

**ZONING
ORDINANCE**

TOWNSHIP OF

COTTRELLVILLE

STATE OF MICHIGAN

This pamphlet is a reprint of 132.000 et seq., Zoning Ordinance) of the Compilation of Ordinances of the Township of Cottrellville.

132.000

ZONING*

Ord. No. 17

Adopted: August 31, 1970

An Ordinance enacted under Act 184, Public Acts of 1943, as amended, governing the unincorporated portions of the Township of Cottrellville, St. Clair County, Michigan, to regulate and restrict the location and use of buildings, structures and land for trade, industry, residence and for public and semipublic or other specified uses; and to regulate and limit the height and bulk of buildings, and other structures; to regulate and to determine the size of yards, courts, and open spaces; to regulate and limit the density of population; and for said purposes to divide the Township into districts and establishing the boundaries thereof; providing for changes in the regulations, restrictions and boundaries of such districts; defining certain terms used herein; providing for enforcement; establishing a Board of Appeals; and imposing penalties for the violation of this Ordinance.

PREAMBLE

Pursuant to the authority conferred by the Public Acts of the State of Michigan in such case, made and provided and for the purpose of promoting, and protecting the public health, safety, peace, morals, comfort, convenience, and general welfare of the inhabitants of the Township of Cottrellville, by protecting and conserving the character and social and economic stability of the residential, commercial, industrial and other use areas; by securing the most appropriate use of land; preventing overcrowding of the land and undue congestion of population; providing adequate light, air, and reasonable access; and facilitating adequate and economical provisions of transportation, water, sewers, school, recreation, and other public requirements, and by other means, all in accordance with a comprehensive plan now therefore:

THE TOWNSHIP OF COTTRELLVILLE ORDAINS:

*Cross reference—Junkyards, general provisions, § 22.004.

ARTICLE I

132.100

SHORT TITLE

132.101 (Short title.)

This Ordinance shall be known and may be cited as the Township of Cottrellville Zoning Ordinance.

ARTICLE II

132.200 CONSTRUCTION OF LANGUAGE AND DEFINITIONS

132.201 Construction of language.

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

- a. The particular shall control the general.
- b. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- c. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
- d. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- e. A “building” or “structure” includes any part thereof.
- f. The phrase “used for” includes “arranged for”, “designed for”, “intended for”, “maintained for”, or “occupied for”.
- g. The word “person” includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- h. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction “and”, “or”, “either . . . or”, the conjunction shall be interpreted as follows:
 1. “And” indicates that all the connected items, conditions, provisions, or events shall apply.
 2. “Or” indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 3. “Either.., or” indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.

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

132.202 Definitions.

Accessory use, or accessory. An “accessory use” is a use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading) located on the same zoning lot as, the principal use to which it is located.

When “accessory” is used in the text, it shall have the same meaning as accessory use.

An accessory use includes, but is not limited to, the following:

- a. Residential accommodations for servants and/or caretakers.
- b. Swimming pools for the use of the occupants of a residence, or their guests.
- c. Domestic or agricultural storage in a barn, shed, tool room, or similar accessory building or other structure.
- d. A newsstand primarily for the convenience of the occupants of a building, which is located wholly within such building and had no exterior signs or displays.
- e. Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.
- f. Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations.
- g. Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which the zoning lot is located.
- h. Uses clearly incidental to a main use such as but not limited to: offices of an industrial or commercial complex located on the site of the commercial or industrial complex.
- i. Accessory off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located.
- j. Accessory signs, subject to the sign regulations for the district in which the zoning lot is located.
- k. Boat houses for the accessory storage or boats of any principal use on a zoning lot or parcel.

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

Alterations. Any change, addition, or modification in construction or type of occupancy, or in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as “altered” or “reconstructed”.

Apartments. A suite of rooms or a room in a multiple-family building arranged and intended for a place of residence of a single family or a group of individuals living together as a single housekeeping unit.

Automobile service station. A place for the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories and services for motor vehicles, but not including major automobile repair.

Auto repair station. A place where, along with the sale of engine fuels, the following services may be carried out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service, such as body, frame, or fender straightening and repair; overall painting and undercoating of automobiles.

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

Bed and breakfast. A secondary use within a single family dwelling unit in which transient guests are provided sleeping rooms and limited food service.

Block. The property abutting one side of a street and lying between the two nearest intersecting streets, (crossing or terminating) or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river or live stream; or between any of the foregoing and any other barrier to the continuity of development, or corporate boundary lines of the municipality.

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

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

Building line. A line formed by the face of the building, and for the purposes of this Ordinance, a minimum building line is the same as a front setback line.

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

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

Convalescent or nursing home. A structure with sleeping rooms, where persons are housed or lodged and are furnished with meals, nursing and medical care.

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

District. A portion of the unincorporated area of the Municipality within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

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

Dwelling unit. A building, or portion thereof, designed for occupancy by one (1) family for residential purposes and having cooking facilities.

Dwelling, single-family. A building containing not more than one dwelling unit designed for residential use, complying with the following standards:

- (1) It complies with the minimum square footage requirements of this ordinance for the zone in which it is located.
- (2) It has a minimum width across any front, side or rear elevation of 20 feet and complies in all respects with “The Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under the provisions of 1972 P.A. 230, as amended”, including minimum heights for habitable rooms, where a dwelling is required by law to comply with any Federal or State standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the “Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under provisions of 1972 P.A. 230, as amended”, then and in that event such federal or state standard or regulation shall apply.
- (3) It is firmly attached to a permanent foundation constructed on site in accordance with the “Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under the provisions of 1972 P.A. 230, as amended”, and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer’s setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall as required above.

- (4) In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.
- (5) The dwelling is connected to a public sewer and water supply or to such private facilities approved by the local health department.
- (6) The dwelling contains a storage capability area in a basement located under the dwelling, in an attic area, in a closet area) or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 10% of the square footage of the dwelling or 100 square feet, whichever shall be less.
- (7) The dwelling is compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six inches on all sides, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; has not less than two exterior doors with the second one being in either the rear or side of the dwelling; and contains steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same. The compatibility of design and appearance shall be determined in the first instance by the township zoning inspector upon review of the plans submitted for a particular dwelling subject to appeal by an aggrieved party to the zoning board of appeals within a period of 15 days from the receipt of notice of said zoning inspector's decision. Any determination of compatibility shall be based upon the standards set forth in this definition of "dwelling" as well as the character, design and appearance of one or more residential dwellings located outside of mobile home parks within 2,000 feet of the subject dwelling where such area is developed with dwellings to the extent of not less than 20% of the lots situated within said area; or, where said area is not so developed, by the character, design and appearance of one or more residential dwellings located outside of mobile home parks throughout the township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.
- (8) The dwelling contains no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure including permanent attachment to the principal structure and construction of a foundation as required herein.
- (9) The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type of quality conforming to the "Mobile Home Construction and Safety Standards," as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
- (10) The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by State or Federal law or otherwise specifically required in the ordinance of the township pertaining to such parks.
- (11) All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable Michigan Construction Code Commission under the provisions of 1972 P.A. 230, as amended, Provisions and

Requirements.

Dwelling, two-family. A building containing not more than two separate dwelling units designed for residential use and conforming in all other respects to the standards set forth in dwelling single family.

Dwelling, multiple-family. A building containing three or more dwelling units designed for residential use and conforming in all other respects to the standards set forth in dwelling single family.

Erected. Building, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction, excavation, fill, drainage, and the like, shall be considered a part of erection.

Essential services. The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel or water transmission or distribution system, collection, communication, supply or disposal system, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection herewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, or welfare.

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

Family. One or two persons or parents, with their direct lineal descendants and adopted children (and including the domestic employees thereof) together with not more than two persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit. Every additional group of two or less persons living in such housekeeping unit shall be considered a separate family for the purpose of this Ordinance.

Farm. The carrying on of any agricultural activity or the raising of livestock or small animals as a source of income.

Floor area, residential. 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 buildings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

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

Garage, service. Any premises used for the storage or care of motor-driven vehicles, or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale.

Grade. The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

Home occupation. An occupation that is traditionally and customarily carried on in the

home, being primarily incidental to the principal residential use. (See Article IV, Section .0402 [132.402]).

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

Kennel, commercial. Any lot or premise on which three (3) or more dogs, cats or other household pets are either permanently or temporarily boarded. Kennel shall also include any lot or premises where household pets are bred or sold.

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

Lot. A parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records.

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

Lot, interior. Any lot other than a corner lot.

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

Lot, zoning. A single tract of land, located within a single block, which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control.

A zoning lot shall satisfy this Ordinance with respect to area, size, dimensions, and frontage as required in the district in which the zoning lot is located. A zoning lot therefore, may not coincide with a lot of record as filed with the County Register of Deeds, but may include one or more lots of record.

Lot area. The total horizontal area within the lot lines of the lot.

Lot coverage. The part or percent of the lot occupied by buildings including accessory buildings.

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

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

- a. *Front lot line:* In the case of an interior lot, is that line separating said lot from the street. In the case of a corner lot, or double frontage lot, is that line separating said lot from either street.
- b. *Rear lot line:* That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet along lying farthest from the front lot line and wholly within the lot.
- c. *Side lot line:* Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot of record. A parcel of land, the dimensions of which are shown on a document or map on file with County Register of Deeds or in common use by Municipal or County Officials, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

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

Main building. A building in which is conducted the principal use of the lot upon which it is situated.

Major thoroughfare. An arterial street which is intended to serve as a large volume trafficway for both the immediate municipal area and the region beyond, and is designated as a major thoroughfare, parkway, freeway, expressway, or equivalent term on the Major Thoroughfare Plan to identify those streets comprising the basic structure of the Major Thoroughfare Plan.

Master plan. The Comprehensive Community Plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings, and all physical development of the Municipality, and includes any unit or part of such plan, and any amendment to such plan or parts thereof. Such plan may or may not be adopted by the Planning Commission and/or the Legislative Body.

Mezzanine. An intermediate floor in any store occupying not to exceed one-third (1/3) of the floor area of such story.

Mobile home (Trailer coach). Any vehicle designed, used, or so constructed as to permit its beginning as a conveyance upon the public streets or highways and duly licensable as such, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one or more persons.

Mobile homes which do not conform to the standards of dwelling single family of this Ordinance shall not be used for dwelling purposes within the township unless located within a mobile home park or a mobile home plat zoned for such uses.

Cross reference—Mobile homes, Pt. 115.

Mobile home park (Trailer court). Any plot of ground upon which two or more trailer coaches, occupied for dwelling or sleeping purposes are located.

Motel. A series of attached, semi-detached or detached rental units containing a bedroom, bathroom and closet space. Units shall provide for overnight lodging and are offered to the public for compensation, and shall cater primarily to the public traveling by motor vehicle.

Municipality. The Township of Cottrellville.

Non-conforming building. A building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto and that does not conform to the provisions of the Ordinance in the district in which it is located.

Non-conforming use. A use which lawfully occupied a building or land at the effective date of this Ordinance, or amendments thereto, and that does not conform to the use regulations of the district in which it is located.

Nursery, plant materials. A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this Ordinance does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

Nuisance factors. An offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as, but not limited to: (a) noise, (b) dust, (c) smoke, (d) odor, (e) glare, (f) fumes, (g) flashes, (h) vibration, (i) shock waves, (j) heat, (k) electronic or atomic radiation, (l) objectionable effluent, (m) noise of congregation of people, particularly at night, (n) passenger traffic, (o) invasion of non-abutting street frontage by traffic.

Off street parking lot. A facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of vehicles.

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

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

Principal use. The main use to which the premises are devoted and the principal purpose for which the premises exist.

Public utility. A person, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing under Federal, State or municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation, or water.

Room. For the purpose of determining lot area requirements and density in a multiple-family district, a room is a living room, dining room or bedroom, equal to at least eighty (80) square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways, and storage. Plans presented showing 1, 2 or 3 bedroom units and including a "den", "library" or other extra room shall count such extra room as a bedroom for the purpose of computing density.

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

Sign. The use of any words, numerals, figures, devices, designs, or trademarks by which anything is made known such as are used to show an individual, firm, profession, or business,

and are visible to the general public.

Sign, accessory. A sign which is accessory to the principal use of the premises.

Sign, non-accessory. A sign which is not accessory to the principal use of the premises.

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

Story, half An uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven feet six inches (7' 6"). For the purposes of this Ordinance the usable floor area is only that area having at least four feet (4') clear height between floor and ceiling.

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

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

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

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

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

- a. *Front yard:* An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.
- b. *Rear yard:* An open space extending the full width of the lot the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.
- c. *Side yard:* An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.

Zoning exceptions and variances.

- a. *Exception:* An exception is a use permitted only after review of an application by the Board of Appeals or Commission other than the Administrative Official (Building Inspector), such review being necessary because the provisions of this Ordinance covering conditions, precedent or subsequent, are not precise enough to all applications without interpretation, and such review is required by this Ordinance.
- b. *Variance:* A modification of the literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

The crucial points of variance are undue hardship and unique circumstances applying to

the property. A variance is not justified unless both elements are present in the case.

- c. The “exception” differs from the “variance” in several respects. An exception does not require “undue hardship” in order to be allowable. The exceptions that are found in this Ordinance appear as “special approval” by Planning Commission, Legislative Body, or Board of Appeals. These land uses could not be conveniently allocated to one zone or another, or the affects of such uses could not be definitely foreseen as of a given time. The general characteristics of these uses include one or more of the following:
1. They require large areas,
 2. They are infrequent,
 3. They sometimes create an unusual amount of traffic,
 4. They are sometimes obnoxious or hazardous,
 5. They are required for public safety and convenience.

(Amended: Ord. No. 17D, 1-15-75; Ord. of 6-1-83; Ord. No. 17N, 10-30-96)

Cross references—Junkyards, § 22001; noise, § 73.002; garbage, etc., §81.001; relating to soil removal, § 83.002; relating to water supply system revenue bonds, § 85.001; sewer use and rates, § 86.002; mobile homes, § 115.001.

ARTICLE III

132.300

ZONING DISTRICTS AND MAPS*

132.301 Districts established.

For the purpose of this Ordinance, the Township of Cottrellville is hereby divided into the following districts:

Residential Districts

- A-1 Agricultural District
- R-1 One-Family Residential District
- RM-1 Multiple-Family Residential District
- [MHP] Mobile Home Park District

Nonresidential Districts

- B-1 Local Business District
- B-2 General Business District
- I-1 Light Industrial District

132.302 District boundaries.

The boundaries of these districts are hereby established as shown on the Zoning Map, Township of Cottrellville Zoning Ordinance, which accompanies this Ordinance, and which map with all notations, references, and other information shown thereon shall be as much a part of this Ordinance as if fully described herein.

132.303 Same—Rules regarding.

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys, shall be construed to follow such center lines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

*Cross references—A-1 District, Pt. 132, Art. IV; R-1 District, Pt. 132, Art. IV; RM-i District, Pt. 132, Art. V; B-1 District, Pt. 132, Art. VI; B-2 District, Pt. 132, Art. VII; I-1 District, Pt. 132, Art. VIII; Mobile Home Park District, Pt. 132, Art. XXI.

3. Boundaries indicated as approximately following Township limits shall be construed as following Township limits.
4. Boundaries indicated as following railroad lines shall be construed to be the midway between the main tracks.
5. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.
6. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the official Zoning Map shall be determined by the scale of the map.
7. Where physical or natural features existing on the ground are at variance with those shown on the official Zoning Map, or in other circumstances not covered by subsections 1 through 6 above, the Board of Appeals shall interpret the district boundaries.
8. Insofar as some or all of the various districts may be indicated on the Zoning Map by patterns which, for the sake of map clarity, do not cover public rights-of-way, it is intended that such district boundaries do extend to the center of any public right-of-way.

132.304 Zoning of vacated areas.

Whenever any street, alley or other public way, within the Township of Cottrellville shall be vacated, such street, alley, or other public way or portion thereof, shall automatically be classified in the same Zone District as the property to which it attaches.

132.305 [Provisions.]

All buildings and uses in any District shall be subject to the provisions of Article X, "General Provisions" and Article XI, "General Exceptions."

ARTICLE IV

132 .400 A-1 AGRICULTURAL AND R-1 ONE-FAMILY RESIDENTIAL DISTRICTS*

132.401 Intent.

The A-1 Agricultural and R-1 One-Family Residential Districts are designed to be the most restrictive of the residential districts. The intent is to provide for an environment of predominantly low-density, one-family detached dwellings along with other residentially related facilities which serve the residents in the district.

132.402 Principal uses permitted.

In an A-1 Agricultural and R-1 One-Family Residential District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

1. One-family detached dwellings.
2. Farms on those parcels of land separately owned outside the boundaries of either a proprietary or supervisor's plat, having an area of not less than five (5) acres, all subject to the health and sanitation provisions of the Township of Cottrellville and provided further that no farm shall have more than two (2) horses on the first five (5) acres with one (1) additional horse for each additional acre or a combination of large or food animals in aggregated weight to equal a horse nor shall they be operated as piggeries, or for disposal of garbage, sewage, rubbish, offal or rendering plants, or for the slaughtering of animals except such animals as have been raised on the premises or have been maintained on the premises for at least a period of one (1) year immediately prior thereto and for the use and consumption by persons residing on the premises.
3. Publicly owned and operated libraries, parks, parkways, and recreational facilities.
4. Cemeteries which lawfully occupied land at the time of adoption of this Ordinance.
5. Public, parochial and other private elementary schools offering courses in general education, and not operated for profit.
6. Accessory buildings and uses, customarily incident to any of the above permitted uses. (Ord. of 11-16-88)

*Cross reference—Zoning districts and maps, Pt. 132, Art. III.

132.403**Principal uses subject to special conditions.**

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the Planning Commission under the provisions of Article XXII:

1. Churches and other facilities normally incidental thereto subject to the following conditions:
 - a. Buildings of greater than the Maximum height allowed in Article IX, "Schedule of Regulations" may be allowed provided front, side and rear yards are increased above the minimum required yards by one (1) foot for each foot of building height that exceeds the maximum height allowed.
 - b. All access to the site shall be in accordance with Section 1017 [132.1018].
2. Public, parochial and private intermediate and/or secondary schools offering courses in general education, not operated for profit. Access to the site shall be in accordance with Section 1017 [132.1018].
3. Utility and public service buildings and uses (without storage yards) when operating requirements necessitate the locating of said building within the district in order to serve the immediate vicinity.
4. Nursery schools, day nurseries and child care centers (not including dormitories) provided that for each child so cared for, there shall be provided and maintained a minimum of one hundred and fifty (150) square feet of outdoor play area. Such play space shall have a total minimum area of not less than five thousand (5,000) square feet and shall be screened from any adjoining lot in any residential district.
5. Private non-commercial recreational areas; institutional or community recreation centers; non-profit swimming pool clubs, all subject to the following conditions:
 - a. The proposed site for any of the uses permitted herein which would attract persons from, or are intended to serve, areas beyond the immediate neighborhood shall have at least one property line abutting a major thoroughfare as designated on the Major Thoroughfare Plan, and the site shall be so planned as to provide all access in accordance with Section 1017 [132.1018].
 - b. Front, side and rear yards shall be at least eighty (80) feet wide, and shall be landscaped in trees, shrubs, and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except required entrance drives and those walls used to obscure the use from abutting residential districts.
 - c. Off-street parking shall be provided so as to accommodate not less than one-half of the member families and/or individual members. The Planning Commission may modify the off-street parking requirements in those instances wherein it is specifically determined that the users will originate from the immediately adjacent areas, and will therefore be pedestrian. Prior to the issuance of a building permit or zoning compliance permit, by-laws of the organization shall be provided in order to establish the membership involved for computing the off-street parking requirements. In those cases wherein the proposed use or organization does not have by-laws or formal membership, the off-street parking requirement shall be determined by the Planning Commission on the basis of usage.
 - d. Whenever a swimming pool is constructed under this Ordinance, said pool area shall be provided with a protective fence, six (6) feet in height, and entry shall be provided by means of a controlled gate.

6. Golf courses, which may or may not be operated for profit, subject to the following conditions:
 - a. The site shall be so planned as to provide all access in accordance with Section 1017 [132.1018].
 - b. The site plan shall be laid out to achieve a relationship between the major thoroughfare and any proposed service roads, entrances, driveways, and parking areas which will encourage pedestrian and vehicular traffic safety.
 - c. Development features including the principal and accessory buildings and structures shall be so located and related as to minimize the possibilities of any adverse affects upon adjacent property. This shall mean that all principal or accessory buildings shall be not less than two hundred (200) feet from any property line abutting residentially zoned lands; provided that where topographic conditions are such that buildings would be screened from view, the Planning Commission may modify this requirement.
 - d. Whenever a swimming pool is to be provided, said pool shall be provided with a protective fence six (6) feet in height, and entry shall be by means of a controlled gate.
7. Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical, or religious education and not operated for profit, all subject to the following conditions:
 - a. Any use permitted herein shall be developed only on sites of at least forty (40) acres in area, and shall not be permitted on any portion of a recorded subdivision plat.
 - b. All access to said site shall be in accordance with Section 1017 [132.1018].
 - c. No building shall be closer than eighty (80) feet to any property line.
8. Private pools shall be permitted as an accessory use within the rear yard only, provided they meet the following requirements:
 - a. There shall be a minimum distance of not less than ten (10) feet, between the adjoining property line, or alley right-of-way and the outside of the pool wall. Side yard setbacks shall apply to side yards if greater than ten (10) feet.
 - b. There shall be a distance of not less than four (4) feet between the outside pool wall and any building located on the same lot.
 - c. No swimming pool shall be located less than thirty-five (35) feet from any front lot line.
 - d. No swimming pool shall be located in an easement.
 - e. For the protection of the general public, all yards containing swimming pools shall be completely enclosed by a fence not less than four (4) feet in height. The gates shall be of a self-closing and latching type, with the latch on the inside of the gate not readily available for children to open. Gates shall be capable of being securely locked when the pool is not in use for extended periods. Provided, however, that if the entire premises of the residence is enclosed, then this provision may be

waived by the Building Inspector upon inspection and approval.

9. Accessory buildings and uses customarily incident to any of the above permitted uses.
10. A home occupation shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes. The following additional conditions and restrictions shall apply:
 - a. Such home occupation shall be carried on entirely within the dwelling and exclusively by the inhabitants thereof.
 - b. No article shall be sold or offered for sale on the premises except such as is produced within the dwelling or is provided incidental to the service or profession conducted therein.
 - c. Such occupation shall not require internal or external alteration or construction features, equipment, machinery, outdoor storage, or signs not customary in residential areas. One non-illuminated sign, not more than six square feet in area, may be attached to the building, and shall contain only the name and occupation of the resident of the dwelling.
 - d. Such occupation shall not exceed the use of more than 25 percent of the total floor area of the dwelling, but in no event more than 500 square feet of floor area.
 - e. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street, and other than in the required front yard.
 - f. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot on which the occupation is conducted. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference, or causes fluctuations in line voltage off the premises.

Cross reference—Conducting business in trailer in mobile home park, §115.005(fX8).

11. Space and/or structures may be allowed in an A-1 District for the storage and sale of live trees, shrubs, fruits, vegetables, and other plants there grown. This does not include the handling or sale of any other products or services such as gardening and landscaping items, seeds, fertilizer, related products or any other commodity not there grown.
12. *[Bed and breakfast] Conditional use permit.* Subject to the following conditions:
 - A. Home utilized as Bed and Breakfast shall not be less than twenty (20) years old.
 - B. One (1) off street parking space shall be provided for each leasable bedroom in addition to the two (2) residential spaces.
 - C. One (1) non-illuminated sign, identifying the establishment, not to exceed four (4) square feet in area and not closer to the street line than fifteen (15) feet shall be allowed.
 - D. The residence shall be the principal dwelling unit on the property and shall be owner-occupied at all times.

- E. The residence shall have at least two (2) exits to the outdoors.
- F. Not more than three (3) sleeping rooms in the residence may be used for rental purposes. Nor more than twenty five percent (25%) of the residential floor area of the dwelling unit.
- G. Not more than eight (8) overnight guests may be accommodated at any time.
- H. The rooms utilized for sleeping shall be a part of the primary residential use at the time of enactment of this amendment and not specifically constructed for rental purposes.
- I. The rental sleeping rooms shall have a minimum size of one hundred (100) square feet for each two (2) occupants with an additional thirty (30) square feet for each occupant.
- J. Lots must meet the area and width requirements as specified by Article IX, Schedule of Regulations.
- K. The Planning Commission shall require that a floor plan drawn to scale be provided.
- L. The sale of any commodity, product or services is not an accessory use and shall not be provided.
- M. Each owner/operator of a Bed and Breakfast shall keep a guest [guest] registry, which shall be available for inspection by an appointed Township official at any time.
- N. The length of stay for each guest shall not exceed fourteen (14) days within any thirty (3) [30] day period.
- O. Vehicular access to the Bed and Breakfast facilities shall be via private entrance drive. The use of shared drives shall not be permitted.
- P. Such Bed and Breakfast establishments shall not be located less than 500 hundred [five hundred] (500) feet apart.
- Q. Permit review and renewal every three (3) years by Township Planning Commission.
- R. Transfer of ownership of the Bed and Breakfast permit must be approved by Township Planning Commission.

(Amended: Ord. No. 17D, 1-1S-75; Ord. No. 17E, 7-7-76; Ord. No. 17M, 8-6-80; Ord. No. 17N, 10-30-96)

132.404 Area and bulk requirements.

See Article IX, "Schedule of Regulations" limiting the height and bulk of buildings, the minimum size of lot permitted by land use, the maximum density permitted, and providing minimum yard setback requirements.

ARTICLE V

132.500 RM-1 MULTIPLE-FAMILY RESIDENTIAL DISTRICTS*

132.501 Intent.

The RM-1 Multiple-Family Residential Districts are designed to provide sites for multiple-family dwelling structures, and related uses, which will generally serve as zones of transition between the nonresidential districts and lower density Single-Family Districts. The Multiple-Family District is further provided to serve the limited needs for the apartment type of unit in an otherwise medium density, single-family community.

132.502 Principal uses permitted

In an RM-1 Multiple-Family Residential District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

1. All uses permitted and as regulated in the A-1 Agricultural and R-1 One-Family Residential District.
2. Two-family and multiple-family dwellings.
3. Accessory buildings and uses customarily incident to any of the above permitted uses.

132.503 Required conditions.

In the case of multiple dwelling developments, all site plans shall be submitted to the Planning Commission for its review and approval prior to issuance of a building permit.

Approval shall be contingent upon a finding that: (1) The site plan shows that a proper relationship exists between local streets and any proposed service roads, driveways, and parking areas to encourage pedestrian and vehicular traffic safety, and (2) All the development features including the principal building or buildings and any accessory buildings, or uses, open spaces, and any service roads, driveways and parking areas are so located and related to minimize the possibility of any adverse effects upon adjacent property, such as, but not limited to: channeling excessive traffic onto local residential streets, lack of adequate screening or buffering of parking or service areas, or building groupings and circulation routes located as to interfere with police or fire equipment access.

*Cross reference—Zoning districts and maps, Pt. 132, Art. III.

132.504 Principal uses permitted subject to special conditions.

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the Planning Commission under the provisions of Article XXII:

1. Nursery schools, day nurseries and child care centers (not including dormitories); provided that for each child so cared for, there is provided and maintained a minimum of one hundred fifty (150) square feet of outdoor play area. Such play space shall have a total minimum area of at least five thousand (5,000) square feet, and shall be fenced or screened from any adjoining residential land with planting.

2. General hospitals, with no maximum height restrictions, when the following conditions are met:
 - a. All such hospitals shall be developed only on sites consisting of at least ten (10) acres in area.
 - b. All access to the site shall be in accordance with Section 1017 [132.1018].
 - c. The minimum distance of any main or accessory building from bounding lot lines or streets shall be at least one hundred (100) feet for front, rear and side yards for all two (2) story structures. For every story above two (2), the minimum yard distance shall be increased by at least twenty (20) feet.
3. Housing for the elderly when the following conditions are met:
 - a. All housing for the elderly shall be provided as a planned development consisting of at least five (5) acres and may provide for the following:
 - (1) Cottage type dwellings and/or apartment type dwelling units.
 - (2) Common services containing, but not limited to, central dining rooms, recreational rooms, central lounge, and workshops.
 - b. All dwellings shall consist of at least three hundred fifty (350) square feet per unit (not including kitchen and sanitary facilities).
 - c. Total coverage of all buildings (including dwelling units and related service buildings) shall not exceed twenty-five (25) percent of the total site exclusive of any dedicated public right-of-way.
4. Convalescent homes and orphanages when the following conditions are met:
 - a. There shall be provided on site, not less than fifteen hundred (1,500) square feet of open space for each bed in the home. The fifteen hundred square feet of land area shall provide for landscape setting, off-street parking, service drives, loading space, yard requirement and accessory uses, but shall not include the area covered by main or accessory buildings.
 - b. No building shall be closer than forty (40) feet to any property line.
5. Accessory buildings and uses customarily incident to any of the above permitted uses.
(Amended: Ord. No. 17M, 8-6-80)

132.505 Area and bulk requirements.

See Article IX, "Schedule of Regulations" limiting the height and bulk of buildings, the minimum size of lot permitted by land use, maximum density permitted and providing minimum yard setback requirements.

ARTICLE VI
B-1 LOCAL BUSINESS DISTRICT*

132.600

132.601 Intent.

The B-1 Local Business Districts, as herein established, are designed to meet the day-to-day convenience shopping and service needs of persons residing in adjacent residential areas.

132.602 Principal uses permitted.

In a Local Business District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

1. Generally recognized retail businesses which supply commodities on the premises, such as but not limited to: groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing and notions or hardware.
2. Personal service establishments which perform services on the premises, such as but not limited to: repair shops (watches, radio, television, shoe and etc.), tailor shops, beauty parlors or barber shops, photographic studios, and self-service laundries and dry-cleaners.
3. Dry cleaning establishments, or pick-up stations, dealing directly with the consumer. Central dry cleaning plants serving more than one retail outlet shall be prohibited.
4. Business establishments which perform services on the premises, such as but not limited to: banks, loan companies, insurance offices and real estate offices.
5. Professional services including the following: offices of doctors, dentists, osteopaths, and similar or allied professions.
6. Post office and similar governmental office buildings, serving persons living in the adjacent residential area.
7. Other uses similar to the above uses.
8. Accessory structures and uses customarily incident to the above permitted uses.

132.603 Required conditions.

1. All business establishments shall be retail or service establishments dealing directly with customers. All goods produced on the premises shall be sold at retail on premises where produced.

*Cross reference—Zoning districts and maps, Pt. 132, Art. III.

2. All business, servicing, or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building.

132.604 Principal uses permitted subject to special conditions.

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the Planning Commission under the provisions of Article XXII:

1. Automobile service station for the sale of gasoline, oil, and minor accessories only, and where no repair work is done, other than incidental service, but not including steam cleaning or undercoating, vehicle body repair, painting, tire recapping, engine rebuilding, auto dismantling, upholstering, auto glass work, and such other activities whose external effects could adversely extend beyond the property line.
 - a. The curb cuts for access to a service station shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than twenty-five (25) feet from a street intersection measured from the road right-of-way) or from adjacent residential districts.
 - b. The minimum lot area shall be fifteen thousand (15,000) square feet, and so arranged that ample space is available for motor vehicles which are required to wait. Gasoline service stations which are intended solely for the sale of gasoline, oil and minor accessories and having no facilities for repair or servicing of automobiles (including lubricating facilities) may be permitted on lots of ten thousand (10,000) square feet, subject to all other provisions herein required.
2. Publicly owned buildings, public utility buildings, telephone exchange buildings; electric transformer stations and substations; gas regulator stations with service yards, but without storage yards; water and sewage pumping stations.

(Amended: Ord. No. 17M, 8-6-80)

132.605 Area and bulk requirements.

See Article IX, "Schedule of Regulations", limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

ARTICLE VII

132.700

B-2 GENERAL BUSINESS DISTRICTS*

132.701 **Intent.**

The B-2 General Business Districts are designed to provide sites for more diversified business types which would often be incompatible with the pedestrian movement in the Local Business Districts.

132.702 **Principal uses permitted.**

In a General Business District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

1. Any retail business or service establishment permitted in B-1 Districts.
2. Any retail business whose principal activity is the sale of merchandise in an enclosed building.
3. Any service establishment of an office, showroom or workshop nature of an electrician, decorator, dressmaker, tailor, baker, painter, upholsterer or an establishment doing radio or home appliance repair, photographic reproduction, and similar service establishments that require a retail adjunct.
4. Auto laundries (car wash) when completely enclosed in a building.
5. Mortuary establishments, when adequate assembly area is provided off-street for vehicles to be used in funeral procession, provided further that such assembly area shall be provided in addition to any required off-street parking area. A caretaker's residence may be provided within the main building of mortuary establishments.
6. Private clubs, fraternal organizations, and lodge halls.
7. Restaurants or other places serving food or beverage, except those having the character of a drive-in.
8. Theaters, assembly halls, concert halls or similar places of assembly when conducted completely within enclosed buildings.
9. New and used car salesroom, showroom or office.
10. Business schools and colleges or private schools operated for profit.

***Cross references**—Zoning districts and maps, Pt. 132, Art. III; non-conforming uses, §132.1008.

11. Governmental office or other governmental use; public utility offices, exchanges, transformer stations, pump stations and service yards but not including outdoor storage.
12. Other uses similar to the above uses.
13. Accessory structures and uses customarily incident to the above permitted uses.

132.703 Required conditions.

1. All business establishments shall be retail or service establishments dealing directly with consumers. All goods provided on the premises shall be sold at retail on the premises where produced.
2. All business, servicing or- processing, except for off-street parking, loading and those open air uses indicated as being subject to special conditions in Section 703 below, shall be conducted within completely enclosed buildings.

132.704 Principal uses permitted subject to special conditions.

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the Planning Commission under the provisions of Article XXII:

1. Outdoor sales space for exclusive sale of new or secondhand automobiles, house trailers, or rental of trailers and/or automobiles, all subject to the following:
 - a. The lot or area shall be provided with a permanent, durable, and dustless surface, and shall be graded and drained as to dispose of all surface water accumulated within the area.
 - b. Access to the outdoor sales area shall be at least sixty (60) feet from the intersection of any two (2) streets.
 - c. No major repair or major refinishing shall be done on the lot.
 - d. All lighting shall be shielded from adjacent residential districts.
2. Motel, subject to the following conditions:
 - a. Access shall be provided so as not to conflict with the adjacent business uses or adversely affect traffic flow on a major thoroughfare.
 - b. Each unit shall contain not less than two hundred and fifty (250) square feet of floor area.
 - c. No guest shall establish permanent residence at a motel for more than thirty (30) days within any calendar year.
3. Business in the character of a drive-in or open front store, subject to the following conditions:
 - a. A setback of at least sixty (60) feet from the right-of-way line of any existing or proposed street must be maintained.
 - b. Access points shall be located at least sixty (60) feet from the intersection of any two (2) streets.
 - c. All lighting shall be shielded from adjacent residential districts.

- d. A six (6) foot high completely obscuring wall shall be provided when abutting or adjacent districts are zoned for R, RM-1, or B-1 Districts. The height of the wall shall be measured from the surface of the ground. Said wall shall further meet the requirements of Article X, “General Provisions”.
4. Bowling alley, billiard hall, indoor archery range, indoor tennis courts, indoor skating rink, or similar forms of indoor commercial recreation when located at least one hundred (100) feet from any front, rear, or side yard of any residential lot in an adjacent residential district.
5. Veterinary hospitals or clinics, provided all activities are conducted within a totally enclosed main building and provided further that all buildings are set back at least two hundred (200) feet from abutting residential districts on the same side of the street.
6. Plant materials nursery for the retail sale of plant materials not grown on the site, and sales of lawn furniture, playground equipment and garden supplies subject to the following conditions:
 - a. Storage and/or display of any materials and/or products shall meet all setback requirements of a structure.
 - b. All loading and parking shall be provided off-street.
 - c. The storage of any soil, fertilizer, or other loose, unpackaged materials shall be contained so as to prevent any affects on adjacent uses.

(Amended: Ord. No. 17M, 8-6-80)

132.705

Area and bulk requirements.

See Article IX, “Schedule of Regulations”, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

ARTICLE VIII

132.800

I-1 INDUSTRIAL DISTRICTS*

132.801

Intent.

The I-1 Industrial Districts are designed so as to primarily accommodate wholesale activities, warehouses, and industrial operations whose external physical effects are restricted to the area of the district and in no manner affect in a detrimental way any of the surrounding districts. The I-1 District is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly, and/or treatment of finished or semi-finished products from previously prepared material. It is further intended that the processing of raw material for shipment in bulk form, to be used in an industrial operation at another location, not be permitted.

The general goals of this use district include, among others, the following specific purposes:

1. To provide sufficient space, in appropriate locations, to meet the needs of the Township's expected future economy for all types of manufacturing and related uses.
2. To protect abutting residential districts by separating them from manufacturing activities, and by prohibiting the use of such industrial areas for new residential development.
3. To promote manufacturing development which is free from danger of fire, explosions, toxic and noxious matter, radiation, and other hazards, and from offensive noise, vibration, smoke, odor and other objectionable influences.
4. To promote the most desirable use of land in accordance with a well considered plan. To protect the character and established pattern of adjacent development, and in each area to conserve the value of land and buildings and other structures, and to protect the Township's tax revenue.

132.802

Principal uses permitted.

In an Industrial District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

1. Any use charged with the principal function of basic research, design, and pilot or experimental product development when conducted within a completely enclosed building.

*Cross references—Zoning districts and maps, Pt. 132, Art. III; non-conforming uses, § 132.1008.

2. Any of the following uses when the manufacturing, compounding, or processing is conducted wholly within a completely enclosed building. That portion of the land used for open storage facilities for materials or equipment used in the manufacturing, compounding, or processing shall be totally obscured by a wall on those sides abutting A-1 and R-1, RM-1, B-1 and B-2 Districts, and on any front yard abutting a public thoroughfare except as otherwise provided in Section 1013 [132.1013]. In I-1 Districts, the extent of such a wall may be determined by the Planning Commission on the basis of usage. Such a wall shall not be less than four feet six inches (4'6") in height and may, depending upon land usage, be required to be eight (8) feet in height, and shall be subject further to the requirements of Article X, "General Provisions." A chain link fence, with intense evergreen shrub planting, shall be considered an obscuring wall. The height shall be determined in the same manner as the wall height as above set forth.
 - a. Warehousing and wholesale establishments, and trucking facilities.
 - b. The manufacture, compounding, processing, packaging, or treatment of such products as, but not limited to: bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery, tool, die, gauge, and machine shops.
 - c. The manufacture, compounding, assembling, or treatment of articles or merchandise from previously prepared materials: bone, canvas, cellophane, cloth, cork, elastomers, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semi-precious metals or stones, sheet metal, shell, textiles, tobacco, wax, wire, wood and yarns.
 - d. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.
 - e. Manufacture of musical instruments, toys, novelties, and metal or rubber stamps, or other molded rubber products.
 - f. Manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs.
 - g. Laboratories - experimental, film, or testing.
 - h. Manufacturing and repair of electronic or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.
 - i. Central dry cleaning plants or laundries provided that such plants shall not deal directly with consumer at retail.
 - j. All public utilities, including buildings, necessary structures, storage yards and other related uses.
3. Warehouse, storage and transfer and electric and gas service buildings and yards; public utility buildings, telephone exchange buildings, electrical transformer stations and substations, and gas regulator stations; water supply and sewage disposal plants; water and gas tank holders; railroad transfer and storage tracks, railroad rights-of-way, freight terminals.
4. Storage facilities for building materials, sand, gravel, stone, lumber, storage of contractor's equipment and supplies, provided such is enclosed within a building or within an obscuring wall or fence on those sides abutting all residential or business districts, and on any yard abutting a public thoroughfare. In any "I-1" District, the extent of such fence or wall may be determined by the Planning Commission on the basis of usage. Such fence or wall shall not be less than five (5) feet in height, and may, depending on land usage, be required to be eight (8) feet in height. A chain link type fence, with intense evergreen shrubbery inside of said fence, shall be considered to be an obscuring fence.
5. Municipal uses such as water treatment plants, and reservoirs, sewage treatment plants, and all other municipal buildings and uses, including outdoor storage.

6. Commercial kennels.
7. Greenhouses.
8. Trade or industrial schools.
9. Freestanding non-accessory signs.
10. Other uses of a similar and no more objectionable character to the above uses.
11. Accessory buildings and uses customarily incident to any of the above permitted uses.

132.803 Principal uses permitted subject to special conditions.

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the Planning Commission under the provisions of Article XXII:

1. Auto engine and body repair, and undercoating shops when completely enclosed.
2. Lumber and planing mills when completely enclosed and when located in the interior of the district so that no property line shall form the exterior boundary of the "I-1" District.
3. Metal plating, buffing and polishing, subject to appropriate measures to control the type of process to prevent noxious results and/or nuisances.
4. Retail uses which have an industrial character in terms of either their outdoor storage requirements or activities (such as, but not limited to: lumber yard, building materials outlet, upholsterer, cabinet maker, outdoor boat, house trailer, automobile garage or agricultural implement sales) or serve convenience needs of the industrial district (such as, but not limited to:
eating and drinking establishments, bank, savings and loan association, credit union, automobile service station, motel or bowling alley, trade or industrial school or industrial clinic).
- S. Junkyards, automobile salvage or wrecking yards, waste or scrap recycling operations and transfer facilities subject to the following standards:
 - a. These uses may only be on land which is abutting land zoned for industrial purposes on all sides.
 - b. All parking shall be provided as off-street parking within the boundaries of the development.
 - c. Any required front yard setback shall not be used for providing off-street parking but must be landscaped.
 - d. All sides of the development shall be screened by a fence meeting the requirements set forth in the Cottrellville Township Junkyard Ordinance, in no instance shall the height of said fence be less than the height of the materials on the lot on which a stated use is located.
 - e. The above required fence or wall shall be no closer to the lot lines than the yard requirements for building or structures permitted in the district or one hundred feet (100) whichever is greater.
 - f. All waste or scrap materials shall be exclusively contained behind such fence or wall.

- g. All roads, driveways, parking lots, and loading and unloading areas within such use shall be paved, so as to limit the nuisance caused by mud or wind-borne dust to adjacent property and public roads.
- h. The use shall further comply with all requirements and standards as set forth in the Cottrellville Township Junkyard Ordinance.
- i. The yard shall be open at any time for inspection by a designated Township Official.

6. Other uses of a similar character to the above uses.
(Amended: Ord. No. 17M, 8-6-80; Ord. of 12-16-87)

Cross reference—Junkyards, Pt. 22.

132.804 Area and bulk requirements.

See Article IX, “Schedule of regulations” limiting the height and bulk of buildings, the minimum size of lot by permitted land use and providing minimum yard setback requirements.

ARTICLE IX

132.900

SCHEDULE OF REGULATIONS

<i>Zoning District</i>	<i>Minimum Zoning Lot Size Per Unit</i>		<i>Maximum Height of Structures</i>		<i>Minimum Yard Setback (per lot in feet)</i>			<i>Minimum Floor Area Per Unit (sq. ft.)</i>	<i>Minimum % of Lot Area Covered (By All Buildings)</i>
	<i>Area in Square Feet</i>	<i>Width in Feet</i>	<i>In Stories</i>	<i>In Feet</i>	<i>Front</i>	<i>Each Side</i>	<i>Rear</i>		
A-1 Agricultural	54,450	165x330	2	25	40 (b)	20 (b,c)	40 (b)	800	25
R-1 One-Family Residential w/o public sewer	12,000	100x120	2	25	30 (b)	10 (b,c)	35 (b)	800	25
R-1 One-Family Residential w/ public sewer	10,200 (a)	85x120 (a)	2	25	30 (b)	10 (b,c)	35 (b)	800	25
RM-1 Multiple-Family Residential	(d)	(d)	2	25	50 (e)	30 (e)	30 (e)	1 BR-500 2 BR-700 3 BR-900 4 BR-1,000	25
B-1 Local Business	—	—	2	25	25 (f)	(g,j)	20 (h)	—	—
B-2 General Business	—	—	3	30	40 (f)	(g,j)	20 (h)	—	—
I-1 Industrial	—	—	—	40	60 (i)	(k,m,n)	(k,l)	—	—
MHP Mobile Home Park	(o)	(o)	(o)	(o)	(o)	(o)	(o)	(o)	(o)

132.902 Notes to schedule.

- (a) See Section 902 [132.903], Average Lot Size and Section 903 [132.904], Subdivision Open Space Plan, regarding flexibility allowances.
- (b) For all uses permitted other than single-family residential, the setback shall equal the height of the main building or the setback required in Section 402 [132.4031 or 900 [132.9001, whichever is greater.
- (c) In the case of a rear yard abutting a side yard, or when a side yard is adjacent to a front yard across a common separating street, the side yard abutting a street shall not be less than the minimum front yard of the district in which located.
- (d) In an RM-1 Multiple-Family District the total number of rooms (not including kitchen, dining and sanitary facilities) shall not be more than the area of the parcel, in square feet, divided by twelve hundred (1,200). All units shall have at least one (1) living room and one (1) bedroom, except that not more than ten (10) percent of the units may be of an efficiency apartment type. For the purpose of computing the permitted number of dwelling units per acre the following room assignments shall control:

Efficiency= 1 room
 One Bedroom = 2 rooms
 Two Bedroom=3 rooms

Three Bedroom = 4 rooms
Four Bedroom = 5 rooms

Plans presented showing 1, 2, or 3 bedroom units and including a “den”, “library” or other extra room shall count such extra room as a bedroom for the purpose of computing density.

The area used for computing density shall be the total site area exclusive of any dedicated public right-of-way of either interior or bounding roads.

- (e) In all RM-1 Multiple-Family Residential Districts, the minimum distance between any two (2) buildings shall be regulated according to the length and height of such buildings, and in no instance shall this distance be less than thirty (30) feet. Parking may be permitted within a required side or rear yard but shall not cover more than thirty (30) percent of the area of any required yard, or any minimum distance between buildings. The formula regulating the required minimum distance between two buildings in all RM-1 Districts is as follows:

$$S = \frac{L_A + L_B + \sqrt{(H_A \pm H_B)^2}}{6} \text{ where}$$

S = Required minimum horizontal distance between any wall of building A and any wall of building B or the vertical prolongation of either.

L_A = Total length of building A.
The total length of building A is the length of that portion or portions of a wall or walls of building A from which, when viewed directly from above, lines drawn perpendicular to building A will intersect any wall of building B.

L_B = Total length of building B.
The total length of building B is the length of that portion or portions of a wall or walls of building B from which, when viewed directly from above, the lines drawn perpendicular to building B will intersect any wall of building A.

H_A = Height of building A.
The height of building A at any given level is the height above natural grade level of any portion or portions of a wall or walls along the length of building A. Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.

H_B = Height of building B.
The height of building B at any given level is the height above natural grade level of any portion or portions of a wall or walls along the length of building B. Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.

- (f) Off-street parking shall be permitted to occupy a portion of the required front yard provided that there shall be maintained a minimum unobstructed and landscaped setback often (10) feet between the nearest point of the off-street parking area, exclusive of access

driveways, and the nearest right-of-way line as indicated on the Major Thoroughfare Plan.

- (g) No side yards are required along the interior side lot lines of the district, except as otherwise specified in the Building Code, provided that if walls of structures facing such interior side lot lines contain windows, or other openings, side yards of not less than ten (10) feet shall be provided.

On a corner lot which has a common lot line with a residential district, there shall be provided a setback of twenty (20) feet on the side or residential street. Where a lot borders on a residential district or a street there shall be provided a setback of not less than ten (10) feet on the side bordering the residential district or street.

- (h) Loading space shall be provided in the rear yard in the ratio of at least ten (10) square feet per front foot of building and shall be computed separately from the off-street parking requirements. Where an alley exists or is provided at the rear of buildings the rear building setback and loading requirements may be computed from the center of said alley.
- (i) Off-street parking for visitors, over and above the number of spaces required under Section 1004 [132.1005], may be permitted within the required front yard provided that such off-street parking is not located within forty (40) feet of the front lot line.
- (j) Off-street parking shall be permitted in a required side yard setback.
- (k) No building shall be located closer than fifty (50) feet to the outer perimeter (property line) of such district when said property line abuts any residential district.
- (l) All storage shall be in the rear yard and shall be completely screened with an obscuring wall or fence, not less than six (6) feet high, or with a chain link type fence and a greenbelt planting so as to obscure all view from any adjacent residential or business district or from a public street.
- (m) Off-street parking shall be permitted in a required side yard setback. Along interior side lot lines of the district, side yards shall be equal to at least the height of the average of the various heights of the industrial masses (excluding towers, chimneys and stacks) immediately abutting upon adjacent to said side yard.
- (n) Those required side and rear yards of a parcel abutting any residential district shall be provided with a twenty (20) foot greenbelt or six (6) foot masonry wall, at the discretion of the Planning Commission. Said greenbelt shall be subject to the review and approval of the Planning Commission.
- (o) Height, bulk, density, and area requirements are set forth in Article XXI, Section 2102 [132.2103].
(Amended: Ord. No. 17G, 2-2-76)

132.903

Averaged lot size.

1. The intent of this section is to permit the subdivider or developer to vary his lot sizes and lot widths so as to average the minimum size of lot per unit as required in Article IX, "Schedule of Regulations", for each One-Family Residential District. If this option is selected, the following conditions shall be met:
 - a. In meeting the average minimum lot size, the subdivision shall be so designed as not to create lots having an area or width greater than ten (10) percent below that

area or width required in the “Schedule of Regulations”, and shall not create an attendant increase in the number of lots.

- b. Each final plat submitted as part of a preliminary plat shall average the minimum required for the district in which it is located.
- c. All computations showing lot area and the average resulting through this technique shall be indicated on the print of the preliminary plat.

132.904 Subdivision Open Space Plan.

Intent: The intent of the Subdivision Open Space Plan is to promote the following objectives:

- (a) Provide a more desirable living environment by preserving the natural character of open fields, stands of trees, brooks, hills and similar natural assets.
- (b) Encourage developers to use a more creative approach in the development of residential areas.
- (c) Encourage a more efficient, aesthetic and desirable use of open area while recognizing a reduction in development costs and by allowing the developer to by-pass natural obstacles on the site.
- (d) Encourage the provision of open space within reasonable distance to all lot development of the subdivision and to further encourage the development of recreational facilities.

1. Modifications to the standards as outlined in Article IX, “Schedule of Regulations”, may be made in the One-Family Residential Districts when the following conditions are met:

a. The lot area in all One-Family Residential Districts, which are served by a public sanitary sewer system, may be reduced up to twenty (20) percent. In the A-1 District this reduction may be accomplished in part by reducing lot widths up to twenty-five (25) feet. In the R-1 Districts this reduction may be accomplished in part by reducing lot widths up to ten (10) feet. These lot area reductions shall be permitted provided that the dwelling unit density shall be no greater than if the land area to be subdivided were developed in the minimum square foot lot areas as required for each One-Family District under Article IX, “Schedule of Regulations”. All calculations shall be predicated upon the One-Family Districts having the following gross densities (including roads):

A-1 = 0.8 dwelling units per acre
R-1 = 3.2 dwelling units per acre

- b. Rear yards may be reduced to thirty (30) feet when such lots border on land dedicated for park, recreation, and/or open space purposes, provided that the width of said dedicated land shall not be less than one hundred (100) feet measured at the point at which it abuts the rear yard of the adjacent lot.
- c. Under the provisions of item (a) above of this section, for each square foot of land gained within a residential subdivision through the reduction of lot size below the minimum requirements as outlined in the “Schedule of Regulations”, at least equal amounts of land shall be dedicated to the common use of the lot owners of the subdivision in a manner approved by the City.
- d. The area to be dedicated for subdivision open space purposes shall in no instance be less than four (4) acres and shall be in a location and shape approved by the Planning Commission.
- e. The land area necessary to meet the minimum requirements of this section

shall not include bodies of water, swamps or land with excessive grades making it unsuitable for recreation. All land dedicated shall be so graded and developed as to have natural drainage. The entire area may, however, be located in a flood plain.

- f. This plan, for reduced lot sizes, shall be permitted only if it is mutually agreeable to the Legislative Body and the subdivider or developer.
- g. This plan, for reduced lot sizes, shall be started within six (6) months after having received approval of the final plat, and must be completed in a reasonable time. Failure to start within this period shall void all previous approval.
- h. Under this planned unit approach, the developer or subdivider shall dedicate to total park area (see item (a) above) at the time of filing of the final plat on all or any portion of the plat.

Cross reference—Lot division, Pt. i16.

ARTICLE X

132.1000

GENERAL PROVISIONS

132.1001 **Conflicting regulations.**

Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such ordinance shall govern.

132.1002 **Scope.**

No building or structure, or part thereof, shall hereafter be erected, constructed or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of this ordinance.

132.1003 **Nonconforming lots, nonconforming uses of land, nonconforming structures, and nonconforming uses of structures and premises.**

1. *Intent.* It is the intent of this Ordinance to permit legal nonconforming lots, structures, or uses to continue until they are removed but not to encourage their survival unless otherwise provided herein.

It is recognized that there exists within the districts established by this Ordinance and subsequent amendments, lots, structures, and uses of land and structures which were lawful before this Ordinance was passed or amended which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments.

Such uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district unless otherwise provided herein.

A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged, save for as provided herein, passage of the Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by addition of other uses of a nature which would not be permitted generally in the district involved.

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 on which actual construction was lawfully begun prior to the effective date of adoption or amendment of

this Ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner: except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

2. *Nonconforming lots.* 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 may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. This ordinance shall apply even though such lot fails 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. Yard requirement variances may be obtained through approval of the Board of Appeals.
3. *Definition and classification of nonconforming uses and structures.* Nonconforming uses and structures are those which do not conform to certain provisions or requirements of this Zoning Ordinance but were lawfully established prior to the time of its applicability. Class A nonconforming uses and structures are those which have been so designated by the Zoning Board of Appeals after application by any interested person or Zoning Administrator upon finding that the following standards are met: (1) the use or structure was lawful at the time of its inception, (2) the existing use or structure while not fitting into a customary zoning pattern does not constitute a nuisance and, in fact, fulfill a desirable and useful function and is not incompatible with existing or planned adjacent or nearby uses, (3) continuance thereof would not be contrary to public health, safety or welfare, (4) that the use or structure does not and is not likely to significantly depress the value of nearby properties, (5) that no useful purpose would be served by strict application of the provisions or requirements of this Ordinance with which the use or structure does not conform, (6) the use or structure is in reasonable conformity with the intent of the Comprehensive Land Use Plan; and if not in reasonable conformity with the Land Use Plan, has established a need because of employment, economy, necessity or in the development of the immediate area.

All nonconforming uses, buildings or structures not designated as Class A and Class B nonconforming uses, buildings or structures.

4. *Procedure for obtaining Class A designation, conditions.* A written application shall be filed with the Zoning Administrator setting forth the name and address of the applicant, giving a legal description of the property to which the application pertains and including such other information as may be necessary to enable the Zoning Board of Appeals to make a determination of the matter. The Zoning Board of Appeals may require the furnishing of such additional information as it considers necessary. The notice and hearing procedure before the Zoning Board of Appeals shall be the same as in the case of an application for a variance. The decision shall be in writing and shall set forth the findings and reasons on which it is based.

Reasonable conditions may be attached, including any time limit, where necessary, to assure that the use, building or structure does not become contrary to the public health, safety or welfare or the spirit and purpose of this Ordinance. Any such conditions imposed shall: (a) provide protection of natural resources and the welfare of the users of the land use and the community as a whole; (b) be related to a valid use of the police power; (c) be related to purpose affected by the land use; (d) be necessary to meet the purpose of the Ordinance.

A recording of conditions imposed must be maintained. The conditions must remain unchanged except upon the mutual consent of the land owner and the Zoning Board of Appeals.

No vested right shall arise out of a Class A designation.

5. *Revocation of Class A designation.* Any Class A designation shall be revoked, following the same procedure required for designation, upon a finding that as a result of any change of conditions or circumstances the use or structure no longer qualifies for Class A designation.

6. *Regulations pertaining to Class A nonconforming uses, buildings or structures.*

A. A Class A nonconforming use or structure may be used, altered or enlarged provided that it does not violate any conditions imposed by the Zoning Board of Appeals at the time of its designation or the dimensional requirements of the district it is located in.

B. No Class A nonconforming use of land, building or structure shall be resumed if it has been, for any reason, discontinued for a continuous period of at least eighteen (18) months or if it has been changed to a conforming use for any period.

If a Class A nonconforming use of land, building or structure ceases to exist or is discontinued for any reason for a continuous period of at least eighteen (18) months, any subsequent use of land, building or structure shall conform to the use regulations specified by this Ordinance for the district (zone) in which such land, building or structure is located.

C. Nothing in this Ordinance shall prevent the restoration of a Class A nonconforming building or structure destroyed by fire, explosion, act of God, or act of the public enemy, subsequent to the effective date of its Class A designation or shall prevent the continuance of the use of such building or structure or part hereof as such use existed at the time of such impairment of such building or structure or part thereof provided that said restoration is entirely and completely executed within eighteen (18) months from the time of destruction and that the same use is made of the premises; except that for reasonable cause, the Building Official may grant one (1) extension of time for an additional period not exceeding ninety (90) days.

D. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition any Class A nonconforming building or structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Nothing in this Ordinance shall be deemed to prevent routine repairs and maintenance of a Class A nonconforming building or structure so long as such repairs and maintenance do not add to its nonconformity.

E. Should a Class A nonconforming building or structure be moved for any reason, it shall thereafter conform to the regulations for the district (zone) in which it is located after it is moved.

Where Class A nonconforming use status applies to a building or structure and premises in combination, removal of the building or structure shall eliminate the nonconforming status of the land.

F. Any Class A nonconforming use of a building or structure or land may be changed to another nonconforming use upon written findings of the Zoning Board of

Appeals that the proposed use is (a) similar in operational characteristics as the former nonconforming use, (b) there is no increase in the intensity of use of the land, building or structure involved, (c) such change in use will have a less detrimental effect or negative impact on neighboring property than the existing nonconforming use it is replacing, and (d) the proposed use, although inappropriate to a neat zoning pattern, is desirable and useful in pursuit of the public interest or is more appropriate to the district (zone) than the existing nonconforming use.

In permitting such change in use, the Zoning Board of Appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this Ordinance inclusive of upgrading the premises to comply as nearly as is practicable with the requirements of this Ordinance.

Prior to action by the Zoning Board of Appeals, all required documentation for a change from one nonconforming use to another shall be submitted to the Planning Commission for their review and written recommendation.

7. *Regulations pertaining to Class B nonconforming uses and structures.*
 - A. *Intent.* It is the purpose of this Ordinance to eliminate Class B nonconforming uses and structures as rapidly as is permitted by law without payment of compensation.
 - B. No Class B nonconforming use shall be resumed if it has been intentionally abandoned for a continuous period of at least twelve (12) months, or if it has been changed to a conforming use for a period, or if the structure in which such use is conducted is damaged by fire or other casualty to the extent that the cost of reconstruction or repair exceeds 50% of the reproduction cost of such structure.
 - C. No Class B nonconforming structure shall be enlarged or structurally altered, nor shall it be repaired or reconstructed if damaged by fire or other casualty to the extent that the cost of reconstruction or repair exceed 50% of the reproduction cost of such structure.
 - D. A nonconforming use in a building or structure may be changed to another nonconforming use of the same or greater restriction provided no structural changes are made in the building. Whenever a nonconforming use has been changed to a conforming use, or to a use permitted in a district of greater restriction, it shall not thereafter be changed to a nonconforming use.
 - E. In the case of mineral removal operations, sites in existence may be worked in the usual and ordinary manner where the deposits dictate. When a site within its enlarged area no longer yields, the use is consummated. Existing sites may be expanded in area or depth as the location of minerals dictate, but no virgin areas may thus be exploited.
 - F. No Class B nonconforming use or structure shall be permitted to continue in existence if it was unlawful at the time of its inception.
 - G. No Class B nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
 - H. If a Class B nonconforming structure is moved for any reason for any distance whatever it shall thereafter conform to the regulations for the district in which it is located after it is moved.
 - I. Ordinary repair and maintenance work may be done on any Class B nonconforming structure including repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding the State equalized value of the structure provided that the cubic content of the building as it existed at the time of adoption of this Ordinance shall not be increased.
 - J. Change of tenancy or ownership. There may be a change of tenancy, ownership

or management of any existing nonconforming uses of land, structures and premises provided there is no change in the nature or character of such nonconforming uses.

8. *Record of nonconformity.* Within one (1) year after the adoption of this Ordinance, or any amendment thereto, the Building Inspector shall prepare and complete a record of all known nonconforming uses of buildings, structures or land existing at the time of the adoption of this Ordinance or amendment.

Such record shall contain the names and addresses of the owners of record of such nonconforming use and of any occupant, other than the owner, the legal description of the land, and the nature and extent of use. Such record shall also contain any information regarding action by the Zoning Board of Appeals for designation of Class A status.

Such record shall be available at all times in the office of the Township Clerk.

132.1004 Accessory buildings.

Accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

1. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this Ordinance applicable to a main building.
2. Accessory buildings shall not be erected in any required yard, except a side or rear yard but shall not extend beyond the front of the main building.
3. An accessory building shall not occupy more than twenty-five (25) percent of a required rear yard, plus forty (40) percent of any non-required rear yard, provided that in no instance shall the aggregate of combined ground floor area of the accessory buildings exceed 1200 sq. ft. Size of accessory buildings may be increased by 250 sq. ft. for every one (1) acre or fraction of each acre over three (3) acres. Farm buildings on twenty (20) acres or more are exempt from size limits. Size of accessory buildings can not be waived by the Zoning Board of Appeals on any recorded plat.
4. No detached accessory building shall be located closer than ten (10) feet to any main building nor shall it be located closer than three (3) feet to any side or rear lot line.

In those instances where the rear lot line is coterminous with an alley right-of-way, the accessory building shall not be closer than one (1) foot to such rear lot line. In no instance shall an accessory building be located within a dedicated easement right-of-way.

5. No detached accessory building in A-1, R-1, RM-1 or B-1 Districts with lots containing [two] 2 acres or less shall, exceed one (1) story or [sixteen] (16) feet in total height and no detached accessory building with lots exceeding [two] (2) acres shall exceed [twenty] (20) feet in total height. Accessory buildings in all other districts may be constructed to equal the permitted maximum height of structures in said district, subject to Board of Appeals review and approval if the building exceeds [twenty] (20) feet in total height. Farm buildings on [twenty] (20) acres or more are exempt from height limits.
6. When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard setback required on the lot in rear of such corner lot. In no instance shall an accessory building be located nearer than ten (10) feet to a street right-of-way line.
7. When an accessory building in any Residence, Business or Office District is intended for other than the storage of privately owned motor vehicles, boats, motor home, tractor or

personal property owned and used by the occupant, the accessory use shall be subject to the approval of the Board of Appeals.

8. The parking of a trailer coach for periods exceeding twenty-four (24) hours on lands not approved for trailer courts shall be expressly prohibited, except that the Building Inspector may extend temporary permits allowing the parking of a trailer coach in a rear yard on private property, not to exceed a period of two (2) weeks. All trailer coaches owned by residents of the Township and stored on their individual lots shall be stored only within the confines of the rear yard and shall further respect the requirements of this Section applicable to Accessory Buildings, insofar as distances from principal structures, lot lines, and easements are concerned. All trailer coaches parked or stored, shall not be connected to sanitary facilities and shall not be occupied.

(Amended: Ord. No. 13.000B, 11-30-88; Ord. No. i7R, 4-30-97)

132.1005 Off-street parking requirements.

There shall be provided in all districts at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building uses shall be provided, prior to the issuance of a certificate of occupancy, as hereinafter prescribed.

1. Off-street parking spaces may be located within a non-required side or rear yard and within the rear yard setback unless otherwise provided in this Ordinance. Off-street parking shall not be permitted within a front yard or a side yard setback unless otherwise provided in this Ordinance.
2. Off-street parking for other than residential use shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant.
3. Required residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve, and subject to the provisions of Section 1003 [132.1004], Accessory Buildings of this Ordinance.
4. Any area once designated as required off-street parking shall never be changed to any other use unless and until equal facilities are provided elsewhere.
5. Off-street parking existing at the effective date of this Ordinance, in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use.
6. Two (2) or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.
7. In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, the Board of Appeals may grant an exception.
8. The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited.
9. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the Planning Commission considers is similar in type.
10. When units or measurements determining the number of required parking spaces result

in the requirement of a fractional space, any fraction up to and including one-half ($\frac{1}{2}$) shall be disregarded and fractions over one-half ($\frac{1}{2}$) shall require one (1) parking space.

11. For the purpose of computing the number of parking spaces required, the definition of Usable Floor Area [Floor Area, Usable] in Article II, Definitions, Section 201 [132.2021] shall govern.
12. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

Use	Number of Minimum Parking Spaces Per Unit of Measure
<p>a. <i>Residential:</i></p> <ol style="list-style-type: none"> 1. Residential, one-family and two-family 2. Residential, multiple-family 3. Housing for the elderly 4. Mobile home park 	<p>Two (2) for each dwelling unit.</p> <p>Two (2) for each dwelling unit.</p> <p>One (1) for each two (2) units, and one (1) for each employee. Should units revert to general occupancy, then two (2) spaces per unit shall be provided.</p> <p>Two (2) for each mobile home site and one (1) for each employee of the mobile home park.</p>
<p>b. <i>Institutional:</i></p> <ol style="list-style-type: none"> 1. Churches or temples 2. Hospitals 3. Homes for the aged and convalescent homes 4. Elementary and Junior high schools 5. Senior high schools 6. Private clubs or lodge halls 7. Private golf clubs, swimming pool clubs, tennis clubs, or other similar uses 8. Golf courses open to general public, except miniature or "Par-3" courses 9. Fraternity or sorority 10. Stadium, sports-arena, or similar place of outdoor assembly 11. Theaters and auditoriums 	<p>One (1) for each three (3) seats or six (6) feet of pews in the main unit of worship.</p> <p>One (1) for each one (1) bed.</p> <p>One (1) for each two (2) beds.</p> <p>One (1) for each one (1) teacher, employee or administrator, in addition to the requirements of auditorium.</p> <p>One (1) for each one (1) teacher, employee, or administrator and one (1) for each ten (10) students, in addition to the requirements of the auditorium.</p> <p>One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, county, or state fire, building, or health codes.</p> <p>One (1) for each two (2) member families or individuals plus spaces required for each accessory use, such as a restaurant or bar.</p> <p>Six (6) for each one (1) golf hole and one (1) for each one (1) employee, plus spaces required for each accessory use, such as a restaurant or bar.</p> <p>One (1) for each five (5) permitted active members, or one (1) for each two (2) beds, whichever is greater.</p> <p>One (1) for each three (3) seats or six (6) feet of benches</p>

Use	Number of Minimum Parking Spaces Per Unit of Measure
<p>c. <i>Business and commercial:</i></p> <ol style="list-style-type: none"> 1. Planned commercial or shopping center 2. Auto wash (automatic) 3. Auto wash (self-service or coin operated) 4. Beauty parlor or barber shop 5. Bowling alleys 6. Dance halls, pool or billiard parlors, roller or skating rinks, exhibition halls, and assembly halls without fixed seats 7. Establishment for sale and consumption on the premises, of beverages, food, or refreshments 8. Furniture and appliance, household equipment, repair shops, showroom of a plumber, decorator, electrician, or similar trade, shoe repair, and other similar uses 9. Automobile service stations 10. Laundromats and coin operated dry cleaners 11. Miniature or "Par-3" golf courses 12. Mortuary establishments 	<p>One (1) for each three (3) seats plus one (1) for each two (2) employees.</p> <p>One (1) for each one hundred (100) square feet of usable floor area.</p> <p>One (1) for each one (1) employee. In addition, reservoir parking spaces equal in number to five (5) times the maximum capacity of the auto wash. Maximum capacity of the auto wash shall mean the greatest number of automobiles possible undergoing some phase of washing at the same time, which shall be determined by dividing the length in feet of each wash line by twenty (20).</p> <p>Five (5) for each washing stall in addition to the stall itself.</p> <p>Three (3) spaces for each of the first two (2) beauty or barber chairs, and one and one-half (1 1/2) spaces for each additional chair.</p> <p>Five (5) for each one (1) bowling lane plus accessory uses.</p> <p>One (1) for each two (2) persons allowed within the maximum occupancy load as established by local, county, or state fire, building, or health codes.</p> <p>One (1) for each fifty (50) square feet of usable floor space.</p> <p>One (1) for each eight hundred (800) square feet of usable floor area. (For that floor area used processing, one (1) additional space shall be provided for each two (2) persons employed therein.)</p> <p>Two (2) for each lubrication stall, rack, or pit; and one (1) for each gasoline pump.</p> <p>One (1) for each two (2) washing and/or dry-cleaning machines.</p> <p>Three (3) for each one (1) hole plus one (1) for each one (1) employee.</p> <p>One (1) for each fifty (50) square feet of usable floor</p>

Use	Number of Minimum Parking Spaces Per Unit of Measure
13. Motel, hotel, or other commercial lodging establishments	space.
14. Motor vehicle sales and service establishments	One (1) for each one (1) occupancy unit plus one (1) for each one (1) employee.
15. Nursery school, day nurseries, or child care centers	One (1) for each two hundred (200) square feet of usable floor space of sales room and one (1) for each one (1) auto service stall in the service room.
16. Retail stores except as otherwise specified herein	One (1) for each three hundred and fifty (350) square feet of usable floor space.
d. <i>Offices:</i>	One (1) for each one hundred and fifty (150) square feet of usable floor space.
1. Banks	
2. Business offices or professional offices except as indicated in the following item (3)	One (1) for each one hundred (100) square feet of usable floor space.
3. Professional offices of doctors, dentists or similar professions	One (1) for each two hundred (200) square feet of usable floor space.
e. <i>Industrial:</i>	One (1) for each fifty (50) square feet of usable floor area in waiting rooms, and one (1) for each examining room, dental chair, or similar use area.
1. Industrial or research establishments, and related accessory offices	Five (S) plus one (1) for every one and one-half (1 1/2) employees in the largest working shift. Space on site shall also be provided for all construction workers during periods of plant construction.
2. Warehouses and wholesale establishments and related accessory offices	Five (CS) plus one (1) for every one (1) employee in the largest working shift, or one (1) for every seventeen hundred (1,700) square feet of usable floor space, whichever is greater.

Cross reference—Traffic and vehicles, Pts. 41—50.

132.1006 Off-street parking space layout, standards, construction and maintenance.

Whenever the off-street parking requirements in Section 1004 [132.1005] above require the building of an off-street parking facility, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:

1. No parking lot shall be constructed unless and until a permit therefore is issued by the Building Inspector. Applications for a permit shall be submitted to the Building Department in such form as may be determined by the Building Inspector and shall be accompanied with two (2) sets of site plans for the development and construction of the parking lot showing that the provisions of this Section will be fully complied with.
2. Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements:

<i>Parking Pattern</i>	<i>Maneuvering Lane Width</i>	<i>Parking Space Width</i>	<i>Parking Space Length</i>	<i>Total Width Of One Tier Of Spaces Plus Maneuvering Lane</i>	<i>Total Width Of Two Tiers Of Spaces Plus Maneuvering Lane</i>
0<(parallel parking)	12 ft.	8 ft.	28 ft.	20 ft.	28 ft.
30< to 53<	12 ft.	8 ft. 6 in.	20 ft.	32 ft.	52 ft.
54< to 74<	15 ft.	8 ft. 6 in.	20 ft.	36 ft. 6 in.	58 ft.
75< to 90<	20 ft.	9 ft.	20 ft.	40 ft.	60 ft.

3. All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.
4. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles.
Ingress and egress to a parking lot lying in the area zoned for other than single-family residential use shall not be across land zoned for single-family residential use.
5. All maneuvering land widths shall permit one-way traffic movement, except that the 90~ pattern may permit two-way movement.
6. Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least twenty-five (25) feet distant from adjacent property located in any single-family residential district.
7. The off-street parking area shall be provided with a continuous and obscuring wall not less than four feet six inches (4' 6") in height measured from the surface of the parking area. This wall shall be provided on all sides where the next zoning district is designated as a residential district.

When a front yard setback is required, all land between said wall and the front property line or street right-of-way line shall be kept free from refuse and debris and shall be landscaped with deciduous shrubs, evergreen material and ornamental trees. The ground area shall be planted and kept in lawn. All such landscaping and planting shall be maintained in a healthy, growing condition, neat and orderly in appearance.

8. The entire parking area, including parking spaces and maneuvering lanes, required under this Section shall be provided with asphaltic or concrete surfacing in accordance with specifications approved by the Township Engineer. The parking area shall be

surfaced within one (1) year of the date the occupancy permit is issued.

Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings.

9. All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed onto the parking area only.
10. In all cases where a wall extends to an alley which is a means of ingress and egress to an off-street parking area, it shall be permissible to end the wall not more than ten (10) feet from such alley line in order to permit a wider means of access to the parking area.
10. The Planning Commission, upon application by the property owner of the off-street parking area, may modify the yard or wall requirements where, in unusual circumstances, no good purpose would be served by compliance with the requirements of this Section.
- 11.

Cross reference—Traffic and vehicles, Pts. 41—50.

132.1007 Off-street loading and unloading.

On the same premises with every building, structure, or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot, adequate space for standing, loading, and unloading in order to avoid undue interference with public use of dedicated rights-of-way. Such space shall be provided as follows:

1. All spaces shall be provided as required in Article IX, “Schedule of Regulations” under Minimum Rear Yards (footnote h.), except as hereinafter provided for “I” Districts.
2. Within an “I” District, all spaces shall be laid out in the dimension of at least ten by fifty (10 x 50) feet, or five hundred (500) square feet in area, with a clearance of at least fourteen (14) feet in height. Loading dock approaches shall be provided with a pavement having an asphaltic or Portland cement binder so as to provide a permanent, durable and dustless surface. All spaces in I-1 Districts shall be provided in the following ratio of spaces to floor area:

<i>Gross Floor Area (In Sq. Ft.)</i>	<i>Loading and Unloading Space Required</i>
0—1,400	None.
1,401—20,000	One (1) space.
20,001—100,000	One (1) space plus one (1) space for each twenty thousand (20,000) square feet in excess of twenty thousand and one (20,001) square feet.
100,001 and over	Five (5) spaces.

3. All loading and unloading in an “I” District shall be provided off-street in the rear yard or interior side yard, and shall in no instance be permitted in a front yard. In those instances where exterior side yards have a common relationship with an industrial district across a public thoroughfare, loading and unloading may take place in said exterior side yard when the setback is equal to at least fifty (50) feet.

Cross reference—Traffic and vehicles, Pts. 41—SO.

132.1008 Uses not otherwise included within a specific use district.

Because the uses hereinafter referred to possess unique characteristics making it impractical to include them in a specific use district classification, they may be permitted by the Planning Commission under the requirements of Article XXII, Planning Commission Special Approval Uses.

These uses require special consideration since they service an area larger than the Township and Require sizable land areas, creating problems of control with reference to abutting use districts. Reference to those uses falling specifically within the intent of this Section is as follows:

1. *Outdoor theaters.* Because outdoor theaters possess the unique characteristics of being used only after darkness and since they develop a concentration of vehicular traffic in terms of ingress and egress from their parking area, they shall be permitted in I-1 Districts only. Outdoor theaters shall further be subject to the following conditions:
 - a. The proposed internal design shall receive approval from the Building Inspector as to adequacy of drainage, lighting and other technical aspects.
 - b. Outdoor theaters shall abut a major thoroughfare and points of ingress and egress shall be available only from such major thoroughfare.
 - c. All vehicles, waiting or standing to enter the facility, shall be provided off-street waiting space. No vehicle shall be permitted to wait or stand within a dedicated right-of-way.
 - d. The area shall be so laid out as to prevent the movie screen from being viewed from residential areas or adjacent major thoroughfares. All lighting used to illuminate the area shall be so installed as to be confined within, and directed onto, the premises of the outdoor theater site.
2. *Commercial television and radio towers and public utility microwaves, and public utility t.v. transmitting towers.* Radio and television towers, public utility microwaves and public utility t.v. transmitting towers, and their attendant facilities shall be permitted in I-1 Districts provided said use shall be located centrally on a continuous parcel of not less than one and one-half (1 1/2) times the height of the tower measured from the base of said tower to all points on each property line.
3. *Adult bookstore, adult motion picture theaters, massage parlors, and cabarets.* Recognizing that because of their nature, some uses have objectionable operational characteristics, especially when concentrated in small areas, and recognizing that such uses may have a harmful effect on adjacent areas, special regulations of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood.

For the purpose of these regulations, the following terms are defined as follows:

Adult book store: An establishment wherein more than twenty (20%) per cent of its stock in trade is comprised of books, magazines, or any such printed or photographic media having as dominant theme matter, depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” as hereinafter defined.

Adult motion picture theater: An enclosed building used exclusively for presenting

material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” as hereinafter defined for observation by patrons therein.

Cabaret: Any place wherein food and any type of alcoholic beverage is sold or given away on the premises and the operator thereof holds a yearly license to sell such beverages by the glass and which features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers, either live or films.

Massage parlor: An enterprise of a non-medical nature specializing in the manipulation of body tissues (as by rubbing, stroking, kneading, or tapping) with the hand or an instrument.

Specified anatomical areas: Human genitals, pubic region, buttock, and female breast less than completely and opaquely covered; human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities: Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

- a. It shall be unlawful to establish any adult bookstores, adult motion picture theaters, massage parlors or cabarets except in the B-2 (General Business) and Industrial Districts.
- b. No such uses may be permitted in the B-2 (General Business) or Industrial Districts within one thousand (1,000') feet of any Residential District measured from the lot line of the location of the proposed use.
- c. The Township Board may waive this location provision if the following findings are made:
 - (i) That the proposed use will not be contrary to the public interest or injurious to nearby properties and that the spirit and intent of this Ordinance will be observed.
 - (ii) That the character of the area shall be maintained.
 - (iii) That all applicable regulations of this Ordinance will be observed.
 - (iv) That no adult bookstore, adult motion picture theater, massage parlor or cabaret is located within two thousand (2,000') feet of the proposed location.
- d. Anything herein to the contrary notwithstanding, the Township Board shall not consider the waiver of the location requirements as hereinabove set forth until a petition shall have been filed with the Township Clerk and verified as to sufficiency. Such petition shall indicate approval of the proposed regulated use by fifty-one (51%) per cent or more of the persons owning property within a radius of one thousand (1,000') feet of the location of the proposed use as measured from the lot line. The petitioner, or his agent, shall attempt to contact all eligible property owners within this radius and must maintain a list of all addresses at which no contact was made.
- e. The petition hereinabove required shall contain an affidavit signed by the party circulating such petition attesting to the fact that the petition was circulated by him and that the circulator personally witnessed the signatures on the petition and that the same were affixed to the petition by the person whose name appeared thereon and that the circulator believes that the signers of such petition are persons owning property within one thousand (1,000') feet of the premises mentioned in said petition. Such petition shall also comply with such other rules and regulations as may be promulgated by the Township Board.

(Amended: Ord. No. 17J, 10-5-77; Ord. No. 17M, 8-6-80)

Cross references—B-2 General Business Districts, uses, §§ 132702—132.704; I-1 Industrial Districts, uses, §§ 132.802, 132.803.

132.1009 Plant materials.

Whenever in this Ordinance a greenbelt or planting is required, it shall be planted within six (6) months from the date of issuance of a certificate of occupancy and shall thereafter be reasonably maintained with permanent plant materials to provide a screen to abutting properties. Suitable materials with the spacing as required shall be provided.

1. Plant material spacing.
 - a. Plant materials shall not be placed closer than four (4) feet from the fence line or property line.
 - b. Where plant materials are placed in two (2) or more rows, plantings shall be staggered in rows.
 - c. Evergreen trees shall be planted not more than thirty (30) feet on centers, and shall be not less than five (5) feet in height.
 - d. Narrow evergreens shall be planted not more than six (6) feet on centers, and shall be not less than three (3) feet in height.
 - e. Tree-like shrubs shall be planted not more than ten (10) feet on centers, and shall be not less than four (4) feet in height.
 - f. Large deciduous shrubs shall be planted not more than four (4) feet on centers, and shall not be less than six (6) feet in height.
 - g. Large deciduous trees shall be planted not more than thirty (30) feet on centers, and shall be not less than eight (8) feet in height.
2. A minimum of four (4) different species must be planted. At least two (2) of these four (4) different species must be coniferous or evergreens.
3. There shall be a minimum of eight (8) large trees per 1,000 square feet of greenbelt area.
4. Trees not permitted.
 - a. Box elder
 - b. Soft Maple (red-silver)
 - c. Elms
 - d. Poplars
 - e. Willows
 - f. Horse Chestnut (nut bearing)
 - g. Tree of Heaven
 - h. Catalpa
5. Along the greenbelt shall be placed on the ground a covering to prevent growth of noxious weeds. This cover shall be, but not limited to, stones, bark chips or wood chips.

Suggested Plant Materials

Evergreen Trees: Minimum five (5) feet in height.

Juniper
Fir
Spruce
Hemlock
Pine
Douglas-fir

Narrow Evergreens: Minimum three (3) feet in height.

Column Hinoki Cypress
Blue Columnar Chinese Juniper
Pyramidal Red-Cedar
Swiss Stone Pine
Pyramidal White Pine
Irish Yew
Douglas Arbor-Vitae
Columnar Giant Arbor-Vitae

Tree-Like Shrubs: Minimum four (4) feet in height.

Flowering Crab
Mountain Ash
Redbud
Hornbeam
Magnolia
Russian Olive
Dogwood
Rose of Sharon
Hawthorn

Large Deciduous Shrubs: Minimum six (6) feet in height.

Honeysuckle
Mock-Orange
Lilac
Cotoneaster
Euonymus
Buckthorn
Viburnum
Forsythia
Ninebark
Hazelnut
Privet
Sumac

Large Deciduous Trees: Minimum eight (8) feet in height.

Oak
Hackberry
Planetree (Sycamore)
Ginkgo
Sweet-gum
Linden
Hard Maple
Birch
Beech
Honeylocust
Hop Hornbeam

(Amended: Ord. No. 17M, 8-6-80)

Cross reference—Corner clearance, § 132.1013.

132.1010 Signs.

1. The following conditions shall apply to all signs erected or located in any use district:
 - a. All signs shall conform to all applicable codes and ordinances of the Municipality and, where required, shall be approved by the Building Inspector, and a permit issued.
 - b. No sign except those established and maintained by the Township, County, State, or Federal governments, shall be located in, project into, or overhang a public right-of-way or dedicated public easement.
 - c. No sign otherwise permitted shall project above or beyond the maximum height limitation of the use district in which located, except that for a planned commercial or shopping center development involving five (5) acres or more under one ownership, the Board of Appeals may modify the height limitation. The Board shall, however, respect all yards and setbacks in modifying height requirements.
 - d. All directional signs required for the purpose of orientation, when established by the Township, County, State or Federal Government, shall be permitted in all use districts.
 - e. Accessory signs shall be permitted in any use district.
 - f. Non-accessory signs shall be permitted only in I-1 Industrial Districts-except that non-accessory signs pertaining to real estate development located within the Municipality and designed to promote the sale of lots or homes within a subdivision located within the Municipality may be permitted on a temporary basis in any use district, but shall not be located upon subdivided land unless such land is part of the subdivision being advertised for sale and shall be subject to the requirements and conditions of all applicable codes and ordinances of the Municipality, approved by the Building Inspector and a temporary permit issued.
 - g. Signs used for advertising land or buildings for rent, lease, and/or for sale shall be permitted when located on the land or building intended to be rented, leased, and/or sold.
 - h. Freestanding accessory signs may be located in the required front yard except as otherwise provided herein.
2. In addition to (1) above, the following requirements shall apply to signs in the various use districts as follows:

<i>Use Districts</i>	<i>Requirements</i>
"R" Districts CR-1 through RM-1)	For each dwelling unit, one (1) name plate not exceeding two (2) square feet in area, indicating name of occupant.
"R" Districts CR-1 through RM-1)	For structures other than dwelling units, one (1) identification sign not exceeding eighteen (18) square feet in area.
RM-1 Districts	For rental and/or management offices, one (1) identification sign not exceeding six (6) square feet in area. In "RM-1" Districts, signs indicating the name of multiple housing projects shall be permitted provided that no such sign shall be located closer than one hundred (100) feet to any property line in any adjacent single-family district.
B-1 and B-2 Districts	No sign shall project beyond or overhang the wall, or any permanent architectural feature, by more than one (1) foot, and shall not project above or beyond the highest point of the roof or parapet.
B-1 and B-2 Districts	Freestanding accessory signs or advertising pylons shall not be placed closer than one hundred (100) feet to any adjacent residential district.
B-1, B-2 and I-1 Districts	Freestanding accessory signs may be located in the required front yard.
"A" Districts	For each dwelling unit, one (1) name plate not exceeding two (2) square feet in area, indicating name of occupant.
"A" Districts	For structures other than dwelling units, one (1) identification sign not exceeding eighteen (18) square feet in area for property with two hundred ninety-nine (299) feet or less frontage on one road and one (1) identification sign not exceeding thirty-two (32) square feet in area for property with three hundred (300) feet or more frontage on one road.
B-2 and I-1 Districts	Freestanding accessory signs or advertising pylons shall not be placed closer than two hundred (200) feet to any adjacent residential district.
I-1 Districts	Non-accessory signs shall be permitted but shall be spaced no closer than one thousand (1,000) feet between signs on the same side of the right-of-way. Freestanding, non-accessory signs, are allowed but shall comply with all requirements of Article IX, "Schedule of Regulations" of this Ordinance.

Cross reference—Corner clearance, § 132.1013.

132.1011 Exterior lighting.

1. All outdoor lighting in all Use Districts used to light the general area of a specific site shall be shielded to reduce glare and shall be so arranged as to reflect lights away from all adjacent residential districts or adjacent residences.
2. All outdoor lighting in all Use Districts shall be directed toward and confined to the ground areas of lawns or parking lots.
3. All lighting in nonresidential districts used for the external illumination of buildings, so as to feature said buildings, shall be placed and shielded so as not to interfere with the vision of persons on adjacent highways or adjacent property.
4. Illumination of signs shall be directed or shaded downward so as not to interfere with the vision of persons on the adjacent highways or adjacent property.
5. All illumination of signs and any other outdoor feature shall not be of a flashing, moving or intermittent type. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use.

132.1012 Residential entranceway.

In all Residential Districts, so called entranceway structures including, but not limited to: walls, columns, and gates marking entrances to single-family subdivisions or multiple housing projects may be permitted and may be located in a required yard, except as provided in Section 1012 [132.1013], Corner Clearance, provided that such entranceway structures shall comply to all codes of the Municipality, and shall be approved by the Building Department and a permit issued.

132.1013 Corner clearance.

No fence, wall, shrubbery, sign, or other obstruction to vision above a height of two (2) feet from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection.

Cross references—Plant material, § 132.1009; signs, § 132.1010.

132.1014 Walls.

1. For those Use Districts and uses listed below there shall be provided and maintained on those sides abutting or adjacent to a residential district an obscuring wall as required below (except otherwise required in subsection 4 of this Section 1013 [132.1014]):

<i>Use</i>	<i>Requirements</i>
a. Off-street parking area	4' 6" high wall
b. B-1 and B-2 Districts	4' 6" high wall
c. I-1 Districts - open storage areas, loading or unloading areas, service areas	4' 6" to 8' high wall or fence. (Height shall provide the most complete obscuring possible.) (See Section 801

[132.802], 4. and Section 1013
[132.802], 4.)

- d. Auto wash and drive-in restaurants 6' 0" high wall
 - e. Hospital - ambulance and delivery areas 6' 0" high wall
 - f. Utility buildings, stations and/or substations 6' 0" high wall
2. Required walls shall be located on the lot line except where underground utilities interfere and except in instances where this Ordinance required conformance with front yard setback lines in abutting Residential Districts. Upon review of the site plan, the Planning Commission may approve an alternate location for the wall or may waive the wall requirement if in specific cases it would not serve the purposes of screening the parking area effectively. Required walls may, upon approval of the Board of Appeals, be located on the opposite side of an alley right-of-way from a nonresidential zone that abuts a residential zone when mutually agreeable to affected property owners. The continuity of the required wall on a given block will be a major consideration of the Board of Appeals in reviewing such request.
3. Such walls and screening barrier shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this Ordinance and except such openings as may be approved by the Building Inspector. All walls herein required shall be constructed of materials approved by the Building Inspector to be durable, weather resistant, rust proof and easily maintained; and wood or wood products shall be specifically excluded.
- Masonry walls may be constructed with openings which do not in any square section (height and width) exceed twenty (20) percent of the surface. Where walls are so pierced, the openings shall be so spaced as to maintain the obscuring character required, and shall not reduce the minimum height requirement. The arrangement of the openings shall be reviewed and approved by the Building Inspector.
4. The requirements for an obscuring wall between off-street parking areas, outdoor storage areas, and any abutting residential district shall not be required when such areas are located more than two hundred (200) feet distant from such abutting residential district.
5. The Board of Appeals may waive or modify the foregoing requirements where cause can be shown that no good purpose would be served, provided that in no instance shall a required wall be permitted to be less than four feet six inches (4' 6") in height, except where Section 1012 [132.1013] applies.

In consideration of request to waive wall requirements between nonresidential and residential districts, the Board shall refer the request to the Planning Commission for a determination as to whether or not the residential district is considered to be an area in transition and will become nonresidential in the future.

In such cases as the Planning Commission determines the residential district to be a future nonresidential area, the Board may temporarily waive wall requirements for an initial period not to exceed twelve (12) months. Granting of subsequent waivers shall be permitted, provided that the Planning Commission shall make a determination as hereinbefore described, for each subsequent waiver prior to the granting of such waiver by the Board.

Fences are permitted, or required subject to the following:

1. Fences on all lots of record in all residential districts which enclose property and/or are within a required side or rear yard, shall not exceed six (6) feet in height, measured from the surface of the ground, and shall not extend toward the front of the lot nearer than the front of the house or the required minimum front yard, or whichever is greater.
2. Recorded lots having a lot area in excess of two (2) acres and a frontage of at least two hundred (200) feet, and acreage or parcels not included within the boundaries of a recorded plat, in all residential districts, are excluded from these regulations.
3. Fences on lots or record shall not contain barbed wire, electric current or charge of electricity.
4. Fences which enclose public or institutional parks, playgrounds, or public landscaped areas, situated within an area developed with recorded lots shall not exceed eight (8) feet in height, measured from the surface of the ground, and shall not obstruct vision to an extent greater than twenty-five (25) percent of their total area.

132.1016 Site Plan Review (all districts).

1. A site plan shall be submitted to the Planning Commission for approval of:
 - a. Any use or development for which the submission of a site plan is required by any provision of this Ordinance.
 - b. Any development, except single-family residential, for which off-street parking areas are provided as required in Section 1004 [132.1005], Off-street Parking Requirements.
 - c. Any use in an RM-1, B-1, B-2, or I-1 District lying contiguous to, or across a street from, a single-family residential district.
 - d. Any use except single-family residential which lies contiguous to a major thoroughfare or collector street.
 - e. All residentially related uses permitted in single-family districts such as, but not limited to: churches, schools, and public facilities.
 - f. Building additions or accessory buildings shall not require Planning Commission review unless off-street parking in addition to that already provided on the site is required.
2. Every site plan submitted to the Planning Commission shall be in accordance with the requirements of this Ordinance. No site plan shall be approved until same has been reviewed by the Building Department in coordination with the Fire Department and the Police Department, for compliance with the standards of the respective departments.
3. The following information shall be included on the site plan:
 - a. A scale of not less than 1" = 50' if the subject property is less than three (3) acres and 1" = 100' if three (3) acres or more.
 - b. Date, north point and scale.
 - c. The dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties.
 - d. The location of all existing and proposed structures on the subject property and all existing structures within 100' of the subject property.
 - e. The location of all existing and proposed drives and parking areas.
 - f. The location and right-of-way widths of all abutting streets and alleys.

- g. The names and addresses of the architect, planner, designer, engineer, or person responsible for the site plan.
4. In the process of reviewing the site plan, the Planning Commission shall consider:
- a. The location and design of driveways providing vehicular ingress to and egress from the site, in relation to streets giving access to the site, and in relation to pedestrian traffic.
 - b. The traffic circulation features within the site and location of automobile parking areas; and may make such requirements with respect to any matters as will assure:
 - (1) Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets.
 - (2) Satisfactory and harmonious relationships between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.
 - c. The Planning Commission may further require landscaping, fences, and walls in pursuance of these objectives and same shall be provided and maintained as a condition of the establishment and the continued maintenance of any use to which they are appurtenant.
 - d. In those instances wherein the Planning Commission finds that an excessive number of ingress and/or egress points may occur with relation to major or secondary thoroughfares, thereby diminishing the carrying capacity of the thoroughfare, the Planning Commission may recommend marginal access drives. For a narrow frontage, which will require a single outlet, the Planning Commission may recommend that money in escrow be placed with the Municipality so as to provide for a marginal service drive equal in length to the frontage of the property involved. Occupancy permits shall not be issued until the improvement is physically provided, or monies have been deposited with the Township Clerk.

132.1017 Frontage on a public street.

No lot shall be used for any purpose permitted by this Ordinance unless said lot abuts a public street, unless otherwise provided for in this Ordinance.

132.1018 Access to major thoroughfare or collector street.

For uses making reference to this Section 1017 [132.1018], vehicular access shall be provided only to an existing or planned major thoroughfare, freeway service drive, or collector street. Provided, however, that access driveways may be permitted to other than a major thoroughfare, freeway service drive, or collector street where such access is provided to a street where the property directly across the street from such driveway and all property abutting such street between the driveway and the major thoroughfare, freeway service drive, or collector street is zoned for multiple-family use or any nonresidential uses, is developed with permanent uses other than single-family residences or is an area which, in the opinion of the Planning Commission, will be used for other than single-family purposes in the future. This exception shall only apply if the Planning Commission finds that there are special circumstances which indicate that there will be a substantial improvement in traffic safety by reducing the number of driveways to a thoroughfare.

132.1019 Planned Unit Residential Development.

- 1. *Objective.* The Township of Cottrellville being confronted with increasing land development pressures, and acknowledging that the technology of land development and the demand for housing are undergoing substantial and rapid changes, intends to

encourage:

- a. Rarity and flexibility in land development for residential purposes, and uses ancillary thereto, that are necessary to meet those changes in technology and demand and that will be consistent with the best interests of the entire Township;
- b. The more efficient allocation and maintenance by private initiative of common open space ancillary to new residential areas; and
- c. The more efficient use of those public facilities required in connection with new residential development.

2. *Definitions.*

- a. *Common open space* is a parcel or parcels of land or an area of water, or a combination of land and water within the site designated for a Planned Unit Residential Development, and designated and intended for the use of enjoyment of residents of the Planned Unit Residential Development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents of the Planned Unit Residential Development.
- b. *Final plan* shall mean the plan for development of a Planned Unit Residential Development or divisible geographic sections thereof, approved subsequent to the approval of the proposal, and the tentative plan by the Planning Commission and the Township Board under the provisions of the Ordinance.
- c. *Landowner* shall mean the legal or beneficial owner or owners of all the land proposed to be included in a Planned Unit Residential Development. The holder of an option or contract to purchase, lessee having a remaining term of not less than forty years, or other persons having an enforceable proprietary interest in such land, shall be deemed to be a landowner for the purpose of this Ordinance.
- d. *Plan* shall refer to any or all of the three (3) possible plan stages of a Planned Unit Residential Development including: proposal, tentative plan, and final plan.
- e. *Planning Commission* shall mean the Planning Commission of the Township of Cottrellville.
- f. *Planned Unit Residential Development* shall mean an area of land, controlled by a landowner, to be developed as a single entity for a minimum of fifty (50) dwelling units, the plan for which does not correspond in lot size, bulk or type of dwelling, density, lot coverage or required open spaces, to the regulations in any one residential district of this Zoning Ordinance.
- g. *Proposal* shall mean the proposal of a landowner for the designation of an area for planned unit residential development.
- h. *Single ownership* shall mean the proprietary interest of a landowner. as herein defined.
- i. *Tentative plan* shall refer to any plan submitted for approval to the Planning Commission and Township Board, together with the submission of a proposal for a Planned Unit Residential Development area prior to the submission of a final plan for approval.
- j. *Township* shall mean the Township of Cottrellville.
- k. *Township Board* shall mean the Township Board of the Township of Cottrellville.

3. *Application of Planned Unit Residential Development section.*

- a. The provisions of this Section shall apply only to a tract of land proposed to be developed for fifty (50) or more dwelling units, which tract is under single ownership, and for which an application for a Planned Unit Residential Development is made as hereinafter provided.
- b. Notwithstanding the provisions of paragraph a. of this subsection, an application for a Planned Unit Residential Development on a tract of land for less than fifty

(50) dwelling units may be filed, and a public hearing shall be held thereon, as hereinafter provided but no tentative approval of such an application shall be given by the Planning Commission unless the Commission shall find, upon a showing by the landowner, that the minimum number of dwelling units required in paragraph a. of this subsection should be waived because a Planned Unit Residential Development is in the public interest, and that one or more of the following conditions exist:

- (1) Because of unusual physical features of the property itself or of the neighborhood in which it is located, a substantial deviation from the regulations otherwise applicable is necessary or appropriate in order to conserve a physical or topographic feature of importance to the Township;
- (2) The property or its neighborhood has a historical character of economic importance to the community that will be protected by use of a Planned Unit Residential Development;
- (3) The Planned Unit Residential Development involves the acquisition of our rights over land to be developed independently of the land itself.

4. *Permitted uses.* Uses permitted in a Planned Unit Residential Development may include and shall be limited to:

- a. Dwelling units in detached, semidetached, attached or multi-storied structures, or any combination thereof; and
- b. Non-residential uses of a religious, cultural, recreational, and commercial character, the extent of which shall not exceed the amounts specified in paragraph 5., of this Section, Standards and Criteria for Planned Unit Residential Development.

5. *Standards and criteria for planned unit residential development.* A plan that is not inconsistent with (1) the statement of objectives for Planned Unit Residential Developments, or (2) the general standards set out hereinafter, or (3) the specific rules and regulations for Planned Unit Residential Developments adopted from time to time and placed on public record by the Township Board shall, prima facie be deemed to have qualified for tentative approval. No such rules and regulations shall be revised or added so as to be applicable to a specific proposal for a Planned Unit Residential Development after an application for tentative approval has been filed by the landowner.

A plan shall be consistent with the following general standard for use and location of buildings, the density or intensity of use, the common open space, the public facilities and the development by geographic divisions of the site.

- a. The Plan may provide for a variety of housing types.
- b. The total land devoted to residential uses shall not exceed seventy-five percent (75%) of the total land area of the project; and shall be deemed, for purposes of this subsection, to include those streets, alleys, parking areas, private open spaces and courts which abut and service primarily residences or groups of residences, but it shall not include usable open space which is available for use by the general public or by persons who do not live in the residences or groups of residences immediately adjacent to it.
- c. A maximum of twenty percent (20%) of the total area may be used for rental establishments, theatre, motel or lodging, restaurants, enclosed recreational uses, art gallery or professional offices, and access roads and parking associated with their uses.
- d. A minimum of twenty percent (20%) of the total land area shall be used for open-air recreational uses and other open areas designed and developed for use by the occupants of the development, or by others for recreation (whether commercial, private or public), courts, gardens or household service activities such as clothes

- drying. The term shall not include space devoted to streets and parking.
- e. Height of particular buildings shall not be a basis for denial or approval of a plan, provided any structures in excess of forty-five (45) feet shall be designed to be consistent with the reasonable enjoyment of the neighboring property and the efficiency of existing public services.
 - f. The proposed location and arrangement of structures shall not be detrimental to existing or prospective adjacent structures or to existing or prospective development of the neighborhood.
 - g. Architectural style of buildings shall not be a basis for denying approval of a plan unless the development is in an area previously designated by the Township Board as a historical area.
 - h. Protection of open space between structures, including those spaces being used as public and private recreational areas shall be protected by adequate covenants running with the land or by conveyances or dedications as the Planning Commission and Township Board shall specify.
 - i. A minimum of two (2) parking spaces per unit shall be provided for residential type development. All nonresidential uses shall conform to the parking standards detailed in Article X, Section 1004 [132.1005), "Off-street Parking Requirements" of this Ordinance.
 - j. The amount and location of common open space shall be consistent with the declared function of the common open space as set forth in the application for a Planned Unit Residential Development, and there shall be such provisions for the ownership and maintenance of the common open space as is reasonable to insure its continuity and conservation.
 - k. The Township Board, upon the recommendation of the Planning Commission, may approve divisible geographic sections of the entire parcel to be developed as a Planned Unit Residential Development, and shall, in such cases, specify reasonable periods within which development of each section must be commenced, and may permit in each section, deviations from the number of dwelling units per acre established for the entire Planned Unit Residential Development, provided such deviations shall be adjusted for in other sections of the development so that the number of dwelling units per acre authorized for the entire Planned Unit Residential Development is not affected. The period of the entire development and commencement date for each section thereof may be modified from time to time by the Township Board upon the showing of good cause by the landowner, provided that in no case shall any extension of time exceed twelve (12) months. The landowner shall make such easements, covenants and other arrangements and shall furnish such performance bonds or irrevocable bank letters of credit as may be determined by the Township Board to be reasonably required to assure performance in accordance with the Plan and to protect the public interest in the event of abandonment of said Plan before completion.

The peculiarities of each proposal for a Planned Unit Residential Development requires that the specifications for the width and surfacing of streets and highways, alleys, ways for public utilities, for curbs, gutters, sidewalks, street lights, public parks and playgrounds, school grounds, storm water drainage, water supply, sewage collection and treatment shall be subject to modification from the specifications established in that Ordinance known as the Subdivision Ordinance of the Township of Cottrellville.

The Planning Commission may, with approval of the Township Board waive or modify the specifications otherwise applicable for a particular public facility where the Planning Commission finds on the basis of evidence supplied by the landowner that such specifications are not in the best interest of the residents of the Planned Unit Residential Development and that the modifications of such specifications are not inconsistent with the interests of the entire Township.

6. *Procedural requirements.*

- a. The Planning Commission may make written general rules regarding general procedures and form of application as it may determine, provided they are not inconsistent herewith.
- b. The procedure for obtaining authorization for development of a Planned Unit Residential Development shall include the following:
 - (1) The landowner shall submit a proposal for designation of an area for a Planned Unit Residential Development to the Planning Commission for review prior to a public hearing held by the Planning Commission. This proposal shall include:
 - (a) A statement of purpose and objectives;
 - (b) A general plan of development;
 - (c) Designation of proposed land uses by relative intensity and proportion of land area intended for each land use;
 - (d) A program of development outlining the proposed stages of development;
 - (e) The time schedule and a statement demonstrating the independence of each stage;
 - (f) And the integration of the proposed development into the proposed or existing development pattern.

A public hearing date shall then be set by the Planning Commission on the proposal and a tentative plan.

- (2) A public hearing shall be held by the Planning Commission on the proposal and tentative plan for a Planned Unit Residential Development and a report and recommendation submitted to the Township Board.
 - (a) Application for approval of a tentative plan shall be executed by or on behalf of the landowner and filed in duplicate with the Secretary of the Planning Commission. A filing fee as set forth by resolution by the Township Board, payable to the Township of Cottrellville, shall be submitted to the Secretary of the Planning Commission with the application for approval of a tentative plan. Said filing fee shall be used to defray the costs of the public hearing and review by the Planning Commission.
 - (b) Application for approval of a tentative plan shall include such items as the Planning Commission by general rule shall specify in order to disclose:
 - (1.1) The general location and size of the area involved and the nature of the landowners' interest in the land proposal to be developed;
 - (1.2) The density of land use to be allocated to parts of the area to be developed;
 - (1.3) The location, functions, ownership and manner of maintenance of common open space;
 - (1.4) The use, approximate height, bulk, and location of buildings and other structures;
 - (1.5) The feasibility of proposals for the disposition of sanitary wastes and storm water;

- (1.6) The substance of covenants, grants of easements or other restrictions to be imposed upon the use of the land, buildings and structures including proposed easements for public utilities;
 - (1.7) The provisions for parking vehicles and the location and width of proposed streets and public ways and the relationship of proposed streets and other public facilities in proximity to the proposed Planned Unit Residential Development;
 - (1.8) The required modifications in the regulations otherwise applicable to the subject property; and
 - (1.9) In the case of plans which call for development over a period of years, a schedule showing the time within which application for final approval of all parts of the Planned Unit Residential Development are intended to be filed.
- (c) Nothing herein contained shall be deemed to forbid or discourage informal consultations between the landowner and the Township Planning Consultant prior to the filing of an application for approval of a tentative plan.
- (d) A plan which has been given tentative approval with conditions which have been accepted by the landowner (and provided the landowner has not defaulted nor violated any of the conditions of the tentative approval), shall not be modified or revoked nor otherwise impaired by action of the Township pending an application for approval of a final plan, or in the case of staged development, provided the applications are filed within the time or times specified in the resolution granting tentative approval.
- (3) Based upon the results of the public hearing (Section 6, paragraph b.C2) above), the tentative plan may be accepted, modified, or rejected by the Township Board, after a report and recommendation from the Planning Commission. If agreement is reached with the landowner or his designee on required modifications, the tentative plan shall be approved.
- (4) Approval by the Township Board, after a public hearing and recommendation of the Planning Commission, of a tentative plan shall qualify an area for application for approval of a final plan and development as a Planned Unit Residential Development under the provisions of this Ordinance for a period of two (2) years. If no final plan is accepted for development within that period, the Township Board may extend the designation for an additional two (2) year period or hold a public hearing on the reasons for finding any proposed final plan unacceptable and/or redesignation of the area for use appropriate to existing or planned development.
- (5) Submission of a final plan for development of the Planned Unit Residential Development or divisible geographic section thereof, shall follow approval of a tentative plan. The application for approval of a final plan shall include: such drawings, specifications, covenants, easements and conditions and form of bonds as were set forth by resolution at the time of tentative approval. In accordance with the schedule proposed in the application for tentative approval, the landowner may elect to have final approval on only a geographic section or sections of the land included in the plan. The final plan shall be in substantial compliance with the previously approved tentative plan and shall not:
- (a) Vary the proposed gross residential density or intensity of use by more than ten percent (10%); or
 - (b) Involve a reduction of the area set aside for common open space; nor

- (c) Increase by more than ten percent (10%) the floor area proposed for nonresidential use; or
- (d) Increase by more than five percent (5%) the total ground area covered by buildings.

A public hearing shall not be held to consider modifications in the location or design of streets or facilities for water and for disposal of storm water and sanitary sewerage.

If a plan submitted for final approval varies from the tentative plan by more than the limits set forth above or in other important regards, the Planning Commission may request either modification of the submission or that the plan be considered as an application for tentative approval.

After a final plan is approved by the Planning Commission and Township Board, development of the Planned Unit Residential Development or divisible geographic section thereof, shall begin within one hundred and twenty (120) days of approval of the final plan. If development is not begun within this period, the final plan must be resubmitted to the Planning Commission and Township Board for reapproval. At the lapse of each one hundred and twenty (120) day period the Planning Commission may require modification of the final plan to meet new or previously undetected conditions affecting the project area before reapproval. Existing residential uses in an area designated for a Planned Unit Residential Development shall not be considered as nonconforming uses.

(Amended: Ord. No. 17D, 1-15-75)

132.1020 Building site grades.

In establishing grade a lot or parcel for the purpose of any construction thereof, the following conditions shall control:

1. Grades on a site serviced by sanitary sewers may be raised to a total of twelve (12) inches above the crown of an abutting road if such increase in grade does not cause run off on the abutting property.
2. Grades on a site not serviced by sanitary sewers will be governed by septic permits grade requirements. Increases in grade for a septic system shall not cause run off on the abutting property.

Cross references—Soil removal, Pt. 83; sewer use and rates, Pt. 86.

ARTICLE XI

132.1100 GENERAL EXCEPTIONS

132.1101 Area, height and use exceptions.

The regulations in this Ordinance shall be subject to the following interpretations and exceptions.

132.1102 Essential services.

Essential services shall be permitted as authorized and regulated by law and other ordinances of the Township, it being the intention hereof to exempt such essential services from the application of this Ordinance.

132.1103 Voting place.

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

132.1104 Height limit.

The height limitations of this Ordinance shall not apply to farm buildings, chimneys, church spires, flag poles, public monuments or wireless transmission towers; provided, however, that the Board of Appeals may specify a height limit for any such structure when such structure requires authorization as a conditional use.

132.1105 Lot area.

Any lot existing and of record on the effective date of this Ordinance may be used for any principal use permitted other than conditional uses for which special lot area requirements are specified in this Ordinance, permitted in the district in which such lot is located whether or not such lot complies with the lot area requirements of this Ordinance except as provided in Section 1002 [132.1003] (2), "Nonconforming Uses". Such use may be made provided that all requirements other than lot area requirements prescribed in this Ordinance are complied with, and provided that not more than one (1) dwelling unit shall occupy any lot except in conformance with the provisions of this Ordinance for required lot area for each dwelling unit.

132.1106 Lots adjoining alleys.

In calculating the area of a lot that adjoins an alley for the purpose of applying lot area requirements of this Ordinance, one-half (½) the width of such alley abutting the lot shall be considered as part of such lot.

132.1107 Yard regulations.

When yard regulations cannot reasonably be complied with, or where their application cannot be determined on lots of peculiar shape, topography or due to architectural or site arrangement, such regulations may be modified or determined by the Board of Appeals.

132.1108 Porches.

An open, unenclosed, and uncovered porch or paved terrace may project into a front yard for a distance not exceeding ten (10) feet, but this shall not be interpreted to include or permit fixed canopies.

132.1109 Projections into yards.

Architectural features, not including vertical projections, may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard; and may extend or project into a required front yard or rear yard not more than three (3) feet.

132.1110 Access through yards.

For the purpose of this Ordinance, access drives may be placed in the required front or side yards so as to provide access to rear yards and/or accessory or attached structures. These drives shall not be considered as structural violations in front and side yards. Further any walk, terrace or other pavement servicing a like function, and not in excess of nine (9) inches above the grade upon which placed, shall for the purpose of this Ordinance not be considered to be a structure, and shall be permitted in any required yard.

132.1111 Lots having river frontage.

Those residential lots and/or parcels having river frontage and abutting a public thoroughfare shall maintain the yard on the river side as an open unobscured yard, excepting that a covered and/or uncovered boat well shall be permitted after review and approval of plans by the Zoning Board of Appeals. Accessory structures shall be permitted in the setback between the abutting road right-of-way and the main building providing the front yard setback required in Section 1000 [132.1004] of this Ordinance is met.

ARTICLE XII

132.1200 ADMINISTRATION AND ENFORCEMENT*

132.1201 Enforcement.

The provisions of this Ordinance shall be administered and enforced by the Building Inspector or by such deputies of his department as the Building Inspector may delegate to enforce the provisions of this Ordinance.

132.1202 Duties of building inspector.

The Building Inspector shall have the power to grant zoning compliance and occupancy permits, 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 Building Inspector to approve any 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.

The Building Inspector shall record all nonconforming uses existing at the effective date of this Ordinance for the purpose of carrying out the provisions of Section 1002 [132.1003].

Under no circumstances is the Building Inspector permitted to make changes to this Ordinance nor to vary the terms of this Ordinance in carrying out his duties as Building Inspector.

The Building Inspector shall not refuse to issue a permit when conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said permit.

132.1203 Plot plan.

The Building Inspector shall require that all applications for building permits shall be accompanied by plans and specifications including a plot plan, in duplicate, drawn to scale, showing the following:

1. The actual shape, location, and dimensions of the lot.
2. The shape, size, and location of all buildings or other structures to be erected, altered, or moved and of any building or other structures already on the lot.

***Cross references**—Building code, Pt. 110; construction code enforcing agency, Pt. 111.

3. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
4. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.

132.1204 Permits.

The following shall apply in the issuance of any permit:

1. *Permits not to be issued.* No building permit shall be issued for the erection, alteration or use of any building or structure or part thereof, or for the use of any land, which is not in accordance with all provisions of this Ordinance.
2. *Permits for new use of land.* No land heretofore vacant shall hereafter be used or an existing use of land be hereafter changed to a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.
3. *Permits for new use of buildings.* No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.
4. *Permits required.* No building or structure, or part thereof, shall be hereafter erected, altered, moved, or repaired unless a building permit shall have been first issued for such work. The terms "altered" and "repaired" shall include any changes in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of egress or ingress, or other changes affecting or regulated by the Township of Cottrellville, Building Code, Housing Law, or this Ordinance, except for minor repairs or changes not involving any of the aforesaid features.

132.1205 Certificates.

No land, building, or part thereof, shall be occupied by or for any use unless and until a Certificate of Occupancy shall have been issued for such use. The following shall apply in the issuance of any certificate:

1. *Certificates not to be issued.* No certificate of occupancy shall be issued for any building, structure or part thereof, or for the use of any land, which is not in accordance with all the provisions of this Ordinance.
2. *Certificates required.* No building or structure, or parts thereof, which is hereafter erected, or altered, shall be occupied or used or the same caused to be done, unless and until a certificate of occupancy shall have been issued for such building or structure.
3. *Certificates including zoning.* Certificates of occupancy as required by the Township Building Code for new buildings or structures, or parts thereof, or for alterations to or changes of use of existing buildings or structures, shall also constitute certificates of occupancy as required by this Ordinance.
4. *Certificates for existing buildings.* Certificates of occupancy shall be issued for existing buildings, structures, or parts thereof, or existing uses of land if, after inspection, it is found that such buildings, structures, or parts thereof, or such use of land, are in conformity with the provisions of this Ordinance.
5. *Record of certificates.* A record of all certificates issued shall be kept on file in the office of the Building Inspector, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.
6. *Certificates for dwelling accessory buildings.* Buildings or structures accessory to dwellings shall not require separate certificates of occupancy but may be included in the certificate of occupancy for the dwelling when shown on the plot plan and when completed at the same time as such dwellings.

7. *Application for certificates.* Application for certificates of occupancy shall be made in writing to the Building Inspector on forms furnished by that Department, and such certificates shall be issued within five (5) days after receipt of such application if it is found that the building or structure, or part thereof, or the use of land is in accordance with the provisions of this Ordinance.

If such certificate is refused for cause, the applicant therefore shall be notified of such refusal and cause thereof, within the aforesaid five (5) day period.

132.1206 Final inspection.

The holder of every building permit for the construction, erection, alteration, repair, or moving of any building structure or part thereof, shall notify the Building Inspector immediately upon the completion of the work authorized by such permit, for a final inspection.

132.1207 Fees.

Fees for inspection and the issuance of permits or certificates or copies thereof required or issued under the provisions of this Ordinance may be collected by the Building Inspector in advance of issuance. The amount of such fees shall be established by resolution of the Township Board and shall cover the cost of inspection and supervision resulting from enforcement of this Ordinance.

ARTICLE XIII

132.1300

BOARD OF APPEALS*

132.1301

Creation and membership.

There is hereby created a Board of Zoning Appeals, which shall perform its duties and exercise its powers as provided in Section 18 of Act 184 of Public Acts of 1943, as amended, and in such a way that the objectives of this Ordinance shall be observed, public safety secured, and substantial justice done. The Board shall consist of the following three (3) members:

1. The first member shall be a member of the Township Planning Commission for term of that persons office and be appointed by the Township Board.
2. The second member may be a member of the Township Board, appointed by the Township Board, for the term of his office.
3. The second and/or thirty member(s) shall be selected from electors of unincorporated areas of Cottrellville Township appointed by the Township Board. The member(s) shall not be an employee or contractor of the Township. (Where the Township has a population of 5,000 or more persons there shall be 5 members of the Zoning Board of Appeals, this selection process shall prevail).

(Amended: Ord. No. 17M, 8-6-80)

132.1302 Meetings.

All meetings of the Township Board of Appeals shall be held at the call of the Chairman and at other times as the Board in its rules of procedure may specify. All hearings conducted by said Board shall be open to the public. The Board of Appeals shall adopt its own rules of procedure and keep a record of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating said fact; and shall file a record of its proceedings in the office of the Township Clerk, and shall be public record. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Building Inspector, or to decide in favor of an applicant any matter upon which they are required to pass under this Ordinance or to effect any variation in this Ordinance. The Board shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files and other evidence pertinent to the matters before it.

***Cross references**—Planning commission, Pt. 131; planning commission approval, Pt. 132, Art. XIV; planning commission—special approval uses, Pt. 132, Art. XXII.

132.1303 Appeal.

An appeal may be taken to the Board of Appeals by any person, firm or corporation, or by any officer, Department, Board or Bureau affected by a decision of the Building Inspector. Such appeal shall be taken within such time as shall be prescribed by the Board of Appeals by general rule, by filing with the Building Inspector and with the Board of Appeals a notice of Appeal, specifying the grounds thereof. The Building Inspector shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Building Inspector certifies to the Board of Appeals after notice of appeal has 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 the proceedings shall not be stayed, otherwise than by a restraining order, which may be granted by a court of record.

The Board shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

132.1304 Fees.

The Township Board may from time to time prescribe and amend by resolution a reasonable schedule of fees to be charged to applicants for appeals to the Zoning Board of Appeals. At the time the notice for appeal is filed said fee shall be paid to the Secretary of the Board of Appeals, which the Secretary shall forthwith pay over to the Township Treasurer to the credit of the general revenue fund of the Township of Cottrellville.

132.1305 Jurisdiction.

The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms of this Ordinance, but does have power to act on those matters where this Ordinance provides for an administrative review, interpretation, exception or special approval permit and to authorize a variance as defined in this Section and laws of the State of Michigan. Said powers include:

1. *Administrative review.* To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Building Inspector or any other administrative official in carrying out or enforcing any provisions of this Ordinance.
2. *Variance.* To authorize, upon an appeal, a variance from the strict application of the provisions of this Ordinance where by reason of exceptional narrowness, shallowness, shape or area of a specific piece of property at the time of enactment of this Ordinance or by reason of exceptional topographic conditions or other extraordinary or 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 provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Ordinance. In granting a variance, the Board may attach thereto such conditions regarding the location, character, and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this Ordinance. In granting a variance, the Board shall state the grounds upon which it justifies the granting of a variance.
3. *Exceptions and special approvals.* To hear and decide in accordance with the provisions of this Ordinance, requests for exceptions, for interpretations of the Zoning Map, and for

decisions on special approval situations on which this Ordinance specifically authorizes the Board to pass. Any exception or special approval shall be subject to such conditions as the Board may require to preserve and promote the character of the zone district in question and otherwise promote the purpose of this Ordinance, including the following:

- a. Interpret the provisions of this Ordinance in such a way as to carry out the intent and purpose of the plan, as shown upon the Zoning Map fixing the use districts, accompanying and made part of this Ordinance, where street layout actually on the ground varies from the street layout as shown on the map aforesaid.
- b. Permit the erection and use of a building or use of premises for public utility purposes, upon recommendation of the Planning Commission.
- c. Permit the modification of the automobile parking space or loading space requirements where, in the particular instance, such modification will not be inconsistent with the purpose and intent of such requirements.
- d. Permit such modification of the height and area regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape, or so located with relation to surrounding development or physical characteristics, that it cannot otherwise be appropriately improved without such modification.
- e. Permit temporary buildings and uses for periods not to exceed two (2) years in undeveloped sections of the Township and for periods not to exceed six (6) months in developed sections.
- f. Permit, upon proper application, the following character of temporary use, not otherwise permitted in any district, not to exceed twelve (12) months with the granting of twelve (12) month extensions being permissible: uses which do not require the erection of any capital improvement of a structural nature.

The Board of Appeals, in granting permits for the above temporary uses, shall do so under the following conditions:

- (1) The granting of the temporary use shall in no way constitute a change in the basic uses permitted in the district nor on the property wherein the temporary use is permitted.
 - (2) The granting of the temporary use shall be granted in writing, stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of said temporary permit.
 - (3) All setbacks, land coverage, off-street parking, lighting and other requirements to be considered in protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the Township of Cottrellville, of the inhabitants of the Township of Cottrellville, shall be made at the discretion of the Board of Appeals.
 - (4) In classifying uses as not requiring capital improvement, the Board of Appeals shall determine that they are either demountable structures related to the permitted use of the land; recreation developments, such as, but not limited to: golf-driving ranges and outdoor archery courts; or structures which do not require foundations, heating systems or sanitary connections.
 - (5) The use shall be in harmony with the general character of the district.
 - (6) No temporary use permit shall be granted without first giving notice to owners of adjacent property of the time and place of a public hearing to be held as further provided for in this Ordinance. Further, the Board of Appeals shall seek the review and recommendation of the Planning Commission prior to the taking of any action.
4. In consideration of all appeals and all proposed variations to this Ordinance the Board shall, before making any variations from the Ordinance in a specific case, first determine that the proposed variation will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger

of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the Township of Cottrellville. The concurring vote of two (2) members of the Board shall be necessary to reverse any order, requirements, decision, or determination of the Building Inspector, or to decide in favor of the applicant any matter upon which it is authorized by this Ordinance to render a decision. Nothing herein contained shall be construed to give or grant to the Board the power or authority to alter or change this Ordinance or the Zoning Map, such power and authority being reserved to the Mayor and the Township Board of the Township of Cottrellville, in the manner provided by law.

132.1306 Orders.

In exercising the above powers, the Board may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Building Inspector from whom the appeal is taken.

132.1307 Notice.

The Board shall make no recommendation except in a specific case and after a public hearing conducted by the Board. It shall, by general rule or in specific cases, determine the interested parties who, in the opinion of the board, may be affected by any matter brought before it, which shall in all cases include all owners of record of property within three hundred (300) feet of the premises in question, such notices to be delivered personally or by mail addressed to the respective owners at the address given in the last assessment roll. The Board may require any party applying to the Board for relief to give such notice to other interested parties as it shall prescribe.

132.1308 Miscellaneous.

No order of the Board permitting the erection of a building shall be valid for a period longer than one (1) year, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

No order of the Board permitting a use of a building or premises shall be valid for a period longer than one (1) year unless such use is established within such period, provided, however, that where such use permitted is dependent upon the erection or alteration of a building such order shall continue in force and effect of a building permit for said erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

ARTICLE XIV

132.1400 PLANNING COMMISSION APPROVAL*

In cases where the Township Planning Commission is empowered to approve certain use of premises under the provisions of this Ordinance the applicant shall furnish such surveys, plans or other information as may be reasonably required by said Commission for the proper consideration of the matter.

The Planning Commission shall investigate the circumstances of each such case and shall notify such parties, who may in its opinion be affected thereby, of the time and place of any hearing which may be held relative thereto as required under its rules of procedure.

The Planning Commission may impose such conditions or limitations in granting approval as may in its judgment be necessary to fulfill the spirit and purpose of this Ordinance.

Any approval given by the Planning Commission, under which premises are not used or work is not started within six (6) months or when such use or work has been abandoned for a period of six (6) months, shall lapse and cease to be in effect.

***Cross references**—Planning Commission, Pt. 131; board of appeals, Pt. 132, Art. XIII; planning commission—special approval uses, Pt. 132, Art. XXII.

ARTICLE XV

132.1500

CHANGES AND AMENDMENTS

The Township Board may from time to time, on recommendation from the Planning Commission or on petition, amend, supplement or change the District Boundaries or the regulations herein, or subsequently established in Act 184 of the Public Acts of 1943, as amended.

ARTICLE XVI

132.1600

INTERPRETATION

In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare. It is not intended by this Ordinance to repeal, abrogate, annul, or in any way to impair or interfere with any existing provision of law or ordinance other than the above described Zoning Ordinance, or with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; provided, however, that where this Ordinance imposes a greater restriction than is required by existing ordinance or by rules, regulations or permits, the provisions of this Ordinance shall control.

ARTICLE XVII

132.1700

VESTED RIGHT

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

ARTICLE XVIII

132.1800 ENFORCEMENT, PENALTIES, AND OTHER REMEDIES

132.1801 Violations.

Any person, firm or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than one hundred (\$100) dollars and the costs of prosecution or, in default of the payment thereof, shall be punished by imprisonment in the County Jail for a period not to exceed ninety (90) days for each offense, or by both such fine and imprisonment in the discretion of the court, together with the costs of such prosecution.

132.1802 Public nuisance per se.

Any building or structure which is erected, altered or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this Ordinance and in violation of any of the provisions thereof is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

132.1803 Fines, imprisonment.

The owner of any building, structure or premises or part thereof, where any condition in violation of this Ordinance shall exist or shall be created, and who has assisted knowingly in the commission of such violation shall be guilty of a separate offense and upon conviction thereof shall be liable to the fines and imprisonment herein provided.

132.1804 Each day a separate offense.

A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

132.1805 Rights and remedies are cumulative.

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

ARTICLE XIX

132.1900

SEVERANCE CLAUSE

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

ARTICLE XX

132.2000

EFFECTIVE DATE

Public hearing having been held hereon, the provisions of this Ordinance are hereby given immediate effect upon its publication, pursuant to the provisions of Act 184 of the Public Acts of 1943, as amended.

Made and passed by the Township Board of the Township of Cottrellville, St. Clair County, Michigan on this 31st day of August, A.D., 1970.

1. Date of Public Hearing: May 25, 1970.
2. Date of Publication: September 3, 1970.
3. Date of Adoption by Township Board: August 31, 1970.
4. Date Ordinance Shall Take Effect: October 3, 1970.

ARTICLE XXI

132.2100 MHP MOBILE HOME PARK DISTRICT*

132.2101 Intent.

The Mobile Home Park District is designed to make provision for mobile homes, located in licensed mobile home parks, in an appropriate, safe, sanitary, and attractive environment.
(Amended: Ord. No. 17G, 2-2-76)

132.2102 Principal uses permitted.

1. Mobile homes in licensed mobile home parks, as well as accessory buildings and uses customarily incidental to mobile home parks.
2. Essential services, as herein defined.
(Amended: Ord. No. 17G, 2-2-76)

132.2103 Required conditions.

1. All mobile home parks shall front upon or have direct access to a hard-surfaced major thoroughfare. Access from the mobile home park to the nearest major thoroughfare shall be by the means of a hard-surfaced public right-of-way not less than sixty-six (66') feet in width. No access shall be permitted by the means of residential or subdivision streets.
2. Mobile home parks shall be served entirely by public water and sewer systems.
3. Mobile home parks shall be designed, licensed, and maintained in accordance with Ordinance #13 [115.000], as amended of the Township of Cottrellville.
4. All mobile home parks shall further comply with Act 243 of Public Acts of 1959, as amended, and all Codes and Ordinances of the Township of Cottrellville.
(Amended: Ord. No. 17G, 2-2-76)

***Cross references**—MHP Mobile Home Park District, Pt. 115; zoning districts and maps, Pt. 132, Art. III.

ARTICLE XXII

132.2200 PLANNING COMMISSION-SPECIAL APPROVAL USES*

132.2201 Intent.

The formulation and enactment of this Ordinance is based upon the division of the Township into districts with specific permitted uses. In addition to such permitted compatible uses however, there are certain other uses which may be necessary or desirable to allow, but due to their actual or potential impact on neighboring uses and public facilities, there is a need to carefully regulate them with respect to their location for the protection of the community. These uses, due to their peculiar location need or the nature of the service offered, may have to be established in a district where they cannot be reasonably allowed as a permitted use.
(Amended: Ord. No. 17M, 8-6-80)

132.2202 Authority to grant permits.

The Planning Commission, as hereinafter provided, shall have the authority to grant special use permits, subject to such conditions of design, operation, and safeguards as the Township may determine for all special approval uses specified in the various provisions of this Ordinance.
(Amended: Ord. No. 17M, 8-6-80)

132.2203 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; exhibits, and information; and depositing the required fee as established by resolution of the Township Council, except that no fee shall be required of any governmental body or agency. No part of such fee shall be returned to the applicant.
(Amended: Ord. No. 17M, 8-6-80)

132.2204 Date, exhibits and information required in application.

An application for a special approval use permit shall contain the applicant's name and address in full; a statement that the applicant is the owner involved or is acting on his own behalf; the address of the property involved; a site plan according to the rules and regulations of Article X; and a statement of supporting data, exhibits, information and evidence regarding the required findings set forth in this Ordinance.

***Cross references**—Planning commission, Pt. 131; board of appeals, Pt. 132, Art. XIII; planning commission approval, Pt. 132, Art. XIV.

(Amended: Ord. No. 17M, 8-6-80)

132.2205 Public hearings.

The Planning Commission shall hold a public hearing upon the application for a special approval use permit, notice of which shall be given by one (1) publication in a newspaper of general circulation in the Township within fifteen (15) days, but not less than five (5) days preceding the date of said hearing, and notice shall be sent by mail or personally delivered to the owners of the property to be considered, to all persons to whom real property is assessed within three hundred (300') feet of the boundary line of the property in question, and to the occupants of all structures within three hundred (300') feet.

(Amended: Ord. No. 17M, 8-6-80)

132.2206 Required standards and findings for making determinations.

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

1. Will be in accordance with the general objectives, intent and purposes of this Ordinance.
2. Will be designed, constructed, operated, maintained and managed so as to be appropriate in appearance with existing or intended character of the general vicinity.
3. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, or that persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.
4. Will not be hazardous or disturbing to existing or future neighboring uses.
5. Will not create excessive additional requirements at public expense for public facilities and services.
6. Will be in accordance with all required conditions of the district in which it will be located.

(Amended: Ord. No. 17M, 8-6-80)

132.2207 Determination and imposition of conditions.

If the facts in the case do not establish beyond a reasonable doubt that the findings and standards set forth in this Ordinance will apply to the proposed use, the Planning Commission shall not grant special approval. In granting a special approval use permit, the Planning Commission shall impose such conditions of use as it deems necessary to protect the best interest of the Township and the surrounding property, and to achieve the objectives of this Ordinance.

(Amended: Ord. No. 17M, 8-6-80)

132.2208 Approval, grant of permit.

Upon holding a public hearing and finding that the requirements of this article have been satisfactorily met by the applicant, the Planning Commission shall within the thirty (30) days grant or deny special approval. Upon approval, a special approval permit shall be issued to the applicant. The Planning Commission shall forward a copy of the

permit to the applicant, Township Clerk and the Zoning Administrator.
(Amended: Ord. No. 17M, 8-6-80)

132.2209 Voiding of special approval use permit.

Any approval given by the Planning Commission under which premises are not used or work is not started within six (6) months, or when such work has been abandoned for a period of three (3) months, shall lapse and cease to be in effect. The Planning Commission may grant the applicant one (1) three (3) month extensions of time if good cause is shown.

A violation of a requirement, condition or safeguard shall be considered a violation of this Ordinance and grounds for the Zoning Administrator to terminate and cancel such special approval use permit.
(Amended: Ord. No. 17M, 8-6-80)

ZONING INDEX

	Section
	Z
ZONING	132.000
A-1 AGRICULTURAL AND H-1 ONE-FAMILY RESIDENTIAL DISTRICTS	132.400
Area and bulk requirements	132.404
Intent	132.401
Principal uses permitted	132.402
Principal uses subject to special conditions	132.403
Administration and enforcement	132.1200
Certificates	132.1205
Duties of building inspector	132.1202
Enforcement	132.1201
Fees	132.1207
Final inspection	132.1206
Permits	132.1204
Plot plan	132.1203
B-1 LOCAL BUSINESS DISTRICT	132.600
Area and bulk requirements	132.605
Intent	132.601
Principal uses permitted	132.602
Principal uses permitted subject to special conditions	132.604
Required conditions	132.603
B-2 GENERAL BUSINESS DISTRICTS	132.700
Area and bulk requirements	132.705
Intent	132.701
Principal uses permitted	132.702
Principal uses permitted subject to special conditions	132.704
Required conditions	132.703
Board of appeals	132.1300
Appeal	132.1303
Creation and membership	132.1301
Fees	132.1304
Jurisdiction	132.1305
Meetings	132.1302
Miscellaneous	132.1308
Notice	132.1307
Orders	132.1306
Changes and amendments	132.1500
Construction of language and definitions	13 2.200
Construction of language	132.20 1
Definitions	132.202
Effective date	132.2000
Enforcement, penalties, and other remedies	132.1800

ZONING INDEX

	Section
	ZONING—Cont'd.
Each day a separate offense	132.1804
Fines, imprisonment	132.1803
Public nuisance per se	132.1802
Rights and remedies are cumulative	132.1805
Violations	132.1801
General exceptions	132.1100
Access through yards	132.1110
Area, height and use exceptions	132.1101
Essential services	132.1102
Height limit	132.1104
Lot area	132.1105
Lots adjoining alleys	132.1106
Lots having river frontage	132.1111
Porches	132.1108
Projections into yards	132.1109
Voting place	132.1103
Yard regulations	132.1107
General provisions	132.1000
Access to major thoroughfare or collector street	132.1018
Accessory buildings	132.1004
Building site grades	132.1020
Conflicting regulations	132.1001
Corner clearance	132.1013
Exterior lighting	132.1011
Fences (residential)	132.1015
Frontage on a public street	132.1017
Nonconforming lots, nonconforming uses of land, nonconforming structures, and nonconforming uses of structures and premises	132.1003
Off-street loading and unloading	132.1007
Off-street parking requirements	132.1005
Off-street parking space layout, standards, construction and maintenance	132.1006
Planned Unit Residential Development	132.1019
Plant materials	132.1009
Residential entranceway	132.1012
Scope	132.1002
Signs	132.1010
Site Plan Review (all districts)	132.1016
Uses not otherwise included within a specific use district	132.1008
Walls	132.1014
I-1 INDUSTRIAL DISTRICTS	132.800
Area and bulk requirements	132.804
Intent	132.801
Principal uses permitted	132.802
Principal uses permitted subject to special conditions	132.803

ZONING INDEX

ZONING—Cont'd.

	Section
Interpretation	132.1600
MHP mobile home park district	132.2100
Intent	132.2101
Principal uses permitted	132.2102
Required conditions	132.2103
Planning commission approval	132.1400
Planning commission—special approval uses	132.2200
Application and fee	132.2203
Approval, grant of permit	132.2208
Authority to grant permits	132.2202
Date, exhibits and information required in application	132.2204
Determination and imposition of conditions	132.2207
Intent	132.2201
Public hearings	132.2205
Required standards and findings for making determinations	132.2206
Voiding of special approval use permit	132.2209
Rm-1 multiple-family residential districts	132.500
Area and bulk requirements	132.505
Intent	132.50i
Principal uses permitted	132.502
Principal uses permitted subject to special conditions	132.504
Required conditions	132.503
Schedule of regulations	132.900
Averaged lot size	132.903
Notes to schedule	132.902
Schedule limiting height, bulk, density and area by zoning district	132.901
Subdivision Open Space Plan	132.904
Severance clause	132.1900
Short title	132.100
Short title	132.101
Vested right	132.1700
Zoning districts and maps	132.300
District boundaries	132.302
Districts established	132.301
[Provisions.]	132.305
Same—Rules regarding	132.303
Zoning of vacated areas	132.304
Zoning map amendments	132.5000