

2015-06-127

ORDINANCE NO. 127-4-18-2011

**AN ORDINANCE TO AMEND THE THETFORD
TOWNSHIP ZONING ORDINANCE NO. 78**

Preamble

An Ordinance to amend the Thetford Township Zoning Ordinance No. 78.

BE IT ORDAINED by the Township Board of the Township of Thetford, Genesee County, Michigan, that the Zoning Ordinance of Thetford Township be amended as follows:

Section 1. Amendment to the Title

The Title of the Thetford Township Zoning Ordinance is hereby amended to read as follows:

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."

Section 2. Deletion of Section 2.06

Section 2.06 of the Thetford Township Zoning Ordinance is hereby deleted.

Section 3. Addition of a new Section 2.06A

The Thetford Township Zoning Ordinance is hereby amended to add thereto a new Section 2.06A to read as follows:

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 4. Addition of a new Section 2.06B

The Thetford Township Zoning Ordinance is hereby amended to add thereto a new Section 2.06B to read as follows:

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 5. Addition of a new Section 2.06C

The Thetford Township Zoning Ordinance is hereby amended to add thereto a new Section 2.06C to read as follows:

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 6. Addition of a new Section 2.06D

The Thetford Township Zoning Ordinance is hereby amended to add thereto a new Section 2.06D to read as follows:

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 7. Addition of a new Section 2.06E

The Thetford Township Zoning Ordinance is hereby amended to add thereto a new Section 2.06E to read as follows:

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 8. Addition of a new Section 2.10A

The Thetford Township Zoning Ordinance is hereby amended to add thereto a new Section 2.10A to read as follows:

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, ovis 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 9. Addition of a new Section 2.14A

The Thetford Township Zoning Ordinance is hereby amended to add thereto a new Section 2.14A to read as follows:

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 10. Amendment to Section 2.26

Section 2.26 of the Thetford Township Zoning Ordinance is hereby amended to read as follows:

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 11. Addition of a new Section 2.26A

The Thetford Township Zoning Ordinance is hereby amended to add thereto a new Section 2.26A to read as follows:

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 12. Addition of a new Section 2.26B

The Thetford Township Zoning Ordinance is hereby amended to add thereto a new Section 2.26B to read as follows:

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 13. Amendment to Section 2.39

Section 2.39 of the Thetford Township Zoning Ordinance is hereby amended to read as follows:

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 14. Addition of a new Section 2.40A

The Thetford Township Zoning Ordinance is hereby amended to add thereto a new Section 2.40A to read as follows:

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 15. Addition of a new Section 2.44A

The Thetford Township Zoning Ordinance is hereby amended to add thereto a new Section 2.44A to read as follows:

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.

Section 16. Deletion of Section 2.47

Section 2.47 of the Thetford Township Zoning Ordinance is hereby deleted.

Section 17. Amendment to Section 2.49

Section 2.49 of the Thetford Township Zoning Ordinance is hereby amended to read as follows:

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 18. Addition of a new Section 2.49A

The Thetford Township Zoning Ordinance is hereby amended to add thereto a new Section 2.49A to read as follows:

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 19. Amendment to Section 2.50

Section 2.50 of the Thetford Township Zoning Ordinance is hereby amended to read as follows:

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 20. Addition of a new Section 2.50A

The Thetford Township Zoning Ordinance is hereby amended to add thereto a new Section 2.50A to read as follows:

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 21. Amendment to Section 2.51

Section 2.51 of the Thetford Township Zoning Ordinance is hereby amended to read as follows:

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 22. Addition of a new Section 2.51A

The Thetford Township Zoning Ordinance is hereby amended to add thereto a new Section 2.51A to read as follows:

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 23. Amendment to Section 2.52

Section 2.52 of the Thetford Township Zoning Ordinance is hereby amended to read as follows:

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 24. Addition of a new Section 2.52A

The Thetford Township Zoning Ordinance is hereby amended to add thereto a new Section 2.52A to read as follows:

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 25. Amendment to Section 2.69

Section 2.69 of the Thetford Township Zoning Ordinance is hereby amended to read as follows:

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 26. Deletion of Section 2.70

Section 2.70 of the Thetford Township Zoning Ordinance is hereby deleted.

Section 27. Addition of a new Section 2.78A

The Thetford Township Zoning Ordinance is hereby amended to add thereto a new Section 2.78A to read as follows:

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 28. Addition of a new Section 2.79A

The Thetford Township Zoning Ordinance is hereby amended to add thereto a new Section 2.79A to read as follows:

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 29. Addition of a new Section 2.81A

The Thetford Township Zoning Ordinance is hereby amended to add thereto a new Section 2.81A to read as follows:

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 30. Addition of a new Section 2.81B

The Thetford Township Zoning Ordinance is hereby amended to add thereto a new Section 2.81B to read as follows:

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 31. Addition of a new Section 2.82A

The Thetford Township Zoning Ordinance is hereby amended to add thereto a new Section 2.82A to read as follows:

SECTION 2.82A RIDING STABLE, PRIVATE

A stable for horses kept for personal use.

Section 32. Addition of a new Section 2.82B

The Thetford Township Zoning Ordinance is hereby amended to add thereto a new Section 2.82B to read as follows:

SECTION 2.82B RIDING STABLE, PUBLIC

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

Section 33. Addition of a new Section 2.84A

The Thetford Township Zoning Ordinance is hereby amended to add thereto a new Section 2.84A to read as follows:

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 34. Amendment to Section 2.85

Section 2.85 of the Thetford Township Zoning Ordinance is hereby amended to read as follows:

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 35. Deletion of Section 2.90

Section 2.90 of the Thetford Township Zoning Ordinance is hereby deleted.

Section 36. Amendment to Section 3.01

Section 3.01 of the Thetford Township Zoning Ordinance is hereby amended to read as follows:

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.

[Existing Subsections 2 through 17 hereby remain unchanged]

18. Places of worship.
19. Livestock production facilities.
20. Adult foster care family homes.
21. Day care family homes.

[Existing Subsections 19 and 20 are hereby renumbered as Subsections 22 and 23]

Section 37. Amendment to Section 3.02

Section 3.02 of the Thetford Township Zoning Ordinance is hereby amended to read as follows:

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.

[Existing Subsections 1 through 3 hereby remain unchanged]

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.

[Existing Subsections 5 through 7 hereby remain unchanged]

8. Adult foster care large and small group homes.

[Existing Subsection 9 hereby remains unchanged]

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 38. Amendment to Section 4.01

Section 4.01 of the Thetford Township Zoning Ordinance is hereby amended to read as follows:

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:

[Existing Subsection 1 hereby remains unchanged]

2. Farms.

[Existing Subsections 3 through 7 hereby remain unchanged]

8. Livestock production facilities.

9. Places of worship.

10. Adult foster care family homes.

11. Day care family homes.

[Existing Subsection 8 is hereby renumbered as Subsection 12]

Section 39. Amendment to Section 4.02

Section 4.02 of the Thetford Township Zoning Ordinance is hereby amended to read as follows:

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.

[Existing Subsections 1 through 3 hereby remain unchanged]

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 40. Amendment to Section 5.01

Section 5.01 of the Thetford Township Zoning Ordinance is hereby amended to read as follows:

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:

[Existing Subsection 1 hereby remains unchanged]

2. Farms.

[Existing Subsections 3 through 7 hereby remain unchanged]

8. Livestock production facilities.
9. Places of worship.
10. Adult foster care family home.
11. Day care family home.

[Existing Subsection 8 is hereby renumbered as Subsection 12]

Section 41. Amendment to Section 5.02

Section 5.02 of the Thetford Township Zoning Ordinance is hereby amended to read as follows:

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.

[Existing Subsections 1 through 3 hereby remain unchanged]

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 42. Amendment to Section 6.01

Section 6.01 of the Thetford Township Zoning Ordinance is hereby amended to read as follows:

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.

[Existing Subsections 2 and 3 hereby remain unchanged]

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.

[Existing Subsection 5 is hereby renumbered as Subsection 9]

Section 43. Amendment to Section 6.02

Section 6.02 of the Thetford Township Zoning Ordinance is hereby amended to read as follows:

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 44. Amendment to Section 7.02

Section 7.02 of the Thetford Township Zoning Ordinance is hereby amended to read as follows:

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.

[Existing Subsection 1 hereby remains unchanged]

2. Home for the aged (Congregate Care Facility)

[Existing Subsections 3 through 5 hereby remain unchanged]

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 45. Amendment to Section 8.00

Section 8.00 of the Thetford Township Zoning Ordinance is hereby amended to read as follows:

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 46. Amendment to Section 8.01

Section 8.01 of the Thetford Township Zoning Ordinance is hereby amended to read as follows:

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:

[Existing Subsection 1 hereby remains unchanged]

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 47. Amendment to Section 8.02

Section 8.02 of the Thetford Township Zoning Ordinance is hereby amended to read as follows:

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.

[Existing Subsection 1 hereby remains unchanged]

2. Accessory buildings and uses customarily incident to any of the above permitted uses subject to special conditions.

Section 48. Amendment to Section 9.01

Section 9.01 of the Thetford Township Zoning Ordinance is hereby amended to read as follows:

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:

[Existing Subsections 1 through 9 hereby remain unchanged]

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 49. Amendment to Section 9.02

Section 9.02 of the Thetford Township Zoning Ordinance is hereby amended to read as follows:

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.

[Existing Subsections 1 and 2 hereby remain unchanged]

3. Accessory buildings and uses customarily incident to any of the above permitted uses subject to special conditions.

Section 50. Amendment to Section 10.01

Section 10.01 of the Thetford Township Zoning Ordinance is hereby amended to read as follows:

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:

[Existing Subsections 1 through 7 hereby remain unchanged]

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.

[Existing Subsection 9 is hereby renumbered as Subsection 10]

Section 51. Amendment to Section 10.02

Section 10.02 of the Thetford Township Zoning Ordinance is hereby amended to read as follows:

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.

[Existing Subsections 1 through 3 hereby remain unchanged]

4. Accessory buildings and uses customarily incident to any of the above permitted uses subject to special conditions.

Section 52. Amendment to Section 11.01

Section 11.01 of the Thetford Township Zoning Ordinance is hereby amended to read as follows:

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:

[Existing Subsections 1 through 8 hereby remain unchanged]

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.

[Existing Subsection 10 hereby remains unchanged]

Section 53. Amendment to Section 11.02

Section 11.02 of the Thetford Township Zoning Ordinance is hereby amended to read as follows:

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.

[Existing Subsections 1 through 4 hereby remain unchanged]

5. Accessory buildings and uses customarily incident to any of the above permitted uses subject to special conditions.

Section 54. Amendment to Section 12.01

Section 12.01 of the Thetford Township Zoning Ordinance is hereby amended to read as follows:

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:

[Existing Subsections 1 through 12 hereby remain unchanged]

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 55. Amendment to Section 12.02

Section 12.02 of the Thetford Township Zoning Ordinance is hereby amended to read as follows:

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.

[Existing Subsections 1 and 2 hereby remain unchanged]

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 56. Amendment to Section 13.01

Section 13.01 of the Thetford Township Zoning Ordinance is hereby amended to read as follows:

SECTION 13.01 FOOTNOTES TO SCHEDULE OF REGULATIONS

[Existing Subsections (a) through (f) hereby remain unchanged]

[Existing Subsection (g) is hereby deleted]

[Existing Subsections (h) through (j) are hereby renumbered as Subsections (g) through (i)]

- (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.

[Existing Subsections (m) through (v) are hereby renumbered beginning as Subsection (l)]

Section 57. Amendment to Section 13.03

Section 13.03 of the Thetford Township Zoning Ordinance is hereby amended to read as follows:

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:

[Subsections 1 through 4 hereby remain unchanged]

Section 58. Amendment to Section 13.05, 2

Section 13.05, 2 of the Thetford Township Zoning Ordinance is hereby amended to read as follows:

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 59. Addition of a new Section 13.06

The Thetford Township Zoning Ordinance is hereby amended to add thereto a new Section 13.06 to read as follows:

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.

Section 60. Amendment to Section 14.05

Section 14.05 of the Thetford Township Zoning Ordinance is hereby amended to read as follows:

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:

[Existing Subsections 1 through 3 hereby remain unchanged]

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.

[Existing Subsection 5 hereby remains unchanged]

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.

[Existing Subsections 7 through 9 hereby remain unchanged]

Section 61. Amendment to Section 14.06, 12, b, (1)

Section 14.06, 12, b, (1) of the Thetford Township Zoning Ordinance is hereby amended to read as follows:

- | | | |
|-----|--------------------|---|
| (1) | Places of worship. | One (1) for each three (3) seats or six (6) feet of pews in the main unit of worship. |
|-----|--------------------|---|

Section 62. Amendment to Section 14.09, 3, c, (4)

Section 14.09, 3, c, (4) of the Thetford Township Zoning Ordinance is hereby amended to read as follows:

- | | |
|----|--|
| 4) | Eight (8) shrubs per tree may be planted as substitute for trees required in item 3 above. |
|----|--|

Section 63. Amendment to Section 14.12

Section 14.12 of the Thetford Township Zoning Ordinance is hereby amended to read as follows:

SECTION 14.12 FENCES (RESIDENTIAL)

[Existing Subsection 1 hereby remains unchanged]

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

[Existing Subsection 4 is hereby renumbered as Subsection 3]

Section 64. Amendment to Section 14.18, 8, P

Section 14.18, 8, P of the Thetford Township Zoning Ordinance is hereby amended to read as follows:

- | | |
|----|---|
| 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 65. Amendment to Section 14.19, 3, d

Section 14.19, 3, d of the Thetford Township Zoning Ordinance is hereby amended to read as follows:

- 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.

Section 66. Amendment to Section 14.19, 4, f

Section 14.19, 4, f of the Thetford Township Zoning Ordinance is hereby amended to read as follows:

- 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.

Section 67. Amendment to Section 14.19, 5, c

Section 14.19, 5, c of the Thetford Township Zoning Ordinance is hereby amended to read as follows:

- 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.

Section 68. Amendment to Section 14.19, 7

Section 14.19, 7 of the Thetford Township Zoning Ordinance is hereby amended to read as follows:

7. Other Permitted Signs

[Existing Subsections a through g hereby remain unchanged]

- 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.

[Existing Subsections j through l hereby remain unchanged]

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.

Section 69. Amendment to Section 14.19, 8, b

Section 14.19, 8, b of the Thetford Township Zoning Ordinance is hereby amended to read as follows:

- 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.

Section 70. Amendment to Section 14.20

Section 14.20 of the Thetford Township Zoning Ordinance is hereby amended to read as follows:

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 71. Amendment to Section 14.22

Section 14.22 of the Thetford Township Zoning Ordinance is hereby amended to read as follows:

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:

[Existing Subsection 1 hereby remains unchanged]

Section 72. Addition of a new Section 14.23

The Thetford Township Zoning Ordinance is hereby amended to add thereto a new Section 14.23 to read as follows:

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 unclimable 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.

Section 73. Amendment to Section 15.00

Section 15.00 of the Thetford Township Zoning Ordinance is hereby amended to read as follows:

SECTION 15.00 APPLICATION

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.

[Existing Subsections 2 through 5 are hereby renumbered as Subsections 5 through 8]

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.

[Existing Subsection 7 is hereby renumbered as Subsection 10]

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.

[Existing Subsection 10 is hereby renumbered as Subsection 13]

[Existing Subsections 13 and 14 are hereby renumbered as Subsections 14 and 15]

[Existing Subsection 16 hereby remains unchanged]

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 be 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.

[Existing Subsections 17 through 22 are hereby renumbered as Subsections 19 through 24]

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.

[Existing Subsection 24 is hereby renumbered as Subsection 26]

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.

[Existing Subsections 26 and 27 are hereby renumbered as Subsections 28 and 29]

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.

[Existing Subsections 28 through 35 are hereby renumbered as Subsections 31 through 38]

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.

[Existing Subsection 36 is hereby renumbered as Subsection 40]

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.

[Existing Subsections 39 and 40 are hereby renumbered as Subsections 43 and 44]

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.

[Existing Subsections 42 and 43 are hereby renumbered as Subsections 46 and 47]

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.

[Existing Subsections 45 through 49 are hereby renumbered as Subsections 49 through 53]

Section 74. Amendment to Section 17.02

Section 17.02 of the Thetford Township Zoning Ordinance is hereby amended to read as follows:

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:

[Existing Subsections a through d hereby remain unchanged]

Section 75. Amendment to Section 19.00

Section 19.00 of the Thetford Township Zoning Ordinance is hereby amended to read as follows:

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:

[Existing Subsections 1 and 2 hereby remain unchanged]

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 76. Amendment to Section 19.02

Section 19.02 of the Thetford Township Zoning Ordinance is hereby amended to read as follows:

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 77. Amendment to Section 19.04

Section 19.04 of the Thetford Township Zoning Ordinance is hereby amended to read as follows:

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 78. Amendment to Section 19.06

Section 19.06 of the Thetford Township Zoning Ordinance is hereby amended to read as follows:

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 79. Amendment to Section 19.07, 5

Section 19.07, 5 of the Thetford Township Zoning Ordinance is hereby amended to read as follows:

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 80. Amendment to Section 20.00

Section 20.00 of the Thetford Township Zoning Ordinance is hereby amended to read as follows:

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 81. Amendment to Article XXI

Article XXI of the Thetford Township Zoning Ordinance is hereby amended to read as follows:

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.

Section 82. Severability

The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 83. Savings Clause

The repeal provided for herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending litigation or prosecution or any right established or occurring prior to the effective date of this Ordinance.

Section 84. Repeal

All other ordinances inconsistent with the provisions of this Ordinance are to the extent of such inconsistencies, hereby repealed.


Section 85. Publication

The Township Clerk shall cause this Ordinance to be published in the manner required by law. This Ordinance shall become effective upon publication as provided by law.

Section 86. Authentication

This is to certify that the undersigned do hereby authenticate the foregoing record of the Ordinance herein set forth.

Clyde Howd, Supervisor



Julia Paulson, Clerk

Adopted: _____, 2011

Published by Posting: _____, 2011