

# Palmyra Township

## Zoning Ordinance #11-2020 (Amended 10/08/2024)

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**ARTICLE I**  
**ENACTING CLAUSE, TITLE, PURPOSES, AND SCOPE**

**SECTION 1.1 – 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 1.2 - 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 1.3 – 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.
- F. To provide for township control over the placement of telecommunications facilities throughout the township in a manner consistent with the property values, aesthetics, public health, safety and welfare of the residents of Palmyra Township. 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 1.4 – 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.

### **SECTION 2.1 – ACCESSORY STRUCTURE, BUILDING, OR USE**

A detached structure, building, or use on the same lot with, and of a nature customarily incidental and subordinate to the principal structure, building, or use.

- A. Abandonment: A Solar Energy System is abandoned if it has not been in operation for a period of one (1) year. This includes a Solar Energy System that was never operational if construction has been halted for a period of one (1) year.
- B. Building Integrated Photovoltaics (BIVPs): A small Solar Energy System that is integrated into the structure of a building, such as solar roof tiles and solar shingles.
- C. Level 3 Solar Energy System: A Solar Energy System in which the principal design, purpose, or use is to provide energy to off-site uses or the wholesale or retail sale of generated electricity to any person or entity.
- D. Ground Mounted Solar Energy System: A Private or Level 3 Solar Energy System that is not attached to or mounted to any roof or exterior wall of any principal or accessory building.
- E. Private Solar Energy System: A Solar Energy System used exclusively for private purposes and not used for any commercial resale of any energy, except for the sale of surplus electrical energy back to the electrical grid.
- F. Roof or Building Mounted Solar Energy System: A Private Solar Energy System attached to or mounted on any roof or exterior wall of any principal or accessory building, but excluding BIVPs.
- G. Solar Energy System: Any part of a system that collects or stores solar radiation or energy for the purpose of transforming it into any other form of usable energy, including the collection and transfer of heat created by solar energy to any other medium by any means.

### **SECTION 2.2 – 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.

### SECTION 2.3 – ALTER

Any structural change in the supporting or load bearing member of a building, such as bearing walls, columns, beams, girders, or floor joists.

### SECTION 2.3.5 – ANIMAL FEEDING OPERATION (SEE SECTION 2.26.5 FARM ANIMALS)

### SECTION 2.4 – APARTMENT

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

### SECTION 2.5 – AUTOMOBILE SERVICE STATION

Structures and premises used or designed to be used for the retail sale of fuels, lubricants, or grease, and other operating commodities for motor vehicles, including the customary space and facilities for the installation of such commodities; and including space for temporary minor repair, or servicing such as polishing, washing, cleaning, greasing, but not including bumping, painting, or refinishing thereof.

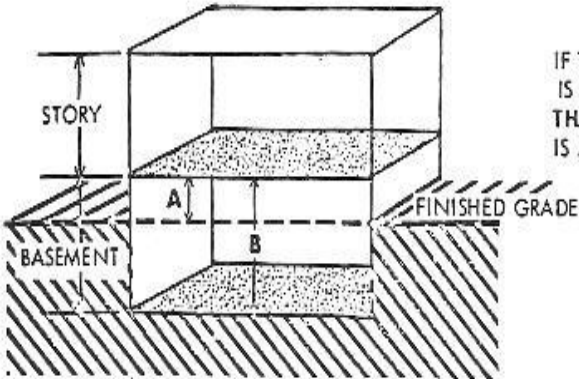
### SECTION 2.6 – AUTOMOBILE WRECKING

The dismantling or disassembling of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles, or their parts.

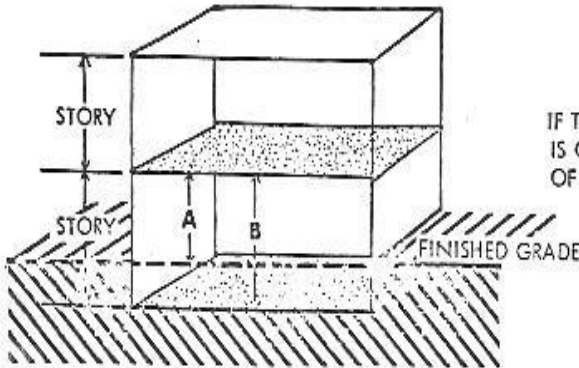
### SECTION 2.7 – BASEMENT

A story of a building having more than one-half its height below grade.

# BASEMENT & STORY DEFINITION



IF THE AVERAGE OF "A" IS EQUAL TO OR LESS THAN 1/2 OF "B", THIS IS A BASEMENT.



IF THE AVERAGE OF "A" IS GREATER THAN 1/2 OF "B", THIS IS A STORY.



## SECTION 2.8 – BOARDING HOUSE OR ROOMING HOUSE

A dwelling where meals and/or lodging are provided for compensation to three (3) or more persons by pre-arrangement for definite periods of time.

## SECTION 2.9 – BLOCK

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

## SECTION 2.10 – BOARD OF APPEALS

The Township Board of Appeals of the Township of Palmyra, Lenawee County, Michigan.

## SECTION 2.11 – 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.

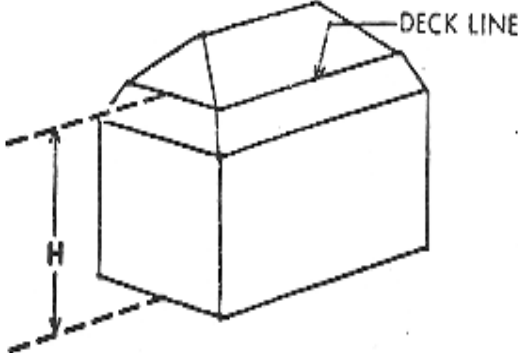
## SECTION 2.12 - BUILDING AREA

The total area taken on a horizontal plane at the largest floor level of a building and of all accessory buildings on the same lot exclusive of level of unroofed porches, terraces, patios, and steps; and of awnings and non-permanent canopies.

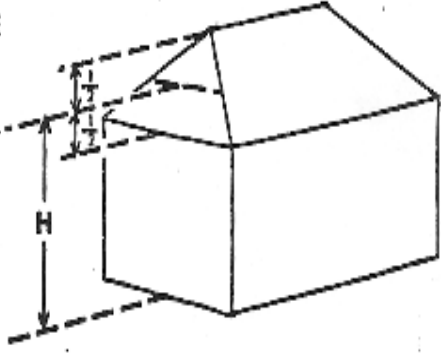
## SECTION 2.13 – BUILDING HEIGHT

The vertical distance measured from grade to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the average height between eaves and ridges for gable, hip or gambrel roofs.

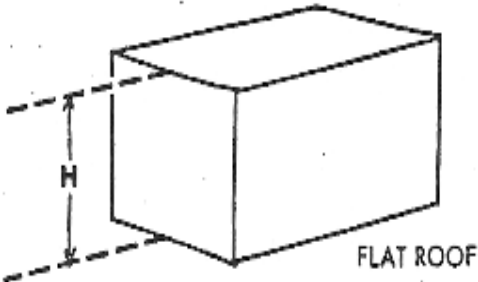
# BUILDING HEIGHT REQUIREMENTS



MANSARD ROOF

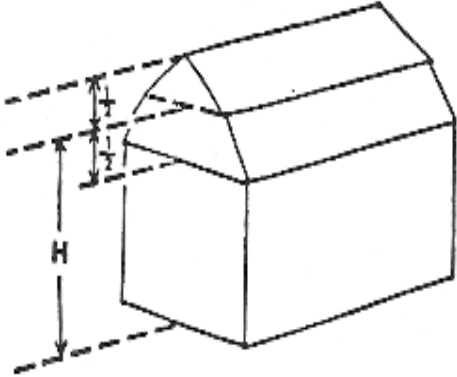


HIP ROOF

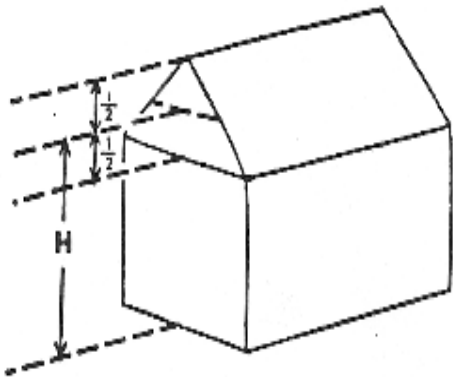


FLAT ROOF

GAMBREL ROOF



GABLE ROOF



H = HEIGHT OF BUILDING

#### SECTION 2.14 – 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.

#### SECTION 2.15 – CENTRAL SANITARY SEWERAGE 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.

#### SECTION 2.16 – 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.

#### SECTION 2.17 – DISTRICT

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

#### SECTION 2.18 – DRIVE-IN ESTABLISHMENT

A business establishment so developed that its retail or service character is primarily dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicles as well as within the building.

#### SECTION 2.19 – DWELLING UNIT

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

The Zoning 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:

##### 2.19.1 Minimum Size – Site Standards:

- A. 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).

- B. 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

2.19.2 Health – Construction Standards:

- A. 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.
- B. 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.
- C. 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.
- D. 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.
- E. 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.

2.19.3 Aesthetic Standards:

- A. Dwellings shall have a foundation wall around the home as specified in 2.19.2C, 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.
- B. Dwellings shall not have exposed wheels, towing mechanisms, undercarriage or chassis.
- C. 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.
- D. 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. A detached building designed for or occupied by one (1) family only and conforming in all respects to the standards of Section 2.19.

#### SECTION 2.20 – DWELLING – SINGLE-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 Section 2.19.

#### SECTION 2.21 – 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 Section 2.19.

#### SECTION 2.22 – 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 Section 2.19.

#### SECTION 2.23 – 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.

#### SECTION 2.24 – 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, transformers, control buildings, 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 maintenance depots.

#### SECTION 2.25 – 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.

#### SECTION 2.26 – FARM

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

#### SECTION 2.26.5 – FARM ANIMALS

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

## SECTION 2.27 – FARM BUILDING

Any building or accessory structure on a farm other than a dwelling unit. (SEE SECTION 2.19)

## SECTION 2.27.5 – FARM OPERATION

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

## SECTION 2.27.7 -- Farm Product.

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

## SECTION 2.28

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.

## SECTION 2.29 – (Reserved)

## SECTION 2.30 – HIGHWAYS

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

## SECTION 2.31 – HOME OCCUPATION

An occupation that is traditionally and customarily carried on in the home being primarily incidental to the principal residential use. (Also see Section 8.4)

## SECTION 2.32 – 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.

## SECTION 2.34 – KENNEL

Any lot or premise on which three (3) or more dogs, four (4) months old or older are confined either permanently or temporarily.

## SECTION 2.35 – 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 portion of lots of record; or a parcel of land described by metes and bounds.

**SECTION 2.36 – LOT AREA**

The area within the lot lines, but excluding that portion in a road or street right-of-way.

**SECTION 2.37 – LOT CORNER**

A parcel of land at the junction of and fronting or abutting on two (2) or more intersecting streets.

**SECTION 2.38 – 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.

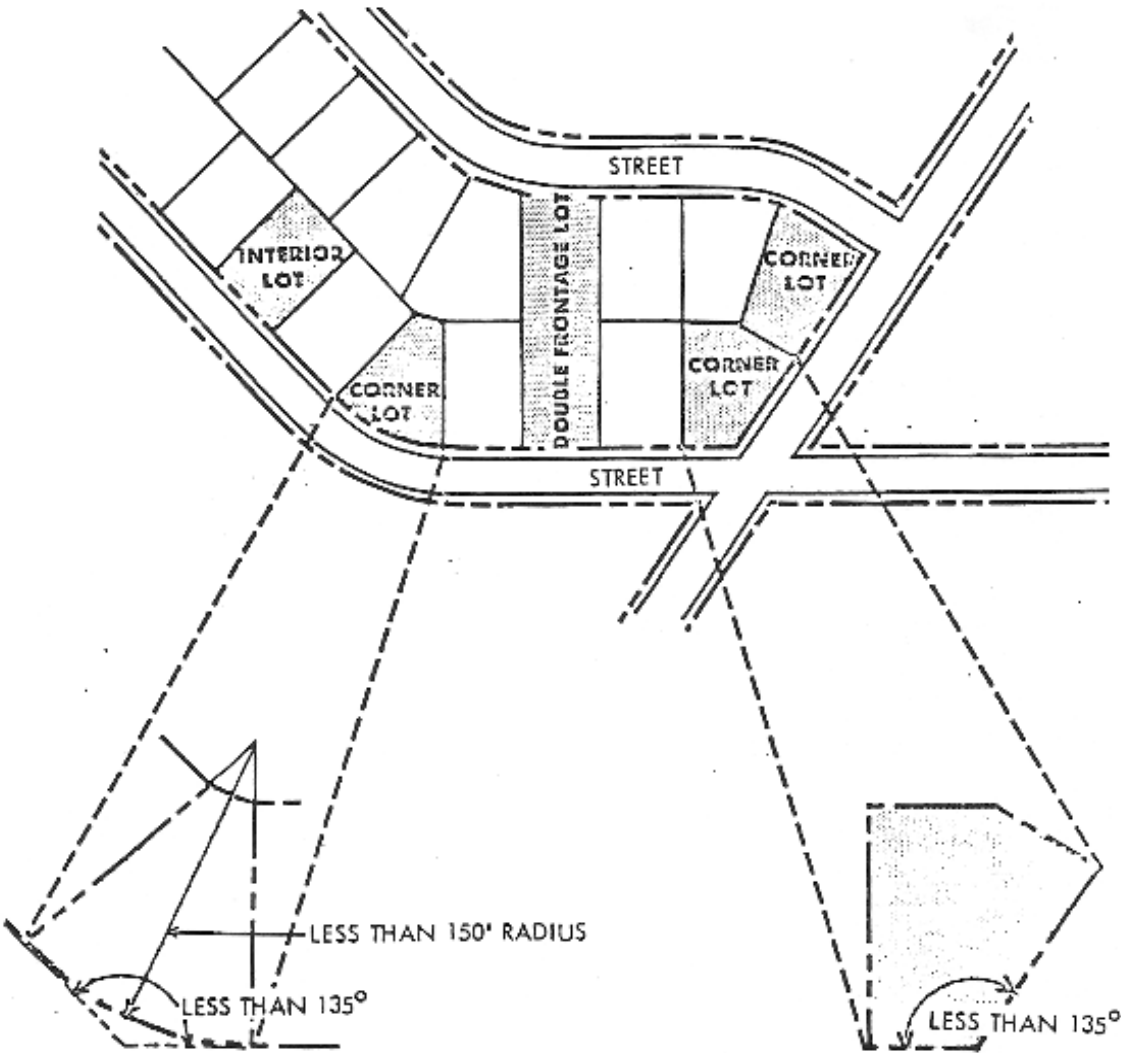
**SECTION 2.39 – LOT COVERAGE**

The part or percent of the lot occupied by the building area.

**SECTION 2.40 – LOT OF RECORD**

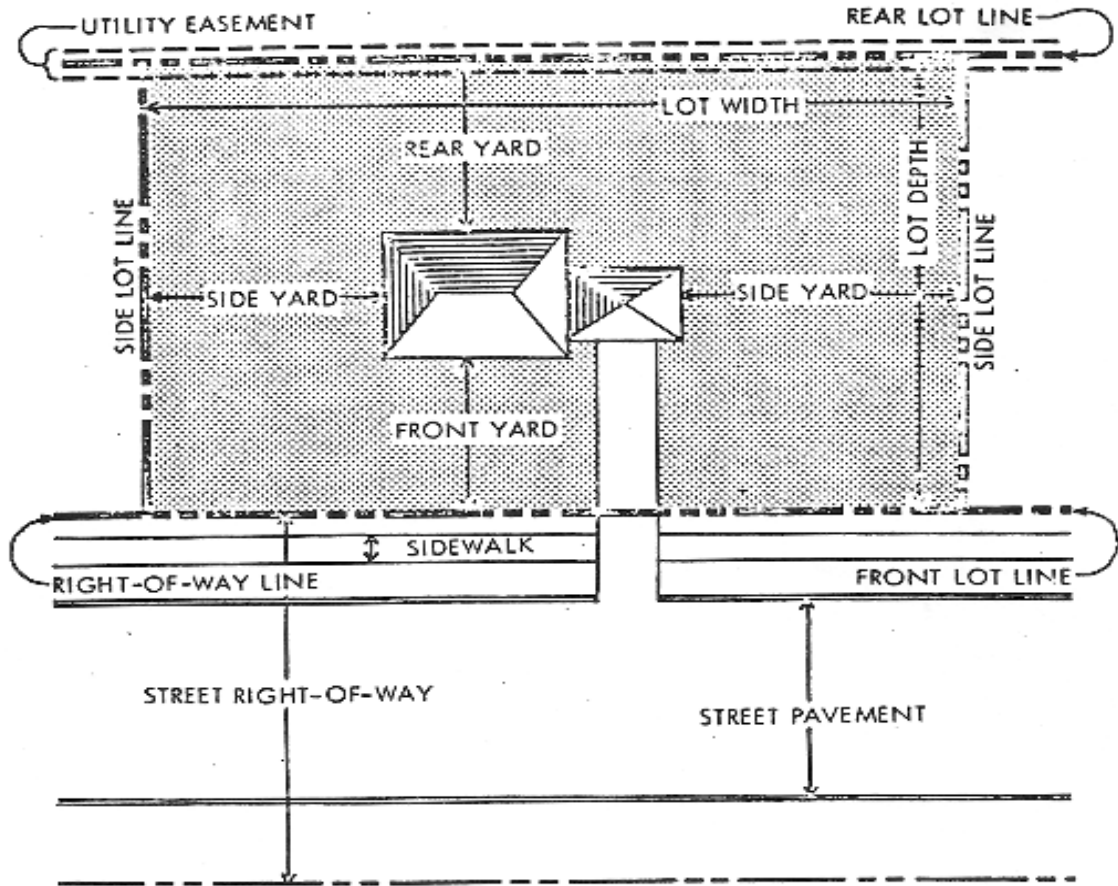
A lot which is part of a subdivision and is shown on a map thereof which has been recorded in the Office of the Register of Deeds of Lenawee County, or a lot described by metes and bounds, the deed to which has been recorded in said office.

# CORNER, INTERIOR AND DOUBLE FRONTAGE LOTS





# LOT TERMS



#### SECTION 2.41 – LOT THROUGH (DOUBLE FRONTAGE)

An interior lot having frontage on two parallel or approximately parallel streets.

#### SECTION 2.42 – LOT WIDTH

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

#### SECTION 2.42.5 – 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 with’ requirement.

#### SECTION 2.43 – MOBILE HOME

A detached portable residential dwelling unit with a floor area of at least four hundred (400) square feet, prefabricated on its own chassis and intended for long-term occupancy. The unit shall contain sleeping accommodations, a flush toilet, tub or shower, and eating and living quarters. It is designed to be transported on its own wheels or on a flatbed arriving at the site where it is to be occupied as a complete dwelling without permanent foundation and shall be connected to existing utilities. A travel trailer is not to be considered a mobile home.

#### SECTION 2.44 – MOBILE HOME PARK

A tract of land prepared and approved according to the procedures in this Ordinance and the State Mobile Home Commission to accommodate mobile homes on rented or leased lots.

#### SECTION 2.45 – MARIJUANA

Means all parts of the plant *Cannabis sativa* L., growing or not; the seeds of that plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin. Marijuana does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from those stalks, fiber, oil, or cake, or any sterilized seed of the plant that is incapable of germination. Marijuana does not include industrial hemp.

#### SECTION 2.46 – 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.

#### SECTION 2.47 – NONCONFORMING STRUCTURE

A structure which does not comply with the provisions of this Ordinance.

#### SECTION 2.48 – NONCONFORMING USE

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

#### SECTION 2.49 – 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.

#### SECTION 2.50 – PARKING SPACE, AREA, LOT

An off-street open area, the principal use of which is for the parking of automobiles, whether for compensation or not, or as an accommodation to clients, customers, visitors, or employees.

#### SECTION 2.51 – 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.

#### SECTION 2.52 – QUARRY

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 two hundred fifty (250) cubic yards in any calendar year, but shall not include an excavation preparatory to the construction of a structure of public highway.

#### SECTION 2.53 – RESTAURANT

A business located in a building where, in consideration of the payment of money, meals are regularly prepared, sold and served to persons for consumption on or off the premises, having suitable kitchen facilities connected therewith containing conveniences for cooking an assortment of foods which may be required for ordinary meals, and deriving the major portion of its receipts from the sale of food. A restaurant shall be distinguished from a drive-in restaurant, in that no provision shall be made for drive through lanes or windows, or eating in automobiles.

#### SECTION 2.54 – RETAIL COMMERCIAL ESTABLISHMENT

A store, market or shop in which commodities are sold or offered for sale in small or large quantities to retail trade. Groceries and general stores, meat markets, public garages, automobile service stations are some examples of this classification.

#### SECTION 2.55 – FARMERS MARKET

A physical retail market featuring foods sold directly by farmers to consumers. Farmers markets typically consist of booths, tables or stands, outdoors or indoors, where farmers sell fruits, vegetables, meats, and sometimes prepared foods and beverages.

#### SECTION 2.55.5 – SALVAGE YARD

A structure or parcel of land where materials such as junk, waste, discard, salvage or similar materials are sold or purchased, exchanged, stored, processed, baled, packed, sorted, disassembled or handled; including auto wrecking yards. These materials include but are not limited to: ferrous metals (iron) and other metals including inoperative automobiles, equipment, machinery, structural materials; plastic, vinyl, rubber and other synthetic materials; wood lumber, paper, cloth rags, leather and any other manufactured goods that are worn, deteriorated or obsolete making them unusable in their existing condition.

#### SECTION 2.56 – 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.

#### SECTION 2.57 - SIGN

Any device designed to inform, or attract the attention of persons not on the premises on which the sign is located; except, however, the following which shall not be included within this definition:

2.57.1 Signs not exceeding one (1) square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations;

2.57.2 Flags and insignias of any government, except when displayed in connection with commercial promotion;

2.57.3 Legal notices; identification, information, or directional signs erected or required by governmental bodies;

2.57.4 Integral decorative or architectural features of buildings, except letters, trademarks, moving part, or moving lights.

#### SECTION 2.58 – SIGN AREA

The area of a sign consisting of the entire surface of any regular geometric form or combinations of regular geometric forms, comprising all of the display area of the sign and including all of the element of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of such area.

#### SECTION 2.59 – SIGN, ON-SITE

A sign advertising a product for sale or a service to be rendered on the immediate premises where the sign is located.

#### SECTION 2.60 – SITE PLAN REVIEW

A review by the Zoning Board and the Township Board of certain buildings and structures that can be expected to have a significant impact on natural resources, traffic patterns, and on adjacent land usage (see Article VII).

#### SECTION 2.61 – SPECIAL APPROVAL USE

A use which is subject to special approval by the Zoning Board and the Township Board. A special approval use may be granted only when the specific provisions are in compliance with this Ordinance (see Article VI).

#### SECTION 2.62 – SOLAR ENERGY SYSTEM (SES)

The components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The area of the system includes all the land inside the perimeter of the system, which extends to any fencing. The term applies, but is not limited to, solar photovoltaic (PV) systems, solar thermal systems, and solar hot water systems.

#### SECTION 2.63 – 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.

#### SECTION 2.64 – STREET

A public or private thoroughfare which affords the principal means of access to abutting property having a right-of-way not less than sixty-six (66) feet in width.

#### SECTION 2.65 – STRUCTURE

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

#### SECTION 2.65.5 – TOWNSHIP

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

#### SECTION 2.66 – 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 thirty-two (32) feet in length. The term “travel trailer” shall also include folding campers and truck-mounted campers.

#### SECTION 2.66.1 – 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).

#### SECTION 2.66.2 - Wind Energy Facility Site Permit

The permit issued upon compliance with the standards of this Article and after a Wind Energy Facility Site Plan Review (Processed used to review a proposed Wind Energy Facility).

#### SECTION 2.66.3 - 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/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 nameplate capacity of greater than 30 kilowatts.

#### SECTION 2.67 – 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.

#### SECTION 2.68 – YARD, FRONT

An open, unoccupied space extending the full width of the lot between the front lot line and the nearest line of the principal building on the lot.

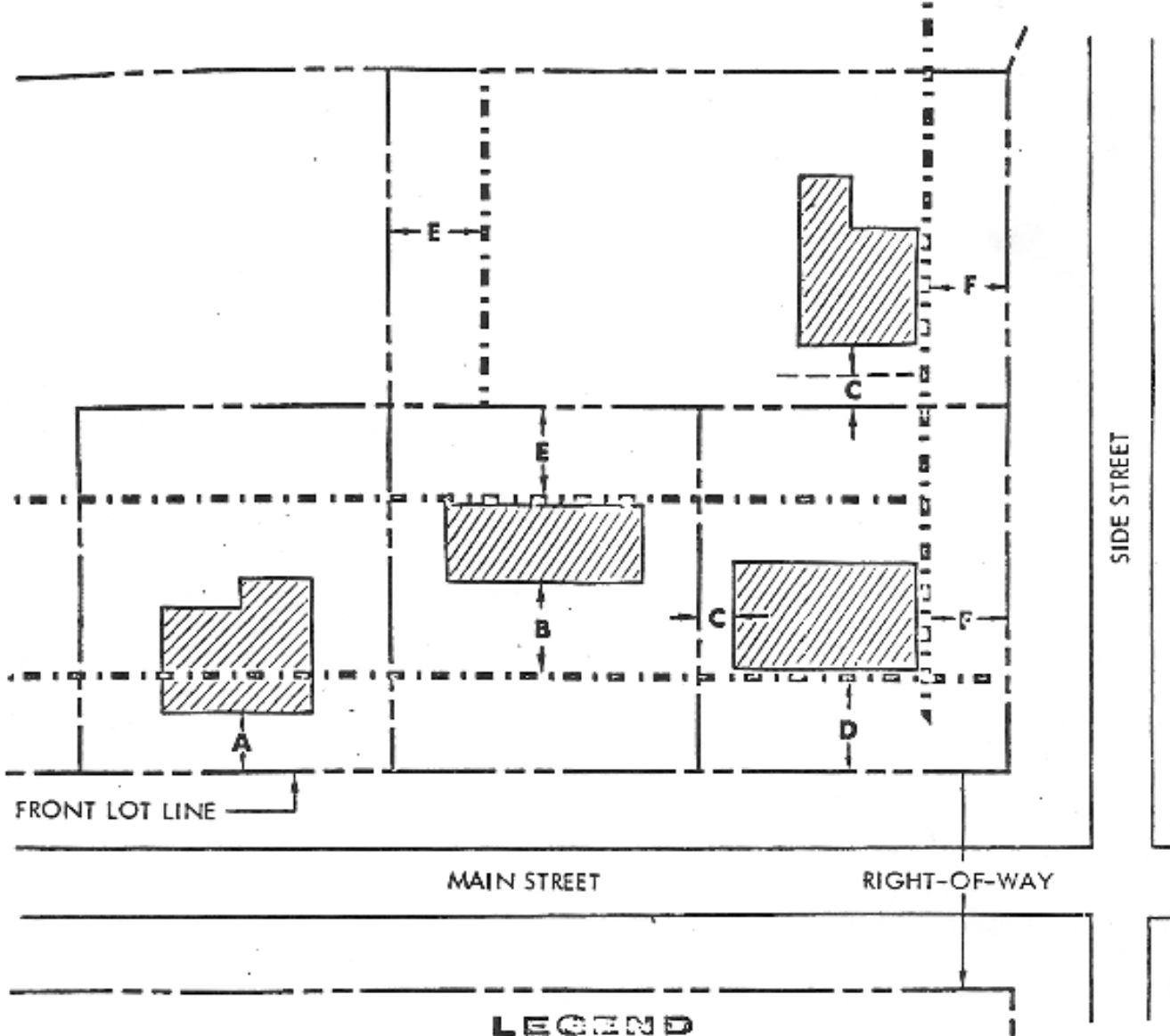
#### SECTION 2.69 – YARD, REAR

An open, unoccupied space extending the full width of the lot between the rear line of the lot and the rear line of the principal building.

#### SECTION 2.70 - YARD, SIDE

An open, unoccupied space on the same lot with the principal building, between the side line of the principal building 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 if no front yard is required, the front boundary of the side yard shall be the rear line to the lot.

# YARD REQUIREMENTS



## LEGEND

- A — DEFICIENT FRONT YARD
- B — FRONT YARD IN EXCESS OF MINIMUM FRONT YARD REQUIRED
- C — MINIMUM SIDE YARD REQUIRED
- D — MINIMUM FRONT YARD REQUIRED ALSO BUILDING SETBACK LINE
- E — MINIMUM REAR YARD REQUIRED
- F — MINIMUM YARD REQUIRED ON SIDE STREET WHEREON HOMES FRONT

**SECTION 2.71 -- Planning Commission.**

Shall mean the Palmyra Township Planning Commission.

**SECTION 2.72 – Zoning Board of Appeals**

The term Zoning Board of Appeals shall mean the Palmyra Township Zoning Board of Appeals.

**SECTION 2.73 – Banquet/Rental Hall**

A room or facility available for rent on a daily or short-term basis, not to exceed 48 hours, to accommodate meetings, conferences, receptions, business, and social gatherings. Such a facility shall be operated in strict compliance with all laws and administrative rules promulgated by Federal, State or Local authorities that may be applicable to any such gathering or function to be conducted on the premises.

**SECTION 2.74 – TELECOMMUNICATIONS FACILITY**

A telecommunications facility is defined as a commercial telecommunications tower, satellite dish, cellular tower, microwave dish, paging, or otherwise wireless type of communication tower or antenna but, for the purpose of this ordinance, shall not be deemed an essential service, It shall, however, be subject to and governed by the provisions of this zoning ordinance. No such facility may hereafter be constructed or erected without satisfying the requirements of this ordinance.



## ARTICLE III ESTABLISHMENT OF ZONING DISTRICTS

### SECTION 3.1 – 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 (AG)
AR	Agriculture /Residential District (AR)
MH	Mobile Home Residential District (MH)
O	Office District (O)
C	Commercial District (C)
LI	Light Industrial District (LI)
GI	General Industrial District (GI)

### SECTION 3.2 – 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 3.3 – 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 Zoning Board of Appeals shall interpret the exact location of the district boundary.

### SECTION 3.4 – 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.

### SECTION 3.5 – PERMITTED USES, ACCESSORY USES, SPECIAL APPROVAL USES

Uses are permitted by right only if specifically listed in the various zoning districts. Accessory uses are permitted as listed in the various zoning districts if such uses are clearly incidental to the permitted principal uses. Special approval uses are permitted as listed if the required conditions are met and a Special land use permit is obtained. Uses which are not specifically listed as permitted, accessory, or special land uses are allowed as long as they meet all the requirements of the zoning ordinance.

**ARTICLE IV  
ZONING DISTRICTS REGULATIONS**

The intent, permitted uses, special approval uses, height, area density, and sign regulations of each district are set forth in this section.

**SECTION 4.1 AGRICULTURAL DISTRICT (AG)**

**4.1.1 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.

**4.1.2 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.
- 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 for said sales.
- C. Single family detached dwellings.
- D. Home occupations only in accordance with the regulations specified in Section 8.4.
- 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 only in accordance with the regulations specified in Section 8.3
- G. Essential services.
- H. Accessory uses or structures in accordance with Section 4.9.
- 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

**4.1.3 Special Approval 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. Quarries.
- B. Golf courses.
- C. Group or organized camps, camping grounds, and general or specialized resorts.
- D. Airports.
- E. Public and private nurseries, primary or secondary non-profit schools, and college and universities.
- F. Convalescent homes, nursing homes, sanitariums, and orphanages.
- G. Riding academies and stables.
- H. Churches and other buildings for religious worship.
- I. Cemeteries.
- J. Golf driving ranges.
- K. Travel trailer park.
- L. Animal hospitals, animal shelters, and humane society.
- M. Kennels.
- N. Slaughter houses.
- O. Commercially operated trails for use by motorcycles, snowmobiles, and similar types of vehicles.
- P. Amusement enterprises.
- Q. Hospitals, sanitariums, and institutions for human care.
- R. Telecommunications facilities.
- S. 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.
- T. Level 3 Solar Energy Systems (SES).

4.1.4 Area, Yard, Height, and Bulk Requirements - See Section 4.8.1

4.1.5 Off-Street Parking

See Article VIII.

## SECTION 4.2 AG RESIDENTIAL(AR)

4.2.1 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.

4.2.2 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
- D. Home occupations, only in accordance with the regulations specified in Section 8.4.
- E. On-site signs, only in accordance with the regulations specified in Section 8.3.
- F. Essential services.
- G. Accessory uses or structures in accordance with Section 4.8

4.2.3 Special Approval 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.

- A. Golf courses, but not including golf driving ranges.
- B. Country clubs; banquet/rental hall; public swimming pools; recreation centers; and parks, playground, and playfields.
- C. Churches and other buildings for religious worship.

- D. Public and private nurseries; primary and secondary non-profit schools, and colleges and universities.
- E. Raising and keeping of livestock and fowl, see RTFA and GAAMPs.
- F. Animal hospitals, animal shelters, and humane society.
- G. Riding academies and stables.
- H. Hospitals, sanitariums, and institutions for human care.
- I. Kennels.
- J. Multiple-Family dwellings.
- K. 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 for said sales.
- L. Telecommunications facilities.
- M. Level 3 SES Solar Farms.

#### 4.2.4 Area, Yard, Height, and Bulk Requirements

See Section 4.8.1

#### 4.2.5 Off-Street Parking

See Article VIII

### SECTION 4.3 – MOBILE HOME RESIDENTIAL DISTRICT (MH)

#### 4.3.1 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.

#### 4.3.2 Permitted Uses: Mobile home parks

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

### SECTION 4.4 – OFFICE DISTRICT (O)

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

#### 4.4.1 Permitted Uses

- A. Medical and dental clinics.
- B. Funeral home.
- C. Laboratory, dental or medical.
- D. Studio for professional work.
- E. Offices of architects, engineers, surveyors, and other professions of similar nature.
- F. Offices of executive, administrative, legal, accounting, insurance, real estate, and uses of similar nature.
- G. Essential services.
- H. On-site signs in accordance with regulations specified in Section 8.3.
- I. Accessory uses and structures in accordance with Section 4.8.

#### 4.4.2 Special Approval 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.
- B. Schools and colleges.
- C. Churches and other buildings for religious worship.

### SECTION 4.5 – COMMERCIAL DISTRICT (C)

#### 4.5.1 Purpose

This district is intended to encourage planned and integrated groupings of retail, service, and administrative establishments which will retail convenience and comparison goods and provide personal and professional services for the Township and surrounding area. (See Section 5.2)

#### 4.5.2 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, but not including drive-in types.
- 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, only in accordance with the regulations specified in Section 8.3.
- J. Essential services.
- K. Accessory uses or structures in accordance with Section 4.8.

#### 4.5.3 Special Approval 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.
- B. Government or community owned buildings, but not including schools.
- C. Automobile service stations.
- D. Hotels or motels.
- E. Drive-in business services.
- F. Vehicle repair garages, or body shops, but not including salvage yards.  
Animal hospitals, animal shelters, and humane society.
- G. Outdoor commercial amusements.
- H. Single-family or two-family dwellings.
- I. Wholesale or retail merchandising or storage warehouses.



- 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. Telecommunications facilities.
- 4.5.4 Area, Yard, Height, and Bulk Requirements
- See Section 4.8.1
- 4.5.5 Off-Street Parking

## SECTION 4.6 - LIGHT INDUSTRIAL(LI)

### 4.6.1 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.

### 4.6.2 Permitted Uses

- A. Wholesale or retail merchandising or storage warehouses.
- B. Industrial office buildings. General service and repair establishments including dyeing, cleaning, or laundry works and upholstery or appliance repair. 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. Skilled trade services including plumbing, electric, heating, printing, and painting establishments.
- C. Research and testing laboratories.
- D. Essential Services
- E. On-site and off-site signs in accordance with the regulations as specified in Article VIII.
- F. Any use permitted in the Commercial (C) District.

### 4.6.3 Special Approval Uses

- A. Vehicle repair garages, or body shops.

- B. Farm machinery and equipment sales and repair.
- C. Contractor's yard.
- D. The recycling of industrial plastic residual/waste materials.
- E. Telecommunications facilities.
- F. Salvage yards.

#### 4.6.4 Area, Yard, Height, and Bulk Requirements

See Section 4.8.1

#### 4.6.5 Off-Street Parking

See Article VIII.

### SECTION 4.7 – GENERAL INDUSTRIAL DISTRICT (GI)

#### 4.7.1 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.

#### 4.7.2 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 use permitted in the Light Industrial District.

#### 4.7.3 Special Approval 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.
- B. Bulk oil storage.
- C. Recycling of industrial plastic residual/waste materials.

D. Telecommunications facilities.

4.7.4 Area, Yard, Height, and Bulk Requirements- See Section 4.8.1

4.7.5 Off-Street Parking: See Article VIII.

SECTION 4.8 – ACCESSORY STRUCTURES

All accessory structures in all districts shall be subject to the same standards and requirements as are required for all principal structures within such districts. Except accessory structures placed on lots in the Agriculture District (AG)/ Agriculture /Residential District (AR) Districts, which shall be no less than five (5) feet from any side or rear property line.

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.

SECTION 4.8.1 – AREA; HEIGHT, BULK, AND PLACEMENT REQUIREMENTS

**4.8.1 Area, Height, Bulk, and Placement Requirements**

Zoning Districts	Lot Requirements			Minimum Yard Requirements (C)			Maximum Building Height (B)		Type of use
	Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage	Front	Side	Rear	Principal	Accessory	
Agricultural [AG] see note 1	2 Acres	400'	30%	70'	50'	50'	2-1/2 Story or 35'	100'	Single family [A]
	5 Acres								All other uses
Agricultural Residential [AR] see note 2,3,4,5	1 Acre	200'	30%	35'	25'	25'	2-1/2 Story or 35'	100'	Single family [A]
	5 Acres				35'*				All other uses
Mobile Home Park [MH]	10 Acers 4000 Sq. Ft			In accordance with the Michigan Mobil Home Commission Act, PA 96 of 1987, as amended					Mobile Home Park Sit Within a MH Park
Office [O]	0.5 Acre	100'	50%	35'	10'-25' Total 35'*	25'	2-1/2 Story or 35'	35'	All other uses
Commercial [C]	1 Acre	100'	50%	35'	20'	25'	2-1/2 Story or 35'	35'	All other uses
Light Industrial [LI]	3 Acres	300'	50%	50'	20'	25'	2-1/2 Story or 35'	35'	All other uses
General Industrial [GI]	3 Acres	300'	50%	50'	20'	25'	2-1/2 Story or 35'	35'	All other uses

\*Corner Lot

**Footnote 1.** A three hundred (300) foot setback is required for the rear yard for Level 3 SESs in the AG, AG Residential, and General Industrial Districts.

**Footnote 2.** A three hundred (300) foot setback is required for the side yard for Level 3 SESs in the AG, AG Residential, and General Industrial Districts.

**Footnote 3.** A three hundred (300) foot setback is required for the front yard for Level 3 SESs in the AG, AG Residential, and General Industrial District.

**Footnote 4.** The setbacks to adjoining properties in the same project do not apply.

4.8.2 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.

4.8.3 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.

4.8.4 Minimum yard requirements: (Except for Telecommunications facilities)

- A. 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.
- B. 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.
- C. Minimum yard requirements are established pursuant to the Cellular Tower Ordinance pursuant to Palmyra Township Ordinance #4-97.

4.8.5 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.

#### SECTION 4.9 – ACCESSORY STRUCTURES

- A. All accessory structures in all districts shall be subject to the same standards and requirements as are required for all principal structures within such districts. Except accessory structures placed on lots in the Agricultural (AG) and the Agriculture / Residential (AR) which shall be no less than five (5) feet from any side or rear property line.
- 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.

#### SECTION 4.10 (RESERVED)

**ARTICLE V  
NONCONFORMITIES**

**SECTION 5.1 – 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 shall not be enlarged, expanded, or extended except as provided herein.

**SECTION 5.2 – 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 shall 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 shall be established therewith.
- B. No such nonconforming use of land shall 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 5.3 – 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 shall 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 shall 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 5.4 – NONCONFORMING USES OF STRUCTURES

Where, on the date of adoption or amendment of this Ordinance, a lawful use of 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 shall 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 shall 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 5.5 – 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 5.6 – 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 existing 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. Front, side and rear yard setback requirements shall apply to substandard, non-conforming lots of record in accordance with the following:

- A. **Front Yards.** Minimum setbacks in the front yard shall be not less than fifty (50) feet from the nearest federal or state highway right-of-way, or twenty-five (25) feet from the nearest highway or street right-of-way line other than a federal or state highway in the Farming (F) district. In the Residential and Farming (RF) district, the minimum setback in the front yard shall be twenty-five (25) feet, measured from the right-of-way line.
- B. **Side Yards.** There shall be a side yard minimum distance of eight (8) feet on one side of the lot and four (4) feet on the other side.
- C. **Rear Yards.** There shall be a minimum distance of thirty-five (35) feet in the Farming (F) district

and twenty-five (25) feet in the Residential and Farming (RF) district.

If two or more lots or combinations of lots with continuous boundaries in single ownership are of record and all or part of the lots do not meet the requirements 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. **Amended March 29, 2022**

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.

#### **SECTION 5.5 – 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 5.6 – 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 requirements 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 APPROVAL USES**

**SECTION 6.1 – SPECIAL APPROVAL 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 6.2 – 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 approval use permits. The Township Board may grant special approval use permits, subject to such conditions of design, operation, and safeguards as the Township Board may determine for all special approval uses specified in the various district provisions of this ordinance.

**SECTION 6.3 – APPLICATION AND FEE**

Application for any special approval 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 approval 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 6.4 – APPLICATION AND SITE PLAN REQUIREMENTS**

An application for a special approval 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 6.5 – PUBLIC HEARING**

The Planning Commission shall hold a public hearing upon any application for a special approval use permit, notice of which shall be given by one (1) application in a newspaper of general circulation in Palmyra Township, within fifteen (15) days but not less than five (5) days preceding the date of said hearing.

**SECTION 6.6 – 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 approval 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 approval uses:

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

B. Development standards applying to specific proposed special approval uses. A special 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 6.8 of this Ordinance.

1. Airports 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.
  - c. 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.
  - d. Any building, hangars, or other structures shall be at least one hundred (100) feet from any street or lot line.
  - e. The site plan submitted for review and approval shall, in addition to the information
- Approved by the Palmyra Township Board 11/15/2022

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.

2. Quarries, subject to the following standards:
  - a. 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.
  - b. Such removal, processing, transportation, and activities relating to storage such as stockpiling shall not take place before sunrise or after sunset.
  - c. On said lot no digging or excavating shall take place closer than one hundred (100) feet to any lot line.
  - d. 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, oiled, watered, or chemically treated so as to limit adjoining lots and public roads the nuisance caused by wind-borne dust.
  - e. 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.
  - f. 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.
  - g. 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 operator 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.
  - h. All fixed equipment and machinery shall be located at least one hundred (100) 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 (100) feet from any lot line.
  - i. 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.

- j. 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.
  - k. The operator shall file with the Planning Commission and the Zoning Inspector 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 Zoning Board. The anticipated cost of carrying out the plans of restoration shall be included with said plans.
  - l. 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 Inspector that the restoration is complete and in compliance with the restoration plan.
  - m. 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 Zoning Board 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.
3. 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.
  4. Golf courses, 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 effects 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: 300 feet front yard 300 feet side yard 300 feet rear yard.
5. Public and private nurseries, primary or secondary non-profit schools, and colleges and universities subject to the following standards:
    - a. There shall be provided and maintained a minimum of one hundred fifty (150) square feet of outdoor play area for each child or student.
    - b. A minimum of five thousand (5,000) square feet of outdoor play area shall be provided.
  6. Convalescent homes, nursing homes, sanitariums, and orphanages, subject to the following standards.
    - a. The site shall be so developed as to create a land to building ratio on the parcel whereby for each one (1) bed in the convalescent home there shall be provided not less than fifteen hundred (1,500) square feet of land.
  7. Riding academies and stables subject to the following standards:
    - a. All buildings housing animals and all corrals in which animals are kept or assembled in concentrated groups, shall be at least one hundred (100) feet from any property line.
    - b. Stables shall be located on lots having a minimum of five (5) acres and riding academies shall be located on lots having a minimum of ten (10) acres.
  8. Churches, and other buildings for religious worship, subject to the following standards:
    - a. The minimum lot area shall be three (3) acres.
  9. 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.
  10. Golf driving ranges, subject to the following standards:
    - a. Front, side, and rear yard setbacks shall be three hundred (300) feet and no part of said driving range shall be located in said setback requirements.
    - b. Any floodlights used to illuminate the premises are so directed and shielded as not to be an annoyance to any developed residential property.

- c. Depending upon location, such activity may be limited to daylight or early evening hours.
11. Travel trailer parks, 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.
  12. Animal Hospitals, Animal Shelters, and Humane Society, subject to the following standards:
    - a. Except where animals are kept in a soundproof air-conditioned building, no structure or area occupied by animals shall be within three hundred (300) feet of the property line of any adjacent lot.
  13. 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.
14. Amusements enterprises, 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.
15. Hospitals, sanitariums, and charitable institutions for human care, 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
16. Roadside stands for the sale of agricultural products.
- 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 prohibited within the road, street, or highway right-of-way.
  - 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. Operation of the roadside stand shall be limited to seasons associated with the local harvest.
17. Telecommunications Facilities
- a. Refer to Cellular Tower Ordinance. Required standings and findings for marking determinations are established by the Palmyra Township Cellular Tower Ordinance.  
Approved by the Palmyra Township Board 11/15/2022

## SECTION 6.7 – APPROVAL OF SPECIAL APPROVAL USE PERMIT

Upon review of the application and site plan in accordance with the standards established in Section 6.6, holding of public hearing in accordance with Section 6.5, and review of requirements of other provisions of this Ordinance as they apply to the proposed special approval use, the Township Board shall approve, subject to conditions in accordance with Section 6.8, or deny the special approval use within thirty (30) days following the public hearing.

For the purposes of this Section, the approval of the Site Plan shall constitute the approval of the special approval use permit. A request for approval of a special approval use permit which is in compliance with standards stated in the zoning ordinance, the conditions imposed pursuant to Section 6.8, other applicable ordinances, and state and federal statutes, shall be approved. Upon approval of the special approval use permit, a copy of the approved site plan shall be forwarded to the applicant, Clerk, Zoning Inspector, and Planning Comm. along with full documentation regarding the findings of the review and approval or denial. The Zoning Inspector shall not issue a zoning compliance permit until he has received a copy of the approved site plan.

## SECTION 6.8 – IMPOSITION OF CONDITIONS

Upon review of the application and site plan in accordance with the standards established in Section 6.6 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 6.9 – PERFORMANCE GUARANTEE

In authorizing a conditional 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 approval use permit requirements. Such guarantee shall be deposited with the Palmyra Township Clerk at the time of the issuance of the conditional 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 approval use permit.

**Amended March 29, 2022**



**ARTICLE VII  
SITE PLAN REVIEW**

**SECTION 7.1 – SITE PLAN REVIEW AND APPROVAL**

It is recognized by this Ordinance that there is a value to the public in establishing safe and convenient traffic movement to higher density sites, both within the site and in relation to access streets; that there is value in encouraging a harmonious relationship of buildings and uses both within a site and in relation to adjacent uses; further that there are benefits to the public in conserving natural resources. Toward this end, this Ordinance requires site plan review by the Planning Commission and Township Board for certain buildings and structures that can be expected to have a significant impact on natural resources, traffic patterns, and on adjacent land usage.

**SECTION 7.2 – BUILDINGS, STRUCTURES, AND USES REQUIRING SITE PLAN**

The Zoning Inspector shall not issue a zoning compliance permit, special approval use permit, or building permit for any commercial, industrial, or any special approval use unless a site plan has been reviewed and approved by the Township Board.

**SECTION 7.3 – APPLICATION AND FEE FOR SITE PLAN REVIEW**

Any person may file a request for a site plan review by the Township Board by filing with the Clerk the completed application upon the forms furnished by the Clerk and payment of a fee established by resolution of Palmyra Township.

Fees applicable to site plan reviews for special approval uses are waived in lieu of fees established by resolution of Palmyra Township for these purposes. As an integral part of said application, the applicant shall file at least four (4) copies of a site plan.

**SECTION 7.4 – RESERVED**

**SECTION 7.5 – REQUIRED DATA FOR SITE PLAN**

Every site plan submitted to the Planning Commission shall be in accordance with the following requirements:

- A. Every site plan submitted, except site plans required for uses as prescribed in Subsection 7.5.B of this Ordinance, shall be drawn to a readable scale and shall include the following:
  1. The name of the applicant, scale used, a north arrow, the date prepared, and the name and address of the preparer if other than the applicant;
  2. All property boundaries and dimensions thereof; the location and use of all existing and proposed structures;
  3. The location of all existing and proposed streets, parking lots, driveways, utilities and other improvements to be constructed or used as a part of the project;

4. The current zoning classifications on the subject property and all adjacent property
- B. Site plans submitted for the following uses shall be subject to the requirements of Subsection 7.5.C.
1. The following conditional uses:
    - a. Quarries
    - b. Travel trailer parks
    - c. Commercially operated trails for use by motorcycles, dune buggies, snowmobiles, and similar types of vehicles
    - d. Amusement enterprises
    - e. Automobile service stations
    - f. Hotels or motels
    - g. Drive-in businesses
    - h. Automobile repair garages
    - i. Junk yards
    - j. Bulk oil storage
    - k. Airports
    - l. Multiple family dwellings
- C. Site plans submitted for the uses prescribed in Subsection 7.5.B shall be submitted in accordance with the following requirements.
1. The site plan shall be of a scale not to be greater than one (1) inch equals twenty (20) feet nor less than one (1) inch equals two hundred (200) feet, and of such accuracy that the Planning Commission can readily interpret the site plan, and shall include more than one (1) drawing were required for clarity.
  2. The property shall be identified by lot lines and location, including dimensions, angles and size, and correlated with the legal description of said property. Such plan Shall further include the name and address of the property owner, developer, and designer.
  3. The site plan shall show the scale; north point; boundary dimensions; topography (at least two (2) foot contour intervals); and natural features, such as, wood, lots, streams, rivers, lakes, drains, and similar features.

4. The site plan shall show existing man-made features, such as buildings; structures; high tension towers; pipe lines; and existing utilities, such as, water and sewer lines, excavations, bridges, culverts, drains, and easements, and shall identify adjacent properties and their existing uses.
5. The site plan shall show the location, proposed finished floor and grade line elevations, size of proposed principal and accessory buildings, their relation one to another and to any existing structure on the site, the height of all buildings, and square footage of floor space. Site plans for residential development shall include a density schedule showing the number of dwelling units per net acre, including a dwelling schedule showing the unit type and number of each unit types.
6. The site plan shall show the proposed streets, driveways, walks, and other vehicular and pedestrian circulation features within and adjacent to the site; also, the location, size and number of parking spaces in the off-street parking area, and the identification of service lanes and service parking.
7. The site plan shall show the proposed location, use, and size of open spaces; and the location of any landscaping, fences, or walls on the site. Any proposed alterations to the topography and other natural features shall be indicated. The site plan shall further show any proposed location of connections to existing utilities and proposed extensions thereof.

#### SECTION 7.6 – STANDARDS FOR SITE PLAN REVIEW

In reviewing the site plan, the Township Board shall ascertain whether the proposed site plan is consistent with all regulations of this Ordinance and state and federal statutes. Further, in consideration of each site plan, the Township Board shall find that provisions of Subsection 7.5 of this Ordinance as well as the provisions of the zoning district in which said buildings, structures and uses as indicated in the proposed site plan have been satisfactorily demonstrated and met by the applicant.

#### SECTION 7.7 – TOWNSHIP BOARD APPROVAL

Upon receipt of the applications and five (5) copies of the site plan by the Township Board, the Township Board shall have thirty (30) days to make a final decision on said site plan.

Following approval of the site plan by the Township Board site plan, the Township Clerk shall within ten (10) days transmit to the Zoning Inspector one (1) copy with the Clerk's certificate affixed thereto, certifying that said approved site plan conforms to the provisions of this Ordinance as determined and approved by the Township Board. If the site plan is disapproved by the Township Board, notification of such disapproval shall be given to the applicant within ten (10) days after such Board action. The Zoning Inspector shall not issue a zoning compliance, special approval use permit, or building permit, until he has received a certified approved site plan.

#### SECTION 7.8 – EXPIRATION OF SITE PLAN CERTIFICATE

The site plan certificate shall expire, and be of no effect, three hundred sixty-five (365) days after the date of issuance thereof, unless within such time the Zoning Inspector has issued a zoning compliance permit or special approval use permit for any proposed work authorized under a said site plan certificate.

SECTION 7.9 – AMENDMENT, REVISION OF SITE PLAN

A site plan and site plan certificate, issued thereon, may be amended upon the request of the applicant. Such amendment shall be made upon application and in accordance with the procedure provided in Article VII of this Ordinance. Any fees paid in connection with such application may be waived or refunded at the discretion of the Township Board.

**ARTICLE VIII  
GENERAL PROVISIONS**

**SECTION 8.1 – 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.

**8.1.1 Plans**

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

**8.1.2 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.

**8.1.3 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.
- 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.
- 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.

#### 8.1.4 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.

#### 8.1.5 Determining Requirements

For the purposes of determining off-street parking requirements, the following units of measurement shall apply:

##### 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.

### 8.1.6 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	One (1) space for each two hundred (200) square feet of showroom floor area plus two (2) spaces for each service bay plus one (1) space for each two (2) employees.
Bank, Business, and Professional Office	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 Equipment and Furniture Repair Shops	One (1) space for each four hundred (400) square feet of floor area.
Hospitals	One (1) space for each bed excluding bassinets plus one (1) space for each two (2) employees.
Hotels, Motels, Lodging Houses, Boarding Homes	One (1) space for each living unit 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,	One (1) space for each two (2) employees on Processing &

Bottling Plants,  
Research & Testing Laboratories

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,  
Night Clubs

One (1) space for each two(2) seating capacity plus one(1) space for patrons of maximum Taverns and each two(2) employees.

Use

Parking Space Requirements

Self-Service Laundry or Dry  
Stores

One (1) space for each two (2) washing and/or Cleaning drying cleaning machines.

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  
and Discount Stores

One (1) space for each two hundred (200) square Food feet of floor area plus one (1) space for each two (2) employees.

Wholesale Establishments  
Warehouses

One (1) space for each four hundred (400) square And feet of floor area plus one (1) space for each two (2) employees.

8.1.7 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 nonconflicting 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 8.2 – 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.

8.2.1 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 Inspector for review at the time of application for a zoning compliance permit.

#### 8.2.2 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.

#### 8.2.3 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 8.3 – SIGN REGULATIONS

#### 8.3.1 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 limits 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.

### 8.3.2 Specific On-Site Sign Regulations in the Farming District

Signs in the Farming 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.

### 8.3.3 Specific Sign Regulations in the Residential – Farming and Mobile Home Districts

The following on-site signs are permitted on any one (1) lot in Residential – Farming and Mobile Home 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 three (3) 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.

### 8.3.4 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.

### 8.3.5 Off-Site Signs

Off-site signs are only permitted along U.S. 223 and are subject to the regulations of the State of Michigan Department of Transportation.

### 8.3.6 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.

## SECTION 8.4 – HOME OCCUPATION

A home occupation shall be clearly incidental and secondary to the use of the dwelling unit *and/or accessory structure* for residential purposes. The following additional conditions shall be observed:

- A. Such home occupation shall be carried on within the dwelling or within a building accessory thereto.
- B. No article shall be sold or offered for sale on the premises except such as is produced within the dwelling or accessory building or is provided incidental to the service or profession conducted within the dwelling or accessory building.
- C. There shall be no exterior storage of materials or equipment.
- D. No nuisance shall be generated by any heat, glare, noise, smoke, vibration, noxious fumes, odors, vapors, gases or matter at any time.
- E. No hazard of fire, explosion or radioactivity shall exist at any time.
- F. Not more than one (1) person other than the family occupying the dwelling shall be employed.

## SECTION 8.5 – STORAGE OF MATERIALS

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

- A. On any lot in a Commercial or Office 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 thirty (30) days.
- B. On any lot in any Industrial 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 seven (7) 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 Industrial District.

#### SECTION 8.6 – MOBILE HOME AND TRAVEL TRAILERS – TEMPORARY OCCUPANCY

- A. The Zoning Inspector shall have authority to grant a permit for the temporary occupancy of a mobile home on any lot in a Farming (F), or Residential and Farming (RF) 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.
  2. Such mobile home shall not be located between the established setback line and the public right-of-way line of such premises.
  3. The mobile home shall contain sleeping accommodations, a flush toilet, and a tub or shower bath adequate to serve the occupants thereof.
  4. 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.
  5. The Planning Commission may require a security deposit or bond of an amount necessary to assure compliance with this section.
- B. No travel trailer shall be used as a dwelling except for a period not to exceed two (2) 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 Zoning Inspector.

#### SECTION 8.7 – 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 8.8 – ACCESS TO PUBLIC STREETS

- A. In any Residential Farming 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 Farming 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 8.9 – FENCES

Fences in all districts are subject to the following conditions:

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

#### SECTION 8.10 – 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 8.11 – 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 8.12 – ESSENTIAL SERVICE

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.

Nothing in this section shall be construed to permit the erection, construction, or enlargement of any maintenance depot for provision of an essential service except as otherwise permitted in this Ordinance.

#### SECTION 8.13 - SOLAR ENERGY SYSTEMS (SES)

##### A. Purpose:

To promote the use of Solar Energy within Palmyra Township as a clean alternative energy source and provide for the land development, installation and construction regulations for Level 3 Solar Energy Systems (SES) facilities subject to reasonable conditions that will protect the public health, safety and welfare. These regulations establish requirements and standards for the placement, construction and modification of Level 3 SES facilities, while promoting a renewable energy source for our community in a safe, effective and efficient manner.

B. Criteria for the use of All Solar Energy Equipment:

1. Solar energy equipment shall be located in the least visibly obtrusive location where panels would be functional, as determined on the site plan.
2. Each system shall conform to applicable industry standards including those of the American National Standards Institute (ANSI) and all county, state, and federal regulations and safety requirements, including applicable building codes.
3. Level 3 SES are permitted as conditional uses in the following zoning districts:
  - a. Agricultural (AG)
  - b. Agricultural Residential (AR)
  - c. General Industrial (GI)

C. Application for Site Plan Review for Level 3 SES

An applicant who seeks to install a Level 3 SES shall submit an application for Site Plan Review and Conditional Use Permit to the Township Clerk, before being sent to the Planning Commission for their recommendation to the Township Board. The application shall include the following:

1. The owner of a solar farm (Level3) SES shall provide the Planning Commission with an operations agreement, which shall set forth the operations parameters, the name and contact information of the certified operator, inspection protocol, emergency procedures and general safety documentation.
2. Photographs of the property's existing condition.
3. Renderings of catalogue cuts of the proposed solar energy equipment.
4. Certificate of compliance demonstration that the system has been tested and approved by Underwriter laboratories (UL) or another approved independent testing agency.
5. Prior to installation of a ground mounted Solar Energy System, the property owner or representative shall submit a descriptive site plan to the Zoning Administrator. This plan shall include setbacks, panel size, and the location of the property lines; buildings, fences, greenbelts, road rights-of-way; and a detailed decommissioning plan for restoration after the SES ceases operation (See Section 8.13E). This site plan must be drawn to scale.
6. Description of the screening to be provided for the ground or wall mounted solar energy equipment.
7. Project description and rationale: Identify the type, size, rated power output, performance, safety and noise characteristics of the system, including the name and address of the manufacturer, and model. Identify time frame, project life, development phases, likely markets for the generated energy, and possible future expansions.
8. Analysis of onsite traffic: Estimated construction jobs, estimated permanent jobs associated with

the development. The traffic plan shall include, for construction and operation phases, including any applicable agreements with the County Road Commission and Michigan Department of Transportation, which is subject to the Township's review and approval.

9. Visual inspections: Review and demonstrate the visual impact using photos or renderings of the project or similar projects with consideration given to tree plantings and setback requirements.
10. Environmental analysis: Identify impact analysis on the water quality and water supply in the area, and dust from the project activities. Proof of environmental compliance, including compliance with Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act; (MCL 324.3101 et. seq.; Part 91, Soil Erosion and Sedimentation Control (MCL 324.9101 et. seq.) and any corresponding County ordinances; Part 301, Inland Lakes and Streams, (MCL 324.30101 et. seq.); Part 303, Wetlands (MCL 324.30301 et. seq.); Part 365, Endangered Species Protection (MCL324.36501 et. seq.); and any other applicable laws and rules in force at the time the application is considered by the Township.
11. Wildlife: Review potential impact on wildlife on the site.
12. Waste: Identify solid waste or hazardous waste generated by the project and include a detailed environmental waste and/or hazardous waste disposal plan that addresses how the applicant will manage any hazardous waste during the course of the project or at the end of life of the project, particularly as it relates to solar panel recycling and disposal of panels and other facility equipment involving heavy metals such as silver, lead, arsenic, cadmium, selenium.
13. Lighting: Provide lighting plans showing all lighting within the facility. No light may adversely affect adjacent parcels. All lighting must be shielded from adjoining parcels, and light poles are restricted to eighteen (18) feet in height.
14. Transportation plan: Provide access plan during construction and operation phases. Show proposed project service road and egress access onto primary and secondary routes, layout of the plant service road system. Due to infrequent access to such facilities after construction is completed, it is not required to pave or curb solar panel access drives. It will be necessary to pave and curb any driveway and parking lots used for occupied offices that are located on site.
15. Public Safety: Identify emergency and normal shutdown procedures. Identify potential hazards to adjacent properties, public roadways, and to community in general that may be created.
16. Telecommunications and electromagnetic interference: Identify and all potential sources of electromagnetic fields and communications interference that may be generated by the project.
17. A list of all parcel numbers that will be used by the Level 3 Solar Energy System; documentation establishing ownership of each parcel; and any lease agreements, easements, or purchase agreements for the subject parcels.
18. A copy of the applicant's power purchase agreement or other written agreement with an electric utility showing approval of an interconnection with the proposed Level 3 Solar Energy System.

19. A plan for resolving complaints from the public or other property owners concerning the construction and operation of the Level 3 Solar Energy System, which is subject to the Township's review and approval.
20. An attestation that the applicant will indemnify and hold the Township harmless from any costs or liability arising from the approval, installation, construction, maintenance, use, repair, or removal of the Solar Energy System, which is subject to the Township's review and approval.
21. Any additional information or documentation requested by the Planning Commission, Township Board, or other Township representative.
22. Decommissioning: A decommissioning plan signed by the party responsible for decommissioning and the landowner (if different) addressing the following shall be submitted prior to the issuance of the permit.
  - a. Defined conditions upon which decommissioning will be initiated (i.e., end of land lease, no power production for a 12-month-period, abandonment etc.)
  - b. Removal of all non-utility owned equipment, conduit, structures, fencing, roads, solar panels and foundations.
  - c. Restoration of property to condition prior to development of the SES.
  - d. The timeframe for completion of decommissioning activities.
  - e. Description of any agreement (i.e., lease) with landowner regarding decommissioning.
  - f. The party currently responsible for decommissioning.
  - g. Plans for updating the decommissioning plan.
  - h. Anticipated life of the project.
  - i. The estimated decommissioning cost net of salvage value in current dollars.
  - j. A bond or irrevocable letter of credit as a surety tool is obtained and maintained in an amount sufficient enough to decommission the solar array and to return the property to agricultural purposes. The financial surety must be in place for the entire deferment period and reviewed and updated every four (4) years. The cost is passed on to the Solar Company. The amount of the financial surety shall be calculated by two (2) licensed engineers; one (1) chosen by the Solar Company and one (1) chosen by the Palmyra Township Board. The Palmyra Township Board shall choose which decommissioning and reclamation estimate to use. The surety shall be payable to Palmyra Township. Palmyra Township expects that this will be the Solar Project Company's responsibility under the commercial Solar Agreement. All required bonds shall remain in effect during the entire life of the Project.
  - k. To ensure proper decommissioning upon abandonment and compliance with an approved site



plan and conditional use permit of a Level 3 Solar Energy System, the applicant must post financial security in the form of a security bond, escrow payment, or irrevocable letter of credit in an amount equal to 125% of the total estimated cost of decommissioning, code enforcement, and reclamation, which cost estimate must be approved by the Township. In fixing the amount of such performance guarantee, the Palmyra Township Board shall consider 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 approval use permit. The operator and the Township will review the amount of the financial security every two (2) years to ensure that the amount remains adequate. This financial security must be posted within fifteen (15) business days after approval of the conditional land use application.

D. Level 3 SES Solar Farms:

1. Level 3 SES facilities must be ground mounted.
2. Minimum lot size: Level 3 SES facilities shall not be constructed on parcels less than twenty (20) acres.
3. Height Restrictions: All panels located in a solar farm shall be restricted to a height of fourteen (14) feet when oriented at maximum tilt.
4. Setbacks: Must meet the requirements in Section 4.8.1 (See footnotes 1-4) If a single Level 3 Solar Energy System is located on more than one lot, then the lot-line setbacks of this subsection do not apply to the lot lines shared by those lots.
5. Maximum Lot Coverage: See Section 4.8.1
6. Safety/Access: A security fence (height and material to be established through the special use permit process) shall be placed around the perimeter of the Level 3 SES power plant and electrical equipment shall be locked. Knox boxes and keys shall be provided at locked entrances for emergency personnel access.
7. Noise mitigation and Sound Pressure Level: Transformers and inverters shall be located in or near the center of the project to mitigate sound at the property line. Level 3 SES facilities shall not exceed 40 dB(A) (Lmax) / 55 dB(C) (Lmax) as measured at the property line of the outside boundary of property included within the project.
8. Buffering Between Land Uses: 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 Level 3 SES use abuts a nonparticipating residential property. A landscape buffer shall consist of plant materials so as to maintain a minimum opacity of at

least eighty (80) percent. Opacity shall be measured by observation of any (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 the plant material to be at six (6) feet in three (3) years, 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.

9. Local, State and Federal permits: Level 3 SES facilities shall be required to obtain all necessary permits from the U.S. Government, State of Michigan, Lenawee County, Palmyra Township, and comply with standards of the State of Michigan adopted codes before the facility begins operating.
  10. Electrical Interconnections: All electrical interconnections or distribution lines shall comply with all applicable codes and standard commercial large-scale utility requirements and be underground. If batteries are used as part of the Level 3 Solar Energy System, they must be placed in a secured container or enclosure.
  11. Performance Guarantee: See Section 8.13, C22j
- E. Insurance. The applicant or operator will maintain property/casualty insurance and general commercial liability insurance in an amount of at least \$10 million per occurrence.
  - F. Extraordinary Events. If the Level 3 Solar Energy System experiences a failure, fire, leakage of hazardous materials, personal injury, or other extraordinary or catastrophic event, the applicant or operator must notify the Township within 24 hours.
  - G. Annual Report. The applicant or operator must submit a report on or before January 1 of each year that includes all of the following:
    - a. Current proof of insurance;
    - b. Verification of financial security; and
    - c. A summary of all complaints, complaint resolutions, and extraordinary events.
  - H. Inspections. The Township may inspect a Level 3 Solar Energy System at any time by providing 24 hours advance notice to the applicant or operator.
  - I. Transferability. A special use permit for a Level 3 Solar Energy System is transferable to a new owner. The new owner must register its name and business address with the Township and must comply with this Ordinance and all approvals and conditions issued by the Township.
  - J. Remedies. If an applicant or operator fails to comply with this Ordinance, the Township, in addition to any other remedy under this Ordinance, may revoke the special land use permit and site plan approval after giving the applicant or operator notice and an opportunity to be heard. Additionally, the Township may pursue any legal or equitable action to abate a violation and recover any and all costs, including the Township's actual attorney fees and costs.

K. Abandonment and Decommissioning Plan:

1. Abandonment: A Level 3 SES that ceases to produce energy on a continuous basis for a 12-month period will be considered abandoned unless the current responsible party (or parties) with ownership interest in the SES provides substantial evidence (updated every 6 months after a 12-month period of no energy production) to the Zoning Administrator of the intent to maintain and reinstate the operation of that facility. It is the responsibility of the responsible party (or parties) to remove all equipment and facilities and restore the Parcel to its condition prior to development of the SES.
  - a. Upon determination of abandonment, the Zoning Administrator shall notify the party (or parties) responsible that they must remove the SES and restore the site to its condition prior to development of the SES within one hundred and eighty (180) days of notice by the Zoning Administrator.
  - b. If the responsible party (or parties) fail to comply, the Zoning Administrator may remove the SES, sell any removed materials, and initiate judicial proceedings or take any other steps legally authorized against the responsible parties to recover the costs required to remove the SES and restore the site to a non-hazardous pre-development condition.

**ARTICLE IX  
ZONING BOARD OF APPEALS**

**SECTION 9.1 – ZONING BOARD OF APPEALS ESTABLISHED**

There is hereby established a Zoning Board of Appeals, which shall perform its duties and exercise its powers as provided in act 184 of the Public Acts of 1943, as amended, and administered under the authority of the Michigan Zoning Enabling Act (PA110 of 2006, MCL 125.3101 *et seq.*), as amended, in such a way that the objectives of this Ordinance shall be observed, the public health and safety secured, and substantial justice done. The Zoning Board of Appeals shall consist of three (3) members. 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.

**SECTION 9.2 – DUTIES OF THE ZONING BOARD OF APPEALS**

The Zoning Board of Appeals shall hear and decide only such matters as the Zoning Board of Appeals is specifically authorized to pass on as provided in this Ordinance. The Zoning 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 (such as 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 9.3 – VARIANCE**

The Zoning 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 peculiar or exceptional practical difficulties to, or exceptional undue hardship upon the owner of such property. 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 Zoning 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 Zoning Board of Appeals shall determine that the requirements of the Ordinance have been met by the applicant for a variance.
  - C. The Zoning 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 Zoning 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 Zoning 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 Zoning 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 9.4 – INTERPRETATION OF ZONING ORDINANCE

The Zoning 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 9.5 – APPEALS TO THE ZONING BOARD OF APPEALS

Approved by the Palmyra Township Board 11/15/2022

#### 9.5.1 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 Zoning Board of Appeals within such time as shall be prescribed by the Zoning Board of Appeals by general rule. This officer shall forthwith transmit to the Zoning Board of Appeals all the papers constituting the record upon which the action appealed was taken.

#### 9.5.2 Who May Appeal

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

#### 9.5.3 Fee for Appeal

A fee prescribed by Palmyra Township shall be paid to the Zoning 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.

#### 9.5.4 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 Zoning 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 Zoning 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.

#### 9.5.5 Notice of Hearing

When a request for an appeal has been filed in proper form with the Zoning Board of Appeals, the Zoning Board of Appeals Secretary or the Palmyra Township Clerk shall immediately place the said request for appeal upon the calendar for hearing, and cause notice, stating the time, place, and object of the hearing to be served personally or by registered return receipt mail at least ten (10) days prior to the date of such hearing, upon the party or parties making the request for appeal.

#### 9.5.6 Representation of Hearing

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

#### 9.5.7 Decisions of the Zoning Board of Appeals and Appeals to the Circuit Court

The Zoning 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 termination 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 Zoning Board of Appeals decision such appeals shall be in the form of a resolution containing a full record of the findings and determination of the Zoning Board of Appeals in each particular case. Any person having an interest affected by such resolution shall have the right to appeal to the Circuit Court on question of law and fact.

**ARTICLE X  
ORDINANCE ADMINISTRATION**

**SECTION 10.1 – 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 10.2 – 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 10.3 – DUTIES OF ZONING Administrator**

The Zoning Administrator shall have the power to grant zoning compliance permits, and certificates of occupancy 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 with 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 occupancy.

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 10.4 – ZONING COMPLIANCE PERMITS**

**10.4.1 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:

- A. The actual dimensions and shape of the lot to be built upon; and,



- B. The exact size and location of existing structures on the lot, if any; and
- C. 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 Zoning 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.

#### 10.4.2 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 10.5 – CERTIFICATE OF OCCUPANCY, FINAL INSPECTION

#### 10.5.1 Issuance of Certificate of Occupancy

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 occupancy 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 occupancy 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.

#### 10.5.2 Voiding of Certificate of Occupancy

Any certificate of occupancy 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 occupancy.

### SECTION 10.6 – 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 occupancy, special approval 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 Zoning Board of Appeals, unless or until preliminary charges and fees have been paid in full.

#### SECTION 10.7 – 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 XI  
AMENDMENT PROCEDURES**

**SECTION 11.1 – 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 or the provisions and regulations 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 11.2 – AMENDMENT PROCEDURES**

The procedure for making amendments to this Ordinance shall be in accordance with Section 14 of Act 184 of the Public Acts of 1943, as amended.

**SECTION 11.3 – 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 11.4 – CONFORMANCE TO COURT DECREE**

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

**ARTICLE XII  
LEGAL STATUS**

**SECTION 12.1 – 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 12.2 – 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 12.3 – PERIOD OF EFFECTIVENESS**

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

**SECTION 12.4 – REPEAL OF ORDINANCE**

The “Palmyra Township Zoning Ordinance”, Michigan, adopted July 27, 1990 and all amendments thereto, are hereby repealed effective coincident with the effective date of this ordinance

**SECTION 12.5 – 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