SECTION 8.49.8 - SEVERABILITY

Should any provision of this ordinance be determined to be unenforceable, impermissible, unconstitutional or illegal, said provision shall be held for naught and the remainder of this Ordinance shall remain in effect and enforceable, and severed from the unenforceable, impermissible, unconstitutional or illegal provision.

SECTION 8.50 – SMALL STRUCTURE-MOUNTED WIND ENERGY TURBINES and SMALL TOWER-MOUNTED WIND ENERGY TURBINES (PRIVATE)

Notwithstanding other provisions of this section of the ordinance, a Small Structure-Mounted Wind Energy Turbine (SSMWET) and Small Tower-Mounted Wind Energy Turbine (STMWET) shall be considered a permitted Special Land Use in all zoning districts. A Small Structure-Mounted Wind Energy Turbine and/or Small Tower-Mounted Wind Energy Turbine shall be required to have appropriate building permits. All Small Structure-Mounted Wind En-

ergy Turbines and Small Tower-Mounted Wind Energy Turbines are subject to the following minimum requirements:

8.50.1 Siting and Design Requirements

- A. “Upwind” turbines shall be required for all horizontal Wind Energy Turbines, rather than “downwind”.
- B. Visual Appearance; Turbines must have non-intrusive color; must be free of rust; shall not have artificial lighting except as required by FAA (if applicable); and shall not be used for advertising purposes.
- C. Ground Clearance: Structure-mounted: Minimum ground clearance of 15 ft. Tower-mounted: Minimum ground clearance of 30 ft. above ground. Turbines must have a minimum of 15 ft. clearance above outdoor surfaces intended for human use such as balconies or roof gardens that are located directly below the turbine.
- D. Noise: Maximum sound level of 45 dB(A) at the property line of a residentially-used parcel or from the property line of parks, schools, businesses, hospitals or churches.
- E. Vibration: No noticeable vibration beyond the property line.
- F. Guy Wires: Not permitted.
- G. Special Siting Requirements for Structure-Mounted Turbine: Height not to exceed 15 ft. above roof peak; turbine setback to be 25 ft. or 1.2 times the height (to tip of blade in highest position), whichever is greater from property lines, public ROW, or overhead utility lines; if more than one SSMWET exists, the minimum setback between turbines shall be equal to the height of the tallest turbine.
- H. Special Siting Requirements for STMWET Turbines: Height not to exceed 100 ft.; turbine setback a minimum of 1.2 times tower height from the property line, public ROW occupied building, or overhead utility line. The setback may be reduced if it can be demonstrated that the tower will collapse at a point that is short of the tower height.

8.50.2 Application Requirements. The following information should be submitted with the proposed Site Plan.

- A. Applicant must show manufacture’s sound levels, not to exceed 45 dB(A) from the sound source.
- B. Documentation demonstrating compliance with all applicable governmental standards regarding safety, construction, environmental, electrical, communications and FAA requirements.
- C. Proof of liability insurance.

- D. If hooking into the electric grid, evidence of approval from the utility company that the customer intends to install an interconnected system.
- E. Manufacturer's guidelines for tower maintenance.

8.50.3 Safety Requirements

- A. If connecting to the power grid, small wind systems shall meet the latest guidelines from the utility company.
- B. An automatic braking system is required to prevent uncontrolled rotation of the rotor.
- C. Warning signs including high voltage and emergency contact information
- D. Compliance with International Electrical Commission standards for wind turbines.

8.50.4 Signal Interference

- A. Small wind systems shall not interfere with communication signals.

8.50.5 Decommissioning

- A. Small wind energy systems shall be decommissioned within six months after the end of their useful life. The township may grant an extension of time. The end of useful life is the period after no electricity has been generated for a period of 12 months.
- B. If not decommissioned within the six-month period, the township may cause the turbine to be removed at the expense of the owner.
- C. Decommissioning is to include the removal of all buildings, components, and other associated features.

SECTION 8.51 - WIRELESS COMMUNICATION TOWERS

- A. Wireless communications equipment is a permitted use of property and is not subject to Special Land Use approval or any other approval if all of the following requirements are met:
 - 1. The wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing equipment compound.
 - 2. The existing wireless communications support structure or existing equipment compound is in compliance with the local unit of government's zoning ordinance or was approved by the appropriate zoning body or official for the local unit of government.
 - 3. The proposed collocation will not do any of the following:
 - a. Increase the overall height of the wireless communications support structure by more than 20 feet or 10% of its original height, whichever is greater.

- b. Increase the width of the wireless communications support structure by more than the minimum necessary to permit collocation.
 - c. Increase the area of the existing equipment compound to greater than 2,500 square feet.
- 4. The proposed collocation complies with the terms and conditions of any previous final approval of the wireless communications support structure or equipment compound by the appropriate zoning body or official of the local unit of government.
- B. Wireless communications equipment that meets the requirements of Subsection A.1 and A.2 but does not meet the requirements of subsection A.3 or A.4 is a permitted use of property if it receives Special Land Use approval under subsections C to G.
- C. An application for Special Land Use approval of wireless communications equipment described in Subsection B shall include all of the following:
 - 1. A Site Plan as required under Article VII, SITE PLAN REVIEW, including a map of the property and existing and proposed buildings and other facilities.
 - 2. The following site and development requirements shall apply:
 - a. A minimum site of five (5) acres and four hundred (400) feet of road frontage shall be required unless the tower is to be built one thousand three hundred and twenty (1320) feet off the road from the road right-of-way, in which case the road frontage is waived and a thirty five (35) foot easement is required for access.
 - b. The appropriateness of guy wires shall be considered when the property abuts a Residential District or use.
 - c. The base of the tower and guy wire supports shall be fenced with a minimum six (6) foot high fence.
 - 3. The following special performance standards shall apply to communication towers:
 - a. Communication towers must be set back from all property lines a distance equal to its height and twenty five (25) feet.
 - b. Accessory structures are limited to uses associated with the operation of the tower and may not be located any closer to any property line than the minimum front yard requirement for the appropriate zoning district.
 - c. Accessory structures shall not exceed six hundred (600) square feet of gross building area.
 - d. All towers shall be equipped with an anti-climbing device to prevent unauthorized access.

- e. The plans of the tower shall be certified by a registered structural engineer.
- f. The applicant shall provide verification that the antennas mount and structure have been reviewed and approved by a professional engineer and that the installation is in compliance with all applicable codes.
- g. All towers must meet the standards of the Federal Communications Commission and the Federal Aviation Administration.
- h. Communications towers in excess of one hundred (100) feet in height above grade level shall be prohibited within a two (2) mile radius of a public airport or ½ (one-half) mile of a helipad.
- i. No part of any communications tower or antenna shall be constructed, located or maintained at any time, permanently or temporarily, on or upon any required setback area for the district in which the antenna or tower is to be located. In no case shall a tower or antenna be located within thirty (30) feet of a property line.
- j. Metal towers shall be constructed of, or treated with, corrosive-resistant material.
- k. Antennae and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electric wiring and connections with all applicable local statutes, regulations and standards.
- l. Towers with antennae shall be designed to withstand a uniform wind loading in accordance with state building code.
- m. All signals and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least eight (8) feet above the ground at all points, unless buried underground.
- n. Towers shall be located so that they do not interfere with reception in nearby residential areas.
- o. Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property owned and/or leased by the applicant.
- p. The base of the tower shall occupy no more than five hundred (500) square feet.
- q. Minimum spacing between tower locations shall be two (2) miles, including towers within or outside the borders of the Township, in order to prevent a concentration of towers in one area.
- r. Height of the tower shall not exceed two hundred (200) feet from grade within a Commercial District, and three hundred (300) feet from grade in General, Light Industrial or Agricultural Districts.

- s. Towers shall not be artificially lighted except as required by the Federal Aviation Administration.
 - t. Existing on-site vegetation shall be preserved to the maximum extent practicable.
 - u. There shall not be displayed advertising or identification of any kind intended to be visible from the ground or other structures, except as required for emergency purposes.
 - v. There shall be no employees located on the site on a permanent basis to service or maintain the communications tower. Occasional or temporary repair and service activities are excluded from this restriction.
 - w. Where the property adjoins a residentially zoned property or residential land use, the developer shall plant two (2) alternating rows of evergreen trees with a minimum height of five (5) feet on twenty (20) foot centers along the entire perimeter of the tower and related structures. In no case shall the evergreens be any nearer than ten (10) feet from any structure.
 - x. The policy of the community is to minimize the number of communication towers in the Township. Therefore, the Township shall require the collocation of communication towers. Pursuant to this policy, the following standards apply to communication towers:
 - (1) All new and modified communication towers shall be designed and constructed to accommodate collocation.
 - (2) A Special Land Use Permit for the construction and use of a new communication tower shall not be granted unless and until the applicant provides a written and notarized statement from available tower owners that a feasible collocation is not available for the coverage area and capacity needs. The number of antennas, transmitters, and receivers shall be stated on the notarized statement being asked for co-location.
 - y. Annual emissions monitoring will be required on all transmitters by independent licensed RF engineers. This report must be submitted to the Township Clerk by October 1st of each year. The tower company will be required to pay for the annual monitoring.
 - z. The tower shall meet the height requirements of the Lenawee County Air Safety Ordinance.
4. The following information shall be submitted prior to Township approval to construct a communication tower:
- a. A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the Site Plan for the proposed communication tower.

Such plan shall be designed to ensure the long-term continuous maintenance to a reasonably prudent standard.

- b. The application shall include a description of security to be posted at the time of receiving a building permit for the communication tower to ensure removal of the facility when it has been abandoned or is no longer needed. In this regard, the Planning Commission shall specify the form of security as approved by the township attorney and recordable at the office of the County Register of Deeds, establishing a promise of the applicant and owner of the property to remove the facility in a timely manner as required under this section, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorney fees incurred by the community in securing removal. The security shall be adjusted on an annual basis according to the U.S. Bureau for Labor Statistics' Consumer Price Index annual average for United States cities in the North Central Region of the United States.
 - (1). The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.
- D. After an application for a Special Land Use approval is filed with the Planning Commission, the Zoning Administrator (or designee) shall determine whether the application is administratively complete. Unless the Zoning Administrator (or designee) proceeds as provided under Subsection F, the application shall be considered to be administratively complete when the Zoning Administrator (or designee) makes that determination or 14 business days after the body or official receives the application, whichever is first.
- E. If, before the expiration of the 14-day period under Subsection E, the Zoning Administrator (or designee) notifies the applicant that the application is not administratively complete, specifying the information necessary to make the application administratively complete, or notifies the applicant that a fee required to accompany the application has not been paid, specifying the amount due, the running of the 14-day period under Subsection E is tolled until the applicant submits to the Zoning Administrator (or designee) the specified information or fee amount due. The notice shall be given in writing or by electronic notification. A fee required to accompany any application shall not exceed the local unit of government's actual, reasonable costs to review and process the application or \$1,000.00, whichever is less.
- F. The Township Board, upon the recommendation of the Planning Commission, shall approve or deny the application not more than sixty (60) days after the application is considered to be administratively complete. If the Township Board fails to timely approve or deny the application, the application shall be considered approved and the Township Board shall be considered to have made any determination required for approval.
- G. Special Land Use approval of wireless communications equipment described in Subsection B may be made expressly conditional only on the wireless communications equip-

ment's meeting the requirements of other local ordinances and of federal and state laws before the wireless communications equipment begins operation.

H. If the proposed wireless communications equipment does not meet the requirements of subsection A.1 or for a wireless communications support structure, Subsections E to G apply to the Special Land Use approval process, except that the period for approval or denial under Subsection G is 90 days.

I. A local unit of government may authorize wireless communications equipment as a permitted use of property not subject to a Special Land Use approval.

J. As used in this section:

1. "Collocate" means to place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound. "Collocation" has a corresponding meaning.
2. "Equipment compound" means an area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located.
3. "Wireless communications equipment" means the set of equipment and network components used in the provision of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.
4. "Wireless communications support structure" means a structure that is designed to support, or is capable of supporting, wireless communications equipment, including a monopole, self-supporting lattice tower, guyed tower, water tower, utility pole, or building.

SECTION 8.52 – VISIBILITY AT INTERSECTIONS

On any corner lot in any zoning district requiring front and side yards, no fence, wall, hedge, screen, sign, structure, vegetation, or planting shall be allowed to impede vision between a height of three (3) feet and eight (8) feet above the centerline grades within the triangular area formed by the intersecting street right-of-way lines and a straight line joining the two (2) lines at points which are thirty-five (35) feet distance from the point of intersection, measured along the street right-of-way line.

SECTION 8.53 – BIOFUEL PRODUCTION FACILITIES

In accordance with Section 513 of the Michigan Zoning Enabling Act (PA 110 of 2006, MCL 125.3513), Palmyra Township provides that biofuel production facilities may be developed as follows.

- A. Permitted principal use. A biofuel production facility with an annual production capacity of not more than 100,000 gallons of biofuel is a permitted principal use if it is:
 - 1. Located on a farm;
 - 2. Located at least 100 feet from the boundary of any contiguous property under different ownership;
 - 3. Meets all applicable setback requirements of the underlying zoning district; and
 - 4. At least 75% of the feedstock for the facility is produced on the farm.
- B. Permitted as a Special Land Use.
 - 1. A biofuel production facility is permitted as a Special Land Use if it:
 - a. Meets the standards set in Subsections 8.53(A)(1 thru 3), but not Subsection 8.52(A)(4); or
 - b. Has an annual production capacity of more than 100,000 gallons, but not more than 500,000 gallons, and meets the standards set in Subsections 8.53(A)(1 thru 3).
 - 2. A Site Plan, as required in Article VII, must be submitted with an application for special approval, along with the information specified in Sec. 513(3) of the Michigan Zoning Enabling Act (MCL 125.3513(3)).
 - 3. The standards upon which special approval is based are limited to those specified in Sec. 513(5) of the Michigan Zoning Enabling Act (MCL 125.3513(5)).

SECTION 8.54 – ACCESSORY STRUCTURES

- A. All accessory structures in non-residential districts shall be subject to the same standards and requirements as are required for all principal structures within such districts.
- B. An accessory building attached to the principal building of a lot shall be made structurally a part thereof, and shall comply in all respects with the requirements applicable to the principal building.

**ARTICLE IX
NATURAL RESOURCE PROTECTION
and ENHANCEMENT REGULATIONS**

SECTION 9.01 – PURPOSE

The purpose of this section is to ensure that property is used in a manner which is consistent with the goals and objective of the Master Plan and designed in a manner that protects natural resources and features. The regulations of this section are intended to achieve the mutually compatible objective of reasonable use of land and protection of the Township natural resources and features.

SECTION 9.02 – LANDSCAPING, GREENBELT, BUFFERS and SCREENING

The intent of these landscape standards is to promote the public's health, safety, and general welfare by: counteracting noise, improving air quality and counteracting visual buffering between non-compatible land uses; regulating the appearance of property abutting public rights-of-way; protecting and preserving the appearance, character, and value of the community and its residential neighborhood areas; preventing soil erosion and soil depletion; and promoting soil water retention.

To the greatest extent possible, applicants are encouraged to satisfy ordinance requirements through the preservation of existing trees and natural vegetation. Where appropriate, the use of landscape materials native to Lenawee County is encouraged.

- A. These requirements shall apply to all uses for which Site Plan Review is required under Article VII (7). No Site Plan shall be approved unless it shows landscaping, greenbelt buffers, and screening consistent with the requirements set forth in this section.
- B. Landscape Plan Required. A separate detailed landscape plan shall be submitted as part of the Site Plan Review process. On sites of greater than one (1) acre, landscape plans shall be prepared. The landscape plan shall include, but not necessarily be limited to, the following items:
 - 1. Location, spacing, size, root type and descriptions of each plant and type proposed for use within the required landscape area.
 - 2. Minimum scale: 1" = 40' for property less than five (5) acres, or 1" = 100' for property five (5) acres or more. A different scale may be used provided it is sufficient to properly illustrate the landscape plan concept and that ordinance requirements are met.
 - 3. On parcels of more than one (1) acre, existing and proposed contours on-site and fifty (50) feet beyond the site at intervals not to exceed two (2) feet.

4. Significant construction details to resolve specific site conditions, such as tree wells to preserve existing trees or culverts to maintain natural drainage patterns.
5. Planting and staking details in either text or drawing form to ensure proper installation of proposed plant materials.
6. Identification of existing wetlands, forested areas, trees and vegetative cover to be preserved.
7. Identification of grass and other ground cover and method of planting.
8. Identification of mulch in planting beds.
9. Typical straight cross-section including slope, height and width of berms.

C. Buffering Between Land Uses. See Appendix I.

1. Upon any improvement for which a Site Plan is required, a landscape buffer shall be required to create a visual screen at least six (6) feet in height along all adjoining boundaries whenever a non-residential use of a residential use of higher density abuts residentially-zoned property. A landscape buffer may consist of earthen berms and plant materials, or plant materials only, so as to maintain a minimum opacity of at least eighty (80) percent. Opacity shall be measured by observation of any two (2) square yard area of landscape screen between one (1) foot above the established grade of the area to be concealed and the top or the highest point of the required screen. Provided the minimum size of plant material as set forth in Section 9.02 J. at the time of installation, the opacity standard shall be met based upon reasonably anticipated growth over a period of three (3) years. The applicant shall agree in writing to install additional plantings after the expiration of three (3) years, in the event that the landscaping has not screened the view of areas as required.
2. Where there is a need to provide a greater visual, noise or dust barrier or to screen more intense development, a solid wall or fence may be required. Such wall or fence shall be a minimum of six (6) feet in height as measured on the side of the proposed wall having the higher grade, and shall be constructed on both sides with textured concrete, split-face concrete block, wood, brick, vinyl, or stone. Precast panels and formed concrete structures may be used if they provide surface detail and texture equal to or greater than the materials just named. In addition, a minimum of one (1) tree and six (6) shrubs meeting the minimum size requirements set forth in SECTION 9.02.J. shall be planted adjacent to and for each thirty (30) lineal feet of wall or fence.

D. Parking Lot Landscaping. See Appendix J.

1. Interior Areas. Each separate landscaped area within a parking lot shall be adequately planted and maintained and shall be located in such a manner as to promote the following: divide and break up the expanse of pavement, define parking areas, and designate vehicular circulation. The following specific standards shall apply:

- a. Separate landscaped islands shall be required within parking lots of sixteen (16) spaces or greater. No more than a row of twenty-four (24) spaces are permitted without an island. Where size and configuration of a parking lot would prevent maintenance or impede traffic flow as a result of requiring landscaped areas within parking lots, the Planning Commission may approve alternative landscaping along the perimeter of the parking lots.
 - b. There shall be one (1) canopy tree meeting the minimum size requirements set forth in Section 9.02.J. for every eight (8) parking spaces. Landscaped islands within a designated parking area shall be a minimum of one hundred-fifty (150) square feet in area and a minimum of nine (9) feet in width.
 - c. A minimum distance of three (3) feet shall be established between proposed tree or shrub plantings and the backside of the curb or edge of the pavement.
2. Perimeter Areas. In order to reduce the visual impact, minimize conflicts between neighboring uses and reduce the effect of headlight glare and parking lot lighting on adjacent uses and public roadways, the perimeter of parking lots shall be screened in accordance with the following standards:
- a. Parking lots which are adjacent to residentially zoned or serve a non-residential use or a residential use of higher density shall be screened from that residential use in accordance with the standards set forth in Section 9.02.C.
 - b. Parking lots which are visible from a public road shall be screened from view with a landscaped berm varied in height from between two (2) to three (3) feet along the perimeter of those sides which are visible. The berm shall be planted with a minimum of one (1) deciduous or evergreen tree and six (6) deciduous or evergreen shrubs, meeting the minimum size requirements set forth in Section 9.02.J. for every thirty (30) lineal feet, or portion thereof. The Planning Commission, at its discretion, may approve alternative landscape plantings, such as a solid hedge, or a solid wall in lieu of a landscape berm.
 - c. Minimum of three (3) foot wide landscape strips (not including vehicle overhangs) should be provided between paved parking surfaces and buildings, fences, and property lines wherever possible. Trees and shrubs shall be planted.
- E. Front Greenbelt Landscaping. See Appendix M. A landscaped greenbelt equivalent in depth to the required front yard setback shall be required for any lot or any portion of a lot fronting on a public or private road, and shall be landscaped with a minimum of one (1) deciduous tree or one (1) evergreen tree, plus six (6) deciduous and/or evergreen shrubs meeting the minimum size requirements set forth in Section 9.02.J. for each thirty (30) lineal feet, or portion thereof, of frontage abutting said public right-of-way. The remainder of the greenbelt shall be landscaped in grass, ground cover, shrubs and/or other living plant material.

Access ways from public rights-of-way through required landscape strips shall be permitted, but such access ways shall not be subtracted from the lineal dimension used to de-

termine the minimum number of trees required unless such calculation would result in a spacing arrangement which is detrimental to plant development.

- F. **General Site Landscaping.** In addition to any required screening, front greenbelt, foundation landscaping and/or parking lot landscaping required by this section, ten (10) percent of the site area, excluding existing public road right-of-way, or private road easement shall be landscaped. Such site landscaping shall include preservation of existing plant material, turf grass, ground cover, trees, shrubs and/or other living plant material, but shall not be solely turf grass. In meeting general site landscaping requirements, particular attention shall be paid to such site elements as transformers, mechanical equipment, ground sign bases, entryways, and/or retention and detention areas. In particular, the integration of storm water retention and detention ponds in the overall landscape concept is recommended. Ponds with a natural, rather than square or rectangular, design and appearance shall be encouraged. Fenced retention/detention ponds within a front yard shall be strictly prohibited.
- G. **Refuse Containers.** Refuse containers shall be required for all uses other than agricultural and single-family uses subject to the following standards:
1. Outside trash disposal containers shall be screened on all sides with an opaque masonry wall, private fence and a gate at least as high as the container, but not less than six (6) feet in height, and shall be constructed of material, which is compatible with the architectural materials used in the site development.
 2. Containers shall be consolidated to minimize the number of collection sites.
 3. Containers and enclosures shall meet all required setbacks, shall be located behind the front face of the building and shall be located away from public view insofar as possible.
 4. Containers and enclosures shall be situated so that they do not cause excessive nuisance or offense to occupants of nearby buildings.
 5. Concrete pads of appropriate size and construction shall be provided for containers or groups of containers having a capacity of size 1.0 cubic yard or more. Aprons shall be provided for loading of bins with capacity of 1.5 cubic yards or more. The minimum size of an enclosure shall be eight (8) feet in depth and twelve (12) feet in width to accommodate a single container and eight (8) feet in depth and twenty (20) feet in width to accommodate two (2) containers.
 6. For storage of recyclable materials, the enclosure area and pad size shall be increased to amply accommodate the extra materials and their containers.
 7. Screening and gates shall be of a durable construction. Gates shall be constructed of heavy-gauge metal or of a heavy-gauge metal frame with covering of wood or other suitable material. Gates shall be secured with sturdy hinges or sliders and latches. If the enclosure is situated directly adjacent to parking spaces or drives, it shall be protected at its base by concrete cub blocks or bollards.

H. Miscellaneous Landscape Requirements. The following minimum standards shall apply:

1. Quality. Plant materials and grasses shall be of generally acceptable varieties and species, free of insects and diseases, hardy to Lenawee County, shall conform to the current minimum standard of the American Nursery and Landscape Association, and shall have proof of any required governmental regulations and/or inspections.
2. Composition. A mixture of plant material, such as evergreen, deciduous trees and shrubs, is recommended to discourage insect and disease infestation; however, a limited mixture of hardy species is recommended in order to unify the design and visually blend with neighboring plants. Where plantings are adjacent to a road right-of-way, selection of plant materials that are tolerant of road salt spray and air pollutants are recommended.
3. Berms. Berms may be constructed with slopes. Berm slopes shall be protected with turf grass, shrubs or other form of natural ground cover.
4. Existing Trees. If existing plant material is labeled 'To Remain' on Site Plans by the applicant or required by the Township, protective techniques, such as, but not limited to, fencing or barriers placed at the drip line around the perimeter of the plant material shall be installed prior to construction. No vehicle or other construction equipment shall be parked or stored within the drip line of any plant material intended to be saved. Other protective techniques at the tree's drip line may be used provided such techniques are approved by the Township.

In the event that healthy trees which are used to meet the minimum requirements of this ordinance, or those labeled to remain, are cut down, destroyed, damaged, or excavated at the drip line, as determined by the Township, the Property Owner shall replace them with trees that meet Ordinance requirements.

5. Installation, Maintenance, and Completion. All landscaping required by this Ordinance shall be planted prior to obtaining a Certificate of Occupance. In the alternative, a surety bond, letter of credit, and/or certified check shall be placed in escrow in the amount of the cost of landscaping, to be released only after landscaping is completed.

All landscape elements shall be installed, and earth moving or grading performed according to accepted good planting and grading procedures.

The owner of the property required to be landscaped by this Ordinance shall maintain such landscaping in a reasonably healthy condition, free from refuse and debris.

All unhealthy and dead material shall be replaced within one (1) year of damage or death or the next appropriate planting period, whichever comes first.

6. Prohibited Trees and shrubs. Installation of the following trees and shrubs to satisfy landscape ordinance requirements shall be strictly prohibited:

<u>Common Name</u>	<u>Botanical Name</u>
Box Elder	Acer negundo
Norway Maple	Acer platanoides
Silver Maple (pure species only)	Acer sacharinum
Tree of Heaven	Ailanthus altissima
Russian Olive	Elaeagnus angustifolia
Mulberry	Morus sp.
Buckthorn	Rhamnus sp.
Black Locust	Robinia psuedoacacia
Willow (all species)	Salix sp.
Siberian Elm	Ulmus pumila
Prickly Ash (Toothache Tree)	Zanthoxylum americanum
Osage Orange	Maclura pomifera

In addition to the trees noted above, other plants, shrubs and trees as many be determined by the Township Board by resolution from time to time to be inconsistent with the purpose of this Ordinance, may also be prohibited.

- I. Minimum Size and Spacing Requirements. Where landscaping is required, the following schedule sets forth minimum size and spacing requirements for representative landscape materials:

SECTION 9.02.J – SIZE AND SPACING REQUIREMENTS FOR TREES

The following trees are representative.	Minimum Size Allowable			
	Height		Caliper	
TREES	6'	3' - 4'	1.75"	2.5"
Evergreen Trees:				
Fir	√			
Spruce	√			
Pine	√			
Hemlock	√			
Douglas Fir	√			
Narrow Evergreen Trees:				
Red Cedar		√		
Arborvitae		√		
Juniper (selected varieties)		√		
Large Deciduous Canopy Trees:				
Oak				√
Maple				√
Beech				√
Linden				√
Ginkgo (male only)				√
Honey locust (seedless, thorn less)				√
Birch				√

The following trees are representative.	Minimum Size Allowable			
	Height		Caliper	
TREES	6'	3' - 4'	1.75"	2.5"
Sycamore				√
Small Deciduous Ornamental Trees:				
Flowering Dogwood			√	
Flowering Cherry, Pear			√	
Hawthorn			√	
Redbud			√	
Magnolia			√	
Flowering Crabapple			√	
Serviceberry			√	
Hornbeam			√	

SECTION 9.02.J – SIZE AND SPACING REQUIREMENTS FOR SHRUBS

The Following shrubs are representative	Minimum Size Allowable			
	Height		Spread	
SHRUBS	6'	3' - 4'	24" - 36"	18" - 24"
Evergreen Shrubs:				
Pyramidal Yew		√		
Hicks Yew				√
Brown and Wards Yew			√	
Alberta Spruce		√		
Upright Juniper Varieties			√	
Sabina Juniper				√
Mugho Pine				√
Horizontal Juniper Varieties				√
Boxwood				√
Euonymus Varieties				√
Deciduous Shrubs:				
Lilac			√	
Sumac			√	
Pyracantha				√
Weigela			√	
Flowering Quince			√	
Dogwood			√	
Viburnum Varieties			√	
Spirea				√
Fragrant Sumac				√
Potentilla				√

J. Exceptions to Requirements.

1. Buildings Abutting Property Lines. Required screening may be omitted along any lot line where a building wall exists immediately abutting the lot line.
2. Location Adjustments. Where property line screening is required, the location may be adjusted at the discretion of the Planning Commission so that the screening may be constructed at or within the setback line, provided the areas between the screening and the property lines are landscaped, or in rural areas, retain their natural vegetative state.
3. Existing Screening. Any fence, screen, wall or hedge, which does not conform to the provisions of this section and legally exists at the effective date of this Ordinance may be continued and maintained, provided there is no physical change other than necessary maintenance and repair in such fence, screen wall, or hedge except as permitted in other sections of this Ordinance.
4. Planning Commission Modification. Any of the requirements of this section may be waived or modified through Site Plan approval, provided the Planning Commission first makes a finding:
 - a. That the topographic features or special characteristics of the site create conditions so that the strict application of the provisions of this section will result in less effective screening and landscaping than alternative landscape designs.
 - b. That the public benefit intended to be secured by this section will exist with less than the required landscaping or screening.

SECTION 9.03 – BUFFER STRIP REQUIREMENTS

- A. For activities subject to Site Plan Review as described in ARTICLE VII, a twenty-five (25) foot wide natural vegetation buffer strip shall be left undisturbed and protected to safeguard the natural resources of wetlands, streams, rivers, lakes, ponds, and other water resources. The Township reserves the right to increase the buffer strip width for areas they deem to be sensitive or critical natural resources.
- B. Any proposed buffer strip must be shown on the Site Plan, and properly labeled.
- C. No development or encroachment shall be permitted within any required or approved buffer area without Township approval.
- D. Any buffer strip shall be protected during development by construction fencing.
- E. The buffer strip shall be identified on the deed or in condominium documents to be retained and not disturbed. The out boundary of the buffer strip shall be identified in the field with permanent markers to limit disturbance.

- F. Within the buffer strip, trees, and shrubs may be selectively pruned or removed for harvest of merchantable timber, to achieve a filtered view of the water feature from the main dwelling, and for reasonable private access to the water feature. Said pruning and removal activities:
1. Shall ensure a live root system stays intact to provide for bank stabilization and erosion control;
 2. Shall ensure that any path to the water feature is no greater than four (4) feet in width, shall meander down to the water's edge in a manner which protects the soil and vegetation from erosion while also screening the principal structure and vehicles from a direct river view. Installation of boat docks, swimming docks, boat houses, boat lifts, or similar objects or facilities used to gain normal boating and swimming access to lakes, rivers or streams shall be regulated by the MDEQ, DNR, or any successor thereafter.
 3. Dead, diseased, unsafe or fallen trees and noxious plants and shrubs, including poison ivy, poison sumac and poison oak, and other plants regarded as a common nuisance in Section 2, Act 239 of the Public Acts of 1941, as amended, may be removed. Planting of perennial native species in the natural vegetation strip is encouraged, especially where exposed soil and steep slopes exist, and in reforestation efforts; and
 4. Pathways or boardwalks running along or parallel to the water feature within the required natural vegetation strip shall be prohibited.

SECTION 9.04 – IMPACT ASSESSMENT

Impact Assessments shall be required as provided below:

- A. Purpose and scope. For the purpose of promoting and protecting the public health, safety, convenience and general welfare of the inhabitants and land resources of the Township of Palmyra, provision is made herein prior to submission of a rezoning petition, plat application, or Site Plan Review request for any office, commercial, industrial, multiple-family residential use; the Planning Commission may require the applicant to file with the Township of Palmyra for their review and acceptance, an assessment of the economic, public service, public facility and ecological impact.
- B. Procedures for making application. All submissions of the impact assessments for any lands or uses shall be submitted in accordance with this section of the Palmyra Township Zoning Ordinance.
- C. Impact Assessments submitted to Planning Commission. All Impact Assessments shall be submitted, through the Palmyra Township Clerk, to the Planning Commission.
- D. Data required in Impact Assessment. All assessments shall be accompanied by the required information and data as noted in the following sections:
 1. Full legal and environmental description of the proposed site prior to development.

2. Impact of the development on the environment including impact on human life or other ecosystems such as wildlife, fish, aquatic life and air, water, or land resources.
 3. Possible adverse environmental effects of the development, which cannot be avoided, such as air or water pollution, damage to life systems, urban congestion, threats to health, or other adverse effects on human life.
 4. Evaluation of alternative to the proposed action of the development that might avoid some or all of the environmental effects indicated in numbers 2 and 3 above. This shall include a full explanation of the reasons why the developer decided to pursue the action in its contemplated form rather than an alternative course of action.
 5. Possible modifications to the project, which would eliminate or minimize the adverse environmental effects, including a discussion of the additional costs involved in the modifications.
- E. The Impact Assessment shall include a full description of the development carried to completion including:
1. A number of people to be housed (or employed) and the amount of acreage involved in the development.
 2. The level of public services and public facilities required including estimated costs for the availability of sanitary sewers and treatment facilities, water services, storm sewers, and new agricultural drains, public sewers, recreational facilities, public access, solid water disposal, schools, police and fire protection and other public facilities and services.
 3. The amount of pedestrian or vehicular traffic likely to be generated.
 4. The likelihood that additional or subsidiary development will be generated.
- F. The Impact Assessment shall include a sketch plan, drawn to scale, depicting the project carried to completion showing existing and proposed features of a site and its surroundings. The sketch plan shall include at least the following:
1. General topographic conditions at two (2) foot contours.
 2. Soil conditions.
 3. Water level and drainage information.
 4. Existing and proposed man-made features (park, lake, pond, etc.).
 5. Natural features to be retained and/or modified.
 6. Phases of the development.
 7. General site conditions.

- G. The Impact Assessment shall include supporting documentation that the proposed development is consistent with local, township, and county master plans and zoning.
- H. The Impact Assessment shall include supporting documentation of the proposed development probable impact on the economy of the region.
- I. The completed Impact Assessment, as presented, shall be signed by the fee holder and developer of the affected property.
- J. Review by the Planning Commission. The Planning Commission shall review the Impact Assessment as presented in terms of the established standard set in this Ordinance. The Planning Commission shall have forty-five (45) days from the date of filing to review and make its recommendation on the Impact Assessment. The Planning Commission may recommend changes to the Developer to minimize adverse impact.
- K. Date of filing. The date of filing shall, for all purposes, be considered to be thirty (30) days prior to the regular Planning Commission meeting date of any month.
- L. Additional data. Additional data and information may be required to be submitted with the Impact Assessment based upon the recommendation of the Planning Commission for the protection of the general safety and welfare and for insuring that the intent and objectives of this Ordinance will be observed.
- M. Acceptance. Upon finding that the Impact Assessment satisfactorily fulfills all requirements set forth in this Ordinance, the Township shall issue a Statement of Acceptance and copy of minutes, to the fee holder and developer of the affected property.
- N. Rejection. Upon finding that the Impact Assessment fails to fulfill all requirements as set forth in this Ordinance the Planning Commission shall issue a Statement of Rejection, detailing the reasons for such rejection and a copy of minutes to the applicant and property owner of the affected property.
- O. Basis of determination. The applicant shall establish, to the satisfaction of the Planning Commission, that the general standards specified and the specific standards outlined in each applicable section and subsection of this Ordinance shall be satisfied in the completion of the Impact Assessment.
- P. Qualifications. All Impact Assessments must be sealed by a registered professional engineer (PE) or licensed landscape architect, licensed in the State of Michigan.

ARTICLE X

ENVIRONMENTAL PERFORMANCE REGULATIONS

SECTION 10.01 – PURPOSE

Environmental performance regulations are established to preserve the short and long-term environmental health, safety, and quality of the Township. No parcel, lot, building or structure in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition so as to adversely affect the surrounding area or adjoining premises. Any use permitted by this Ordinance may be undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous and objectionable elements to acceptable limits as established by the following performance standards. No use, otherwise allowed, shall be permitted within any district, which does not conform to the following regulations of use, occupancy, and operation. These regulations are established as minimum requirements to be maintained. Nothing contained herein is intended to restrict farming operations in accordance with the Michigan Right to Farm Act, PA 93 of 1981.

SECTION 10.02 – AIRBORNE EMISSIONS

- A. Smoke and Air Contaminants. It shall be unlawful for any person, firm or corporation to permit the emission of any smoke or air contaminant from any source whatsoever to a density greater than that permitted by Federal Clean Air Standards and those standards promulgated by the State of Michigan.
- B. Odors. Any condition or operation, which results in the creation of odors of such intensity and character as to be detrimental to the health and welfare of public or which interferes unreasonably with the comfort of the public shall be removed, stopped, or so modified as to remove the odor.
- C. Gases. The escape or emission of any gas, which is injurious or destructive, harmful to person or property, or explosive shall be unlawful and shall be abated.

SECTION 10.03 – NOISE

- A. No use beyond the property lines shall create audible noise or the sound pressure level shall not exceed 40 dB(A) or the ambient (L_{eq}) sound pressure level plus five (5) dB(A), whichever is greater, measured at any inhabitable structure, school, businesses, hospital, church or public library existing on the date of approval. The applicant shall be able to provide 10 minute L_{eq} sound pressure level measurements from a reasonable number of sampled locations at the perimeter to demonstrate compliance with this standard.
- B. In the event audible noise from the operation contains a steady pure tone, the standards for audible noise set forth in subparagraph (a) of this subsection shall be reduced by five (5) dB(A) pure tone is defined to exist if the one-third (1/3) octave band sound pressure level in the band, including the tone, exceeds the arithmetic average of the sound pressure

levels of the two (2) contiguous one-third (1/3) octave bands by five (5) dB(A) for center frequencies of five hundred (500) Hz and above, by eight (8) dB(A) for center frequencies between one hundred and sixty (160) Hz and four hundred (400) Hz, or by fifteen (15) dB(A) for center frequencies less than or equal to one hundred and twenty-five (125) Hz.

SECTION 10.04 – USE, STORAGE and HANDLING of HAZARDOUS SUBSTANCES

- A. It shall be unlawful for any person, firm, corporation or other legal entity to pollute, impair or destroy the air, water, soils or other natural resources within the Township through the use, storage and handling of hazardous substances and/or wastes or the storage and disposal of solid, liquid, gaseous and/or sanitary wastes.
- B. Any person, firm, corporation or other legal entity operating a business or conducting an activity, which uses, stores or generates hazardous substances, shall obtain the appropriate permits or approval from the State of Michigan, and/or other designated enforcing agencies.
- C. Any person, firm, corporation or other legal entity operating a business or conducting an activity, which uses, stores or generates hazardous substances or petroleum products, shall complete a Hazardous Chemicals Survey and a Pollution Incidence Protection Plan (PIPP) in conjunction with the following:
 - 1. Upon submission of a Site Plan.
 - 2. Upon any change of use or occupancy of a structure or premise.
 - 3. Upon any change of the manner in which such substances are handled, and/or in the event of a change in the type of substances to be handled.
- D. All businesses and facilities, which use, store or generate hazardous substances in quantities greater than one hundred (100) kilograms per month (equal to or greater than twenty five (25) gallons or two hundred and twenty (220) pounds) shall comply with the following standards:
 - 1. Above Ground Storage and Use Areas for Hazardous Substances.
 - a. Secondary containment of hazardous substances and polluting materials shall be provided. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
 - b. Outdoor storage of hazardous substances and polluting materials shall be prohibited except in product-tight containers, which are protected from weather, leakage, accidental damage and vandalism.

- c. Secondary containment structures such as out buildings, storage rooms, sheds and pole barns shall not have floor drains, which outlet to soils groundwater, or nearby drains or rivers.
 - d. Areas and facilities for loading/unloading of hazardous substances as well as areas where such materials are handled and used, shall be designated and constructed to prevent discharge or runoff to floor drains, rivers, lakes, wetlands, groundwater or soils.
2. Underground Storage Tanks.
- a. Existing and new underground storage tanks shall be registered with the authorized state agency in accordance with requirements of the State and Federal Government.
 - b. Installation, operation, maintenance, closure and removal of underground storage tanks shall be in accordance with requirements of the State Fire Marshall and Palmyra Township. Leak detection, corrosion protection, spill prevention and overflow protection requirements shall be met. Records of monthly monitoring or inventory control must be retained and available for review by state or local officials.
 - c. Out-of-service abandoned underground tanks shall be emptied and removed from the ground in accordance with the requirements of the State Police Fire Marshall Division, The Michigan Department of Natural Resources, and Palmyra Township.
3. Loading and Unloading Areas.

Areas used for the loading and unloading of hazardous substances shall be designed and constructed to prevent the harmful release to the environment of hazardous materials, which may be spilled or leaked.

- E. All Site Plans for business or facilities, which use, store or generate hazardous substances shall be reviewed by the Township Fire Department, Zoning Administrator and any other appropriate experts determined necessary by the Planning Commission prior to approval by the Planning Commission.

SECTION 10.05 – ELECTRICAL DISTURBANCE, ELECTROMAGNETIC or RADIO FREQUENCY INTERFERENCE

No use shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antennas for radio, television, personal and public alarms or wireless phone or other personal communication systems would cause signal degradation or produce electromagnetic interference with signal transmission or reception. No use shall be installed in any location along the major axis of an existing microwave communications link where its operation is likely to cause signal degradation or produce electromagnetic interference in the link's operation.

SECTION 10.06 – GLARE and EXTERIOR LIGHTING

- A. Glare from any process (such as or similar to arc welding or acetylene torch cutting), which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines.
- B. The design and/or screening of the development shall insure that glare from automobile and commercial or industrial vehicle headlights shall not be directed into any adjacent property, particularly residential property.
- C. Exterior lighting shall be located and maintained to prevent the reflection and glare of light in a manner which creates a nuisance or safety hazard to operators of motor vehicles, pedestrians and neighboring land uses. This provision is not intended to apply to public street lighting.
- D. Any operation, which produces intense glare or heat, shall be conducted within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot lines. If heat is a result of an industrial operation, it shall be so insulated as to not raise the temperature at any property line at any time.
- E. Exterior doors shall be located, operated and maintained so as to prevent any glare and light from creating a nuisance or safety hazard to operators of motor vehicles, pedestrians, and neighboring land uses.
- F. On-site light, i.e. parking, building lights, etc. shall conform to the following regulations:
 - 1. It is the goal of the Township to minimize lighting levels to reduce off-site impacts, prevent the reflection and glare of light in a manner, which creates a nuisance or safety hazard to operators of motor vehicles, pedestrians, and neighboring land uses, and to promote “dark skies” in keeping with the rural character of Palmyra Township.
 - 2. When Site Plan Review is required, all lighting, including signage and ornamental lighting, shall be shown on the Site Plans in sufficient detail with appropriate photometric studies to allow determination of the effects of such lighting upon adjacent properties, traffic safety, and overhead sky glow. The objectives of these specific actions are to minimize undesirable on-site effects.
 - 3. Only non-glare, color-corrected lighting shall be permitted. For all non-residential uses, full cutoff shades are required for light sources so as to direct the light onto the site and away from adjoining properties. The light source shall be recessed into the fixture so as not to be visible from off site. Building and pole mounted fixtures shall be parallel to the ground. Wall-pak type lighting shall be permitted with proper cutoff.
 - 4. Lighting for uses adjacent to residential zones or used property shall be designed and maintained such that illumination levels do not exceed one-tenth (0.1) foot-candles along property lines. Lighting for uses adjacent to non-residential properties shall be

designed and maintained such that illumination levels do not exceed 0.3 foot-candles along property lines.

Where lighting is required, maximum light levels shall not exceed twenty-five (25) foot-candles directly beneath a light fixture. Lighting levels shall not exceed three (3) foot-candles as measured directly between two (2) fixtures. The Planning Commission may allow for an increased level of lighting above maximum permissible levels when it determines that the applicant has demonstrated that such lighting is necessary for safety and security purposes.

For the purposes of this ordinance, all lighting measurements shall be taken at two and one half (2.5) feet above ground level.

5. For parking lots of less than one hundred (100) parking spaces, lighting fixtures shall not exceed a height of sixteen (16) feet measured from the ground level to the centerline of the light source. For parking lots of more than one hundred (100) spaces, lighting fixtures shall not exceed a height of eighteen (18) feet measured from the ground level to the centerline of the light source.
6. Signs shall be illuminated only in accordance with the regulations set forth in this ordinance. In addition, signs within residential districts shall not be illuminated.
7. Building or roof-mounted lighting intended to attract attention to the building and/or use and not strictly designed for security purposes shall not be permitted.

SECTION 10.07 – FIRE HAZARD

Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire suppression equipment and such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance, which is compatible with potential danger involved.

SECTION 10.08 – SAFETY

Existing hazards or potential hazards and nuisances, such as construction sites, salvage yards, landfills, sanitary landfills, demolition sites, unused basements, abandoned homes, barns, silos, wells or cisterns and sand, gravel, and stone pits or piles are to be enclosed by suitable fencing or barriers so as not to endanger public health, safety and welfare.

ARTICLE XI BOARD OF APPEALS

SECTION 11.01 – BOARD OF APPEALS ESTABLISHED

There is hereby established a Board of Appeals, which shall perform its duties and exercise its powers as provided in the Township Rural Zoning Act (PA 184 of 1943) and administered under the authority of the Michigan Zoning Enabling Act (PA 110 of 2006, MCL 125.3101 *et seq.*) as amended, to establish in such a way that the objectives of this Ordinance shall be observed, the public health and safety secured, and substantial justice done.

- A. The Board of Appeals shall consist of three (3) members appointed by the Township Board. The first member shall be a member of the Township Planning Commission. The remaining two (2) members shall be selected from the electors of the Township. One (1) regular or alternate member may be a member of the Township Board. Such a member shall not serve as chairperson of the Zoning Board of Appeals. An employee or contractor of the Township Board may not serve as a member of the Board of Appeals.

The Township Board may appoint to the Board of Appeals not more than two (2) alternate members for the same term as regular members. An alternate member may be called to serve as a member of the Board of Appeals in the absence of a regular member if the regular member will be unable to attend one (1) or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. An alternate member serving on the Zoning Board of Appeals has the same voting rights as a regular member.

- B. A member of the Board of Appeals may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.

A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

- C. The terms of office for an appointed member of the Board of Appeals shall be three (3) years, except for a member serving because of his or her membership on the Planning Commission or Township Board, whose term shall be limited to the time he or she is a member of that body. When members are first appointed, appointments may be for less than 3 years to provide for staggered terms. A successor shall be appointed not more than 1 month after the term of the preceding member has expired.

SECTION 11.02 – DUTIES of the BOARD of APPEALS

The Board of Appeals shall hear and decide only such matters as the Board of Appeals is specifically authorized to pass on as provided in this Ordinance. The Board of Appeals shall not have

the power to alter or change the zoning districts classification of any property; nor to make any changes in the terms of this Ordinance; but does have the power to authorize a variance as defined in this Ordinance (e.g., parking space requirements, height of buildings, setback requirements, signs, etc.) to act on those matters where this Ordinance may require an interpretation, and to issue a temporary use permit when authorized by this Ordinance.

SECTION 11.03 – VARIANCE

The Board of Appeals may authorize, upon an appeal, a variance from the strict applications of the provisions of this Ordinance where by reason of exceptional narrowness, shallowness, shape, or contour of a specific tract of land at the time of enactment of this Ordinance or by reason of exceptional conditions of such property, the strict application of the regulations enacted would result in practical difficulties . Examples of other variance considerations would include parking space, sign size, and height regulations. No variance shall be granted to permit the establishment within a district of any use which is excluded or for which a special approval use permit is required.

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

- A. A written application for a variance is submitted, demonstrating the following:
 1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
 2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
 3. That the special conditions and circumstances do not result from the actions of the applicant.
 4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
 5. That no nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
- B. The Board of Appeals shall determine that the requirements of the Ordinance have been met by the applicant for a variance.
- C. The Board of Appeals shall determine that the reasons set forth in the application justify the granting of the variance, and the variance is the maximum variance that will make possible the reasonable use of the land, building, or structure.

- D. The Board of Appeals shall determine that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
- E. In granting any variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance.
- F. Each variance granted under the provisions of this Ordinance shall become null and void unless:
 - 1. The construction authorized by such variance or permit has been commenced within one hundred eighty (180) days after the granting of such variance and pursued diligently to completion; or
 - 2. The occupancy of land or buildings authorized by such variance has taken place within three hundred sixty-five (365) days after the granting of such variance.
- G. No application for a variance which has been denied wholly or in part by the Board of Appeals shall be resubmitted for a period of three hundred sixty-five (365) days from such denial, except on grounds of new evidence or proof of changed conditions found by the Board of Appeals to be valid.

SECTION 11.04 – INTERPRETATION of ZONING ORDINANCE

The Board of Appeals shall hear and decide appeals where it is alleged by the applicant 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 any provisions of this Ordinance including interpretations of the Zoning Map.

SECTION 11.05 – APPEALS to the BOARD of APPEALS

A. Appeals, How Taken:

Appeal from the ruling of the Zoning Administrator or Palmyra Township concerning the enforcement of the provisions of this Ordinance may be made to the Board of Appeals within such time as shall be prescribed by the Board of Appeals by general rule. This officer shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed was taken.

B. Who May Appeal:

Appeals to the Board of Appeals may be taken by any aggrieved parties or by any officer, department, board, agency, or bureau of the Township, Village, City, County, or State.

C. Fee for Appeal:

A fee prescribed by Palmyra Township shall be paid to the Board of Appeals at the time of filing the notice of appeal which the Board of Appeals shall pay over, within thirty (30) days after deciding any appeal, to the General Fund of Palmyra Township.

D. Effect of Appeal; Restraining Order:

An appeal stays all proceedings in furtherance of the action appealed unless the officer from whom the appeal is taken certifies to the Board of Appeals, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Appeals or by the Circuit Court, on application, of notice to the officer from whom the appeal is taken and on due cause shown.

E. Notice of Hearing:

When a request for an appeal has been filed in proper form with the Board of Appeals, the Palmyra Township Clerk shall immediately place said request for appeal upon the calendar for public hearing, notice of which shall be given as required in Sec. 13.2.2, PUBLIC NOTIFICATION.

F. Representation of Hearing:

Upon the hearing, any party or parties may appear in person or by agency or by attorney.

G. Decisions of the Board of Appeals and Appeals to the Circuit Court:

The Board of Appeals shall decide upon all matters within a reasonable time and may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and shall make such order requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the Zoning Administrator or Palmyra Township from whom the appeal is taken. The Board of Appeals decision regarding such appeals shall be in the form of a resolution containing a full record of the findings and determination of the Board of Appeals in each particular case. Any party aggrieved by such resolution shall have the right to appeal to the Circuit Court on question of law and fact.

ARTICLE XII ORDINANCE ADMINISTRATION

SECTION 12.01 – PURPOSE

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

SECTION 12.02 – ADMINISTRATION

Except when herein otherwise stated the provisions of this Ordinance shall be administered by the Zoning Administrator or by such deputies of his department as the Palmyra Township Board may designate to enforce the provisions of this Ordinance.

SECTION 12.03 – DUTIES of the ZONING ADMINISTRATOR

The Zoning Administrator shall have the power to grant zoning compliance permits, and certificates of occupation and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Zoning Administrator to approve plans or issue any permits or certificates of occupancy for any excavation or construction until he has inspected such plans in detail and found them to conform to this Ordinance, nor shall the Zoning Administrator vary or change any terms of this Ordinance. The Zoning Administrator shall maintain a record of all zoning compliance permits and all certificates of occupation.

If the Zoning Administrator shall find that any of the provisions of this Ordinance are being violated, he shall notify, in writing, the persons responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of any lot or structures; removal of illegal structures, or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or prevent violation of its provisions.

SECTION 12.04 – ZONING COMPLIANCE PERMITS

A. Issuance of Zoning Compliance Permits:

No building or structure, or part thereof, shall hereafter be located, erected, constructed, reconstructed, altered, converted, or enlarged or moved; nor shall any change be made in the use of any building, structure, or land without a zoning compliance permit having been obtained from the Zoning Administrator for such building, structure, or land. A zoning compliance application shall be filled out and submitted to the Zoning Administrator.

The Zoning Administrator shall require that all applications for zoning compliance permits shall be accompanied by plans and specifications including a plot plan in duplicate, drawn to scale, showing the following information:

1. The actual dimensions and shape of the lot to be built upon; and,
2. The exact size and location of existing structures on the lot, if any; and
3. The location and dimensions of the proposed structure or alteration.

One (1) copy of the plans shall be returned to the applicant by the Zoning Administrator after such copy has been approved or disapproved, and attested to same by the Zoning Administrator's signature on such copy. The Zoning Administrator shall retain the original copy, similarly marked, for his files. Whenever the buildings, structures, and uses as set forth in the application are in conformity with the provisions of this Ordinance, the Zoning Administrator shall issue the applicant a zoning compliance permit within ten (10) days of the filing thereof. Where action of the Board of Appeals, Planning Commission or Township Board is required in any case, as set forth in this Ordinance, the Zoning Administrator shall issue such permit promptly following such action.

B. Voiding of Zoning Compliance Permit:

Any zoning compliance permit granted under this Ordinance shall become null and void and fees forfeited unless construction and/or use completed within five hundred forty-five (545) days of the date of issuance. A zoning compliance permit shall be renewable upon reapplication and upon payment of the fee, subject however, to the provisions of all ordinances in effect at the time of renewal.

SECTION 12.05 – CERTIFICATE of OCCUPATION, FINAL INSPECTION

A. Issuance of Certificate of Occupation:

No building or structure, or part thereof, shall be occupied by or for any use for which a zoning compliance permit is required by this Ordinance unless and until a certificate of occupation shall have been issued for such use. The holder of a zoning compliance permit for the construction, erection, or moving of any building, structure or part thereof, for the establishment of a use, shall make application to the Zoning Administrator immediately upon the completion of the work authorized by the zoning compliance permit for a final inspection.

A certificate of occupation shall be issued by the Zoning Administrator within five (5) days after receipt of such application if it is found that the building or structure, or part thereof, is in accordance with the provisions of this Ordinance.

B. Voiding of Certificate of Occupation:

Any certificate of occupation granted under this Ordinance shall become null and void if such use, buildings, or structure for which said certificate was issued are found by the

Zoning Administrator to be in violation of this Ordinance. Upon finding such violation shall immediately notify the Township Board of said violation and void the certificate of occupation.

SECTION 12.06 – FEES, CHARGES, and EXPENSES

The Palmyra Township Board shall establish a schedule of fees, charges and expenses, and a collection procedure for zoning compliance permits, certificates of occupation, Special Land Use Permits, Site Plan Reviews, appeals and other matters pertaining to the Ordinance. The schedule of fees shall be posted in the office of the Zoning Administrator, and may be altered or amended only by the Palmyra Township Board. No permit, certificate, special approval, or variance shall be issued unless or until such costs, charges, fees, or expenses listed in this Ordinance have been paid in full, nor shall any action be taken on proceeding before the Board of Appeals, unless or until preliminary charges and fees have been paid in full.

SECTION 12.07 – VIOLATIONS and PENALTIES NUISANCE PER SE: ABATEMENT

Users of land and dwellings, buildings, or structures including tents and trailer coaches used, erected, altered, razed, or converted in violation of any provision of this Ordinance are hereby declared to be a nuisance per se. The court shall order such nuisance abated and the owner and/or agent in charge of such dwelling, building, structure, tent, trailer, coach, or land shall be adjudged guilty of maintaining a nuisance per se. Anyone violating the provisions of this Ordinance shall upon conviction thereof be subject to a fine of not more than five hundred (\$500.00) dollars and the cost of prosecution thereof, by imprisonment in the County Jail for a period not to exceed thirty (30) days, or both. Each day that a violation is permitted to exist shall constitute a separate offense. The imposition of any sentence shall not exempt the offenders from compliance with the requirements of this Ordinance.

ARTICLE XIII AMENDMENT PROCEDURES

SECTION 13.01 – INITIATING AMENDMENTS and FEES

The Township Board may, from time to time, on recommendation from the Planning Commission on its own motion, amend, modify, supplement, or revise the district boundaries (i.e., rezonings) or the provisions and regulations (i.e., text amendments) herein established whenever the public necessity and convenience and general welfare require such amendments. Said amendment may be initiated by resolution of the Township Board, the Planning Commission, or by petition of one or more owners of property to be affected by the proposed amendment. Except for the Township Board or the Planning Commission, the petitioner requesting an amendment shall, at the time of application, pay the fee established by resolution of the Township Board, no part of which shall be returnable to the petitioner.

SECTION 13.02 – AMENDMENT PROCEDURES

The procedure for making amendments to this Ordinance shall be in accordance with the Michigan Zoning Enabling Act (PA 110 of 2006, (MCL 125.3401 *et seq.*)), as amended.

SECTION 13.02.1 – ORDINANCE AMENDMENT

- A. **Generally.** Amendments to this Ordinance shall be made in the following manner.
- B. **Public hearing and notice.** Before submitting its recommendations for a proposed Zoning Ordinance amendment to the Township Board, the Planning Commission shall hold at least one (1) public hearing. Notice of the time and place of the public hearing shall be given in the same manner as required under Sec. 13.2.2, PUBLIC NOTIFICATION, for any rezonings or text amendments.
- C. **Criteria for considering rezoning requests.** In reviewing an application for the rezoning of land, factors that should be considered by the Planning Commission and the Township Board include, but are not limited to, the following:
 - 1. Is the proposed rezoning consistent with the policies and uses proposed for that area in the Township's Master Plan?
 - 2. Will all of the uses allowed under the proposed rezoning be compatible with other zones and uses in the surrounding area?
 - 3. Will any public services and facilities be significantly adversely impacted by a development or use allowed under the requested rezoning?
 - 4. Will the uses allowed under the proposed rezoning be equally or better suited to the area than uses allowed under the current zoning of the land?

SECTION 13.02.2 – PUBLIC NOTIFICATION:

All applications for development approval requiring a public hearing shall comply with the Michigan Zoning Enabling Act, PA110 of 2006 and the other provisions of this Section with regard to public notification.

A. **Responsibility:** When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the Township Clerk and/or the Planning Commission Secretary shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in Palmyra Township and mailed or delivered as provided in this Section.

B. **Content:** All mail, personal and newspaper notices for public hearings shall:

1. **Describe Nature of the Request:** Identify whether the request is for a rezoning, text amendment, Special Land Use, planned unit development, variance, appeal, ordinance interpretation or other purpose.
2. **Location:** Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number, identifying the nearest cross street, or including a map showing the location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.
3. **When and Where the Request will be Considered:** Indicate the date, time and place of the public hearing(s).
4. **Written Comments:** Include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.
5. **Handicap Access:** Information concerning how handicap access will be accommodated if the meeting facility is not handicap accessible.

C. **Personal and Mailed Notice**

1. **General:** When the provisions of this Ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:
 - a. The owners of property for which approval is being considered, and the applicant, if different than the owner(s) of the property.
 - b. Except for rezoning requests involving eleven (11) or more adjacent properties or an ordinance interpretation request that does not involve a specific property; to all persons to whom real property is assessed within three hundred (300) feet of the

boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of Palmyra Township. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

- c. All neighborhood organizations, public utility companies, railroads and other persons which have requested to receive notice pursuant to Sec. 13.2.3, Registration to Receive Notice by Mail.
 - d. Other governmental units or infrastructure agencies within one mile of the property involved in the application.
2. **Notice by mail/affidavit:** Notice shall be deemed mailed by its deposit in the United States mail, first class, properly addressed, postage paid. The Township Clerk shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.
- D. **Timing of Notice:** Unless otherwise provided in the Michigan Zoning Enabling Act, PA 110 of 2006, or this Ordinance where applicable, notice of a public hearing shall be provided as follows:
- 1. For a public hearing on an application for a rezoning, text amendment, Special Land Use, planned unit development, variance, appeal, or ordinance interpretation: not less than fifteen (15) days before the date the application will be considered for approval.
 - 2. For any other public hearing required by this Ordinance: not less than X days.

SECTION 13.02.3 – REGISTRATION to RECEIVE NOTICE by MAIL:

- A. **General:** Any neighborhood organization, public utility company, railroad or any other person may register with the Township Clerk to receive written notice of all applications for development approval pursuant to Sec. 13.2.2.C.1.c, Personal and Mailed Notice, or written notice of all applications for development approval within the zoning district in which they are located. The Township Clerk shall be responsible for providing this notification. Fees may be assessed for the provision of this notice, as established by the Township Clerk.
- B. **Requirements:** The requesting party must provide the Township Clerk information on an official form to ensure notification can be made. All registered persons must re-register annually to continue to receive notification pursuant to this Section.

SECTION 13.03 – TIME ELEMENT BETWEEN REZONING REQUESTS

No petition to amend the Zoning Ordinance or effect a district change shall be reconsidered by the Planning Commission after the same has been rejected by the Township Board for a period of three hundred sixty-five (365) days from such denial, except those petitions containing new evidence or proof of changed conditions concerning said petition.

SECTION 13.04 – CONFORMANCE to COURT DECREE

An amendment for the purpose of conforming a provision of this Ordinance to the decree of a court of competent jurisdiction shall be adopted by the Palmyra Township Board and the amendment published without referring the same to any other board or agency.

ARTICLE XIV LEGAL STATUS

SECTION 14.01 – CONFLICT with OTHER LAWS

Conflicting laws of a more restrictive nature are not affected or repealed by this Ordinance. The provisions of this Ordinance shall be considered as minimum. Conflicting laws of a less restrictive nature, or those conflicting in other ways than degrees of restrictiveness, are hereby repealed.

This Ordinance is not intended to abrogate or annul any easement, covenant, or other private agreement provided that where any provision of this Ordinance shall govern.

SECTION 14.02 – VALIDITY and SEVERABILITY CLAUSE

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

SECTION 14.03 – PERIOD of EFFECTIVENESS

This Ordinance shall remain in full force and effect henceforth unless repealed.

SECTION 14.04 – REPEAL of ORDINANCE

The “Palmyra Township Zoning Ordinance”, Michigan, adopted _____ and all amendments thereto, are hereby repealed effective coincident with the effective date of this Ordinance.

SECTION 14.05 – EFFECTIVE DATE

This Ordinance was adopted by the Palmyra Township Board, Lenawee County, Michigan, at a meeting held on and notice published in the Adrian Daily Telegram, a newspaper having general circulation in Palmyra Township.

Date: _____

Supervisor

Date: _____

Clerk

EFFECTIVE DATE OF ORDINANCE:

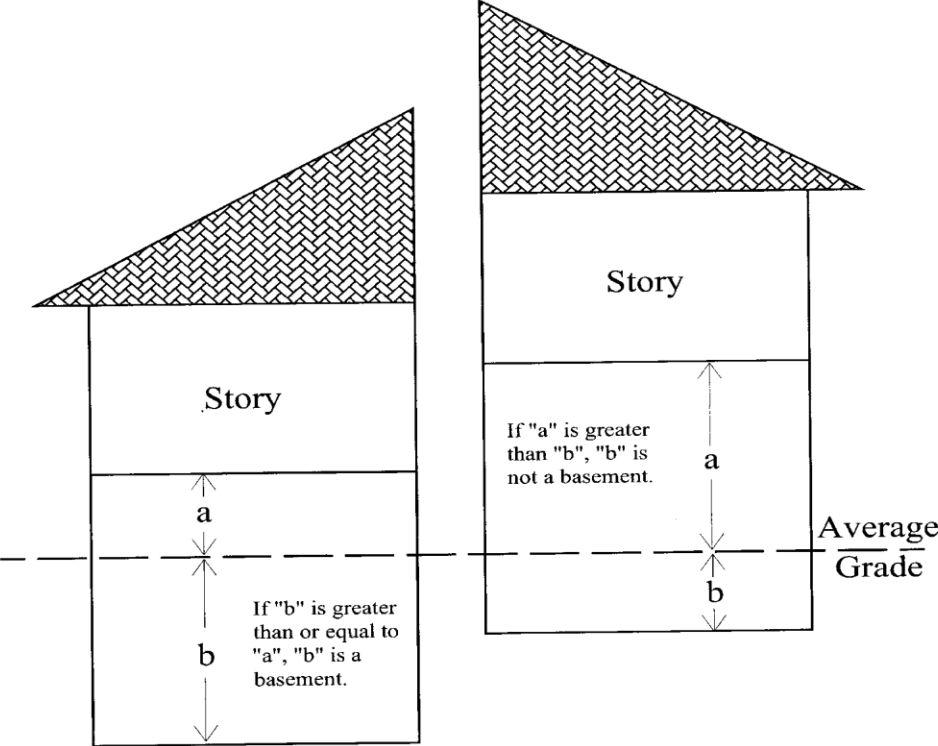
This ordinance is given immediate effect pursuant to Public Act 110 of 2006, Michigan Township Enabling Act (MCL 125.3101) and the Public Act 33 of 2008, Michigan Planning Enabling Act (MCL 125.3801) as amended, to establish, as amended.

Adopted this day of

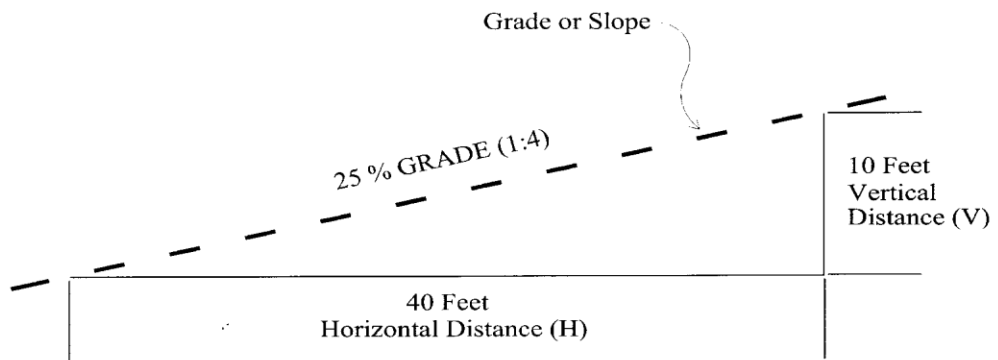
Appendix A

Not Used

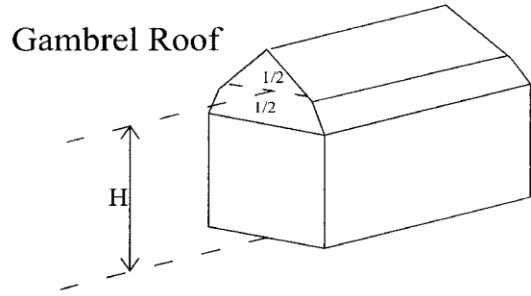
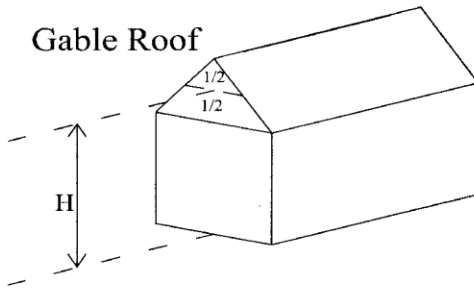
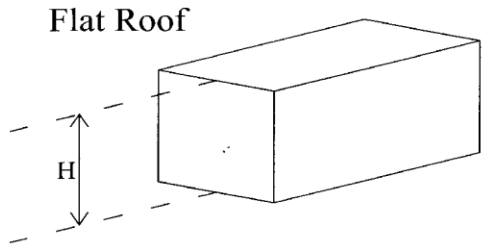
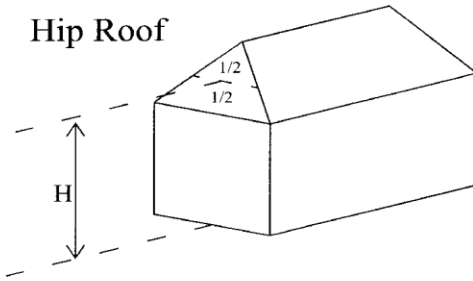
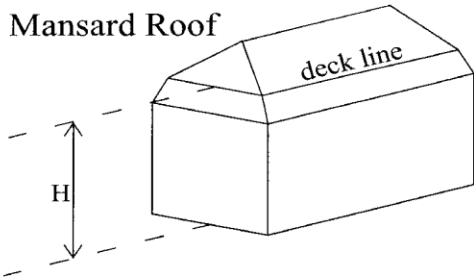
Appendix B



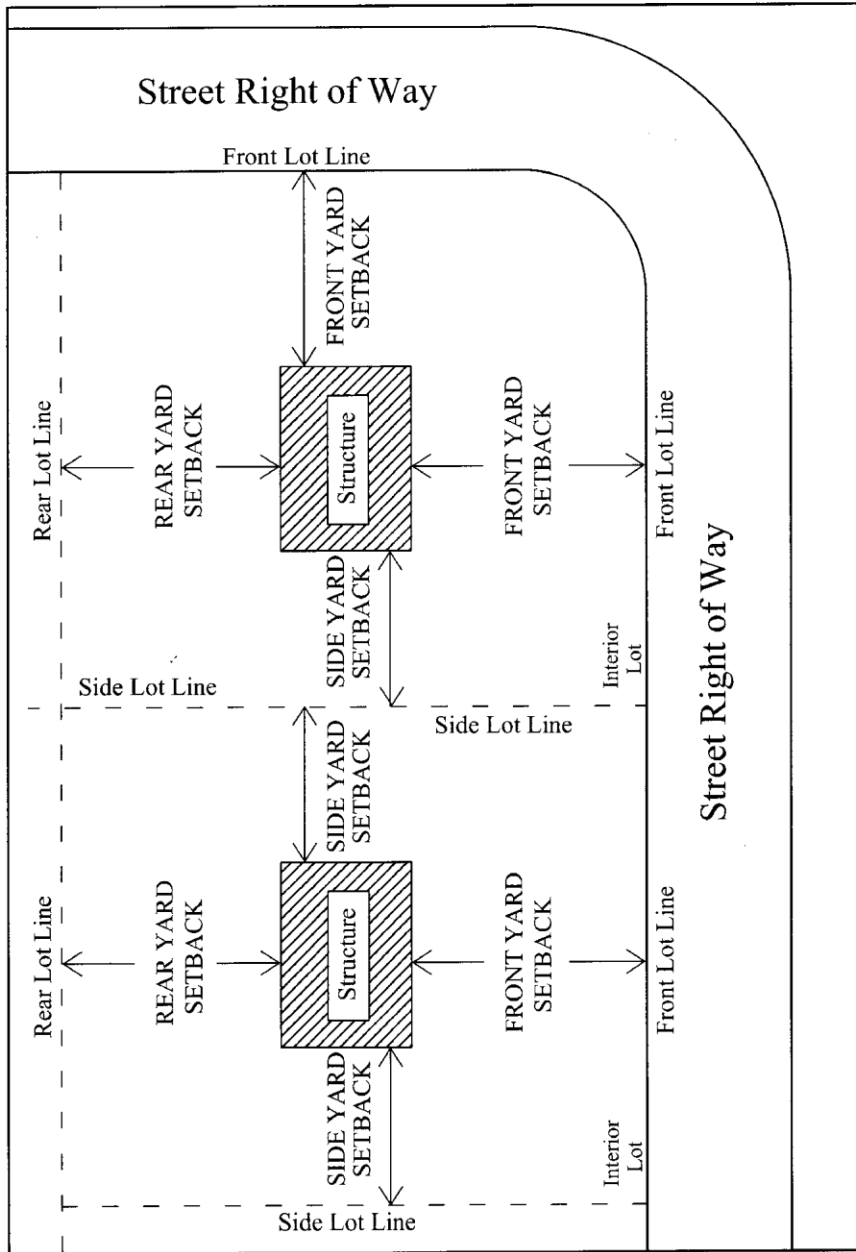
APPENDIX C



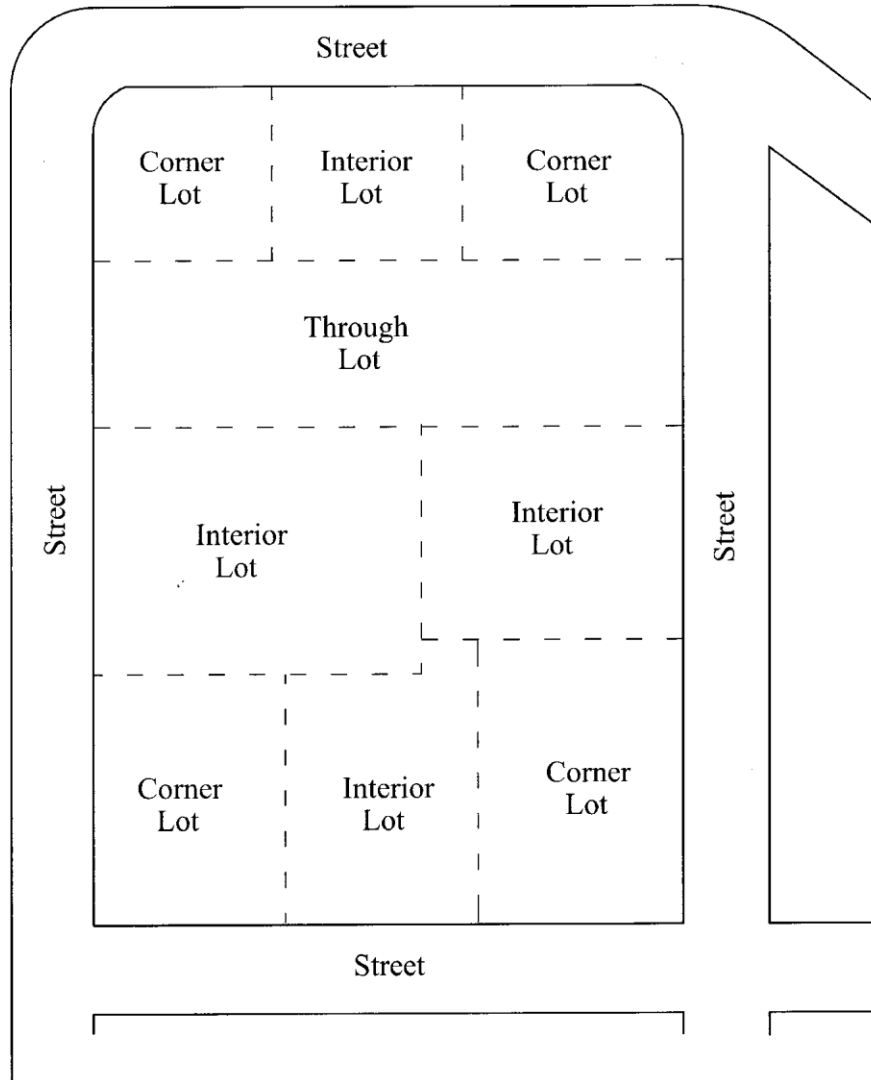
Appendix D



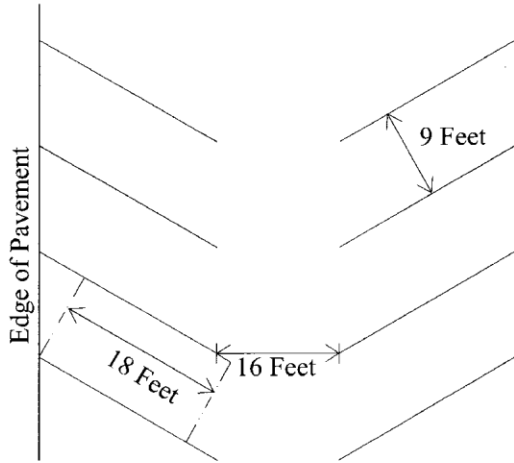
Appendix E



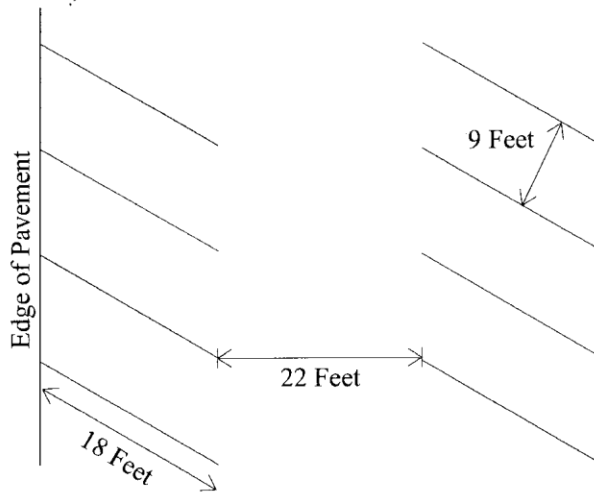
Appendix F



Appendix G

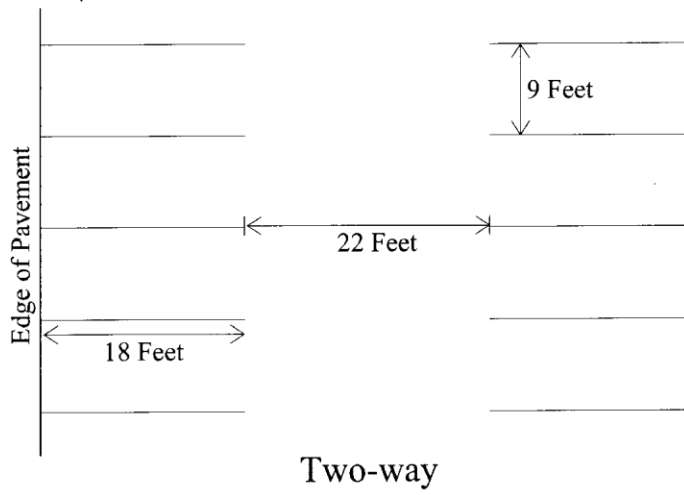
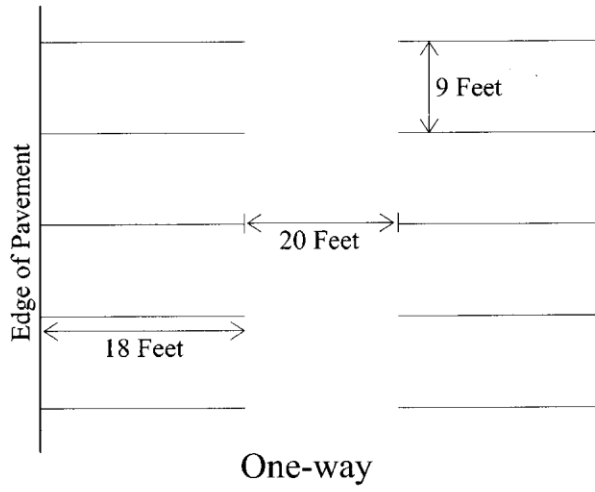


One-way

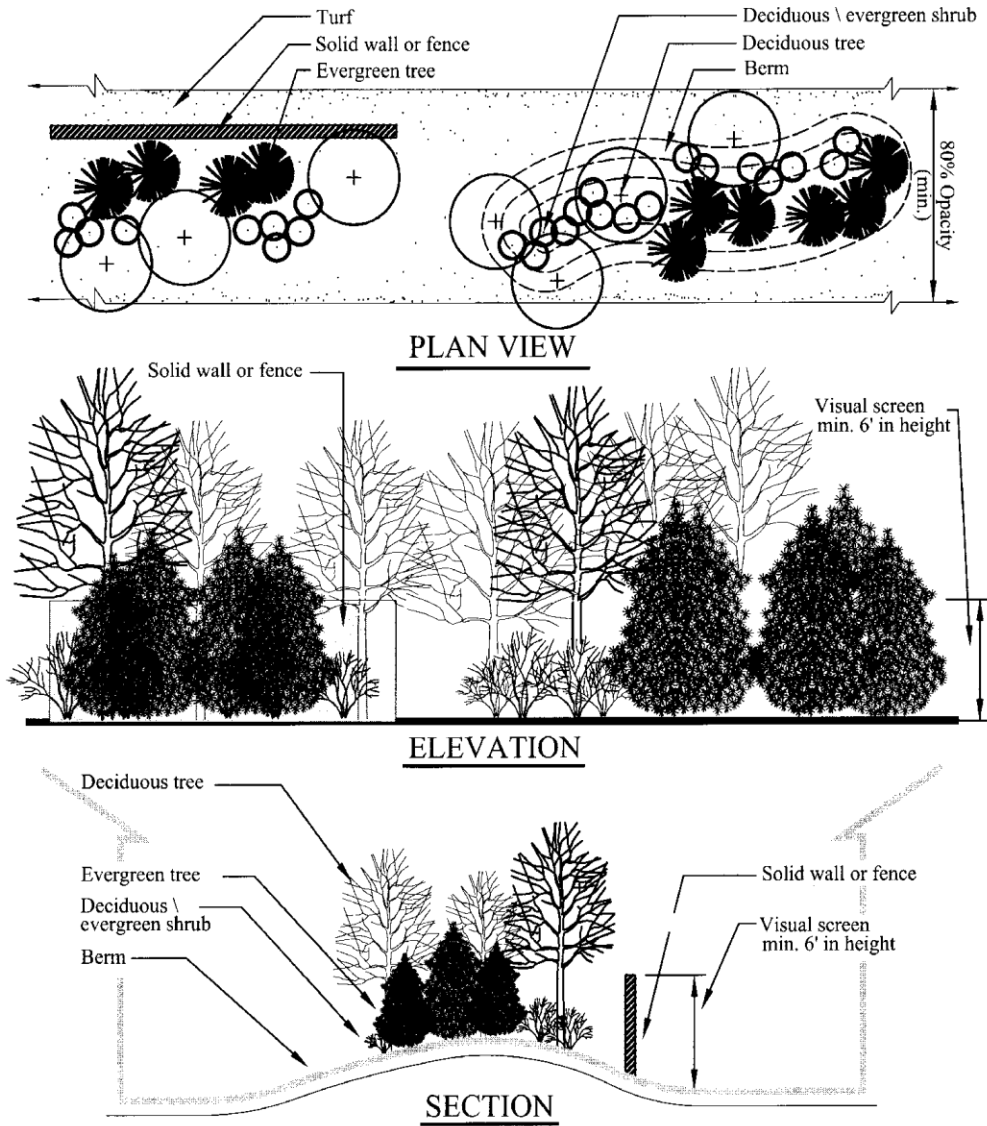


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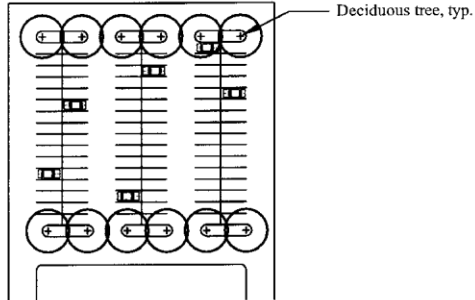
Appendix H



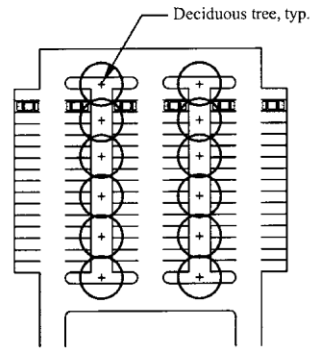
Appendix I



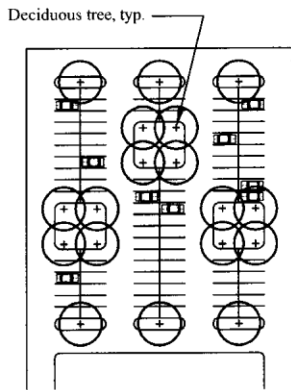
Appendix J



TREES IN END ISLANDS

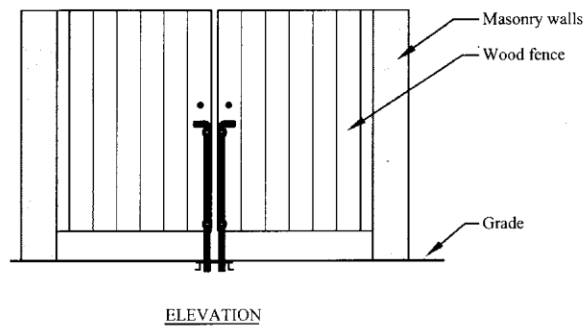
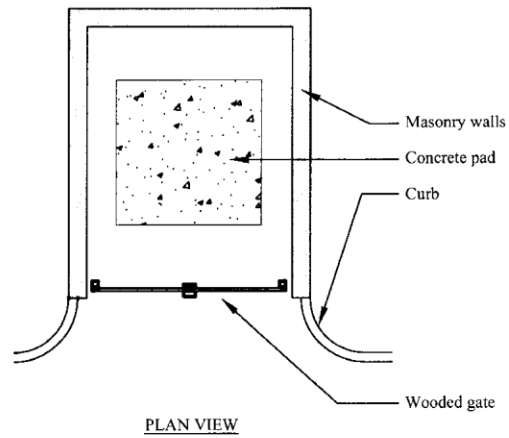


LANDSCAPE MEDIAN



LANDSCAPE ISLANDS

Appendix K



Appendix L

Not Used

Appendix M

