

Thetford Township Zoning Ordinance

Ordinance No. 78
Thetford Township
Genesee County, Michigan

Adopted: January 23, 1989
Effective: March 5, 1989

THETFORD TOWNSHIP

ZONING ORDINANCE

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GENESEEE COUNTY, MICHIGAN**

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Updated Through Ordinance No. 127-2011

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**THETFORD TOWNSHIP, GENESEE COUNTY
ZONING ORDINANCE**

THE TOWNSHIP OF THETFORD ORDAINS:

TITLE

An Ordinance, in accordance with and under the authority of Act No. 110 of the Public Acts of Michigan for 2006, as amended, known as the "Michigan Zoning Enabling Act," to provide for the establishment, in the unincorporated portions of Thetford Township, Genesee County, Michigan, of zoning districts in such sizes, shapes and areas as are deemed best suited to carry out the provisions of this Ordinance, within which districts the proper use of land and natural resources is encouraged and regulated, and the improper use of same prohibited, and within which districts the use of land for agriculture, forestry, recreation, residence, industry, trade, migratory labor camps, soil conservation, water supply conservation and additional uses are encouraged, regulated or prohibited, and within which districts provisions are made designating the location of, height of, number of stories of, size of, the uses that may be made of, the minimum open spaces, sanitary, safety, and protective measures that shall be required for, and the maximum number of families that may be housed in, dwellings, buildings and structures, including tents and trailer coaches that may be hereafter erected or altered; and, to provide for the uniformity of such provisions for each class of land or buildings, dwellings and structures, including tents and trailer coaches, throughout each district; and to provide for administering of this Ordinance; and, to provide for conflicts in other ordinances or regulations; and, to provide penalties for violations; and, to provide for the collection of fees for building permits; and, to provide for petitions and hearings; and, to provide for appeals; and, to provide for repeal of ordinances in conflict herewith, and , to provide for any other matters authorized by the above mentioned "Michigan Zoning Enabling Act."

ARTICLE I

SECTION 1.00 PURPOSE

The purpose of this ordinance is to promote the public health, safety, morals and general welfare, to encourage the use of lands in accordance with their character and adaptability and to limit the improper use of land, to avoid the overcrowding of population, to provide adequate light and air, to lessen congestion on the public roads and streets, to reduce hazards to life and property, to facilitate adequate light and air, to lessen congestion on the public roads and streets, to reduce hazards to life and property, to facilitate adequate provision for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements, and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties, and with reasonable consideration among other things, to the character of each district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building and population development.

ARTICLE II

SECTION 2.00 CONSTRUCTION OF LANGUAGE

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

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

SECTION 2.01 ACCESSORY USE

A use normally incidental to, or subordinate to and devoted exclusively to, the main use of the land, structure or building.

SECTION 2.02 ABATTOIR

A place where cattle, sheep, hogs, or other animals, other than poultry, are killed or butchered for market or for sale.

SECTION 2.03 ACCESSORY BUILDING

A supplemental building or structure, or a part of the main building or structure, on the same lot, designed for, occupied for, or devoted to, an accessory use.

SECTION 2.04 ACCESSORY LIVING QUARTERS

Living quarters within an accessory building.

SECTION 2.05 ACREAGE

Any tract or parcel of land which has not been subdivided and platted.

SECTION 2.06 [deleted]

SECTION 2.06A ADULT FOSTER CARE FAMILY HOME

A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care for five (5) or more days a week and for two (2) or more consecutive weeks.

SECTION 2.06B ADULT FOSTER CARE LARGE GROUP HOME

A facility with approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.

SECTION 2.06C ADULT FOSTER CARE SMALL GROUP HOME

A facility with the approved capacity to receive twelve (12) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.

SECTION 2.06D ADULT FOSTER CARE CONGREGATE FACILITY

An adult foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care.

SECTION 2.06E AGRICULTURAL LAND

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

SECTION 2.07 AIRCRAFT LANDING FIELD (PRIVATE)

The use of land for the landing or taking off of aircraft by a proprietor residing in a housing unit contiguous to the site of the aircraft landing strip, and may include facilities for the shelter of aircraft but does not include the boarding or care of aircraft owned by other than occupants of the housing units in common ownership with the aircraft landing strip.

SECTION 2.08 AIRPORT/AIRCRAFT TERMINAL

The use of land for the landing or taking off of aircraft, which provides facilities for shelter, supply or care of aircraft, or for receiving or discharging passengers or cargo, and all appurtenant areas used or acquired for airport buildings or other airport facilities.

SECTION 2.09 ALLEY

A public thoroughfare, or way, not over thirty (30) feet in width which affords only secondary means of access to the abutting property.

SECTION 2.10 ALTERED

Any change in the use of, or in, the supporting members of a building such as bearing walls, columns, posts, beams, girders, and similar components.

SECTION 2.10A ANIMAL

A non-human zoological species classified for purposes of this ordinance as follows:

1. Animal, Class I. An animal which is normally part of the livestock maintained on a Farm including, bovine and like animals, equine and like animals, swine and like animals, ovine and like animals, cervidae and like animals, and other animals weighing in excess of seventy-five (75) pounds and not otherwise specifically classified herein.
2. Animal, Class II. Rabbits and fur bearing animals (which are not maintained or kept as domesticated household pets), poultry, and other animals weighing less than seventy-five (75) pounds and not otherwise specifically classified herein.
3. Animal, Class III. Domesticated household pets weighing less than one hundred fifty (150) pounds.
4. Animal, Class IV (Wild Animal). An animal which is not customarily domesticated and customarily devoted to the service of mankind, except as provided for above. The characterization of an animal as being wild shall not be altered by virtue of the fact that one or several generations of the animal in question have been maintained in captivity.

SECTION 2.11 APARTMENT UNIT

One or more rooms with private bath and kitchen facilities comprising an independent self-contained dwelling unit in a building containing more than two dwelling units.

SECTION 2.12 AUTOMOBILE REPAIR

The 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.

SECTION 2.13 AUTOMOBILE TRAILER

Any house car, house trailer, trailer home, trailer coach, or similar vehicle used, or so constructed as to permit its being used, as a conveyance upon the public streets or highways,

and duly licensable as such, including any self-propelled vehicles so designed, constructed, or added to by means of accessories in such manner, as will permit the occupancy thereof as a dwelling or sleeping place for one (1) or more persons.

SECTION 2.14 BASEMENT AND CELLAR

1. A basement is that portion of a building partly below the average grade and 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.
2. A cellar is that portion of a building partly below the average grade and 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, with a ceiling height of less than 6.5 feet.

(See basic structural terms illustration.)

SECTION 2.14A BED AND BREAKFAST ESTABLISHMENT

Primarily a family dwelling where lodging with or without meals is furnished for compensation, chiefly on an overnight basis and mainly to transients, but not necessarily to anyone who may apply.

SECTION 2.15 BLOCK

The property abutting one (1) side of a street and lying between the two (2) 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.

SECTION 2.16 BUILDING

Any structure (excluding fences) having a roof or walls and built for, or capable of, the shelter or enclosure of persons, animals, chattels, or property of any kind.

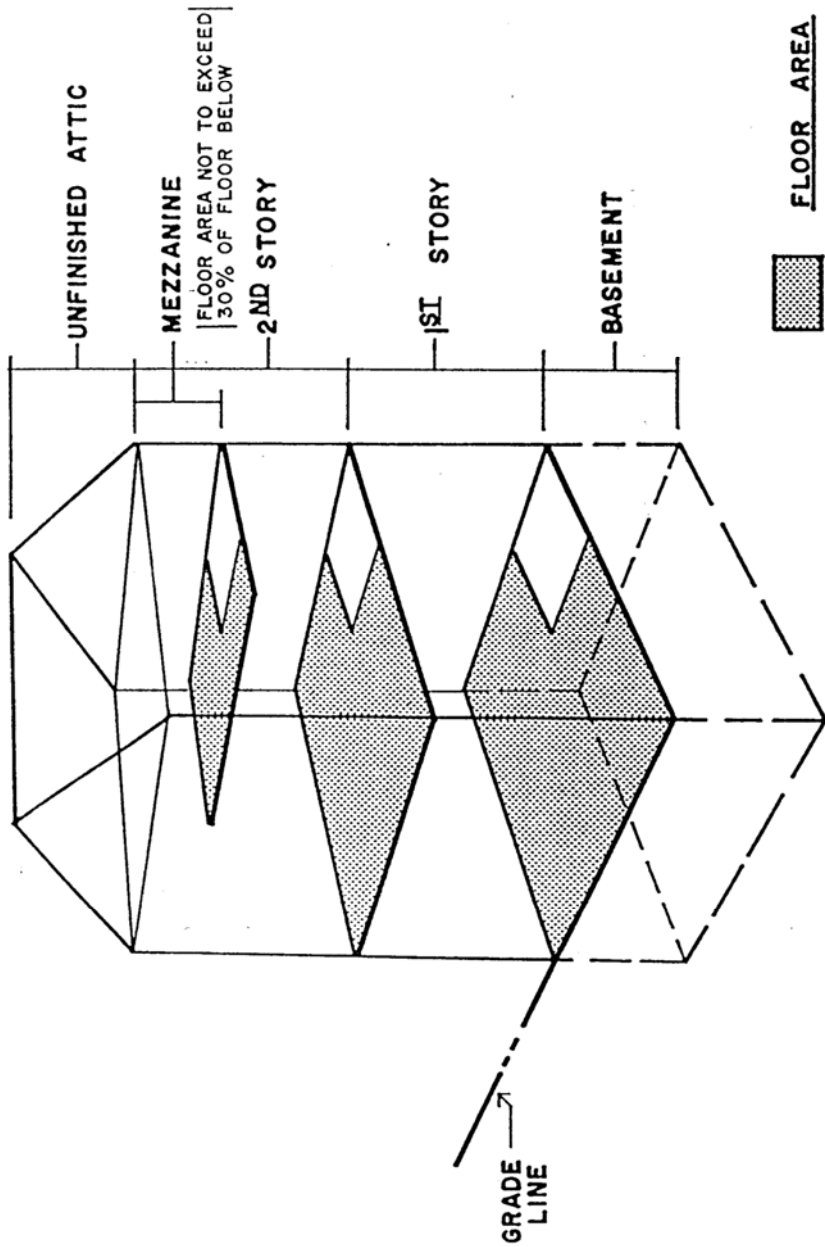
SECTION 2.17 BUILDING, HEIGHT OF

The vertical distance from the grade at the center of the front of the building to the highest point of the roof surface in a flat roof, to the deck line for mansard roofs, and to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

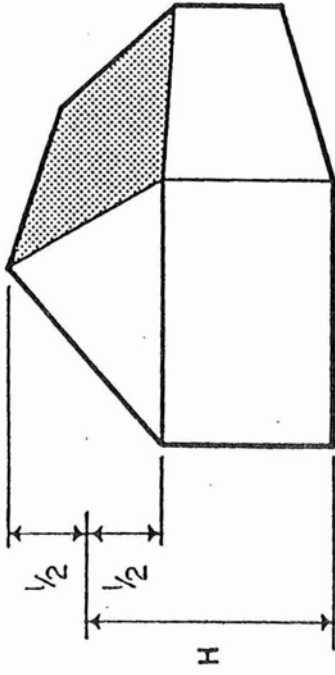
(See building height illustration.)

SECTION 2.18 BUILDING INSPECTOR

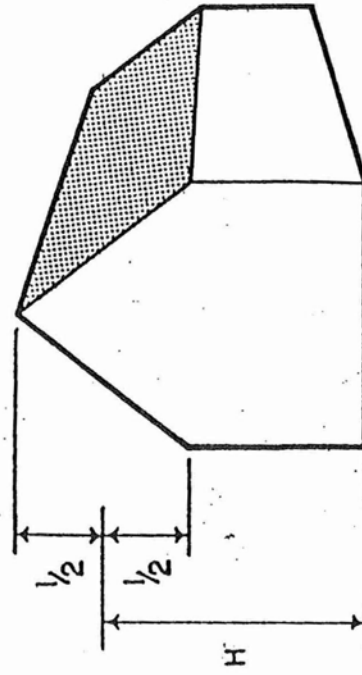
The administrative official designated by the governing body with the responsibilities of administering and enforcing this ordinance.



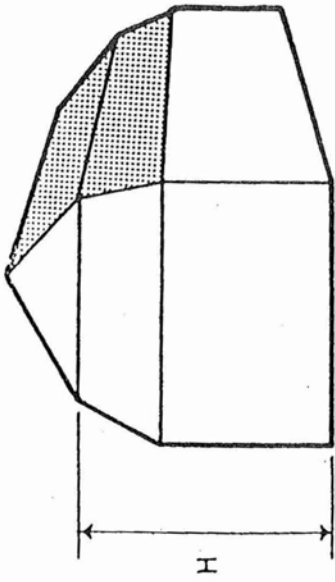
BASIC STRUCTURAL TERMS



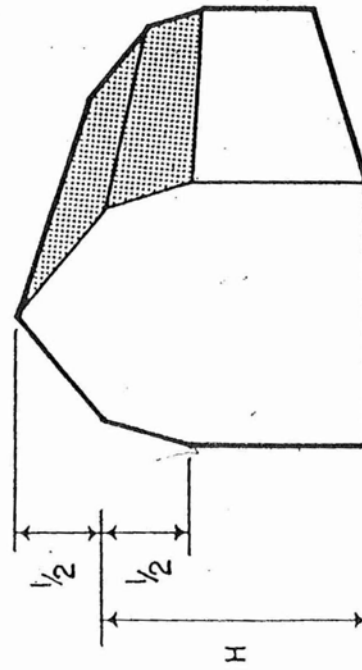
HIP ROOF



GABLE ROOF



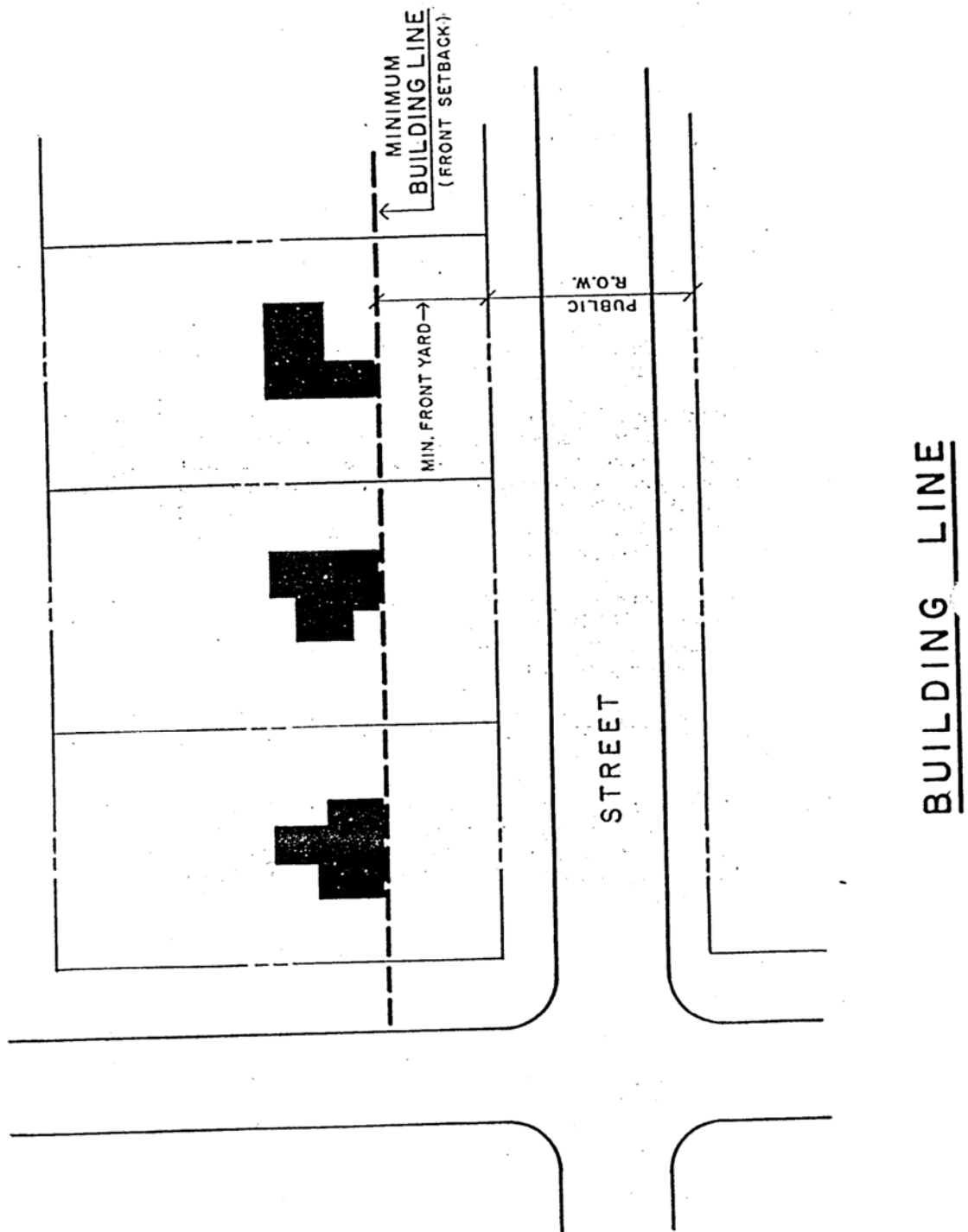
MANSARD ROOF



GAMBREL ROOF

H = HEIGHT OF BUILDING

BUILDING HEIGHT



SECTION 2.19 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.

(See building line illustration.)

SECTION 2.20 CABIN

Any structure or tent which is maintained, offered or used for dwelling or sleeping quarters for transients, or for temporary dwelling, but not including what are commonly designated as hotels, lodging houses, or tourist homes.

SECTION 2.21 CABIN PARK

Any tract or parcel of land on which two or more cabins as herein defined are maintained, offered for use or used.

SECTION 2.22 CLINIC

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

SECTION 2.23 CLINIC, VETERINARY (ANIMAL HOSPITAL)

A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

SECTION 2.24 COMMUNITY BUILDING

Any public, or public utility building.

SECTION 2.25 CONVALESCENT OR NURSING HOME

A nursing care facility, including a county medical care facility, but excluding a hospital or a facility created by Act No. 152 of the Public Acts of 1985, as amended, being Sections 36.1 to 36.12 of the Michigan Compiled Laws, which provides organized nursing care and medical treatment to seven (7) or more unrelated individuals suffering or recovering from illness, injury, or infirmity.

SECTION 2.26 DAY CARE CENTER

A facility, other than a private residence, receiving one (1) or more preschool or school-age children for periods of less than twenty-four (24) hours a day, and where parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. May also be referred to as a child care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center.

SECTION 2.26A DAY CARE FAMILY HOME

A private home in which one (1) but fewer than seven (7) minor children are received for care

and supervision for periods less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Care is given for more than four (4) weeks during a calendar year.

SECTION 2.26B DAY CARE GROUP HOME

A private home in which more than six (6) but not more than (12) minor children are given care and supervision for periods less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Care is given for more than four (4) weeks during a calendar year.

SECTION 2.27 DISTRICT

Each part or parts of the unincorporated area of the Township for which specific zoning regulations are prescribed.

SECTION 2.28 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, or to provide self-service for patrons and food carry-out.

SECTION 2.29 DWELLING UNIT

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

SECTION 2.30 DWELLING UNIT, MANUFACTURED

Is a dwelling unit which is substantially built, constructed, assembled, and finished off the premises upon which it is intended to be located.

SECTION 2.31 DWELLING UNIT, SITE BUILT

Is a dwelling unit which is substantially built, constructed, assembled, and finished on the premises which are intended to serve as its final location. Site built dwelling units shall include dwelling units constructed of pre-cut materials and panelized wall, roof and floor sections when such sections require substantial assembly and finishing on the premises which are intended to serve as its final location.

SECTION 2.32 ONE-FAMILY DWELLING

A dwelling occupied by but one (1) family, and so designed and arranged as to provide living, cooking, and sleeping accommodations for one (1) family only.

SECTION 2.33 TWO-FAMILY DWELLING

A dwelling occupied by but two (2) families and so designed and arranged as to provide living, cooking, and sleeping accommodations for two (2) families only.

SECTION 2.34 MULTIPLE DWELLING

A dwelling other than a one or two-family dwelling.

SECTION 2.35 ERECTED

Includes built, constructed, reconstructed, moved upon, or any physical operation on the land required for building including, but not limited to, excavating, filling, draining, and similar operations.

SECTION 2.36 EXCAVATION OF GRAVEL, SAND, TOPSOIL, OR EARTH

Premises from which any rock, gravel, sand, topsoil, or earth in excess of fifty (50) cubic yards on any calendar year is excavated or removed for the purpose of disposition away from the premises except excavation in connection with the construction of a building or within public highway rights-of-way.

SECTION 2.37 ESSENTIAL SERVICES

The phrase "essential services" means the erection, construction, alteration or maintenance by public utilities or municipal department or commissions, of underground or overhead gas, electrical, steam or water transmission, or distribution systems, collection, communication, supply or disposal systems, including towers, structures, mains, poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, electric substations, gas regulator stations, and other similar equipment and accessories in connection therewith reasonable necessary for the furnishing of service by such public utilities or municipal departments or commissions or for the public health or safety or general welfare.

SECTION 2.38 FAMILY

A single individual doing his own cooking, and living upon the premises as a separate housekeeping unit, or a collective body of persons doing their own cooking, and living together upon the premises or a separate housekeeping unit in a domestic relationship based upon birth, marriage, or other domestic bonds distinguished from a group occupying a boarding house, lodging house, club, fraternity, or hotel.

SECTION 2.39 FARM

The land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.

SECTION 2.40 FARM BUILDINGS

Any structure or building-other than a dwelling used or built on a farm.

SECTION 2.40A FARM OPERATION

The operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products, and includes, but is not limited to:

1. The marketing of produce at roadside stands or farm markets.
2. The generation of noise, odors, dust, fumes, and other associated conditions.
3. The operation of machinery and equipment necessary for a farm including, but not limited to, irrigation and drainage systems and pumps and on-farm grain dryers, and the movement of vehicles, machinery, equipment, and farm products and associated inputs necessary for farm operations on the roadway as authorized by the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws.

SECTION 2.41 FLOOR AREA, GROSS

The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings. The "floor area" of a building shall not include the basement floor area except when more than one-half (1/2) of the basement height is above grade. "Floor area" shall include elevator shafts and stairwells at each floor, floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof), attic space having headroom of seven feet, ten inches or more, interior balconies, and mezzanines. Any space devoted to off-street parking or loading shall not be included in "floor area."

SECTION 2.42 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 (2) dwellings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

SECTION 2.43 FLOOR AREA, USABLE

That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used 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.

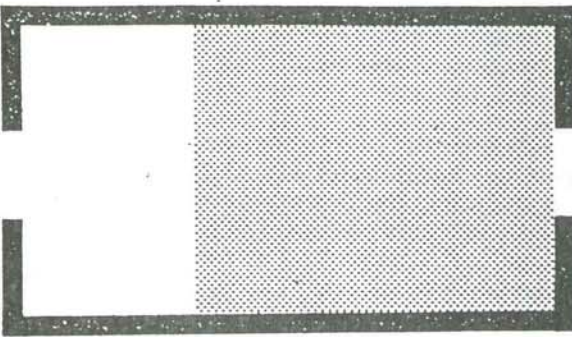
(See floor area illustration.)

SECTION 2.44 FRONTAGE

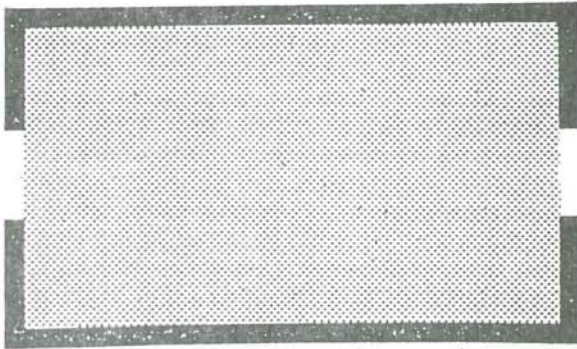
All property fronting on one (1) side of a street between intersecting or intercepting streets, or between a street and right-of-way, water-way, end of a dead-end street, or township boundary measured along the street line.

SECTION 2.44A GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES (GAAMPs)

Those practices as defined by the Michigan Commission of Agriculture pursuant to the Michigan Right to Farm Act, Public Act 93 of the Public Acts of 1981.



USABLE FLOOR AREA
(FOR PURPOSES OF COMPUTING PARKING)



TOTAL FLOOR AREA



FLOOR AREA

SECTION 2.45 GARAGE, PRIVATE AND PUBLIC

Any building for the storage of self-propelled vehicles or trailer coaches where no storage or servicing for hire is conducted, is a private garage. A public garage is one which is not a private garage.

SECTION 2.46 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.

SECTION 2.47 [deleted]

SECTION 2.48 HOME FOR THE AGED (CONGREGATE CARE)

A supervised personal care facility, other than a hotel, adult foster care facility, hospital, nursing home, or county medical care facility, that provides room, board, and supervised personal care to twenty-one (21) or more unrelated, nontransient, individuals sixty (60) years of age or older. Home for the aged includes a supervised personal care facility for twenty (20) or fewer individuals sixty (60) years of age or older if the facility is operated in conjunction with and as a distinct part of a licensed nursing home.

SECTION 2.49 HOME OCCUPATION

An occupation carried on by an occupant of a dwelling unit as a secondary use which is clearly incidental to the use of the property for residential purposes.

SECTION 2.49A HOSPITAL, GENERAL

An institution providing health services, primarily for in-patients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities, clinics and staff offices.

SECTION 2.50 HOTEL OR MOTEL

A building or part of a building with a common entrance or entrances, in which the dwelling units or rooming units are used primarily for transient occupancy, and in which one (1) or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial or desk service, and bellboy service. A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms, or meeting rooms.

SECTION 2.50A IMPROVEMENTS

Those features and actions associated with a project that are considered necessary by the body or official granting zoning approval to protect natural resources or the health, safety, and welfare of the residents of Thetford Township and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, and drainage. Improvements do not include the entire project that is the subject of zoning approval.

SECTION 2.51 JUNK YARD

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

SECTION 2.51A JUNK

Any motor vehicles, machinery, appliances, products or merchandise with parts missing or other scrap materials that are damaged, deteriorated, or are in a condition which prevents their use for the purpose for which the product was manufactured.

SECTION 2.52 KENNEL

Any building or buildings and/or land used, designed, or arranged for the boarding, breeding, or care of dogs, cats, pets, fowl, or other domestic animals for profit, but shall not include those animals raised for agricultural purposes. This definition shall not include the keeping, breeding, raising, showing, or training of dogs, cats, pets, fowl, or other domestic animals for the personal enjoyment of the owner or occupants of the property, and for which commercial gain is not the primary objective.

SECTION 2.52A LIVESTOCK PRODUCTION FACILITY

A facility, including new or expanding livestock production facilities, as defined by the Michigan Commission of Agriculture in the "Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for New and Expanding Livestock Production Facilities," as may be revised.

SECTION 2.53 LOADING SPACE

An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials and which abuts upon a street, alley, or other appropriate means of access.

SECTION 2.54 LOT

A parcel of land.

SECTION 2.55 LOT AREA

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

SECTION 2.56 LOT, CORNER

A lot where the interior angle of two (2) adjacent sides at the intersection of two (2) streets is less than 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 150 feet and the tangents to the curve, at the two (2) points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than 135 degrees.

SECTION 2.57 LOT COVERAGE

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

SECTION 2.58 LOT DEPTH

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

SECTION 2.59 LOT, INTERIOR

Any lot other than a corner lot.

SECTION 2.60 LOT LINES

The lines bounding a lot as defined herein:

1. **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 it is that line separating said lot from either street.
2. **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 feet long lying farthest from the front lot line and wholly within the lot.
3. **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.

SECTION 2.61 LOT OF RECORD

A lot which actually exists in a subdivision plat as shown on the records of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded. Whenever an owner has combined two (2) or more lots as contained on any recorded plat into a single building site, or combined two (2) or more lots contained on any recorded plat in the records of the Township Assessor or Treasurer, said combination of lots shall be deemed to be a single lot of record for the purposes of this ordinance.

SECTION 2.62 LOT, THROUGH

Any interior lot having frontage on two (2) 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.

SECTION 2.63 LOT, WIDTH

The horizontal straight line distance between the side lot lines, measured between the two (2) points where the front setback line intersects the side lot lines.

(See lot width and setbacks illustration.)

SECTION 2.64 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 developed 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 (1) or more lots of record.

SECTION 2.65 MAIN BUILDING

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

SECTION 2.66 MAIN USE (PRINCIPAL USE)

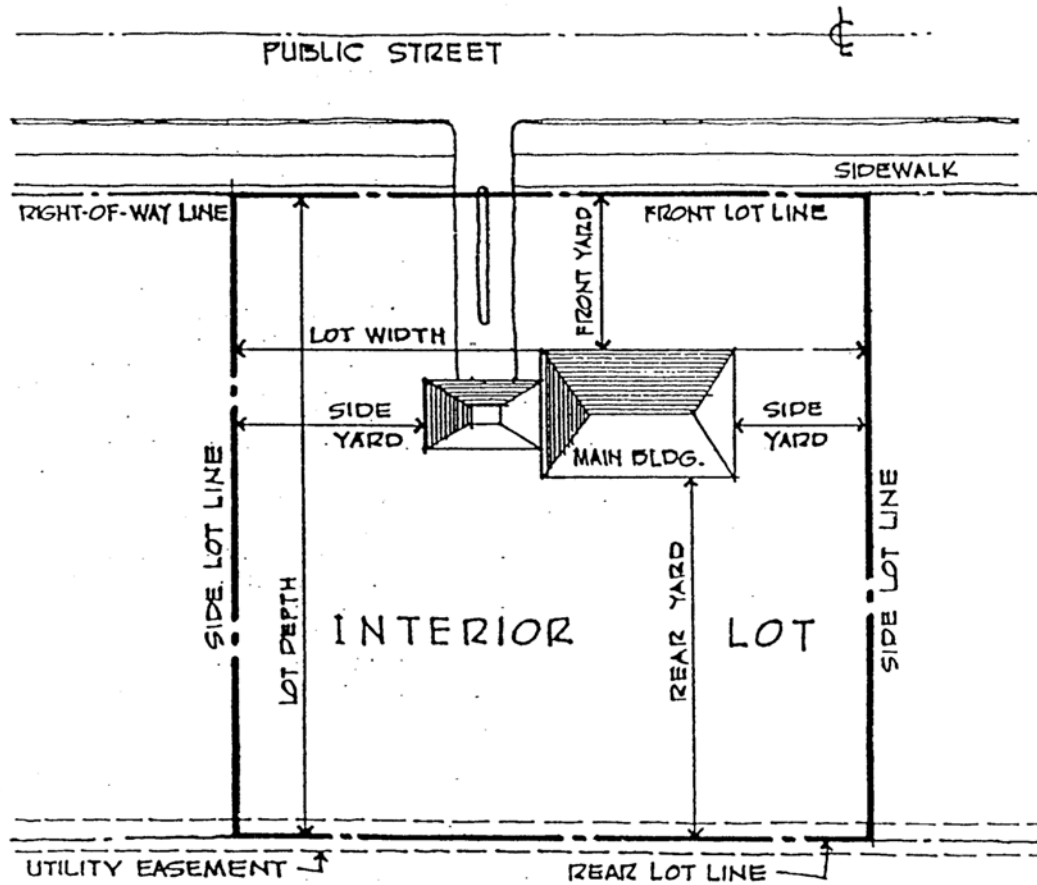
The principal use to which the premises are devoted and the principal purpose for which the premises exist.

SECTION 2.67 MINI-WAREHOUSE (SELF-STORAGE FACILITY)

A facility consisting of a building or a group of buildings in a controlled-access compound, where individual stalls or lockers are rented out to different tenants for the dead storage of customers' goods and wares. The use of the premises shall be limited to storage only, and shall not be used for any auction, or sales, or storage and transfer business; for the servicing, repair, or fabrication of any vehicle, boat, trailer, appliance, or similar item; or for the operation of power tools, compressors, kilns, or similar equipment; except, that limited sales to tenants of products and supplies incidental to the principal use, such as packing materials, identification labels, rope, locks, tape, etc., shall be permitted on the site devoted to this use. The storage of combustible or flammable liquids, combustible fibers or explosive materials, as defined in the fire protection code, or toxic materials are expressly prohibited.

SECTION 2.68 MOBILE HOME

A detached residential dwelling unit with a body width greater than eight feet, of not less than 35 feet in length, and designed for transportation, after fabrication, on streets or highways, on its own wheels, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks, or other temporary or permanent foundations, connections to utilities, and the like. A mobile home shall not be considered a travel trailer, motor home, or any other type of recreational vehicle. In addition, mobile homes which do not conform to the standards for one-family dwellings, 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, or unless used for temporary residence purposes as hereinafter provided.



LOT AREA = TOTAL HORIZONTAL AREA

LOT COVERAGE = PERCENT OF LOT OCCUPIED BY BUILDING

LOT WIDTH AND SETBACKS

SECTION 2.69 MOBILE HOME PARK

A parcel of land which has been planned and improved for the placement of two (2) or more mobile homes for residential use.

SECTION 2.70 [deleted]

SECTION 2.71 MOTORIZED HOME

A self-propelled motor vehicle which provides the amenities of day-to-day living while used as a means of transportation for recreational or travel purposes.

SECTION 2.72 NONCONFORMING STRUCTURE

A structure conflicting with the regulations in the district in which it is located.

SECTION 2.73 NONCONFORMING LOT

Any lot, outlot, or other parcel of land which does not meet the land area or dimension requirements of this Ordinance.

SECTION 2.74 NONCONFORMING USE

The use of land or a structure for purposes which conflict with the provisions of this Ordinance.

SECTION 2.75 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: 1) sound, 2) dust, 3) smoke, 4) odor, 5) glare, 6) fumes, 7) flashes, 8) vibration, 9) shock waves, 10) heat, 11) electronic or atomic radiation, 12) objectionable effluent, 13) sound of congregation of people, particularly at night, 14) passenger traffic, 15) invasion of nonabutting street frontage by traffic.

SECTION 2.76 OPEN AIR BUSINESS USE

An open air business use, as used herein, shall be deemed to include any of the following businesses when said business is not conducted from a wholly enclosed building.

1. Bicycle, trailer, motor vehicle, boats or home equipment sale or rental services.
2. Outdoor display and sale of garages, swimming pools, and similar uses.
3. Retail sale of trees, fruits, vegetables, shrubbery, plants, seed, topsoil, humus, fertilizer, trellis, lawn furniture, playground equipment, and other home garden supplies and equipment.
4. Tennis courts, archery courts, gun range, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park or similar recreation uses.

SECTION 2.77 PARKING AREA, PUBLIC

An area, other than a street, used for the temporary parking of more than four (4) vehicles and available for public use, either free or for compensation.

SECTION 2.78 PARKING SPACE, AUTOMOBILE

Space within a parking area or building, exclusive of driveways, ramps, columns, office and work area, for the parking or storage of one (1) automobile.

SECTION 2.78A PLACE OF WORSHIP

A building wherein people regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such principal purpose.

SECTION 2.79 PUBLIC UTILITY

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

SECTION 2.79A RACE TRACK OR PRACTICE TRACK, MOTOR VEHICLE

A facility consisting of pathways or roadways used primarily for the sport of motor vehicle racing. Such facility may include seating, concession areas, suites, and parking facilities, but does not include accessory offices, residences, or retail facilities. This definition shall also include any facility used for driving motor vehicles under simulated racing or driving conditions, but which does not include seating, concession areas, or parking facilities for the general public.

SECTION 2.80 RECREATIONAL VEHICLE

A vehicle which moves one (1) or more persons over the ground, water, ice, or snow, and which is either self-propelled or connects to a vehicle which is self-propelled. This definition of "recreational vehicle" includes, but is not limited to, snowmobiles, camping vehicles, motorcycles, mini-bikes, go-carts, boats, and ice-boats.

SECTION 2.81 RECREATIONAL VEHICLE PARK

A campground designed to accommodate those travel trailers and recreational vehicles which are used as a temporary dwelling and are not parked more than six (6) consecutive months in any one trailer park.

SECTION 2.81A RECYCLING BUSINESS

A building or an area where the primary activity is the separation of materials prior to shipment for remanufacture into new materials. This definition shall not include junk yards.

SECTION 2.81B RESIDENTIAL DISTRICT

As referenced within this Zoning Ordinance, a residential district shall be defined as the Residential Rural Estate District (RE), Residential Urban District (RU-1) and Residential Urban (Multiple-Family) District (RU-2).

SECTION 2.82 RESTAURANT

1. **Standard Restaurant:** A standard restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design or principal method of operation includes one (1) or both of the following characteristics:
 - a. Customers, normally provided with an individual menu, are served their foods, frozen desserts, or beverages by a restaurant employee at the same table or counter at which said items are consumed.
 - b. A cafeteria type of operation where foods, frozen desserts, or beverages generally are consumed within the restaurant building.
2. **Carry-Out Restaurant:** A carry-out restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design or method of operation includes both of the following characteristics.
 - a. Foods, frozen desserts, or beverages are usually served in edible containers, or in paper, plastic, or other disposable containers.
 - b. The consumption of foods, frozen desserts, or beverages within the restaurant building or within a motor vehicle parked upon the premises, is prohibited. Food is intended primarily to be consumed off the premises.
3. **Fast-Food Restaurant:** A fast-food restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with consumption off the premises, and whose design or principal method of operation includes both of the following characteristics:
 - a. Foods, frozen desserts, or beverages are usually served in edible containers or in paper, plastic, or other disposable containers.
 - b. The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises is posted as being prohibited and such prohibition is strictly enforced by the restaurateur.
4. **Drive-in Restaurant:** A drive-in restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design, method of operation, includes one (1) or both of the following characteristics:
 - a. Foods, frozen desserts, or beverages are served directly to the customer in a motor vehicle, either by a carhop, or by other means which eliminate the need for

the customer to exit the motor vehicle.

- b. The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is permitted.

SECTION 2.82A RIDING STABLE, PRIVATE

A stable for horses kept for personal use.

SECTION 2.82B RIDING STABLE, PUBLIC

A stable for horses kept for hire and other commercial purposes.

SECTION 2.83 ROADSIDE STAND

A structure used solely by the owner, manager, or tenant of the land on which it is located for the sale of produce grown on said land. This does not allow the sale of produce or other commodities on state or county road right-of-way.

SECTION 2.84 SET-BACK LINES

Lines established adjacent to rights-of-way or highways for the purpose of defining limits within which no building or structure, or any part thereof, shall be erected or permanently maintained. Within a SET-BACK LINE means between the set-back lines and the center line of the highway right-of-way.

SECTION 2.84A SHOOTING RANGE, OUTDOOR

The use of land for archery and/or the discharging of firearms for the purposes of target practice, skeet and trap shooting, mock war games, or temporary competitions, such as turkey shoots. Excluded from this use shall be general hunting and unstructured and nonrecurring discharging of firearms on private property with the property owner's permission.

SECTION 2.85 SIGN

A sign is any announcement, declaration, display, billboard, illustration, and insignia when designed and placed so as to attract general public attention and shall include the use of any words, numerals, figures, devices, designs, or trademarks by which anything is made known and visible to the general public such as are used to show an individual firm, profession, business, or business location, and also any banner, bulbs, or other lighting devices, streamer, pennant, balloon, propeller, flag (other than the official flag of any nation or state) and any similar device of any type of kind whether bearing lettering or not. Signs, including various kinds of signs are further defined below:

1. Awning Sign. A sign which is a part of a fabric or other non-structural awning.
2. Canopy Sign. A sign that is mounted or painted on, or attached to, a canopy that is otherwise permitted by this Ordinance.

3. Electronic Reader Board Sign. An electronic sign or portion thereof with characters and/or letters that can be changed or rearranged without altering the face or the surface of the sign.
4. Freestanding (Ground) Sign. A sign permanently attached to the ground upon which announcements, declarations, displays, etc., may be placed. This definition shall include a sign whose entire bottom is in contact with the ground or a sign whose foundation is supported from the ground by one or more poles, posts, or similar uprights.
5. Off-Premise Sign (Nonaccessory Sign or Billboard). A sign which directs attention to a business, commodity, service or entertainment not conducted, sold or offered on the premises where the sign is located.
6. On-Premise Sign. A sign which advertises or directs attention to a business, commodity, or service conducted, offered, or sold on the premises, or directs attention to the business or activity conducted on the premises.
7. Political Sign. Any sign which supports the candidacy of person for any political and/or public office, or relating to a political party, or involving a matter to be voted upon at an election.
8. Portable Sign. Any sign not permanently attached to the ground or other permanent structure, including but not limited to signs: with attached wheels; gas or hot air filled displays; signs attached or painted on vehicles parked and visible from the right-of-way, unless said vehicle is used as a vehicle in the normal day-to-day operations of the business.
9. Projecting Sign. A sign forming an angle with a building which extends from the building and is supported by the building.
10. Temporary Sign. Any sign which is intended for temporary use or which is not permanently mounted and intended for a designated period in time.
11. Wall Sign. Any sign, other than a projecting sign, which is attached to or painted on any wall of any building. This definition shall not include free standing walls. A sign attached to the lower slope of a mansard or canopy roof, or a sign affixed to or forming an awning or a canopy, shall be considered a wall sign for purposes of this ordinance. For purposes of this Ordinance, a "wall" shall include any permanent architectural extension of a wall, including parapets, even if such extension projects beyond or above the enclosed portions of the building.

SECTION 2.86 SPECIAL CONDITION USE

Any use of land listed as a Principal Use Permitted Subject to Special Conditions which, due to its potential effect on adjacent lands, in particular, and the overall Township in general, requires approval by the Township Board according to the standards as provided in this Ordinance.

SECTION 2.87 STORY

That part of a building included between the surface of any floor and the surface of the floor, or roof, next above. When the distance from the average established grade to the ceiling of a story partly below such grade exceeds five (5) feet, then the basement or cellar constituting the story partially below grade shall be counted as a story.

SECTION 2.88 STORY, HALF

A story which is situated within a sloping roof, the area of which at a height four (4) feet above the floor does not exceed two-thirds (2/3) of the floor area directly below it.

SECTION 2.89 STREET

A public thoroughfare which affords a principal means of access to abutting property.

SECTION 2.90 [deleted]

SECTION 2.91 USE

The purpose for which land, structure, or building thereon is designed, arranged, or intended to be occupied for, or used for, or for which it is occupied or maintained.

SECTION 2.92 VARIANCE

Permission to depart from the literal requirements of the Zoning Ordinance.

SECTION 2.93 YARD

A space, open to the sky and unoccupied or unobstructed, on the same parcel with a building or structure. Yard measurements shall be the minimum horizontal distances. In the case of corner lots, front yard shall be deemed to exist along each street frontage. In the determination of a land area where a building is to be erected, altered or used, no road right-of-way shall be included in the computation of the required minimum land area.

SECTION 2.94 YARD, FRONT

A yard extending the full width of the lot between the front lot line and the nearest point of the main building, including the porch.

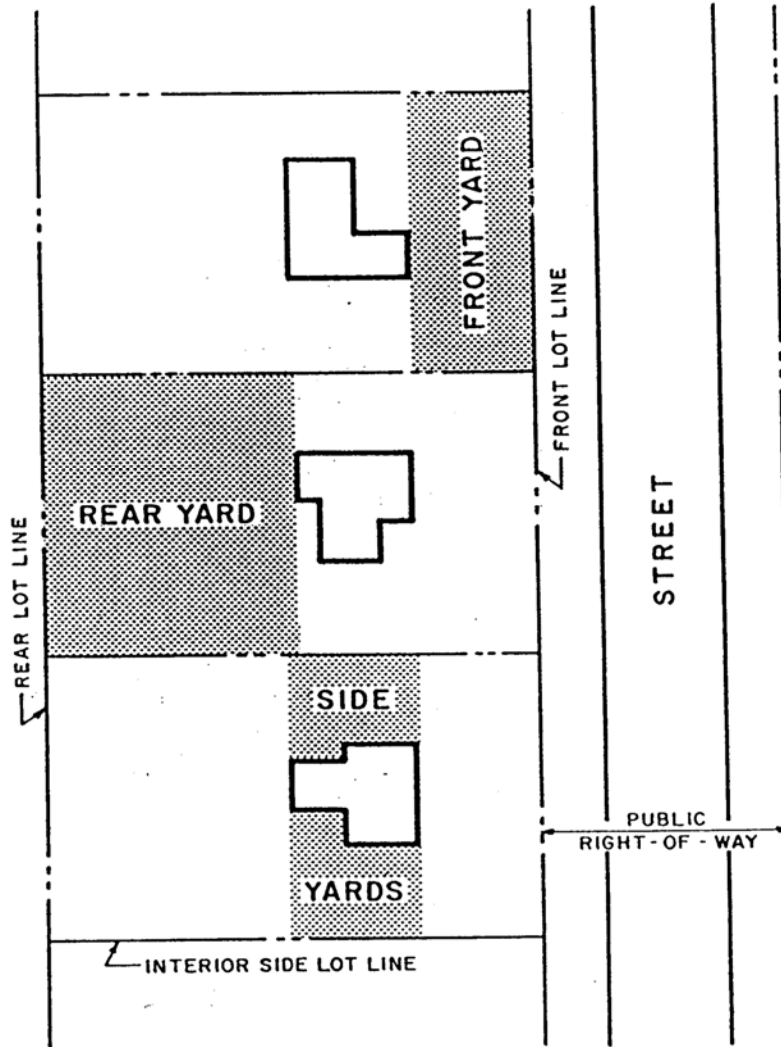
SECTION 2.95 YARD, REAR

A yard extending across the full width of the lot between the rear lot line and the nearest point of the main building.

SECTION 2.96 YARD, SIDE

A yard extending from the front yard to the rear yard between the side lot line and the nearest point of the main building or of an accessory building attached thereto.

(See yards illustration)



YARDS

SECTION 2.97 ZONING DISTRICT

A zoning district is a portion of the Township within which, on a uniform basis, certain uses of land and buildings are permitted and within which contain yard, open spaces, lot area, and other requirements are established by this Ordinance.

SECTION 2.98 UNDEFINED TERMS

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

**ARTICLE III
RESIDENTIAL AGRICULTURAL DISTRICT (RA)**

SECTION 3.00 PURPOSE

This district is composed of those areas of the Township whose principal use is and ought to be farming. The regulations of this district are designed to conserve, stabilize, enhance and develop farming and related resource utilization activities, to minimize conflicting uses of parcels, lots, buildings and structures detrimental to or incompatible with these activities, and to prohibit uses of parcels, lots, buildings and structures which requires streets, drainage and other public facilities and services of a different type and quantity than those normally required by these activities. The district, in preserving areas for agricultural uses, is also designed to prevent proliferation of residential subdivision and urban sprawl.

SECTION 3.01 USES PERMITTED

No building or structure or part thereof shall be erected, altered, or used and no land shall be used except for one or more of the following:

1. Farms.
2. Truck gardening, involving the growing of fruits and vegetables that are intended to be distributed and sold to consumers as fresh produce.
3. Greenhouses.
4. Tree and shrub nurseries.
5. Private and public riding stables.
6. Agribusiness uses for the sale of fruit, vegetables, eggs, etc., as, but not limited to, farmers markets, or fruit and vegetable stands, or roadside stands provided all goods produced on site.
7. Veterinary clinics (animal hospitals) and kennels.
8. Sale and service uses of machinery used in agricultural production.
9. Facilities used for the centralized bulk collection, storage, and distribution of agricultural products to wholesale and retail markets.
10. Facilities for the storage and sale of seed, fertilizer, and other products essential to agricultural production.
11. Facilities used in the research and testing of agricultural products and techniques.
12. Single-family residential dwelling, which serves as the principal residence of the owner, operator, or employee(s) of the farm.
13. Home occupations.
14. Bed and breakfast operations.

15. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations, (but not including service or storage yards) when operating requirements necessitate the location of such facilities within the district.
16. Publicly owned and operated municipal buildings, libraries, parks, parkways, and recreational facilities.
17. Public, parochial, and private elementary, intermediate and/or high schools, and institutions of higher learning, offering courses in general education.
18. Places of worship.
19. Livestock production facilities.
20. Adult foster care family homes.
21. Day care family homes.
22. Any other use which is determined by the Planning Commission, to be of the same general character as, and compatible with, the above permitted uses.
23. Accessory buildings and uses customarily incident to any of the above permitted uses.

SECTION 3.02 PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS

The following Special Condition Uses shall be permitted subject to review and approval by the Planning Commission and Township Board, and further subject to any and all reasonable conditions which may be imposed in accordance with Section 502 of the Michigan Zoning Enabling Act, as amended, Section 15.00, "Site Development Requirements," Section 17.00, "Review and Approval of Special Condition Uses," and Section 16.00, "Site Plan Review" of this Zoning Ordinance.

1. Agricultural labor camps.
2. Auction sales establishments.
3. Mini-warehouses (self-storage facilities).
4. Retail establishments designed to cater to the touring public and including such uses as cider mills, antique dealers, woodworking and quilt shops, collectibles and craft stores, hay rides, u-picks, children's discovery farms, petting zoos, corn mazes and similar uses.
5. Campgrounds.
6. Small aircraft airports and landing fields.
7. Golf driving ranges and golf courses.
8. Adult foster care large and small group homes.

9. Two-unit dwellings.
10. Shooting ranges, outdoor.
11. Race tracks or practice tracks, motor vehicle.
12. Day care group homes.
13. Accessory buildings and uses customarily incident to any of the above permitted uses subject to special conditions.

SECTION 3.03 NONFARM DWELLING UNITS

On parcels of record of greater than ten (10) acres, at the effective date of this Ordinance, four (4) additional nonfarm lots of one (1) acre or greater, may be established for each ten (10) acres of the original, continuous parcel provided the petitioner has an approved permit from the County Department of Health for an on-site sewage disposal system.

SECTION 3.04 AREA AND BULK REQUIREMENTS

See Article XIII, "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 IV
RESIDENTIAL SUBURBAN FARMS
DISTRICT (RSF)**

SECTION 4.00 PURPOSE

The Suburban Farms District is intended to provide open land area for orderly residential growth, continued agricultural use and residential activities of a rural character in areas that are presently without public water and sewerage facilities and are likely to remain without such services for an extended period of time. Such areas have significant natural features and unique natural resources that should be preserved and enforced in the interest of property values and the tax base of the Township. This district is also established to provide transition between areas developed as farms and farm residences and more urban land use patterns.

SECTION 4.01 USES PERMITTED

No building or structure, or part thereof, shall be erected, altered, or used, and no land shall be used except for one or more of the following:

1. Single-family detached dwellings.
2. Farms.
3. Home occupations.
4. Publicly owned and operated municipal buildings, libraries, parks, parkways, and recreational facilities.
5. Public, parochial, and private elementary, intermediate and/or high schools, and institutions of higher learning, offering courses in general education.
6. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations, (but not including service or storage yards) when operating requirements necessitate the location of such facilities within the district.
7. Bed and breakfast operations.
8. Livestock production facilities.
9. Places of worship.
10. Adult foster care family homes.
11. Day care family homes.
12. Accessory buildings and uses customarily incident to any of the above permitted uses.

SECTION 4.02 PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS

The following Special Condition Uses shall be permitted subject to review and approval by the Planning Commission and Township Board, and further subject to any and all reasonable conditions which may be imposed in accordance with Section 502 of the Michigan Zoning Enabling Act, as amended, Section 15.00, "Site Development Requirements," Section 17.00, "Review and Approval of Special Condition Uses," and Section 16.00, "Site Plan Review" of this Zoning Ordinance.

1. Greenhouses.
2. Tree and shrub nurseries.
3. Golf driving ranges and golf courses.
4. Animal hospitals and kennels.
5. Small aircraft airports and landing fields.
6. Two unit dwellings.
7. Adult foster care small group home.
8. Adult foster care large group home.
9. Day care group home.
10. Accessory buildings and uses customarily incident to any of the above permitted uses subject to special conditions.

SECTION 4.03 AREA AND BULK REQUIREMENTS

See Article XIII, "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 V
RESIDENTIAL RURAL ESTATE DISTRICT (RE)**

SECTION 5.00 PURPOSE

The Rural Estates District is intended to provide open land area for orderly residential growth, continued agricultural use and residential activities of a semi-rural character in areas that are presently without public water and sewerage facilities and are likely to remain without such services for an extended period of time. It is further intended that the district protect and stabilize the essential characteristics of these areas in order to promote and encourage suitable environments for low density, family life, and to maintain and to preserve the semi-rural character of the Township.

SECTION 5.01 USES PERMITTED

No building or structure, or, part thereof, shall be erected, altered, or used, and no land shall be used, except for one or more of the following:

1. Single-family detached dwellings.
2. Farms.
3. Home occupations
4. Publicly owned and operated municipal buildings, libraries, parks, parkways, and recreational facilities.
5. Public, parochial, and private elementary, intermediate and/or high schools, and institutions of higher learning, offering courses in general education.
6. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, or gas regulator stations (but not including service or storage yards) when operating requirements necessitate the location of such facilities within the district.
7. Bed and breakfast operations.
8. Livestock production facilities.
9. Places of worship.
10. Adult foster care family home.
11. Day care family home.
12. Accessory buildings and uses customarily incident to any of the above permitted uses.

SECTION 5.02 PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS

The following Special Condition Uses shall be permitted subject to review and approval by the Planning Commission and Township Board, and further subject to any and all reasonable conditions which may be imposed in accordance with Section 502 of the Michigan Zoning Enabling Act, as amended, Section 15.00, "Site Development Requirements," Section 17.00,

“Review and Approval of Special Condition Uses,” and Section 16.00, “Site Plan Review” of this Zoning Ordinance.

1. Greenhouses.
2. Tree and shrub nurseries.
3. Golf driving ranges and golf courses.
4. Vet clinics and kennels.
5. Two-unit dwellings.
6. Small aircraft airports and landing fields.
7. Adult foster care small group home.
8. Adult foster care large group home.
9. Day care group home.
10. Accessory buildings and uses customarily incident to any of the above permitted uses subject to special conditions.

SECTION 5.03 AREA AND BULK REQUIREMENTS

See Article XIII, "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 VI
RESIDENTIAL URBAN DISTRICT (RU-1)**

SECTION 6.00 PURPOSE

The RU-1 District, as herein established, is intended to be the most restrictive of the residential districts. The intent is to provide for an environment of predominately low-density, one-family detached dwellings along with other residentially-related facilities which serve the residents in the district. In specific, the intent is:

1. To encourage the construction of, and the continued use of the land for one-family dwellings.
2. To prohibit business, commercial or industrial use of the land, and to prohibit any other use which would substantially interfere with development or continuation of one-family dwellings in the district.
3. To encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this Ordinance.
4. To discourage any land use which would generate traffic on minor or local streets other than normal traffic to serve the residences on those streets.
5. To discourage any use which, because of its character or size, would create requirements and costs for public services, such as fire and police protection, water supply and sewerage, substantially in excess of such requirements and costs if the district were developed solely for one-family dwellings.

SECTION 6.01 USES PERMITTED

No building or structure, or part thereof shall be erected, altered, or used, and no land shall be used except for one or more of the following:

1. Single-family detached dwellings.
2. Home occupations.
3. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations (but not including service or storage yards) when operating requirements necessitate the location of such facilities within the district.
4. Farms.
5. Places of worship.
6. Public, parochial, and private elementary, intermediate and/or high schools, and institutions of higher learning, offering courses in general education.
7. Adult foster care family home.
8. Day care family home.

9. Accessory buildings and uses customarily incident to any of the above permitted uses.

SECTION 6.02 PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS

The following Special Condition Uses shall be permitted subject to review and approval by the Planning Commission and Township Board, and further subject to any and all reasonable conditions which may be imposed in accordance with Section 502 of the Michigan Zoning Enabling Act, as amended, Section 15.00, "Site Development Requirements," Section 17.00, "Review and Approval of Special Condition Uses," and Section 16.00, "Site Plan Review" of this Zoning Ordinance.

1. Private noncommercial recreation areas, institutional or community recreation centers, and nonprofit swimming pool clubs.
2. Golf courses.
3. Public owned and operated municipal buildings, libraries, parks, parkways, and recreational facilities.
4. Two unit dwellings.
5. Adult foster care small group home.
6. Adult foster care large group home.
7. Day care group home.
8. Accessory buildings and uses customarily incident to any of the above permitted uses subject to special conditions.

SECTION 6.03 AREA AND BULK REQUIREMENTS

See Article XIII, "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
RESIDENTIAL URBAN
(MULTIPLE-FAMILY) DISTRICT (RU-2)**

SECTION 7.00 PURPOSE

The RU-2 Multiple-Family Residential District is designed to provide sites for multiple-family dwelling structures, and related uses, which will generally serve as the zones of transition between lower density One-Family Districts and nonresidential districts. The Multiple-Family District is further provided to serve the limited needs for the apartment type of unit in an otherwise medium density, one-family community.

SECTION 7.01 USES PERMITTED

No building or structure, or part thereof shall be erected, altered, or used, and no land shall be used except for one or more of the following:

1. All uses permitted in the RU-1 Residential Urban District. The standards applicable to the RU-1 District shall apply as minimum standards when one-family detached dwellings are erected.
2. Two-family dwellings.
3. Multiple-family dwellings.
4. Boarding houses (not over five (5) guest rooms).
5. Accessory buildings and uses customarily incident to any of the above permitted uses.

SECTION 7.02 PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS

The following Special Condition Uses shall be permitted subject to review and approval by the Planning Commission and Township Board, and further subject to any and all reasonable conditions which may be imposed in accordance with Section 502 of the Michigan Zoning Enabling Act, as amended, Section 15.00, "Site Development Requirements," Section 17.00, "Review and Approval of Special Condition Uses," and Section 16.00, "Site Plan Review" of this Zoning Ordinance.

1. All special condition uses in the RU-1 District.
2. Home for the aged (Congregate Care Facility)
3. Housing for the elderly.
4. General hospitals.
5. Convalescent or nursing homes.
6. Clinics.
7. Adult foster care congregate facility.

8. Day care center.
9. Accessory buildings and uses customarily incident to any of the above permitted uses subject to special conditions.

SECTION 7.03 AREA AND BULK REQUIREMENTS

See Article XIII, "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
RESIDENTIAL MOBILE HOME PARK DISTRICT (MHP)**

SECTION 8.00 PURPOSE

The purpose of the Residential Mobile Home Park (MHP) District is to encourage a suitable environment for persons and families, that by preference, choose to live in a mobile home rather than a conventional single-family structure. In keeping with the occupancy characteristics of contemporary mobile homes, this article establishes low-density standards and permitted uses that reflect the needs of residents in the district. Development is limited to mobile homes when located in a subdivision designed for that purpose or a mobile home park with recreational facilities, places of worship, schools, and necessary public utility buildings.

SECTION 8.01 USES PERMITTED

No building or structure, or part thereof shall be erected, altered or used, and no land shall be used except for one or more of the following:

1. All uses permitted in the RU-1 and RU-2 Districts, subject to the terms and conditions provided therein.
2. Mobile home parks, subject to the requirements of the Mobile Home Commission Act, Act 96, of 1987, as may be amended.
3. Mobile home subdivisions, subject to the Land Division Act, Public Act 288 of the Public Acts of 1967, as amended, the Thetford Township Subdivision Control Ordinance, as amended, and all other applicable acts, rules, and regulations.
4. Accessory buildings and uses customarily incident to any of the above permitted uses subject to special conditions.

SECTION 8.02 PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS

The following Special Condition Uses shall be permitted subject to review and approval by the Planning Commission and Township Board, and further subject to any and all reasonable conditions which may be imposed in accordance with Section 502 of the Michigan Zoning Enabling Act, as amended, Section 15.00, "Site Development Requirements," Section 17.00, "Review and Approval of Special Condition Uses," and Section 16.00, "Site Plan Review" of this Zoning Ordinance.

1. All Special Condition Uses in the RU-1 and RU-2 Districts.
2. Accessory buildings and uses customarily incident to any of the above permitted uses subject to special conditions.

SECTION 8.03 AREA AND BULK REQUIREMENTS

See Article XIII, "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
COMMUNITY OFFICE DISTRICT (CO)**

SECTION 9.00 PURPOSE

The Community Office District is intended to provide locations of the low-intensity, office-type professional and administrative services necessary for the normal conduct of a community's activities. Such districts have the following characteristics: allowable activities take place in attractive buildings in landscaped settings; they generally operate during normal daytime business hours; they produce a minimum amount of traffic; and their use characteristics make them compatible with adjacent residential uses.

SECTION 9.01 USES PERMITTED

No building or structure, or part thereof shall be erected, altered, or used, and no land shall be used except for one or more of the following:

1. Office-type business related to executive, administrative, or professional occupations including, but not limited to, offices of a lawyer, accountant, insurance/real estate agent, architect, engineer, and similar occupation.
2. Clinics, except veterinary clinics or veterinary hospitals having boarding facilities or outdoor runs.
3. Medical, dental, and optical laboratories that provide testing services or provide medical or dental devices such as artificial limbs, teeth, eye glasses, etc.
4. Banks, credit unions, savings and loan associations, and similar uses.
5. Barber shops, beauty shops, and health salons.
6. Private clubs, fraternal organization, or lodge halls.
7. Pharmacy or apothecary shop.
8. Business service establishments such as typing services, photocopying services; quick-printing establishments, office supply stores, and similar establishments.
9. Standard restaurants.
10. Day care center.
11. Any other use which is determined by the Planning Commission to be of the same general character as, and compatible with, the above permitted uses.

SECTION 9.02 PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS

The following Special Condition Uses shall be permitted subject to review and approval by the Planning Commission and Township Board, and further subject to any and all reasonable conditions which may be imposed in accordance with Section 502 of the Michigan Zoning Enabling Act, as amended, Section 15.00, "Site Development Requirements," Section 17.00, "Review and Approval of Special Condition Uses," and Section 16.00, "Site Plan Review" of this Zoning Ordinance.

1. Fast-food, or carry-out restaurants.
2. Mortuary establishments.
3. Accessory buildings and uses customarily incident to any of the above permitted uses subject to special conditions.

SECTION 9.03 REQUIRED CONDITIONS

1. No interior display shall be visible from the exterior of an office establishment.
2. The outdoor storage of goods or material shall be prohibited.
3. Warehouse or indoor storage of goods or material, beyond that normally incident to the above permitted uses, shall be prohibited.

SECTION 9.04 AREA AND BULK REQUIREMENTS

See Article XIII, "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 X
LOCAL COMMERCIAL DISTRICT (LC)**

SECTION 10.00 PURPOSE

The LC, Local Commercial District, as herein established, is designed to meet the day-to-day convenience shopping and service needs of persons residing in adjacent residential areas and to encourage the planned concentration of such activities in locations where analysis of the residential population within a radius of generally one mile demonstrates a need for such a facility.

SECTION 10.01 USES PERMITTED

No building or structure, or part thereof shall be erected, altered, or used, and no land shall be used except for one or more of the following:

1. All uses permitted in the CO District.
2. 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.
3. 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.
4. Fast-food or carry-out restaurants.
5. Theaters, assembly halls, concert halls or similar places of assembly when conducted completely within enclosed buildings.
6. Boat livery, including incidental sale of bait and fishing accessories.
7. Private parks and recreational areas, including picnic areas and picnic pavilions, softball and baseball diamonds, golf courses, swimming, boating and other outdoor recreational sport activities not including games of chance, bath houses, lodges and other accessory or commercial or buildings or uses incidental to the above uses.
8. Places of worship.
9. Any other use which is determined by the Planning Commission to be of the same general character as, and compatible with, the above permitted uses.
10. Accessory structures and uses customarily incident to the above permitted uses.

SECTION 10.02 PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS

The following Special Condition Uses shall be permitted subject to review and approval by the Planning Commission and Township Board, and further subject to any and all reasonable conditions which may be imposed in accordance with Section 502 of the Michigan Zoning Enabling Act, as amended, Section 15.00, "Site Development Requirements," Section 17.00,

“Review and Approval of Special Condition Uses,” and Section 16.00, “Site Plan Review” of this Zoning Ordinance.

1. All special condition uses in the CO District.
2. Radio or television broadcasting or recording studio and/or transmission station.
3. Gasoline 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.
4. Accessory buildings and uses customarily incident to any of the above permitted uses subject to special conditions.

SECTION 10.03 GENERAL REGULATIONS

1. Merchandise may be displayed or stored only within enclosed buildings; provided, that during business hours displays immediately adjacent to the building will be permitted.
2. The outdoor storage of goods and materials shall be prohibited.
3. Warehouse or indoor storage of goods and materials, beyond that normally incident to the above permitted uses, shall be prohibited.

SECTION 10.04 AREA AND BULK REQUIREMENTS

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

**ARTICLE XI
GENERAL COMMERCIAL DISTRICT (GC)**

SECTION 11.00 PURPOSE

The GC, General Commercial District, is designed to provide sites for more diversified business types which would often be incompatible with the pedestrian movement in the Local Commercial District and which are oriented to serving the needs of "passer-by" traffic. Many of the business types permitted also generate greater volumes of traffic and activities which must be specially considered to minimize adverse effects on adjacent properties.

SECTION 11.01 USES PERMITTED

No building or structure, or part thereof shall be erected, altered, or used, and no land shall be used except for one or more of the following:

1. All use permitted in the CO and LC Districts.
2. Auto wash when completely enclosed in a building.
3. New and used car, trailer, or recreational vehicle sales space and showrooms.
4. Drive-in business of retail or service nature, including drive-in restaurants, but excluding drive-in theaters.
5. Motels and hotels.
6. Mini-warehouse (self-storage facilities).
7. Nursery or greenhouse.
8. Automobile repair garages.
9. Any other use which is determined by the Planning Commission to be of the same general character as, and compatible with, the above permitted uses.
10. Accessory structures and uses customarily incident to the above permitted uses.

SECTION 11.02 PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS

The following Special Condition Uses shall be permitted subject to review and approval by the Planning Commission and Township Board, and further subject to any and all reasonable conditions which may be imposed in accordance with Section 502 of the Michigan Zoning Enabling Act, as amended, Section 15.00, "Site Development Requirements," Section 17.00, "Review and Approval of Special Condition Uses," and Section 16.00, "Site Plan Review" of this Zoning Ordinance.

1. All special condition uses permitted in the CO and LC Districts.
2. Drive-in theater.
3. Welding shop.

4. Express office and motor freight terminal.
5. Accessory buildings and uses customarily incident to any of the above permitted uses subject to special conditions.

SECTION 11.03 AREA AND BULK REQUIREMENTS

See Article XIII, "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 XII
LIMITED MANUFACTURING DISTRICT LM)**

SECTION 12.00 PURPOSE

This District is composed of those areas of the Township whose principal use is or ought to be light manufacturing and other limited industrial uses. These uses generate a minimum of noise, glare, odor, dust, vibration, air and water pollutants, fire, explosive and radioactive hazards, and other harmful or obnoxious matter. This district has been located within the Township to permit the development of these industrial uses, to protect adjacent agricultural, residential and commercial areas against the encroachment of incompatible uses, and to lessen congestion on public streets and highways. To these ends, certain uses which would function more effectively in other districts and would interfere with the operation of these industrial activities and the purpose of this district, have been excluded.

SECTION 12.01 USES PERMITTED

No building or structure or part thereof shall be erected, altered, or used and no land shall be used except for one or more of the following:

1. Wholesale of goods, such as drugs, pharmaceuticals, bakery, and dairy products, clothing, dry goods, hardware, household appliances, office and business machinery, industrial machines.
2. Warehousing and material distribution centers, provided all products are enclosed within a building.
3. Research oriented and light industrial park uses.
4. The manufacturing, compounding, process, or treatment of such products as bakery goods, candy, cosmetics, dairy products, food products, drugs, perfumes, pharmaceutical toiletries, and frozen food lockers.
5. Assembly of merchandise such as electrical appliances, electronic or precision instruments and articles of similar nature.
6. Packaging of previously prepared materials, but not including the bailing of discards, old iron or other metal, wood, lumber, glass, paper, rags, cloth or other similar materials.
7. Printing, lithographic, blueprinting and similar uses.
8. Automobile repair garages.
9. Building materials soils yards, including but not limited to rock, sand, gravel (but excluding concrete mixing)
10. Contractor's equipment storage yards.
11. Retail lumber yards including incidental millwork.

12. Light manufacturing industrial uses which by the nature of the materials, equipment and processing utilized are to be considered clean, quiet, and free from objectionable or dangerous nuisance or hazard, including any of the following uses when conducted within a completely enclosed building.
 - a. The manufacturing, compounding, processing, and packaging or treatment of bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, toiletries, condiments, (except fish, sauerkraut, vinegar, and yeast).
 - b. The manufacturing, compounding, assembling, or treatment of articles or merchandise from the following prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wood (excluding planing mill), yarns, and paint not requiring a boiling process.
 - c. The manufacturing of musical instruments, toys, novelties, rubber, or metal stamps.
 - d. The manufacturing of pottery, figurines or similar ceramic products, using previously pulverized clay.
 - e. The manufacturing of and maintenance of electric and neon signs, billboards, commercial advertising structures, sheet (light) metal products, including heating and ventilating ducts and equipment, cornices, eaves, and the like.
 - f. Blacksmith shop or machine shop, wrought iron shop excluding punch presses over twenty (20) ton rated capacity, drop hammer, and automatic screw machines.
 - g. Laundry, cleaning, and dyeing works and carpet or rug cleaning.
 - h. Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts, such as condensers, transformers, crystal holders, and the like.
 - i. Laboratories, experimental or testing.
 - j. Poultry or rabbit killing incidental to a retail business on same property.
 - k. Public utility service yard or electrical receiving transforming station.
13. Accessory buildings and uses customarily incident to any of the above permitted uses, including restaurants and cafeteria facilities for employees provided they are located entirely within a principal building occupied by a principal use in the LM District.

SECTION 12.02 PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS

The following Special Condition Uses shall be permitted subject to review and approval by the Planning Commission and Township Board, and further subject to any and all reasonable conditions which may be imposed in accordance with Section 502 of the Michigan Zoning Enabling Act, as amended, Section 15.00, "Site Development Requirements," Section 17.00,

“Review and Approval of Special Condition Uses,” and Section 16.00, “Site Plan Review” of this Zoning Ordinance.

1. Amusement enterprises including, but not limited to, merry-go-rounds, arcades, go-kart tracks, pony-riding ring, ferris wheel, and similar uses.
2. Open air display area for the sale of manufactured products, such as similar to garden furniture, earthenware, hardware items or nursery stock, or the rental of manufactured products or equipment, such as household equipment, small tools, trailers, and similar products and equipment.
3. Business and technical schools which provide education in skills which are commonly used in industrial districts, such as schools for the training of engineering technicians, machine operators, and vehicle mechanics.
4. Retail sales of items that are the same as the items sold at wholesale on the premises, or are related by use or design to such wholesale items, provided that the total amount of retail sales shall not exceed twenty-five (25) percent of the annual wholesales on the premises. Retail sales shall be strictly incidental to wholesale sales.
5. Junk yards.
6. Race tracks or practice tracks, motor vehicle.
7. Recycling businesses.
8. Accessory buildings and uses customarily incident to any of the above permitted uses subject to special conditions, including restaurants and cafeteria facilities for employees provided they are located entirely within a principal building occupied by a principal use in the LM District.

SECTION 12.03 REQUIRED CONDITIONS

1. All activities and uses within the District shall conform to the following performance standards:
 - a. Smoke

A person or industry shall not discharge into the atmosphere from any single source of emission whatsoever any air contaminant for a period or periods aggregating more than three (3) minutes in any one hour which is:

 - 1) As dark or darker in shade as that designated as No. 1/2 on the Ringelmann chart, as published by the United States Bureau of Mines, or
 - 2) Of such greater than the level of smoke described in subsection (a) of this Section.
 - 3) At no time may smoke emissions be darker than Ringelmann No. 1.

b. Open Fires

A person or industry shall not burn any combustible refuse in any open outdoor fire within the District.

c. Noxious Gases

No noxious or malodorous gases shall be allowed to escape into the atmosphere in concentrations which are offensive, which produces a public nuisance or hazard on any adjoining lot or property, or which could be detrimental to human, plant, or animal life.

d. Air Contaminants

A person or industry shall not discharge from any source whatsoever such quantities of air contaminants or other material, including fly-ash, dust, vapor, or other air pollutants, which could cause injury or harm to health, animals, vegetation, or other property, or which can cause excessive soiling. Dust, dirt, smoke, or fly-ash shall not be in excess of 0.3 grams per cubic foot of flue gas at stack temperature of five hundred (500) degrees Fahrenheit and not to exceed fifty (50) percent excess air.

e. Glare and Heat

Any operation or activity producing glare shall be so conducted that direct and indirect illumination from the source of light shall not cause illumination in excess of one-half (0.5) of one (1) foot candle when measured at any adjoining residence or business district boundary line. Flickering or intense source of light shall be so controlled as not to cause a nuisance across any lot lines.

If heat is a result of an industrial operation, it shall be so insulated as to not raise the temperature at any property line at any time.

f. Noise

The measurable noise emanating from the premises and as measured at the street or property line, may not exceed sixty (60) decibels as measured on the "C" scale of a sound level meter constructed and calibrated in conformance to the requirements of the American Standards Association. Objectionable noise, due to intermittence, beat frequency or shrillness, shall be muffled so as not to become a nuisance to adjacent uses. Sirens and related apparatus used solely for safety and other public purposes are exempt from this standard.

g. Vibration

Vibrations from industrial operations and vehicular traffic in this district must be controlled to the extent that they cannot be felt past any property line.

h. Radio Transmission

For electronic equipment required in an industrial operation, the equipment shall be so shielded that its operation will not interfere with radio, television, or other electronic equipment.

i. Storage of Flammable Materials

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

j. Radioactive Materials

No activity shall emit dangerous radioactivity at any point, or unreasonable electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.

k. Water Pollution

Pollution of water shall be subject to such requirements and regulations as are established by the Michigan State Department of Health, the Michigan Water Resources Commission, the Genesee County Health Department, and the U.S. Environmental Protection Agency. Such requirements and regulations shall apply in all cases except when they are less stringent than the following standards in which case the following standards shall apply:

- 1) No wastes shall be discharged in the public sewer system which is dangerous to the public health and safety.
- 2) Acidity or alkalinity shall be neutralized to a pH of 7.0 as a daily average on a volumetric basis, with a maximum temporary variation of pH 5.0 to 10.0.
- 3) Wastes shall contain no cyanides and no halogens and shall contain not more than 10 ppm of the following gases: hydrogen sulfite, sulfur dioxide, and nitrous oxide.
- 4) Wastes shall not contain any insoluble substance in excess of 10,000 ppm or exceeding a daily average of 500 ppm or fail to pass a No. 8 Standard Sieve, or have a dimension greater than one-half (1/2) inch.
- 5) Wastes shall not have chlorine demand greater than 15 ppm.
- 6) Wastes shall not contain phenols in excess of .005 ppm.
- 7) Wastes shall not contain any grease or oil or any oil substance in excess of 100 ppm or exceed a daily average of 25 ppm.

SECTION 12.04 AREA AND BULK REQUIREMENTS

See Article XIII, "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 XIII
SCHEDULE OF REGULATIONS
HEIGHT, BULK, DENSITY, AND AREA BY ZONING DISTRICT**

SECTION 13.00 DENSITY, AREA, HEIGHT, BULK, AND PLACEMENT REGULATIONS

The following regulations regarding lot sizes, yards, setbacks, building heights and densities apply within the Zoning Districts as indicated, including the regulations contained in Section 13.01, Footnotes. No building shall be erected, nor shall an existing building be altered, enlarged or rebuilt, nor shall any open spaces surrounding any building be encroached upon or reduced in any manner, except in conformity with the regulations hereby established for the district in which such building is located. No portion of a lot used in complying with the provisions of this Ordinance for yards, courts, lot area occupancy, in connection with an existing or projected building or structure, shall again be used to qualify or justify any other building or structure existing or intended to exist at the same time. (Ordinance No. 93)

USE DISTRICT	MINIMUM LOT AREA		MAXIMUM BUILDING HEIGHT		MAXIMUM BUILDING LOT COVERAGE IN PERCENT	MINIMUM YARD REQUIREMENTS IN FEET			MINIMUM LIVEABLE FLOOR AREA
	Area in Sq.ft.(a)	Width in Feet (s)	In stories	In feet		Front (b)(c)(d)(e)	Each Side	Rear	
RA	10 acres	660	2 1/2(g)	25 (g)	10	60	50 (1)	50'	1,200
RSF	5 acres	330	2 1/2	25	10	50	25 (2)	25'	1,200
RE	1 acre	150	2 1/2	25	20	50	10	25'	1,200
RU-1	(h)	(h)	2 1/2	25	30	25	10	20'	950
RU-2	(i)	100	3	35	30	25			
MHP	(k) (l)	(k)	2 1/2	25	(k)	(k)	(k)	(k)	--
CO	--	--	2 1/2	25	30	35 (m)	20 (n) (p)	35 (o)	--
LC	--	--	1	45	30	35 (m)	20 (n) (p)	35 (o)	--
GC	--	--	1	45	30	35 (m)	20 (n) (p)	35 (o)	--
LM	2 acres	150	1	45	30	85	20 (p) (q)	35 (o) (q) (r)	--

- (1) On lots of record of less than two (2) acres and less than 120 feet of frontage in the RA District, side yard setback shall be a minimum of twenty (20) feet for the the main structure, ten (10) feet for accessory buildings and of 1993 or newer construction
- (2) On lots of record of less than two (2) acres and less than 120 feet of frontage in the RSF District, side yard setback shall be a minimum of fifteen (15) feet for the main structure, ten (10) feet for accessory buildings and of 1993 or newer construction

SECTION 13.01 FOOTNOTES TO SCHEDULE OF REGULATIONS

- (a) Nonfarm lots of one (1) acre or more may be created in the RA and RSF Districts in accordance with Section 3.03. In such instances, the standards of the RE District shall apply.
- (b) Minimum front yard setback is measured from the edge of the proposed right-of-way, based upon information and standards set forth by the Genesee County Road Commission.
- (c) In all residential and industrial districts, the required front yard setback shall not be used for off-street parking, loading, or unloading, and shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials, or vehicle access drives.
- (d) All yards abutting upon a public street shall be considered as front yard for setback purposes.
- (e) Where a front yard of lesser depth than specified in the Schedule of Regulations exists in front of dwellings on more than fifty (50) percent of the lots of record on one side of the street in any one block in a Single-Family Residential District, the depth of front yard for any building thereafter erected or placed on any lot in such block need not be greater than the average depth of front yards of such existing building.
- (f) The minimum floor area per dwelling unit shall not include area of basements, breezeways, porches or attached garages.
- (g) Land areas where a building is to be erected, altered, or used, shall be developed in accordance with the following schedule:

<u>MINIMUM MINIMUM LOT AREA REQUIRED</u>	<u>LOT WIDTH REQUIRED</u>	<u>UTILITY SERVICE AVAILABLE</u>
1 acre	150	None
20,000 sq. ft.	100	Public Sewer
9,600 sq. ft.	85	Public Sewer and Water

- (h) The minimum land area required for each dwelling unit in the RU-2 District shall be in accordance with the following schedule:

<u>DWELLING UNIT TYPE</u>	<u>LAND AREA REQUIRED (SQUARE FEET)</u>	
	<u>MULTIPLE DWELLINGS</u>	<u>TOWNHOUSES/DUPLEXES</u>
1 and 2 bedroom unit	4,200	5,100
3 bedroom unit	5,100	5,700
4 or more bedroom unit	5,700	6,000

The land area used for computing densities shall exclude the rights-of-way for all roads whether public or private.

- (i) Each side yard shall be a minimum of ten (10) feet and this space shall be increased beyond ten (10) feet by two (2) feet for each ten (10) feet or part thereof by which said dwelling structure exceeds forty (40) feet in overall dimension along the adjoining lot line. Maximum building length shall not exceed two hundred (200) feet.

Where two (2) or more multiple, row or townhouse dwelling structures are erected on the same lot or parcel, a minimum distance between any two (2) structures shall be thirty (30) feet plus two (2) feet for each ten (10) feet, or part thereof, by which the total length of that portion of the two structures lies opposite each other.

- (j) Mobile home park developments are subject to the minimum requirements and standards as established in the Mobile Home Commission Act, Public Act 96 of the Public Acts of 1987, and any and all rules and regulations promulgated pursuant to Act 96, as may be amended.
- (k) Sites for the placement and occupancy of mobile home units within a mobile home park developed under Public Act 96 of the Public Acts of 1987, shall average five thousand five hundred (5,500) square feet. The five thousand five hundred (5,500) square foot requirement may be reduced by up to twenty (20) percent, provided that the individual site shall include a minimum of four thousand four hundred (4,400) square feet; and further provided that land area in an amount equal to that gained by reduction of a site(s) below five thousand five hundred (5,500) square feet shall be dedicated as open space. In no instance, however, shall required open space and spatial separation between units be less than that required under R125.1941, Rule 941; R125.1944, Rule 944; and R125.1946, Rule 946 of the Michigan Administration Code.
- (l) 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 of ten (10) feet between the nearest point of the off-street parking area, exclusive of access driveway, and the nearest edge of the proposed right-of-way line.
- (m) No side yards are required along the interior side lot lines of the District, or adjacent to other nonresidential use districts except as otherwise specified in the Building Code, provided that if walls of structures facing such interior side lot lines or district(s) contain windows, or other openings, side yards of not less than ten (10) feet shall be provided.
- (n) 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; except in the instance of "CO" Districts loading space shall be provided in the ratio of five (5) square feet per front foot of building.
- (o) Off-street parking shall be permitted in a required side yard setback provided that there shall be maintained a screening wall between the nearest point of the off-street parking area and the side lot line, when said property line abuts any residential district.
- (p) 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.
- (q) 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, office or business district or from a public street.

- (r) For legal nonconforming lots of less than two (2) acres in area and less than one-hundred twenty (120) feet in width within the RA, Residential Agricultural District, the minimum side yard requirements for each side yard may be reduced to twenty (20) feet. Ordinance No. 93)
- (s) For legal nonconforming lots of less than two (2) acres in area and less than one-hundred twenty (120) feet in width within the RSF, Residential Suburban Farms District, the minimum side yard requirements for each side yard may be reduced to fifteen (15) feet. (Ordinance No. 93)
- (t) In the RA, RSF, RE and RU-1 Districts, all farms (as defined by Section 2.39) which were legally established and which were in operation prior to the adoption of the Thetford Township Zoning Ordinance (January 23, 1989) shall be grandfathered in as permitted uses. (Ordinance No. 93)

SECTION 13.02 LOT SIZE AVERAGING

Lot size averaging may be permitted if the Planning Commission determines that it will provide a better relationship of lots to the topography, vegetation or other natural or man-made features. Lot size averaging is the allowance for variation in lot area and width in a development, but with the average lot area meeting the minimum area as required in Article XIII for that particular One-Family Residential District.

In the case where lot size averaging is permitted:

1. The number of lots shall not exceed the number allowed for the zoning district in which the development is located.
2. Reduction of lot area or width below the minimum required for the zoning district may be permitted by the Planning Commission for not more than one-third (1/3) of the total number of lots in the development.
3. No lot shall have an area or width greater than twenty (20) percent below that area or width required in the Schedule of Regulations.
4. All computations showing lot area and the average resulting through this technique shall be provided by the applicant and indicated on the print of the preliminary plat.

SECTION 13.03 CROSS-DISTRICT AVERAGING

When two or more zoning districts are involved within the boundaries of one parcel of land which is under consideration for development of one-family residential use pursuant to Act 288 of 1967, as amended, known as Land Division Act of 1967, the Planning Commission, upon application from the proprietor, may grant a variation from the minimum requirements of the several zoning districts so involved, so as to provide cross-district lot size and density averaging within the boundaries for such parcel of land, providing that such cross-districting averages will, in the determination of the Planning Commission, permit:

1. The relocation of lot lines to conform with the existing topography, vegetation, and other natural or man-made features;

2. The total number of lots in any such development shall not exceed the sum of the total number of such lots in each separate zoning district which comprise the whole of the parcel of land involved; and
3. That no individual lot in any such zoning district comprising the whole of such parcel, shall have an area or width which shall be less than the minimum required for the higher intensity zoning district.
4. All computations showing the total number of lots permitted and average lot size allowed resulting from this technique shall be indicated on the print of the preliminary plat.

SECTION 13.04 SINGLE-FAMILY CLUSTER HOUSING OPTION

The intent of this Section is to permit the development of single-family residential patterns which, through design innovation, will introduce flexibility so as to provide for a more appropriate development in situations where the normal subdivision approach would otherwise be restrictive owing to the presence of environmentally sensitive lands on the site, or the configuration of the site.

1. In approving an area for the cluster housing option, the Planning Commission shall find at least one of the following to exist:
 - a. The parcel to be developed has frontage on a major or secondary thoroughfare and is generally parallel to said thoroughfare and is of shallow depth as measured from the thoroughfare.
 - b. The parcel has frontage on a major or secondary thoroughfare and is of a narrow width as measured along the thoroughfare which makes platting difficult.
 - c. The parcel is shaped in such a way that it contains acute angles which would make a normal subdivision difficult to achieve and has frontage on a major or secondary thoroughfare.
 - d. A substantial part of the parcel's perimeter is bordered by a major thoroughfare which would result in a substantial proportion of the lots of the development abutting the major thoroughfare.
 - e. The parcel contains a floodplain or poor soil conditions which result in a substantial portion of the total area of the parcel being unbuildable. Soil test borings, floodplain maps or other documented evidence must be submitted to the Planning Commission in order to substantiate the parcel's qualification for cluster development.
 - f. The parcel contains natural assets which could be preserved through the use of cluster development. Such assets may include natural stands of large trees, land which serves as a natural habitat for wildlife, unusual topographic features, or other natural assets which, in the opinion of the Planning Commission, should be preserved. Requests for qualification under these conditions must be supported by documented evidence which indicates that the natural assets would qualify the parcel under this option.

- g. The parcel contains natural land forms which are so arranged that the change of elevation within the site includes slopes in excess of ten (10) percent between these elevations. These elevation changes and slopes shall appear as the typical features of the site rather than the exceptional or infrequent features of the site.
 - h. The topography is such that achieving road grades of less than six (6) percent would be impossible unless the site were mass graded. The providing of single-family clusters will, in the opinion of the Planning Commission, allow a greater preservation of the natural setting.
2. In areas meeting the above criteria, the minimum yard setbacks, heights, and minimum lot sizes per unit as required by the SCHEDULE OF REGULATIONS may be waived and the attaching of dwelling units may be accomplished subject to the following:
- a. The minimum floor area for all units constructed under this option shall be at least equal to the minimum floor area requirements for the single-family residential district in which the cluster is to be constructed.
 - b. The attaching of single-family dwelling units, one to another, may be permitted when said homes are attached by means of one or more of the following:
 - (1) Through a common party wall which does not have over fifty (50) percent of its area in common with an abutting dwelling wall.
 - (2) By means of an architectural wall detail which does not form interior room space.
 - (3) Through a common party wall in only the garage portion of an abutting structure.
 - c. The maximum number of units attached in the above described manner shall not exceed four (4).
 - d. In a single-family cluster housing development, the dwelling unit density shall be no greater than if the gross land area were to be developed in the minimum square foot lot areas as required for each single-family district under the SCHEDULE OF REGULATIONS.
3. Yard requirements shall be provided as follows:
- a. Spacing between any grouping of four (4) or less one-family units and another grouping of such structures shall be equal to at least twenty (20) feet, measured between the nearest point of the two groupings. A grouping may include a single, freestanding unit.
 - b. All such groupings shall be so situated as to have one side of the building abutting onto a common open space.
 - c. Any side of a building adjacent to a private service drive or private lane shall not be nearer to said drive or lane than twenty (20) feet.

- d. Any side of a building adjacent to a public right-of-way shall not be nearer to said public rights-of-way than thirty (30) feet.
 - e. This nature of development, when abutting a front yard of an existing recorded subdivision which is not a part of the site plan submitted under this Section, shall cause all dwelling units facing such subdivision to relate through its front or entrance facade and shall treat said side of the grouping as a front yard.
 - f. No building shall be located closer than thirty (30) feet to the outer perimeter (property line) of the site.
4. The maximum height of buildings shall be thirty-five (35) feet.
 5. In reviewing the plans and approving the application of this Section to a particular site, the Planning Commission shall require the following:
 - a. A landscaped berm, at least five (5) feet high, shall be provided along the entire property line abutting the major thoroughfare. This berm may be included within a required side or rear yard. The Planning Commission shall find that the slopes on said berms are gentle enough so as not to erode when planted in grass; and they shall review the design of the berm as it relates to street intersections, finding that the horizontal view of oncoming traffic is not obscured.
 6. In submitting a proposed layout under this Section, the sponsor of the development shall include, along with the site plan, typical building elevations and floor plans, topography drawn at two (2) foot contour intervals, main floor grade elevations relative to the existing topography, all computation relative to acreage and density, details relative to the proposed berm, and any other details which will assist in reviewing the proposed plan.
 7. Site plans submitted under this option shall be accompanied by information regarding the following:
 - a. The proposed manner of holding title to open land.
 - b. The proposed method of regulating the use of open land.
 - c. The proposed method of maintenance of property and financing thereof.

SECTION 13.05 SUBDIVISION OPEN SPACE PLAN

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

- Provide a more desirable living environment by preserving the natural character of open fields, stands of trees, brooks, hills, and similar natural assets.
- Encourage developers to use a more creative approach in the development of residential areas.
- Encourage a more efficient, aesthetic and desirable use of open area while recognizing a reduction in development costs and by allowing the developer to bypass natural obstacles on the site.

- 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 XIII, "Schedule of Regulations" may be made in the RE and RU-1 Single-Family Residential Districts when the following conditions are met:
 - a. The lot area in RE and RU-1 Single-Family Residential Districts, which are served by a public sanitary sewer system, may be reduced up to twenty (20) percent. 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 gross land area to be subdivided were developed in the minimum square foot lot areas as required for each Single-Family District under Article XIII, "Schedule of Regulations."
 - 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 (1) above of this Section, for each square foot of land gained within a RE or RU-1 residential subdivision through the reduction of lot size below the minimum requirements as outlined in Article XIII, "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 Township.
 - 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 open space 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 floodplain.
 - 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 one (1) year 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 the total area (see item (a) above) at the time of filing of the final plat on all or any portion of the plat.
 2. Upon receipt of an application to approve a subdivision open space plan, the Planning Commission shall hold a public hearing with notice given pursuant to the requirements of Public Act 110 of the Public Acts of 2006. The notice shall:
 - a. Describe the nature of the subdivision open space request.

- b. Indicate the property which is the subject of the subdivision open space request.
- c. State when and where the request will be considered by the Planning Commission.
- d. Indicate when and where written comments will be received concerning the request.

SECTION 13.06 OPEN SPACE PRESERVATION

1. For compliance with Section 506 of Public Act 110 of the Public Acts of 2006, as amended, notwithstanding the generally applicable minimum lot frontage, width and area requirements under Article XIII, "Schedule of Regulations," land zoned RA,RSF, RE or RU-1 District may be developed, at the option of the landowner, with the same number of dwelling units that could otherwise be developed on the land under existing ordinances, laws, and rules, on not more than fifty (50) percent of the land, if all of the following apply:
 - a. Not less than fifty (50) percent of the land area will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land.
 - b. The development does not depend upon the extension of a public sewer or public water supply system, unless development of the land without the exercise of the development option provided by this provision would also depend upon such an extension.
 - c. The development option provided pursuant to this Section has not previously been exercised with respect to the subject property.
2. The development of land under this Section is subject to all other applicable ordinances, laws, and rules, including but not limited to:
 - a. Public Act 288 of the Public Acts of 1967 (The Land Division Act).
 - b. Any Ordinance regulating the division of land, the platting of land into subdivisions, or the creation of a site condominium.
 - c. Rules relating to suitability of groundwater for on-site water supply for land not served by public water.
 - d. Rules relating to suitability of soils for on-site sewage disposal for land not served by public sewers.
3. As used in this Section, the term "undeveloped state" means a natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. This term does not include a golf course, but may include a recreational trail, picnic area, children's play area, greenway, or linear park.

4. No development pursuant to this Section shall occur unless it is approved by the Planning Commission after submittal of a site plan pursuant to Article XVI. The Planning Commission shall ensure that the requirements of this Section and all other applicable ordinances, laws and rules are complied with.

**ARTICLE XIV
GENERAL PROVISIONS**

SECTION 14.00 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 law or ordinance shall govern.

SECTION 14.01 SCOPE

No building or structure, or part thereof, shall hereafter be erected, constructed, renovated, 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.

SECTION 14.02 BUILDING REGULATIONS

1. Unlawful Building

In case any building, or part thereof, is used, erected, occupied or altered contrary to law or the provisions of this Ordinance, such building shall be deemed an unlawful structure and a nuisance and may be required to be vacated, torn down or abated by any legal means, and shall not be used or occupied until it has been made to conform to the provisions of this Ordinance. Public expenditures toward abating such nuisance shall become a lien upon the land.

2. Temporary Building

No temporary building shall be erected unless a building permit has been issued for a permanent building or a new use of land on the same site. Any temporary building shall be removed from the the site within thirty (30) days of issuance of a certificate of occupancy.

3. Building Occupancy

No basement shall be used or occupied as a dwelling unit at any time, nor shall a dwelling be erected in a commercial or industrial district, except for the sleeping quarters of a watchman or caretaker, or as the homestead of a resident manager.

4. Frontage on a Public Street

No building shall be erected on a lot unless said lot fronts its full width, as required by Article XIII, upon a street or road dedicated to the public and accepted by the Genesee County Road Commission or designated on a recorded subdivision plat filed in the office of the Genesee County Register of Deeds.

In Single Family Residential Districts, only one principal building shall be placed on a lot of record. Multi-Family developments, commercial shopping centers, or industrial parks need not front each structure upon such streets or roads provided that adequate interior vehicular circulation and access can be assured in a site plan submitted for approval to

the Township Planning Commission.

5. Division of Platted or Unplatted Land Building Sites Lacking Street Frontage

a. Easements

The Site Plan shall provide an easement or easements sixty (60) feet in width, improved as a hard surfaced road, giving access from a public street or streets to all parcels resulting from the proposed division not having street frontage. Such roads shall be constructed with bituminous or concrete pavement with curb and gutter in accordance with design standards acceptable to the Genesee County Road Commission. Such easements shall be established for the joint use of owners of all abutting resultant parcels of the original property for ingress and egress and roadway maintenance, and also for occupation by private and publicly-owned utilities serving such abutting parcels.

6. One Lot, One Building

In all districts, only one (1) principal building shall be placed on a single lot of record, except as provided by Section 14.02,4 of this Ordinance, or in the case of a farm of ten (10) acres or more, where there may be a tenant dwelling on the same recorded lot as the principal dwelling, provided that a minimum one (1) acre area, with a minimum frontage of 150 feet, be designated for the tenant dwelling in the application of a building permit and approved by the Building Official.

SECTION 14.03 BUILDING APPEARANCE, STRUCTURE COMPLETION, AND PERSONAL CONSTRUCTION AUTHORITY

1. In residential zones, after twenty-five (25) percent of the lots and frontage on the side of the street on any block where the proposed improvement is contemplated have been improved by the erection of the residences thereon, if one-half or more of the residences built in any such block are of a certain type and style, the remainder of the residences built in any such block and to be constructed, altered, relocated, or repaired in such block shall be of a substantially similar type and style so that new or altered buildings will be in harmony with the character of the neighborhood. Nothing herein shall prevent the upgrading of any residential block by installing an exterior finish having fire or weather resistance, which is greater than the minimum herein required, or by constructing in such block a residence having floor area greater than the average area of residences in such block provided, however, such type and style shall be such as not to impair or destroy property values in the block.

2. In any case where a building or accessory building in a CO, LC, GC, or LM District is erected or placed within two hundred (200) feet of the front lot line of any parcel of land fronting upon any public street, the front walls of said building or accessory building within said distance of two hundred (200) feet shall be constructed of stone, face brick or other ornamental materials approved by the Planning Commission, and no building so situated shall be constructed of tarred paper, tin, corrugated iron, or any form of pressed board or felt or similar material within the limits herein specified, nor shall any occupant of such premises be permitted to place open stock, scrap, or junk piles within said two hundred (200) feet unless the same shall be obscured from view from the street by the existence of a building, solid wall, earth berm, or evergreen screen sufficient to properly obscure the same from view from the street.

3. All structures shall be completed within one (1) year of the issue date of the building permit for such structure, unless an extension for not more than one (1) additional year is granted for good cause by the Building Official. When a part of the building is ready for occupancy, a temporary occupancy permit may be issued, provided that the premises complies with health and fire standards required under this Ordinance, or any other ordinance, regulation, or statute.
4. Nothing in this Ordinance shall be construed as prohibiting an owner, tenant, occupant, or land contract vendee from doing his or her own building, altering, plumbing, electrical installations, etc., provided the minimum requirements of the Electrical and Plumbing Codes of the State of Michigan, and the applicable Genesee County Health Department regulations are complied with.

SECTION 14.04 NONCONFORMING LOTS, NONCONFORMING USES OF LAND, NONCONFORMING STRUCTURES AND NONCONFORMING USES OF STRUCTURES AND PREMISES

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.

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.

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 after passage of this 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.

1. Nonconforming Lots
 - a. 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 provision 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.

- b. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the lands involved shall be considered to be an undivided parcel for the purpose of this Ordinance, and no portion of said parcel shall be used or occupied which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Ordinance.

Upon application to the Township Board, the Board may, at its sole discretion, permit the combination, in whole or in part, of nonconforming lots of record into building sites less than the size requirements provided in this Ordinance. Said application shall be filed with the Township Clerk on forms provided by the Township. Approval of any such application shall be subject to the following provisions:

- 1) Any newly created lot must be capable of accommodating a structure that is in conformance with the building area, setback, and side yard requirements set forth in this Ordinance.
- 2) Any lot created under these provisions shall be at least fifty (50) feet in width.
- 3) In the event that a lot created under these provisions is less than 12,500 square feet in area, then any structure constructed on the lot shall have direct hookup to the public sanitary sewer system.

2. Nonconforming Uses of Land

Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- a. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance;
- b. No such 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;

- c. If such nonconforming use of land ceases for any reason for a period of more than one (1) year, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

3. Nonconforming Structures

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

- a. No such structure may be enlarged or altered in a way which increases its nonconformity.
- b. Should such structure be destroyed by any means to an extent of more than sixty (60) percent of its replacement costs, exclusive of the foundation, it shall be reconstructed only in conformity with the provisions of this Ordinance.
- c. Should such structure be 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 removed.

4. Nonconforming Uses of Structure and Land

If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of this Ordinance, that would not be permitted in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- b. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- c. If no structural alterations are made, any nonconforming use of a structure, or structure and land in combination, may be changed to another nonconforming use of the same or a more restricted classification provided that the Board of Appeals, either by general rule or by specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Appeals may require conditions and safeguards in accord with the purpose and intent of this Ordinance. Where a nonconforming use of a structure, land, or structure and land in combination is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.

- d. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
- e. When a nonconforming use of a structure, or structure and land in combination, is discontinued or ceases to exist for six (6) consecutive months or for eighteen (18) months during any three (3) year period, the structure, or structure and land in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be excepted from this provision.
- f. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

5. Repairs and Maintenance

On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing or for exterior aesthetic improvements to an extent not exceeding fifty (50) percent of the assessed value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased.

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

6. Special Condition Uses Not Nonconforming Uses

Any Special Condition Use which is permitted as provided in this Ordinance shall not be deemed a nonconforming use, but shall, without further action, be deemed a conforming use in such district.

7. Change of Tenancy or Ownership

There may be a change of tenancy, ownership or management of any existing nonconforming uses of land, structures and land in combination.

8. Preferred Class of Nonconforming Use

a. Notwithstanding the above enumerated provisions of Section 14.04 of this Ordinance, certain nonconforming uses may be entitled to the status of "Preferred Class of Nonconforming Use," pursuant to the following conditions:

- 1) The use does not adversely affect the public health, safety, and welfare.
- 2) The use does not adversely affect the purposes of the district in which it is located.
- 3) No useful purpose would be served by the strict application of the

provision or requirements of this Ordinance with which the use does not conform.

- 4) A nonresidential use in a residential district shall not be eligible for preferred status.
- b. The structure housing a Preferred Nonconforming Use may be enlarged or altered provided such alteration is approved by the Board of Appeals. The property owner shall seek approval of the "Preferred" status of the use of the structure from the Board of Appeals. The property owner, upon approval of preferred status shall then submit a site plan pursuant to requirements in Section 16.00 for review and approval by the Planning Commission.

SECTION 14.05 ACCESSORY BUILDINGS

Accessory buildings, except for farms or other uses otherwise permitted in this Ordinance shall be subject to the following regulations:

1. The number of accessory buildings permitted on a given parcel of land shall be regulated by the following table according to the size of the parcel:

<u>PARCEL SIZE</u>	<u>MAXIMUM NUMBER OF ACCESSORY BUILDINGS PERMITTED</u>
5 acres or less	2
5.01 to 10 acres	3
10.01 to 15 acres	4
Over 15 acres	5

2. 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 main building.
3. On all nonresidential parcels of land, and residential parcels that are less than five (5) acres in size, accessory buildings shall only be erected in any nonrequired or required rear yard, or in any nonrequired side yard.

On residential parcels of land that are five (5) acres or more in size, an accessory building may be placed in any required or non- required rear yard, nonrequired side yard, or nonrequired front yard providing that said accessory structure is set back a minimum one hundred fifty (150) feet from any public or private road right-of-way. In no instance shall any accessory building be located in front of more than twenty-five (25) percent of the facade of the principal structure. (Ordinance No. 99)

4. An accessory building shall not occupy more than forty (40) percent of any rear yard, provided that in no instance shall the accessory building exceed the ground floor area of the main building, for lot sizes one (1) acre or smaller. The floor area of any accessory building may be one and one-half times the main building ground floor area for lot sizes greater than one (1) acre, but less than three (3) acres, and may be twice the main building ground floor area for lot sizes three (3) acres or larger. Main building ground floor area shall include the total ground floor area occupied by a principal use and shall not include basements, crawl spaces, attached garages, breezeways, or enclosed or

unenclosed porches. There is no restriction on accessory building size on parcels in the RA District in excess of twenty (20) acres.

5. No detached accessory building shall be located closer than ten (10) feet to any main building nor shall it be located closer than five (5) feet to any side or rear lot line. In no instance shall an accessory building be located within a dedicated easement right-of-way.
6. No detached accessory building shall exceed twenty-five (25) feet in height to peak, except that accessory buildings in the LM District may be constructed to equal the permitted maximum height of principal structures in the LM District, subject to Planning Commission approval.
7. 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 line 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.
8. When an accessory building in any Residence, Business or Office District in excess of 120 square feet is intended for other than the storage of private motor vehicles, the accessory use shall be subject to the approval of the Board of Appeals.
9. No accessory building shall be constructed prior to the commencement of its principal dwelling.

SECTION 14.06 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 nonrequired side yard or rear yard and within the required 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 14.05 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 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 shall be disregarded, and fractions over one-half shall require one parking space.
11. For the purpose of computing the number of parking spaces required, the definition of usable floor area shall govern.
12. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

<u>USE</u>	<u>NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE</u>
a. RESIDENTIAL	
(1) Residential, One-Family.	Two (2) for each dwelling unit.
(2) Residential, Multiple-Family.	Two (2) for each dwelling unit.
(3) Housing for the elderly.	One (1) for each one (1) unit, and one (1) for each employee. Should units revert to general occupancy; then two (2) spaces per unit shall be provided.
(4) Mobile Home Park.	Two (2) for each mobile home site and one (1) for each employee of the Mobile Home Park.

USE

NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE

b. INSTITUTIONAL

- | | |
|---|---|
| (1) Places of worship. | One (1) for each three (3) seats or six (6) feet of pews in the main unit of worship. |
| (2) Hospitals. | One (1) for each one (1) bed. |
| (3) Homes for the aged and convalescent homes. | One (1) for each two (2) beds. |
| (4) Elementary and junior high schools. | One (1) for each one (1) teacher, employee or administrator, in addition to the requirements of auditorium. |
| (5) Senior high schools. | 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. |
| (6) Private clubs or lodge halls. | 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. |
| (7) Private golf-clubs, swimming pool clubs, tennis clubs, or other similar uses. | One (1) for each two (2) member families or individuals plus spaces required for each accessory use, such as a restaurant or bar. |
| (8) Golf courses open to the general public, except miniature or "Par-3" courses. | 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. |
| (9) Fraternity or sorority. | One (1) for each five (5) permitted active members, or one (1) for each two (2) beds, whichever is greater. |

<u>USE</u>	<u>NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE</u>
(10) Stadium, sports arena, or similar place of outdoor assembly.	one (1) for each three (3) seats or six (6) feet of benches.
(11) Theaters and auditoriums.	One (1) for each three (3) seats plus one (1) for each (2) employees.
c. BUSINESS AND COMMERCIAL	
(1) Planned commercial or shopping center.	One (1) for each one hundred (100) square feet of usable floor area.
(2) Auto wash (automatic).	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).
(3) Auto wash (self-service or coin operated).	Five (5) for each washing stall in addition to the stall itself.
(4) Beauty parlor or barber shop.	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.
(5) Bowling alleys.	Five (5) for each one (1) bowling lane plus accessory uses.
(6) Dance halls, pool or billiard parlors, roller or skating rinks, exhibition halls, and assembly halls without fixed seats.	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.

<u>USE</u>	<u>NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE</u>
(7) Establishment for sale and consumption on the premises of beverages, food or refreshments.	One (1) for each one hundred (100) square feet of usable floor space or 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.
(8) Furniture and appliance household equipment, repair shops, showroom of a plumber, decorator, electrician or similar trade, shoe repair, and other similar uses.	One (1) for each eight hundred (800) square feet of usable floor area. (For that floor area used in processing, one (1) additional space shall be provided for each two (2) persons employed therein.)
(9) Gasoline service stations.	Two (2) for each lubrication stall, rack, or pit; and one (1) for each gasoline pump.
(10) Laundromats and coin operated dry cleaners.	One (1) for each two (2) washing and/or dry-cleaning machines.
(11) Miniature or "Par-3" golf courses.	Three (3) for each one (1) hole plus one (1) for each one (1) employee.
(12) Mortuary establishments.	One (1) for each fifty (50) square feet of usable floor space.
(13) Motel, hotel, or other commercial lodging establishments.	One (1) for each one (1) occupancy unit plus one (1) for each one (1) employee.
(14) Motor vehicle sales and service establishments.	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.
(15) Nursery school, day nurseries, or child care centers.	One (1) for each three hundred and fifty (350) square feet of usable floor space.

<u>USE</u>	<u>NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE</u>
(16) Retail stores except as otherwise specified herein.	One (1) for each one hundred and fifty (150) square feet of usable floor space.
d. OFFICES	
(1) Banks.	One (1) for each one hundred (100) square feet of usable floor space.
(2) Business offices or professional offices except as indicated in the following item (3).	One (1) for each two hundred (200) square feet of usable floor space.
(3) Professional offices of doctors, dentists or similar professions.	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.
e. INDUSTRIAL	
(1) Industrial or research establishments, and related accessory offices.	Five (5) 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 (5) 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.

- 13. Each parking lot that services a building entrance, except single or two-family residential or temporary structures, shall have a number of level parking spaces for the physically handicapped as set forth in the following table, and identified by above grade signs as reserved for physically handicapped persons.

<u>TOTAL SPACES IN PARKING LOT</u>	<u>REQUIRED NUMBER OF ACCESSIBLE SPACES</u>
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
over 1,000	20 plus 1 for each 100 over 1,000

Parking spaces for the physically handicapped shall be a minimum of twelve (12) feet wide and must meet all other applicable requirements as to size as set forth in this section.

SECTION 14.07 OFF-STREET PARKING SPACE LAYOUT, STANDARDS, CONSTRUCTION AND MAINTENANCE

Whenever the off-street parking requirements in Section 14.06 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 is issued by the Building Official. Applications for a permit shall be submitted to the Building Official in such form as may be determined by the Building official 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 (see also **Parking Layout** on the following page):

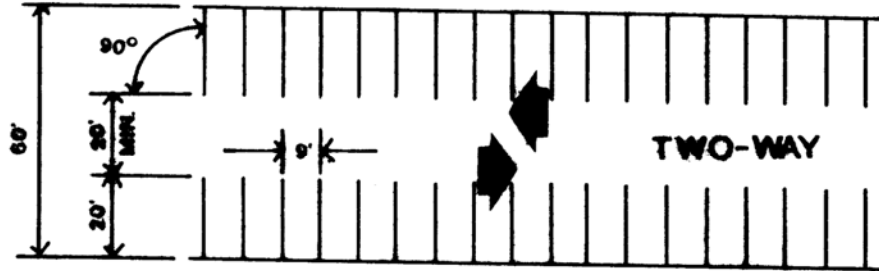
<u>Parking Pattern</u>	<u>Maneuvering Lane Width</u>	<u>Parking Space Width</u>	<u>Total Width of One Tier of Spaces Plus Parking Space Length</u>	<u>Total Width Of Two Tiers of Spaces Plus Maneuvering Lane</u>	<u>Maneuvering Lane</u>
0°(parallel parking)	12 ft.	8 ft.	28 ft.	20 ft.	28 ft.
30° to 53°	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 twenty-five (25) foot wide drives shall be provided for all vehicles.

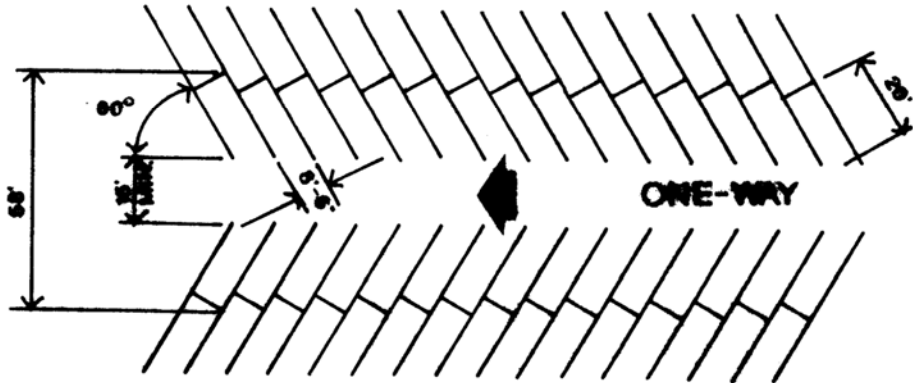
Ingress and egress to a parking lot lying in an area zoned for other than single family residential use shall not be across land zoned for single-family residential use.

PARKING LAYOUT

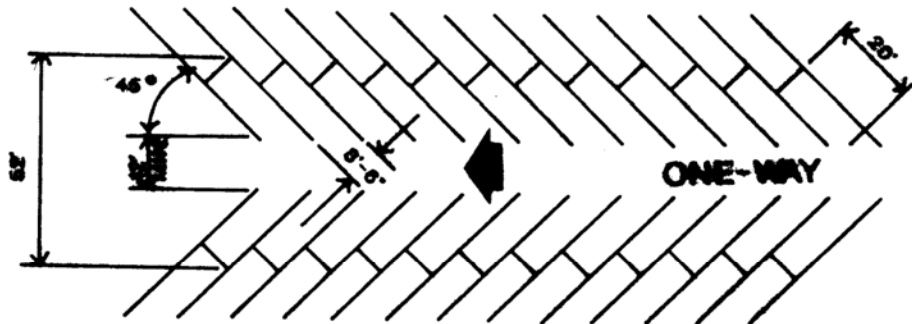
90
DEGREE



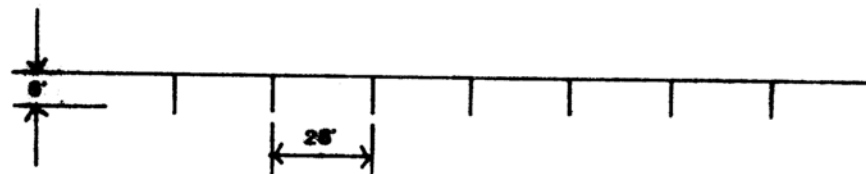
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PARALLEL



5. All maneuvering lane widths shall permit one-way traffic movement, except that the 90 degree 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. Except for those serving single and two-family dwellings, all off-street parking areas shall be screened from view from any adjoining residential property. Such screening shall consist of earth berms, permanent walls, or evergreen landscaping subject to approval of the Planning Commission and in accordance with the provisions set forth in Section 14.11 of this Zoning Ordinance.

When a front yard setback is required, all land between said screening and the front property line or street right-of-way line shall be kept free from refuse 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, livable 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 Building Official.

Off-street parking areas and maneuvering lanes 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 only onto the parking area.
10. Except for those serving single and two-family dwellings, all parking lots shall be provided with wheel stops or bumper guards so located that no part of parked vehicles will extend beyond the property line or into required landscaped areas.
11. No parking lot shall have more than one (1) attendant shelter building. All shelter buildings shall conform to setback requirements for structures in the district in which it is located.

SECTION 14.08 OFF-STREET LOADING AND UNLOADING

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

1. All spaces shall be provided as required in Section 13.01 under footnote o., except as hereinafter provided for the LM District.
2. Within the LM 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 the LM District shall be provided in the following ratio of space to floor area.

<u>GROSS FLOOR AREA (IN SQUARE FEET)</u>	<u>LOADING AND UNLOADING SPACE REQUIRED</u>
0 - 1,400	None
1,401 - 20,000	One (1) space.
20,001 - 100,000	One (1) space plus one (1) space for each 20,000-square feet in excess of 20,001-square feet.
100,001 and over	Five (5) spaces.

SECTION 14.09 LANDSCAPING

1. Intent

Landscaping, greenbelts, and screening are necessary for the protection and enhancement of the environment and for the continued vitality of all land uses in the Township. Landscaping and greenbelts are capable of enhancing the visual environment, preserving natural features, improving property values, and alleviating the impact of noise, traffic, and visual disruption related to intensive uses. Screening is important to protect less-intensive uses from the noise, light, traffic, litter and other impacts of intensive nonresidential uses. The purpose of this section is to set minimum standards for the protection and enhancement of the environment through requirements for the design and use of landscaping, greenbelts, and screening.

2. Scope of Application

The requirements set forth in this section shall apply to all uses, lots, sites, and parcels which are developed or expanded following the effective date of this Ordinance. No site plan shall be approved unless said site plan shows landscaping consistent with the provisions of this Section. Furthermore, where landscaping is required, a building permit shall not be issued until the required landscape plan is submitted and approved, and a certificate of occupancy shall not be issued unless provisions set forth in this section have been met or a performance bond has been posted in accordance with the provisions set forth in Section 16.06.

In cases where the use of an existing building changes or an existing building is changed or otherwise altered or reoccupied, all of the standards set forth herein shall be met.

The requirements of this section are minimum requirements, and nothing herein shall preclude a developer and the Township from agreeing to more extensive landscaping.

3. Landscaping Design Standards

Except as otherwise specified in the general requirements for each Zoning District, all landscaping shall conform to the following standards

a. General Landscaping

All developed portions of the site shall conform to the following general landscaping standards, except where specific landscape elements, such as a greenbelt, berms, or screening are required:

- 1) All portions of the landscaped area shall be planted with grass, ground cover, shrubbery, or other suitable plant material, except that paved patios, terraces, sidewalks and similar site features may be incorporated with Planning Commission approval.
- 2) A mixture of evergreen and deciduous trees shall be planted at the rate of one (1) tree for each 3,000 square feet or portion thereof of landscaped open-space area.
- 3) Required trees and shrubs may be planted at uniform intervals, at random, or in groupings.
- 4) In consideration of the overall design and impact of the landscape plan, the Planning Commission may reduce or waive the requirements outlined herein for General Landscaping, or for landscaping in greenbelt areas, on berms, or as part of a screen, provided that any such adjustment is in keeping with the intent of the Ordinance, and more specifically, with the intent of Section 14.09,1.
- 5) The total landscaped area shall be the basis for determining the required number of trees or shrubs, irrespective of the portion which is devoted to patios, terraces, sidewalks, or other site features.

b. Greenbelt Buffer

Where required, greenbelts and greenbelt buffers shall conform to the following standards:

- 1) A required greenbelt or greenbelt buffer may be interrupted only to provide for roads or driveways for vehicular access.
- 2) Grass, ground cover, or other suitable live plant material shall be planted over the entire greenbelt area, except that paving may be used in areas of intensive pedestrian circulation.
- 3) A minimum of one (1) deciduous tree or evergreen tree shall be planted for each thirty (30) lineal feet or portion thereof of required greenbelt length. Required trees may be planted at uniform intervals, at random, or in groupings.

- 4) For the purpose of determining required plant material, required greenbelt area length shall be measured along the exterior periphery of the greenbelt area.

c. Berms

Where required, earth berets or landscaped berets shall conform to the following standards:

- 1) The berm shall be at least three (3) feet above the grade elevation, and shall be constructed with slopes no steeper than one (1) foot vertical for each four (4) feet horizontal with at least a two (2) foot flat area on the top. For the purposes of this provision, grade elevation shall be the ground elevation at the property line adjacent to the proposed beret.
- 2) The berm area shall be planted with grass or other suitable ground cover to ensure that it withstands wind and weather and retains its height and shape.
- 3) A minimum of one (1) deciduous or evergreen tree shall be planted for each thirty (30) linear feet or portion of required berm.
- 4) Eight (8) shrubs per tree may be planted as substitute for trees required in item 3 above.
- 5) Required trees and shrubs may be planted at uniform intervals, at random, or in groupings.
- 6) For the purpose of determining required plant material, required berm length shall be measured along the exterior periphery of the berm.

d. Parking Lot Landscaping

Off-street parking areas shall be landscaped as follows:

- 1) In off-street parking areas containing greater than twenty (20) spaces, at least five (5) percent of the total parking area shall be used for interior landscaping. Whenever possible, parking lot landscaping shall be arranged to improve the safety of pedestrian and vehicular traffic, guide traffic movement, and improve the appearance of the parking area.
- 2) Parking lot landscaping shall be no less than five (5) feet in any single dimension and no less than one hundred fifty (150) square feet in any single area and shall be protected from parking areas with curbing, or other permanent means to prevent vehicular encroachment onto the landscaped areas.
- 3) The landscape plan shall designate the sizes, quantities, and types of plant material to be used in parking lot landscaping.
- 4) Required landscaping elsewhere on the parcel shall not be counted in meeting the parking lot landscaping requirements.

- 5) A minimum of one (1) deciduous tree shall be planted in each landscaped area.

e. Evergreen Screening

Where required, evergreen screening shall consist of closely-spaced plantings which form a complete visual barrier that is at least six (6) feet above ground level within five (5) years of planting.

f. Landscaping of Rights-of-Way and Other Adjacent Public Open-Space Areas

Public rights-of-way and other public open-space areas adjacent to required landscaped areas and greenbelts shall be planted with grass or other suitable ground cover and maintained by the owner of the adjacent property as if they were part of required landscaped areas and greenbelts.

g. Regulations Pertaining to Landscaping Areas Used for Sight Distance

When a driveway intersects a public right-of-way or when the subject property abuts the intersection of public rights-of-way, all landscaping within the corner triangular areas described below shall permit unobstructed cross-visibility. Shrubs located in the triangular area shall not be permitted to grow to a height of more than thirty (30) inches above the pavement grade at the edge of the pavement. Portions of required berms located within sight distance triangular areas shall not exceed a height of thirty (30) inches above the pavement grade at the edge of the pavement. Trees may be maintained in this area provided that all branches are trimmed to maintain a clear vision for a vertical height of eight (8) feet above the roadway surface. Landscaping, except grass or ground cover, shall not be located closer than three (3) feet from the edge of a driveway.

The triangular areas referred to above are:

- 1) The area formed at the corner intersection of a public right-of-way and a driveway, two (2) sides of the triangle area being ten (10) feet in length measured along the right-of-way line and driveway line and the third side being a line connecting these two sides.
- 2) The area formed at a corner intersection of two (2) public rights-of-way lines, the two (2) sides of the triangular area being twenty-five (25) feet in length measured along the abutting public rights-of-way lines and the third side being a line connecting these two (2) sides.

SECTION 14.10 PLANT MATERIALS

Whenever in this Ordinance planting is required, it shall be planted within six (6) months from the date of completion of the building or improvement, and shall thereafter be reasonably maintained with permanent plant materials.

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 planted 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.
 - d. Narrow evergreens shall be planted not more than three (3) feet on centers.
 - e. Deciduous trees shall be planted not more than thirty (30) feet on centers.
 - f. Tree-like shrubs shall be planted not more than ten (10) feet on centers.
 - g. Large deciduous shrubs shall be planted not more than four (4) feet on centers.

- | | | |
|----|---|-------------------------|
| 2. | Suggested Plant Materials | Minimum Size |
| | a. Evergreen Trees | Five (5) feet in height |
| | <ol style="list-style-type: none"> (1) Juniper (2) Hemlock (3) Fir (4) Pine (5) Spruce (6) Douglas-Fir | |
| | b. Narrow Evergreens | Five (5) feet in height |
| | <ol style="list-style-type: none"> (1) Column Honoki Cypress (2) Blue Columnar Chinese Juniper (3) Pyramidal Red-Cedar (4) Swiss Stone Pine (5) Pyramidal White Pine (6) Irish Yew (7) Douglas Arborvitae (8) Columnar Giant Arborvitae | |
| | c. Tree-like Shrubs | Six (6) feet in height |
| | <ol style="list-style-type: none"> (1) Flowering Crab (2) Russian Olive (3) Mountain Ash (4) Dogwood (5) Redbud (6) Rose of Sharon (7) Hornbeam (8) Hawthorn (9) Magnolia | |

d. Large Deciduous Shrubs

Six (6) feet in height

- (1) Honeysuckle
- (2) Viburnum
- (3) Mock-Orange
- (4) Forsythia
- (5) Lilac
- (6) Ninebark
- (7) Cotoneaster
- (8) Hazelnut
- (9) Euonymus
- (10) Privet
- (11) Buckthorn
- (12) Sumac

e. Large Deciduous Trees

Three (3) to Four (4) inch
Caliper

- (1) Oaks
- (2) Hard maple
- (3) Hackberry
- (4) Birch
- (5) Planetree (Sycamore)
- (6) Ginkgo
- (7) Beech
- (8) Sweet-Gum
- (9) Honeylocust
- (10) Hop Hornbeam
- (11) Linden

3. Trees Not Permitted

- a. Box Elder
- b. Soft Maples (Red-Silver)
- c. Elms
- d. Poplars
- e. Willows
- f. Horse Chestnut (nut bearing)
- g. Tree of Heaven
- h. Catalpa

SECTION 14.11 WALLS

1. For the 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. The height of the wall shall be measured from the surface of the parking area or land on the nonresidential side of the wall:

<u>USE</u>	<u>HEIGHT REQUIREMENTS</u>
a. RU-2 Districts (on those sides adjacent to one-family residential" districts)	4'-6" to 6'-0" high
b. CO, LC, GC Districts	4'-6" to 6'-0" high
c. LM District, Storage Areas, Loading and Unloading Areas, and Service Areas	5'-0" to 8'-0" high (height shall provide the most complete obscuring possible)
d. Off-Street Parking Area (other than the above districts)	4'-6" high
e. Hospital-Ambulance and Delivery Areas	6'-0" high
f. Public Utility Buildings, Stations, and/or Substations	6'-0" high
2.	In the case of variable wall height requirements such as in (a), (b), and (c) above, the extent of obscuring wall shall be determined by the Planning Commission on the basis of land usage, provided further that no wall or berm shall be less than the above required minimum, nor greater than the above required maximum height.
3.	Required walls shall be located on the lot line except where underground utilities interfere and except in instances where this Ordinance requires conformance with yard setback lines. Upon review of the site plan, the Planning Commission may approve an alternate location for the wall, or may modify the wall requirement by approving either an earth berm or evergreen screen in its place. The Planning Commission may also waive the wall requirement if in specific cases where cause can be shown that no good purpose would be served by the screening requirement.
4.	Required walls 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 Planning Commission. All walls herein required shall be constructed of materials approved by the Building Official to be durable, weather resistant, and easily maintained.
5.	The requirement 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 abutting residential district(s).

SECTION 14.12 FENCES (RESIDENTIAL)

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, whichever is greater. In addition, no fence located within the front yard shall exceed four (4) feet in height.

2. Fences on lots of record shall not contain barbed wire, electric current or charge of electricity.
3. 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.

SECTION 14.13 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 neighboring 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.

SECTION 14.14 RESIDENTIAL ENTRANCEWAY STRUCTURES

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 required yard, except as provided in Section 14.09.3,g provided that such entranceway structures shall comply to all codes of the Township, and shall be approved by the Building Official and a permit issued.

SECTION 14.15 OPEN PARKING AND STORAGE IN ALL DISTRICTS EXCEPT WHERE PERMITTED

1. Intent

The regulations set forth in this section are intended to prevent the storage or accumulation of unusable, inoperable, or unsightly motor vehicles, machinery, or building materials that could be hazardous to the safety of children, encourage the propagation of rats or rodents, or detract from the orderly appearance of the Township.

2. General Requirements

a. Motor Vehicle Parking and Storage

No motor vehicle shall be kept, parked or stored in any district zoned for residential use, unless the vehicle is in operating condition and properly licensed for actual use, or is kept inside a building. However, these provisions shall not apply to any motor vehicle ordinarily used but temporarily out of running condition. If a motor vehicle is being kept for actual use, but is temporarily unlicensed, the Building Official may grant the owner a period of up to three (3) months to procure a license.

b. Machinery and Building Materials Storage

Unusable, rusty, or inoperable machinery, equipment, or parts of machines not suited for use upon the premises, or old and/or used building materials shall not be kept or stored outside of a building. However, building materials intended to be used to improve the premises may be stored outside if piled off the ground so as not to become a suitable environment for rats or rodents. The temporary storage of building materials to be used for the purpose of new construction shall also be permitted. In no case shall usable or unusable machinery, building materials, or other items be stored on a permanent basis in a truck trailer or other type of trailer, with or without its wheels.

SECTION 14.16 RECREATIONAL VEHICLE STORAGE

1. The open parking or storage of trailers, boats or similar vehicles not owned by a resident of the Township on lands not specifically designated for such parking and storage shall be permitted for a period of up to twenty-four (24) hours. However, a travel trailer may be parked in the rear yard of a single-family lot for a period of up to four (4) weeks provided a permit has first been secured from the Building Officials.
2. Residents of the Township may store their own trailer, boats, and similar vehicles on their own property for an indefinite period of time, provided the vehicles are in operable condition and are not stored within any required front or side yard setback area. Such vehicles shall be subject to applicable provisions concerning Accessory Buildings as set forth in Section 14.05.
3. A travel trailer parked or stored on a residential lot shall not be connected to sanitary facilities and shall not be occupied.
4. A mobile home shall not be considered a travel trailer, motor home, or any other type of recreational vehicle.

SECTION 14.17 PRESERVATION OF ENVIRONMENTAL QUALITY

1. Intent

It is the intent of this section to specify certain materials which must be prepared and submitted by land developers to assist the Township in determining if the proposed development is in compliance with local ordinance and state and federal statutes, which are enacted to protect wildlife, preserve ecologically important features, and retain environmental resources.

2. Definitions

"Natural resources" shall include:

- a. Archaeological finds.
- b. Endangered species habitat.
- c. Floodplain, 100-year. An area which has a one (1) percent chance of flood occurrence in any given year.
- d. Hedgerow. A row of eight (8) or more trees having a four (4) inch or more diameter at four (4) feet. (The drip-line of the trees defines the land area of a hedgerow.)
- e. Ponds and Lakes. A natural or artificial impoundment of water that retains water year-round.
- f. Steep Slopes. Slopes equal to or exceeding a grade of thirty-three (33) percent or a 3:1 ratio of run over rise.
- g. Wetlands. Land where standing water is retained for a portion of the year and does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh.
- h. Woodlot. An area of 1/4 acre or more containing eight (8) or more trees per 1/4 acre having a four (4) inch or more diameter at a four (4) foot height.

3. Applicability

In any Zoning District, no natural resource shall be altered, changed, transformed, or otherwise varied by any person except as provided by Section 16.00, of this Ordinance, and such person having submitted to the Township Planning Commission the required data, exhibits, and information as hereafter required.

4. Information and Data Required

The submission of a site plan review as provided by Section 16.00 of this Zoning Ordinance shall be accompanied by a Natural Resources Analysis, which shall be submitted by and at the expense of the petitioner. Submission shall be made concurrently with the payment of site plan review fees.

The Natural Resources Analysis shall include, but not be limited to, the following information:

- a. Site conditions of the subject property indicating the location, size, and type of existing natural resources. Such information shall be displayed on a map in relation to the subject parcel's property lines and existing development pattern.
- b. A project description which, in narrative form, shall describe the proposed development in terms of use, density, building coverage, height, gross floor area, number of units, parking, landscaping, internal site circulation, traffic to be generated, and other applicable design features.
- c. The petitioner shall provide a full analysis and description of the proposed project's impact on the natural resources existing on the site. This analysis shall include an evaluation of alternatives to affecting the natural resources in terms of alternative site location or actions. The analysis shall also assess the impact of affecting the natural resource(s) in terms the natural environment (topography, habitat, hazards, etc.), social concerns (aesthetics, historic and cultural values, etc.), economic aspects (employment opportunities created, tax base, land use pattern, etc.), and legal constraints (permits required, intergovernmental review, conformance with local plans/ordinances, etc.). These factors shall be evaluated in terms of both positive and negative impacts, direct and indirect impacts, as well as long-term vs. short-term affects.
- d. The applicant shall identify measures to mitigate or eliminate negative affects to natural resources identified in step 4(c) above.

5. Appeals

The requirements for a Natural Resources Analysis, as provided above, may be waived by the Planning Commission, upon appeal and by showing of the applicant, that the proposed development will not alter, change, transform, or otherwise vary any natural resource contained on the subject parcel.

6. Exclusions

The development of detached single-family units on an individual basis is hereby excluded from the requirements of this section.

The requirements contained herein shall not relieve the project's sponsor from complying with other land development or environmental standards established by other public agencies having jurisdiction.

SECTION 14.18 SOIL REMOVAL; EXCAVATION; FILLING

1. Prohibition, Permits Required:

- a. It shall be unlawful for any person, firm, corporation, partnership, or other organization or entity to engage in or conduct any soil removal or excavation within the unincorporated areas of the Township without first procuring a Special Condition Use Permit, from the Building Official after approval of the Township Board as regulated in Article XVII. This provision shall not apply to temporary

excavations for building construction purposes, pursuant to a Building Permit issued under the Township Building Code.

- b. The filling of land with garbage or rubbish or any other waste matter is hereby prohibited in all areas of the Township, except that, pursuant to the terms and conditions of a Special Condition Use Permit that may be granted in a proper case by the Township Board. This prohibition shall not apply to areas designated as RA, Residential Agricultural, in this Zoning Ordinance, as amended, provided that in no case shall any Special Condition Use Permit be issued nor filling be permitted unless a minimum of fifty-one (51) percent of the owners of property within 2,500 feet of the proposed site waive this prohibition.

2. Application for Special Condition Use Permit

- a. Application for a Special Condition Use Permit hereunder shall be made in accordance with Section 17.00, Review and Approval of Special Condition Uses. Applications shall contain the name and address of the applicant, a legal description of the property upon which the proposed operation is to be carried out, a topographic map drawn at a scale of 1" to 100' with a two (2) foot contour interval, showing both existing and proposed grades, a description of the extent and nature of the proposed operation (including in the case of filling, the amount of fill to be deposited and the exact nature thereof), the name of the owner of the land described therein, and if the applicant is not the owner, shall contain or have attached thereto the written consent of the owner to the proposed operation on said land, and authorizing the Township to enter upon the land for the purpose of inspecting the premises and considering said application. It shall also contain an agreement that the applicant, and the owner if the applicant is not the owner, will comply with all of the provisions of this Ordinance, and any and all rules and conditions regarding and excavation and/or filling operations established by the Township pursuant to this Ordinance and filed in the office of the Township Clerk.
- b. The original of each application shall be signed by the applicant and sworn to before a notary public. Two confirmed copies shall be filed with said original.

3. Reference of Application to Building Official, Investigation and Report, Standards:

One copy of the application shall be referred to the Building Official, or his duly authorized agent, who shall investigate the premises described in the application, including the surrounding area, and within a reasonable time make recommendations to the Planning Commission as to whether the Special Condition Use Permit should be granted subject to this Ordinance, or whether the application should be denied. Recommendations shall include a report on the following matters, which, in addition to those general standards outlined in Section 17.03, shall serve as the standards to be used by the Building Official in making his recommendation to the Planning Commission and by the Planning Commission in making its findings and rendering its recommendation to the Township Board regarding the Special Condition Use Application:

- a. The qualifications of the applicant to comply satisfactorily with the terms and conditions applicable to any permit to be granted as necessary to protect the public health, safety, and general welfare.

No Special Condition Use Permit shall be granted to an applicant deemed unfit by the Township Board on the basis of the clear and substantial weight of the facts presented.

- b. The full and complete affect on the public health, safety, and general welfare of granting the Special Condition Use Permit without special terms and conditions. For an application to be granted on this basis, the Township Board, exercising its discretion, must be able to find the application consistent with the public health, safety, and general welfare by the clear and substantial weight of the facts presented.
- c. The necessity of special terms and conditions, with an enumeration thereof, and specific reasons therefor. Even subject to special terms and conditions, an application shall not be granted unless the Township Board, exercising its discretion, is able to find the application consistent with the public health, safety, and general welfare by the clear and substantial weight of the facts presented.
- d. In connection with items b. and c. above, any geographical, soil, or other physical conditions pertaining to the land or general area involved, or arising out of any of the proposals of the application that would affect the present and future value or condition of the land involved, the general area, or otherwise affect the public health, safety, and general welfare. No application shall be granted on any basis whatever if the Township Board, exercising its discretion, finds that the granting of the application, because of such condition or conditions, would tend to injuriously affect the public health, safety, or general welfare, or make worse an already unsatisfactory situation. The Building Official, or his duly authorized agent, shall include on his report to the Planning Commission and the Planning Commission shall consider in its recommendation to the Township Board, whether the granting of the permit, because of the nature of the fill proposed to be deposited on the site, would tend to leave the land in an unstable, wasted, or unfit condition for the growing of turf or other land uses permitted herein, or tend to impair the surrounding lands as to their respective permitted uses, or tend to create a stagnant or standing water condition, create a drowning hazard, other attractive nuisance, disease problem, or other unhealthful condition.

4. Rules and Conditions:

Each party granted a Special Condition Use Permit is required to faithfully adhere to and abide by any special condition or conditions which may be attached to the Special Condition Use Permit, to honor any and all applicable provisions of law, and to comply with the following regulations:

- a. No top soil, earth or sand shall be removed and no excavation shall be conducted on a parcel of less than five (5) acres in area, or within two hundred (200) feet of any public thoroughfare, or within a distance of one hundred (100) feet, plus the measurement of the depth of the cut, of any adjoining private property line.

- b. Water, ice, or other unsatisfactory matter shall not be permitted to stand or accumulate in any excavation during the conduct, or following the completion of the excavation operations, unless an impoundment of water has been previously approved by the Township Board as a part of restoration operations as described in item (d), below.
- c. Each permitted excavation in excess of four (4) feet in depth shall be barricaded with a fence six (6) feet in height, constructed of wire mesh, or other suitable material, to afford protection to persons and property, with warning signs, lights and watchman provided where found by the Township Board to be reasonably necessary based on the conditions involved.

In any event, the slopes of the excavation shall not exceed a ratio of four (4) feet horizontal to one (1) foot vertical, except where an impoundment of water has been previously approved by the Township Board as a part of restoration operations (as described in item (d) immediately below). Slopes at a ratio of seven (7) feet horizontal to one (1) foot vertical shall be maintained for all areas lying below the proposed water surface.

- d. Where a permit for soil removal or excavation specifies grading, or filling and grading, as a special condition of the permit, said applicant, within ninety (90) days after completion of the removal or excavation operation, shall commence and complete with all due dispatch the grading, or filling and grading, as required. Only proper fill deposited in the proper manner shall be permissible. Grading shall be on the basis of an average grade at least twelve (12) inches above the crown of the lowest road or highway adjacent to or abutting said land, and the land shall be leveled so as to provide drainage suitable for growing of turf or for other land uses permitted under this Ordinance, except that filling the land to an average grade higher than that which existed prior to the removal of the top soil, earth, or sand from said land shall not be required.
- e. In the case of a permit for filling:
 - 1) No rubbish or garbage shall be burned, permitted to burn or smolder as a result of voluntary igniting of said material or as a result of involuntary internal combustion of said rubbish or fill material deposited at the site of the permitted operation;
 - 2) A temporary fence to prevent the scattering of rubbish, garbage, and other waste matter, if required by the Township Board, shall be erected around the place of the fill so as to enclose the matter to be deposited; provided that any rubbish, garbage, or other matter that nevertheless collects shall be picked up and removed from the area daily, it being the duty of the Special Condition Use Permit holder to keep the area in a reasonably-clean and neat condition;
 - 3) All rubbish and garbage fill when deposited must be thoroughly compacted;
 - 4) All rubbish and garbage fill, within twenty-four (24) hours of depositing in the place or places authorized in the Special Condition Use Permit, shall be covered with a compacted layer of soil matter twelve (12) inches thick

and of a kind and texture that will be suitable for growing of turf or for other land uses permitted within the district. A final compacted layer of soil matter twenty-four (24) inches thick of a kind and texture that will be suitable for the growing of turf, or for other suitable land uses permitted within the district, shall be placed within one week following the completion of the deposit of refuse in that area. In applying the standards of public health, safety and welfare provided for in this Ordinance, the Township Board may extend the above twenty-four (24) hour period to such longer period as is deemed satisfactory under the circumstances.

- 5) Conveyance vehicles for rubbish or garbage shall not be open lid and while in transit shall be closed and covered so as to reduce odor and the scattering of the matter being carried. Any rubbish or garbage that is nevertheless dropped in transit shall be recovered and the affected area restored to its prior condition. Further, any undue collection of soil matter deposited on the public highways by the tracking of the vehicles shall be removed and the affected area restored to its prior condition.
 - f. The Township, through its duly authorized agents, shall have the right to enter upon any land designated in any Special Condition Use Permit, for the purposes of making inspections, and for causing compliance with the terms of this Ordinance in the event the Permit holder shall fail to do so. It shall be the duty of the Building official or his duly authorized agents to make periodic inspections of all land for which permits have been issued, and to report any violation of the terms hereof to the Township Board.
 - g. Applying the standards of public health, safety, and welfare, the Township Board may, in appropriate cases, waive or relax the requirement of the above rules and regulations contained in this Section.
5. Permits; Suspensions; Revocation:

In the event a Special Condition Use Permit holder violates the terms of this Ordinance or conditions previously imposed by the Township Board, the Building official shall have the power to suspend said Permit issued pursuant to this Ordinance, provided that written notice of such suspension, stating the reasons therefore, shall be served upon the Permit holder, either personally or by registered mail, and provided further that the Permit holder shall have the right to appeal such suspension to the Township Board within ten (10) days after receipt of such notice. If it shall appear to the Township Board from the facts presented that the Special Condition Use Permit holder has been committing the violation as charged, then the Township Board shall revoke said Permit. In the event of the revocation of a Special Condition Use Permit for cause, any performance guarantee shall not be canceled until said premises are restored to a condition deemed satisfactory to the Township Board, based on the standards of this Ordinance and conditions previously imposed by the Township Board.

6. Dangerous Excavations or Holes Prohibited:

The construction, maintenance, or existence within the Township of any unprotected, unbarricaded, open or dangerous excavations, holes, pits, or wells, or of any excavations, holes or pits which constitute, or are reasonably likely to constitute, a menace to the public health, safety or welfare, is hereby prohibited. This section shall

not apply to excavations operated under a Special Condition Use Permit issued pursuant to this Ordinance, or the Building Code of the Township, where such excavations are barricaded and warning signs posted in such manner as may be approved by the Building Official, nor does this section apply to lakes, streams, or other natural bodies of water, or to ditches, streams, reservoirs, or other major bodies of water created or existing by authority of the State of Michigan, Genesee County, Thetford Township, or other governmental agencies.

7. Restoration

All areas within any landfill or excavation site operating under a single permit shall be restored progressively. Restoration shall be in accordance with a plan approved by the Township Board prior to the issuance of a Special Condition Use Permit. Restoration shall be to a condition as to leave the surface of the land at a grade which blends with the general surrounding terrain so as to appear reasonably natural and to permit the establishment of other land uses allowed in the district in which said excavation or filling occurs.

The Township Building Official shall conduct inspections hereunder, and shall notify the owner and/or operator in writing of any portions of the site that is deemed abandoned or ready for restoration. Upon receipt of such written notification, the owner and/or operator shall have said areas restored within ninety (90) days, or within thirty (30) days supply the Township Board with a written reply indicating the date restoration is anticipated. The Township Board may accept or reject said dates. If said date is accepted, it shall be binding on both parties. If said date is rejected, the Township Board shall set a new date which shall be final.

8. Construction of Ponds (Ordinance No.70)

- A. No person, firm or corporation shall commence the digging, altering, enlargement, or construction of any type of pond in Thetford Township before making application for and receiving a permit from the Thetford Township Building Department.
- B. All ponds designed and constructed on lands of less than ten (10) contiguous acres, shall be enclosed by a fence of not less than four (4) feet in height, with a self-closure gate with a latch on the inside located at least four (4) feet above the ground.
- C. All fencing shall be of a type so as to not allow ready access or entrance into the pond area and shall be maintained at all times by the pond owner.
- D. Where the entire property on which the pond is located is enclosed by fencing, the fencing requirements of this ordinance may be waived by the Township Board of Appeals upon a proper petition and verification by the Township that the pond is located in an entirely enclosed area.
- E. Pond fencing shall not be required if the property upon which the pond is located is more than ten (10) contiguous acres in size.

- F. The set back requirements for ponds located on property of more than ten (10) contiguous acres in size shall be at least one hundred (100) feet from all property lines.
- G. All fencing provisions of this ordinance shall be completed within thirty (30) days of completion of the pond.
- H. Such application shall contain a general plan of the requested pond including the specific location of the pond, location of safety stations, its intended use, its general size and depth, the method to be used to assure its cleanliness, whether it is to be stream, spring, surface run-off, or well-fed, and any other reasonable information requirements the Building Department may request.
- I. In addition to the requirements of Section A above, the applicant shall supply the Building Department with a written approval or clearance from the Genesee County Drain Commissioner's Office, the Consumers Power Company and the Michigan Bell Telephone Company, if required, and should the pond be stream fed, a written approval or clearance from the Michigan Department of Natural Resources, if required.
- J. As a condition precedent to the issuance of the permit, the applicant shall indemnify and hold harmless Thetford Township, its officials, agents and employees and all other Township residents from all matter of liability whatsoever, that may arise as a result of such pond construction. Also, the applicant shall have the duty and obligation to stop work and promptly notify the Thetford Township Building Department at any time during such pond construction of any underground electrical line or conduit, telephone line, water line, drain tile or drain line, or any unidentifiable line, title or conduit, and shall continue such work stoppage until an inspection or same can be made by said Building Department personnel.
- K. A minimum of three (3) acres of land shall be required for the construction of a pond in the Township.
- L. The drainage area above the pond must be protected against erosion, and grading shall be maintained as to not cause undo surface run-off or flooding of adjacent land owners.
- M. Ponds must be located a minimum of fifty (50) feet from all property lines, easements, streets, roads, right-of-ways, septic fields, dwellings and domestic water supply.
- N. A safety station shall be located within. twenty-five (25) feet of all ponds having water depths exceeding three (3) feet: Minimum requirements for this rescue station shall be:
 - a. A post two (2") inches by four (4") inches or larger, approximately six (6) feet long and set about (2) feet into the ground.
 - b. A new inner tube or ring buoy.
 - c. A forty (40) foot length of rope securely tied to the inner tube or ring buoy.

- d. A pole at least twelve (12) feet long.
- e. No pond in Thetford Township shall exceed three (3) acres in size.
- O. Should the Building Department refuse to issue the permit required in this Ordinance, it shall provide its reason for such denial in writing to the applicant, and the applicant may appeal such denial to the Thetford Township Board of Appeals, under the provisions of Article XII, Section 20.272 of the Thetford Township Zoning Ordinance.
- P. Exemptions. Decorative ponds of small size exclusively used as a landscape feature, ponds which are constructed for the sole purpose of farming such as irrigation ponds and livestock ponds, and drainage retention ponds approved as part of a site plan, shall be exempt from the requirements this Section.

SECTION 14.19 SIGNS

1. Intent

The Township finds that signs and other visual outdoor advertising tends to promote commerce and are related to the health, safety, and/or general welfare of the residents of the Township, and that the preservation of the existing character of the Township requires regulation of signs and of other visual outdoor advertising. The Township finds that failure to regulate the size, location, and construction of signs and other outdoor advertising may have an adverse effect upon the promotion of business and commerce in the Township, may lead to poor identification of businesses, may have an adverse effect upon the existing aesthetic character of the Township, and may cause deterioration of business and residential areas of the Township. Therefore, the purpose of this section and the subsections thereunder is to permit such signs and visual outdoor advertising as will not, by reason of their size, location, or manner of display, endanger public health and/or safety; confuse or mislead traffic; or obstruct vision necessary for traffic and pedestrian safety; and further, to regulate signs and other visual outdoor advertising in such a way as to prevent the placement of signs, and such other visual outdoor advertising in a manner that will conceal or obscure other signs and other visual outdoor advertising on adjacent businesses; to keep the number of signs and sign messages at a minimum level reasonably necessary to identify a business and its products; to keep signs within a reasonable scale with respect to the buildings to which they relate; and further, to prevent off-premise signs from conflicting with business, residential and public land uses, and to prohibit signs and other visual outdoor advertising which will have an adverse effect upon the existing aesthetic character of not only the zoning district in which they are located, but also upon the overall existing aesthetic character of the Township.

2. Measurement of Sign Area

The area of a sign shall be computed as including the entire area within a regular geometric form or combination of such forms comprising all the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing copy or display material shall not be included in computation of sign area. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed

back-to-back, parallel to one another, and less than twenty-four (24) inches apart, the area of the sign shall be the area of one (1) face.

3. Permitted Signs in the Residential Agricultural District

- a. One sign advertising the sale or lease of the lot or building not exceeding six (6) square feet in area on any one lot. Such sign shall not be placed in the public right-of-way, and shall be removed within twenty-four (24) hours of closing.
- b. One unlighted sign announcing a home occupation or professional service not to exceed three (3) square feet in area and attached flat against the front wall of the building.
- c. Two incidental signs advertising the type of farm products grown on the farmstead premises is permitted. Such sign shall not exceed twelve (12) square feet in area and shall be located off the public right-of-way, and furthermore as not to interfere with the full view of traffic.
- d. One (1) sign identifying a park, school, place of worship, and public building, other authorized use, or a lawful nonconforming use not to exceed twenty (20) square feet and be placed no closer to the street right-of-way line than one-third (1/3) the minimum authorized front yard depth.

4. Permitted Signs in the Residential Districts

- a. One (1) sign advertising the sale or lease of the lot or building not exceeding six (6) square feet in area on any one (1) lot. Such sign not to be placed in the public right-of-way, and shall be removed within twenty-four (24) hours of closing.
- b. One (1) unlighted sign announcing a home occupation, or professional service, not to exceed three (3) square feet in area. The sign shall be attached flat against the front wall of the building.
- c. One (1) sign advertising a recorded subdivision or development not to exceed twenty (20) square feet in area and placed no closer to any street right-of-way than one-third (1/3) the minimum authorized front yard depth. Such sign shall be removed within one (1) year after the sale of ninety (90) percent of all lots or units within said subdivision or development.
- d. One (1) sign identifying a multiple-family building, subdivision or development, not having commercial connotations, not to exceed twenty (20) square feet in area and placed no closer to any street right-of-way line than one-third (1/3) the minimum authorized front yard depth.
- e. Two (2) signs identifying a park, school, church, public building, other authorized use, or a lawful nonconforming use not to exceed twenty (20) square feet and be placed no closer to the street right-of-way line than one-third (1/3) the minimum authorized front yard depth.
- f. One (1) unlighted sign announcing a boarding house or bed and breakfast establishment not to exceed three (3) square feet in area. The sign shall be attached flat against the front wall of the building.

5. Permitted Signs in the Office and Commercial Districts

Signs shall be limited to one (1) flat wall sign, or one (1) projecting sign and one (1) freestanding sign on the premises of a business establishment or composite of businesses under a single ownership by an individual; firm or corporation, subject to the following conditions:

a. Wall Signs

Flat wall signs may not project above the roof or parapet line and may not project more than fifteen (15) inches beyond the face of the wall of the building. Wall signs shall be attached to, and be parallel to, the wall of the building. Maximum size for any one (1) wall sign is one hundred (100) square feet. Graphics or figures painted upon a building's side or rear wall may be permitted with approval of the Planning Commission. Such graphics or figures may cover an entire building wall.

b. Projecting Signs (Including Canopy and Awning Signs)

Projecting signs may not project above the roof or parapet line and may not project more than three (3) feet from the building front. All projecting signs must be perpendicular to the building face and must be double sided with the maximum sign area limited to twelve (12) square feet. Minimum clearance above walkways shall be nine (9) feet and eighteen (18) feet above driveways.

c. Freestanding Ground Signs

- 1) Where a building does not cover the full area of the property, signs may be freestanding or ground supported anywhere back of the right-of-way line. Maximum area shall be fifty (50) square feet plus one (1) square foot per one (1) foot of setback. Said sign shall not be located closer to adjacent properties than a distance equal to its height.
- 2) Freestanding signs shall be two-sided.
- 3) Freestanding signs shall not represent or be made in the image of animals, plants, or machines.
- 4) A freestanding sign, or portion thereof, may be an electronic sign with characters and/or letters that can be changed or rearranged without altering the face or the surface of the sign. Such sign shall be operated so as to not confuse, distract or mislead motorists, endanger the public health or safety, or obstruct vision.
- 5) Freestanding signs shall conform to all other freestanding ground sign requirements. The allowable height for such signs shall be five (5) feet plus one (1) foot for each three (3) feet of setback, with maximum height not to exceed fifteen (15) feet.

6. Permitted Signs in the Limited Manufacturing District

Signs shall be limited to one (1) flat wall sign not exceeding twenty-five (25) square feet, or one (1) freestanding sign established in accordance with Section 14.19,5,c.

7. Other Permitted Signs

- a. Highway signs erected by the U.S. Government, State of Michigan, Genesee County, or Thetford Township.
- b. Governmental use signs erected by governmental agencies to designate hours of activity or conditions of use for parks, parking lots, recreational areas, other public space, or for governmental buildings.
- c. Directional signs in conjunction with drives or off-street parking areas, provided any such sign does not exceed four (4) square feet in area, is limited to traffic control functions, and does not obstruct traffic vision.
- d. Historic signs designating sites recognized by the State Historical Commission as Centennial Farms or Historical Landmarks.
- e. Placards posted to control or prohibit hunting and/or trespassing within the Township.
- f. Essential service signs denoting utility lines, railroad lines, hazards, and precautions.
- g. Memorial signs or tablets which are either: (1) cut into the face of a masonry surface; or (2) constructed of bronze or other incombustible material when located flat on the face of a building.
- h. Signs advertising noncommercial rummage sales, garage sales, or other similar used merchandise sales.
- i. Political signs, so long as such signs are promptly removed after the completion of election activities.
- j. Special decorative displays or signs used for holidays, public demonstrations or promotion of civic welfare or charitable purposes when authorized by the Planning Commission. In considering such authorization, the Planning Commission shall consider the following standards:
 - 1) The size, character, and nature of the display or sign.
 - 2) The duration or time period during which the display or sign will be utilized.
 - 3) The purpose(s) for which the sign display is to be erected.
 - 4) The arrangements made for the removal of the sign or display after the termination of its usefulness.

- 5) The effect of the proposed sign or display on light and air circulation for lots which are both adjoining and in the surrounding neighborhood of the proposed sign or display.
 - 6) Whether or not the sign or display will constitute a traffic hazard.
- k. Construction signs showing names of building contractors, professional firms, and lending institutions on sites under construction not to exceed twenty-four (24) square feet in area. The sign shall be confined to the site of the construction, construction shed, or trailer and shall be removed within fourteen (14) days of the beginning of the intended use of the project.
- l. Portable signs for a period of not more than thirty (30) days for each special event per year provided the following conditions are met:
- 1) They do not exceed fifty (50) square feet in area on any side.
 - 2) They are not located closer than ten (10) feet to a street right-of-way.
 - 3) They may be illuminated provided such lights are not flashing or intermittent and are not placed or designed such that they can be confused with, or appear similar to, a highway sign or traffic safety device and are connected to an electrical outlet approved by state code.
 - 4) No portable sign shall exceed ten (10) feet in height.
 - 5) No portable sign shall be located in such a manner as to interfere with vehicular or pedestrian traffic flow or visibility.
- m. Temporary signs, provided the following conditions are met:
- 1) A temporary sign permit shall be obtained from the Building Inspector prior to installation. Temporary signs may be permitted for a period of up to four (4) weeks, no more than three (3) times per a twelve (12) month period.
 - 2) Temporary signs may be permitted in all districts and shall be subject to the area, height and placement regulations for the sign type in the district in which they are located. Sign types not permitted in districts as permanent signs shall not be permitted as temporary signs in the same district.
8. Prohibited Signs
- a. Inflatable signs.
 - b. Signs which incorporate, in any manner or are illuminated by, any flashing or moving lights other than a sign as permitted by Section 14.19,5,c, above.
 - c. Exterior banners, pennants, spinners and streamers, other than a sign as permitted by Section 14.19,7, j, above.

- d. Exterior string lights used in the connection with a commercial premise, other than holiday decorations.
- e. Any sign which is structurally or electrically unsafe.
- f. Any business sign or sign structure now or hereafter existing which no longer advertises a bona fide business conducted or a product sold.
- g. Any sign on a motor vehicle or trailer which is parked in front of a business for the purpose of advertising a business, or product, or service, of a business located on the premises where such vehicle is parked.
- h. Any sign on a motor vehicle or trailer when it is parked at a location visible from a public street.
- i. Any sign structure or frame no longer containing a sign.

9. Nonconforming Signs

Nonconforming signs shall not:

- a. Be re-established after the activity, business, or usage to which it relates has been discontinued for ninety (90) days or longer.
- b. Be structurally altered so as to prolong the life of the sign or so as to change the shape, size, type, or design of the sign.
- c. Be re-established after damage or destruction, if the estimated expense of reconstruction exceeds fifty (50) percent of the replacement cost as determined by the Building Official.

10. Nonaccessory (Billboard) Signs

- a. Nonaccessory signs are permitted in the Commercial District (LC and GC) and Manufacturing District (LM).
- b. A nonaccessory sign shall not be erected or maintained in an area measured from the nearest edge of the right-of-way of an interstate highway, freeway, or primary highway and extending three thousand (3,000) feet perpendicularly and then along a line parallel to the right-of-way line, where the facing of the sign is visible from said interstate highway, freeway, or primary highway, except as regulated by State P.A. 106, 1972, the Highway Advertising Act, as amended.
- c. Nonaccessory signs not subject to the provisions of P.A. 106, 1972, as amended, shall be regulated as follows:
 - 1) They shall be located a minimum of two hundred (200) feet from adjacent residentially zoned property;
 - 2) They shall be located a minimum of one thousand (1,000) feet from other freestanding signs or billboards;

- 3) They shall have the same setbacks as other principal structures in the zone in which they are situated;
- 4) They shall not exceed two hundred (200) square feet in area;
- 5) They shall not exceed forty-five (45) feet in height; and
- 6) They shall be freestanding ground signs. No sign shall be erected on the roof of any building, nor have any (1) sign above another.

11. General Conditions

Except as otherwise provided, the following conditions shall apply in all districts:

- a. Prior to the erection or structural alteration of a sign, a building permit shall be secured from the Building Official. A scale drawing of the outside dimensions of the sign or the total area encompassed by a line around all lettering or symbols shall be presented to the Building Official so that he may ensure that the provisions of this Ordinance are met. Evidence shall also be presented to the effect that the sign will be securely attached to the building or supporting structure and will not present a hazard. For freestanding signs, a site development plan of the intended location of the sign and a scale drawing of the total sign structure shall also be presented to the Building Official.
- b. Illumination of signs shall be so shaded and shielded as not to interfere with the vision of persons on adjacent roadways or neighboring properties.
- c. No sign, except those 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; however, projecting canopy and awning signs may be permitted subject to the following requirements:
 - 1) Such approval shall only be granted by the Planning Commission.
 - 2) Any such structure shall not extend closer than twenty-four (24) inches to any vehicular parking space or moving vehicle lane.
 - 3) Any such structure shall not conflict with necessary sight distances for proper vehicular and pedestrian movements.
 - 4) Any such structure shall not conflict with any existing or proposed landscape feature, traffic control device, adjacent properties and signs and pedestrian movements.
 - 5) The height, location, materials, construction, and signage involved in any such structure shall specifically be subject to review and approval by the Planning Commission.
 - 6) The structure shall be maintained in such a manner as to continue its original appearance and provide proper safety to the persons and property it may affect.

SECTION 14.20 KEEPING OF PETS AND LIVESTOCK

1. Class I Animals. Class I animals may be maintained in the RA, RSF, and RE Districts, provided, however, that Class I animals shall not be permitted on a premises having less than three (3) acres; one Class I animal unit shall be permitted on a premises having three (3) acres or more; and one additional Class I animal unit shall be permitted per each full acre on a premises in excess of three (3) acres. Lots containing forty (40) or more acres are exempt from this requirement.

a. Class I animal units consist of the following:

<u>Animal</u>	<u>Animal Unit</u>
Cattle/Buffalo/Horse/Mule/Llama	1
Horse (34 inches or less at withers)/Burro/Donkey	0.5
Swine/Ostrich	0.5
Goat/Sheep	0.5
Other livestock weighing in excess of 75 pounds	1

b. A fence shall be constructed of sufficient materials and height to prevent Class I animals from leaving the site unattended.

c. In no case shall any pen, corral or fence erected solely for the containment of any Class I animal be located nearer than fifty (50) feet to any structure on an adjacent property used or intended for use for human habitation.

2. Class II Animals. Class II animals may be maintained in the RA, RSF, and RE Districts, provided, however, that Class II animals shall not be permitted on a premises having less than two (2) acres; one Class II animal unit shall be permitted on a premises having two (2) acres or more, and one additional Class II animal unit shall be permitted for each full acre on a premises in excess of two (2) acres. Lots containing forty (40) or more acres are exempt from this requirement.

a. Class II animal units consist of the following:

<u>Animal</u>	<u>Animal Unit</u>
Poultry (Chickens/Turkeys/Pheasants/Geese/Ducks)	25
Mink/Rabbits and similar fur bearing animals	25
Other animals weighing less than 75 pounds	15

b. A fence shall be constructed of sufficient materials and height to prevent Class II animals from leaving the site unattended.

c. In no case shall any pen, corral or fence erected solely for the containment of any Class II animal be located nearer than fifty (50) feet to any structure on an adjacent property used or intended for use for human habitation.

3. Class III Animals. Domesticated animals kept for pets, such as dogs and cats, may be maintained in any zoning district, subject to the following conditions:

a. The keeping of four (4) or fewer Class III animals six (6) months old or older is generally considered to have minimal nuisance value, and no site improvement

or method of housing said pets is required. However, this does not set aside requirements to comply with county or state regulations regarding licensure, personal liability, and freedom to leave the property.

- b. The keeping of more than four (4) but not more than six (6) Class III animals six (6) months old or older requires the following site improvements and housing requirements:
 - 1) A fence shall be constructed of sufficient materials and height to prevent Class III animals from leaving the site unattended.
 - 2) In no case shall any pen, corral or fence erected solely for the containment of any Class III animal be located nearer than fifty (50) feet to any structure on an adjacent property used or intended for use for human habitation.
- c. This Section shall not apply to the boarding, breeding, or care of domesticated animals for profit, which shall be subject to all applicable regulations for Kennels in this Ordinance.

4. Class IV Animals, as defined in this Ordinance, shall be prohibited in Thetford Township.

SECTION 14.21 SCREENING OF TRASH STORAGE AREAS

Any new or altered use which requires site plan review under Section 16.00, and has an outdoor trash storage area shall comply with the following requirements:

- 1. Any such area shall be limited to normal refuse which is collected on a regular basis and shall be maintained in a neat, orderly, and sanitary condition.
- 2. In no instance shall any such refuse be visible above the required screening.
- 3. A wall, six (6) feet in height, shall enclose three (3) sides of the storage area. Such walls shall be constructed of materials approved by the Building Official to be durable and weather resistant. Bollards and/or other protective devices shall be installed at the screening walls. The surface under any such storage area shall be constructed of concrete which complies with local building requirements.
- 4. Any such storage area shall be located in a rear yard and/or be so located and arranged as to minimize its visibility from adjacent streets and uses. The Planning Commission may require an obscuring gate when the visibility of such a storage area, from a public street or adjacent use, is deemed to render an adverse influence. In no instance shall any such area be located in a front yard.

SECTION 14.22 SATELLITE DISH ANTENNAS

In all zoning districts, ground mounted satellite dish antennas (greater than thirty six (36) inches in diameter but not more than twelve (12) feet in diameter), may be permitted, subject to the following requirements and conditions:

- 1. All installations shall be located only in the rear yard, and must comply with all accessory use, height, bulk, and setback requirements of the district; except that:

- a. Roof-mounted satellite dish antenna may be permitted provided that the applicant demonstrates that the antenna's reception would be obstructed by ground mounting; furthermore, such obstruction involves factors beyond the control of the applicant.
- b. Roof-installation is permitted only if the installation is not visible from the public street right-of-way abutting the front lot line at a six (6) foot height of vision.
- c. All installation shall be located to prevent the obstruction of sunlight or electronically transmitted signals on adjoining property.
- d. All installations shall employ (to the extent possible) materials and colors that blend with the surroundings.
- e. No signs, lettering, numbers, logos, symbols, or other illustrative markings attached to or painted on a satellite dish antenna will be permitted.
- f. No satellite dish antenna shall be made operational until the Township Building Official shall certify, in writing, that both construction plans and final construction of said antenna meet the requirements of this Ordinance and the Building Code and afford safety to the public at time of high winds. Satellite dish antennas shall be designed and constructed to resist wind and seismic forces. All bracing systems shall be designed and constructed to transfer lateral forces to the foundation. For antennas mounted on roofs, the dead and lateral loads shall be transmitted through the structural frame of the building to the ground in such manner as not to over stress any of the elements thereof. Antenna manufacturers' standards for ground and roof installation shall be complied with regarding allowable wind loads, stresses, supports, and fastenings. Where deemed necessary by the Township Building Official, a permit for installation shall be submitted with a certification by a Registered Professional Engineer that the installation complies with these standards.

SECTION 14.23 ON-SITE WIND ENERGY CONVERSION SYSTEMS

1. Intent. In order to balance the need for clean, renewable energy resources and the necessity to protect the public health, safety and welfare of the community, Thetford Township finds this Section is necessary to ensure that on-site wind energy conversion systems (WECS) are appropriately designed and safely sited and installed. This ordinance establishes the regulations and criteria which allow compatible accessory uses to be located within the various land use districts.
2. Scope of Requirements. On-Site Wind Energy Conversion Systems, as defined in this Ordinance, may be allowed as an accessory use in all districts, subject to requirements of this Section.
3. Temporary Anemometer Towers
 - a. Temporary anemometer towers may be constructed for the purpose of evaluating a location for possible installation of an on-site WECS. Prior to installation of a temporary anemometer tower, a building permit shall first be obtained after review and approval by the Building Inspector.

- b. To the extent feasible, a temporary anemometer tower shall be placed on private property in the least conspicuous location available to minimize disturbance to any neighboring property owner, resident or use. In no instance shall a temporary anemometer tower be located within any public easement or right-of-way or in a manner that endangers the safety of persons or property in its immediate vicinity, blocks or interferes with the safe ingress and egress to dwellings, prevents access to essential services, or impedes public safety operations.
- c. The applicant shall be required to remove the temporary anemometer tower and restore the site after completion of the wind site assessment, which shall not exceed a six (6) month period from the date of building permit approval. Not more than one, six (6) month extension may be approved by the Building Inspector. Where the removal has not been lawfully completed at this deadline, and after at least thirty (30) days written notice, the Township may remove or secure the removal of the temporary anemometer tower, with its actual cost and reasonable administrative charge to be drawn or collected from the security posted at the time the temporary anemometer application was made or the Township may place a lien on the property to cover costs for its removal. A lien on the property shall be superior to all other liens except taxes.

4. General Requirements

- a. Lot Size. The minimum lot size required for the installation of an on-site WECS shall be one (1) acre.
- b. Location. An on-site WECS shall only be permitted in the rear or side yard.
- c. Number. No more than one (1) on-site WECS shall be located on any property.
- d. Property Setbacks.
 - 1) The distance between an on-site WECS tower and any property lines, overhead utility or transmission lines, other on-site WECS towers, electrical substations, and meteorological towers shall be not less than the height of the tower including the top of the blade in its vertical position. A lesser setback may be approved by the Planning Commission upon certification by a State of Michigan licensed and registered professional engineer with regard to the manner in which the proposed tower will fall. Such certification, along with other criteria such as applicable setbacks for the district in question, shall be used in determining the appropriate setback to be required for the on-site WECS tower.
 - 2) No part of an on-site WECS, including guy wire anchors, may extend closer than ten (10) feet to any property line.
- e. Rooftop Mounted On-Site Wind Energy Conversion Systems. Rooftop mounted on-site wind energy conversion systems shall be prohibited within Thetford Township.

f. Visual Impact

- 1) An on-site WECS tower may be of monopole, lattice-style, or tilt-down construction. Guy wires may be permitted as part of the on-site WECS.
- 2) No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades. However, appropriate warning signs and owner identification may be allowed on buildings or other structures associated with on-site wind-powered generators.
- 3) On-site wind-powered generators shall be finished in a single, non-obtrusive, non-reflective matte color.
- 4) Electrical controls, control wiring and power lines shall be wireless or underground except where such wiring is brought together for connection to the transmission or distribution network, adjacent to that network.
- 5) No illumination of the turbine or tower shall be allowed unless required by the Federal Aviation Association (FAA).

g. Sound Pressure Level Standards. An on-site WECS shall not exceed fifty-five (55) dBA at the property line closest to the on-site WECS. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds fifty-five (55) dBA, the standard shall be ambient dBA plus five (5) dBA.

h. Safety Standards.

- 1) An on-site WECS shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over-speeding.
- 2) An on-site WECS shall be equipped with lightning protection.
- 3) The minimum vertical blade tip clearance from grade shall be twenty (20) feet for an on-site WECS employing a horizontal axis rotor.
- 4) All on-site WECS towers must be unclimbable by design or protected by anti-climbing measures such as fences.

i. Construction Codes and Interconnection Standards

- 1) An on-site WECS shall comply with all applicable state construction and electrical codes and local building permit requirements.
- 2) An on-site WECS shall comply with Federal Aviation Administration (FAA) requirements; the Michigan Airport Zoning Act (PA 23 of 1950); the Michigan Tall Structures Act (PA 259 of 1959); and any other state or federal regulations.

- 3) If the on-site WECS will be interconnected to the local utility distribution system, the interconnection and operation shall meet the requirements of the local electric utility in addition to the Michigan Public Service Commission and Federal Energy Regulatory Commission standards.
- j. **Unsafe Condition.** An on-site WECS found by the Township to be unsafe and/or inoperable shall be repaired by the owner to meet local, state and federal safety standards or shall be removed by the owner. Such repair or removal shall occur within one-hundred eighty (180) days of being notified by the Township of such need for repair. Where the repair or removal of the on-site WECS has not been lawfully completed within one-hundred eighty (180) days, the Township may remove or secure the removal of the on-site WECS, with its actual cost and reasonable administrative charge to be drawn or collected from the security posted at the time application was made for establishing the on-site WECS or the Township may place a lien on the property to cover costs for the removal of the on-site WECS. A lien on the property shall be superior to all other liens except taxes.
 - k. **Existing On-Site WECS.** An on-site WECS constructed prior to the effective date of this Section shall not be required to meet the requirements of this Section, provided that any physical modification to an existing on-site WECS that materially alters the size, type and number of on-site WECS or other equipment shall comply with the provisions of this Article.
5. **Review Process.** Prior to the establishment of an on-site WECS, site plan approval shall be obtained from the Planning Commission who shall ensure that the requirements of this Section are met. Site plans submitted to the Planning Commission for the review and approval of an on-site WECS shall include the following information:
 - a. An accurate description of the subject property.
 - b. A general description of the proposed use.
 - c. Evidence that the proposed on-site WECS will comply with the sound pressure level, construction code, tower, interconnection and safety requirements of this Section.
 - d. Plans showing the location of proposed turbine towers, underground and overhead wiring, access roads, proposed structures, fencing and all new infrastructure above ground related to the project.
 - e. Standard drawings of the wind turbine structure and stamped engineered drawings of the tower, base, footings, and/or foundation as provided by the manufacturer.
 - f. Line drawings of the electrical components, as supplied by the manufacturer, in sufficient detail to allow for a determination that the manner of installation conforms to applicable electrical codes.
 - g. Certifications that the applicant has complied or will comply with all applicable local, state and federal laws and regulations.

- h. A description of the security to be posted at the time of receiving a building permit for the on-site WECS to ensure the removal of the facility if it is determined by the Township to be inoperable and/or unsafe in accordance with Section 14.23,4,j, above. The security shall be in the form of cash, surety bond, letter of credit, or escrow account.

**ARTICLE XV
SITE DEVELOPMENT REQUIREMENTS**

SECTION 15.00 APPLICATION

Those Uses Permitted and Principal Uses Permitted Subject to Special Conditions enumerated in any zoning district, shall be subject to the site development requirements and conditions specified below:

1. Adult Foster Care Congregate Facilities and Homes for the Aged
 - a. The building height shall not exceed a height of two and one-half (2.5) stories, or thirty-five (35) feet.
 - b. No building shall be located closer than fifty (50) feet to any property line.
 - c. The site shall be so located as to have at least one (1) property line abutting a major thoroughfare.
 - d. All ingress and egress to the off-street parking area, for guests, employees and staff, as well as other users of the facility, shall be directly from a major thoroughfare.
 - e. There shall be provided on the site, not less than fifteen hundred (1,500) square feet of open space for each bed in the care facility. The fifteen hundred (1,500) square feet of land area shall provide for landscape setbacks, off-street parking, service drives, loading space, yard requirements and space request for accessory uses, but shall not include the area covered by the principal building.
 - f. An obscuring landscaped greenbelt not less than ten (10) feet wide shall be provided in those yards abutting a residential zone, or the Planning Commission may require that a masonry or other permanent wall five (5) feet in height shall be provided and maintained along the entire property line abutting such zone. In those instances where such yard abuts a major thoroughfare, the centerline of which forms the boundary of such zones, no greenbelt or wall is required, except as required by Item g, below. Required yard space may be used for parking.
 - g. Off-street parking shall be permitted to occupy a portion of the required front yard provided that there shall be maintained and obscuring landscaped greenbelt of not less than ten (10) feet wide between the nearest point of the off-street parking area, exclusive of access driveways, and the right-of-way line.
2. Adult Foster Care Small Group Homes
 - a. One (1) on-site parking space shall be provided for each employee in addition to the parking required for the dwelling unit and other accessory uses. When located within a one-family or two-family dwelling unit, the driveway may be used for this purpose.
 - b. The property shall be maintained in a manner that is consistent with the character of the neighborhood.

- c. Such use shall comply with the standards of the Adult Foster Care Facility Licensing Act, Public Act 218 of the Public Acts of 1979, and all other applicable state and federal requirements.
- 3. Adult Foster Care Large Group Homes
 - a. All ingress and egress to the site shall be directly from a hard surfaced road.
 - b. One (1) on-site parking space shall be provided for each employee in addition to the parking required for the dwelling unit or other accessory uses.
 - c. A designated passenger loading/unloading area of adequate dimensions shall be provided near a barrier-free entrance to the facility.
 - d. A loading/unloading area of adequate dimensions shall be provided for delivery vehicles servicing the facility.
 - e. A landscaped buffer shall be provided along all property lines that abut a less intense land use and around the visible perimeters of all parking and loading/unloading areas.
 - f. Such use shall comply with the standards of the Adult Foster Care Facility Licensing Act, Public Act 218 of the Public Acts of 1979, and all other applicable State and Federal requirements.
- 4. Agricultural Labor Camps
 - a. All provided shelters shall be of single-story construction, and not exceed twenty-five (25) feet in height.
 - b. All provided shelter shall be located in the rear yard, and located at least two hundred (200) feet distant from all property lines.
 - c. The use of trailers, tents, and vehicles as sleeping or living quarters at an agricultural camp is strictly prohibited; however, mobile homes constructed in accordance with the Mobile Home Commission Act, Public Act 96 of the Public Acts of 1987, and any and all rules and regulations promulgated pursuant to Act 96, as may be amended, will be permitted.
 - d. Agricultural labor camps shall comply with the minimum requirements and standards as established under the provision of Public Act 368 of 1978, of the State of Michigan, as may be amended, relating to agricultural labor camps, and any and all rules and regulations promulgated pursuant to Part 124 of Act 368, P.A. 1978, as amended.
- 5. Amusement Enterprises - including, amusement parks, miniature golf, circuses and similar facilities, but excluding race tracks
 - a. All parking shall be provided as off-street parking within the boundaries of the development.
 - b. All access to the parking areas shall be provided only to a major thoroughfare.

- c. All sides of the development abutting any residential zoning district or existing residential development shall maintain an obscuring greenbelt buffer between the residential area and the proposed development.
6. Animal Hospital (Veterinary Clinic)
 - a. All activities shall be within an enclosed building.
 - b. All buildings shall be set back a minimum of one hundred (100) feet from abutting or nearby residential district.
7. Auction Sales Establishments
 - a. All parking shall be provided as off-street parking within the boundaries of the development.
 - b. There shall be maintained a minimum landscaped green space of twenty (20) feet between any part of the development and any residential development or district.
8. Automobile Service Station, Paint and Body Shop, Muffler Shop, Transmission Repair Shop

All necessary steps shall be taken to ensure that any resulting dust, flushing, fumes, gas, noise, odor, smoke, vapor or vibration do not create a condition more detrimental to the surrounding area(s) than would result from other permitted uses. The following special requirements and regulations governing the erection of automobile repair garages are hereby established.

- a. Such use shall always be located on a plot of ground having frontage along a commercial street of not less than one hundred fifty (150) feet and having a minimum area of not less than two (2) acres.
- b. All repair work must be carried out within an enclosed building.
- c. No automobile repair garage shall be erected within a two hundred (200) foot radius of any residential district.
- d. Outdoor storage of rubbish, junked equipment or parts is prohibited unless such rubbish, junked equipment or parts is stored adjacent to the principal building in an obscure location that is enclosed with a masonry screening wall. When such screening is provided, such rubbish, junked equipment or parts shall not be stacked or heaped higher than the height of the screening wall. The screening wall shall not be higher than five (5) feet.
- e. An automobile repair garage use shall not include the parking or storage of dismantled, nonlicensed or nonrepairable vehicles of any kind, unless ordered by a law-enforcement agency. The storage, sale or rental of mechanical equipment, new or used cars, motorcycles, minibikes or similar vehicles, wrecked or otherwise, shall not be considered a use or accessory use to an automobile repair garage.

- f. All temporary outdoor storage of vehicles for repair shall not be located within fifty (50) feet of a public right-of-way or a residential district.

9. Bed and Breakfast Operations

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

- a. Not more than twenty-five (25) percent of the total floor area of the dwelling unit shall be used for bed and breakfast sleeping rooms.
- b. There shall be no separate cooking facilities used for the bed and breakfast stay.

10. Business and Technical Schools

- a. Necessary steps shall be taken to ensure that any resulting dust, flushing, fumes, gas, noise, odor, smoke, vapor, or vibration do not create a condition more detrimental to the surrounding area.
- b. Any outdoor storage of rubbish, junked equipment, or parts is prohibited unless it is properly screened with a five (5) foot masonry wall. The material being stored shall not be stacked higher than the screening wall.
- c. In the case of vehicle mechanics, any temporary outdoor storage of vehicles for repair shall not be located within fifty (50) feet of a public right-of-way or a residential district.

11. Campgrounds and Travel Trailer Parks

Campgrounds shall be developed only in accordance with Public Act 368 of the Public Acts of 1978, as may be amended and Administrative Rules and Regulations promulgated subsequent to the Act, as may be amended and the following local regulations:

- a. Minimum parcel size shall be ten (10) acres. The term "parcel" shall mean the entire campground or travel trailer park.
- b. The parcel shall provide direct vehicular access only to a major thoroughfare.

12. Carry-Out Restaurant, Fast-Food Establishment, or Drive-In Restaurant

- a. No drive-in, fast-food, or carry-out restaurant shall be located within five hundred (500) feet from an elementary, junior, or senior high school or from a public park.
- b. Points of vehicular ingress and egress shall be limited to an adjacent major thoroughfare only and site plans shall be reviewed by the Planning Commission for location and design of curb cuts and driveways and for layout of parking lots.

- c. The minimum width of driveways at the property line shall be twenty-four (24) feet, and not greater than thirty (30) feet.
- d. The minimum distance of any driveway to property line shall be seven (7) feet.
- e. The minimum distance between driveways on the site shall be seventy-five (75) feet measured from the two (2) closest driveways' curbs.
- f. The minimum distance a driveway into the site shall be from a street intersection shall be sixty (60) feet measured from the intersection of the street right-of-way to the nearest end of the curb radius.
- g. Motor-vehicle oriented businesses adjacent to or integrated in a shopping center or cluster of commercial facilities shall use the common access with other business establishments in that center.
- h. The entire parking area shall be paved with a permanent surface of concrete or asphalt and shall be graded and drained in accordance with Township standards. Any unpaved area of the site shall be landscaped with lawn or other horticultural materials, maintained in a neat and orderly fashion at all times and separated from the paved parking or driveway area by a raised curb or other equivalent barrier.
- i. Concrete curbing, six (6) inches in height, shall be properly placed and maintained along or parallel to all property lines, except where bumper guards are required and except across approved driveways, so as to prevent vehicular encroachment onto or over the public right-of-way and to prevent vehicular encroachment onto or over the adjoining property, or vehicular damage to the adjoining buildings.
- j. All outside trash receptacles, except those intended for use by the customer, shall be provided and screened in accordance with Section 14.21 of this Ordinance.
- k. During the period when a drive-in restaurant, fast-food restaurant, or carry-out restaurant is vacated, closed, or otherwise not opened for business for more than thirty (30) consecutive days, the owner, franchise holder, or lessee shall be subject to complying with the following regulations:
 - 1) Vehicular parking and storage shall be prohibited at all times anywhere on the premises and the owner, franchise holder, or lessee shall post a sign or signs on the premises, giving notice that all parked or stored vehicles are subject to ticketing and removal by the Township at vehicle owner's expense. In addition, the owner, franchise holder, or lessee, whoever is in possession, is subject to ticketing if unlawfully parked or stored vehicles are permitted on the premises by consent of owner, franchise holder, or lessee. The Township shall have the right of entry to subject property for the purpose of accomplishing said ticketing and removal.

- 2) The ground shall be kept free of rubbish and debris, and the grass, if any, shall be well kept and cut as necessary so as to present a neat and attractive appearance at all times.
- 3) Within sixty (60) days of such closing, all curb cuts across driveway entrances and all other points of ingress and egress to the premises shall be closed to vehicular traffic by properly placed and secured precast concrete wheel stops or the equivalent, as may be approved by the appropriate Township agency.

13. Cemeteries

- a. Cemeteries shall have a minimum lot size of ten (10) acres and a minimum frontage on a major thoroughfare of three hundred (300) feet.
- b. All ingress and egress shall be from a paved major thoroughfare.
- c. All buildings and structures shall be located no less than two hundred (200) feet from the property lines.

14. Clubs and Fraternal Organizations

- a. Such uses shall front upon and have direct access to a major thoroughfare.
- b. A minimum site size of three (3) acres shall be required.
- c. Only commercial uses ancillary to the club function shall be permitted.
- d. Land not utilized for buildings, parking, etc., shall be landscaped.
- e. All parking shall be located in the side or rear yard.

15. Colleges, Universities, and Other Institutions of Higher Learning

- 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 vehicular access to said site shall be from a major thoroughfare.
- c. No building shall be closer than eighty (80) feet to any property line.

16. Convalescent Homes and Nursing Homes

- a. Minimum lot size shall be three (3) acres.
- b. The lot location shall be such that at least one (1) property line abuts a major thoroughfare. The ingress and egress for off-street parking areas for guests and patients shall be directly from said major thoroughfare.
- c. The main and accessory buildings shall be set back at least seventy-five (75) feet from all property lines.

- d. The facility shall be designed to provide a minimum of fifteen hundred (1,500) square feet of open space for every bed used or intended to be used. This open space shall be landscaped and may not include off-street parking areas, driveways, and accessory uses or areas.

17. Day Care Centers

- a. For each child cared for, there shall be provided, equipped and maintained, on the premises, a minimum of one hundred (100) square feet of usable outdoor play area (minimum total area of one thousand two hundred (1,200) square feet per facility.)
- b. The outdoor play area shall be suitably fenced and screened by a heavily planted greenbelt from any abutting residential uses.
- c. The facility shall have frontage and direct access to a major thoroughfare.
- d. A child care center shall comply with applicable rules and regulations as promulgated by the Michigan Department of Human Services.

18. Day Care Group Homes

- a. A group day-care home shall not be located closer than one thousand five-hundred (1,500) feet to any of the following;
 - 1) Another licensed group day-care home.
 - 2) Another adult foster care small group home or large group home licensed under the Adult Foster Care Facility Licensing Act, Public Act 218 of the Public Acts of 1979.
 - 3) A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed under Article 6 of the Public Health Code, Public Act 368 of the Public Acts of 1978.
 - 4) A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the department of corrections.
- b. Site and Operational Requirements.
 - 1) All outdoor play areas shall be enclosed by a fence that is at least forty-eight (48) inches high.
 - 2) The property (landscaping and architecture) shall be maintained in a manner that is consistent with the character of the neighborhood. A group day care home should not require exterior modifications to the dwelling nor should the front yard be the location of play equipment, except on a corner lot.

- 3) One (1) identification sign shall be permitted. Such sign face shall not be greater than two (2) square feet, shall be mounted flush to a wall, made of a material that is compatible with the dwelling unit, and shall not be illuminated. Sign text shall limited to the name of the day care operator and an address.
- 4) One (1) off-street parking space shall be provided for each non-family employee of the group day care home in addition to the parking normally required for the residence. A driveway may be used to fulfill this requirement.
- 5) Hours of operation shall not exceed sixteen (16) hours in a twenty-four (24) hour period.
- 6) Such use shall meet the licensing requirements of the Child Care Organizations Act, Public Act 116 of the Public Acts of 1973.

19. Drive-In Theater

- a. The lot location shall be such that at least one (1) property line abuts a major thoroughfare and shall be at least five hundred (500) feet from any Residential District. There shall be at least one exit and one entrance to the lot which shall be directly onto said major thoroughfare. Access to any residential street shall not be provided.
- b. The premises shall be enclosed with a solid screen fence eight (8) feet in height. The solid screen fence shall be of a permanent material of metal, brick, or masonry.
- c. All points of entrance or exit shall be located no closer than two hundred and fifty (250) feet to any street or road intersection (as measured to the nearest intersection right-of-way line).
- d. Space shall be provided, on-premises, for fifty (50) waiting vehicles to stand at the entrance to the facility.
- e. The theater screen shall not be placed closer than one hundred (100) feet from any public street right-of-way and shall be so constructed as to not be visible to a major thoroughfare or any Residential District.
- f. Such use shall be located on a parcel of at least twenty (20) acres in size.
- g. The projected internal design shall receive approval from the Building Official as to adequacy of drainage, lighting, and other technical aspects.
- h. Ingress and egress drives shall be paved.

20. Driving Ranges

- a. All parking shall be provided as off-street parking within the boundaries of the development.

- b. There must be maintained a minimum open green space of fifty (50) feet between the property line and any adjacent district. In addition, on those sides abutting a residential district, there shall be provided and maintained a landscaped greenbelt consisting of plant materials eight (8) feet in height or greater, or fencing eight (8) feet in height or greater, sufficient to contain golf balls on the site.

21. Elderly Housing

- a. All housing for senior citizens shall be constructed on parcels of at least three (3) acres and may provide for the following:
 - 1) Cottage type one-story dwellings and/or apartment type dwelling units.
 - 2) Common service areas containing, but not limited to, central dining rooms, recreational rooms, central lounge, and workshops.
- b. Minimum dwelling unit size shall be 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 not including any dedicated public right-of-way.

22. Gasoline, Filling Station

- a. Minimum lot area shall be twenty thousand (20,000) square feet for automobile service and filling stations.
- b. Minimum lot width shall be not less than one hundred fifty (150) feet for automobile service and filling stations.
- c. Buildings shall be located not less than twenty-five (25) feet from any side or rear lot line.
- d. Ingress and egress drives shall not be more than thirty (30) feet in width.
- e. No more than one (1) curb opening shall be permitted for every seventy-five (75) feet of frontage (or major fraction thereof) along any street.
- f. No drive or curb opening shall be located nearer than twenty-five (25) feet to any intersection or adjacent residential property line. No drive shall be located nearer than thirty (30) feet, as measured along the property line, to any other drive on the premises. Curb cuts shall not be permitted where, in the opinion of the Planning Commission, it may produce a safety hazard to adjacent pedestrian or vehicular traffic.
- g. A raised curb of six (6) inches in height shall be constructed along all street frontages at the right-of-way line, except for drive openings.

- h. The entire lot, excluding the area occupied by a building, shall be hard-surfaced with concrete or a plant-mixed bituminous material except desirable landscaped areas which shall be separated from all paved areas by a low barrier or curb.
- i. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than twenty (20) feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or overhanging any public sidewalk, street or right-of-way.
- j. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a five (5) foot masonry wall and shall comply with requirements for location of accessory buildings. No storage may be extended above the height of the wall. Outside storage or parking of disabled, wrecked, or partially dismantled vehicles shall not be permitted unless ordered by a law enforcement agency.
- k. The storage sale or rental of new or used cars, trucks, trailers, and any other vehicles on the premises is expressly prohibited.

23. Golf Courses Which May or May Not be Operated for Profit

- a. Minimum site size shall be sixty-five (65) acres for a nine (9) hole course and one hundred eighty (180) acres for an eighteen (18) hole course.
- b. A shelter building with toilet facilities shall be provided which meets all requirements of the County Health Department and the Township Building Code.
- c. The site shall be so planned as to provide all access directly onto or from a major thoroughfare.
- d. 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.
- e. 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 and structures 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.
- f. 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.
- g. The main and accessory buildings shall be set back at least seventy-five (75) feet from all property lines.

24. Greenhouses (Including Facilities for Sale to the Public)
- a. The parking area shall be designed so as not to disrupt abutting residential development with noise or headlights.
 - b. There shall be side yard setbacks of at least thirty-five (35) feet on either side of the greenhouse.
 - c. All loading and parking shall be provided off-street.
 - d. The storage or display of any materials shall conform to all building setback requirements of a structure.
25. Home Occupation
- a. No article or service shall be sold or offered for sale on the premises, except as such is produced on the premises by such occupation.
 - b. The home occupation shall be clearly incidental and subordinate to the residential use. The home occupation shall be conducted within the dwelling unit or within a building accessory thereto. Not more than twenty five (25) percent of the area of the dwelling unit or accessory structure may be used for purposes of the home occupation.
 - c. There shall be no change in the outside appearance of the structure or premises, or other visible evidence of the conduct of such home occupation, other than one (1) sign conforming to the requirements of Section 14.19.
 - d. The outdoor storage of goods and materials shall be prohibited. No interior display shall be visible from the exterior of a dwelling unit used for purposes of a home occupation.
 - e. No more than one (1) home occupation per dwelling unit shall be permitted.
 - f. 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 provided by an off-street area, located other than in a required front yard.
 - g. 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 of persons off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference with any radio or television receivers off the premises, or causes fluctuations in the line voltage off the premises.
26. Hospitals
- a. Minimum lot area shall be ten (10) acres.

- b. The lot location shall be such that at least one (1) property line abuts a major thoroughfare. The ingress and egress for off-street parking facilities for guests and patients shall be directly from said major thoroughfare.
- c. The building height of hospital, shall be no more than four (4) stories or forty-five (45) feet.
- d. Minimum main and accessory building setback shall be one hundred (100) feet from any property line.

27. Junk Yards and Recycling Businesses

- a. Minimum lot size shall be ten (10) acres.
- b. The setback from the front property line to the area upon which junk materials are stored shall be not less than fifty (50) feet and shall be provided with a greenbelt buffer.
- c. Junk yards and recycling businesses shall be screened from the roadway and from any adjoining property by an obscuring fence eight (8) feet in height. Said fence shall be kept uniformly painted, neat in appearance, and shall not have any signs or symbols painted on it. A solid masonry wall at least eight (8) feet in height, shall be required when adjacent to a street or highway.
- d. All activities and material shall be kept within the enclosed area formed by the obscuring fence. Material shall not be stacked or piled above the plane established by the top of the obscuring fence.
- e. All structures, off street parking and fencing and used material storage yards shall be set back not less than fifty (50) feet from any street or highway right-of-way.
- f. All roads, driveways, and parking lots used by the general public shall be paved, and loading and unloading areas within any junk yard or recycling business shall be paved, oiled, watered or chemically treated so as to limit for adjoining lots and public roads, the nuisance caused by wind-borne dust.

28. Kennels

- a. The minimum lot size shall be five (5) acres.
- b. Buildings wherein animals are kept, animal runs, and/or exercise areas shall not be located nearer than one hundred (100) feet to any adjacent occupied dwelling or any adjacent building used by the public, and shall not be located in any required front, rear, or side yard setback area.

29. Landing Strip (Private)

- a. Minimum parcel size and lot dimension configuration must be adequate to permit a runway easement of at least two hundred fifty (250) feet by two thousand (2,000) feet.

- b. The Planning Commission shall be assured that there is a clear and unobstructed glide slope approach to the landing strip.
30. Livestock Production Facilities
- a. Such facilities shall comply with all applicable requirements outlined in the “Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for New and Expanding Livestock Production Facilities,” as developed and may be revised by the Michigan Commission of Agriculture.
31. Lumber, Building Material, Planning Mills, and Storage Yards
- a. The open storage of material shall be setback at least fifty (50) feet from any public road right-of-way.
 - b. Open storage shall be screened on all sides by an opaque fence of at least eight (8) feet in height and all outdoor stored material shall not be piled or stored so as to exceed the height of the opaque fence.
 - c. Lumber yards and planning mills shall be located in the interior of the district so that no property line shall form the exterior boundary of a Residential District.
32. Mini Warehouse - Self Storage Facility
- a. The minimum size of the site devoted to such use shall not be less than three (3) acres.
 - b. Building setbacks shall be as follows: front yard not less than twenty (20) feet; side and rear yard not less than ten (10) feet.
 - c. Building separation between self-storage buildings on the same site shall be fifteen (15) feet, as measured from side-to-side or front to rear, or equal to the building height, whichever is greater.
 - d. The total lot coverage of all structures shall be limited to fifty (50) percent of the total lot area.
 - e. A sight-proof barrier shall be provided around the perimeter of the development. Said barrier shall be located at the setback line and may consist of either the solid facades of the storage structures or a fence. If a fence is provided, it shall be a minimum of six (6) feet in height and shall be constructed of brick, stone, masonry units, or wood products which are determined by the Building Inspector to be durable and weather resistant.
 - f. A ten (10) foot landscaped greenbelt shall be provided between the property line and required barrier along all street frontages. A five (5) foot landscaped green belt shall be provided between the property line and barrier where the site abuts any residential district. All materials shall be planted in conformance with Section 14.09.
 - g. Parking shall be provided in the ratio of one (1) space for each two thousand (2,000) square feet of gross building area. At a minimum, two (2) parking spaces

must be assigned to, and located conveniently to, each individual storage building. In addition, two (2) spaces for the resident manager, and one (1) additional space for each additional employee shall be provided adjacent to the rental office.

- h. Internal driveway aisles shall be a minimum of twenty-four (24) feet in width.
- i. All off-street parking areas and driveways shall be hard surfaced and drained in accordance with Section 14.07.
- j. All ingress and egress from this site shall be directly onto a collector or major thoroughfare.
- k. Building height shall not exceed one (1) story fifteen (15) feet, except that a caretaker or resident manager's unit may be allowed a building height of two (2) stories twenty-five (25) feet.
- l. No single storage building shall exceed five thousand (5,000) square feet.
- m. All storage on the property shall be kept within an enclosed building.

33. Mortuary Establishments

- a. Adequate assembly area shall be provided off-street for vehicles to be used in the funeral procession.
- b. Such assembly area will be in addition to required off-street parking.
- c. A caretakers residence may be provided within the main building of the mortuary establishment.

34. Multiple-Family Residential Developments

- a. No building shall exceed two hundred (200) feet in length.
- b. Dual paved access throughout a multiple-family site is required for emergency vehicle access. A boulevard may be utilized for dual access, provided the median strip is a minimum of twenty-five (25) feet in width. No dead-end street shall be more than three hundred (300) feet in length and a suitable turning space shall be provided for vehicles at the terminus of all dead-end streets. Entrances to private roadways shall not have locked gates or barricades that would impede fire and safety vehicle apparatus response.
- c. All main access drives in a multiple site shall be free of on-street parking. The minimum width of pavement on an access drive shall be twenty-four (24) feet.
- d. Parking within the required side and rear yards shall be permitted, except that parking lots, or access drives adjacent to single-family districts must be located a minimum of five (5) feet from the property line.
- e. No building shall be located closer than twenty-five (25) feet from internal access roads nor shall the longer dimension of a building be located closer than twenty

(20) feet from parking areas or parking service drives. The shorter dimension of a building or an end wall without windows or doors may be located to within five (5) feet of parking areas or drives.

- f. All dwelling units shall be readily accessible by fire and emergency vehicles from a paved public street, paved private access road or an approved paved area. Private roadways dedicated as fire lanes shall be posted with signs indicating "fire lane, no parking."
- g. No entrance to a dwelling unit or building shall be more than one hundred fifty (150) feet from a parking lot, measured along the sidewalk leading to the parking lot.
- h. Where multiple family zones abut a limited access freeway and/or railroad right-of-way, a visual and noise buffer composed of one of the following must be provided:
 - 1) A combination of dense evergreen plantings and earth mounding both totaling a minimum of eleven feet in height shall be provided. Plantings shall be placed so as to reach their prescribed height and create a continuous unpierced buffer within two growing seasons.
 - 2) An eleven (11) foot masonry wall shall be erected as a noise buffer.
 - 3) A living unit shall not be constructed within two hundred (200) feet of a freeway or railroad right-of-way.
- i. Any community building located on a multiple site shall have one parking space per each ten dwelling units.
- j. Internal site sidewalks shall be provided and located five (5) feet from and parallel to access drives, and also located to provide convenient access to community buildings and parking areas from dwelling units. The size of sidewalks shall be five (5) feet wide.
- k. Street and yard lights, attached to standards approved by the Township, shall be provided in sufficient number and intensity to permit the safe movement of vehicles and pedestrians at night, and shall be effectively related to buildings, trees, walks, steps, and ramps. Such lights shall be utilized at least during the period of one (1) hour after sundown to one (1) hour before sunrise.
- l. To facilitate fire protection during site preparation and construction of buildings, the following shall be required:
 - 1) Water mains and fire hydrants shall be installed prior to construction above the foundation.
 - 2) Prior to construction of multiple residential buildings and other large structures, a hard and sufficient roadbed shall be provided to accommodate access of heavy fire fighting equipment to the immediate job site at the start of construction and maintained until all construction is completed.

- 3) Free access from the street to fire hydrants and to outside connections for standpipes, sprinklers, or other fire extinguishing equipment, whether permanent or temporary, shall be provided and maintained at all times.
- 4) The contractor shall provide scheduled daily cleanup of scrap lumber, paper products, corrugated cardboard and other debris caused by his construction. If debris is stored in a pile, it shall be located at a distance well away from the structure.
- 5) Special attention should be given to temporary storage buildings and field offices because of combustible loading and generally poor housekeeping. Temporary buildings shall not be grouped together, and a reasonable separation shall be provided to minimize the fire exposure probability.

35. Municipal Buildings

Municipal administration buildings used predominately for the general conduct of government. Such buildings include, but are not limited to, Township halls and other headquarters of government where the governing body regularly meets, subject to the following conditions:

- a. All vehicular access to the site shall be from a major thoroughfare.
- b. The minimum parcel size required shall be 217,800 square feet (five acres).
- c. 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 when the next zoning district is designated as a Residential District.

The Planning Commission may waive the wall requirement and instead, approve a greenbelt buffer, upon a showing that the landscaped screening barrier would effectively obscure the parking area from public view.

The requirement for a screening barrier between off-street parking areas and any abutting residential districts shall not be required when such areas are located more than two hundred (200) feet distant from such abutting Residential District.

- d. Pedestrian sidewalks and walkways shall be provided on the site as may be required by the Planning Commission.
- e. All loading and unloading shall be off-street in the rear yard, and be so designed as to avoid undue interference with public use of off-street parking areas.
- f. The principal buildings on the site shall be set back from abutting properties zoned for residential use and public rights-of-way not less than seventy-five (75) feet.

- g. Buildings of greater than the maximum height allowed in Article XIII, Schedule of Regulations may be allowed provided front, side, and rear yards are increase above the minimum required yards by one (1) foot for each foot of building height that exceeds the maximum height allowed.

36. Nurseries (Plant Material Sales Establishments)

- a. The storage or display of any materials shall conform to all building 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.

37. Open Air Display Area for the Sale of Products

- a. Minimum lot area shall be ten thousand (10,000) square feet.
- b. Minimum lot width shall be one hundred (100) feet.
- c. Lighting shall be installed in such a manner which will not create a traffic hazard on abutting streets or which will cause a glare or direct illumination to be cast onto adjacent properties, residential or otherwise.
- d. In the case of retail car sales, house trailers or boat lots:
 - 1) All areas subject to vehicular use shall be paved with a durable dustfree surfacing, with appropriate bumper guards where needed.
 - 2) Lighted parking areas shall not create a nuisance for nearby properties.
 - 3) Access to the outdoor sales area shall be at least sixty (60) feet from the intersection of any two (2) streets as measured from the right-of-way line.
- e. In the case of sales of cut trees intended to be displayed during the Christmas Season, a temporary permit shall be obtained from the Building Department which shall require that all Christmas trees as well as any poles, lights, wires, or other items incidental to this use shall be removed from the premises by December 31, and no trees shall be stored or displayed nearer the street than the front property line, furthermore, that off-street parking shall be provided in accordance with the regulations for open air business uses.

38. Outdoor Storage

All outdoor storage of building, contracting, or plumbing materials, sand, gravel, stone, lumber, equipment, and other supplies, shall be located within an area not closer than one hundred fifty (150) feet from any street right-of-way line. The storage of lumber, coal, or other combustible material shall not be less than twenty (20) feet from any interior lot line, and a roadway shall be provided, graded, surfaced, and maintained from the street to the rear of the property to permit free access of fire trucks at any time. All such open storage shall be screened from all streets, and on all sides which about any residential or

commercial district, by a solid six (6) foot permanent wall or fence and all stored materials shall not be piled to a height of more than eight (8) feet.

39. Places of Worship

- a. Minimum lot width shall be one hundred fifty (150) feet.
- b. Minimum lot area shall be three (3) acres.
- c. Off-street parking shall be prohibited within the minimum required front setback area and within twenty (20) feet of the rear or side property line.
- d. An obscuring greenbelt buffer shall be provided between the parking area and the side property lines.
- e. The property shall have frontage on and direct access to a major thoroughfare.

40. Private Non-Commercial Recreation Areas; Institutional or Community Recreation Center; Non-Profit Swimming Pool Clubs

- 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 (1) property line abutting a major thoroughfare, and the site shall be so planned as to provide all vehicular access onto a major thoroughfare or a collector road.
- 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 (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 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.

41. Public and Private High Schools

- a. Such use shall have five (5) acres plus one (1) acre for every one hundred (100) students.

- b. Such use shall be located on a paved road with an existing or proposed right-of-way of eighty-six (86) feet or greater.
- c. The principal building shall be located no less than seventy-five (75) feet from all property lines.

42. Race Tracks or Practice Tracks, Motor Vehicle

- a. Because race tracks develop concentrations of vehicular traffic in terms of ingress and egress from their parking area and cause noise levels which may project beyond the property so used, they shall be permitted only when located adjacent to a major thoroughfare and shall be subject further to the following conditions and such other controls as deemed necessary by the Planning Commission to promote health, safety and general welfare.
 - 1) All parking shall be dust free and be provided as off-street parking within the boundaries of the development.
 - 2) All access to the parking areas shall be provided only to a dust free major thoroughfare.
 - 3) All sides of the development not abutting a major thoroughfare shall be provided with a twenty (20) foot greenbelt planting as to obscure from view all activities within the development.
 - 4) The Planning Commission may require additional screening, including vegetated berms, to mitigate potential off-site impacts.
 - 5) Minimum parcel size shall be twenty (20) acres.
 - 6) No structure, racetrack or parking area shall be located closer than three hundred (300) feet to any property line abutting an existing residence or residential zoning district.
 - 7) The Planning Commission may specify hours of operation for the use to assure compatibility with adjacent uses.
 - 8) Related accessory commercial uses may be permitted in conjunction with the use when it is clearly incidental to the main recreational character of the use and such related accessory uses shall not include the sale, servicing, or repair of any vehicles or equipment used on the site except that owned by the proprietor.
 - 9) All lighting provided for the use shall be arranged to prevent annoyance or glare to the property owners surrounding the development.
 - 10) All sanitary facilities shall be designed and constructed in strict conformance to all applicable Genesee County health regulations.
 - 11) All local, state and federal regulations shall be complied with.

43. Radio and Television Towers, Broadcasting and Recording Studios
- a. Commercial and public radio and television towers shall have setbacks for each tower from adjacent rights-of-way and/or property lines of not less than one (1) times the height of each tower above the ground. An open weave wire fence six (6) feet in height shall be constructed on the boundary property lines.
 - b. Residential radio towers, citizens band radios, ham operations, and/or all-citizens residential radios, and attendant facilities shall be permitted in the RA, RE, RSF, and RU-1 Residential Districts only if said uses comply with the area maximum height requirements when attached to the roof of any principal residence. Freestanding towers shall be located centrally on the lot with a dimension of not less than one (1) times the height of the attendant tower as measured from the base to all points of each property line.
 - c. In the case of recording studios:
 - 1) All structures and parking areas shall be located fifty (50) feet from any adjacent residential district.
 - 2) There shall be maintained between the side property line and any structure or parking area an obscuring greenbelt buffer within the fifty (50) foot setback.
44. Restaurants and Cafeteria Facilities for Employees
- a. Shall be incorporated inside the principle structure on the parcel.
 - b. Must comply with Township health and safety codes.
45. Riding Stable, Public
- a. The minimum lot size shall be five (5) acres.
 - b. Animals shall be confined in a suitable fenced area, or paddock, to preclude their approaching nearer than sixty (60) feet to any dwelling on adjacent premises.
 - c. The facility shall be so constructed and maintained that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining premises.
46. Roadside Stand
- a. The gross floor area of the temporary building shall be not less than fifty (50) square feet but not more than two hundred fifty (250) square feet.
 - b. Suitable containers for rubbish shall be placed on the premises for public use.
 - c. The temporary building shall be located not less than twenty-five (25) Feet from the public road right-of-way. Its height shall be no more than one (1) story.

47. Small Aircraft Airport/Commercial Airport Landing Field
- a. Minimum area required for commercial airport/landing field and/or facilities improvements shall not be less than one hundred sixty (160) acres.
 - b. The area shall have its principal means of access to a paved public street and said pavement cover shall extend to the principal urbanized areas being served by said airport/landing field.
 - c. The Planning Commission shall be assured that there is a clear and unobstructed 50:1 glide slope approach to all landing strips and that no obstruction falls within the required approach zones.
48. Tourist Oriented Retail Establishments
- Such as, but not limited to, cider mills, antique dealers, woodworking and quilt shops, collectibles and craft stores, hay rides, u-picks, children's discovery farms, petting zoos and corn mazes.
- a. All off-street parking shall be provided within the boundaries of the development.
 - b. All structures and parking areas shall maintain a fifty (50) foot setback from adjoining residential districts.
 - c. A greenbelt buffer shall be established in the fifty (50) foot setback between the use and any residential district.
 - d. The parking area shall be designed so as not to cause any detrimental effects to nearby residential development such as from noise or headlights.
49. Two-Unit Dwellings
- a. Minimum lot size shall be three (3) acres, or that required for the district in which it is located, whichever is greater.
 - b. Minimum gross floor area shall be two thousand five hundred (2,500) square feet.
 - c. The smaller unit shall contain a minimum livable floor area of nine hundred fifty (950) square feet.
50. Truck Terminal
- a. Shall have direct access solely to a major thoroughfare.
 - b. Parking shall not be allowed in the front yard setback.
 - c. No loading shall be permitted in the front yard.
51. Vehicle Wash Establishments
- a. Minimum lot size shall be ten thousand (10,000) square feet.

- b. All washing activities must be carried on within a building.
- c. Vacuuming activities may be carried out only in the rear yard and at least fifty (50) feet distant from any adjoining residential use.
- d. The entrances and exits of the facility shall be from within the lot and not directly to or from an adjoining street or alley. A street or alley shall not be used as maneuvering or parking spaces for vehicles to be serviced by the subject facility.
- e. Provision shall be made for the drying of the automobiles undercarriage during sub-freezing weather prior to entering the public thoroughfare.
- f. There shall be provided two (2) vehicle stacking spaces for each self-serve wash stall.
- g. There shall be provided fifteen (15) stacking spaces for each mechanical wash lane.
- h. All off-street parking areas and maneuvering lanes shall be drained so as to preclude drainage of water onto adjacent property and public rights-of-way.

52. Welding Shop

- a. Outdoor storage of goods or materials shall be prohibited.
- b. The use shall conform with Section 12.03, Required Conditions for the LM District.

53. Wholesale Items for Retail Sales

Such as but not limited to, a furniture warehouse which sells a small amount of their stock from the warehouse

- a. The designated retail sales area within the wholesale establishment shall be no larger than twenty-five (25) percent of the usable floor area of the wholesale establishment.
- b. Off-street parking for customers, over and above the number of spaces required for the wholesale establishment may be permitted within the required front yard provided that such off-street parking is not located within twenty (20) feet of the front lot line and provided further that there shall be maintained a minimum unobstructed landscaped setback of ten (10) feet between the nearest point of the visitor parking area, exclusive of access driveways, and the front lot line.
- c. All parking shall be maintained on site.

**ARTICLE XVI
SITE PLAN REVIEW PROCEDURES**

SECTION 16.00 APPLICATION

1. Prior to the establishment of a new use, change of use, addition to an existing use, or the erection of any building in a zoning district, subject to the conditions listed below, a site plan shall be submitted and approved, approved with conditions, or disapproved by the Planning Commission in accordance with the Ordinance requirements of this Article.
 - a. Site plan reviews are required for all permitted principal uses and structures in all zoning districts (except for the single-family detached and two-family dwellings and their accessory uses) and all Special Condition Uses in all zoning districts.
 - b. When the proposed new construction or remodeling constitutes an addition to an existing building, or use, site plan review procedures may be modified, at the discretion of the Building Official, to provide for an administrative review by the Building Official in lieu of a more formal review by the Planning Commission. The Building Official may conduct an administrative review provided both of the following are true:
 - 1) No variances to the Ordinance are required.
 - 2) The proposed new construction would not increase the total buildable area in square feet by more than twenty-five (25) percent or one-thousand (1,000) square feet, whichever is less.
 - c. For those cases requiring site plan review solely as a result of building reoccupancy, site plan review procedures may be modified, at the discretion of the Building Official, to provide for an administrative review by the Building Official in lieu of a more formal review by the Planning Commission. The Building official may conduct an administrative review provided all of the following are true:
 - 1) No variances to the ordinance are required.
 - 2) Such use is conducted within a completely enclosed building.
 - 3) Reoccupancy does not create additional parking demands, beyond ten (10%) percent of that which exists.
 - 4) Reoccupancy does not substantially alter the character of the site.
 - d. Every site plan submitted for review shall be in accordance with the requirements of this ordinance. Administrative review procedures are not intended to modify any ordinance, regulation or development standard.

SECTION 16.01 DATA REQUIRED

Site plans shall contain the following information:

1. The date, north arrow and scale. The scale shall be not less than one (1) inch equals fifty (50) feet for property under three (3) acres and at least one (1) inch equals one hundred (100) feet for those three (3) acres or more.
2. All lot and/or property lines are to be shown and dimensioned.
3. The location and height of all existing and proposed structures on and within one hundred (100) feet of the subject property.
4. The location and dimensions of all existing and proposed drives, sidewalks, curb openings, signs, exterior lighting, parking areas (show dimensions of a typical parking space), unloading areas, and recreation areas.
5. The location and the pavement and right-of-way width of all abutting roads, streets, or alleys.
6. The name and firm address of the professional civil engineering or architectural firm(s) responsible for the preparation of the site plan (including imprint of professional seal).
7. The name and address of the property owner or petitioner.
8. The location of all rubbish receptacles and landscaping and the location, height, and type of fences and walls.
9. Size and location of existing and proposed utilities including proposed connections to public sewer or water supply systems.
10. Location of all fire hydrants.
11. A summary schedule should be affixed, if applicable, which gives the following data:
 - a. The number of dwelling units proposed, to include the number, size, and location of one-bedroom units, two-bedroom units, mobile home site, etc.
 - b. The residential area of the site in acres and in square feet, including the breakdowns for any subareas or staging areas (excluding all existing rights-of-way).
12. Size and location of all surface drainage facilities.
13. Existing and proposed contour shall be shown on all site plans (two (2) foot interval minimum) as may be required by the Township Engineer.
14. For multiple-family development site plans, there shall be shown typical elevation views of the front and side of each type of building proposed, as well as typical dimensioned floor plans for each type of dwelling unit.

15. In lieu of the site plan data requirements enumerated above, the following information is required for those cases receiving administrative review solely as a result of building reoccupancy or minor improvement.
 - a. An accurate description of the subject property.
 - b. A description of the proposed use including number of employees, nature of the proposed use, floor plan sketch, and other general information describing the use.
 - c. A description of existing and proposed parking serving the site, including parking area improvements (paving, landscaping, etc.) existing and contemplated.
 - d. A description of existing and proposed landscaping, sidewalks, and other site amenities.
 - e. A description of buffering (i.e., walls, greenbelts) between the use and adjacent residential properties both existing and proposed.
 - f. A description of site ingress and egress both existing and proposed.
 - g. Any other information as required by the Building Official which will assist in evaluation the new use.

SECTION 16.02 REVOCATION

1. Any site plan approval shall be revoked when construction of said development is not in conformance with the approved plans, in which case the Planning Commission shall give the applicant notice of intention to revoke such approved plans at least ten (10) days prior to review of the violation by the Planning Commission. After conclusion of such review, the Planning Commission shall revoke its approval of the development if the Commission feels that a violation in fact exists and has not been remedied prior to such hearing. The approval by the Planning Commission of any site plan under the provisions of this ordinance shall expire and be considered automatically revoked one (1) year after the date of such approval unless actual construction has commenced and is proceeding in accordance with the issuance of a valid building permit. If such construction activity ceases for any reason for a period of more than one (1) year, any subsequent use of said land shall be subject to review and approval of a new site plan for said property in conformance with the regulations specified by this Ordinance, except that the Planning Commission may, at its discretion, upon application by the owner and for cause shown, provide for up to two (2) successive twelve (12) month extensions.

SECTION 16.03 FEES REQUIRED

1. Fees for the review of site plans shall be established by resolution of the Township Board.

SECTION 16.04 BASIS FOR APPROVAL

1. In the process of reviewing the site plan, the Planning Commission shall consider:
 - a. Single-family development on the basis of a subdivision.

- b. 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.
- c. 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 relations between the development of the site and the existing and prospective development of contiguous land and adjacent neighborhoods.
- d. 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.
- e. In approving the site plan, 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 Township 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 having been deposited with the Township Clerk.
- f. The installation, erection, and construction of transmission systems for essential services.
- g. The Planning Commission shall require marginal access drives for all subdivisions having residential lots facing onto major thoroughfares. Where practical, the Planning Commission shall require a rear lot relationship to major thoroughfares.
- h. Where the Township has adopted specific area or neighborhood improvement or redevelopment plans and recommendations involving, but not limited to, public rights-of-way, utilities and storm drainage, parking facilities, building placement, access drives, floor space density allocations, building facade and architectural treatment, no site plan and/or building permit shall be approved unless there is general compliance with such Township plan.

SECTION 16.05 SITE PLAN APPROVAL FOR SPECIAL CONDITION USES

- 1. All approvals for site plans reviewed in companion with a special condition use application shall be conditioned upon the approval of the special condition use by the Township Board.

SECTION 16.06 PERFORMANCE GUARANTEES

1. To ensure compliance with the Zoning Ordinance and any condition imposed thereunder, the Planning Commission may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township covering the estimated cost of improvements associated with a project for which site plan approval is sought, be deposited with the Clerk of the Township to ensure faithful completion of the improvements and also be subject to the following:
 - a. The performance guarantee shall be deposited at the time of the issuance of the building permit authorizing the activity of the project. The Township may not require the deposit of the performance guarantee prior to the time when the Township is prepared to issue the permit. The Township shall establish procedures whereby a rebate of any cash deposits in reasonable proportion to the ratio of work completed on the required improvements will be made as work progresses. This does not relieve the applicant from satisfying all applicable maintenance warranties and/or guarantees necessary to ensure the proper functioning of said public improvements.
 - b. This section shall not be applicable to improvements for which a cash deposit, certified check, irrevocable bank letter of credit, or surety bond has been deposited pursuant to Act 288 of the Public Acts of 1967, as amended.
 - c. As used in this section, "improvements" mean those features and actions associated with a project which are considered necessary by the body or official granting zoning approval, to protect natural resources, or the health, safety, and welfare of the residents of the Township and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, landscaping, and surface drainage. Improvements do not include the entire project which is the subject of zoning approval.

**ARTICLE XVII
REVIEW AND APPROVAL OF SPECIAL CONDITION USES**

SECTION 17.00 APPLICATION

1. The uses identified as special condition uses are recognized as possessing characteristics of such unique and special nature (relative to location, design, size, public utilities needs, and other similar characteristics) as necessitating individual standards and conditions in order to safeguard the general health, safety and welfare of the community.
2. The Township Board, as provided herein, shall have the authority to approve special condition use permits, subject to such conditions of design, operation, and appropriate and reasonable safeguards as the Township may require for any special condition use included in the various provisions of this Zoning Ordinance.

SECTION 17.01 DATA REQUIRED

1. Application for any special condition use permit as provided under the provisions of this Ordinance shall be made to the Township Building Official by filing an official special condition use permit application form; submitting required data, exhibits, and information; and depositing the required fee as established by resolution of the Township Board, and as may be amended from time-to-time. No portion of such fee shall be reimbursable to the applicant.
2. An application for a special condition use permit shall contain the following:
 - a. Applicant's name, address and telephone number.
 - b. Address and tax description number of the subject parcel.
 - c. A signed statement that the applicant is the owner of the subject parcel, or is acting as the owner's representative.
 - d. A certified survey drawing of the subject parcel.
 - e. A complete site plan containing all of the applicable data outlined in Article XVI Site Plan Review.
 - f. Supporting statements, evidence, data, information and exhibits which address those standards and requirements for assessing special condition use permit applications outlined in Section 17.03, below.

SECTION 17.02 PUBLIC HEARING REQUIREMENTS

1. Upon receipt of an application for a use requiring special condition approval, the Planning Commission shall hold a public hearing with notice given pursuant to the requirements of Public Act 110 of the Public Acts of 2006. The notice shall:
 - a. Describe the nature of the special land use request.
 - b. Adequately describe the property in question.

- c. State the date, time, and place of the public hearing.
- d. Indicate when and where written comments concerning the request will be received.

SECTION 17.03 STANDARDS FOR APPROVAL

1. The Planning Commission shall review the particular circumstances and facts applicable to each proposed special condition use in terms of the following standards and requirements and shall make a determination as to whether the use proposed to be developed on the subject parcel meets the following standards and requirements:
 - a. Will be harmonious with and in accordance with the general objectives of the Future Land Use Plan.
 - b. Will be designed, constructed, operated, maintained, in harmony with existing and intended character of the general vicinity and so that such use will not change the essential character of that area.
 - c. Will not be hazardous or disturbing to existing or future neighboring uses.
 - d. Will represent a substantial improvement to property in the immediate vicinity and to the community as a whole.
 - e. Will be served adequately by essential public services and facilities, such as highways, streets, drainage structures, police and fire protection and refuse disposal, or persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately for such services.
 - f. Will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the community.
 - g. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive smoke, fumes, glare, noise, vibration or odors.
 - h. Will be consistent with the intent and purposes of this Ordinance.
2. If the facts regarding the special condition use being reviewed do not establish by a preponderance of the evidence that the standards and requirements set forth in this Zoning Ordinance will be met by the proposed use, the Planning Commission shall not recommend special condition approval to the Township Board.

In recommending approval of a special condition use permit to the Township Board, the Planning Commission shall recommend imposition of such reasonable conditions of use as it deems necessary to protect the best interests of the Township and the general vicinity, to achieve the objectives of this Ordinance and to assure that the general public health, safety, and welfare will not be infringed upon.

The Planning Commission may recommend denial, approval or approval with conditions, a Request for Special Condition Use Approval. The recommendation on a special condition use shall be incorporated in a statement containing the conclusions relative to the special condition use under consideration which specifies the basis for the decision and any conditions recommended.

3. Upon holding a public hearing and review of the special condition use request, the Planning Commission shall within thirty (30) days forward to the Township Board its finding and recommendation. The finding shall include a record of those conditions which are recommended to be imposed. The Township Board, upon receipt of the finding and recommendation, may deny, approve, or approve with conditions, any request for a special condition use approval. Any decision on such a request shall state the findings of fact and specify the conclusions drawn therefrom and any conditions imposed thereon. Any conditions imposed shall remain unchanged except upon the mutual consent of a majority of the Township Board and the landowner, and the Township Board shall maintain a record of all conditions that are changed. All records of proceedings hereunder shall be kept and made available to the public.

A special condition use permit shall be issued by the Township Board upon approval. The Township Board shall forward a copy of the permit to the owner/applicant, Clerk, and Building Official. The Building Official shall not issue a building permit until he has received a copy of the special condition use permit approved by the Township Board.

4. Any special condition use permit granted under this Zoning Ordinance shall become null and void and all fees forfeited unless construction and/or use is commenced within twelve (12) months of the date of issuance of said special condition use permit, except that the Township Board may at its discretion, upon application by the owner and for cause shown, provide for up to two (2) successive twelve (12) month extensions.

A violation of any requirement, condition, or safeguard imposed hereunder shall be considered a violation of this Zoning Ordinance and constitute grounds for termination of a previously granted special condition use permit.

5. The special condition use review and site plan review may occur concurrently with the mutual consent of the landowner and the Planning Commission.

**ARTICLE XVIII
GENERAL EXCEPTIONS**

SECTION 18.00 ESSENTIAL SERVICES

Essential services shall be permitted as authorized and regulated by law and other Ordinances of the Township; provided, however, that the installation, erection, placement, and construction of transmission systems shall be subject to the review and approval of the Planning Commission after submission of a site plan.

SECTION 18.01 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.

SECTION 18.02 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, as a Principal Use Permitted Subject to Special Conditions.

SECTION 18.03 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 (1/2) the width of such alley abutting the lot shall be considered as part of such lot.

SECTION 18.04 YARD REGULATIONS

When yard regulations cannot reasonably be compiled 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.

SECTION 18.05 PORCHES AND TERRACES

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.

SECTION 18.06 PROJECTIONS INTO YARDS

Architectural features, such as, but not limited to, window sills, cornices, and bay windows 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. Architectural features shall not include those details which are normally demountable.

SECTION 18.07 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.

SECTION 18.08 LOTS HAVING LAKE OR RIVER FRONTAGE

Those residential lots and/or parcels having lake or river frontage and abutting a public thoroughfare shall maintain the yard on the lake or 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 13.00 of this ordinance is met.

**ARTICLE XIX
BOARD OF APPEALS**

SECTION 19.00 CREATION AND MEMBERSHIP

There is hereby created a Board of Zoning Appeals which shall perform its duties and exercise its powers as provided in Public Act 110 of the Public Acts of 2006, 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 five (5) members:

1. The first member of the Board of Appeals shall be a member of the Township Planning Commission.
2. The remaining four (4) members shall be selected from the electors of the Township provided, however, that one of these may be a member of the Township Board, but he may not serve as Chairman of the Board of Appeals. The members selected shall be representative of the population distribution and of the various interests present in the Township.
3. An employee or contractor of the Township may not serve as a member or an employee of the Township Board of Appeals.

The total amount allowed the Board of Appeals in any one (1) year as per diem, or as expenses actually incurred in the discharge of their duties, shall not exceed a reasonable sum of which sum shall be appropriated annually in advance by the Township Board.

The term of each member shall be for three (3) years, except that of the members first appointed: two (2) shall serve for two (2) years and the remaining members for three (3). A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.

The Board of Appeals shall not conduct business unless a majority of the members are present.

Members of the Board of Appeals shall be removable by the Township Board for misfeasance, malfeasance, or nonfeasance in office, upon written charges, and after a public hearing. A member shall disqualify himself from a vote in which he has a conflict of interest. Failure of a member to disqualify himself from a vote in which he has a conflict of interest shall constitute misconduct in office.

4. The Township Board may also appoint two (2) alternate members of the Board of Appeals. Appointments shall be as follows: One (1) alternate member shall be appointed for a period of two (2) years and the second alternate shall be appointed for a period of three (3) years; thereafter, each alternate member shall hold office for a full three (3) year term. Any vacancies in the alternative membership of the Board shall be filled by appointment by the Township Board of Trustees for the remainder of the unexpired term. The alternate members shall:

- a. Sit as regular members of the Board of Appeals in the absence of a regular member if a regular member will be unable to attend one (1) or more meetings.
- b. Be called to serve in the place of a regular member for the purpose of reaching a decision in a case in which the regular member has abstained for reasons of conflict of interest, or due to an immediate, unnotified absence of a regular member. The alternative member having been appointed shall serve in the case until a final decision has been made.

Alternate members shall have the same voting rights as a regular member of the Board of Appeals. Alternate members shall receive equal compensation for the meetings attended as does a regular member. Whenever possible, these two (2) alternates should be provided the opportunity to rotate as members of the Board of Appeals.

SECTION 19.01 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 Official, 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 or witnesses, administer oaths, compel testimony, and the production of books papers, files, and other evidence pertinent to the matters before it.

SECTION 19.02 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 aggrieved by a decision of the Building Official. 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 Official and with the Board of Appeals, a Notice of Appeal, specifying the grounds thereof. The Building Official 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 Official 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.

No appeal shall be taken to the Board of Appeals from a decision of the Planning Commission or Township Board in connection with a special condition use.

No appeal shall be taken to the Board of Appeals from a decision of the Planning Commission in connection with an approved site plan unless such appeal has first been reviewed by the Planning Commission.

SECTION 19.03 POWERS AND DUTIES

The Board of Appeals shall act upon all questions as they may arise in the administration of the Zoning Ordinance, including the interpretation of the Zoning maps, and may fix rules and regulations to govern its procedures sitting as such Board of Appeals. It shall hear and decide appeals from and review any order, requirements, decision or determination made by an administrative official charged with enforcement of this Ordinance. It shall also hear and decide all matters referred to it, or upon which it is required to pass, under the provisions of this Ordinance. The concurring vote of a majority of the members of the said Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant any matter upon which they are required to pass under this Ordinance or to effect any variation in this Ordinance. The decision of the Board of Appeals shall set forth specifically the grounds upon which its decision is based. The Board of Appeals shall have the power to permit the erection and use of a building, or an addition to an existing building, or a public service corporation or for public utility purposes, in any permitted district to a greater height or of larger area than the district requirements herein established, and permit the location in any use district of a public utility building, structure or use if the Board of Appeals shall find use, height, area, building or structure reasonably necessary for the public convenience and service. The Board of Appeals in deciding on any matter which they are requested to pass under this Ordinance may establish such reasonable requirements for the use of a site or structure on such site as will assure reasonable protection to abutting properties and adjacent districts.

SECTION 19.04 JURISDICTION

The Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the officer from whom the appeal was taken and may issue or direct the issuance of a permit. Where there are practical difficulties for non-use variances or unnecessary hardships for use variances in the way of carrying out the strict letter of this Ordinance, the Board of Appeals shall have the power in passing upon appeals to vary or modify any of its rules, regulations or provisions so that the spirit of this Ordinance shall be observed, public safety secured and substantial justice done. Nothing herein contained shall be construed to give or grant to the Board of Appeals the authority to make changes in the Zoning Ordinance or the Zoning Map, such power and authority being reserved to the Township Board in the manner herein provided by law.

The Board of Appeals shall not approve an application for a variance unless it appears beyond a reasonable doubt that all the following facts and conditions exist:

1. That the strict enforcement of the provisions of the this Ordinance would cause practical difficulties for non-use variances or unnecessary hardships for use variances and deprive the owner of rights enjoyed by all other property owners owning property within the same zoning district or render conformity with such restrictions unnecessarily burdensome.
2. That the conditions and circumstances are unique to the property and are not similarly applicable to other properties in the same zoning district.

3. That the conditions and circumstances are unique to the property and were not created by the owner, or his predecessor in title, within the time following the effective date of the provisions alleged to adversely affect such property.
4. That the requested variance will not confer special privileges which are denied other properties similarly situated and in the same zoning district.
5. That the requested variance will not be contrary to the spirit and intent of this Ordinance.
6. That a lesser variance would not provide the necessary relief to the applicant.

SECTION 19.05 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.

SECTION 19.06 NOTICE

The Board shall make no recommendations except in a specific case. Public Hearings shall be conducted when required by Act 110 of the Public Acts of 2006 with notice given pursuant to the requirements of said Act.

SECTION 19.07 APPROVAL OF TEMPORARY STRUCTURES OR USES

The Zoning Board of Appeals may permit temporary structures, signs 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. The Zoning Board of Appeals may also 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 Thetford Township shall be made at the discretion of the Board of Appeals.
4. The use shall be in harmony with the general character of the district.

5. No temporary use permit shall be granted without first giving notice to others of the 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 may seek the review and recommendation of the Planning Commission prior to the taking of any action.

SECTION 19.08 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 a use is established within such period; however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall contain in force and effect if 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 XX
ADMINISTRATION AND ENFORCEMENT**

SECTION 20.00 ENFORCEMENT

The provisions of this Ordinance shall be administered and enforced by the Building Inspector or other authorized official or officials so designated by the Township Board.

SECTION 20.01 DUTIES OF BUILDING OFFICIAL

The Building Official shall have the power to grant zoning compliance and occupancy permits, and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Building official 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 official shall record all nonconforming uses existing at the effective date of this Ordinance for the purpose of carrying out the provisions of Section 14.04.

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

The Building Official 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.

SECTION 20.02 PLOT PLAN

The Building Official shall require that all applications for building permits shall be accompanied by plans and specifications including a plot plan, in triplicate, 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.
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.

SECTION 20.03 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 and ingress, or other changes affecting or regulated by the Township Building Code, Housing Law, or this Ordinance, except for minor repairs or changes not involving any of the aforesaid features.

5. Permits for Wrecking Buildings

Before a building or structure can be wrecked, the owner, wrecking company, or person who secures the permit shall notify all utilities having service connections within the building such as water, electric, gas, sewer, and other connections. A permit to wreck a building shall not be issued unless a release is obtained from the utilities stating that their respective service connections and appurtenant equipment, such as meters and regulators, have been removed and/or sealed and plugged in a safe manner; nor shall a wrecking permit be issued until a report has been received from the public utility companies concerned, that said wrecking operations may be accomplished in such a manner as not to create a hazardous condition as a result of the proximity of such public utility installations.

Before a permit is issued for the wrecking of any building, such application for permit shall be referred to the Building Official for examination of the premises to determine whether or not rodent extermination procedures are necessary.

After obtaining permit from the Building Official, the wrecker shall proceed to erect screening, fencing, boarding, or other protections as authorized by the Building Official and shall notify the same before proceeding with wrecking operations.

The wrecking company, or person who secures the permit for the razing of the structure, will be held responsible for the compliance with these regulations and other laws and ordinances covering this subject. He will also be held responsible and liable for the acts of subcontractors or other persons who do any work of removal or destruction in the wrecking of the building. The methods to be used in wrecking shall not involve undue hazards to the public or unnecessary danger to the workmen and shall be in accordance with good practice. Crane, back hoe, bulldozer, high loader, ball, clam-bucket, chain, cable, and other similar mechanical devices shall not be used to wreck buildings or structures except in individual cases wherein detailed plans and proposed procedures are submitted with the application for wrecking permit and are approved by the building official. Suitable provision shall be made for the disposal of materials which are accumulated during the wrecking operations. No part of the structure shall be overloaded by excessive storage of materials or debris. Chutes, scaffolds, derricks, and hoists shall be strong and substantial, and safe for the purpose for which they are intended. Materials, which in their removal, would cause an excessive amount of dust, shall be well wet down to prevent the creation of a nuisance. No open fires or other sources of flame except necessary cutting torches will be permitted on the inside of the building which is being wrecked, not in close proximity to flammable materials outside of the building, and every precaution shall be taken to prevent the possibility of fire.

Blasting and use of explosives shall be done only by a person licensed by the Fire Department to perform such work.

The requirements of this section are designated as the minimum necessary for average conditions and, in the case of unusual or dangerous situations, adequate provision shall be made and every precaution taken to protect the safety of the public and workmen. All abandoned basements or cellars and holes shall be filled to grade, and all excess materials, rubbish, and debris shall not be permitted to remain on the premises above grade. The Fire Department shall be notified before removing standpipes, sprinklers, or fire protection water supplies.

6. Permits for Roadside Stands

Before any roadside stand shall be erected, a permit for such use shall first be obtained. Approval of such permits shall be subject to the requirements of the Township Board of Appeals, for temporary uses, under Section 19.07.

7. Expiration of Building Permit

If the work described in any building permit has not begun within six (6) months from the date of issuance thereof, or if the authorized work is suspended or abandoned for a period of six (6) months after the time of commencing work, said permit shall expire; it shall be canceled by the Building Official and written notice thereof shall be given to the persons affected. If the work described in any building permit has not been completed within two (2) years of the date of issuance thereof, said permit shall expire and be canceled by the Building Official, and written notice thereof shall be given to the persons affected, together with notice that further work, as described in the canceled permit, shall not proceed unless, and until, a new building permit has been obtained.

SECTION 20.04 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 certificates 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 Official, 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 (*Amended 1991*)

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. In all other cases, no building or structure, or parts thereof, which is hereafter erected, or altered shall be occupied or used for residential purposes unless and until a certificate of occupancy shall have been issued for such building or structure. Specifically no out building, pole barn or similar type structure may be used for occupancy or residential purposes without the occupant first complying with the requirements of the Township Building Code and Zoning Ordinance for new residential buildings or structures or parts thereof or for alterations or changes to existing buildings or structures without obtaining the certificate of occupancy as required by this ordinance.

SECTION 20.05 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 Official immediately upon the completion of the work authorized by such permit for a final inspection.

SECTION 20.06 FEES

Fees for inspection and the issuance of permits or certificates of copies thereof, required or issued under the provisions of this Ordinance, may be collected by the Building Official 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 XXI AMENDMENTS

SECTION 21.01 AMENDMENTS

The Township Board may, upon recommendation from the Township Planning Commission, or on its own, amend, supplement or change the regulations or the district boundaries of this Ordinance pursuant to the authority and according to the procedure set forth in Public Act 110, of the Public Acts of 2006, as amended. Whenever a petitioner requests a zoning district boundary amendment, he shall be the fee holder owner of the premises concerned or else have the fee holder owner also subscribe to his petition, and shall submit a petition for rezoning to the Township Clerk; however, there shall be a twelve (12) month waiting period between a Township Board denial for a zoning district boundary change and a new request.

Any applicant desiring to have any change made in this Ordinance shall, with his petition for such change, deposit the sum established by resolution of the Township Board with the Township Treasurer at the time that the petition is filed to cover the publication and other miscellaneous costs for said charge.

SECTION 21.02 CONDITIONAL REZONING

1. Intent. It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with the provisions of Section 405 of Public Act 110 of the Public Acts of 2006, as amended, by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.
2. Application and Offer of Conditions
 - a. An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
 - b. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.
 - c. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.
 - d. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
 - e. Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this Ordinance may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this Ordinance.

- f. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately granted by the Board of Zoning Appeals in accordance with the provisions of this Ordinance.
 - g. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
 - h. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.
3. **Planning Commission Review.** The Planning Commission, after public hearing and consideration of the standards for approval set forth in Section 21.02,(5), may recommend approval, approval with recommended changes or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.
 4. **Township Board Review.** After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The Township board's deliberations shall include, but not be limited to, a consideration of the standards for approval set forth in Section 21.02,(5). Should the Township Board consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Township Board shall, in accordance with Public Act 110 of the Public Acts of 2006, refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.
 5. **Factors.** In reviewing an application for the rezoning or land where there is an offer of conditions, factors that should be considered by the Planning Commission and the Township Board shall include the following:
 - a. Whether the proposed rezoning is consistent with the goals, policies and Future Land Use Map of the Thetford Township Master Plan;
 - b. The compatibility of all the potential uses allowed in the proposed zoning district with surrounding land uses and zoning districts in terms of land suitability, impacts on the environment, density, and influence on property values;
 - c. Whether any public services and facilities would be significantly adversely impacted by a development or use allowed under the requested rezoning. Consideration of impact on drains and roads is specifically required; and,

- d. Whether the uses allowed under the proposed rezoning would be equally or better suited to the area than uses allowed under the current zoning of the land.
6. Approval.
- a. If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the Township Board to accomplish the requested rezoning.
 - b. The Statement of Conditions shall:
 - 1) Be in a form recordable with the Register of Deeds of Genesee County or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.
 - 2) Contain a legal description of the land to which it pertains.
 - 3) Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
 - 4) Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
 - 5) Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be recorded with the Register of Deeds of Genesee County by the owner with a copy of the recorded document provided to the Township within forty-five (45) days of its recording.
 - 6) Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
 - c. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
 - d. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the owner with the Register of Deeds of Genesee County. The owner shall provide a copy of the recorded document to the Township within forty-five (45) days of the date of its recording. The Township Board shall have authority to waive this requirement if it determines that, given

the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner of the land.

- e. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.
7. Compliance with Conditions.
- a. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Zoning Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
 - b. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.
8. Time Period for Establishing Development or Use. Unless another time period is specified in the Ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within thirty six (36) months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the Township Board if: (1), it is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion; and (2), the Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy; and (3) the written request shall be made to the Township Board requesting the extension within six (6) months of the end of the thirty six (36) month period.
9. Reversion of Zoning. If approved development and/or use of the rezoned land does not occur within the time frame specified under Section 21.02,(8) above, then the land shall revert to its former zoning classification as set forth in Public Act 110 of the Public Acts of 2006. The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.

10. Subsequent Rezoning of Land. When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to Section 21.02,(9) above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the Township Clerk shall record with the Register of Deeds of the County in which the land is located a notice that the Statement of Conditions is no longer in effect.
11. Amendment of Conditions
 - a. During the time period for commencement of an approved development or use specified pursuant to Section 21.02,(8) above or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.
 - b. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.
12. Township Right to Rezone. Nothing in the Statement of Conditions nor in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and Public Act 110 of the Public Acts of 2006.
13. Failure to Offer Conditions. The Township shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.

**ARTICLE XXII
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 XXIII
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 XXIV
ENFORCEMENT, PENALTIES, AND OTHER REMEDIES**

SECTION 24.00 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.

SECTION 24.01 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.

SECTION 24.02 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.

SECTION 24.03 EACH DAY A SEPARATE OFFENSE

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

SECTION 24.04 RIGHTS AND REMEDIES ARE CUMULATIVE

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

**ARTICLE XXV
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 XXVI
REPEAL OF PRIOR ORDINANCE**

The Zoning ordinance adopted by the Township known as Ordinance No. 3 and all amendments thereto, are hereby repealed. The repeal of the above Ordinance and its amendments does not affect or impair any act done, offense committed or right accruing, accrued, or acquired, or liability, penalty, forfeiture, or punishment incurred prior to the time enforced, prosecuted, or inflicted.

**ARTICLE XXVII
ADOPTION AND EFFECTIVE DATE**

SECTION 27.00 EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days following publication hereof as provided by law.

SECTION 27.01 CERTIFICATION OF CLERK

I, Myra Hobson, Thetford Township Clerk, do hereby certify that this Ordinance is a true copy of that ordinance No. 78, duly adopted by the Thetford Township Board at a meeting on the 23rd day of January, 1989, A.D. and effective March 5, 1989.



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