

## **Mt. Morris Township Zoning Ordinance Page 22 -15**

### **. Commercial Recreational Uses.**

Commercial, fee-based recreation uses, institutional or community recreation centers, swimming pool clubs, golf courses, golf driving ranges, gun ranges, and similar outdoor recreation uses are subject to the following conditions:

1. 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 paved arterial road. The site shall be so planned as to provide all access directly to said arterial road.
2. Front, side and rear setbacks shall be at least fifty (50) feet 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.
3. Off-street parking shall be provided so as to accommodate not less than one-half ( $\frac{1}{2}$ ) 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 user will originate from the immediately adjacent areas, and will therefore be pedestrian. Prior to the issuance of a land use permit, by-laws of the organization shall be provided in order to establish the ownership involved for computing the off-street parking requirements. In those cases wherein the proposed Site Development Standards use or organization does not have by-laws or formal memberships, the off-street parking requirements shall be determined by the Planning Commission on the basis of permitted occupancy usage.
4. Whenever a pool is constructed under this ordinance, said pool area shall be provided with a protective fence at least six (6) feet in height, and entry shall be provided by a

controlled gate.

5. If the use is a rifle/pistol shooting range or war game club, a trap and skeet shooting range or club, or an archery range, a fence at least six (6) feet high shall be erected around the perimeter of the property. On-site facilities shall not be located within two hundred (200) feet of the property line. If the site is used for "war games" utilizing air guns, laser guns or similar equipment, a fence at least six (6) feet high shall be erected around the perimeter of the property. In addition, ropes, ribbons or similar materials shall be erected or hung from trees to form a visible line of demarcation at least fifty (50) feet inside of and parallel to the perimeter fence. Signs clearly stating NO TRESPASSING shall be erected around the perimeter fence as approved by the Zoning Administrator. Site plans for any use described in this paragraph may be forwarded to the County Sheriff for approval and determination of adequate safety.

### **Emmet County Zoning Ordinance**

Section 26.40 Commercial Outdoor Recreation (amusement parks, carnivals, rebound tumbling facilities, mini-golf, driving ranges)

A. Children's amusement facilities must be fenced on all sides with a minimum four foot and

six inch (4' 6") protective wall or fence.

B. All manufacturers' specifications for safety are complied with as well as any additional safety measures that may be prescribed by the Planning Commission.

C. When discontinued or abandoned, the site shall be left in a reusable condition, free of hazards related to dangerous structures, pits, pools, excavations, electric circuits and similar features.

Recreation Camp: A facility with buildings, structures, and/or grounds complete with sanitary

facilities providing lodging, and other amenities which may include outdoor recreation, dining,

and other related activities.

American Legal Publishing:

### **5-8-1: R RECREATION ZONE:**

A. Definition: R recreation zones shall consist of areas devoted to outdoor public recreation owned by governmental, private or other nonprofit institutions.

B. Uses: All uses in R recreation zones are by special use permit.

C. Special Uses: The commission may, after notice and public hearing, recommend to the board, and the board may permit, the following uses. The board shall have the authority to impose such conditions and safeguards as it deems necessary to protect the best interests of the surrounding property or neighborhood from damage, hazard, nuisance or other detriment:

Public parks, playgrounds, greenbelts and other public recreation areas owned by and operated by governmental, private or other nonprofit institutions. (Ord. 51, 9-2-2003)

## **Recreation Zones--Benefits and Detriments**

by Cathy Roemer  
(Jerome, Idaho)

**Visitor Question:** What is the purpose of a recreation zone? Is it to prevent certain uses or to enhance multiple use?

### **Editors' Reply:**

Let's hope we're answering the question you intended; if not, hit the Contact Us button.

We're going to assume that this question is about a zoning district called Recreation, and answer that way.

Recreation zoning can be applied to particular land parcels in one of three ways usually, in our experience:

1. Sometimes there's a Recreation zone because whoever did the [zoning regulations](#) and ordinance is simply very thorough.

They notice that some uses in the community--roller or ice skating rinks, bowling alleys, swimming clubs, amusement parks, ski slopes with no lodging--are recreational uses that don't fit neatly into other commercial zoning categories.

For some reason, they may not have a Public or Institutional zoning classification, so they may also assign public parks to Recreation as well.

In these instances, the zoning category often is simply a recognition of the existing land use and isn't really offering a public policy directive.

2. As you suggest, it is possible that the town council or your governing board simply thinks that they would like to develop a recreational area where multiple types of activities are encouraged.

Perhaps they are actively seeking complimentary uses, where conceivably families could go in different directions once they arrive at the recreation district.

We've known of Recreation zoning being assigned because the leadership had an agenda of some sort.

For example, perhaps they wanted to bring in a large movie theater or a gambling casino. Sometimes these also are called Recreation, although if we were starting from scratch, we would use Entertainment as the district name if that's what we had in mind.

With Entertainment, you also could include clubs, restaurants, bars, concert venues, and the like.

3. A third thing that is somewhat common in tourist areas, especially those based on scenery or a beach, is that the Recreation zoning classification is assigned with the thought that preserving the natural asset can best be accomplished by keeping other uses out.

This category also would be popular in areas where hunting clubs or pay fishing lakes abound.

Although we think using Recreation as the zoning category and then writing in protections for the aesthetic, scenic, or natural values as part of the zoning regulations part of the ordinance is a little awkward, sometimes it's done.

The interesting thing about land use zoning is that most cities of any size could make a case for some really unique feature of their ordinance. So this list isn't exhaustive, by any means.

But in most instances we know about, the Recreation zoning classification is really kind of silly.

If you want Entertainment, say so and include all kinds of performance venues, eating and drinking establishments, gaming, racing, and such.

Include your parks as either part of an Open Space category or a Governmental, Institutional, or Cultural classification.

Commercial recreation, where you pay a fee to enter, can easily be accommodated simply in Commercial categories, based on square footage, building massing, or whatever you use to distinguish between heavy commercial, neighborhood commercial, and everything in between.

That's about as much as we can say without knowing more about a specific recreation zone proposal. Our opinion is that other classifications probably are more descriptive and also allow better protection of and control over a particular recreational use.

Law Insider definition

**Outdoor Commercial Recreation or Amusement** means an outdoor entertainment facility that includes such facilities as batting cages, mini-golf, bumper cars, bumper boats, go-cart racing, water slides, or the use of land as for mock war games that involve paintball equipment or similar equipment that generally involves the use of safety gear such as goggles or vests. Outdoor commercial amusement may also include indoor or outdoor areas with games, food service, and incidental retail uses (e.g., souvenir shops) that are subordinate to the principal outdoor amusement uses. The phrase "outdoor commercial amusement" includes outdoor archery range but does not include "outdoor firing or gun range."

LCC code and rule book outdoor service

(7) A retail licensee shall not sell any alcoholic liquor off the licensed premises, except as follows: (a) An on-premises licensee may provide out-of-doors service if done in accord with the provisions of R 436.1419.

R 436.1419 Outdoor service without approval prohibited; requirements for outdoor service if approval is granted. Rule 19. (1) An on-premises licensee shall not have outdoor service without the prior written approval of the commission. (2) If approval for outdoor service is granted, then the on-premises licensee shall ensure that the outdoor service area is well-defined and clearly marked and the on-premises licensee shall not sell, or allow the consumption of, alcoholic liquor outdoors, except in the defined area. (3) The commission may issue up to 12 daily temporary outdoor service permits to a licensee each calendar year upon written request of the licensee and approval of the chief law enforcement officer who has jurisdiction. History: 1979 ACS 4, Eff. Feb. 3, 1981; 2000 MR 3, Eff. March 20, 2000.

VOP current RTO Zoning description

## **RESEARCH-TECHNOLOGY-OFFICE DISTRICT**

### **§ 152.200 PURPOSE.**

It is the purpose of the Research-Technology-Office District (RTO) to provide for a community of research and development, light industrial and office park uses in a campus setting, rather than separate individual facilities isolated among other unrelated

land uses. The district is designed to limit the type and scope of uses and their location, to ensure compatibility with the existing village character and prevent negative impacts on roads, surrounding land uses and the environment. The RTO District is further intended to expand the tax base and employment opportunities within the village without compromising the health, welfare and quality of life of village residents.

(Ord. 37, passed 8-28-2005)

#### **§ 152.201 PERMITTED USES.**

(A) Research and development facilities located within a completely enclosed building, including scientific, medical, chemical, mechanical, electronic, computer and automobile research, product development and testing facilities.

(B) Business offices, professional offices, medical or dental clinics and non-profit organization offices.

(C) Business support services.

(D) Financial institutions, with up to three drive-through facilities.

(E) **Commercial outdoor recreation.**

(F) Public buildings and public utility facilities.

(G) Accessory uses customarily incidental and subordinate to a permitted use, including, but not limited to, laboratories, child care centers, employee health clubs and dining facilities.

(Ord. 37, passed 8-28-2005)

#### **§ 152.203 SITE DEVELOPMENT STANDARDS.**

The following standards shall apply to all uses and structures in the RTO District unless otherwise modified by the provisions of §§ [152.240 et seq.](#), §§ [152.260 et seq.](#), §§ [152.415 et seq.](#) or §§ [152.440 et seq.](#)

(A) *Lot area.* The minimum lot area shall be one acre.

(B) *Lot width.* The minimum lot width shall be 200 feet measured along the front lot line. For cul-de-sac and flag lots, the lot width may be measured along the front setback line.

(C) *Yards and setbacks.* The minimum yards and setbacks shall be as follows:

(1) *Front yard.* Structures shall be setback at least 50 feet from the front lot line, except where parking spaces are located in the front yard the minimum setback shall be 75 feet.

(2) *Side yard.* Structures shall be setback at least 25 feet from side lot lines, except where the side lot line abuts a residential district or use the setback shall be 50 feet.

(3) *Rear yard.* Structures shall be setback at least 40 feet from the rear lot line, except where the rear lot line abuts a residential district or use the setback shall be 70 feet.

(D) *Lot coverage.* Lot coverage shall not exceed 40%.

(E) *Structure height.* No building shall be erected or altered to a height greater than two and one-half stories or 35 feet; whichever is less. No other structure shall be erected or altered to a height greater than 35 feet. (See § [152.267](#) for definitions of building height and structure height)

(F) *Outdoor storage areas.* All storage outside of a building shall be located within a designated area that is fully enclosed on all sides by a six-foot wall or fence and landscaping sufficient to completely obscure the storage area from surrounding roads and properties.

(G) *Environmental performance.* No use shall result in the emission of glare, noise, vibration, dust, pollution or any other negative impact, as regulated by §§ [152.370](#) *et seq.*

(H) *Enclosure and screening.* Enclosure and screening shall comply with §§ [152.325](#) *et seq.* Furthermore, where a planned development on a site with a gross acreage of five acres or more is proposed:

(1) The development site shall be surrounded along all exterior property boundaries by a continuous landscaped buffer area of at least 100 feet in width. This landscaped buffer area shall be sufficiently planted with trees and shrubs so as to completely obscure the planned development from surrounding roads and properties. Furthermore, the landscaped buffer area shall be perpetually maintained as approved by the village; and

(2) Curb cuts shall be reduced to the degree possible by the use of combined drives and common parking areas.

(I) *Compliance required.* Uses and structures shall comply with all other provisions of this chapter including §§ [152.240](#) *et seq.* through §§ [152.415](#) *et seq.* and all other applicable federal, state and local codes and ordinances.

(Ord. 37, passed 8-28-2005) Penalty, see § [152.999](#)

## **MOBILE HOMES AND TRAILER COACHES**

### **§ 150.20 TITLE.**

This subchapter shall be known and cited as the Village of Pinckney Mobile Home and Trailer Coach Ordinance.

(Ord. 6, passed - -)

### **§ 150.21 PURPOSE.**

The comprehensive plan and scope of this subchapter is to safeguard and promote the public health, safety, morals, prosperity and general welfare of the residents of the Village of Pinckney by having certain regulations and restrictions.

(Ord. 6, passed - -)

#### **§ 150.22 TERMS.**

(A) For the purpose of this subchapter, the following definitions shall apply unless the context indicates or requires a different meaning.

**MOBILE HOME** or **TRAILER COACH.** Any movable vehicular unit with or without motive power, designed to permit occupancy as a dwelling or sleeping place by one or more persons.

**TRAILER COACH PARK.** Any tract, lot site, parcel of land or field arranged or designed to accommodate three or more trailer coaches or mobile homes, for either transient, temporary or more or less permanent type of occupancy.

(B) Words used in the present tense include the future; words used in the singular include the plural; words used in the plural number include the singular and the word **SHALL** is mandatory and not mere directory.

(Ord. 6, passed - -)

#### **§ 150.23 UNLAWFUL ACTIONS AND EXEMPTIONS.**

From and after the effective date of this subchapter, it shall be unlawful for any person to use, within the limits of the Village of Pinckney, any mobile home or trailer coach for dwelling purposes or any other purpose, except as provided and permitted by this subchapter.

(A) The Village Council may permit, upon application, the use of a trailer or mobile home as a temporary dwelling for a period of one year when the occupant of the trailer is definitely engaged in the erection of a permanent dwelling on the same lot and when necessary and proper health, sanitation, plumbing and fresh water facilities are provided. If substantial progress has been made toward the completion of the permanent dwelling, the Village Council may grant an extension of 12 months.

(B) The Village Council may permit, upon application and upon receipt of proof of unique hardship, the use of a trailer coach or mobile home as an accessory dwelling to a permanent dwelling. Not more than one trailer may be used and occupied as the accessory dwelling and then only if the occupants of the trailer have access to and the unlimited use of the sanitary facilities of the permanent dwelling.

(C) Trailers which are brought by visitors for traveling purposes may be occupied and allowed, provided, the visitors occupying the trailers use the toilets, bathing and laundry facilities of the dwelling of that property owner or occupants they are visiting. Provided further, that the maximum period for the use shall be 30 days without permit and the use shall be limited to one visiting trailer at a dwelling. The Village Council may extend this period at its discretion provided application is made in writing to the Council.



(D) Mobile homes and trailer coaches shall be legally used when located on a farm of 40 acres or more under a temporary permit for the occupancy of migratory farm workers. The farm owner or lessee shall first make written application to the Village Clerk, who shall issue the permit for one or more vehicular units after an inspection shows:

(1) Location of units to be not less than 200 feet from any public highway and/or boundary of adjoining property; and

(2) Adequate fresh water supply and sanitary facilities a permit shall be for a period of 60 days.

(E) Mobile homes and trailer coaches shall be legally used when located on a land site approved by the village under temporary permit for the occupancy of construction workers on a specific job. The employer shall first make written application through the Village Clerk, giving all pertinent data, including description of land to be used and number of vehicular units to be used. Providing inspection shows:

(1) Location or units to be not less than 200 feet from any public highway and/or boundary of adjoining property; and

(2) Adequate fresh water supply and sanitary facilities, then a temporary permit shall be issued covering the period of the specific construction job, not to exceed one year, subject to an extension for one-year period for good cause.

(F) Mobile homes and trailer coaches shall be legally used when openly parked by the owner's own dwelling site, providing the vehicular unit is unoccupied and located as follows: back of rear wall of dwelling not closer than ten feet to any side or, rear line if not a street line or closer than 100 feet to any street line. The open parking or storage subject to restriction governing the use of the premises.

(Ord. 6, passed - -) Penalty, see § [150.99](#)

From MuniCope (Lyon Twsp)

- **Section 12.06. - Temporary structures and uses.**

A.

*General requirements.* Temporary buildings and structures shall comply with the following requirements:

1.

*Temporary structures used for residential purposes.* A building or structure may be approved for temporary residential use only while damage to the principal dwelling due to fire, flood, ice, wind, or other natural disaster is being repaired. Any such temporary building shall not be used as a residence without prior review and approval by the police, fire and building officials.

Also, a mobile home or other approved living quarters may be occupied as a residence on a temporary basis on sites for which a building permit has been issued for construction, major repair, or remodeling of a new dwelling unit, subject to the following:

a.

Such permits may be issued by the building official for up to six months in duration and may be renewed for periods of up to six months, provided that work is proceeding in an expeditious manner.

b.

The total duration of a temporary permit shall not exceed 24 months.

c.

Temporary structures shall comply with the setback standards for the district in which they are located.

d.

The building official shall approve electrical and utility connections to any temporary structure.

e.

An approved temporary structure may be moved onto a site 14 days prior to commencement of construction and shall be removed within 14 days following issuance of a certificate of occupancy for the permanent dwelling.

f.

The applicant shall furnish the township with a performance guarantee in the amount of \$500.00 to assure removal of the temporary structure.

2.

*Temporary structures used for nonresidential purposes.* Temporary buildings for nonresidential use, including semi-trucks/trailers and concrete batch plants, shall be permitted only when the intended use is by a contractor or builder in conjunction with a construction project, and only after review and approval by the building official. Such temporary structures shall be removed immediately upon completion of the construction project and prior to a request for a certificate of occupancy for the project.

3.

*Permits.* Permits for the utilization of temporary structures shall be issued by the building official. The permit shall specify a date for the removal of the temporary structure, and the building official may require posting of a bond to insure removal. A certificate of occupancy shall be required for such structures.

4.

*Use as an accessory structure.* A temporary building or structure shall not be used as an accessory building or structure, except as permitted herein.