

TITLE 10 ZONING REGULATIONS

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Chapter 1 GENERAL PROVISIONS

TITLE, PURPOSE, DEFINITIONS

SECTION 1.1. SHORT TITLE.

This ordinance shall be known as the Township of Thomas Rural Zoning Ordinance.

(Ord. 97-Z-03, 11-3-1997, eff. 12-12-1997)

SECTION 1.2. PURPOSE.

It is the general purpose of this ordinance to provide for the establishment of zoning districts within which the proper use of land and natural resources may be encouraged and regulated, and further to:

- Promote the public health, safety and general welfare.

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- Encourage the use of lands in accordance with their character and adaptability and to limit the improper use of land.
 - Conserve natural resources and energy.
 - Meet the needs of residents for food, fiber and other natural resources, places of residence, recreation, industry, trade, service and other uses of the land.
 - Ensure that uses of the land shall be situated in appropriate locations and relationships.
 - Avoid overcrowding of the population.
 - Provide adequate light and air.
 - Lessen congestion on the public roads and streets.
 - Reduce hazards to life and property.
 - Facilitate adequate provision for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements.
 - Conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties.
 - Adopt provisions for each designated zoning district which shall control the use of land and property; the use, size and location of buildings; the minimum yards, courts and other open spaces; and the maximum number of families to be housed in buildings and structures.

(Ord. 97-Z-03, 11-3-1997, eff. 12-12-1997)

SECTION 1.3. PROHIBITED USES.

Any use not specifically permitted herein or any use which is unlawful by state or federal law or local ordinance is prohibited; provided, however, a use not specifically permitted herein may be permitted under any applicable provisions of this Zoning Ordinance so long as said use is not unlawful by state or federal law or local ordinance.

(Ord. 11-Z-06, 8-10-2011, eff. 9-10-2011)

SECTION 1.4. LEGAL BASIS.

his ordinance is enacted pursuant the Michigan Zoning Enabling Act, PA 110 of 2006, as amended. The continued administration of this ordinance, amendments to this ordinance and all other matters concerning operation of this ordinance shall be done pursuant to PA 110 of 2006, as amended.

(Ord. No. 08-Z-04, 11-12-2008, eff. 12-15-2008)

SECTION 1.5. CONFLICT WITH OTHER LAWS.

Whenever any provision of this ordinance imposes requirements for lower heights of buildings, or a lesser percentage of lots that may be occupied or require wider or larger courts or deeper yards than are imposed or required by existing provisions of law or other ordinances of the Township of Thomas, the provisions of this ordinance shall govern. Wherever provisions of any other ordinance or regulation of the Township of Thomas imposes requirements for lower height of buildings or lesser percentage of lots that may be occupied, or require wider or larger courts or deeper yards than are required by this ordinance, the provisions of the other ordinance or regulation shall govern.

(Ord. 97-Z-03, 11-3-1997, eff. 12-12-1997; Ord. No. 08-Z-04, 11-12-2008, eff. 12-15-2008)

Note(s)—Formerly § 10-1-3.

SECTION 1.6. SEVERABILITY.

It is the legislative intent that this ordinance be liberally construed and should any provision or section of this ordinance be held unconstitutional or invalid such ruling shall not be construed as affecting the validity of remaining portions of the Ordinance, it being the intent that this ordinance shall stand notwithstanding the invalidity of any provision or section therein.

The provisions of this ordinance are hereby declared to be severable and if any part is declared invalid for any reason by a court of competent jurisdiction, it shall not affect the remainder of the ordinance, which shall continue in full force and effect.

(Ord. 97-Z-03, 11-3-1997, eff. 12-12-1997; Ord. No. 08-Z-04, 11-12-2008, eff. 12-15-2008; adopted March 2012)

Note(s)—Formerly § 10-1-4.

SECTION 1.7. REPEAL.

The existing zoning regulations of the Township of Thomas, as amended, are hereby repealed. The adoption of this ordinance, however, shall not affect or prevent any pending or future prosecution of, or action to abate, any existing violation of the prior ordinance, as amended, if the use, so in violation, is in violation of the provisions of this ordinance.

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

(Ord. 97-Z-03, 11-3-1997, eff. 12-12-1997; Ord. No. 08-Z-04, 11-12-2008, eff. 12-15-2008; adopted March 2012)

Note(s)—Formerly § 10-1-5.

SECTION 1.8. EFFECTIVE DATE.

This ordinance shall become effective thirty (30) days after publication thereof.

(Adopted March 2012)

Chapter 2 DEFINITIONS

SECTION 2.1. RULES APPLYING TO THE TEXT.

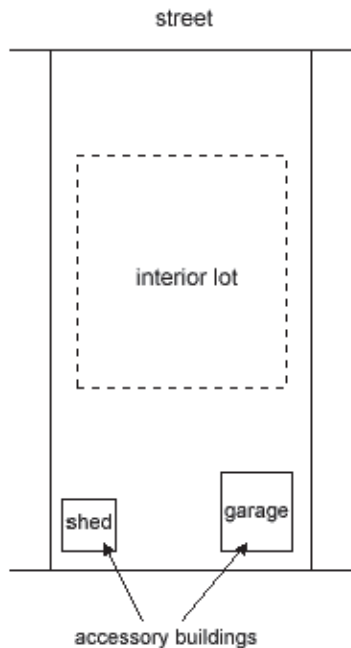
For the purposes of this ordinance, certain rules of construction apply to the text, as follows:

- 1) Words used in the present tense include the future tense, and the singular includes the plural, unless the context clearly indicates the contrary.
- 2) The word "person" includes a corporation or firm as well as an individual.
- 3) The word "lot" includes the word "plot", "tract", or "parcel".
- 4) The term "shall" is always mandatory and not discretionary; the word "may" is permissive.

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- 5) The word "used" or "occupied" as applied to any land or structure shall be construed to include the words "intended, arranged or designed to be used or occupied".
 - 6) Any word or term not herein defined shall be used with a meaning of common standard use.

SECTION 2.2. DEFINITIONS.

For the purpose of this ordinance certain terms are herewith defined. Words used in the plural number include the singular number.



ACCESSORY BUILDINGS: Any building subordinate or incidental, such as a storage shed, pole barn or agriculture building located on the same lot with the main building or any portion of the main building, not to include private garages.

ACCESSORY USE: Any use customarily incidental to the main use of the premises, including: garages, swimming pools, radio and TV towers.

ADULT MEDIA: Magazines, books, slides, CD-ROMs or devices used to record computer images, or other media that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexually oriented hard-core material.

ADULT MEDIA STORE: An establishment that rents and/or sells media, and that meets any of the following three tests:

- a. 40 percent or more of the gross public floor area is devoted to adult media.
- b. 40 percent or more of the stock in trade consists of adult media.
- c. It advertises or holds itself out in any form as "XXX," "adult," "sex," or otherwise as a sexually oriented business other than adult media store, adult motion picture theater or adult cabaret.

ADULT MOTION PICTURE THEATER: An establishment emphasizing or predominately showing sexually oriented movies.

AGRICULTURE: The use of land for tilling of the soil, the raising of tree and field crops and animal husbandry.

AGRICULTURE BUILDINGS: Any detached accessory building or a portion of a main building used for storage and repair of farm implements and housing of farm supplies, produce or farm animals.

AGRICULTURAL ACTIVITIES: The employment of land for the primary purpose of obtaining a profit in money by raising, harvesting, and selling crops, or feeding (including grazing), breeding, managing, selling, or producing livestock, poultry, fur-bearing animals or honeybees, or by dairying and the sale of dairy products, by any other horticultural, floricultural or viticultural use, by animal husbandry, or by any combination thereof. It also includes the current employment of land for the primary purpose of obtaining a profit by stabling or training equines, including, but not limited to, providing riding lessons, training clinics and schooling shows. The growing or harvesting of forest tree species or trees used for commercial or related purposes. Also included are facilities used in the research and testing of agricultural products and techniques. see FARM.

AIRFIELDS AND AIRPORTS: Any area of land designed and set aside for the landing and take-off of aircraft, including all necessary facilities for the housing and maintenance of aircraft.

ALLEY: Shall mean any dedicated public way other than a street which provides only a secondary means of access to abutting property and is not intended for general traffic circulation.

ALTERATION: Alteration is any change in usage, or location, or square footage, or height of building, or any change in the supporting members of a building or structure.

ANIMAL: means a nonhuman zoological species, classified for purposes of this Title as follows:

- a. Class I Animal: Pets: Domesticated animals which are not Class II, III, IV or V animals and which are customarily considered household pets kept inside of the house with no exterior pens or holding areas.
- b. Class II Animal: Livestock: An animal which is normally part of the livestock maintained on a farm including:
 - 1) Bovine and like animals, such as the cow.
 - 2) Equine and like animals, such as the horse.
 - 3) Swine and like animals, such as the hog.
 - 4) Ovine and like animals, such as the sheep and goat.
 - 5) Other animals weighing equal to or greater than seventy-five (75) pounds and not otherwise specifically included in class II.
- c. Class III Animal: Other Animals: Rabbits which are not maintained or kept as domesticated household pets, animals considered as poultry and other animals weighing less than seventy-five (75) pounds not specifically mentioned in this ordinance.
- d. Class IV Animal: Wild Or Exotic Animals: Such animals include any wild or undomesticated animal which is not of a species customarily used as an ordinary household pet, but one which would ordinarily be confined to a zoo, or one which would ordinarily be found in the wilderness of this or any other country. Such animals weigh less than one hundred (100) pounds and would not cause a reasonable person to be fearful of bodily harm or property damage.
- e. Class V Animal: Dangerous Animals: Such animal includes any wild or undomesticated animal which is not of a species customarily used as an ordinary household pet, but one which would ordinarily be confined to a zoo, or one which would ordinarily be found in the wilderness of this or any other country. Such animals would cause a reasonable person to be fearful of bodily harm or property damage.
- f. A person who maintains animals means any person who owns or controls the animal or who owns, controls, or has legal possessory right in the property upon which the animal is located or maintained

ANTENNAE, PRIVATE: Shall mean a single pole or structure designed to be used for one-family private residential TV reception, or for radio signal reception and sending on parcels used for one- or two-family homes. Only one such antenna is permitted per parcel.

ATTACHED WIRELESS COMMUNICATIONS FACILITY: Wireless communication facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.

AUTOMOBILE CAR WASH: Shall mean an establishment being housed in a building or portion thereof, together with the necessary mechanical equipment used for washing automobiles and using production line methods.

AUTOMOBILE REPAIR SHOP: Shall mean an establishment being housed in a building or portion thereof, together with the necessary equipment used for the general repair of automobiles, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service and painting or undercoating of automobiles.

AUTOMOBILE SERVICE STATION: SEE GAS/SERVICE STATION

AUTOMOBILE STORAGE, DAMAGED: Any storage of inoperable vehicles not incident to a public garage.

BAR: A building or portion thereof where liquors are sold to be consumed on the premises, but not including restaurants where the principal business is serving food.

BASEMENT: See Michigan Building Code and Residential Code of 2009.

BED AND BREAKFAST: A use that is subordinate to the principal use of a dwelling unit as a single-family dwelling unit, in which transient guests are provided a sleeping room and breakfast in return for payment, and that does not provide separate cooking facilities for such guests.

BLOCK: Shall mean the property abutting one side of a street and lying between the two (2) nearest intersecting or intercepting streets, or between the nearest intersecting or intercepting street and physical barrier such as a railroad, right-of-way, park, river channel or unsubdivided acreage.

BODY PIERCING PARLOR: see TATTOO/BODY PIERCING PARLOR.

BUFFER: "Buffer zones" are the areas on parcels that separate bordering properties zoned commercial or industrial from residential, agriculture, or environmental.

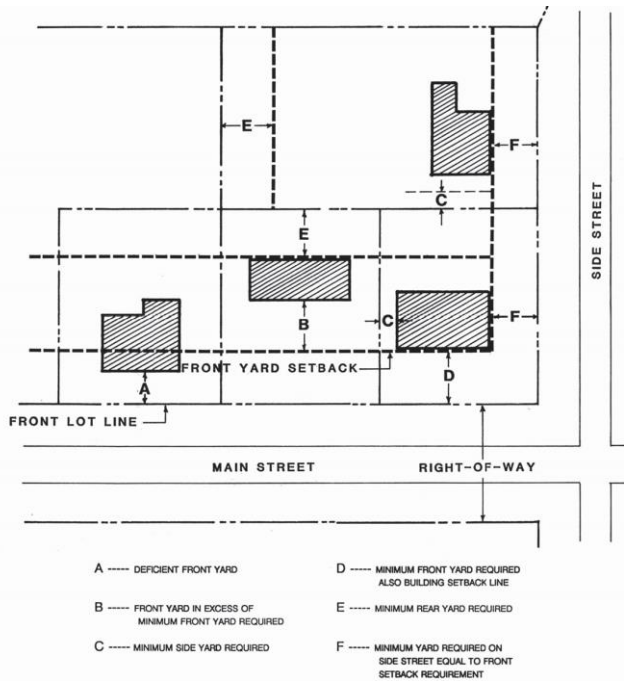
BUILDABLE LANDS: Lands within urban and urbanized areas that are suitable, available and necessary for residential, commercial and industrial uses and include both vacant land and developed land that in the opinion of the local planning agency is likely to be developed.

BUILDING: An independent structure having a roof supported by columns or walls resting on its own foundation.

BUILDING, FRONT LINE: Shall mean the line that coincides with the face of the building nearest the front line of the lot. This face includes sun parlors and enclosed porches but does not include steps. Said line shall be parallel to the front lot line and measured as a straight line between the intersecting points with the side yard.

BUILDING, HEIGHT OF: Shall mean the vertical distance measured from the mean elevation of the finished grade line of the ground about the front of the building to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the mean height level between eaves and ridge for gable, hip, and gambrel roofs.

BUILDING LINES: Shall mean a line defining the minimum front, side or rear yard requirements outside of which no building or structure may be located.



Building Line

BUILDING, PRINCIPAL: Shall mean a building in which is conducted the main or principal use of the lot on which it is located.

BUILDING SETBACK LINE: The line which pertains to and defines those minimum (building) setback lines which are established parallel to the front street or right-of-way line and within which setback area no part of a building shall project or be located, except as otherwise provided for by this ordinance. Such line when adjacent to a building is normally formed by the junction of the outer surface of the building or enclosure wall with the finish grade or surface of the adjoining ground.

BULK STATION: Shall mean a place where crude petroleum, gasoline, naphtha, benzene, kerosene, or any other liquid, except such as will stand a test of one hundred fifty degrees Fahrenheit (150°F), closed cup tested, are stored for wholesale purposes only, where the aggregate capacity of all storage tanks is more than six thousand (6,000) gallons.

BUS AND TAXI STATION: Any premises for the transient housing or parking of busses and the loading and unloading of passengers.

CAR WASH: A structure containing facilities for washing automobiles using a chain conveyer or other method of moving the cars along, or machinery that moves around a stationary vehicle, and automatic or semiautomatic application of cleaner, brushes, rinse water and heat for drying.

CARETAKER: Shall mean somebody who looks after a property when it is empty and supervises its maintenance and cleaning.

CEMETERY: Any publicly or privately owned place for the interment of human remains.

CHILD CARE ORGANIZATION: A facility for the care of children less than 18 years of age, as licensed and regulated by the State under Act No. 116 of Public Acts of 1973 and the associated rules promulgated by the State Department of Social Services. Such organizations shall be further defined as follows:

CHILD CARE CENTER or DAY CARE CENTER means a facility, other than a private residence, receiving more than six preschool or school age children for group care for periods of less than 24 hours a day, and where the

parents or guardians are not immediately available to the child. It includes a facility that provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. CHILD CARE CENTER or DAY CARE CENTER does not include a Sunday school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.

FOSTER FAMILY HOME is a private home in which one but not more than four minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.

FOSTER FAMILY GROUP HOME means a private home in which more than four but less than seven children, who are not related to an adult member of the household by blood, marriage or adoption, are provided care for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.

FAMILY DAY CARE HOME means a private home in which one but less than seven minor children are received for care and supervision for periods of less than 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. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

GROUP DAY CARE HOME means a private home in which more than six but not more than 12 children are given care and supervision for periods of less than 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. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

CHURCHES/SYNAGOGUES/MOSQUES: see **INSTITUTION, RELIGIOUS**

CLINIC: Shall mean an establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists or similar professionals.

CLUB/LODGE: see **INSTITUTION, SOCIAL**

COLOCATION: The location by two (2) or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the community.

COMMERCIAL LAUNDRY AND DRY CLEANERS: see **DRY CLEANER/LAUNDRY**

COMMERCIAL SCHOOL: A school or facility offering training to perform any of the uses by right in the district in which a Commercial School is permitted either by right or by special use permit. A Commercial School is a distinct use, not to be confused with an Institution, Educational.

COMMERCIAL VEHICLE: The general definition for a commercial motor vehicle is contained in Part 390 of the Federal Motor Carrier Safety Regulations (FMCSR) for vehicles operating in interstate commerce. The Michigan Motor Carrier Safety Act, Act 181 of 1963 adopted this part of the FMCSR into the Michigan Vehicle Code by reference (making these rules applicable to CMV's operating in Michigan intrastate commerce). In 2005 the definition for a commercial motor vehicle was removed from Act 181. The definition contained in 390.5 of the FMCSR applies to both private and for-hire transportation.

COMMON DRIVEWAY: A driveway shared by not more than 2 residential dwellings' and not considered to be road frontage. Frontage requirements must be met only by having frontage on a private or public road.

COMMON LAND: Shall mean a parcel or parcels of land together with the improvements thereon, the use, maintenance, and enjoyment of which are intended to be shared by the owners and occupants of the individual building units in a planned unit development.

CONCENTRATED ANIMAL FEEDING OPERATION (CAFO): A lot or facility, other than an aquatic animal production facility, where the animals, other than aquatic animals, have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility. An Animal Feeding Operation (AFO) is defined as a large CAFO or a medium CAFO, or that is designated by the Michigan DEQ under R 323.2196 (3) as a medium CAFO or a small CAFO. (An AFO may be designated as a CAFO, even if the operation has a smaller number of animals, if they have had a discharge to waters of the state that caused those waters to not meet water quality standards.)

A Large CAFO is an AFO that stables or confines as many as or more than the numbers of animals specified in any of the following categories:

- a. 700 mature dairy cows, whether milked or dry
- b. 1,000 veal calves 1,000 cattle (other than mature dairy cows or veal calves), including heifers, steers, bulls, and cow/calf pairs
- c. 2,500 swine, each weighs 55 pounds or more
- d. 10,000 swine, each weighs less than 55 pounds
- e. 500 horses
- f. 10,000 sheep or lambs
- g. 55,000 turkeys
- h. 30,000 laying hens or broilers, if the AFO uses a liquid manure handling system
- i. 125,000 chickens (other than laying hens), if the AFO doesn't use a liquid manure handling system
- j. 82,000 laying hens, if the AFO doesn't use a liquid manure handling system
- k. 30,000 ducks, if the AFO doesn't use a liquid manure handling system
- l. 5,000 ducks, if the AFO uses a liquid manure handling system

CONDOMINIUM ACT: Shall mean Public Act 59 of 1978, as amended.

CONDOMINIUM SUBDIVISION: Shall mean a subdivision as defined in the Township subdivision regulations.

CONDOMINIUM SUBDIVISION PLAN: Shall mean site, survey, and utility plans; floor plan; and sections, as appropriate showing the existing and proposed structures and improvements including the location thereof on the land. The "condominium subdivision plan" shall show the size, location, area, vertical boundaries, and volume for each unit comprised of enclosed air space. A number shall be assigned to each condominium unit. The "condominium subdivision plan" shall include the nature, location, and approximate size of common elements.

CONDOMINIUM UNIT: Shall mean that portion of the condominium project designed and intended for separate ownership and use, as described in the master deed.

CONVALESCENT OR NURSING HOME: SEE INSTITUTION, HUMAN CARE.

CONSERVATION DEVELOPMENT: A residential housing development within an established overlay district that allows the grouping of single family homes in a designated area, with all remaining acreage preserved as open space. The reasoning for grouping homes is to preserve the natural rural environment. Roadways within the development are private, designed using traffic calming techniques to reduce automobile speeds, making the development safer while enhancing its rural character.

CONTRACTOR: General contractors and builders engaged in the construction of buildings, either residences or commercial structures, as well as heavy construction contractors engaged in activities such as paving, highway construction, and utility construction. Landscaping includes businesses principally engaged in lawn mowing and

yard maintenance. It also includes decorative and functional alteration, planting and maintenance of such grounds. Such a business may engage in the installation and construction of underground improvements but only to the extent that such improvements (e.g., drainage/irrigation facilities) are accessible and on the same parcel as the principal use. Landscape contractor also includes businesses that apply fertilizers, pesticides and other treatments for plants, trees and grass. This definition also includes tree services and commercial plant maintenance services.

COURTS: Shall mean open unoccupied spaces other than yards on the same lot with a building.

- a. Court, Inner: Shall mean an open, unoccupied space not extending to the street or front, or rear yard.
- b. Court, Outer: Shall mean an open, unoccupied space opening upon a street, alley, yard or setback.

COVERAGE, LOT: Shall mean that percent of the plot or lot covered by the building area.

CUL-DE-SAC: Shall mean a street with only one outlet having sufficient space at the closed end to provide vehicular turning area.

DAY CARE: see CHILD CARE.

DAY CARE FACILITY: see CHILD CARE CENTER.

DAY NURSERIES: see CHILD CARE CENTER.

DAY NURSERY: A private residence, licensed by the state, receiving six or fewer preschool or school age children for group care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child.

DAY SHELTER: A facility and administrative functions providing temporary daytime shelter for one or more individuals who are otherwise temporarily or permanently homeless. Day Shelters may include provision of food and clothing and support services such as counseling, education and transportation. "Day Shelter" includes soup kitchens, missions and religious organizations without overnight stay and offering similar services.

DENSITY COMPUTATION: Should density computation be required for a land development project, except as specified for planned unit developments and mobile home parks, the following criteria shall be applied:

- a. Site Acreage Computation: In arriving at a gross acreage figure, the following lands shall not be considered as part of the gross acreage in computing the maximum number of lots and/or dwelling units that may be created:
 - 1) Land utilized by public utilities as easements, for major facilities, such as electric transmission lines, sewer lines, water mains, or other similar lands which are not available to the owner because of such easement and lands within flood plains.
- b. Land utilized by public utilities as easements, for major facilities, such as electric transmission lines, sewer lines, water mains, or other similar lands which are not available to the owner because of such easement and lands within flood plains.
- c. Maximum Number of Lots and/or Dwelling Units: After the total gross area available for development has been determined by the above procedure, the maximum number of lots and/or dwelling units that may be approved shall be computed by subtracting from the total gross area available a fixed percentage of said total for street right-of-way purposes, and dividing the remaining net area available by the minimum lot area requirement of the zoning district in which the planned development is located. The fixed percentages for street right-of-way purposes to be subtracted from the total gross area available for development shall be determined according to the following schedule:

District Use	Percent Of Project Area
R-1 and R-2 (Single-family detached)	25

R-2 and R-3 (Single-family attached, two-family and multi-family)	20
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These percentages shall apply regardless of the amount of land actually required for street right-of-way.

DISH, SATELLITE ANTENNA SIGNAL RECEIVING STATION: Shall be near a station whose purpose is to receive communications or other signals from either earth based or orbiting satellites. The dish shall refer to the shape in general of the antenna. This definition shall also include other related equipment such as coaxial cable, cable, etc.

DISPOSAL AREA: Shall mean a site, location, tract of land, or area to be used for solid waste disposal.

DISTRICT: Shall mean any section within the community for which the regulations contained within this ordinance are the same.

DOMESTIC EMPLOYEE: Shall mean somebody employed to do housework in somebody else's home or other duties in a large household.

DRIVE, PRIVATE: A drive that serves one residence only and located on a right-of-way having a width of sixty-six (66) feet. The parcel of residence property served by the private drive may be landlocked, provided the right-of-way extends into the parcel a distance of one hundred fifty (150) feet. If a second residence requires access by way of the private drive, the drive must be brought up to private road standards.

DRIVE IN: Shall mean a business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking space for motor vehicles so as to serve patrons while in the motor vehicle, or within a building on the same premises and devoted to the same purpose as the drive in service.

DRIVE THROUGH: Shall mean a business establishment so developed that its retail or service character is dependent on providing pick up, drive up window, delivery to vehicle or other service while receiving or delivering goods or services, except that so called drive through facilities of financial institutions are not subject to limitation on drive through business due to their low frequency and low intensity of business.

DRIVEWAY SURFACE: A surface that is covered by gravel, stone, concrete, asphalt, or paving blocks.

DRY CLEANER/LAUNDRY: An establishment that cleans clothes or other fabrics through a process that uses solvents and specialized equipment instead of using water.

DWELLING: Shall mean a building or portion thereof, designed for occupancy by one family for residential purposes and having cooking facilities.

- a. **Single-family, mobile, modular or pre-manufactured dwelling** is a detached, residential dwelling unit designed for and occupied by one family on a residential lot in compliance with the following standards:
 - 1) All standards required within individual residential districts in part II of this ordinance.
 - 2) A minimum floor to ceiling height of seven and five-tenths feet (7.5').
 - 3) A minimum exterior width for any side elevation of twenty four feet (24').
 - 4) Firm attachment to a solid foundation not less than the perimeter area of the dwelling constructed in accordance with the Township Building Code and all State regulations.
 - 5) No exposed wheels, towing mechanism or undercarriage is permitted.
 - 6) Connection to a public sewer and water supply or to private facilities approved by the local health department.
 - 7) The requirement of a storage area either within a basement, closet areas, in an attic or in a separate fully enclosed structure constructed of equal or better quality than the principal

dwelling not less in area than fifteen percent (15%) of the interior living area of the dwelling and exclusive of storage space for automobiles.

- 8) Aesthetic compatibility in design and appearance to conventional, on-site constructed homes including, where appropriate, a roof overhang, a front and rear or front and side exterior door, permanently attached steps or porch areas where an elevation differential requires the same and roof-drainage systems concentrating roof drainage and avoiding drainage along the sides of the dwelling.
 - 9) A prohibition against additions to the home unless constructed of similar materials and quality of workmanship as in the principal structure, including an appropriate foundation and permanent attachment thereto.
 - 10) Compliance with all pertinent building and fire codes including, among others, those pertaining to newly manufactured homes or newly manufactured mobile homes.
 - 11) Properly maintained against deterioration and/or damage from the elements or otherwise by prompt and appropriate repairs, surface coating, and other appropriate protective measures.
 - 12) The foregoing standards do not apply to a mobile home located within a licensed mobile home park except to the extent required by State law or otherwise specifically set forth in this Zoning Ordinance.
- b. **Single-family, mobile home dwelling** is a detached residential dwelling unit designed for transportation after fabrication on streets or highways on its own wheels or on a flatbed or other trailers, and arriving at a licensed mobile home park as established by this ordinance and State laws where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities, and the like. A travel trailer is not to be considered as a mobile home.
 - c. **Two-family dwelling** is a detached residential building containing two (2) dwelling units, designed for occupancy by not more than two (2) families. These may also be known as duplexes.
 - d. **Multiple-family dwelling structure** is a residential building designed for or occupied by three (3) or more families with the number of families in residence not exceeding the number of dwelling units provided.

DWELLING UNIT: Shall mean one or more rooms including a single kitchen in a dwelling designed for occupancy for one family for living and sleeping purposes.

ESSENTIAL SERVICES: The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground, surface, or overhead gas; electrical, steam, or water transmission, distribution or collection systems; communication, supply, or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, electric sub-stations, telephone exchange buildings, gas regulator stations, and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by the public utilities or municipal departments or commissions or for the public health or safety or general welfare, but not including buildings other than the buildings as are primarily enclosures or shelters of the mentioned equipment. Essential services as defined herein are exempt from the provisions of this zoning ordinance. Private wireless communication facilities are not considered essential services.

EXPANDABLE CONDOMINIUM: Shall mean a condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with the condominium regulations of the Zoning Ordinance and the Condominium Act.

EXPLICIT SEXUAL MATERIAL: Any hard-core material.

FAMILY: Any number of individuals customarily living together as a single housekeeping unit and using common cooking facilities.

FARM: Any parcel of land which is used for the production of field and tree crops, livestock, poultry or dairy products. A tract of land which is directly devoted to agricultural purposes provided further farms may be considered as including establishments operated as greenhouses, nurseries, orchards, chicken hatcheries and apiaries; but establishments keeping or operating fur-bearing animal, riding or boarding stables, kennels, quarries or gravel or sand pits shall not be considered farms hereunder unless combined with a bona fide farm operation on the same contiguous tract of land of not less than twenty (20) acres.

FENCE, DECORATIVE: A "decorative fence" is intended to enclose a parcel or portion of a parcel in a decorative manner and is not necessarily intended to preclude or inhibit entry or vision into the property. Examples of decorative fences include split rail, wrought iron, and similar fences that are visually "transparent" and/or readily breached.

FENCE, FUNCTIONAL: A "functional fence" is intended to enclose a parcel or portion of a parcel in order to prevent or make difficult entry by animals, persons or vehicles. Such a fence may also be a visual screen. Chain link, masonry, stockade and similar types of fences are examples of functional fences.

FENCES: Shall mean a railing, wall, or other means of enclosing a yard, garden, field, etc., to show where a property line is, or to keep people or animals out or for decoration.

FRONT-LOADED: Accessed from the side facing the street or roadway.

FUNERAL HOME/MORTUARY: A building used for the storage and preparation of the deceased for burial and display, and for ceremonies connected therewith before burial or cremation.

GARAGES: Includes the following:

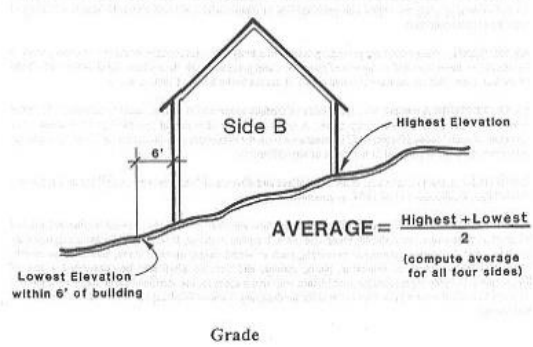
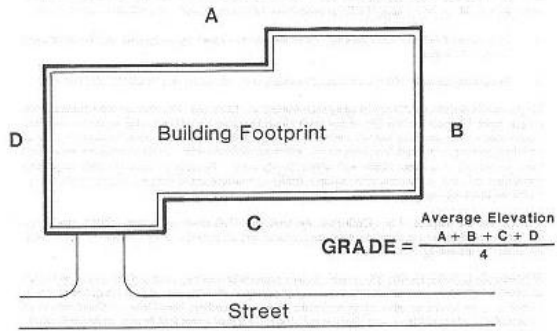
- a. **Attached.** An attached outbuilding customarily used for the storage of vehicles, and is attached to a residential dwelling as either an integral part thereof, or, at a minimum, connected to the dwelling by a completely enclosed breezeway.
- b. **Private garage.** A detached accessory building or portion of a main building used for the storage of vehicles without provision for repair or servicing such vehicles for profit.
- c. **Service garage.** Any building or structure designed or used for the hire, sale, storage, service, repair, or refinishing of motor vehicles or trailers, but not for the storage of dismantled vehicles or parts thereof for purposes of reuse or resale.

GARAGE, COMMUNITY: A "community garage" is a building used for the storage of three (3) or more automobiles of two (2) or more owners and containing no public repair or service facilities.

GAS/SERVICE STATION: A place where gasoline, kerosene, or any other motor fuel or lubricating oil or grease for operation of motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including sale of accessories, greasing, oiling, and light motor service on the premises, but in no case to include automobile or truck mechanical repair. Convenience food sales and/or fast food restaurants may also be provided on the premises.

GOLF COURSE: A tract of land for playing golf, improved with trees, greens, fairways, hazards, and which may include clubhouses or shelters.

GRADE: For purposes of this ordinance, the level of the ground adjacent to the exterior walls of a building or structure. In the case of lots with a sloping terrain, the grade shall be the average elevation of the ground adjacent to the walls.



GRAIN AND SEED ELEVATOR: A structure designed and constructed to house hay, grain, or other horticultural products and that is clearly incidental to agricultural activity, excluding the business of retail trade.

GREENBELT: The areas of a developed parcel which border the road, or thoroughfare, the width and depth of which corresponds to the required front setback requirements of each zoning district

GREENHOUSE, COMMERCIAL: A permanent building and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale. Associated items may be sold at greenhouses also such as gardening supplies, seeds or pots.

GROUP DAY CARE HOME: see **CHILD CARE ORGANIZATION**

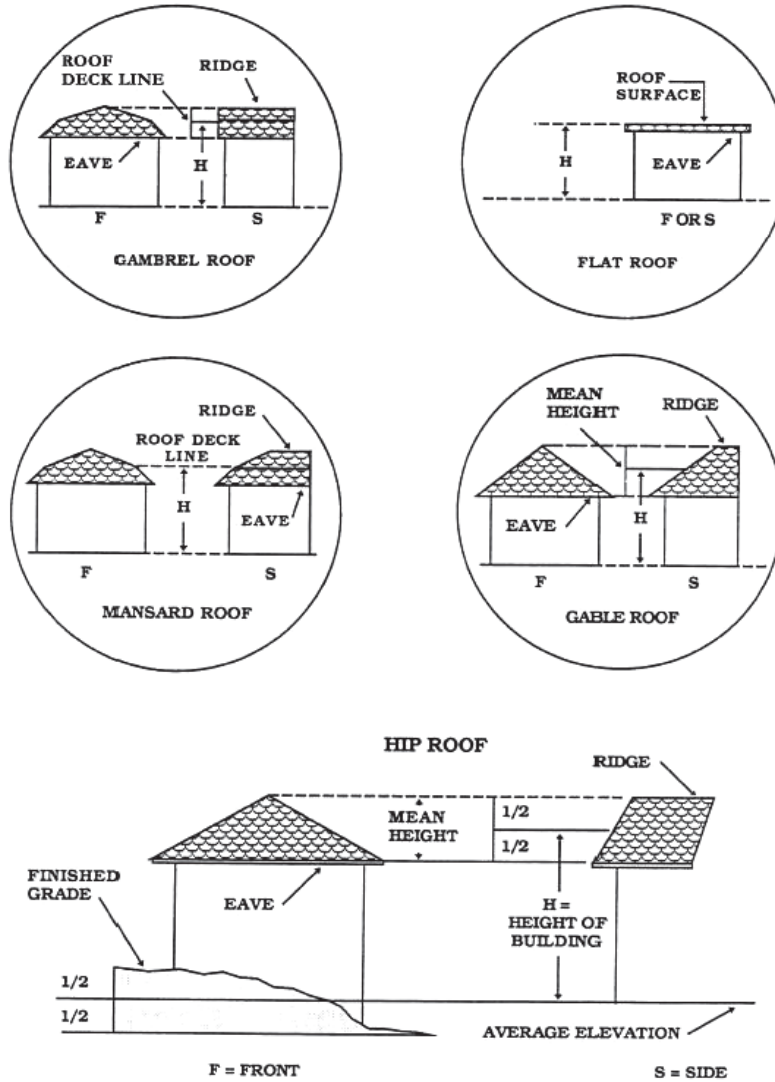
GROSS PUBLIC FLOOR AREA: The total area of the building accessible or visible to the public, including showrooms, motion picture theaters, motion picture arcades, service areas, behind-counter areas, storage areas visible from such other areas, restrooms (whether or not labeled "public"), areas used for cabaret or similar shows (including stage areas), plus aisles, hallways, and entryways serving such areas.

HARD CORE MATERIAL: Media characterized by sexual activity that includes one or more of the following: erect male organ; contact of the mouth of one person with the genitals of another; penetration with a finger or male organ into any orifice in another person; open female labia; penetration of a sex toy into an orifice; male ejaculation; or the aftermath of male ejaculation.

HEAVY VEHICLE, EQUIPMENT REPAIR AND SALES: An establishment providing sales and major and minor repair services to heavy load vehicles, including trucks, buses, trailers.

HEIGHT OF BUILDING: The vertical distance, measured from the adjoining curb level, to the highest point of the roof of the top story in the case of a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge of a gable, hip, or gambrel roof. However, where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished lot grade at the front of the building.

BUILDING HEIGHT



HOME OCCUPATION: Shall mean any business carried on by one or more members of a family residing on the premises, providing it:

- a. Is operated in its entirety within the principal dwelling.
- b. Does not include more than one employee not living in the dwelling.
- c. Does not involve alteration or construction not customarily found in the dwelling.
- d. Does not use any mechanical equipment except that which is used normally for purely domestic or household purposes.
- e. Does not use more than twenty-five percent (25%) of the total actual floor area of the dwelling.
- f. Does not display, or create outside the structure any external evidence of the operation of the home occupation except for one unanimated, nonilluminated, wall sign having an area of not more than one square foot.

HOME SECTIONAL OR COMPONENT: Shall mean several building components meeting the International Conference of Building Officials "Uniform Building Code", factory fabricated, and transported to the home site where they are put on a permanent foundation and joined to make a complete house.

HOSPITAL: SEE INSTITUTIONS, HUMAN CARE.

HOUSE TRAVEL TRAILER: Shall mean a vehicular portable structure designed as a temporary dwelling for travel, recreational and vacation uses.

INDUSTRIAL PARK: A planned, coordinated development of a tract of land with two or more separate industrial buildings. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design, orientation, and open space.

INSTITUTION, CULTURAL: see INSTITUTIONS, EDUCATIONAL. Includes museums, libraries and similar facilities.

INSTITUTION, EDUCATIONAL: A school for kindergarten through twelfth grade or any colleges or universities authorized by the State to award degrees.

INSTITUTION, HUMAN CARE; ADULT FOSTER CARE: A public or private facility for physical, as opposed to mental, care. A human care institution may include hospitals, convalescent, assisted care facilities and nursing homes. It does not include homes for the mentally disadvantaged or substance abuse rehabilitation facilities. See Act 218, of 1979 as amended, for definitions of Adult Foster Care.

INSTITUTION, REHABILITATION: A public or private facility for mental or substance abuse rehabilitation. A rehabilitation institution may include inpatient or outpatient hospitals, halfway houses, and similar facilities.

INSTITUTION, RELIGIOUS: A structure or place in which worship, ceremonies, rituals and education pertaining to a particular system of beliefs are held.

INSTITUTION, SOCIAL: Any profit or nonprofit use or facility in which activities for pleasure or philanthropy are carried out. Such institutions may include service clubs, scout organizations, hobby clubs and veteran's organizations, churches, schools, public or quasi-public non-profit uses, community facilities, retreats, parks and playgrounds.

INSTITUTION, SUBSTANCE ABUSE: A public or private facility designed to provide medical treatment and psychological therapy to those individuals who suffer from drug or alcoholic addiction.

INTENSIVE LIVESTOCK OPERATIONS: A confined area or structure used for feeding, breeding, or holding livestock as part of a commercial operation for eventual sale in which animal waste may accumulate but not including barns, pens, or other structures used in a dairy farm operation, pig and hog farms. See the Michigan Generally Accepted Agricultural Management Practices. **(GAAMP)**

JUNKYARD: Any premises upon which any of the following occurs, whether or not operated for profit: a premises where worn out or discarded material is bought, kept or stored; a premises used for the salvage of metals, equipment, machinery, appliances and other materials; a premises where motor or other vehicles are dismantled, sold or stored outside, including automobile wrecking yards, without regard to the length of time any particular vehicle remains on the premises; a premises upon which one or more unlicensed used motor vehicles which cannot be operated under their own power are kept or stored outside for a period of 15 days or more.

LARGE PHOTOVOLTAIC SOLAR FARM: Shall mean a utility-scale commercial facility, which uses solar energy specifically for the conversion of sunlight into electricity by photovoltaic's (a technology that converts light directly into electricity).

LOADING BERTH: Shall mean an off-street space at least ten feet wide, twenty-five feet long and fifteen feet high (10' x 25' x 15'); either within a building or outside on the same lot, provided, maintained and available for the loading or unloading of goods or merchandise and having direct and unobstructed access to a street or alley.

LOADING SPACE: Shall mean an off-street space at least ten feet wide, twenty-five feet long and fifteen feet high (10' × 25' × 15'); either within a building or outside on the same lot, provided, maintained and available for the loading or unloading of goods or merchandise and having direct and unobstructed access to a street or alley.

KENNEL: A kennel shall be construed as an establishment wherein or whereon 3 or more dogs or similar household pets are confined and kept for sale, boarding, grooming or training purposes, for remuneration.

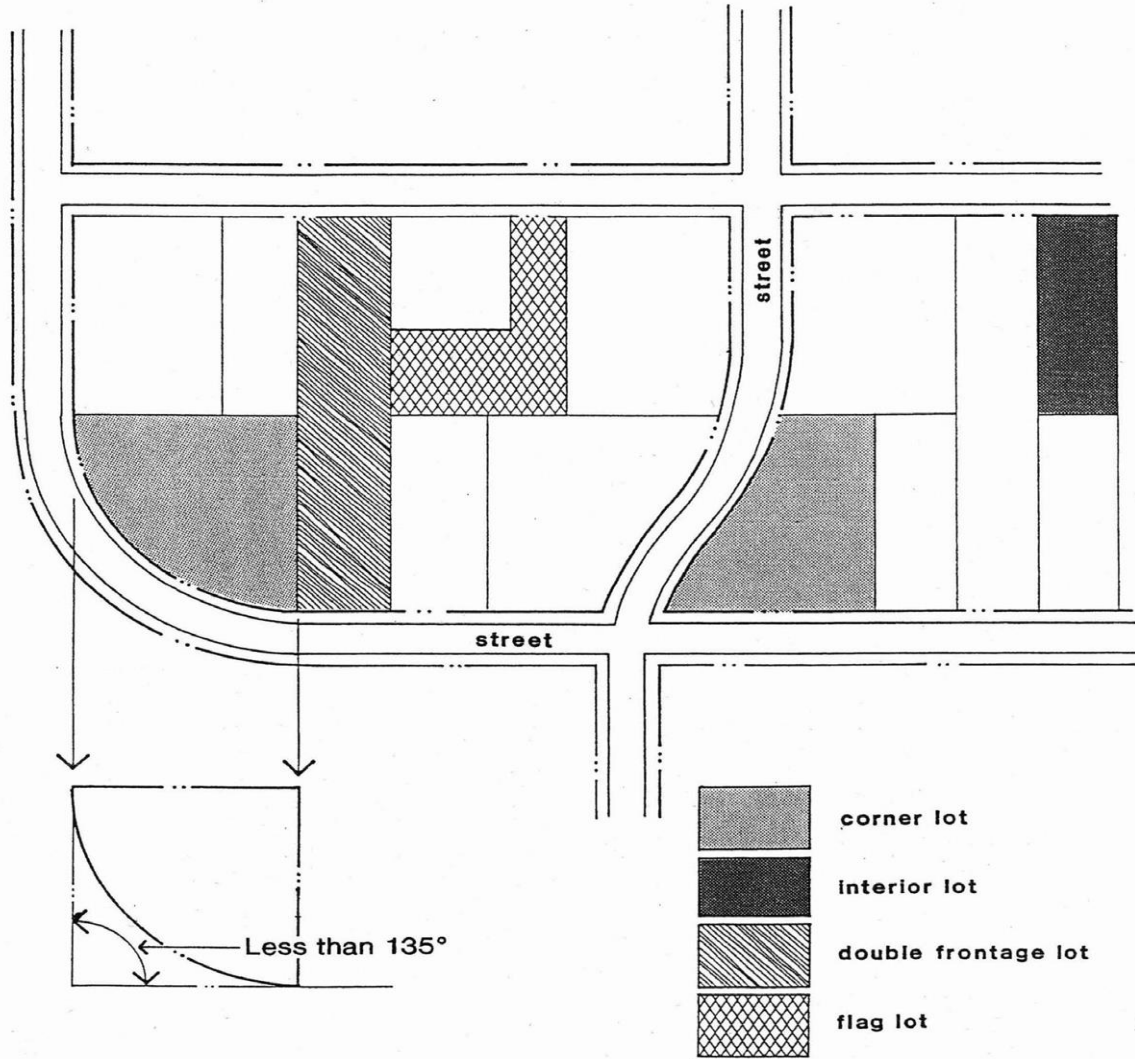
LABORATORY:

- a. **Medical or dental:** A laboratory that provides analytical or diagnostic services to physicians and dentists. No fabrication is conducted on the premises except the custom fabrication of dentures or surgical supports.
- b. **Experimental:** A building or part of a building devoted to the testing and analysis of any product or animal.

LANDFILL: The disposal of waste materials by burying said materials and providing a level cover of soil harmonious with existing drainage and sufficient to control odors, rodents, insect nuisances and other hazards, provided that such material shall neither be disposed of nor prepared for disposal by burning on the site.

LOT: A parcel of land on which one principal building and its accessories are placed or are intended to be placed, together with the required open spaces.

- a. **A corner lot:** A lot of which at least two adjacent sides abut for their full length upon a road, provided that such two sides intersect at an angle of not more than 135 degrees. A lot abutting upon a curved road or roads shall be considered a corner lot if the tangents to the curve at its points of beginning within the lot or at the points of intersection of the side lot lines with the road line, intersect at an interior angle of not over 135 degrees. In the case of a corner lot with a curved road line, the corner shall be considered to be that point on the road lot line nearest to the point of intersection of the tangents here described.
- b. An **interior lot:** A lot other than a corner lot.



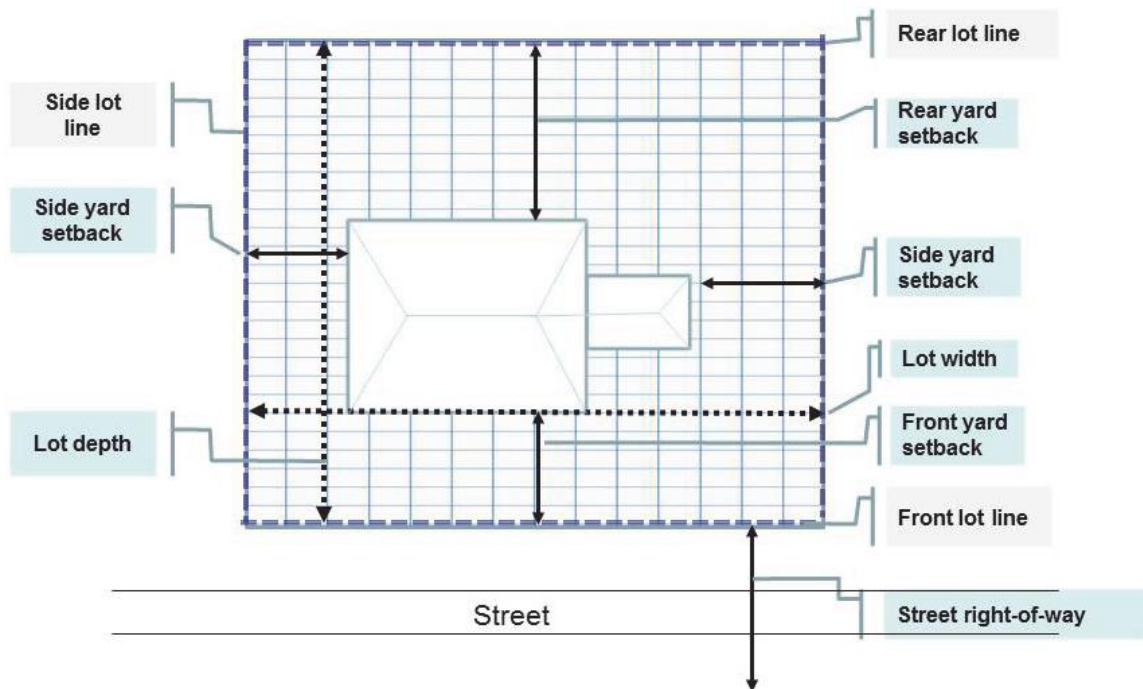
Interior & Corner Lots

- c. **Through Lot:** Shall mean an interior lot having frontage on two (2) streets which do not intersect at a point contiguous to such lot.

LOT AREA: That area back of the right-of-way line and bounded by side and rear lot lines.

LOT LINE: Any line bounding a lot.

- Front lot line:** The line separating the lot from the road, in the case of a corner lot, the line separating the narrowest side of the lot from the road.
- Rear lot line:** The line opposite to and most distant from the front lot line.
- Side lot line:** Any line other than front or rear lot lines.
- Road lot line:** Any line separating a lot from a road



LOT WIDTH OF: Shall mean the width measured along the front lot line or street line.

LOT OF RECORD: Is a lot the dimensions of which are shown on a document or map on file with the Register of Deeds.

LUMBER YARD: see **CONTRACTOR.**

MANUFACTURED HOUSING PARK: An area of land upon which three (3) or more occupied trailer coaches or mobile homes are harbored either free of charge or for revenue purposes, and shall include any building structure, vehicle, or enclosure used or intended for use as part of the equipment of such mobile coach park, subject to A.N.S.I. code and Michigan Manufactured Housing Commission rules, Public Act 96 of 1987, as amended.

MANUFACTURING: The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing and custom manufacturing. The manufacturing or compounding process of raw materials. These activities or processes would necessitate the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. These activities may involve outdoor operations as part of their manufacturing process.

MASSAGE STUDIO: An establishment offering massage therapy and/or body work by a massage therapist or under the direct supervision of a licensed physician.

MASSAGE PARLORS: Shall mean an establishment wherein a substantial or significant portion of its business involves the administration of nontherapeutic massage, erotic touching or fondling, including but not limited to, fondling of or erotic touching of human genitals, pubic region, buttock or breasts. A "massage parlor" does not include medical or therapeutic massage businesses such as State licensed chiropractors and physical therapist or other State licensed, medically-related practitioners. All practitioners employed by such businesses must be licensed.

MASTER DEED: Shall mean the condominium document recording the condominium project as approved by the Zoning Administrator to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.

MEDIA: Anything printed or written, or any picture, drawing, photograph, motion picture, film, videotape or videotape production, or pictorial representation, or any electrical or electronic reproduction of anything that is or may be used as a means of communication. Media includes but shall not necessarily be limited to books, newspapers, magazines, movies, videos, sound recordings, CD, other magnetic media, and undeveloped pictures.

MEDIA SHOP: A general term, identifying a category of business that may include sexually oriented material but that is not subject to the special provisions applicable to adult media shops. In that context, media shop means a retail outlet offering media for sale or rent, for consumption off the premises provided that any outlet meeting the definition of adult media shop shall be treated as an adult media outlet.

MIGRATORY WORKER: Shall mean a worker engaged primarily in agricultural and related seasonal industry, or who has been so engaged at one or more times during the past two (2) crop seasons, and who must move so far in the course of the worker's regular agricultural employment that the worker must establish a temporary residence at one or more locations away from the place the worker calls home. It includes family dependents who may or may not move with the worker in any year for all or part of the season.

MINI/SELF STORAGE: A structure containing separate storage areas of varying sizes that are leased or rented on an individual basis.

MOBILE /MANUFACTURED HOME: A structure, transportable in one or more sections which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, and which is connected to the required utilities and includes the necessary plumbing, heating/air-conditioning, and electrical systems contained therein. For the purposes of this ordinance, "Mobile Home" does include single and double-wide mobile homes but does not include a recreational vehicle or travel trailer.

MOBILE HOME PARK: Shall mean a parcel of land fifteen (15) acres or more, intended and designed to accommodate sixty (60) or more mobile homes for residential use, which is offered to the public for that use along with any structure, facility, area or equipment permitted and incidental to the residential use. Referred to also as "park".

MOBILE HOME SPACE: Shall mean a plot or parcel of land within the mobile home park designed to accommodate one mobile home.

MOBILE HOME STAND: Shall mean that part of a mobile home space which has been reserved for the placement of the mobile home, appurtenant structures, or additions.

MODULAR HOME: A structure, transportable in one or more sections on a removable chassis, and designed to be used on a permanent foundation and for affixture to the real property as a permanent improvement, when connected to the required utilities, such as plumbing, heating, and electrical systems.

MOTEL: A building or group of buildings, whether detached or in connecting units, used as individual sleeping or dwelling units designed primarily for transients traveling by automobile. The term "motel" shall include buildings designed as auto courts, tourist courts, motor hotels, hotels and similar names that are designed as integrated units of individual rooms under common ownership. For the purposes of this ordinance, "motel" and "hotel" have the same meaning.

NONCONFORMING BUILDING: Any building or portion thereof lawfully existing at the time this ordinance became effective and which now does not comply with its regulations.

NONCONFORMING USE: Any property use which was lawful at the time this ordinance became effective and which now does not comply with its regulations.

NURSING OR CONVALESCENT ADULT FOSTER CARE HOME: A structure other than a hospital where persons are housed or lodged and are furnished with meals, nursing and medical care.

OFFICE: A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government.

OFFICE BUILDING: A building used primarily for conducting the affairs of a business, profession, service, industry, government, or like activity; it may include ancillary services for office workers such as a restaurant, coffee shop, newspaper or candy stand.

OPEN SPACE: Land considered dedicated open space shall be set aside as common land for recreational, conservation and agricultural uses and preserved in an undeveloped state. Further subdivision of open space lands or their use for other than recreation, conservation or agriculture shall be prohibited.

OPAQUE: Shall mean impervious to light.

OUTDOOR LIVING SPACE: An area directly adjacent to a residential home that is intended to extend the living area to the outside. It will consist of a partially covered or fully covered area with such design elements as pergolas, trellises, gazebos, or other similar design elements over them. Outdoor living spaces have direct access to the home by deck or patio. An outdoor living space shall meet all of the required principal dwelling setbacks, and will be counted as though it were part of the principal dwelling for lot coverage. If outdoor living spaces are located on decks or patios only the area that is covered or partially covered shall be considered as outdoor living space.

OUTDOOR SOLID FUEL BURNING FURNACE: Any equipment, device or apparatus which is installed, affixed or situated outdoors, for the primary purpose of combustion of solid fuel to produce heat or energy comprising a component of a heating system used to provide heat to a principal dwelling only.

OUTDOOR SALES AREA: Any space used for display, sale or rental of motor vehicles or trailers, in new or used and operable condition.

OUTDOOR SALES: Uses not conducted from a wholly enclosed building, operated for a profit, and including the following uses:

- a. Bicycle, mobile home, travel trailer, motor vehicle, boat or home equipment sale or rental services.
- b. Outdoor display and sale of garages, swimming pools, and similar uses.
- c. Retail sale of trees, fruits, vegetables, shrubbery, plants, seed, topsoil, humus, fertilizer, trellis, lawn furniture, playground equipment, and other home garden supplies and equipment.
- d. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park or similar recreation uses.

PARK, RECREATIONAL: An open area designed for the active and/or passive use of the general public and which may or may not contain playground or exercise facilities and equipment.

PARKING SPACE, MOTOR VEHICLE: Any accessible area of not less than 200 square feet exclusive of access drives and a shape satisfactory for such use

PERSONAL SERVICES FACILITIES: Establishments primarily engaged in providing services involving the care of a person or his or her apparel.

PLANNED UNIT DEVELOPMENT (PUD): A development, planned and developed as a unit, under unified control, developed according to comprehensive and detailed plans, including a program providing for the continual maintenance and operation of such improvements, facilities, and services which will be for the common use of the occupants of the planned unit development, not generally including a shopping center or other commercial developments intended for rental, but "planned unit development" includes cluster zoning, planned development, community unit plan, planned residential development, and other zoning requirements which are designed to accomplish the objective of a zoning ordinance through a land development project review process based on the application of site planning criteria to achieve integration of the proposed land development project with the characteristics of the project area.

POND AREA: The surface area of a pond at its high water condition.

PRIMARY LIVE ENTERTAINMENT: On-site entertainment by live entertainers that characterizes the establishment, as determined (if necessary) from a pattern of advertising as well as actual performances.

PRINCIPAL USE: The primary and predominate use of the premises including customary accessory uses.

PRIVATE POOL: Shall mean that the swimming pool is not publicly owned; and not otherwise regulated by the State of Michigan, either by statute or by rules and regulations of one of its administrative bodies.

PRIVATE ROAD: A road constructed or maintained by private property owners and/ or to the standards contained in this ordinance. Such a road may require further upgrading to meet the standards of the Saginaw County Road Commission and for its acceptance of the road as a Saginaw County Road. A private road may serve one or more residences.

PROFESSIONAL SERVICES: Services offered to the general public such as law, medicine, engineering, accounting, and architecture.

PROCESSING: Any operation changing the nature of material or materials such as the chemical composition, physical qualities, or size or shape. Does not include operations described as fabrication, or assembly.

PUBLIC FACILITIES: Facilities that are owned and operated by a municipality, government agency, or publicly owned utility

PUBLIC SERVICE INSTALLATION: A building, structure or use of land that provides a service that is essential to the general public's convenience or safety and is also defined as a PUBLIC UTILITY.

PUBLIC UTILITY: Any person, firm or corporation duly authorized to furnish and furnishing under state or township regulations, to the public, electricity, gas, steam, communications, telegraph, transportation or water.

QUASI-PUBLIC FACILITY: A "quasi-public facility" shall be a facility owned by a group of people whose purpose and efforts are to enhance the local community. The facility shall include outdoor recreation areas such as, ball fields and soccer fields. Money for improvements in the community can be raised by holding events at the facility that are open to the public and are presented in a safe and clean manner.

RECREATION, INDOOR: A recreational land use conducted entirely within a building, including arcade, arena, art gallery and studio, art center, assembly hall, athletics and health clubs, auditorium, bowling alley, club or lounge, community center, conference center, exhibit hall, gymnasium, library, movie theater, museum, performance theater, pool or billiard hall, skating rink, swimming pool, and tennis court.

RECREATION, OUTDOOR: Recreational uses conducted almost wholly outdoors, including golf driving ranges (not associated with a golf course), miniature golf, firing ranges, water parks, amusement parks, and similar uses.

RECREATION, PRIVATE: Recreational, playgrounds and parks activities that are not open to the general public and for which a fee may or may not be charged.

RECREATIONAL VEHICLE/EQUIPMENT: Shall include, but is not limited to, the following:

- a. Fishing boats, jet skis, sail boats, canoes, paddle boats, ski boats, recreational boats, commercial boats, duck boats, pontoons, floats and rafts as well as the trailer used to transport them.
- b. Folding tent trailer, pop up trailer, and similar equipment or structure, mounted on wheels and is intended for short term camping.
- c. Pickup camper designed primarily to be mounted in a pickup bed or on a truck chassis and intended for camping.
- d. Travel trailer is considered a vehicular portable structure built on a chassis, permanently identified as a "travel trailer" by the manufacture, including fifth wheelers and other pull behind campers and is intended for camping.

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- e. Utility trailer can transport the following or similar items but [is] not limited to these specific items: brush, cars, lawn equipment, scrap metal, motorcycles, snowmobiles, go-carts or junk and debris.
 - f. A motorized home which is a portable dwelling designed and constructed as an integral part of a self-propelled vehicle and is intended for camping.
 - g. A motorized off road vehicle such as a quad, four- or six-wheeler, mud bog vehicle, ATV, UTV, or other similar vehicle which is not licensed by the State of Michigan for general operation on public highways.
 - h. Ultra-light planes, airplanes, hot air balloons, and similar devices intended for flight.
 - i. Other similar objects.

RESTAURANT: A business located in a building where, in consideration for the payment of money, meals are habitually prepared, sold and served to persons for consumption on or off the premises, having suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of goods that may be required for ordinary meals, and deriving the major portion of its receipts from the sale of food and complying with state and federal health regulations.

RESTAURANT, DRIVE-IN/DRIVE THROUGH/FAST FOOD: A restaurant developed so that its retail or service character is primarily dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle or to permit patrons to eat while in the motor vehicle, as well as within a building or structure, or primarily to provide self-service for patrons and food carry-out. Any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with the consumption off the premises, and whose design or principal method of operation includes one or both of the following:

- a. Food, frozen desserts, or beverages usually served in edible containers or in paper, plastic, or other disposable containers;
- b. More than forty-five (45%) percent of the available floor space devoted to food preparation, related activities and other floor space not available to the public.

RETAIL TRADE: Establishments engaged in selling goods or merchandise to the general public for personal or household consumption, and rendering services incidental to the sale of such goods.

RIGHT-OF-WAY: A public or private thoroughfare or easement of access for vehicle travel, which has an exit onto a road or street.

RIGHT-OF-WAY LINE: Shall be the established right-of-way line, or in the event there is no established right-of-way line for a road, the said right-of-way line shall be deemed to be 33 feet from the center of the road.

ROAD, COUNTY: A road constructed to Saginaw County Road Commission standards and maintained by the Saginaw County Road Commission.

ROAD, PRIVATE: A road constructed or maintained by private property owners and/or to the standards contained in this ordinance. Such a road may require further upgrading to meet the standards of the Saginaw County Road Commission and for its acceptance of the road as a Saginaw County Road. A private road may serve one or more residences or businesses.

ROADSIDE STAND: A booth or stall located on a farm, from which produce and farm products are sold to the general public.

SADOMASOCHISTIC PRACTICES: Flagellation or torture by or upon a person clothed or naked, or the condition of being fettered, bound, or otherwise physically restrained on the part of one clothed or naked.

SANITARY LANDFILL, SOLID WASTE TRANSFER STATION: Any operation that is licensed by the State of Michigan or its agencies as a sanitary landfill or is subject to the requirement of having such a license.

SAWMILL, LUMBERING: The cutting and storing of forest products and the operation of portable sawmills and planers.

SCREENING: Evergreen plant material, fencing or earthen berms of a minimum height of six (6) feet and which obstructs view of commercial and industrial improvements abutting a residential zone or a residence in an agricultural zone which is within five hundred (500) feet of the commercial or industrial property line.

SEASONAL LABOR HOUSING COMPLEX: Shall mean temporary facilities provided for the housing of workers who for seasonal purposes are employed in the planting, harvesting, or processing of crops, or for other essential but temporary employment.

SERVICE, ESSENTIAL: Shall mean the construction, alteration or maintenance by private companies or public departments or agencies of the various transmissions, distribution or disposal systems that are essential for the preservation of the public health, safety or general welfare such as gas, electricity, telephone, water and sewer. Also, this term includes all poles, wires, mains, drains, sewers, pipes, cables, traffic signals, hydrants and other similar equipment or accessories reasonably necessary to provide adequate service of said companies or agencies; but the term shall not include buildings or utility substations.

SEX SHOP: An establishment offering goods for sale or rent and that meets any of the following tests:

a. The establishment offers for sale items from any two of the following categories:

- 1) adult media
- 2) lingerie
- 3) leather goods marketed or presented in a context to suggest their use for the sadomasochistic practices

And the combination of such items constitutes more than 10 percent of the stock-in-trade of the business or occupies more than 10 percent of its floor area.

b. More than 5 percent of the stock-in-trade of the business consists of sexually oriented toys or novelties.

c. More than 5 percent of the gross public floor areas of the business is devoted to the display of sexually oriented adult toys or novelties.

SEXUALLY ORIENTED BUSINESS: An inclusive term used to describe collectively: adult cabaret, adult motion picture theater; adult media store; bathhouse; massage shop; modeling studio and/or sex shop. This collective term does not describe a specific land use and should not be considered a single-use category.

SEXUALLY ORIENTED TOYS OR NOVELTIES: Instruments, devices, or paraphernalia either designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs.

SHADOW FLICKER: Alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as a window at a dwelling.

SHALL: The word "shall" is always mandatory and not merely directive.

SIGN: Refer to Separate Thomas Township Sign Ordinance: Title 13

SIGNIFICANT OR SUBSTANTIAL PORTION: Shall mean twenty-five (25%) percent or more of the term modified by such phrase.

SITE AREA: Shall mean the total area within the property lines excluding street rights of way.

SLAUGHTER HOUSE: A facility for the slaughtering and processing of animals and the refining of their by-products. These uses are regulated as Intensive Livestock Operations

SOLAR POWER: Energy generated by the sun through the collection, transfer and storage of the sun's heat.

SPECIAL USE: Uses other than those permitted in a particular zone permitted by an application for issuance of a special use permit, when all the procedure requirements together with all standards are met when approved by the Township Board.

SPECIFIED ANATOMICAL AREA:

- a. Less than completely opaquely covered human genitals, pubic region, buttock, female breast below a point immediately above the top of the areola.
- b. Human genitals in a discernible turgid state, even if completely and opaquely covered.

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

STABLE, PUBLIC: An establishment used for the breeding, rearing and housing of more than two (2) horses, ponies, and similar animals, and including riding academies and stables to which the public is admitted for a fee to ride and/or board horses.

STABLE, PRIVATE: Any building or structure and adjacent lands used for or designed for the boarding, breeding, or care of not more than two (2) horses, ponies and similar animals, other than horses used for farming or other agricultural purposes. A private riding stable may include areas and facilities for training, riding, or driving of horses and for offering of lessons to teach the riding and driving of horses for a fee to a limited number of persons having a direct interest in said horses.

STATE LICENSED RESIDENTIAL FACILITY: A private home licensed by the State Department of Social Services for care of sick, elderly or handicapped adults. A family home is defined as having 1 to 6 adults; a group home has 7 to 20.

STORAGE, BULK: The holding or stockpiling on land of material and/or products where such storage constitutes 40 percent of the developed site area and the storage area is at least one acre, and where at least three of the following criteria are met by the storage activity:

- a. In a bulk form or in bulk containers;
- b. Under protective cover to the essential exclusion of other uses of the same space due to special fixtures or exposure to the elements;
- c. In sufficient number, quantities, or spatial allocation of the site to determine and rank such uses as the principal use of the site;
- d. The major function is the collection and/or distribution of the material and/or products rather than processing;
- e. The presence of fixed bulk containers or visible stockpiles for a substantial period of a year.

STORAGE, INDOOR: see **WAREHOUSE**

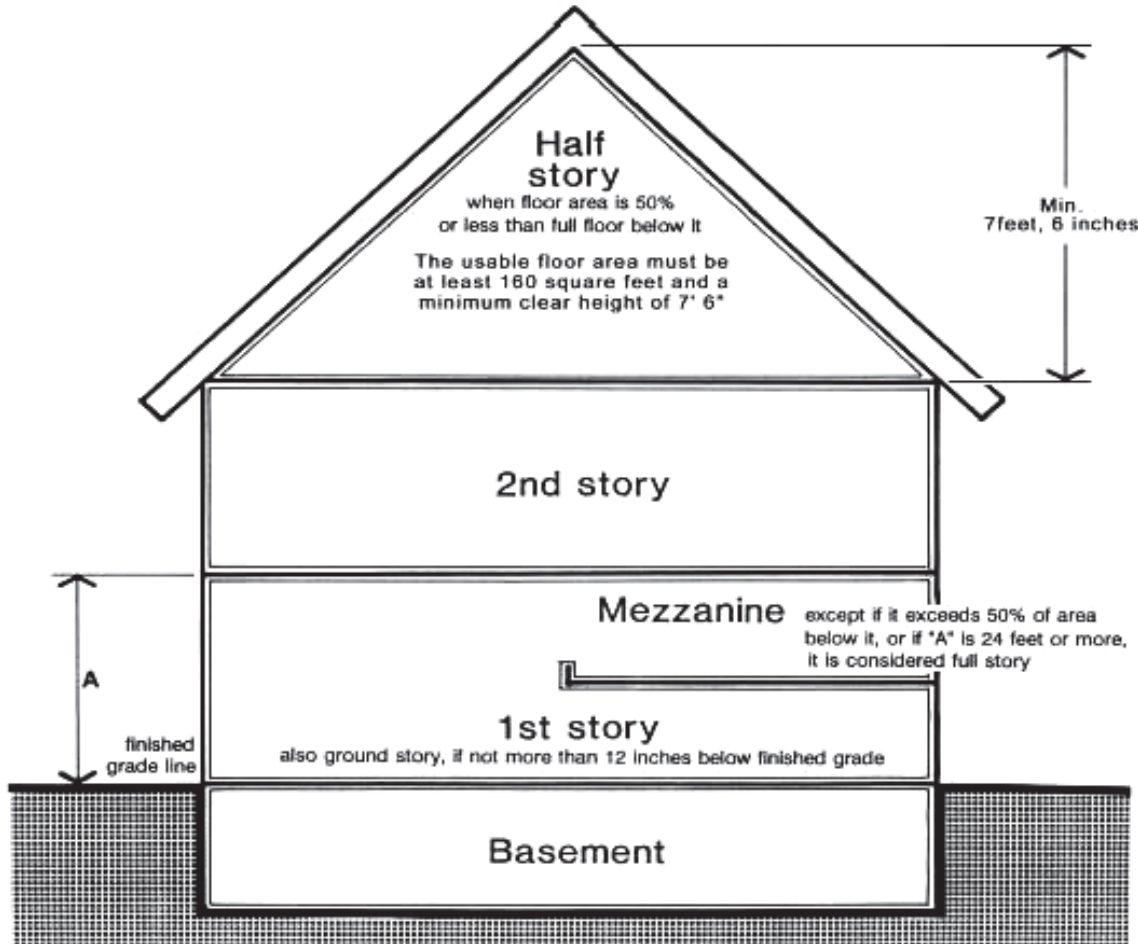
STORAGE, OUTDOOR: see **OUTDOOR USE**

STORAGE SHED: A building not more than 200 square feet in area used solely for the purpose of storage.

STORY: That portion of a building included between the surface of any floor above the average elevation or ground at the foundation wall and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

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

STORY, HEIGHT OF: Shall mean the vertical distance from the top surface of one floor to the top surface of the next above. The height of the topmost story is the distance from the top surface of the floor to the top surface of the ceiling joists.



Basic Structural Terms

STREET: Shall mean a public thoroughfare which affords the principal means of access to abutting property.

STREET FUNCTIONAL CLASSIFICATION:

- a. "Functional classification" is the process by which streets and highways are grouped into classes, or systems, according to the character of service they are intended to provide. Three (3) basic groups include:
 - 1) Arterials for primary mobility;
 - 2) Collectors for both mobility and land access, and
 - 3) Locals for primarily land access.

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- b. Collectors: Collector system provides both land access service and for local traffic movements within residential neighborhoods, commercial areas and industrial areas.
 - c. Locals: Serves as direct land access and access to higher systems.
 - d. Minor Arterials: Interconnects with and augments the principal arterial system and provides service to trips of moderate length at a somewhat lower level of travel mobility than principal arterials.
 - e. Principal Arterial: Serves the major centers of activity of the region, the highest traffic volume corridors, and the longest trip designs.

STREET LINE: Shall mean the legal line of demarcation between a street right-of-way line for service, benefit or enjoyment.

STRUCTURE: Anything, including a building constructed or erected, the use of which requires permanent location on the ground, or attached to something having permanent location on the ground.

SWIMMING POOLS: Body of chemically treated water used for swimming.

- a. Type 1: Shall mean any swimming pool constructed wholly or partially below the natural or graded surface of the surrounding area.
- b. Type 2: Shall mean any swimming pool constructed wholly above the surface of the surrounding terrain.

TATTOO/BODY PIERCING PARLOR: A personal service establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following:

- a. Placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin;
- b. Creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

TAVERN: see BAR

TAXIDERMY: Taxidermy is a general term describing the many methods of reproducing a life-like three-dimensional representation of an animal for permanent display. In some cases, the actual skin (including the fur, feathers or scales) of the specimen is preserved and mounted over an artificial armature. In other cases, the specimen is reproduced completely with man-made materials.

TEMPORARY OUTDOOR USE: A use carried out in an open area or uncovered or temporary structure, which is disbanded when the designated time period, activity or use for which the temporary structure was erected, has ceased.

TERMINAL: see WAREHOUSING AND DISTRIBUTION

THEATER: see INDOOR RECREATION

TOWER, COMMUNICATION: Shall mean a radio, telephone, cellular telephone or television relay structure of skeleton framework, or monopole attached directly to the ground or to another structure, used for the transmission or reception of radio, telephone, cellular telephone, television, microwave or any other form of telecommunication signals.

TOWING OPERATIONS: An establishment that provides for the removal and temporary storage (7 days) of vehicles but does not include disposal, permanent disassembly, salvage or accessory storage of inoperable vehicles.

TRAFFIC CALMING TECHNIQUES: A form of roadway design that naturally slows traffic by means of winding the roadway, creation of planting islands between traffic lanes and the planting of trees along the edge of roadways.

TRANSITIONAL HOUSING: A facility and administrative functions providing temporary overnight shelter for one or more individuals who are otherwise temporarily or permanently homeless. Transitional Housing may include provision of food and clothing and support services such as counseling, education and transportation. "Transitional Housing" includes homeless shelters, missions and religious organizations with overnight stay, other forms of temporary emergency housing or shelter and similar facilities.

USE: Shall mean the employment or occupation of a building, structure or land for service, benefit or enjoyment.

USE, TEMPORARY: A use in a temporary building or structure on a parcel, established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period granted in the administrative permit. An outdoor temporary use has fewer than 250 people in attendance at one time and may require a special use permit if determined by the Zoning Administrator.

USED CAR LOT: see **VEHICLE SALES**

UTILITY GRID WIND ENERGY SYSTEMS: A Utility Grid wind energy system is designed and built to provide electricity to the electric utility grid.

USED OR OCCUPIED: The words "used," "usable" or "occupied" as applied to any realty or building shall be construed to include the words "intended, arranged or designed to be used or occupied."

VARIANCE: A modification of the specific regulations of this ordinance granted by resolution of the Board of Appeals in accordance with the terms of this ordinance.

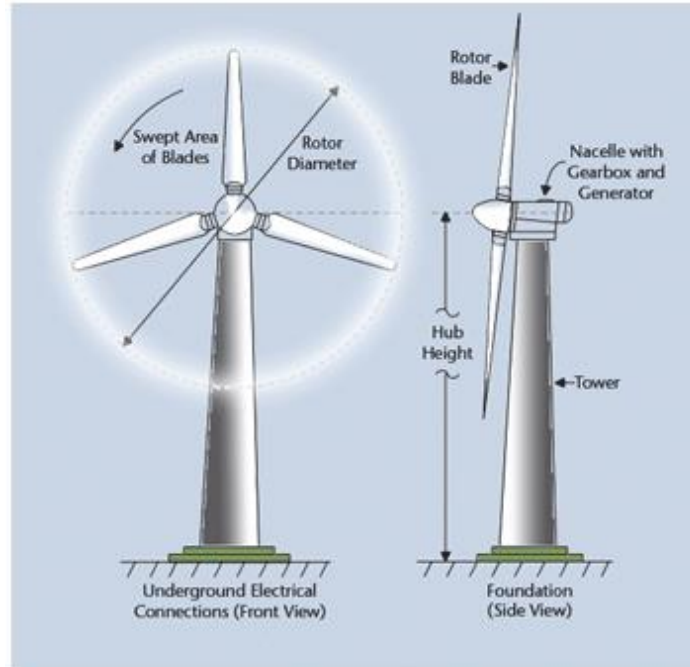
VETERINARY HOSPITAL: A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use.

VEHICLE REPAIR: General repair, rebuilding, or reconditioning of engines, motor vehicles or trailers; collision service, including body frame or fender straightening or repair; overall painting or paint shop; vehicle steam cleaning and oil change.

VEHICLE SALES: A lot or portion thereof to be used only for the display and sale of automobiles that are in condition to be driven off the lot. A USED CAR LOT shall not be used for the storage of wrecked automobiles, the dismantling of automobiles, or the storage of automobile parts.

VIDEO-VIEWING BOOTH OR ARCADE BOOTH: Any booth, cubicle, stall, or compartment that is designed, constructed, or used to hold or seat patrons and is used for presenting motion pictures or viewing publications by any photographic, electronic, magnetic, digital, or other means or media (including but not limited to, film, video or magnetic tape, laser disc, CD, books, magazines, or periodicals) for observation by patrons therein. A video-viewing booth shall not mean a theater, movie house, playhouse, or a room or enclosure or portion thereof that contains more than 600 square feet.

VISIBLE: Visible means capable of being seen by a person of normal visual acuity.



Drawing of the rotor and blades of a wind turbine, courtesy of ESN

WADING POOL: Shall mean any small pool designed for the use of small children, with a water depth not to exceed one foot (1'), constructed entirely aboveground and designed to be portable.

WAREHOUSING/DISTRIBUTION: The storing of different types of equipment and merchandise to be shipped or sold for resale.

WIND ENERGY SYSTEM: A wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blades, and tower as well as related electrical equipment. This does not include wiring to connect the wind energy system to the grid.

WIND SITE ASSESSMENT: An assessment to determine the wind speeds at a specific site and the feasibility of using that site for construction of a wind energy system.

WIND POWER GENERATING FACILITIES, UTILITY GRADE: Wind generating facilities which generate original power on site to be transferred to a transmission system for distribution to customers. The definition of wind power generating facilities shall not include individual wind power generating facilities erected and used primarily for private use.

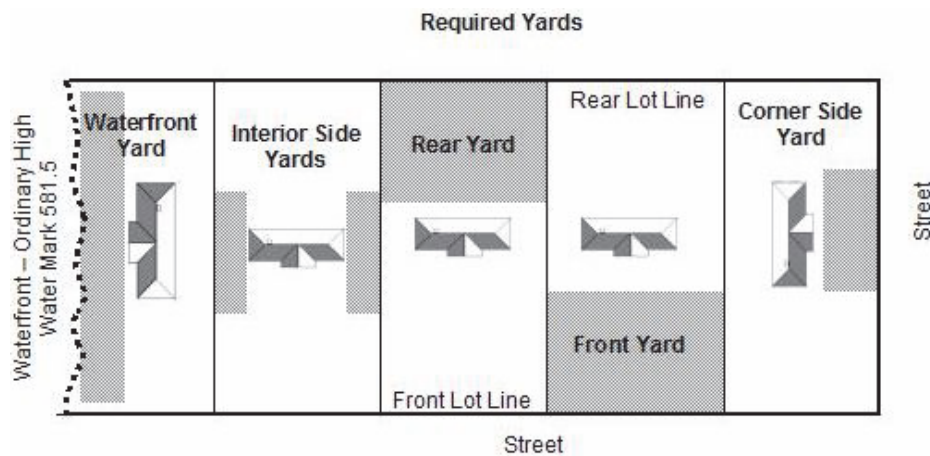
WIRELESS COMMUNICATION FACILITY: All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, micro-wave relay facilities, telephone transmission equipment building and private and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; short wave receiving facilities; radio and television broadcast reception facilities; federally licensed amateur (ham) radio facilities; satellite dishes; and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

WIRELESS COMMUNICATION SUPPORT STRUCTURES: Structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

YARD: A yard is a space open to the sky and unoccupied or unobstructed, except by encroachments specifically permitted under this ordinance, on the same lot with a building or structure. Yard measurements shall be the minimum horizontal distance.

- a. A **front yard** is a yard extending across the full width of a lot between the front lot line and the nearest line of the main building.
- b. A **rear yard** is a yard extending across the full width of a lot between the rear lot line and the nearest line of the main building.
- c. A **side yard** is a yard between the side lot line and the nearest line of the main building or of an accessory building attached thereto.
- d. **Required yard** is a yard, as defined, that occupies the area of a required setback.

YARD REQUIRED—HOW MEASURED: Required yard depth or width shall be measured in a horizontal plane and at right angles from the lot line in question or an extension thereof.



YARD SALE: Yard, rummage, garage and similar sales providing: a) The sale is temporary, shall not continue for a period exceeding two (2) weeks from date of commencement and may not commence again for at least thirty (30) days from the last date of a prior sale at that location with no more than three (3) such sales per year. No items available during sales may be openly displayed when sales are not in progress. b) The sale shall not be intended for more than incidental income and shall not be intended to operate as a commercial venture providing regular income. Sales that exceed this duration are TEMPORARY OUTDOOR USES.

(Ord. 97-Z-03, 11-3-1997, eff. 12-12-1997; Ord. No. 13-Z-02, § 1, 10-7-2013, eff. 11-15-2013; Ord. No. 14-Z-01, § 1, 4-7-2014, eff. 5-9-2014; Ord. No. 15-Z-03, § 1, 3-7-2016, eff. 3-18-2016; Ord. No. 20-Z-01, § 1, 4-6-2020, eff. 7-4-2020)

Chapter 3 GENERAL REQUIREMENTS

SECTION 3.1. NONCONFORMING USES.

- a. It is the intent of this ordinance to permit the continuance of a lawful use of any building or land existing at the effective date of this ordinance; however, except as herein provided, no building, structure or use or part thereof shall be used, altered, constructed or reconstructed except in conformity with the provisions of this ordinance and further it is hereby declared that the existence of nonconforming uses is contrary to the best interests of the general public and further it is hereby declared to be the policy of this community as

expressed in this ordinance to discontinue nonconforming uses in the course of time as circumstances permit, having full regard for the rights of all parties concerned.

- b. Elimination of Nonconforming Uses: In accordance with the applicable State and local missive legislation, the Township through its agents may acquire properties on which nonconforming buildings or uses are located, by condemnation or other means, and may remove such uses or structures. The resultant property may be released or sold for a conforming use or may be used by the Township for a public use. The net cost of such acquisition may be assessed against a benefit district, or may be paid from other sources of revenue.
- c. Nonconforming Uses: All land and buildings being used contrary to this ordinance may be continued but not enlarged upon, provided that any cessation of such use for a period of six (6) months shall be presumed to be abandonment of such nonconforming use and thereafter such use shall be prohibited.
- d. Nonconforming Uses Of Land: Where, at the effective date of adoption or amendment of this ordinance, lawful use of land exists that is made no longer permissible under the terms of this ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:
 - 1) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.
 - 2) No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this ordinance.
 - 3) If such nonconforming use of land ceases for any reason for a period of more than one year, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.
- e. Nonconforming Lot Sizes:
 - 1) Development of land uses in any district may be erected on any single lot of record at the effective date of adoption of this ordinance, notwithstanding limitation imposed by other provisions of this ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width or both.
 - 2) If two (2) or more lots or combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this ordinance, the lands involved shall be considered to be an undivided parcel for the purpose of this ordinance, and no portion of said parcel shall be used or occupied which does not meet lot width and area requirements established by this ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this ordinance. Upon application to the Planning Commission, the Planning Commission may, at its sole discretion, permit the combination, in whole or in part, of nonconforming lots of record into building sites less than the size requirements provided in this ordinance. Said application shall be filed with the Township Zoning Administrator on forms provided by the Township. Approval of any such application shall be subject to the following provisions:
 - a) Any newly created lot must be capable of accommodating a structure that is in conformance with the building area, setback, and side yard requirements set forth in this ordinance.
 - b) Any lot created under these provisions shall be at least fifty feet (50') in width.
 - c) In the event that a lot created under these provisions is less than twelve thousand five hundred (12,500) square feet in area, then any structure constructed on the lot shall have direct hookup to the public sanitary sewer system.

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- f. Nonconforming Structures: Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following restrictions:
 - 1) No such structure may be enlarged or altered in a way which increases its nonconformity.
 - 2) Should such structure be destroyed by any means to an extent of more than sixty percent (60%) of its replacement costs, exclusive of the foundation, it shall be reconstructed only in conformity with the provisions of this ordinance.
 - g. Nonconforming Signs: See Thomas Township Sign Ordinance.
 - h. Illegal Nonconforming Uses: Nonconforming uses of buildings or land existing at the effective date of this ordinance established without a building permit or not shown on the tax records as a nonconforming use prior to the last official assessment roll, or those nonconforming uses which cannot be proved conclusively as existing prior to the effective date of this ordinance shall be declared illegal nonconforming uses and shall be discontinued within a period of three (3) years following the effective date of this ordinance.
 - i. Reconstruction And Restoration: Any lawful nonconforming use damaged by fire, explosion, or act of God, or any other causes may be restored, rebuilt, or repaired, provided that such restoration does not exceed its State equalized assessed value as determined by the assessing officer, exclusive of foundations, and provided that said use be the same or more nearly conforming with the provisions of the district in which it is located.
 - j. Repair of Nonconforming Buildings: Nothing in this ordinance shall prohibit the repair, improvement, or modernizing of a lawful nonconforming building to correct deterioration, obsolescence, depreciation, and wear, provided that such repair does not exceed an aggregate cost thereby increasing the assessed value by more than thirty percent (30%) as determined by the assessing officer unless the subject building is changed by such repair to a conforming use.
 - k. Changing Uses: If no structural alterations are made, the Zoning Board of Appeals may authorize a change from one nonconforming use to another nonconforming use, provided the proposed use would be more suitable to the zoning district in which it is located than the nonconforming use which is being replaced. Whenever a nonconforming use has been changed to a more nearly conforming use or to a conforming use, such use shall not revert or be changed back to a nonconforming or less conforming use.
 - l. Change of Tenancy or Ownership: There may be a change of tenancy, ownership, or management of any existing nonconforming uses of land, structures, and land in combination.
 - m. Prior Construction Approval: Nothing in this ordinance shall prohibit the completion of construction and use of a nonconforming building for which a building permit has been issued prior to the effective date of this ordinance provided that construction is commenced within thirty (30) days after the date of issuance of the permit and that the entire building shall have been completed according to plans filed with the permit application within one year after the issuance of the building permit.
 - n. District Changes: Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of another classification, the provisions of this section shall also apply to any existing uses that become nonconforming as a result of the boundary changes.

(Ord. 97-Z-03, 11-3-1997, eff. 12-12-1997; Rep. by Ord. 99-Z-07, 10-4-1999, eff. 11-12-1999)

SECTION 3.2. SUPPLEMENTARY USE REGULATIONS.

- a. Animals and Fowl other than Household Pets permitted by Zoning District.

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- 1) Class I animals may be maintained in all zoning districts, provided that they are kept according to the State and Township codes and do not create a public nuisance. Recognizing that because of availability of training, breeding, and animal husbandry, certain species of animals formerly classified as non-domesticated animals become viewed by society as domesticated animals or household pets, the Zoning Board of Appeals may declare a particular species class I animals.
 - 2) Class II animals may be maintained in the A-1, A-2 and E-1 Zoning Districts provided that the following guidelines are met:
 - a) Generally accepted Agricultural Management Practice for the Care of Farm Animals
 - b) Generally Accepted Agricultural Practices for Manure Management and Utilization
 - c) A minimum of two (2) acres of land on one parcel is required for the first animal, with an additional one acre required per additional animal provided that they do not create a public nuisance.
 - 3) Class III animals may be maintained in the A-1, A-2 and E-1 Zoning Districts with a minimum of one acre of land area, provided that they do not create a public nuisance and provided that the following guidelines are met:
 - a) Generally accepted Agricultural Management Practice for the Care of Farm Animals
 - b) Generally Accepted Agricultural Practices for Manure Management and Utilization
 - 4) Class IV animals may not be maintained in any zoning district unless they are completely confined within the same house as the residence. No animal may be brought outdoors except for disposal. These animals must be maintained in compliance with all Federal, State and County laws, and shall not create a public nuisance.
 - 5) Class V animals may not be maintained anywhere within the Township.
 - 6) There shall be no nonconforming use of land or buildings with respect to Class V animals due to health, safety, and welfare of the Township residents.
- b. Prior Building Permits: Any building permit issued prior to the effective date of this ordinance shall be valid, even though not conforming to the provisions of this ordinance, provided that construction is commenced within ninety (90) days after the date of permit issuance and that the entire building shall be completed according to the plans filed with the permit application within one year after the issuance of the building permit.
 - c. Access to a Street: Any lot of record created after the effective date of this ordinance shall have frontage on a public street, except as may be approved as a planned unit development in accordance with the provisions of this ordinance or the Subdivision Control Act (Act 288) of 1967, or as otherwise may be specifically approved by the Township Planning Commission and board. Creation or use of lots without frontage on a public street for Commercial and/or Industrial Zoned Districts may be approved to promote the use of mutual access and limit curb cuts. Deeds for all lots created for this purpose must be amended to reflect the requirement to comply with the Thomas Township Mutual Access Agreement at the time of development.
 - d. Dwelling Types: For the purpose of this ordinance, dwellings are separated into the following categories and herewith defined accordingly:
 - 1) Single-family, mobile, modular or pre-manufactured dwelling is a detached, residential dwelling unit designed for and occupied by one family on a residential lot in compliance with the following standards:
 - a) All standards required within individual residential districts in Chapter 10 of this ordinance.
 - b) A minimum floor to ceiling height of seven and five-tenths feet (7.5').

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- c) A minimum exterior width for any side elevation of twenty four feet (24').
 - d) Firm attachment to a solid foundation not less than the perimeter area of the dwelling constructed in accordance with the Township Building Code and all state regulations.
 - e) No exposed wheels, towing mechanism or undercarriage is permitted.
 - f) Connection to a public sewer and water supply or to private facilities approved by the local health department.
 - g) The requirement of a storage area either within a basement, closet areas, in an attic or in a separate fully enclosed structure constructed of equal or better quality than the principal dwelling not less in area than fifteen percent (15%) of the interior living area of the dwelling and exclusive of storage space for automobiles.
 - h) Aesthetic compatibility in design and appearance to conventional, on-site constructed homes including, where appropriate, a roof overhang, a front and rear or front and side exterior door, permanently attached steps or porch areas where an elevation differential requires the same and roof-drainage systems concentrating roof drainage and avoiding drainage along the sides of the dwelling.
 - i) A prohibition against additions to the home unless constructed of similar materials and quality of workmanship as in the principal structure, including an appropriate foundation and permanent attachment thereto.
 - j) Compliance with all pertinent building and fire codes including, among others, those pertaining to newly manufactured homes or newly manufactured mobile homes.
 - k) Properly maintained against deterioration and/or damage from the elements or otherwise by prompt and appropriate repairs, surface coating, and other appropriate protective measures.
 - l) The foregoing standards do not apply to a mobile home located within a licensed mobile home park except to the extent required by State law or otherwise specifically set forth in this Zoning Ordinance.
- 2) Single-family, mobile home dwelling is a detached residential dwelling unit designed for transportation after fabrication on streets or highways on its own wheels or on a flatbed or other trailers, and arriving at a licensed mobile home park as established by this ordinance and State laws where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities, and the like. A travel trailer is not to be considered as a mobile home.
 - 3) Two-family dwelling is a detached residential building containing two (2) dwelling units, designed for occupancy by not more than two (2) families. These may also be known as duplexes.
 - 4) Multiple-family dwelling structure is a residential building designed for or occupied by three (3) or more families with the number of families in residence not exceeding the number of dwelling units provided.
- e. Rear Dwelling Prohibited: No building in the rear of and on the same lot with a principal building shall be used for residential purposes except for watchmen, caretakers, and domestic employees whose employment functions are related to the function of the principal building; provided that all other requirements of this ordinance are satisfied.
 - f. Use of Structure for Temporary Dwelling: No structure shall be used for dwelling purposes that does not meet the minimum standards as defined in this ordinance and the requirements of the building code. No temporary structure whether of a fixed or portable construction shall be erected for any length of time unless authorized by the issuance by the Zoning Board of Appeals of a temporary permit.

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- g. One Dwelling per Lot: Only one single-family detached dwelling will be allowed to be erected on a lot.
 - h. Fence Locations:
 - 1) Residential Zoning Districts:
 - a) Standards: No fence greater than six feet (6') in height (excluding plant and vegetation matter) shall be erected on any residential property. All fences must be constructed so that the finished side faces the adjacent property and structural members must be hidden or on the inside of a fence. No fence shall be erected within any residential front yard greater than forty eight inches (48") in height without meeting the following standards:
 - i. Picket fences shall have a minimum of two inch (2") spacing between each vertical piece of fencing and each vertical piece of fencing shall not be wider than four inches (4").
 - ii. Split rail fences shall have two (2) horizontal rails not more than six inches (6") in width.
 - iii. Chain link fences shall be transparent.
 - iv. All fences must be constructed so that the finished side faces the adjacent property.
 - v. All structural members must be hidden or on the inside of a fence.
 - b) Location Prohibitions: No fence shall be constructed within any road or highway right-of-way.
 - c) Exception: Residential parcels meeting the following requirement are excluded from residential requirements but must meet the agricultural zoning district requirements. The parcel is in excess of five (5) acres in size and used for agricultural production or production of farm or domesticated animals.
 - 2) Agricultural Zoning District:
 - a) No fence shall be erected within any agricultural zoned front yard greater than forty eight inches (48") in height meeting the following standards for construction:
 - i. Picket fences shall be allowed having a minimum of two inch (2") spacing between each vertical piece of fencing and all vertical picket fencing must not be wider than four inches (4").
 - ii. Split rail fences with two (2) horizontal rails not to exceed six inches (6") in width are allowed within a residential front yard area.
 - iii. Chain link fences that are transparent are allowed within a residential front yard area.
 - b) Location Prohibited: No fence shall be constructed within any road or highway right-of-way.
 - c) Exception: A fence keeping farm animals inside may be constructed to a greater height if made of transparent wire fencing.
 - i. Pools: A permit shall be applied for, and must be issued by the building inspector before construction shall begin on any swimming pool type 1.
 - Fences, Enclosures, Safety Precautions:
 - 1) Fencing Requirements: All private swimming pools type 1 shall be enclosed by a fence which shall be at least four feet (4') in height above the grade. Such fence shall be so constructed as not to have any openings, holes, or gaps large enough for a child to use such fence as a ladder, or so that a four inch (4") ball may not pass between its gaps, and if a picket fence is erected or maintained, the space between pickets shall not exceed four inches (4"). A dwelling house, or other building may be used as part of such enclosure. Each gate or door in said fence, except a door or gate opening directly into a

house used as part of the enclosure, shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use.

- 2) Preventing Access To Unsupervised Children: All swimming pools type 2 aboveground shall be so constructed that the ladder, steps, or other means of access to the pool shall be removed or raised and firmly fastened in such a manner as to prevent use by children not under authorized supervision.
 - 3) Side Height Requirement: Swimming pools type 2, where the sides are not four feet (4') above the graded surface of surrounding area, shall be fenced in the same manner as swimming pools type 1.
 - 4) Vacant Houses: If pools are abandoned and not made safe as provided in this subsection, the Township will hereby have the authority to enter the property and make such pool safe. All cost of making such pool safe shall be a lien against the property on which said pool is located.
 - 5) Conflicting Provisions: In the event of a conflict between the provisions of Subsection 3.2.i, "Pools" and the provisions of any other ordinance, code, or regulation, now or hereafter adopted, it is the expressed intention of Thomas Township that the provisions of Subsection 3.2.i, "Pools" shall be deemed paramount and shall supersede any and all other conflicting provisions.
- j. Inoperative or Dismantled Cars, Trucks or Buses: The storage of dismantled, wrecked and/or unlicensed vehicles within any district is expressly prohibited unless contained within a licensed junkyard or an enclosed structure or provided said storage does not exceed one week.
- The purpose of this subsection is to limit and restrict the outdoor storage, parking or unreasonable accumulation of junk, unused, partially dismantled or nonoperating motor vehicles, house trailers, or tractor trailers, or new or used parts thereof upon premises primarily used or zoned for any type of residential purpose within the Township; to thereby avoid injury and hazards to children and others attracted to such vehicles or trailers; the devaluation of property values and the psychological ill effect of the presence of such vehicles or trailers upon adjoining residents and property owners.
- k. Keeping of Land; Rubbish Defined: Every tract of land within the Township of Thomas, and each and every part thereof, shall be kept clean and free from any accumulation of vermin, dirt, filth, rubbish, garbage, junk, refuse, debris, waste or other matter of similar kind, including abandoned automobiles, whether serviceable or not, or any part or parts thereof; tires, refuse from repair, alterations or demolition of buildings, machines or equipment in whole or in parts or any other discarded materials of any kind whatever; or in the yards, courts, passages, areas or alleys connected therewith or belonging to the same.
- l. Space Used Once: Any yard or other open space provided about any building or structure for the purpose of complying with the provisions of this ordinance shall not again be used as a yard or other required open space for another building or structure existing or intended to exist at the same time as such building or structure.
- m. Sand And Gravel Excavation: The excavation of sand, gravel, clay, topsoil or other earthwork is hereby regulated as follows:
- 1) No permit or regulation shall be required if such earthwork or excavation is incidental to the construction of a principal building or structure that is permitted in that district.
 - 2) No permit shall be required for earthwork, mining or land reclamation if the total site of earthwork is less than three (3) acres and providing the earthwork is for noncommercial purposes. However, such earthwork is regulated to the extent that the area being excavated, mined or reclaimed shall not exceed thirty percent (30%) of the total lot or parcel size.
 - 3) A Special Use permit shall be required for all earthwork, excavation, mining and land reclamation if the intent is to sell or dispose of the earth, sand, gravel or other feature for commercial gain, or if the site to be disturbed is three (3) acres or larger. The permit application must include data regarding the nature, area, length in time, finished elevations and grades and ultimate use of the property in

question. The Zoning Administrator may require a performance bond of the applicant. The permit shall be issued by the Zoning Administrator upon approval of the application by the Thomas Township Planning Commission.

n. Artificial Ponds: The construction of artificial ponds is hereby regulated as follows:

- 1) This subsection will apply to artificial ponds created by soil excavation or intervention in watercourses, surface drainage or ground water aquifers, regardless of size and whether the creation of the pond is an end in itself or merely a byproduct of sole extraction activity.
- 2) No artificial pond shall be constructed, erected, installed, enlarged, or located within Thomas Township unless the Zoning Administrator using the following developmental guidelines has first authorized it. The Zoning Administrator may, in his/her discretion, decline to decide such matter and refer the decision thereon to the Township Planning Commission. In considering such authorization, the Zoning Administrator or the Planning Commission, as the case may be, shall consider the following developmental guidelines:
 - a) The location of the pond and particularly its proximity to adjoining properties.
 - i. All ponds shall maintain a minimum side and rear setback from a property line of twenty-five feet (25') and shall maintain a minimum setback from any road right-of-way or highway right-of-way of thirty five feet (35') unless an exception is granted by the Planning Commission. These setbacks shall apply in all zoning districts unless specifically approved by the Planning Commission during site plan review given an appropriate and reasonable alternative.
 - ii. Ponds may cross parcel lines only after Planning Commission site plan review and approval.
 - b) The purpose(s) of the pond. Reasons for a pond such as fish hatchery, agricultural animal watering, storm water detention and storage, or decoration shall be considered and shall be a factor in review of any pond.
 - c) The character, nature, and size of the pond. All ponds shall be evaluated in terms of appearance and design elements incorporated into the borders.
 - d) The potential of the pond becoming stagnant or other such difficulties or problems shall be reviewed.
 - e) If after construction the pond is found to be stagnant and creating a nuisance, the owner shall take necessary steps to eliminate the problem including, but not limited to, the following:
 - i. Installation of an aerator or fountain.
 - ii. Adding safe DEQ approved chemicals.
 - iii. Redesigning the pond to provide circulation.
 - f) Any negative effect of the pond on adjoining properties and the surrounding neighborhood.
 - g) Any other applicable and relevant standards set forth in the ordinance.
 - h) The location of any onsite septic field.
 - i) No pond shall take longer than sixty (60) days to complete from the date of starting.
 - j) A soil and erosion permit must be presented to the Zoning Administrator or Planning Commission prior to application.
 - k) Any other permit necessary to conduct earthwork on the subject site to construct the proposed pond must be provided to the Zoning Administrator or Planning Commission prior to application.

The applicant shall be responsible for providing sufficient evidence to the Zoning Administrator or Planning Commission that no other permits are necessary.

- l) If soil, stone, or fill is to be removed from the subject parcel, the Planning Commission must conduct the review. No soil, stone, or fill shall be removed from the parcel unless the Planning Commission approves the following additional measures:
 - i. The direction to be taken by all vehicles leaving the site with soil, stone, or fill.
 - ii. The time of day and days of the week the vehicles leaving the site will operate.
 - iii. The estimated number of yards to be removed.
 - iv. A means of keeping the dust created by the vehicles leaving the site.
 - v. The removal of soil, stone, or fill is determined by the Planning Commission not to be a mining operation.
- 3) No pond shall be used unless adequate public health measures are taken periodically to ensure that the existence and/or use thereof will not cause or spread a disease or otherwise provide conditions dangerous to the public health.
- 4) The discharge pipe leading from any outdoor pond shall not exceed two inches (2") in diameter unless approved by the Township Engineer during storm water ordinance review, and shall be composed of galvanized iron or such other standard and durable material as may be approved by the Zoning Administrator or Planning Commission. No pond shall discharge into the public sanitary sewer. If a storm drain is readily accessible to the lot on which the outdoor pond is located, then the outdoor pond shall be emptied in such a manner as to utilize such storm drain.
- 5) The slope to the banks or sides of an outdoor pond shall in no event exceed a minimum of three feet (3') horizontal to one foot (1') vertical. This slope must be maintained and extended into the water to a depth of six feet (6').
- 6) No pond shall be constructed, erected, installed, maintained or located that will cause or contribute to the erosion of any adjoining property.
- 7) Parcel owners are responsible for obtaining any and all state of Michigan required permits as well as the County of Saginaw.
- 8) No pond shall stop the natural drainage of adjacent parcels or affect the natural flow of water on adjacent parcels in a negative manner.
- o. [Parking of Recreation Vehicle/Equipment:]
 - 1) Parking of Recreation Vehicle/Equipment: parking of recreational vehicle/equipment is prohibited within the required minimum front yard depth of any one-, two-, or multi-family dwelling yard, in any zoning district, and in the case of a corner lot, is also prohibited within the required minimum corner lot side yard on the street side. (See figure in each district depicting lot setbacks).
 - 2) A maximum of two (2) recreational vehicle/equipment may be parked outside on a parcel at any time subject to the provisions in this subsection.
 - 3) One (1) recreational vehicle/equipment may be parked on a driveway surface in between the required minimum front yard depth and the dwelling, or in the case of a corner lot, between the minimum corner lot side yard on the street side and the dwelling subject to the provisions herein pertaining to an established greater setback and corner lot setbacks.
 - a) Established Greater Setback: If six (6) or more contiguous homes including the subject home are abutting the same road and are in the same zoning district and have a greater setback than what

is required in the underlining zoning district, the recreational vehicle/equipment must be set back from any street right-of-way, equal to the depth of the closest home or building to the road, not to exceed sixty (60) feet in residential zoning districts, and eighty-five (85) feet in agricultural zoning districts measured from the road right-of-way in both cases.

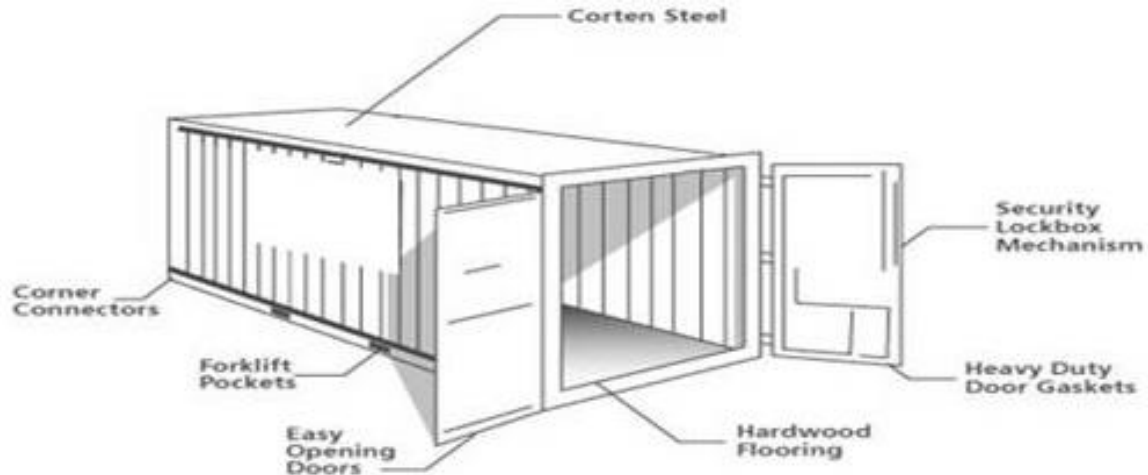
- b) Additional Corner Lot Setback: Recreational vehicles/equipment shall not be parked any closer to the street on the street side yard of the property than a line drawn horizontally from the front of an adjoining residential structure across the street side yard of the corner lot but not greater than the residential structure on the corner lot.
- 4) Recreational vehicle/equipment shall not be parked or stored within a road right-of-way, and shall not be parked or stored closer than four (4) feet to any side or rear property line, and shall have adequate ingress or egress available or potentially available to either public or private right-of-way. Recreational vehicles/equipment parked in the side or rear yard are not required to be on a driveway surface.
- 5) Seasonal Exception: Due to the significant number of summer use recreational vehicles/equipment in Michigan, and more specifically in Thomas Township, a seasonal parking exception is allowed for all residentially and agriculturally zoned parcels within the Township. Notwithstanding the provisions pertaining to any set back or any other provisions of this subsection, during the seasonal exception period, from May 1st to September 30th, one recreational vehicle/equipment may be parked on a driveway surface in the required front yard or in the case of a corner lot, within the required minimum corner lot side yard on the street side.
- 6) Primary Driveway: The allowance for recreational vehicles/equipment parking on a driveway surface from May 1st to September 30th shall be parked in the primary driveway associated with the garage attached to the existing home, or if detached, that serves as the primary accessory garage on the property. This is intended to avoid circumstances on corner lots where a homeowner puts in or uses an existing driveway on the side of their home to park recreational vehicles/equipment out of their sight and for their convenience; no matter how objectionable it may be to the neighbor.
- 7) Nonconforming recreational vehicles/equipment: Legal nonconforming recreational vehicles/equipment are subject to the following regulations notwithstanding any other provisions to the contrary in the Zoning Ordinance:
 - a) Any nonconforming recreational vehicle/equipment must be a legal permitted use on the premises on the effective date of this ordinance amendment.
 - b) The legal nonconforming status of recreational vehicle/equipment shall not be lost if replaced by the owner of the recreational vehicle/equipment or if it is moved to another permitted location on the parcel.
 - c) The legal nonconforming status of recreational vehicles/equipment shall no longer be available to any owner of the land and any owner of the recreational vehicle/equipment if the recreational vehicle/equipment is not located on the premises for one year after its last occupancy date on the premises.
 - d) The recreational vehicle/equipment must be operational in accordance with its usual and customary manner and licensed when applicable.
 - e) The owner of the recreational vehicle/equipment must reside on the premises where the recreational vehicle/equipment is parked or stored.



- p. Commercial Vehicles or Apparatus In Residential Districts: Storage or parking of commercial trucks and/or trailers having a hauling capacity of one and one-fourth (1¼) ton or greater shall be prohibited within any R-1, R-2, or R-3 district. In addition, any vehicle, apparatus, trailer, or machine designed for a specific commercial operation or purpose such as:
- 1) Well drilling,
 - 2) Moving dirt, stone, or other materials,
 - 3) Removing lumber or stumps,
 - 4) Trenching,
 - 5) Planting trees or other vegetation,
 - 6) Installing poles,
 - 7) Lifting people or equipment,
 - 8) Transporting water or other substances,
 - 9) Vehicles intended to pull trailers,
 - 10) Storage of construction equipment inside or outside the vehicle or trailer,
 - 11) Generation of electrical power,
 - 12) Pumping of water or other substances,
 - 13) Demolition of materials or buildings and vehicles,
 - 14) Vehicles, apparatus, trailers, or machines similar to any of those listed in this regulation, shall be prohibited within any R-1, R-2, or R-3 district.
 - 15) Exception: The following vehicles, apparatus, trailers, or machines may be parked or stored in a residential district meeting the following guidelines: if a commercial vehicle is used for, and in direct connection with a construction project taking place on the parcel where it is parked, and the project is currently ongoing, or if the commercial vehicle is owned by a governmental body or utility and is used

in the installation and/or maintenance of utilities such as water, sewer, streets, highways, cable television wire, telephone, or electrical wires.

- q. Portable Storage Containers: A portable storage container is defined as a transportable storage container that is designed and used primarily for the storage of household goods, personal items and other materials for use on a limited basis.



- 1) One portable storage container may be placed on a parcel without an active building permit subject to the following conditions and limitations:
 - a) The portable storage container shall not exceed one hundred and sixty (160) square feet in area and ten (10') feet in height.
 - b) All portable storage containers must maintain setbacks as listed in Section 3.5a Accessory Buildings.
 - c) The use of a portable storage container is permitted for a period of not more than thirty (30) days for all properties without an active building permit.
 - d) Signage on portable storage containers shall be limited to the name and address of the storage unit rental company.
 - 2) One portable storage container may be placed on a parcel with an active building permit subject to the following conditions and limitations:
 - a) When a building permit has been issued for work on the parcel, portable storage containers may be placed in the yard area meeting the setback requirements for Accessory Buildings. Portable storage containers must be removed if any occupancy permit is issued.
 - b) The Building Inspector may authorize additional time to utilize portable storage containers based upon reasonable storage needs and construction progress, but in no case shall the building inspector allow such storage containers for more than an additional four (4) months in residential, agricultural and environmental zoning districts. In all other zoning districts, the Building Inspector may authorize the use of such storage containers for the life of a building permit as long as progress is being documented and a valid building permit is secured. In no case shall storage containers be allowed in any zoning district for longer than two (2) years with an active building permit.
- r. Outdoor Solid Fuel Burning Furnaces: The use of outdoor solid fuel burning furnaces may provide an economical alternative to conventional heating systems. Concerns have been raised, however, regarding the

impacts of these heating devices, particularly the production of offensive odors and effects of uncontrolled smoke emissions. In addition, physical and operational factors unique to outdoor solid fuel burning furnaces heighten the possibility that people are exposed to wood smoke in both outdoor and indoor environments as stated in the "Assessment of Outdoor Wood-fired Boilers" published by the Northeast States for Coordinated Air Use Management (March, 2006). This ordinance is intended to ensure that outdoor solid fuel burning furnaces are utilized in a manner that does not create a nuisance to adjacent parcel owners and are not, to the extent possible, detrimental to the health, safety and general welfare of township residents.

- 1) Permit Required. No person shall install, use or maintain an outdoor solid fuel-burning furnace within Thomas Township without first having obtained a mechanical permit and associated inspections from Thomas Township. Application for such permit shall be made at the Thomas Township office. Fees collected with regard to these permits shall be set by resolution of the Township Board.
- 2) Specific Requirements: All outdoor solid fuel burning furnaces shall comply with the following rules and regulations:
 - a) Installation. All outdoor solid fuel burning furnaces shall be installed, operated and maintained according to the manufacturer's instructions, as well as any requirements within the State of Michigan mechanical code and Thomas Township Zoning Ordinance.
 - b) Permitted Fuel. Only firewood, corn, coal and untreated lumber are permitted to be burned in any outdoor solid fuel-burning furnace. Burning of any and all other materials is strictly prohibited. No outdoor solid fuel-burning furnace shall be utilized as a waste incinerator.
 - c) Burner Requirements. All boilers comprising a solid fuel-burning furnace shall be completely enclosed. All furnace exhausts shall have a spark arrester.
 - d) Setbacks. Outdoor solid fuel burning furnaces shall meet the following minimum setbacks:
 - i. All outdoor burning furnaces must be located behind the principal dwelling on the property.
 - ii. From any side or rear lot lines - 300 feet.
 - iii. From residential structures on any adjacent properties - 300 feet.
 - e) Stack Height. The stack height must be equal to the highest part of an adjacent roof on adjacent parcels to the subject parcel. In no case shall it be lower than seventeen (17') feet in height. If no homes are adjacent to the subject parcel, the closest home will be used.
 - f) Storage of wood or other solid fuel. Square footage occupied by fuel shall be considered to be that of any accessory structure or building. Side, front and rear yard setbacks apply per the district in which the storage is located and shall be subject to the provisions of the accessory structure regulations, and maintained in accordance with Section 3.5 a. of the Thomas Township Zoning Ordinance as follows:
 - i. Required Yard:

In a front yard: No accessory structure (attached or detached) shall project into any front yard.

In a rear yard: No accessory structure including detached garages shall be closer than five (5') feet to the rear lot line.

In a side yard: No accessory structure, including garages, shall be erected closer to any side lot line than the permitted distance within that district for principal buildings except in a residential district, where an accessory structure is located ten (10') feet or more to the

rear of the principal structure, then the accessory structure shall be no closer than six (6') feet to the side lot line.

On a corner lot: No accessory structure shall be closer to the side street lot line than the side yard setbacks of the principal building on the lot. Where the rear line of a corner lot coincides with the sideline of an adjoining lot in a residential district, an accessory structure shall be no closer than six (6') feet to the common line.

- g) Maximum size: In a residential R-1, R-2 district, only two (2) accessory structures are permissible and no accessory structure shall exceed six hundred (600) square feet with an additional accessory structure not to exceed one hundred fifty (150) square feet, except lots exceeding fourteen thousand (14,000) square feet, which lots may have an additional twenty (20) square feet of additional accessory structure per each additional one thousand (1,000) square feet of lot area with a maximum of one thousand two hundred (1,200) square feet. Lots exceeding five (5) acres in area shall be regulated as if it were located in an agricultural district.
- h) Height: In an R-1 or R-2 district, the height of an accessory structure may not exceed ten (10') feet maximum height for the side wall as measured from the plate and may not exceed a total height of seventeen (17') feet.
- i) Uses: Accessory structure(s) shall not be used in any part of residential dwelling purposes and are intended only for typical accessory functions for the district in which they are located.

Ord. 97-Z-03, 11-3-1997, eff. 12-12-1997; amd. 1998 Code; Ord. 99-Z-01, 1-4-1999, eff. 2-12-1999; Ord. 02-Z-01, 1-7-2002, eff. 2-15-2002; Ord. 02-Z-03, 9-3-2002, eff. 10-10-2002; Ord. 07-G-03, 8-6-2007, eff. 9-13-2007; Ord. 07-G-04, 8-15-2007, eff. 9-13-2007; Ord. No. 07-Z-01, § 1, 8-19-2007, eff. 9-28-2007; Ord. No. 08-G-01, § 1, 3-3-2009, eff. 4-3-2009; Ord. No. 09-Z-04, 6-10-2009, eff. 7-10-2009; Ord. No. 11-Z-03, § 1, 4-13-2011, eff. 5-13-2011; Ord. No. 14-Z-01, § 1, 4-7-2014, eff. 5-9-2014; Ord. No. 15-Z-03, § 2, 3-7-2016, eff. 3-18-2016; Ord. 18-Z-06, 12-3-2018, eff. 1-6-2019)

SECTION 3.3. SUPPLEMENTARY YARD REGULATIONS.

a. Permitted Yard Encroachments:

- 1) Paved terraces, patios and uncovered porches shall not be subject to yard requirements, provided:
 - a) The paved area is unroofed and without walls or other forms of solid continuous enclosure that link the paved area to the principal building.
 - b) The highest finished elevation of the paved area is not over two feet (2') above the average surrounding finished grade area.
 - c) No portion of any paved area is closer than five feet (5') from any lot line nor projects into any front yard setback area. Such paved areas may have noncontinuous windbreaks or walls not over six feet (6') high and not enclosing more than one-half (½) the perimeter of the paved area.
- 2) Unenclosed porches, roofed or unroofed, may project into a required side or rear yard area a distance not to exceed eight feet (8') provided:
 - a) The porch is enclosed and no higher than one story and is erected on supporting piers.
 - b) The porch shall not be closer than six feet (6') to any side or rear lot line.
- 3) Enclosed porches shall be considered an integral part of the building and shall be subject to all yard and area dimensional requirements established for principal buildings.

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- 4) Special structural elements such as cornices, sills, chimneys, gutters, and similar structural features may project into any yard up to a maximum of two and one-half feet (2½').
 - 5) Fire escapes, outside stairways and balconies, if of open construction, may project into yard areas up to a maximum of five feet (5').
 - 6) On-site signs may encroach into yard areas, but no on-site sign, or portion thereof, shall be closer to any lot line or street right-of-way than ten feet (10'). In B-3 Districts, however, no setback from the highway right-of-way line shall be required for on-site signs. Setbacks for off-site signs must comply with Thomas Township Sign Ordinance.
- b. Yard Exceptions: In cases where less than the full required future right-of-way width of a street has been deeded or dedicated, the building setbacks on any properties abutting thereon which have not provided for sufficient street area by deed or dedication shall be measured from the future required right-of-way line. The required street width shall be determined by the standards set forth and adopted by the Planning Commissions.
 - c. Conformance to Established Setbacks: Required front yard setbacks shall conform to existing setbacks as established by existing uses within the same district and adjacent to the subject property. Minimal front yard requirements may be waived to a smaller distance, providing it is not less than established setbacks of adjacent structures in the same district.
 - d. Building setback lines shall be measured from a point thirty-three feet (33') from the center of the adjacent road or from the property line, whichever is greater, except in cases involving major arterial and collector streets. The building setback line on any properties abutting the following streets shall be measured from a point the number of feet from the center of the road indicated below:

Gratiot Road 60'

State Street 43'

Miller Road (North and South) 43'

(Ord. 97-Z-03, 11-3-1997, eff. 12-12-1997; amd. 1998 Code; Ord. 18-Z-02, 6-4-2018, eff. 6-14-2018)

SECTION 3.4. SUPPLEMENTARY HEIGHT REGULATIONS.

- a. Permitted Exceptions For Structural Appurtenances: The following kinds of structural appurtenances shall be permitted to exceed the height limitations for authorized uses:
 - 1) Ornamental in purpose, such as church steeples, belfries, cupolas, domes, ornamental towers and flagpoles; provided that such structural elements do not exceed twenty percent (20%) of the gross roof area.
 - 2) Appurtenances to mechanical or structural functions, such as chimneys and smokestacks, water tanks, elevator and stairwell penthouses, ventilators, radio or business towers, aerials and fire and base towers; provided the total height of the structure or the building appurtenance be one hundred twenty-five feet (125') or less from the ground. The foregoing permitted exceptions shall not be for human occupancy dwelling. Planning Commission may approve structures that exceed these limitations if necessary.
- b. Permitted Exceptions, Environmental And Agricultural Districts:
 - 1) No exceptions are permitted for residential structures.
 - 2) Structures for agricultural operations are permitted up to seventy-five feet (75') in height.

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- 3) Other nonresidential permitted structures may be erected to a height in excess of that specified; provided each front, side and rear yard minimum is increased one foot (1') for each one foot (1') of additional height above the district requirements.
- c. Permitted Exceptions, Residential Districts:
 - 1) No exceptions are permitted for residential structures.
 - 2) Principal hospital and church structures may be permitted to exceed height limitations with a maximum total height limit of seventy-five feet (75') provided each front, side and rear yard requirement is increased by one foot (1') of height above the district requirement.
 - d. Permitted Exceptions, Business and Industrial Districts: In any business or industrial district, any principal building may be erected to a height in excess of that specified for the district, provided each front, side and rear yard minimum is increased one foot (1') for each one foot (1') of additional height above the district maximum.
- (Ord. 97-Z-03, 11-3-1997, eff. 12-12-1997; amd. 1998 Code)

SECTION 3.5. ACCESSORY BUILDINGS.

- a. Required Yards:
 - 1) In A Front Yard: No accessory building (attached or detached) shall project into any front yard.
 - 2) In A Rear Yard: No accessory building, including detached garages, shall be closer than five feet (5') to the rear lot line.
 - 3) In A Side Yard: No accessory building, including garages, shall be erected closer to any side lot line than the permitted distance within that district for principal buildings except in a residential district, where an accessory building is located ten feet (10') or more to the rear of the principal building, then the accessory building shall be no closer than six feet (6') to the side lot line.
 - 4) On A Corner Lot: No accessory building shall be closer to the side street lot line than the side yard setbacks of the principal building on the lot. Where the rear line of a corner lot coincides with the side line of an adjoining lot in a residential district, an accessory building shall not be closer than six feet (6') to the common line.
- b. Maximum Size: In a Residential R-1 or R-2 District, only two (2) accessory buildings are permissible, and no accessory building shall exceed six hundred (600) square feet, with an additional accessory building not to exceed one hundred fifty (150) square feet, except lots exceeding fourteen thousand (14,000) square feet. These lots may have an additional twenty (20) square feet of additional accessory building per each additional one thousand (1,000) square feet of lot area with a maximum of one thousand two hundred (1,200) square feet. Lots exceeding five (5) acres in area shall be regulated as if they were located in an agricultural district.
- c. In the case of Agricultural districts, total accessory buildings may not exceed five percent (5%) of the total land area, but without restrictions as to the number of accessory buildings.
- d. Height: In an R-1 or R-2 Residential District, the height of an accessory building may not exceed ten feet (10') in height for the side wall as measured from the plate and may not exceed a total height of seventeen feet (17'). Building height may be increased as follows: Accessory buildings may match the roof pitch of the primary dwelling. For every foot increase in accessory building height, there will be an increase of one foot (1') from the side and rear property line setback.
- e. Uses: Accessory building(s) shall not be used in any part for residential dwelling purposes and are intended only for typical accessory functions for the district in which they are located.

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- f. Garages As Accessory Buildings:
- 1) Definition: Detached garages not physically connected to the dwelling or principal use by common wall or roof shall be deemed as "accessory buildings" for the purposes of this ordinance. Attached garages shall be considered part of the principal use or dwelling.
 - 2) Garage Entrance: In no case shall the entrance or roof of a garage be less than twenty-five feet (25') from a street right-of-way line.
 - 3) Vehicles Permitted: In any R District, private garages may provide for not more than the following number of vehicles:
 - a) Any single-family dwelling: six (6) vehicles, including not more than one vehicle used for transportation supplied by or owned by employer that can be parked within a garage on the parcel meeting all zoning requirements.
 - b) For other dwellings: two (2) vehicles per dwelling unit not more than one of which may be a commercial vehicle of not more than one ton capacity.
 - c) For any other permitted use: no limit.

(Ord. 97-Z-03, 11-3-1997, eff. 12-12-1997; Ord. No. 17-Z-02, § 1, 11-6-2017, eff. 12-9-2017)

SECTION 3.6. ACCESSORY USES.

- a. The renting of rooms to not more than two (2) nontransient persons in a dwelling unit which is otherwise occupied in a manner permitted in the district in which it is located.
- b. Customary refreshment and service uses and buildings in any public park or recreational area incidental to the recreational use of such area.
- c. "Essential services" as defined in Chapter 2.
- d. Garden, garden ornaments and usual landscape features within required yard space.
- e. Fences within required yard space.
- f. Retaining walls and public playgrounds.
- g. Off-street parking for motor vehicles.
- h. Home occupations.
- i. Use of a premises as a voting place in connection with local, state or national elections.
- j. Pennants, ribbons, streamers, and other displays or items not meeting the definition of a "sign" in the Thomas Township Sign Ordinance, are permitted in all zoning districts so long as said uses comply with the other requirements of this code; provided, however, pennants, ribbons, and streamers shall not be displayed for more than forty-five (45) days in any calendar year except for pennants, ribbons, and streamers displayed in any business or limited manufacturing district as shown on the zoning district map and are displayed on a single parcel or contiguous parcels of land under single ownership and meet the following criteria:
 - 1) The parcel has not more than two (2) curb cuts or points of ingress and egress.
 - 2) The parcel consists of more than five (5) acres.
 - 3) The parcel has at least six hundred feet (600') of road frontage.

SECTION 3.7. WATER SUPPLY AND SANITARY SEWERAGE FACILITIES.

After the effective date of this ordinance, no structure shall be erected, altered or moved upon a lot or premises and used in whole or in part for a dwelling, business, industrial or recreational purpose unless it shall be provided with a safe and sanitary and potable water supply and with a safe and effective means of collection, treatment, and disposal of human excreta and domestic, commercial and industrial waste. All such installations and facilities shall conform with the minimum requirements of the County Health Department and applicable State regulations.

(Ord. 97-Z-03, 11-3-1997, eff. 12-12-1997)

SECTION 3.8. APPROVAL OF PLATS.

No proposed plat of a new or redesigned subdivision shall hereinafter be approved by either the local governing body or its agents unless the lots within the plat equal or exceed the minimum size and width requirements of this ordinance and all other applicable codes or ordinances.

(Ord. 97-Z-03, 11-3-1997, eff. 12-12-1997)

SECTION 3.9. ZONING OF PLATS.

All plats shall be subject to the provisions of the district within which they are located pertinent to allowed uses and further required zoning district changes which may be necessary to accommodate proposed use or uses shall be made according to amendment procedures prescribed by this ordinance.

(Ord. 97-Z-03, 11-3-1997, eff. 12-12-1997)

SECTION 3.10. PUBLIC SANITARY SEWER CONNECTION.

When public sewer is available or becomes available in the street, connection to the public sewer system shall be made within ninety (90) days.

(Ord. 97-Z-03, 11-3-1997, eff. 12-12-1997)

SECTION 3.11. PRIVATE ROADWAY STANDARDS.

Private roads can be an effective tool to allow reasonable and safe access to properties while avoiding some of the grading, increase in impervious surfaces, and tree removal often associated with public road standards.

- a. Purpose: It is the intent of this Ordinance to permit access to the interior of certain properties within Thomas Township by private roads that are subject to minimum standards and specifications. These standards may be used in all districts when developing private roads that will not be taken over in the future by Thomas Township, the Saginaw County Road Commission, or MDOT.

These standards do not alter the underlying zoning district requirements found within the Thomas Township Ordinance for building setback, height, placement, density, or any other related development requirement with the excepting on roads. These standards and limitations are intended to permit unobstructed, safe, and continuous vehicle access, as well as, encourage road design standards which will result in the reduction of impervious surfaces and the preservation of vegetation, in order to more appropriately manage storm water.

It is further the intent of this Ordinance to ensure that private roads are maintained and repaired by the private property owners, who own and use the road. Neither Thomas Township nor the Saginaw County Road Commission will maintain private roads. The procedures, standards, and specifications hereinafter set forth are determined to be the minimum procedures, standards, and specifications necessary to meet the intent of this ordinance.

b. Definitions:

- 1) **Easement** - The right of an owner of property by reason of such ownership, to use the property of another for purposes of ingress, egress, utilities, drainage, and similar uses. In the context of this Ordinance, private road easements shall be designated for purpose of vehicle ingress and egress.
- 2) **Private Road** - An area of land that is privately owned, provides vehicular access to more than one (1) lot and has not been dedicated to public use other than access by emergency and public safety vehicles, and is maintained by its private owners.

c. Permit Application and Review Requirements:

- 1) Each application for a private road shall be accompanied by completed plans prepared and sealed by civil engineer or land surveyor registered in the State of Michigan, which include the information contained herein. Where the required information is incorporated in the overall site plan of a development, separate road plans shall not be required.
- 2) The application and plans for a private road shall include the following information:
 - a) The names and addresses of the lot or parcel owners to be served by the private road.
 - b) A vicinity map of a minimum scale of one inch equals two thousand feet (1" = 2,000'), showing the location of the private road in the Township, any access roads and cross streets, road names, a scale, and a north arrow.
 - c) Existing topography at two (2) foot contour intervals for the portions of the site sufficient to determine drainage from the private road easement to a suitable storm water outlet.
 - d) Proposed improvements (including but not limited to, roads, sewers, and ditches) shown in plan and profile indicating all materials, grades, dimensions, and bearings in compliance with the standards set forth in Attachment A. The plans shall also show all existing and proposed grades, the location of all existing and proposed drainage facilities, the location of existing and/or proposed utilities and structures, other structures, physical or natural conditions existing adjacent to such improvements, and any connections to existing public and private roads.
 - e) Soil borings within the proposed route of the road. Tree coverage and wetland areas within one hundred (100) feet of either side of the proposed route.
 - f) Location of existing buildings on the lots or parcels being served or intended to be served by the private road, as well as, any existing building or structures in or adjacent to any proposed road easement.
 - g) Plans shall show the existing or proposed location of private utilities and easements, such as gas, telephone, and electric.
 - h) A complete statement of all the terms and conditions of the proposed road easement, including copies of all agreements or intended agreements regarding the maintenance and improvements of the right-of-way and roadway. Furthermore, said maintenance agreements shall be in such form as to be recordable with the County Register of Deeds and shall specifically address the liability and responsibility of the parties to said agreement

to maintain the private road pursuant to the specifications of this article, including, but not limited to, the responsibility of removing snow from said private roads. The recorded statement which runs with the land, shall also inform subsequent purchasers that the road is private and may never be maintained or accepted by the County Road Commission, or Thomas Township.

- i) Appropriate deed restrictions and/or master deed provisions shall provide for free and clear vehicular access for emergency service vehicles on all private roads.

d. Design Standards:

- 1) The design and construction of all private roads shall comply with the most currently published American Society of Highway Traffic Officials (ASHTO) standards for the criteria applicable to the private road, subject to the approval of the Thomas Township Engineer.

- a) Minimum Private Road Standards

- i. Average Daily Traffic Volumes (ADT): 9.5 vehicles per day per single family detached dwelling; 8 vehicles per day per each attached dwelling unit.
- ii. Design Speed: 20 mph
- iii. Stopping Sight Distance: 125 feet
- iv. Vertical Alignment: 0.5% minimum, 10.0% maximum
- v. Horizontal Alignment: 100 ft. minimum radius
- vi. Right-of-Way Width: With ditches: 60 feet, 100-ft. diameter at culs-de-sac; With curb & gutter: 50 feet, 100-ft. diameter at culs-de-sac
- vii. Road Width (width of pavement, edge to edge - ADT less than 250: 18 feet ADT over 400: 20 feet
- viii. Shoulder Width (graded slope): Shoulders not required with curb & gutter; otherwise: ADT less than 400: 2 feet (each side), ADT over 400: 4 feet (each side)
- ix. Curb and Gutter: Concrete curb and gutter permitted
- x. Culs-de-sac: 66-foot diameter minimum
 - to edge of pavement (not including shoulders or curb & gutter)
 - islands permitted when road is paved
 - islands must include curb & gutter
- xi. Intersection Offsets: Private road intersections shall be directly aligned with other streets or roads, or offset at least 250 feet from a public road or offset at least 125 feet from a private road (measurement from centerline to centerline)
- xii. Road Surface: Less than 5 houses: 7 inches compacted thickness of 21AA, 22A, or 23A gravel with 3" of bituminous. Five (5) or more houses: 3 inches of bituminous surface, placed in two courses over a 7-inch gravel base of 6-inches of concrete.
- xiii. Sub-Base: Six (6) inches of compacted Class II sand. On-site material may be used if laboratory analysis indicates that it meets specification requirements. Sub-base not required for concrete pavement.

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- xiv. Drainage: Ditches: 2'-0" minimum depth from centerline, IV; 3H front and back slopes; 2' bottom width.
 - xv. Culverts/Storm Sewers: Pipe must comply with MDOT Standard Specifications. Provide minimum 2-foot of cover over pipe at road crossings. End sections must be provided at culvert ends. In all cases, Thomas Township Storm Water Management regulations must be followed.
 - xvi. Horizontal Clearance to Obstructions: All trees and other objects must be removed from the roadway to the back slope of the ditch 1' above the ditch bottom.
 - xvii. Erosion Control/Restoration: All areas disturbed by construction must be top soiled, seeded, and mulched. Steep slopes may require sod or riprap. Temporary erosion control measures must be utilized.
 - xviii. Private Road Sign: Each private road shall be identified with a sign at each intersection. These signs shall be distinguishable from public street signs.
 - xix. Traffic Control Devices:
 - Provide stop signs and street signs at entrance and interior intersections (comply with MMUTCD Manual).
 - Provide a speed limit sign (5 MHP less than the design speed) following each intersection, located 100' to 200' from the intersection.
 - Provide pedestrian crossing signs at all trail/walkway crossings.
 - b) County Road Commission Approval: If the private road intersects a County road, a permit for the approach must be obtained from the County Road Commission prior to Township review. Michigan Department of Transportation (MDOT) must approve any connection to a state highway prior to Township review. A copy of the permit shall be attached with the application.
 - 2) If the private road provides direct access to a county road, approval of the road connection, placement, and design must be approved by the County Road Commission prior to Thomas Township approval.
 - 3) Notwithstanding any other provisions of the Ordinance, private roads in subdivisions platted prior to the enactment of this Ordinance and private roads or easements that are contained in land divisions approved by Thomas Township prior to the enactment of this Ordinance, shall continue to meet the specifications approved at the time of application. Upon expansion, reconstruction, or major alteration of an existing private road, new construction shall comply with the most currently published American Society of Highway Traffic Officials (ASHTO) standards for the criteria applicable to the private road. The Thomas Township Engineer shall determine if this provision is met.
 - e. Inspection:
 - 1) Prior to the initiation of construction, a pre-construction conference will be held with the applicant and Thomas Township. Evidence of issuance of County Road Commission and soil erosion control permits shall be provided by the applicant.
 - 2) All required improvements shall be inspected by Thomas Township or designated Thomas Township official at various stages of construction. The Township Engineer may be requested to attend and review all submitted plans at the discretion of the Township. The Thomas Township official shall make a final inspection upon completion of construction and shall report the results

of the final inspection. The applicant's engineer shall certify to Thomas Township, before the final inspection and report thereon are made, that the required improvements were made in accordance with this article and all approved plans.

- 3) The costs of inspection, including compensation of the Thomas Township Engineer or Thomas Township official shall be paid by the applicant prior to the issuance of the certificate of completion. Thomas Township shall establish and determine the costs of inspection. If the applicant does not directly pay the costs of inspection, the same shall be paid from the deposit established by Thomas Township and held by Thomas Township, and the balance, if any, shall be returned to the applicant.
- f. Permit Approval Procedure:
- 1) Upon receipt of an application, the Community Development Director shall bring the application before the Planning Commission within sixty (60) days. The Planning Commission shall review said proposed private road for compliance with the regulations within this ordinance and any others which apply. A recommendation from the Planning Commission shall be given to the Township Board for final approval.
 - 2) Prior to construction, the Thomas Township Engineer shall report in writing to the Planning Commission as to whether or not the proposed private road conforms to the standards and specifications of this Ordinance. Said report may include any suggested conditions to be attached to the Permit that, in the Engineer's judgment, are necessary to achieve the intent of this Ordinance.
 - 3) The Planning Commission shall consider the application, the Engineer's report, and all other relevant information in determining whether to grant the Permit application. If the information submitted by the applicant does not establish that the proposed private road will conform to the standards and specifications of this Ordinance, the Planning Commission shall not grant the Permit. The Planning Commission shall impose such conditions on the approval of the Permit as it deems necessary to achieve the intent and objectives of this Ordinance, which may include, but need not be limited to, conditions suggested by the Engineer. The breach of any such condition proposed by the Planning Commission shall automatically invalidate the Permit.
 - 4) As a condition to the granting of any Permit under this Ordinance, the Planning Commission may require that the applicant deposit with the Township a sum of money, bank letter of credit or certified check, in an amount sufficient to guarantee that the applicant shall perform the terms and conditions of the permit, including the payment of required fees. Upon completion of all improvements required by this Ordinance, any unused portion of the deposit shall be refunded to the applicant.
 - 5) Upon receipt of the required deposit and predetermined fees and approval, the Community Development Director shall issue the Permit pursuant to the terms established by the Township Board approving the application.
 - 6) Only the Township Board shall have the authority to approve or deny applications for permits. No other permit issued by any Official or other governmental body or official shall be a substitute for a Permit.
- g. Fees: The (legislative body) shall establish by resolution a fee schedule to defray costs of inspection, plan review, administration, and enforcement of this article.
- h. Severability: The provisions of this ordinance are severable and any decision by any Court of competent jurisdiction that any provision or clause hereof is invalid shall not affect the validity of the remainder of this ordinance.

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- i. Compliance with Other Statutes, Ordinance Order, or Regulation: Nothing in this Ordinance is intended to permit any practice which is a violation of any statute, ordinance, order or regulation, and no provision contained in this ordinance is intended to impair or abrogate any civil remedy or process whether legal or equitable which might otherwise be available to any person.
 - j. Effective Date: This ordinance was adopted by the (legislative body) at a regular meeting thereof held on the day of and shall become effective thirty days after publication.

SECTION 3.12. BUFFERING.

- a. Intent: The intent of these provisions is to require that buffer zone areas are landscaped to the standards listed here to reduce many of the negative impacts associated with commercial or more intense use of lands.
- b. Buffer Zones Required:
 - 1) A buffer shall be required when any parcel used for commercial purposes is expanded by way of an addition or demolition, a special land use approval is requested, or a site plan review is requested.
 - 2) A buffer shall be required on the subject parcel even if the adjacent parcel is unimproved land.
 - 3) If existing physical conditions are such that a parcel cannot comply with the buffer zone standards, then the Planning Commission shall determine the character of the buffer based on the following criteria:
 - a) Traffic impacts.
 - b) Increased building and parking lot coverage.
 - c) Increased outdoor sales, display or manufacturing area.
 - d) Physical characteristics of the site and surrounding area such as, topography, vegetation, etc.
 - e) Visual, noise and air pollution levels.
 - f) Health, safety and welfare of the Township.
- c. Design: All required buffer zones must be designed by a person with a minimum background of a certified landscape designer or architect. A drawing of all required landscaping, top and side profile, must be submitted to the Planning Commission for review prior to site plan approval.
- d. Performance Bond: The Planning Commission may require a performance bond, cash, irrevocable letter of credit, or other similar financial assurance satisfactory to the Township. All financial deposits must be deposited with the Township prior to the issuance of a building permit, in the amount of the Planning Commission's estimated cost of installing landscaping on a parcel and shall be held until all approved landscaping is installed. If landscaping is not installed in accordance with the approved site plan as determined solely by the Township, the deposited financial assurance may be used to install the required landscaping, and only any unused portion thereof will be returned. If the financial assurance does not cover the entire cost of installation, the excess cost will be billed to the owner of the property.
- e. Existing cover: A buffer shall be required when parcels with existing covered surfaces such as, pavement, concrete, stone, and buildings request site plan approval or a special use permit. The required buffer area as described within this ordinance must be established even if said existing covering must be removed. Only after it is proven to the Planning Commission that no other reasonable alternative exists, will a buffer not meeting the standards herein be considered for acceptance. In such a case, the Planning Commission may impose buffering requirements that exceed those addressed to accomplish the intent of this ordinance in the area available.

f. Front yard: Buffers are required to extend into the front yard area but shall not be closer to a road right-of-way than fifteen feet (15'). The Planning Commission may require the buffer to extend to the road right-of-way if it deems it necessary to accomplish the intent of this ordinance.

g. Buffer distances:

District	R-1	R-2	R-3	Plantings
M-1	150'	150'	150'	The equivalent of one canopy tree and one evergreen tree must be planted per thirty (30) linear feet or fraction of buffer zone length.
B-5	125'	125'	125'	
B-4	125'	125'	100'	
B-3	100'	100'	75'	The equivalent of one canopy tree and one evergreen tree must be planted per thirty (20) linear feet or fraction of buffer zone length.
B-2	75'	75'	50'	
B-1	50'	50'	50'	

h. General Buffer Zone Development Standards:

1) Minimum Plant Material Standards:

- a) All plant material including grass shall be hardy to Saginaw County, free of disease and insects. Any plant material that dies must be replaced within sixty (60) days of notice given by Thomas Township, season permitting.
- b) All plant materials shall be installed in such a manner so as not to alter drainage patterns on site or adjacent properties or obstruct vision for reasons of safety, ingress or egress.
- c) All plant material shall be installed out of the road or highway right-of-way, unless allowed by controlling agency.
- d) All plant material shall be planted in a manner so as to not cause damage to utility lines (above and below the ground) and public roadways.
- e) Minimum plant sized at time of installation.

Deciduous canopy tree	2 1/2 inch caliper
Deciduous ornamental tree	2 inch caliper
Evergreen tree	6 foot height
Deciduous shrub	2 foot height
Upright evergreen shrub	2 foot height
Spreading evergreen shrub	18 inch to 24 inch spread

- 2) Existing plant material which complies with the standards and intent of the Ordinance, as determined by the Planning Commission, shall be credited toward meeting the landscape requirements and shall not be removed in the future unless an alternative is approved by a site plan review.
- 3) The plant material shall achieve its horizontal and vertical screening effect within two (2) years of initial installation.
- 4) The overall buffer plan shall not contain more than thirty-three percent (33%) of any plant species.
- 5) The following trees are not permitted as they split easily; their wood is brittle and breaks easily; their roots clog drains and sewers; and they are unusually susceptible to disease or insect pests:

Common Name	Horticultural Name
Box elder	Acer negundo

Ginkgo	Ginkgo biloba (female only)
Honey locust	Gleditsia triacanthos (with thorns)
Mulberry	Morus species
Poplars	Populus species
Black locust	Robinia species
Willows	Salix species
American elm	Ulmus americana
Siberian elm	U. pumila
Slippery elm; Red elm	U. rubra
Chinese elm	U. parvifolia

- 6) If berming is used for all or part of the buffer zone, all required plant material shall be place on top and side slopes facing the exterior of the site.
- 7) If a screen wall or fence is used for all or part of the buffer zone then:
 - a) The equivalent of two (2) shrubs are required per thirty (30) linear feet of wall or fence with at least fifty percent (50%) being twenty four inches (24") high at time of planting and none being less than twelve inches (12") at time of planting.
 - b) All required plants shall be placed on the side facing the exterior.
 - c) Two (2) evergreen trees must be planted for every thirty (30) linear feet of wall or fence with at least fifty percent (50%) being six feet (6') high at time of planting and not less than five feet (5') at time of planting.
 - d) Two (2) canopy trees must be planted for every forty (40) linear feet of wall or fence with at least fifty percent (50%) being six feet (6') high at time of planting and not less than five feet (5') at time of planting.
 - e) All tree plantings must be staggered and spaced uniformly within the buffer zone.
- 8) All areas outside of the planting beds shall be covered with grass or other living ground cover.
- 9) Continuous rolling screen six feet (6') in height comprised of plant material, berming, screen walls or fences or any combination of these elements is required.
- 10) If berming is used for all or part of the buffer zone, all required plant material shall be placed on top and side slopes facing the exterior of the site.
- 11) If the required buffer zone area is not available as determined by the Planning Commission after review of a site plan, the Planning Commission shall have authority to alter buffer zone dimensions. The Planning Commission shall evaluate the reduction in buffer zone area by its potential effect on the abutting residential zone. If demonstrated by the developer that a buffer of a reduced width and content can be designed to meet the intent of this ordinance, while including as much plantings and buffering design elements as possible, the Planning Commission may approve the alternate buffer zone design.

(Ord. 97-Z-03, 11-3-1997, eff. 12-12-1997; amd. 1998 Code; Ord. 98-Z-04, 6-8-1998)

SECTION 3.13. CUSTOMARY HOME OCCUPATIONS.

Home Occupation: Shall mean any business carried on by one or more members of a family residing on the premises, providing it:

1) *General Requirements:*

- a. Is operated in its entirety within the principal dwelling.
- b. Does not include more than one employee not living in the dwelling.
- c. Does not involve alteration or construction not customarily found in the dwelling.
- d. Does not use any mechanical equipment except that which is used normally for purely domestic or household purposes.
- e. Does not use more than twenty-five percent (25%) of the total actual floor area of the dwelling.
- f. Does not display, or create outside the structure any external evidence of the operation of the home occupation except for one unanimated, nonilluminated, wall sign having an area of not more than one square foot.
- g. Customary Home Occupations are required to have at least one additional off-street parking space, in addition to that required for the residential use, with a maximum of three (3) spaces.

2) *Performance Standards:*

- a. Equipment or processes that create noise, exterior vibration, glare, fumes or odors, or electrical interference beyond any property line or affecting any attached dwelling(s) are prohibited.
- b. All equipment, processes, or storage for a home occupation must be within the principal dwelling and may not exceed twenty-five percent (25%) of the total actual floor area of the dwelling.
- c. To help ensure the health and safety of residents within the principal dwelling, working smoke alarms and Co2 detectors must be installed per the Michigan Residential Code within the area occupied by home occupation.
- d. In no way shall a home occupation interfere with any other attached dwelling(s) on the same parcel.

(Ord. No. 22-Z-02 , 1-10-2022, eff. 2-18-2022)

SECTION 3.14. MINI STORAGE, WAREHOUSING AND STORAGE BUILDINGS.

- a. Minimum lot area shall be four (4) acres in size.
- b. Minimum lot width shall be one hundred fifty feet (150') of road frontage.
- c. A six foot (6') high fence must be constructed around all mini-storage facilities. A portion of a building may be utilized to accomplish this requirement. A gate must be installed and locked at all times keeping the storage units secure, and reducing unnecessary traffic.
- d. Minimum distance between buildings shall be twenty-five feet (25').
- e. Setback:
 - 1) A front yard setback of no less than forty feet (40') shall be required, of which twenty feet (20') can be used for customer parking.
 - 2) Side yard setbacks shall be no less than twenty-five feet (25') when adjacent to commercial zoning, fifteen feet (15') of which may be used for driveway areas.
 - 3) Rear yard setbacks shall be no less than forty feet (40').
- f. All areas intended for vehicle travel shall be paved with asphalt or concrete.

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- g. Exterior lighting poles shall not be over twelve feet (12') high, and shall be of box-type lights, screening the light from neighboring parcels. A lighting plan must be approved by the planning commission.
 - h. At no time shall anyone conduct service, repair, construction, maintenance or office-related activities from within a storage unit. No business shall be conducted at any time from within a storage unit.
 - i. An office may be constructed outside of the mini storage area for mini storage rental.
 - j. All mini storage businesses are allowed signage per the sign ordinance.
 - k. Outdoor storage is prohibited at all mini storage businesses unless the following requirements are met:
 - 1) All outdoor storage shall be fully enclosed by solid, non-transparent, opaque walls or fencing a minimum of six feet (6') in height.
 - 2) The item to be stored is licensed and in normal operating condition, not needing service or repair prior to being moved or driven.
 - 3) The item is visibly in good condition.
 - 4) All outdoor storage shall be located as much as possible away from the road, or highway as determined by the Planning Commission.
 - l. All coverings over stored items must be in good condition and secured from flapping or blowing in the wind.
 - m. A designated parking area must be established for outdoor storage, having asphalt or concrete covering.
 - n. If the proposed mini storage development is located in an area of the township requiring decorative pillars and simulated wrought iron fencing, these items shall be required in the front yard area in addition to the required fencing and screening listed in subsection c. and k. of this section.

(Ord. No. 18-Z-05, 4-2-2018, eff. 3-12-2018)

SECTION 3.15. YARD, RUMMAGE, GARAGE AND SIMILAR SALES.

- a. The sale is temporary, shall not continue for a period exceeding two (2) weeks from date of commencement, and may not commence again for at least thirty (30) days from the last date of a prior sale at that location with no more than three (3) such sales per year. No items available during sales may be openly displayed when sales are not in progress.
- b. The sale shall not be intended for more than incidental income and shall not be intended to operate as a commercial venture providing regular income.

SECTION 3.16. TRASH ENCLOSURES.

- a. To protect the public from vermin, unsightliness, offensive smells, accumulation of blowing trash and other nuisance conditions, it is necessary to utilize trash enclosures where required by this ordinance.
- b. A trash enclosure is a fenced structure with sidewalls and a solid gate measuring a minimum of six feet (6') high from finished enclosure floor.
- c. A trash enclosure shall be designed so that the gate is closed at all times to keep the contents secure and out of sight.
- d. A trash enclosure shall house all dumpsters, trash containers, grease containers, recycling and other similar items or containers.

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- e. All new or remodeled structures or buildings including, but not limited to, retail or office business, manufacturing, gas stations, industrial facilities, churches, civic organizations, clubs, not for profit groups, multiple-family dwellings, apartments, mobile home parks, and/or similar uses shall construct a trash enclosure to the standards herein.
 - f. This ordinance shall not apply to single- or two-family homes that have township provided curbside trash and recycling pick up. This ordinance shall apply if a common trash and/or recycling location is used within a development.
 - g. Prior to construction of any trash enclosure, a building permit shall be required from the Thomas Township building inspector. It shall be the parcel owner's responsibility to ensure that the trash enclosure is constructed to meet all applicable codes.
 - h. All trash enclosures shall be screened from view with planting material such as evergreen trees and shrubs where possible.
 - i. All side doors to a trash enclosure shall be solid and self-closing.
 - j. Trash enclosures shall be provided for storage of trash and recyclable materials adequate in capacity, number, and distribution to serve the development project.
 - k. Trash enclosures shall be constructed so that the exterior of the structure matches surrounding structures or landscaping and should be aesthetically appealing.
 - l. Trash enclosures shall be located so as to minimize disturbance to single-family and two-family residential developments. All trash enclosures shall be at least fifty feet (50') away from any R-1 single-family residential, or R-2 medium density residential zoning.
 - m. The Thomas Township Building Inspector may approve alternatives to the construction materials if they are considered by the building inspector to be equivalent to those in the examples.
 - n. The floor of the trash enclosure shall be a concrete pad, which shall extend a minimum of ten feet (10') beyond the opening of the trash enclosure.
 - o. All trash enclosures designed to hold containers for disposal of food scraps, grease, or similar items which may create a nuisance condition due to odors are required to be constructed of masonry, brick, or block. See the brick masonry trash enclosure example in this subsection.
 - 1) The minimum setback from a side or rear lot line shall be fifteen feet (15').
 - 2) The trash enclosure may not be placed in the front yard setback.
 - 3) Every effort shall be made to locate such a trash enclosure near the building.
 - 4) All necessary measures to keep the trash enclosure and containers held within clean and odorless shall be required.
 - p. Drive-Thru Outdoor Waste Receptacles: Any business or restaurant that serves customers food or drink by way of a drive-thru window or a business or restaurant that delivers food or drink to a motor vehicle must provide an outdoor waste receptacle to be located along the drive-thru lane. An example of the waste receptacle is shown below.



(Ord. 12-Z-01, 6-4-2012, eff. 7-13-2012)

SECTION 3.17. DITCHES.

- 1) Any open ditch or storm drain running along a parcel frontage on a private road, county road, or state highway must be filled in and tiled. The ditch or storm drain must be covered with clean fill to match adjacent grade and planted with grass. All necessary permits must be obtained prior to commencement of work.
- 2) An exception to filling a ditch or storm drain may be granted if the area where the ditch or storm drain is located will be used as a pond or lake to enhance the development

(Ord. 06-G-01, 5-1-2006, eff. 6-10-2006)

SECTION 3.18 ON SITE WIND ENERGY SYSTEM (SMALL WIND).

The purpose of this section is to establish siting guidelines for small on site wind energy turbines in Thomas Township that:

- Promotes the development of a clean renewable energy resource,
 - Establishes safe, effective, and efficient use of small wind energy turbines,
 - Minimizes potential adverse impacts between land uses, and
 - Establishes standards and procedures for the siting, design, engineering, installation, operation, and maintenance of small wind energy turbines.
- a. Permitted Uses. A Building-Mounted Wind Turbine (Building Mounted) and a Small Tower Wind Turbine (Small Tower) shall be considered a permitted use in the A-1, A-2, E-1 zoning districts if the lot is in excess of 43,560 square feet in size; and shall not be erected, constructed, installed, or modified as provided in this Ordinance unless a building permit has been issued to the owner(s).
 - b. Siting and Design Requirements: All building mounted and small tower turbines (small wind) are subject to the following minimum requirements:
 - 1) Visual Appearance.
 - a) A building mounted or small tower turbine, including accessory buildings and related structures shall be a non-reflective, non-obtrusive color (e.g. white, gray, black). The

appearance of the turbine, tower, and any ancillary facility shall be maintained throughout the life of the building mounted or small tower turbine.

- b) A building mounted or small tower turbine shall not be artificially lighted, except to the extent required by the FAA or other applicable authority, or otherwise necessary for the reasonable safety and security thereof.
 - c) Building mounted or small tower turbine shall not be used for displaying any advertising (including flags, streamers, or decorative items), except for identification of the turbine manufacturer.
- 2) Ground Clearance: The lowest extension of any blade or other exposed moving component of a building mounted or small tower turbine (small wind) shall be at least twenty (20) feet above the ground (at the highest point of the natural grade within thirty (30) feet of the base of the tower) and, in addition, at least twenty (20) feet above any outdoor surfaces intended for human use, such as balconies or roof gardens, that are located directly below the building mounted or small tower turbine (small wind).
- 3) Noise: Noise emanating from the operation of a building mounted or small tower turbine (small wind) shall not exceed, at any time, the lowest ambient sound level that is present between the hours of 9:00 p.m. and 9:00 a.m. at any property line of a residential or agricultural use parcel or from the property line of parks, schools, hospitals, and churches. Noise emanating from the operation of a Building Mounted(s) or Small Tower turbine shall not exceed, at any time, the lowest ambient noise level plus 5 dBA that is present between the hours of 9:00 p.m. and 9:00 a.m. at any property line of a non-residential or non-agricultural use parcel.
- 4) Vibration: Vibrations shall not be produced which are humanly perceptible beyond the property on which a building mounted or small tower turbine (small wind) is located.
- 5) Guy Wires: Guy wires shall not be permitted as part of the building mounted or small tower turbine (small wind).
- 6) Quantity: No more than one turbine shall be allowed per parcel.
- 7) Building Mounted Turbines: In addition to the siting and design requirements listed previously, the building mounted turbine shall also be subject to the following:
- a) Height: The height of a building mounted turbine shall not exceed 40 feet as measured from grade around the base of the building which it is mounted on.
 - b) Setback: The setback of the building mounted turbine shall be a minimum of forty (40) feet from the property line, public right-of-way, public easement, or overhead utility lines if mounted directly on a roof or other elevated surface of a structure. If the building mounted turbine is affixed by any extension to the side, roof, or other elevated surface, then the setback from the property line or public right-of-way shall be a minimum of forty (40) feet. The setback shall be measured from the furthest outward extension of all moving parts.
 - c) Location: The building mounted turbine shall not be affixed to the wall on the side of a structure facing a road.
- 8) Small Tower Turbines: In addition to the siting and design requirements listed previously, the small tower turbine shall also be subject to the following:
- a) Height: The total height of a small tower turbine shall be forty (40) feet, measured from the ground under the turbine, to the top of the blade extended to its highest point.
 - b) Location: Small tower turbines shall be located in a rear yard of a property that has an occupied building.

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- c) Occupied Building Setback: The setback from all occupied buildings on the applicant's parcel shall be a minimum of twenty (20) feet measured from the base of the tower.
 - d) Other Setbacks: The setback shall be 60 feet as measured from the base of the tower to any side, or rear property line, public right-of-way, public easement, or overhead public utility lines. At no time shall a tower be located in the front yard.
 - e) Electrical System: All electrical controls, control wiring, grounding wires, power lines, and system components shall be placed underground within the boundary of each parcel at a depth designed to accommodate the existing land use to the maximum extent practicable.
 - f) Rotor Diameter: The rotor diameter of a small tower turbine shall not exceed fifteen (15) feet.

Definition of Small Wind Turbine: A small wind turbine is a wind turbine used for microgeneration, the small scale generation of heat and electric power by individuals, small businesses and communities to meet their own needs, as alternatives or supplements to traditional centralized grid-connected power.

Definition of Nacelle: In a wind turbine, a nacelle is an enclosure that contains a drive train atop a tall tower.
(Ord. 18-Z-03A, 8-6-2018, eff. 9-17-2018)

Chapter 4 LANDSCAPING and SCREENING

SECTION 4.1. INTENT AND SCOPE OF REQUIREMENTS.

- a. Intent. Landscaping enhances the visual image of the Township, preserves natural features, improves property values, and alleviates the impact of noise, traffic, and visual distraction associated with certain uses. Screening is important to protect less intensive uses from the noise, light, traffic, litter and other impacts of more intensive, nonresidential uses. The provisions in this Chapter are intended to set minimum standards for the design and use of landscaping, greenbelts, and screening, and for the protection and enhancement of the Township's environment. More specifically, the intent of these provisions is to:
 - 1) Improve the appearance of off-street parking areas, vehicular use areas, and property abutting public rights-of-way,
 - 2) Protect and preserve the appearance, character, and value of the residential uses that abut non-residential areas, parking areas, and other intensive use areas, thereby protecting the public health, safety and welfare,
 - 3) Reduce soil erosion and depletion, and
 - 4) Increase storm water retention, thereby helping to prevent flooding.
- b. Scope of Application. No site plan shall be approved unless it shows landscaping consistent with the requirements of this Chapter. A Certificate of Occupancy shall not be issued unless provisions set forth in this Chapter have been met or a performance guarantee has been posted. The requirements in this Chapter shall not apply to single family and two-family detached homes, unless otherwise specifically noted.
- c. Minimum Requirements. The requirements in this Chapter are minimum requirements, and under no circumstances shall they preclude the developer and the Township from agreeing to more extensive landscaping.
- d. Summary of Regulations. The following table summarizes the landscaping regulations contained in this Chapter:

TABLE 1 SUMMARY OF MINIMUM LANDSCAPING REQUIREMENTS

Required Landscaping	Planting Requirements					
	Landscaping Ratio	Minimum Height	Minimum Width	Deciduous or Evergreen Trees	Ornamental Trees	Deciduous or Evergreen Shrubs
General Site Landscaping	—	See Table 5	—	1 per 3,000 sq. ft. [1]	—	—
Greenbelts adjacent to road	—	See Sec 4.2d	10 ft.	1 per 40 lineal ft.	1 per 70 lineal ft.	8 per 40 lineal ft.
Greenbelts used for Screening	—	6 ft. See Sec 4.2e	10 ft.	[2]	—	—
Berms in Front Yard	—	[4] See Sec 4.2c	[3]	1 per 40 lineal ft.	1 per 100 lineal ft.	8 per 40 lineal ft.
Berms used for Screening	—	3 ft See Sec 4.2c.	[3]	[2]	—	—
Parking Lot Landscaping	20 sq. ft. per space	See Sec 4.2f	5 ft. [4]	1 per 300 sq. ft.	—	1 per 75 sq. ft.

Footnotes

[1] General Site Landscaping for: mobile home parks: 2 trees plus 4 shrubs per lot. multiple family uses: 2 trees plus 4 shrubs per dwelling unit.

[2] Evergreens shall be closely spaced (no further than fifteen (15) feet apart) to form complete visual barrier within three (3) years.

[3] Berms shall have slopes no steeper than one (1) foot vertical for each three (3) feet horizontal. Thus, the minimum width is equal to total height multiplied by three (3). Maximum height of berms in the front yard: three (3) feet.

[4] Minimum area of each parking lot landscaped area: two hundred (200) square feet.

SECTION 4.2. GENERAL LANDSCAPING REQUIREMENTS.

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

- 1) The site shall be planted with sod, ground cover, shrubbery, or other suitable live plant material, which shall extend to any abutting street property line. Grass areas in the front yard of all non-residential uses shall be planted with sod or hydro seed (grass seed).
- 2) A mixture of evergreen and deciduous trees shall be planted on non-residential parcels at the rate of one (1) tree per three thousand (3,000) square feet or portion thereof of any unpaved open area for

which specific landscaping requirements do not appear later in this Chapter. Required trees may be planted at uniform intervals, at random, or in groupings.

b. Landscaping Adjacent to Streets:

- 1) Planting Requirements. Where required, landscaping adjacent to streets shall comply with the following planting requirements (see Landscaping Adjacent to Roads diagram):

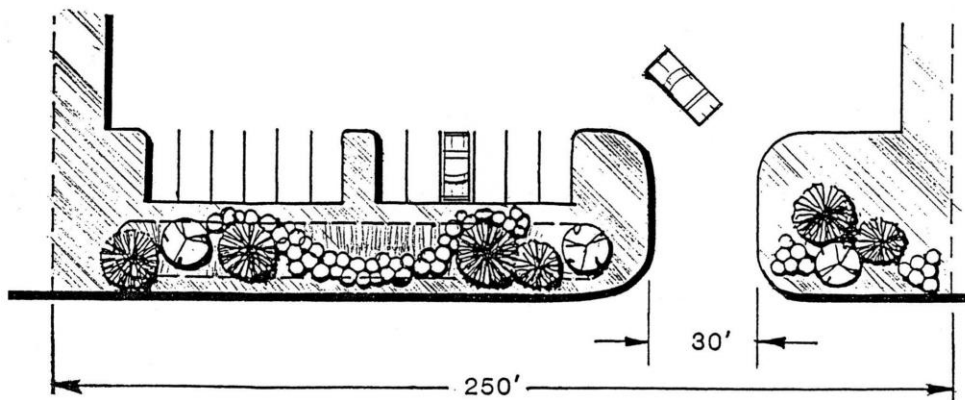
TABLE 2 LANDSCAPE MATERIAL PLANTING REQUIREMENTS

Type of Landscaping	Planting Requirements
Deciduous or Evergreen Tree	1 per 40 lineal feet of road frontage
Shrubs	8 per 40 lineal feet of road frontage

For the purposes of computing length of road frontage, openings for driveways and sidewalks shall not be counted. Trees and shrubs may be planted at uniform intervals, at random, or in groupings and shall be planted anywhere in the required front yard.

- 2) Location and Dimensions. Required landscaping adjacent to streets shall be located totally on private property within a planting strip adjacent to the street right-of-way. The minimum width of the planting strip shall be ten (10) feet. All landscaping in the clear vision areas, adjacent to driveways, shall not exceed 30 inches in height.

TABLE 3 LANDSCAPING ADJACENT TO ROADS



Landscaping Adjacent to Roads

Length of Road Frontage: 250 feet minus 30-foot driveway = 220 feet

Required Number of Plants (Example)

c. Berms. Where required, berms shall conform to the following standards:

- 1) Dimensions. Unless otherwise indicated or appropriate, required berms shall be measured from the grade of the parking lot or flat ground adjacent to the berm, and shall be constructed with slopes no steeper than one (1) foot vertical for each two (2) feet horizontal (50 percent slope), with at least a two (2) foot flat area on top. Berms may undulate in height, subject to review and approval of berm design as shown on the site plan. Unless otherwise indicated, the maximum height of required berms shall be three (3) feet.

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- 2) Protection from Erosion. Any required berm shall be planted with sod, ground cover, or other suitable live plant material to protect it from erosion so that it retains its height and shape.
 - 3) Required Plantings:
 - a) Berms located in the front yard of non-residential parcels shall be landscaped in accordance with the requirements for Landscaping Adjacent to Roads, (Sec. 4.2b)
 - b) Berms used for screening other than in the front yard shall be landscaped in accordance with the requirements for Screening, (Sec. 4.2e)
 - 4) Measurement of Berm Length. For the purpose of calculating required plant material, berm length shall be measured along the exterior edge of the berm.
- d. Greenbelts. Where required, greenbelts shall conform to the following standards:
- 1) Measurement of Greenbelt Length. For the purposes of calculating required plant material, greenbelt length shall be measured along the exterior edge of the greenbelt.
 - 2) Dimensions. The minimum width of the greenbelt shall be ten (10) feet.
 - 3) General Planting Requirements:
 - a) Sod or Ground Cover Requirements. Sod, ground cover, or other suitable live plant materials shall be planted over the entire greenbelt area, except where paved walkways are used.
 - b) Tree and Shrub Requirements. Except where the greenbelt is used for screening, a minimum of one (1) deciduous or evergreen tree shall be planted for each forty (40) lineal feet (or portion thereof) of required greenbelt. Alternatively, eight (8) shrubs may be substituted for each required tree. Trees and shrubs may be planted at uniform intervals, at random, or in groupings.
 - 4) Greenbelts Used for Screening. Greenbelts used for screening shall be landscaped in accordance with the requirements for Screening. (Sec. 4.2e)
- e. Screening:
- 1) General Screening Requirements. Unless otherwise specified, wherever an evergreen or landscaped screen is required, screening shall consist of two rows of closely-spaced, staggered evergreen plantings (planted no more than fifteen (15) feet on-center) which can be reasonably expected to form a visual barrier that is at least six (6) feet above ground level within three (3) years of planting. A single row of evergreen screening planted ten (10) feet on center may be substituted if insufficient room exists to plant a staggered double row.

Deciduous plant materials may be used provided that a complete visual barrier shall be maintained throughout the year. Wherever screening is required adjacent to residentially zoned or used property, the screening shall be installed prior to the beginning of site grading and general construction, except where such activity would result in damage to the screening.
 - 2) Screening of Equipment. Mechanical equipment, such as air compressors, pool pumps, transformers, sprinkler pumps, satellite dish antennae, air conditioners, and similar equipment shall be screened on all sides except those facing a building. Insofar as practical, said screening shall exceed the vertical height of the equipment being screened by at least six (6) inches. A three (3) foot open area shall be maintained around such equipment to facilitate repairs.
- f. Parking Lot Landscaping. In addition to required screening, all off-street parking areas shall be landscaped as follows:
- 1) Landscaping Ratio. Off-street parking areas containing greater than ten (10) parking spaces shall be provided with at least twenty (20) square feet of interior landscaping per parking space. Whenever

possible, parking lot landscaping shall be designed to improve the safety of pedestrian and vehicular traffic, guide traffic movement, and improve the appearance of the parking area.

- 2) **Minimum Area.** Landscaped areas in parking lots shall be no less than five (5) feet in any single dimension and no less than one hundred fifty (150) square feet in area. Landscaped areas in or adjacent to parking lots shall be protected with curbing or other means to prevent encroachment of vehicles. Curb cuts which permit drainage of landscaped areas may be designed as part of required curbing.
 - 3) **Other Landscaping.** Required landscaping elsewhere on the parcel shall not be counted in meeting the parking lot landscaping requirements.
 - 4) **Required Plantings.** Requirements for plant material shall be based on the location, size, and shape of the parking lot landscaped area. A minimum of one (1) shrub shall be planted per seventy-five (75) square feet or fraction thereof of interior parking lot landscaping, and one (1) tree shall be planted per three hundred (300) square feet or fraction thereof of interior landscaped area. At least fifty percent (50%) of each interior landscaped area shall be covered by living plant material, such as sod, shrubs, ground cover, or trees. Plantings within parking lots shall comply with the requirements for unobstructed sight distance, The landscape plan shall indicate the types, sizes, and quantities of plant material proposed for such area.
- g. **Maintenance of Unobstructed Visibility For Drivers.** All landscaping shall comply with the provisions concerning Unobstructed Sight Distance.
- h. **Landscaping of Divider Medians and Culs-de-sac.** Where traffic on driveways, maneuvering lanes, private roads, or similar vehicle access ways is separated by a divider median, the median shall be curbed and have a minimum width of ten (10) feet. A minimum of one (1) deciduous or evergreen tree shall be planted for each thirty (30) lineal feet or portion thereof of median. Trees may be planted at uniform intervals, at random, or in groupings, but in no instance shall the center-to-center distance between trees exceed sixty (60) feet. Curb cuts which permit drainage of landscaped areas may be designed as part of required curbing.
- Culs-de-sac and site entrances shall be landscaped with species tolerant of roadside conditions in Saginaw County.
- i. **Irrigation.** The site plan shall indicate the proposed method of watering landscaped areas. Although not required, installation of an in-ground irrigation/sprinkler system is encouraged, particularly in front yards. Irrigation systems should be designed to prevent impervious surfaces.

SECTION 4.3. SPECIFIC LANDSCAPING REQUIREMENTS FOR ZONING DISTRICTS.

- a. **Requirements for Business, Agricultural, and Industrial Districts.** All lots or parcels located in commercial, office, community, agricultural, and industrial zoning districts shall comply with the following landscaping requirements:
- 1) **General Site Landscaping.** All developed portions of the site shall conform to the General Site Requirements Sec. 4.2a, except where specific landscape elements are required.
 - 2) **Landscaping Adjacent to Street.** All commercial, office, and industrial developments shall comply with the requirements for landscaping adjacent to the street in Sec. 4.2b.
 - 3) **Berm Requirements.** A berm may be used to screen off-street parking from view of the street, in which case the berm shall be a maximum of three (3) feet in height, and shall be planted in accordance with Section 4.2c. The berm shall be located totally on private property, adjacent to the street right-of-way.
 - 4) **Screening.** Screening in the form of a landscaped berm or greenbelt shall be required wherever a non-residential use in a commercial, office, or industrial district abuts directly upon land zoned for

residential purposes, and where loading areas would be visible from residential districts. Landscaped screening shall comply with the requirements in Section 4.2e. If the length of the adjoining residentially zoned property is less than two hundred (200) feet, a wall or solid fence with a planting strip a minimum of three (3) feet in width may be erected in lieu of a berm or greenbelt.

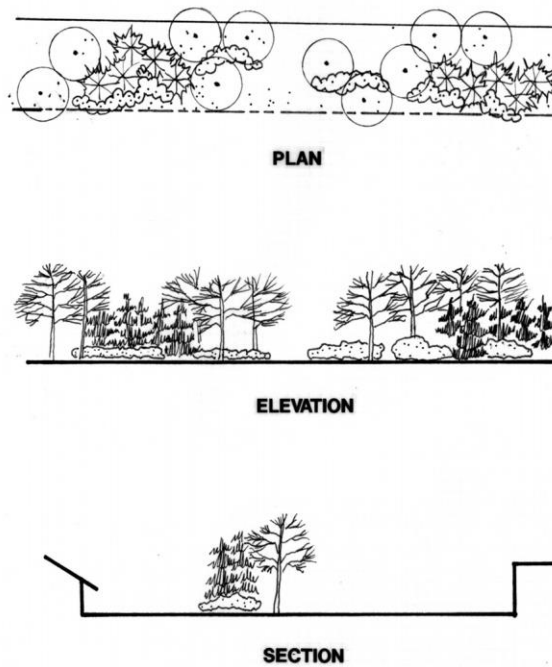
The landscaping in the planting strip shall consist of appropriate landscaping material and be arranged to provide a maximum opacity to a minimum height of four (4) feet within three (3) years.

If a wall or fence is used instead of landscaping, the requirements for fences shall be complied with, but a landscaped greenbelt shall be required on the side of the wall facing the residential district.

- 5) **Parking Lot Landscaping.** Off-street parking areas containing greater than ten (10) spaces shall comply with the requirements for parking lot landscaping in Section 4.2f. Off-street parking areas containing five (5) or more parking spaces shall be screened on those sides which abut or are across the street from a residential zoning district. A landscape screen, berm, wall or fence may be used. Landscaped screening shall comply with the requirements in Section 4.2f. If a wall or fence is used instead of landscaping, the requirements for fences shall be complied with, but a landscaped greenbelt shall be required on the side of the wall facing the residential district.
- b. **Requirements for Multiple Family Developments.** All lots or parcels of land used for multiple family developments shall comply with the following landscaping requirements:
- 1) **General Site Landscaping.** A minimum of two (2) deciduous or evergreen trees plus four (4) shrubs shall be planted per dwelling unit. Unless otherwise specified, required landscaping elsewhere in the multiple family developments shall not be counted in meeting these requirements for trees.
 - 2) **Landscaping Adjacent to Road.** All multiple family developments shall comply with the requirements for landscaping adjacent to the street in Section 4.2b.
 - 3) **Parking Lot Landscaping.** Off-street parking areas in the front or side yard shall be screened with a hedge not less than three (3) feet in height or more than four (4) feet in height. Hedges shall comply with specifications for maintenance of unobstructed sight distance for drivers. Off-street parking areas containing greater than ten (10) spaces shall comply with the requirements for parking lot landscaping in Section 4.2f.
 - 4) **Privacy Screen.** Where multiple family dwellings are designed so that rear open areas or patio areas front onto a public street, a landscaped privacy screen shall be provided. The screen may consist of a combination of trees, shrubs, and berms.
- c. **Requirements for Non-Residential Uses in Residential Districts.** All non-residential uses located in residential zoning districts shall comply with the following landscaping requirements:
- 1) **General Site Landscaping.** All developed portions of the site shall conform to the General Site Requirements in Section 4.2a, except where specific landscape elements are required.
 - 2) **Landscaping Adjacent to Road.** All non-residential developments located in residential districts shall comply with the requirements for landscaping adjacent to the road in Section 4.2b.
 - 3) **Berm Requirements.** A berm may be used to screen off-street parking from view of the street, in which case the berm shall be a maximum of three (3) feet in height, and shall be planted in accordance with Section 4.2b. The berm shall be located totally on private property, adjacent to the road right-of-way.
 - 4) **Screening.** Screening in the form of a landscaped berm, greenbelt, or wall shall be required wherever a non-residential use abuts directly upon land zoned for residential purposes. Landscaped screening shall comply with the requirements in Section 4.2e. If a wall is used instead of landscaping, the requirements for fence shall be complied with, and a landscaped greenbelt shall be provided on the side of the wall facing the residential district.

- 5) Parking Lot Landscaping. Off-street parking areas containing greater than ten (10) spaces shall comply with the requirements for parking lot landscaping in Section 4.2f. All off-street parking areas shall be screened from adjoining residential uses by a landscape screen, berm, wall or fence. Landscaped screening shall comply with the requirements in Section 4.2e. If a wall is used instead of landscaping, the requirements for walls shall be complied with, and a landscaped greenbelt shall be provided on the side of the wall facing residential uses.

FIGURE 2 PRIVACY SCREENING



SECTION 4.4. STANDARDS FOR LANDSCAPE MATERIALS.

Unless otherwise specified, all landscape materials shall comply with the following standards:

- a. Non-Living Plant Material. Plastic and other non-living plant materials shall not be considered acceptable to meet the landscaping requirements of this ordinance.
- b. Plant Material Specifications. The following specifications shall apply to all plant material proposed in accordance with the landscaping requirements of this ordinance:

TABLE 4 SUMMARY OF PLANT MATERIAL SPECIFICATIONS

Landscape Material	Minimum Caliper	Minimum Height	Minimum Spread	Minimum Length
Large Deciduous Trees	2 in. ¹	4 ft. first branch	—	—
Ornamental Trees	1 ½ in. ²	4 ft. first branch	—	—
Evergreen Trees	—	5 ft.	2 ½ ft.	—
Shrubs	—	2 ft.	2 ft.	—
Hedges	—	2 ft.	—	—

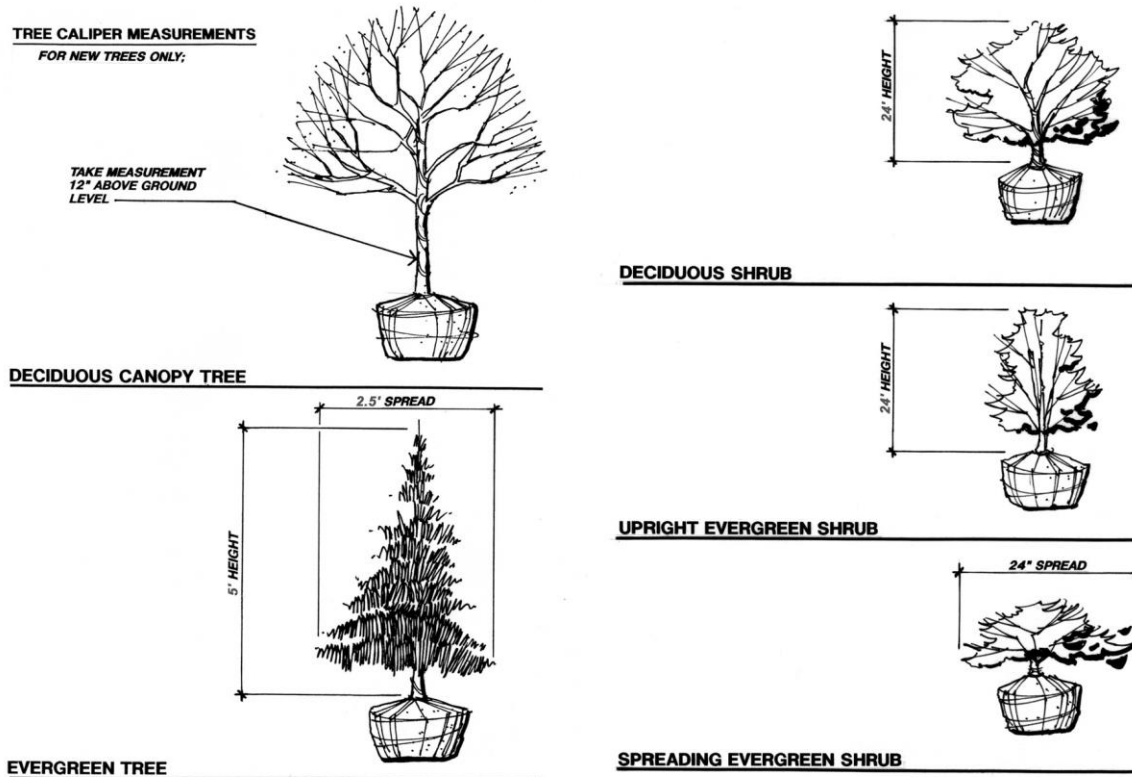
Notes

See Section 4.3 for detailed requirements

¹ Measured twelve (12) inches above grade

² Measured six (6) inches above grade.

FIGURE 3 MINIMUM PLANT SIZES



Minimum Plant Sizes

- 1) Large Deciduous Trees. Deciduous shade trees shall be a minimum of two (2) inches in caliper measured twelve (12) inches above grade with the first branch a minimum of four (4) feet above grade when planted.
- 2) Deciduous Ornamental Trees. Deciduous ornamental trees shall be a minimum of one and one-half (1-1/2) inches in caliper measured six (6) inches above grade with a minimum height of four (4) feet above grade when planted.
- 3) Evergreen Trees. Evergreen trees shall be a minimum of five (5) feet in height when planted. Furthermore, evergreen trees shall have a minimum spread of two and one-half (2.5) feet, and the size of the burlapped root ball shall be at least ten (10) times the caliper measured six (6) inches above grade.
- 4) Shrubs. Shrubs shall be a minimum of two (2) feet in height when planted. Low growing shrubs shall have a minimum spread of twenty-four (24) inches when planted.

Minimum Plant Sizes

- 5) Hedges. Hedges shall be planted and maintained so as to form a continuous, unbroken, visual screen within two (2) years after planting, barring unusual growing conditions, such as drought or disease. Hedges shall be a minimum of two (2) feet in height when planted.
- 6) Ground Cover. Ground cover used in lieu of turf grasses in whole or in part shall be planted in such a manner as to present a finished appearance and reasonably complete coverage after one (1) complete growing season.
- 7) Suggested Plant Materials. The following table lists suggested (not required) plant materials

TABLE 5 SUGGESTED PLANT MATERIALS

Common Name	Genus
LARGE DECIDUOUS TREES	
Oaks	Quercus
Hard Maples (except Japanese)	Acer
Hackberry	Celtis
Planetree (Sycamore)	Platanus
Birch	Betula
Beech	Fancus
Ginkgo (male)	Ginkgo
Honeylocust (thornless cultivars)	Gleditsia
Sweetgum	Liquidambar
Hophornbeam (Ironwood)	Ostrya
Linden	Tilia
Hickory	Carya
Hornbeam (blue beech)	Carpinus
ORNAMENTAL DECIDUOUS TREES	
Amelanchier	Amelanchier
Redbud	Cercis
Dogwood (Tree form)	Cornus
Hawthorn	Crataegus
Flowering Crabapple	Malus (disease resistant cultivars only)
Flowering Plum (Tree form)	Prunus
Flowering Pear	Pyrus
Magnolia	Magnolia
Hornbeam	Carpinus
Rose of Sharon	Hibiscus
EVERGREEN TREES	
Fir	Abies
Hemlock	Tsuga
Spruce	Picea
Pine	Pinus
Douglas Fir	Pseudotsuga
Dwarf, Globe, Pendulous species/cultivars are not permitted	
NARROW EVERGREENS	
Juniper	Juniperus
Arborvitae	Thuja
Dwarf, Globe, Pendulous species/cultivars are not permitted	

LARGE SHRUBS	
Dogwood (Shrub form)	Cornus
Cotoneaster	Cotoneaster
Forsythia	Forsythia
Mock-Orange	Philadelphus
Sumac	Rhus
Lilac	Syringa
Viburnum	Viburnum
Witchhazel	Hamamelis
Euonymus	Euonymus
Privet	Ligustrum
Ninebark	Physocarpus
Juniper (Hetz, Pfitzer, Savin)	Juniper (evergreen)
Yew (Pyramidal, Japanese)	Taxus (evergreen)
SMALL SHRUBS - DECIDUOUS	
Barberry	Berberis
Quince	Chaenomeles
Boxwood	Buxus
Cotoneaster	Cotoneaster
Euonymus	Euonymus
Forsythia	Forsythia
Hydrangea	Hydrangea
Holly	Ilex
Privet	Ligustrum
Potentilla	Potentilla
Currant	Ribes
Lilac	Syringa
Viburnum	Viburnum
Weigela	Weigela
SMALL SHRUBS - EVERGREEN	
Fir	Abies
False Cypress	Chamaecyparis
Juniper (Low Spreading)	Juniperus
Spruce	Picea
White Pine	Pinus
Yew (Globe/Spreading/Upright)	Taxus
Arborvitae	Thuja

- 8) Undesirable Plant Material. Use of plant materials that cause disruption to storm drainage or that are susceptible to pests or disease is not encouraged. The following plant materials exhibit such characteristics, and therefore their use is not encouraged in the Township:

TABLE 6 UNDESIRABLE PLANT MATERIALS

Undesirable Plant Materials	
Ashes	Box Elder
American Elm	Tree of Heaven

European Barberry	Poplar
Willow	Silver Maple
Ginkgo (Female)	Black Locust
Honey Locust (with Thorns)	Horse Chestnut (Nut Bearing)
Cottonwood	Mulberry

SECTION 4.5. INSTALLATION AND MAINTENANCE.

The following standards shall be observed where installation and maintenance of landscape materials are required:

- a. Installation. Landscaping shall be installed in a sound, workmanlike manner to ensure the continued growth of healthy plant material. Trees, shrubs, hedges, and vines shall be generously mulched at the time of planting.
- b. Installation of Perimeter Landscaping. Landscaping along the perimeter shall be installed prior to construction, except where such landscaping would be destroyed during construction.
- c. Seeding or Sodding. Lots or parcels shall be seeded or sodded within ninety (90) days after occupancy.
- d. Protection from Vehicles. Landscaping shall be protected from vehicles through use of curbs or wheel stops in parking lots. Landscape areas shall be elevated above the pavement to a height that is adequate to protect the plants from snow removal, salt, and other hazards.
- e. Off-Season Planting Requirements. If development is completed during the off-season when plants cannot be installed, the owner shall provide a performance guarantee to ensure installation of required landscaping in the next planting season.
- f. Maintenance. Landscaping required by this ordinance shall be maintained in a healthy, neat, and orderly appearance, free from refuse and debris. A healthy, neat and orderly appearance includes proper pruning, regular mowing of lawns, and removal of all litter and the replacement of dead and unhealthy plant material. All unhealthy and dead plant material shall be replaced immediately upon notice from the Building Official, unless the season is not appropriate for planting, in which case such plant material shall be replaced at the beginning of the next planting season.

All landscaped areas shall be provided with a readily available and acceptable supply of water, with at least one spigot located within three hundred (300) feet of all plant material to be established and maintained. Trees, shrubs, and other plantings and lawn areas shall be watered regularly throughout the growing season.

All constructed or manufactured landscape elements, such as but not limited to benches, retaining walls, edging, and so forth, shall be maintained in good condition and neat appearance. Rotted, deteriorated, or damaged landscape elements shall be repaired, replaced, or removed.

SECTION 4.6. TREATMENT OF EXISTING PLANT MATERIAL.

The following regulations shall apply to existing plant material:

- a. Consideration of Existing Elements in the Landscape Design. In instances where healthy plant material exists on a site prior to its development, substitution of such plant material in place of the requirements set forth previously in this Chapter, provided such substitution is in keeping with the spirit and intent of this Chapter and the Ordinance in general, is permitted.

Existing hedges, berms, walls, or other landscape elements may be used to satisfy the requirements set forth previously, provided that such landscaping is in conformance with the requirements of this section.

- b. Preservation of Existing Plant Material. When tree preservation credits are deserved, site plans shall show all existing trees which are located in the portions of the site that will be built upon or otherwise altered, and are five (5) inches or greater in caliper, measured twelve (12) inches above grade. A single tree credit, if deserved, shall equal one (1) of the trees required by the provisions of this Chapter.

Trees shall be labeled "To Be Removed" or "To Be Saved" on the site plan. If existing plant material is labeled "To Be Saved" on the site plan, protective measures shall be implemented, such as the placement of fencing or stakes at the drip line around each tree. No vehicle or other construction equipment or supplies shall be parked or stored within the drip line of any tree to be saved.

Trees to be preserved may provide credits toward the required trees for greenbelts, buffers, and parking lot landscaping. To obtain credit, the preserved trees shall be of a high quality and at least five (5) inches in caliper measured 12 inches above grade. Trees to be preserved shall be counted for credit only if they are located on the developed portion of the site.

The credit for preserved trees shall be as follows:

TABLE 7 PRESERVED TREE CREDITS

Caliper of Preserved Tree Measured 12 Inches Above Grade	Tree Landscaping Credits 1 credit = 1 required tree
Over 12 inches	3 credits
8 inches - 12 inches	2 credits
5 inches - 7.9 inches	1 credit

In the event that healthy trees which are intended to meet the requirements of the Ordinance are cut down, damaged or destroyed during construction, the removed trees shall be replaced with the same species as the damaged or removed tree, in accordance with the schedule in Table 10, unless otherwise approved by the Director of Planning and Community Development based on consideration of the site and building configuration, available planting space, and similar considerations:

TABLE 8 DAMAGED OR REMOVED TREE REPLACEMENT SCHEDULE

Caliper Measured 12 Inches Above Grade		Replacement Ratio
Damaged Tree	Replacement Tree	
Less than 6 inches	2 ½ to 3 inches	1 for 1
More than 6 inches	2 ½ to 3 inches	1 replacement tree for each 6 inches in caliper or fraction thereof of damaged tree

SECTION 4.7. MODIFICATIONS TO LANDSCAPE REQUIREMENTS.

In consideration of the overall design and impact of a specific landscape plan, and in consideration of the amount of existing plant material to be retained on the site, the specific requirements outlined herein may be modified, provided that any such adjustment is in keeping with the intent of this Chapter and Ordinance in general. In determining whether a modification is appropriate, the Planning Commission shall consider whether the following conditions exist:

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- a. Topographic features or other unique features of the site create conditions such that strict application of the landscape regulations would result in a less effective screen than an alternative landscape design.
 - b. Parking, vehicular circulation, or land use are such that required landscaping would not enhance the site or result in the desired screening effect.
 - c. The public benefit intended by the landscape regulations could be better-achieved with a plan that varies from the strict requirements of the Ordinance.

Chapter 5 GENERAL OFF-STREET PARKING AND LOADING

SECTION 5.1. PURPOSE AND INTENT.

It is the purpose and intent of this ordinance that off-street parking and loading areas be provided and adequately maintained in every zoning district for the purposes of promoting safe and efficient storage of motor vehicles, to avoid unnecessary congestion and interference with public use of streets and to provide for sound and stable environmental conditions and the prevention of future blighted areas.

(Ord. 97-Z-03, 11-3-1997, eff. 12-12-1997)

SECTION 5.2. OFF-STREET PARKING AND LOADING REQUIREMENTS.

- a. Compliance with District Requirements: In all zoning districts, off-street parking and loading requirements shall be provided in amounts not less than those specified for the various districts.
- b. Specific Use: Requirements for a use not mentioned shall be the same as for that use which is most similar to the use not listed.
- c. Increase in Floor Area or Building Use Capacity: Additional parking shall be provided and maintained in proper ratio to any increase in floor area or building use capacity.
- d. Determination of Parking And Loading Requirements: For the purposes of determining off-street parking and loading requirements, the following provisions shall apply:
 - 1) In mercantile establishments, gross floor area shall mean the floor area used for service to the public. It shall not include floor area used for storage or the processing and packaging of merchandise where it is carried on in a room in which service to the public is not involved.
 - 2) In hospitals, bassinets shall not be counted as beds.
 - 3) Where benches, pews, or other similar seating facilities are used as seats, each twenty inches (20") of such seating facility shall be counted as one seat.
- e. Mixed Uses: In the case of mixed uses in the same building, the total requirements of off-street parking and loading shall be the sum of the requirements for the separate individual uses computed separately.
- f. Joint Uses: Joint or collective provision of off-street parking for buildings or uses on two (2) or more properties shall not be less than the sum of the requirements for the participating individual uses computed separately.
- g. Use of Parking and Loading Spaces for Other Purposes: It shall be unlawful to use any of the off-street parking or loading areas established to meet the requirements of this ordinance for any purpose other than the parking of licensed vehicles or the loading or unloading of necessary service trucks.

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- h. Setbacks: Parking and loading setback areas shall conform to twenty foot (20') front yard and street side yard requirements and off-street parking shall be no closer to any principal building than five feet (5'). Bumper guards or curbs shall be installed to prevent yard encroachment. Parks and Recreational areas for outdoor uses may prevent driveway/parking lot yard encroachment without the use of curb or bumper guards if approved at site plan review.
 - i. Parking and loading areas may be extended to the property line except as herein above specified by subsection h.

(Ord. 97-Z-03, 11-3-1997, eff. 12-12-1997)

SECTION 5.3. SITE DEVELOPMENT AND CONSTRUCTION REQUIREMENTS.

- a. Surfaces: Off-street parking and loading areas for all uses except one- and two-family dwelling units **and parks**, shall be surfaced with a material that shall provide a durable, smooth and dustless surface, shall be graded and provided with adequate drainage to dispose of all collected surface water and, if surfaced with concrete or asphalt, shall conform to the following with either:
 - 1) Six inches (6") of Portland cement concrete; or
 - 2) Two inches (2") of asphalt surface laid over a base of crushed stone with a compacted thickness of six inches (6").
- b. Ingress and Egress: Adequate ingress and egress to the parking areas by means of clearly marked and lighted drives shall be provided:
 - 1) Except for parking space provided on one-family and two-family lots, drives for ingress and egress to parking areas shall be not less than twenty two feet (22') in width.
 - 2) Each entrance to or exit from any off-street parking area shall be at least twenty-five feet (25') from any adjacent lot or parcel.
- c. Lots In Residential Districts: Off-street parking on lots adjoining or within a residential district shall in addition conform with the following requirements:
 - 1) Noncommercial vehicles may be parked in any part of the required side or rear yard except as otherwise provided in this ordinance.
 - 2) Lighting used to illuminate any off-street parking area shall be so located and arranged as to direct light away from the adjoining premises.
 - 3) Where the required parking area of three (3) spaces or more is within forty feet (40') of an adjoining residential district or lot, said parking area shall be no closer to any side or rear property line, than ten feet (10') and within said ten foot (10') strip, either of the following shall be established:
 - a) A planting strip five feet (5') in width approved by the Building Inspector. Said planting strip shall not be less than five feet (5') in height and shall consist of a sufficiently dense material to screen the parking and shall be adequately maintained.
 - b) A solid masonry wall or uniformly treated wood fence not less than five feet (5') in height.
 - c) Said wall or planting strip shall be of such length as the width or length of the parking area.
- d. Lighting: Off-street parking areas shall be lighted when provided for all uses, except single-family and two-family duplexes, in accordance with a plan approved by the Planning Commission and as specified Section 5.7 hereof.

- e. Parking of Vehicles: Parking of vehicles as specified and/or provided in any residential district or agricultural district used primarily for residential, shall be maintained at all times on the driveway surface. For the purposes of subsection 5.3(e), a vehicle shall include a passenger vehicle, station wagon, sedan, van, pickup truck, motorcycle, sport utility vehicle and similar vehicles that display a current registration plate for general operation on public roadways and it must be operable. For recreational vehicle/equipment parking restrictions, see subsection 3.2(o).

(Ord. 97-Z-03, 11-3-1997, eff. 12-12-1997; Ord. No. 11-Z-04, § 1, 4-13-2011, eff. 5-13-2011; Ord. No. 15-Z-03, § 3, 3-7-2016, eff. 3-18-2016)

SECTION 5.4. OFF-STREET PARKING REQUIREMENTS.

The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

TABLE 9 SCHEDULE OF OFF-STREET PARKING REQUIREMENTS

Use	Minimum number of Standard Off-Street Parking Spaces Per Unit of Measure
Residential, One-Family and Two-Family:	One for each dwelling unit
Residential, Multiple-Family:	Two (2) for each dwelling unit
Mobile Home Parks:	One and one-half (1 1/2) for each mobile home unit
Boarding House:	One for each sleeping room
Institutional	
Churches, temples and synagogues or buildings of similar use with fixed seats	One for each five (5) seats
Hospitals	One for each three (3) patients' beds, plus one space for each staff or visiting doctor
Homes for the aged and convalescent homes	One space for each four (4) beds
Pre-school care (day nurseries)	One for each employee
Elementary and junior high schools	One for each one teacher and administrator, in addition to the requirements of the auditorium
Senior high schools and colleges	One for each one teacher and administrator, in addition to the requirements of the auditorium
Lodge halls, meeting halls, community centers or buildings of similar use without fixed seats	One for each four (4) persons of legal capacity as established by local, County or State Fire, Building or Health Codes
Libraries, museums and post office buildings	One for each six hundred (600) square feet of gross floor area
Public office building not elsewhere specified	One for each three hundred (300) square feet of gross floor area
Private golf clubs, swimming pool clubs, tennis clubs or other similar uses	One for each two-member families or individual
Golf courses open to the general public, except miniature or "par-3" courses	Six (6) for each one golf hole
Theaters and auditoriums	One for each four (4) seats
Stadium, sports arena, or similar place of outdoor assembly	One for each three (3) seats or six feet (6') of benches
Business And Commercial:	

Auto wash	In addition, adequate waiting space for autos shall be provided on the premises to accommodate fifty percent (50%) of the hourly rate of capacity
Beauty parlor or barber shop	Three (3) spaces for each of the first two (2) beauty or barber chairs and one and one-half (1 1/2) spaces for each additional chair
Bowling alleys	Four (4) for each one bowling lane
Assembly halls, without fixed seats, for commercial recreation including dance halls, pool or billiard parlors, skating rinks and exhibition halls or buildings for similar assembly uses	One space for each fifty (50) square feet of gross floor area used for permitted use
Restaurants - Establishments for sale and consumption on the premises of beverages, food or refreshments	One for each fifteen (15) square feet of floor area
Furniture and appliances, household equipment, repair shops, showroom of a plumber, decorator or similar trade, shoe repair and other similar uses	One for each eight hundred (800) square feet of usable floor area used in processing
Automobile service stations	Two (2) for each lubrication stall, rack, or pit; plus one for each gasoline pump
Laundromats and coin-operated drycleaners	One for each two (2) washing machines
Miniature or "par-3" golf courses	Three (3) for each one hole
Mortuary establishment	One for each fifty (50) square feet of usable floor space
Motel, hotel, or other commercial lodging establishment	One for each one occupancy unit, plus extra spaces for dining rooms, ballrooms, or meeting rooms as required for each of these uses.
Motor vehicles sales and service establishments	One for each two hundred (200) square feet of usable floor space of sales room, plus one for each one auto service stall in the service room
Retail stores except as otherwise specified herein	One for each one hundred fifty feet (150') of usable floor space
Offices:	
Banks	One for each one hundred fifty (150) square feet of usable floor space
Business offices or professional offices as indicated in the following item	One for each one hundred fifty (150) square feet of usable floor space
Professional offices of doctors, dentists or similar professions	One for each twenty (20) square feet of usable floor area in waiting rooms, plus one for each examining room, dental chair or similar use area
Industrial:	
Industrial or research establishments	Five (5), plus one for each employee on maximum working shift. Space on-site shall also be provided or all construction workers during periods of plant construction
Wholesale establishments	Five (5), plus one for every employee in the largest working shift, or one for every one thousand six hundred (1,600) square feet of usable floor space, whichever is greater.

SECTION 5.5. PERMIT.

No parking lot shall be constructed unless and until a permit is issued.

(Ord. 97-Z-03, 11-3-1997, eff. 12-12-1997)

SECTION 5.6. LOADING REQUIREMENTS.

In all zoning districts, loading areas shall be provided in amounts not less than therein specified.

(Ord. 97-Z-03, 11-3-1997, eff. 12-12-1997)

SECTION 5.7. LIGHTING.

Parking area and other exterior on-site lighting fixtures shall not exceed a height of twelve feet (12') when located within two hundred feet (200') of a residential district, and further may not exceed a height of sixteen feet (16'), unless otherwise permitted by the site plan review.

Exterior lighting shall be so arranged that it is deflected away from adjacent residential districts and adjacent streets.

(Ord. 97-Z-03, 11-3-1997, eff. 12-12-1997)

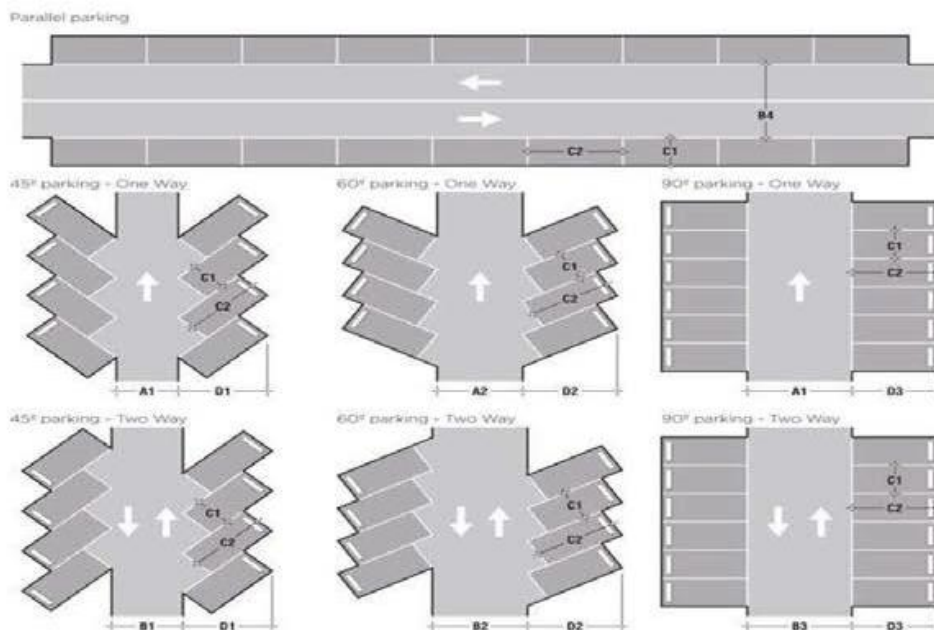
SECTION 5.8. MAXIMUM PARKING SPACES.

For lots with more than 100 spaces, any increase over 10% of required parking must go to the Zoning Board of Appeals.

SECTION 5.9. LARGE PARKING LOT DESIGN STANDARDS.

- a. *Large Parking Lots: Parking lots having eighty (80) or more parking spaces.*
 - 1) *Exception: Parking lots intended for the display of vehicles for sale.* Parking lots designated as employee only parking lots or those used for religious institution parking or school parking shall be exempt.
- b. Large Parking Lot Standards:
 - 1) Large parking lots shall not open unrestricted onto a driveway unless landscaped islands are placed at the end of rows of parking spaces to better separate traffic flows and parking areas.
 - 2) The planning commission will be supplied a parking lot traffic flow plan showing all of the elements addressed above which include the use of landscape islands and separations between driveways and parking lot circulation patterns. The safety of the public is the highest concern during the review.
 - 3) The parking area and driveways are part of a development and are required to be reviewed during site plan review to be in compliance with current standards.
 - 4) The applicant shall supply internal landscaping, not less than eight percent (8%) of the off street parking area, including access and egress drives and such landscape areas.
 - 5) Within boundaries of the parking area, the applicant shall provide not less than one (1) deciduous canopy tree for every twenty (20) parking spaces. The trees shall meet the size and species requirements as required by the Township as outlined in Section 4.4 and Table 5 herein.

- 6) The required trees shall be planted within landscape islands that meet the following standards:
- i. No required landscape area shall contain less than one hundred seventy-five (175) square feet or provide any dimension of less than eight feet (8') in length or width.
 - ii. All perimeter and interior landscaped areas must have protective curbs along the edges. Curbs separating landscaped areas from parking areas may allow storm water runoff to pass through them by way of two-foot (2') or less curb openings on one (1) side. The township has the right to restrict openings or to have screened openings as determined by the planning commission review.
 - iii. Bollards or other township approved protective barriers may be used at the front ends of parking spaces where necessary but may only be used if islands are not practical in that area as determined by the planning commission review.
 - iv. Curbs shall be perforated or have gaps or breaks as necessary for storm water runoff as determined by planning commission review.
 - v. Trees must have adequate setback from parking areas to be protected from car door swing as well as car or truck bumpers.
 - vi. Trees and landscape islands and traffic directional islands shall be distributed throughout the parking lot and shall be situated and designed to provide tree canopy throughout the parking lot with strong emphasis on preventing cars from crossing between traffic rows in areas not intended for car travel.



- 7) Islands shall be designed to help provide safe and orderly travel for motor vehicles in and around the parking area including egress and ingress areas.
- 8) Parking lot lighting shall be considered when islands are placed within the parking lot area, and the use of islands to protect light poles shall be considered as well.
- 9) Significant islands shall incorporate five feet (5') wide sidewalks within them for safe pedestrian movement within large parking lots if deemed necessary by the planning commission review.

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- 10) Every effort shall be made to design large parking lots with controlled traffic flow in mind, to enhance safety and control speeds within in the parking area.
 - 11) When site plan review is required for a non-conforming large parking lot, every effort shall be made to remedy any prior designs that will improve traffic flow to enhance the public's safety. In addition, controlled traffic flow to enhance safety by reducing speeds within the parking area shall be considered at all times.
 - 12) The necessity to separate traffic flow around the perimeter from the parking spaces within a large parking lot is necessary and encouraged in all redesign situations.
 - 13) When possible, trees are to be added to reduce parking lot heating during summer months as determined by the planning commission review.
 - 14) Pedestrian walking areas shall be striped and marked when crossing driveway areas.
 - 15) When designing large parking lots, every effort to slow traffic speeds within new or existing large parking lots by designing traffic lanes and driveways that will naturally carry vehicular traffic into and around parking lot must be made when designing large parking lots.
 - 16) Rain swales shall be required within large parking lots which help to filter rain water before entering the storm water system. See Figures 1 and 2 below as an example.
 - 17) In all cases, the planning commission shall have the authority to require all developers to design a safe traffic flow by use of curbed landscaped islands that will safely funnel vehicular traffic into, around, and out of parking lots.



Figure 1



Figure 2

(Ord. No. 20-Z-06 , § 1, 10-5-2020, eff. 11-9-2020)

Chapter 6 UTILITY LINES

SECTION 6.1. TITLE.

This ordinance shall be known and may be cited as the Thomas Township Utility Line Ordinance.

(Adopted March 2012)

SECTION 6.2. PURPOSE.

It is the purpose of this ordinance to regulate the placement of utility lines within public rights-of-way and public property in order to promote the public health, safety and welfare as follows:

- a. To improve visual quality along major traveled ways and other areas in Thomas Township and diminish the visual blight and clutter created by above ground utility lines;
- b. To minimize the disruption of overhead utility services as a result of inclement weather and other factors;
- c. To bring about the removal of utility poles which present visual or physical inconvenience to the motoring or pedestrian public and pose possible safety hazards due to their location near sidewalks or intersections.

SECTION 6.3. AUTHORITY.

This ordinance is adopted pursuant to the authority set forth and granted by the State of Michigan.

SECTION 6.4. DEFINITIONS.

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

- a. **"Township"** shall mean Thomas Township.
- b. **"Installed Underground"** shall mean the placement of utility lines, including individual service lines, transmission lines and distribution lines, below the finished grade of the right-of-way and the removal (if appropriate) of all poles, guy wires and related structures used to support overhead utility services.

Utility apparatus, as defined in this ordinance, may be mounted on pads at ground level within the right-of-way, if such will not interfere with the convenience of the public.

- c. **"Major Roadway Reconstruction"** shall mean a project where an entire width of road surface and subsurface is to be opened or newly laid with a minimum length of ¼ mile.
- d. **"Overhead Utility Service"** shall mean the location of utility lines, typically for electrical, telephone and cable services or for traffic signals, above ground, supported by utility poles and related structures.
- e. **"Person"** shall mean any individual, firm, company, association, society, corporation or group.
- f. **"Public Improvement Project"** shall mean any project undertaken by a local, state or federal body for the benefit of electrical, telecommunications, audio/visual or other signals, impulses or energy.
- g. **"Utility Lines"** shall include any wire, cable, conduit or other material for the transmission or distribution of electrical, telecommunications, audio/visual or other signals, impulses or energy.
- h. **"Utility Apparatus"** shall include equipment used in connection with a utility service such as transformers, switches, amplifiers and other similar equipment. "Utility Apparatus" shall not include utility lines or poles or related structures to be used to support lines of apparatus above ground.
- i. **"SCRC"** shall mean Saginaw County Road Commission.
- j. **"MDOT"** shall mean Michigan Department of Transportation or State of Michigan.

SECTION 6.5. UTILITY SERVICE INSTALLATION REQUIREMENTS.

- a. All utility services shall be installed in the right-of-way of any road or highway hereafter constructed which is to be dedicated to the SCRC, MDOT, Thomas Township or private utility easement.
- b. All utility services located within the boundaries of a major roadway reconstruction or public improvement project undertaken by the Township, MDOT, SCRC or the US Federal Highway Administration shall be placed underground. The Township Board may waive this requirement for specific projects upon determination that placing utilities underground is not technically feasible.
- c. Any individual utility service line which originates in a public road right-of-way and extends to any building or structure hereafter constructed (including residential or commercial) shall be installed underground. The Township Board may waive this requirement for specific projects upon determination that placing utilities underground is not technically feasible.
- d. Areas of the Township affected by this Section also include the Thomas Township Downtown Development Authority (DDA) District as described on the DDA map.
- e. On all other Township streets, utilities should be placed underground during major roadway or public improvement projects. The Township Board may waive this requirement for specific projects upon determination that placing utilities underground is not technically feasible.
- f. Street lighting, if proposed for any project regulated under this ordinance, shall be served by underground electrical service.

SECTION 6.6. UNDERGROUND UTILITY LINE REGULATIONS.

All utility lines (as hereinafter defined) installed after the effective date of this ordinance within zoning district R-1, R-2, R-3, B-1, B-2 (Northside Business District Overlay), B-3, B-4, B-5, E-1, Great Lakes Tech Park Overlay District, Access/Parallel Overlay Zone, Conservation Development Overlay, Mobile Home Park, M-46 Overlay, M-1, A-1 and A-2 must be buried provided, however, nothing in this article shall prohibit:

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- a. The temporary aboveground location of utility lines during construction or emergency conditions.
 - b. Renewal, reinstallation, relocation, replacement, repair or maintenance of existing aboveground utility lines or installation of aboveground utility lines in location predominantly served by existing aboveground utility lines.
 - c. Aboveground utility lines where underground location would not be feasible due to soil conditions, physical obstructions or terrain.
 - d. The at or above grade location of transformers, service or meter pedestals and similar accessory installations, including any aboveground utility lines necessarily or customarily extending above grade in an underground utility line system.

Further provided, however, the property owner shall provide adequate access for such underground installation at no cost to the utility.

Further provided, however, such underground installation shall not be required in the case of any land area for which a determination of exception has been obtained from the Thomas Township Board.

Chapter 7 ZONING DISTRICTS; TABLE OF USES; BOUNDARIES AND MAP

SECTION 7.1. DIVISIONS OF THE TOWNSHIP.

For the purposes of this ordinance, the Township of Thomas, excepting streets and alleys, is divided into the following zone districts:

- E-1 Environmental Resource
- A-1 Primary Agriculture and Conservation Development
- A-2 General Farming, Open Space, Woodlot, and Conservation Development
- Conservation Development Overlay in A-1 and A-2
- R-1 One-Family Residential Low Density
- R-2 Two-Family Residential Medium Density
- R-3 Multiple-Family Residential Intensive Low Rise
- MHP Residential Mobile Home Park
- B-1 Office and Neighborhood Business
- North Business District Overlay
- B-3 Corridor Business
- B-4 Area-Wide Business
- B-5 Exclusive Business
- M-46 Overlay District
- Gratiot Road Design Guideline Overlay District
- Access/Parallel Overlay Zone
- Great Lakes Tech Park Overlay District
- M-1 Limited Manufacturing

TABLE 10 INTENT AND PURPOSE FOR ALL DISTRICTS

Zoning District	Stated Intent and Purpose
E-1 Environmental Resource	This District's intent and purposes are to provide for conservation of natural resources for wildlife, vegetation and land features for the enjoyment, education and proper utilization by the community and also to provide for protection from hazards to life and property that may result from environmental conditions. Specific functions include the preservation of floodplains from intensive development, protection of woodlands, wetlands and wildlife areas from inappropriate or intensive development, and maintenance of special natural environmental conditions for the proper use and enjoyment of citizens.
A-1 Primary Agriculture and Conservation Development	This District is intended to preserve, enhance and stabilize areas within the Township which are presently being used for farming. It is the purpose of the regulations for this District to promote the orderly, harmonious development of the Township by preserving predominantly rural lands from inappropriate development and to preserve the essential characteristics and economic value of these areas as agricultural and open lands.
A-2 General Farming, Open Space, Woodlot, and Conservation Development	This District is intended to provide for rural, estate-style residential development in farming, open space and woodland areas where prime agricultural soils and environmentally sensitive areas are not generally found. Its purpose is to provide accommodation for such residential lifestyles in an open space atmosphere that permits continuation of farming and other open space uses.
Conservation Development Overlay	The provisions set forth encourage innovative housing developments through permanent dedication of open space and a planned reduction of individual lot area requirements. By grouping dwellings on a limited portion of a development property, the resulting effect is the preservation of much of the rural lands and natural features. An enhanced living environment is then created which will help retain and enhance the rural character found in the Township.
R-1 One-Family Residential Low Density	This District is intended to provide a setting for single-family residential subdivision uses, together with such related uses as schools, churches and recreation uses. The regulations are designed to encourage a residential environment of compatible low density dwellings located on individual lots.
R-2 Two-Family Residential Medium Density	This District is intended to provide for a medium density residential environment of a high quality. The District is further intended to provide for flexible and creative varieties of single-family development and for two-, three- and four-family residential structures that maintain a high quality living environment.
R-3 Multiple-Family Residential Intensive Low Rise	This District is intended primarily for higher density residential uses including apartments, condominiums and townhouses in a low-rise setting. In addition, certain institutional and other compatible uses are permitted under specified conditions. There is no intent to promote by these regulations, a residential district of lower quality or livability than the R-1 or R-2 Districts. It is the expressed purpose of these regulations to provide sites for multiple-family dwelling structures of a low-rise, moderate density character where adequate public and private services and facilities are available to accommodate higher population concentrations.
MHP Residential	The purpose of the Residential Mobile Home Park (MHP) District is to encourage a suitable environment. In keeping with the occupancy characteristics of contemporary mobile homes, this Article establishes low-density standards and

Mobile Home Park	permitted uses that reflect the needs of residents in the District. Development is limited to mobile homes when located in a mobile home park designed for that purpose. Recreational facilities, churches, schools, and necessary public utility buildings are also permitted in the Zoning District.
B-1 Office and Neighborhood Business	The purpose of this District is to accommodate office uses, office sales uses, business services and certain personal services. The District is intended as a transition area between residential areas and more intensive business development and is intended principally for daytime business functions and limited retail intended to meet the day to day shopping convenience needs of persons residing in adjacent residential areas and working in the district.
North Business District Overlay	This area will consist of mixed uses such as, residential, office businesses, and service businesses. The purpose of this ordinance is to implement a structure and to set guidelines that will promote a more uniform visual quality to the overlay district within the Township. It will encourage an attractive architectural theme and encourage a walkabout and pedestrian friendly business district.
B-3 Corridor Business	The purpose of B-3 Business Districts is to serve small to medium-sized businesses that are freestanding or in small shopping centers and serve principally auto-oriented traffic including drive-in, drive-thru, take-out, pick-up and other forms of in-vehicle service. The intent is to provide for retail businesses, personal and business service establishments and small warehouses developed along major arterial roads in a fashion that minimizes traffic congestion, traffic conflicts and hazards and promotes attractive site development.
B-4 Area-Wide Business	The purpose of this District is to accommodate major, large-scale and concentrated businesses that serve a broad economic market area. It is principally intended for consumer-oriented retail shopping and merchandising activities in large-scale outlets, shopping centers or extensive land uses.
B-5 Exclusive Business	The purpose of the B-5 business district is to provide for unique business establishments outside of normal business locations in rural areas that are associated with open space land uses, that require isolation or that relate to or are an established and accepted commercial activity at that location. The intention is to provide business zoning for such uses as require large areas of land and natural vistas, such as special agricultural or nursery functions and similar uses, and also permit continuance and expansion of established freestanding businesses.
Access/Parallel Overlay	The intent of this ordinance is to provide notification and initial direction to land owners, prospective purchasers, prospective developers and adjacent landowners regarding the intended development and requirements of parallel roads on the north and south side of Gratiot Road, M-46. The roads may be built at varying times and for varying lengths as the need and desires of landowners, developers and Thomas Township determine. The purpose of this ordinance is to improve the safe traffic flow on two new and, as yet, undeveloped roads, located parallel to Gratiot Road.
M-46 Overlay	Improvements to M-46 are needed to increase the safety for motorists and restore traffic capacity lost by vehicle turning movements. Access management techniques can be effective in alleviating some of the current congestion, increasing the road's remaining capacity and providing for increased safety when those improvements are implemented, while balancing the substantial need for traffic calming within the existing business corridor along the entire length of the overlay zoning district.
Gratiot Road Design	The purpose of the Gratiot Road Design Guideline Overlay District is to set strong architectural design requirement that mandate the use of materials and design

Guideline Overlay	that will contribute to an improved and safer business district for visitors and residents alike.
Great Lakes Tech Park Overlay	The purpose of the Great Lakes Tech Park Overlay Zone is to provide an environment where high tech uses and functions such as engineering, design, research and development, manufacturing photonics/optics, computer assisted design, robotics, numerical control equipment, prototype development and limited manufacturing, biotechnology, lasers, medical research, materials testing, telecommunications and related storage and assembly operations associated with principal permitted uses can be located.
M-1 Limited Manufacturing	This District is intended for light industrial uses with few, if any, nuisance characteristics, but also permits commercial establishments not engaged in retail sales, and service establishments which are of a type not generally requiring the customer to call at the place of business. The M-1 District is designed to permit manufacturing, processing, assembling, packaging, or treatment of products from previously prepared materials. It is also intended to prohibit residential uses and intensive retail enterprise as being incompatible with the primary industrial and related uses permitted; however, under special land use provisions certain retail and wholesale activities may be permitted.
Wind Inclusion Zone	The purpose of the Wind Inclusion Zone is to provide for Utility Grid Wind Energy Systems in specified areas of A-2 zoning located west of North Graham Road and north of Geddes Road by Special Land Use.

(Ord. 00-Z-02, 1-4-2000, eff. 2-3-2000; Ord. 18-Z-03C, 8-6-2018, eff. 9-17-2018; Ord. 18-Z-03D, 8-6-2018, eff. 9-17-2018)

SECTION 7.2. OFFICIAL ZONING MAP.

The boundaries of these districts are hereby defined and established as shown on a map entitled Zoning District Map, which Map, with all explanatory matter thereon, is hereby made a part of this ordinance by reference. The Official Zoning Map shall be kept and maintained by the office of the Township Clerk.

(Ord. 97-Z-03, 11-3-1997, eff. 12-12-1997; amd. 1998 Code)

SECTION 7.3. INTERPRETATION OF BOUNDARIES.

Where uncertainty exists with respect to the boundaries of any of the districts indicated on the Official Zoning Map, the following rules shall apply:

- a. Following Streets and Highways: Boundaries indicated as approximately following the streets or highways or the center line of said roadways shall be construed to be such boundaries.
- b. Township Boundary Lines: Boundaries indicated as approximately following Township boundary lines or following lot lines shall be construed as following said lines.
- c. Paralleling Streets and Highways: Boundaries indicated as approximately parallel to the center lines of streets or highways shall be construed as being parallel thereto and at such distance as indicated by given distance or scaled dimension.

(Ord. 97-Z-03, 11-3-1997, eff. 12-12-1997)

SECTION 7.4. SCOPE OF REGULATIONS.

No building or structure, or part thereof, shall hereafter be erected, moved, constructed, or altered, and no new use or change in use shall be made unless in conformity with the provisions of this ordinance and with the regulations specified for the district in which it is located.

The regulations applying to such district include specific limitations on the use of land and structure, height and bulk of structures, density of population, lot area, yard dimensions, and area of lot that can be covered by each structure.

The Zoning Board of Appeals shall have the power to classify a use which is not specifically mentioned along with a comparable permitted or prohibited use for the purpose of clarifying the use regulations in any district.

TABLE 11 USES FOR ALL DISTRICTS

Use	E-1	A-1	A-2	R-1	R-2	R-3	B-1	B-3	B-4	B-5	M-1
Accessory uses	R	R	R	R	R	R	R	R	R	R	R
Airports and Commercial Landing Strips		S	S								
Automobile and light truck service, car washes, repair, and gas stations								R	S		
Automobiles and farm equipment sales, new								R	R		
Camper sales and storage									S		
Cemeteries		R	R	S							
Childcare organizations		R			S		S	R			R
Commercial recreation facilities								R	R	R	
Commercial schools							R				R
Conservation areas, structures	R	R	R								
Contractor's establishments											R
Correctional Camps											S
Drilling, operating and maintenance of wells		S	S								R
Drive-in, drive-thru, and take-out retail establishments								R	R		R
Farming, forestry, orchards, horticulture, tree nurseries, livestock raising, animal feeding operations, fur bearing animals	R	R	R								
Funeral homes							R	R	R	R	
Golf courses, country clubs, driving ranges	R	S	S	S	S						
Grain and seed elevators and sales		S	S								
Greenhouses and nurseries selling retail on premises		S	S								
Home occupations	R	R	R	R	R	R					
Hotels and motels							S	R	R		
Incinerators and sanitary landfills											R

Institutions: educational			R	S	S	S					
Institutions: human care				S	S	S	R	R			
Institutions: religious		R	R	R		R	R	R			
Institutions: rehabilitation for drugs or alcohol								S			
Institutions: social			S				R	R			
Junk yards											R
Kennels, veterinary hospitals, clinics		S	S					R			R
Laboratories											R
Livestock auction/production yards		S	S								R
Lumber, hardware								R			
Manufacturing and assembly of electronic equipment, or musical instruments, toys, and novelties, pottery and ceramics											R
Ministorage								R			
Multiple-family dwellings					S	R	R (above 1 st floor)				
Multi-unit housing for personnel when attached to a religious institution or school				R				R			
Nightclubs, bars, taverns, meeting halls								R	R		
Office uses and other complimentary retail uses that do not exceed 20% of gross floor area								R			
On Site Wind Energy System (Building Mounted Wind Turbine: Small Tower Wind Turbine)		R	R								
Open air business uses			S					R	S	S	
Parks and recreation facilities	R	R	R	R							
Personal service establishments							R	R			
Planned Unit Development				S	S	S					

Production, processing, and packaging, manufacturing, assembly											R
Professional offices and services							R		R		R
Public buildings and utility installations and buildings				S	S	S	S	S	S	S	R
Quasi-public facility		S	S	S							
Restaurants and dining establishments							S	R	R		
Retail: food and convenience items							R			R	
Retail Sales								R		R	
Riding stables		S	S								
Roadside stands selling products grown by the property owner		R	R								
Sand, gravel or clay pits and quarries		S	S								
Seasonal labor housing complex associated with agricultural enterprise		S	S								
Sewage treatment, disposal			S								R
Sexually Oriented Businesses								S			
Shooting ranges	R	S	S								
Showrooms for new automobiles and farm equipment									R		
Single-family dwelling	R	R	R	R	R	R					
Solar farm		S	S								
Specialized farming including raising of small animals and livestock		R	R								
State licensed residential facility for 7-20					S	S					
Temporary outdoor uses								R			
Transient lodging										R	
Tree farms, plant nurseries and natural resource areas										R	
Truck terminals											R
Two-family dwellings					R	R				R	
Used auto sales, leasing								S			
Warehouse and storage buildings								R			R

Wholesale establishments										R	
Wireless communication facil.							S	S	S		S
Yard, rummage, garage sale	R	R	R	R	R	R					

TABLE 12 DIMENSIONS FOR ALL DISTRICTS

ZONING DISTRICT	E-1	A-1 A-2	R-1¹⁹	R-2^{19, 20}	R-3	B-1	B-3¹⁶	B-4¹⁷	B-5	M-1¹⁸
Lot Area, Min. s.f.	30,000	43,560 ¹	14,000	10,000 2-fam: 12,000	14,000 ⁵	15,000	15,000	1 acre	15,000	25,000
Lot Width, Min. ft	100	150 ¹	100	80 2-fam: 100	80 Multi- fam: 40	100	100	150	100	125
Front Yard, Min. ft	60	60	35	35	35	35	40	50	50 ¹²	40 ¹⁴
Rear Yard, Min. ft	40	40	40	40	40 Multi- Fam: 60	20	30	30	30	10% lot width
Side Yard, Min. total ft/min per side	40	20	18 ²	20 ³	30 ⁶	25/12	10 ⁹	20 ¹⁰	20 ¹³	
Corner Lot, Street Min. ft	60	60	35	35	35	35	40	50	50	40
Corner Lot, remaining side, Min. ft	40	20	6	10	10	12	12	12	12	12
							Side yard applies for structures without a common wall			
Housing Unit., Min. sq. ft.	1,100	1,100	1,100 Ground floor 700	1-family detached: 1,100 ⁴	1-family detached: 1,100	—				

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					Ground floor 700 ⁷					
Height, Max. ft/stories	40/3	35/2.5	32/2.5	32/2.5	45 ⁸	60		60 ¹¹	60 ¹¹	45/3.5 ¹⁵

Notes:

- ¹ In A-2 Platted subdivisions or site condominium developments of >9 units: min lot area is 30,000 sq ft; min lot width is 100'.
- ² With a min of 6 ft on one side, except where a garage is attached to the principal building, in which case the total side yard requirement is at least 12 ft.
- ³ With a minimum of ten feet (10') on one side, provided there shall be a minimum of twenty feet (20') between contiguous dwelling structures.
- ⁴ Attached single-family including two-family and townhouses: Each dwelling unit shall have a minimum living area 850 square feet of floor area with a minimum of 600 square feet on the ground floor for units of more than one story.
- ⁵ R-3: Townhouses, apartment buildings, condominiums and other multi-family units not to exceed a density factor of eight (8) units per acre provided there is a minimum site of one acre. Minimum lot width of one hundred fifty feet (150') is required. For boarding or rooming houses the lot shall have six thousand (6,000) square feet for the first living unit with at least one thousand two hundred (1,200) square feet for each additional group of four (4) occupant accommodations or major fraction thereof. Each lot, unless otherwise cited, shall at the front building line be a minimum of one hundred feet (100') in width for single-family and two-family structures and one hundred fifty feet (150') for multiple-family structures.
- ⁶ With a min of 15 ft on one side, provided there shall be a minimum of 30 ft between contiguous dwelling structures.
- ⁷ R-3: Attached single family, including 2-family and townhouse: min finished living area 960 square feet, with min of 700 square feet on ground floor with units of more than 1 story.

Multiple Family	0 bedrooms	600 sq ft	2 bedrooms	1,000 sq ft
	1 bedroom	800 sq ft	3 bedrooms	1,200 sq ft

⁸ The maximum building height shall be forty five feet (45') when the minimum side yard requirement is met. For every additional ten feet (10') of side yard the maximum building height may increase by twelve feet (12'). When maximum building height increases are requested, side yard distance shall be measured from the closest side yard line, further provided that within one hundred fifty feet (150') of any R-1 districts no building shall exceed a height of thirty five feet (35').

-
- ⁹ Except on that side or sides of the lot abutting upon a residential or agricultural district, in which case there shall be a minimum side yard of thirty feet (30'). Side yards are not required if a proposed structure will connect with an adjacent commercial structure to form one commercial structure with combined access and parking and if there is a combined parking lot with no more than two (2) ingress/egress locations.
- ¹⁰ Except on that side of the lot abutting upon a residential or agricultural district in which case there shall be a minimum side yard of forty feet (40').
- ¹¹ For every additional ten feet (10') of side yard the maximum building height may increase by twelve feet (12').
- ¹² Except for necessary drives or walks, the yard shall remain clear except that twenty feet (20') may be used for parking.
- ¹³ Except on that side or sides of the lot abutting upon a residential district, in which case there shall be a minimum side yard of sixty feet (60').
- ¹⁴ Side and rear yards shall be ten percent (10%) of the lot width and depth, respectively but need not exceed forty feet (40') each. Where a lot in this District abuts a lot in any residential district, no building in the M-1 District shall be closer than one hundred feet (100') to the property line of such residential lot. Except for landscape improvements and necessary drives and walks, the front yard shall remain clear, and shall not be used for parking, loading, storage, or accessory structures. Side and rear yards except for a strip along the lot boundary ten feet (10') in width may be used for parking and loading but not for storage. The side or rear yard may be eliminated where a railroad service to the site is obtained at the edge of the lot.
- ¹⁵ Provided any buildings within seventy-five feet (75') of a residential district shall not exceed two and one-half (2 1/2) stories or thirty five feet (35').
- ¹⁶ B-3: Each lot shall have a minimum front yard of forty feet (40') and said yard shall remain clear, except for landscaping, drives, walkways and parking. In the case where a lot abuts a residential zoning district, buffering requirements for the B-3 district as contained in Section 3.12, "Buffering", shall apply.
- ¹⁷ B-4: Minimum Lot Size: Each lot shall contain a minimum of one acre, except for permitted uses that can be constructed in freestanding buildings utilizing driveways or ingress/egress roads into large scale projects and except for individual sites with a unified site development of at least five (5) acres, in which case a minimum size of fifteen thousand (15,000) square feet shall be required for each site.
Minimum Yard Requirements: Each lot shall have a minimum front yard of fifty feet (50') and said yard, except for a twenty foot (20') encroachment permissible for parking, shall remain clear and shall not be used for accessory structures. In addition, each front yard shall consist of a thirty foot (30') greenbelt of unobstructed landscaping subject to the approval of the Planning Commission.
In the case where a lot abuts a residential zoning district, buffering requirements for the B-4 district as contained Section 3.12
Maximum Building Height: When maximum building height increases are requested, side yard distance shall be measured from the closest side yard line.
- ¹⁸ M-1: Minimum Yard Requirements: Structures and solid fences or walls shall be no closer to the lot boundary than a distance equal to twice their height. This provision shall not apply to main buildings fifteen feet (15') or less in height, nor to accessory structures, fences or walls ten feet (10') or less in height. When the side or rear yard areas abut land within a residential district and when such yard areas are to be used for parking, loading, unloading, or servicing, then such side and rear areas shall be effectively screened by a solid, uniformly finished wall or fence. Such wall or fence shall be at least four feet (4') in height, but in no case shall the fence or wall be lower than the enclosed parking, loading or servicing activity to be screened.
In the case where a lot abuts a residential zoning district, buffering requirements for the M-1 District as contained Section 3.12 "Buffering", shall apply.
- ¹⁹ Single-family dwellings permitted within R-1 or R-2 areas not serviced and thereby not connected to public water and sanitary sewer shall have a minimum lot size of fifteen thousand (15,000) square feet and a minimum lot width of one hundred feet (100') at the front building line.

²⁰ Two-family dwelling permitted within R-2 areas not serviced and thereby not connected to public water and sanitary sewer shall have a minimum lot size of twenty thousand (20,000) square feet and a minimum lot width at the front building line of one hundred feet (100').

Map 1 Zoning Map

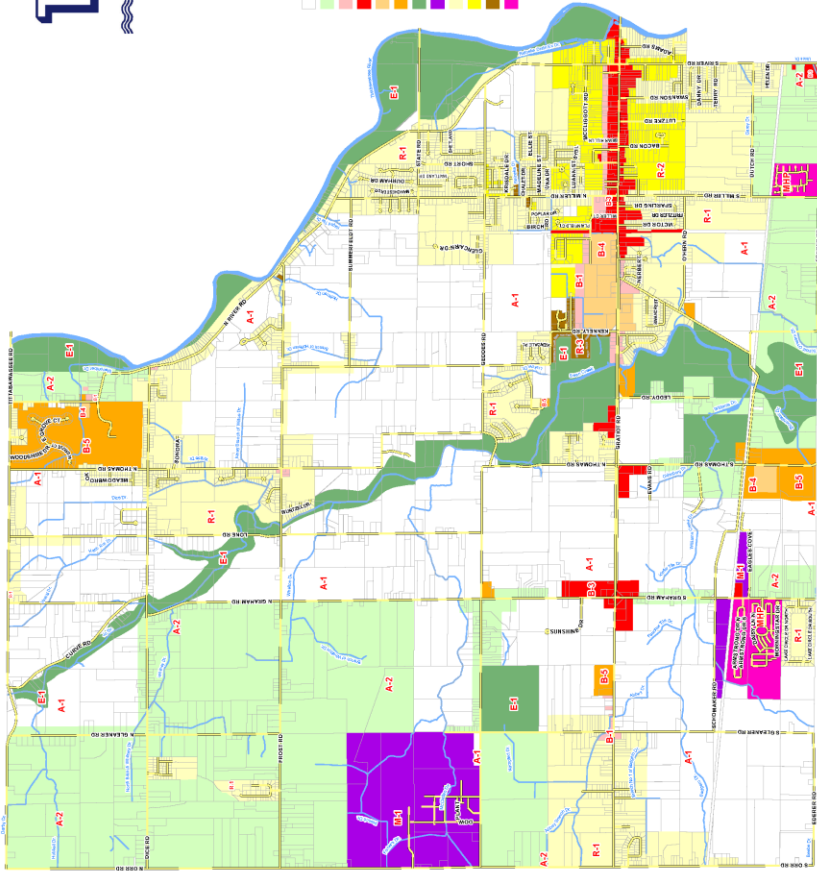


Zoning

- Legend**
- A-1 Primary Agriculture & Conservation Development
 - A-2 General Farming Open Space and Conservation Development
 - B-1 Professional Business
 - B-3 Corridor Business
 - B-4 Area-wide Business
 - B-5 Exclusive Business
 - E-1 Environmental Areas
 - M-1 Limited Manufacturing
 - R-1 Single Family Residential
 - R-2 Medium Density Residential
 - R-3 High Density Residential
 - MHP Mobile Home Park



Created 8/17/2017



(Ord. No. 17-Z-06, 1-8-2018, eff. 1-18-2018; Ord. 18-Z-03E, 8-6-2018, eff. 9-17-2018)

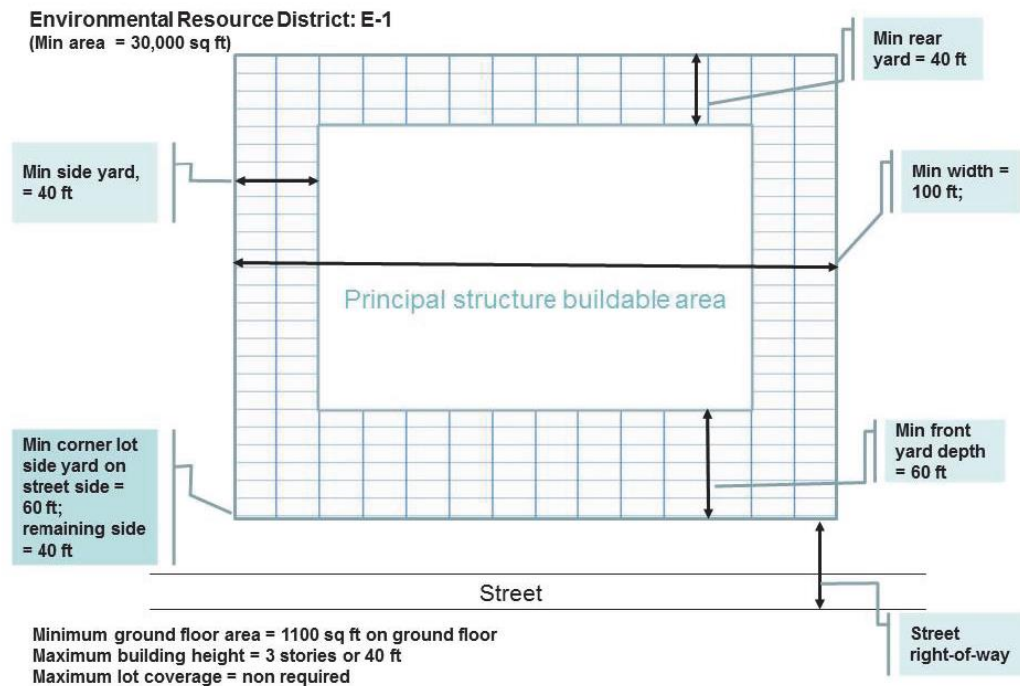
Chapter 8 ENVIRONMENTAL RESOURCE DISTRICT

TABLE 13 ENVIRONMENTAL RESOURCE DISTRICT, E-1; USES

Uses By Right

- Accessory use
- Conservation areas and structures, public and private
- Farming, forestry, field crops, orchards, horticulture, tree nurseries, livestock raising, animal feeding operations, livestock auction/production yards
- Golf courses, country clubs, driving ranges
- Home occupations
- Parks and recreation facilities, public and private
- Shooting ranges
- Single-family dwellings
- Yard, rummage or garage sale

FIGURE 4 ENVIRONMENTAL RESOURCE DISTRICT, E-1, DIMENSIONS



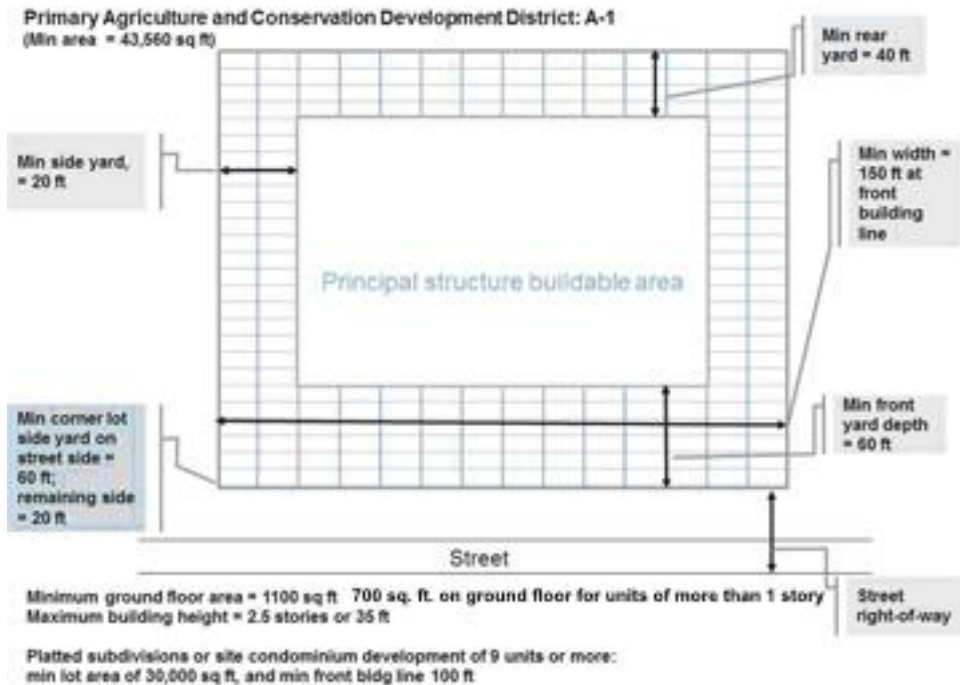
Chapter 9 AGRICULTURAL DISTRICTS

SECTION 9.1. A-1 PRIMARY AGRICULTURE AND CONSERVATION DEVELOPMENT DISTRICT.

TABLE 14—A-1 PRIMARY AGRICULTURE AND CONSERVATION DEVELOPMENT DISTRICT USES

Uses by Right	Uses By Special Permit
• Accessory use	• Airport and commercial landing strips
• Cemeteries, public and private	• Drilling, operating and maintenance of wells
• Childcare organizations	• Golf courses, country clubs, driving ranges
• Conservation areas and structures, public and private	• Grain and seed elevators and sales
• Farming, forestry, field crops, orchards, horticulture, tree nurseries, livestock raising, animal feeding operations	• Greenhouses and nurseries selling retail on premises
• Home occupations	• Kennels, veterinary hospitals, animal clinics
• Institutions: Religious	• Livestock auction yards
• Parks and recreation facilities, public and private	• Non-motorized race tracks
• Roadside stands selling products grown by the property owner	• Production of fur-bearing animals for profit
• Single-family dwelling	• Quasi-public uses
• Farm Manager dwelling	• Riding stables
• Specialized farming including raising of small animals and livestock	• Sand, gravel or clay pits and quarries
• Yard, rummage or garage sale	• Seasonal labor housing complex associated with agricultural enterprise
• On Site Wind Energy System (Building Mounted Wind Turbine; Small Tower Wind Turbine)	• Shooting ranges
	• Solar farm

FIGURE 5 A-1 PRIMARY AGRICULTURAL AND CONSERVATION DEVELOPMENT DISTRICT DIMENSIONS



-
- (A) Farm Manager Dwelling:
- 0 Bedrooms=600 sq. ft.
 - 1 bedroom=800 sq. ft.
 - 2 bedrooms=1,000 sq. ft.
 - 3 bedrooms=1,200 sq. ft.
 - 4 bedrooms=1,400 sq. ft.

(Ord. No. 13-Z-03, § 1, 10-7-2013, eff. 11-15-2013; Ord. No. 15-Z-06, § 1, 2-1-2016, eff. 3-8-2016; Ord. No. 18-Z-04, 6-4-2018, eff. 7-7-2018; Ord. No. 18-Z-03F, 8-6-2018, eff. 9-17-2018; Ord. No. 20-Z-05, § 1, 10-5-2020, eff. 11-9-2020)

SECTION 9.2. A-2 GENERAL FARMING, OPEN SPACE, WOODLOT, AND CONSERVATION DEVELOPMENT DISTRICT.

TABLE 15—A-2 GENERAL FARMING, OPEN SPACE, WOODLOT, AND CONSERVATION DEVELOPMENT DISTRICT

Uses By Right

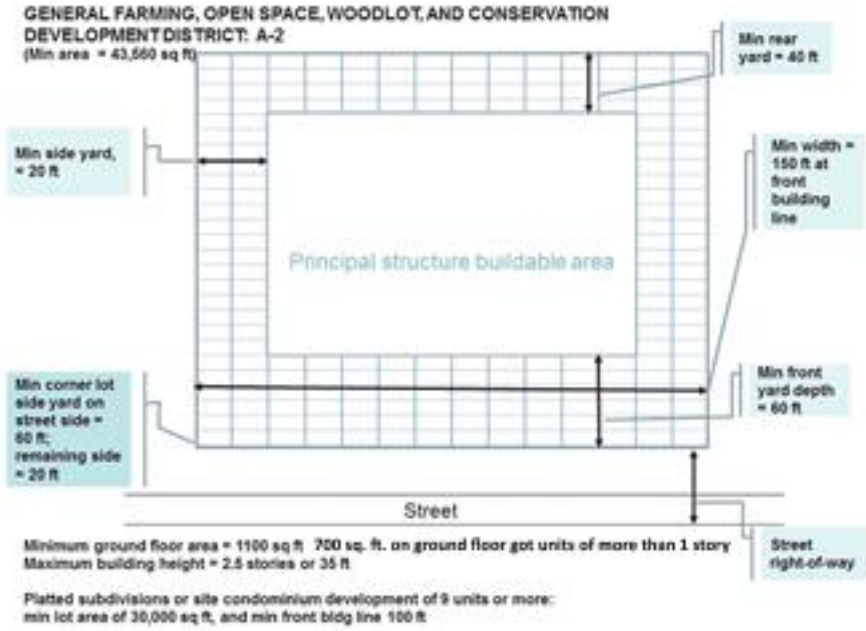
- Accessory use
- Cemeteries, public and private
- Conservation areas and structures, public and private
- Farming, forestry, field crops, orchards, horticulture, tree nurseries, livestock raising, animal feeding operations,
- Home occupations
- Institutions: Educational, Religious
- Parks and recreation facilities, public and private
- Roadside stands selling products grown by the property owner
- Single-family dwelling
- Farm Manager dwelling.
- Specialized farming including raising of small animals and livestock
- Yard, rummage or garage sale
- On Site Wind Energy System (Building Mounted Wind Turbine; Small Tower Wind Turbine).

Uses By Special Permit

- Airports and commercial landing strips
- Drilling, operating and maintenance of wells
- Golf courses, country clubs and driving ranges
- Grain and seed elevators and sales
- Greenhouses and nurseries selling retail on premises
- Institutions: Social

- Kennels, veterinary hospitals, animal clinics
- Livestock auction yards
- Open Air Business
- Production of fur-bearing animals for profit
- Quasi-public uses
- Riding stables
- Sand, gravel or clay pits and quarries
- Seasonal labor housing complex associated with agricultural enterprise
- Sewage treatment and disposal installations
- Shooting ranges
- Solar farms

FIGURE 6 A-2 GENERAL FARMING, OPEN SPACE, WOODLOT, AND CONSERVATION DEVELOPMENT DISTRICT DIMENSIONS



(A) Farm Manager dwelling:

- 0 bedrooms=600 sq. ft.
- 1 bedroom=800 sq. ft.
- 2 bedrooms=1,000 sq. ft.
- 3 bedrooms=1,200 sq. ft.
- 4 bedrooms=1,400 sq. ft.

(Ord. 97-Z-03, 11-3-1997, eff. 12-12-1997; Ord. No. 14-Z-01, § 1, 4-7-2014, eff. 5-19-2014; Ord. No. 15-Z-06, § 2, 2-1-2016, eff. 3-8-2016; Ord. No. 18-Z-04, 6-4-2018 eff. 7-7-2018; Ord. No. 18-Z-03G, 8-6-2018, eff. 9-17-2018; Ord. No. 20-Z-04, § 1, 10-5-2020, eff. 11-9-2020)

SECTION 9.3. CONSERVATION DEVELOPMENT REGULATIONS AND STANDARDS.

- a. Intent and Purpose: Because of accelerating suburban development in agricultural and rural areas of Thomas Township, a need to preserve the Township's pristine features has been created. The provisions set forth encourage innovative housing developments through permanent dedication of open space and a planned reduction of individual lot area requirements. By grouping dwellings on a limited portion of a development property, the resulting effect is the preservation of much of the rural lands and natural features. An enhanced living environment is then created which will help retain and enhance the rural character found in the Township.
- b. Establishment of Overlay District: Conservation development districts are herein established as overlay districts. The conservation development overlay districts are described on the Township Zoning Map as "A-1 Primary Agriculture and Conservation Development District" and "A-2 General Farming, Open Space, Woodlot, and Conservation Development District". The overlay district's open space significance is based upon a combination of factors including soil type, topography, existing vegetation and habitat, historic use of land, size of parcel, use of land for agricultural purposes and character of surrounding area.
- c. Permitted Uses:
 - 1) Single-Family Use: Single-family residential dwellings (including site condominium) are permitted having a minimum of one thousand one hundred (1,100) square feet of living area.
 - a) Setbacks: The following design parameters will be used to establish setbacks.
 - i. Front and rear yard setbacks may be staggered to provide for maximum variety in the size of such yards.
 - ii. Exception: If a garage is to be front-loaded from the street, the minimum front yard setback from the street right-of-way or street easement shall be twenty-six feet (26').
 - iii. The minimum distance between dwellings shall be twelve feet (12'), six feet (6') from property lines.
 - b) Lot Width: The following design parameters will be used to establish lot widths:
 - i. Lots not served by public sanitary sewer shall have a minimum of one hundred feet (100') of frontage at the front building line.
 - ii. Lots served by public sanitary sewer shall have a minimum of ninety feet (90') of frontage at the front building line.
 - iii. Lots served by public water and by public sanitary sewer shall have a minimum of eighty feet (80') of frontage at the front building line.
 - 2) Residential Accessory Uses: For every single-family residential dwelling, two (2) accessory buildings shall be permitted per parcel. One accessory building may be constructed up to one hundred fifty (150) square feet in size, and one accessory building may be constructed up to six hundred (600) square feet in size.
 - a) Side wall height may not exceed ten feet (10').
 - b) Overall height may not exceed seventeen feet (17') to the peak.
 - c) Setbacks within a conservation development for residential accessory buildings shall be ten feet (10') from a side property line and ten feet (10') from the rear property line.

- 3) Incidental Accessory Uses: Accessory uses incidental to the principal permitted uses include recreational activities, which are passive and occur on common open space lands only, such as soccer fields, softball fields and similar type fields, including parks and boat launches.
 - 4) Agriculture Accessory Uses: Agriculture, horticulture or floriculture accessory use buildings, livestock raising operations and animal stables are allowed in open space areas if approved during site plan review. Permitted uses within dedicated open space shall be required to meet the following requirements:
 - a) Side wall height may not exceed twenty-five feet (25').
 - b) Overall height may not exceed forty feet (40') to the peak.
 - c) The setback from a side property line shall be seventy-five feet (75').
 - d) The setback from a rear property line shall be twenty-five feet (25').
 - e) The setback from a front property line or right-of-way shall be seventy-five feet (75').
 - f) Any accessory structure(s) or building(s) constructed in open space areas shall not exceed, in the aggregate, one percent (1%) of the open space area.
- d. General Development Standards:
- 1) Ownership and Control: A proposed conservation development shall be under single or limited ownership control, such that a single person or entity has proprietary responsibility for the completion of the development. The applicant shall provide documentation of ownership or control in the form of agreements, contracts or covenants that indicate the development will be completed as proposed.
 - 2) Density Standards:
 - a) Number Of Dwellings:
 - b) The total number of residential dwelling units permitted in a conservation development shall be determined by submitting a limited detail conventional subdivision plan identifying the lots and buildable lands using the underlining A-1 or A-2 lot size standards.
 - c) The maximum number of lots allowed under the Conservation Development Ordinance is the same as the number allowed in a conventional subdivision plan, not including additional lots allowed due to lot credits. In a conservation development each lot is smaller, according to the chart in Example 1 hereof. Once additional lots allowed are computed using the credits, the conservation development site plan may be established for review by the Planning Commission.
 - d) The Planning Commission shall review the limited detail conventional subdivision plan during the same meeting that the proposed new conservation development site plan is reviewed, this will ensure no delay during the review process.
 - e) In no case shall the maximum density specified for the zoning district in which the conservation development is located, be increased by more than the bonus percentage credit.
 - 3) Lot Sizes: Lots not served by public or common sanitary sewer shall have a minimum lot area of fifteen thousand (15,000) square feet. Lots served by public or common sanitary sewer shall have a minimum lot area of twelve thousand (12,000) square feet. Lots served by public water and by public or common sanitary sewer shall have a minimum lot area of ten thousand (10,000) square feet.

TABLE 16 CONSERVATION DEVELOPMENT DISTRICT - LOT SIZES

	Lot Size
No sanitary sewer	15,000 square feet

With sanitary sewer	12,000 square feet
With public water and sewer	10,000 square feet
Maximum lot size	20,000 square feet

e. Credits:

- 1) Density Standards Credit: The total number of dwelling units permitted in a conservation development shall be determined as explained in the density standards, and in the following bonus percentage increase given for the following credits;
- 2) Shoreline Credit: To encourage preservation of river and stream areas and to provide an incentive for property owners to incorporate the areas surrounding water bodies into an open space network, a shoreline credit shall be permitted if the following requirements are met:
 - a) Step 1: One additional lot may be added to the conservation development for each five hundred (500) lineal feet of shoreline protected.
 - b) Step 2: A minimum of one hundred feet (100') of open space must be created along the shoreline that is protected subject to permanent open space dedication.
 - c) Step 3: All provisions of the Flood Plain Ordinance must be complied with when considering this credit.
- 3) Pathway Credit: To encourage the development of a pathway within the open space area, a pathway credit will be given to a developer who completes the following steps:
 - a) Step 1: A credit of one additional lot shall be given if a pathway is created and installed. It must be installed prior to the sale of any lot within the development.
 - b) Step 2: The pathway is no less than five feet (5') wide, has a raised base so that it drains properly, is covered by a surface other than grass or dirt, such as wood chips, pavement or stone.
 - c) Step 3: All pathways are significant in length as determined by the Planning Commission, in order to take advantage of the available open space. The pathway should be circular in nature going around the development and connecting developments when feasible.
- 4) Recreation Area Credit: To encourage the development of parks, playgrounds or recreational fields, a recreation area credit will be given to a developer who completes the following steps:
 - a) Step 1: A credit of one additional lot shall be given if a recreation area is developed. The recreation area must be shown on brochures and must be staked out prior to the sale of any lot within the development so that potential buyers are aware of its location.
 - b) Step 2: The recreation area must include one of the following items: 1) a baseball, soccer, football or similar field; 2) a picnic area with tables and park benches; 3) other nonmotorized recreation areas that are approved by the Planning Commission.
 - c) Step 3: All recreation areas will be significant in overall size and will be beneficial to the residents as determined by the Planning Commission, in order to take advantage of the available open space.
 - d) Step 4: These recreation areas may be open to the public or limited to the use of residents living within the conservation development depending upon how the open space is restricted from further development. The means to allow public access or restricted access must be in the master deed of the development.

-
- 5) Open Space Area Credit: To encourage the preservation of open space, an open space area credit will be given to a developer who can show a significant increase in open space area preservation. One of the following two (2) options must be met:
 - a) Option 1: A credit of one additional lot shall be given if a development preserves sixty percent (60%) of the determined buildable area as open space within a development.
 - b) Option 2: A credit of two (2) additional lots shall be given if a development preserves seventy percent (70%) of the determined buildable area as open space within a development.
 - c) Condition: All computations to determine if an open space area credit will be given shall be done with the additional lot(s) added into the development prior to making the computation to determine if credit should be given.
 - f. Open Space Standards:
 - 1) Areas Not Considered Open Space: The following areas shall not be calculated as dedicated open spaces:
 - a) Open space shall not include areas devoted to public or private road rights of way or any land that has been or is to be conveyed to a public agency for utilities.
 - b) Any area devoted to county drain easements.
 - c) All existing surface water bodies and regulating wetlands.
 - 2) Calculating Open Space: Except as noted above, any undeveloped land area within the boundaries of the parcel may be included as required open space.
 - 3) Use Of Open Space: All land within a development that is not devoted to a residential unit, an accessory use, vehicle access, vehicle parking, a roadway, approved land improvement or is not considered "open space" as defined above shall be considered dedicated open space and shall be set aside as common land for recreational, conservation and agricultural uses and preserved in an undeveloped state. Further subdivision of open space lands, or their use for other than recreation, conservation or agriculture shall be prohibited.
 - 4) Minimum Open Space Percentage: Dwelling units, including those allowed through bonus provisions and/or credits, shall be grouped so that open space within a development is at least fifty percent (50%) of the total area of buildable land.
 - 5) Open Space Access: Pedestrian access points to open space shall be required between rows of six (6) or more lots, and at the end of culs-de-sac. Access points must be of common ownership and a minimum of six feet (6') in width. The Planning Commission shall determine if additional access points are necessary for pedestrian access to open areas or if a modification of this standard is necessary.
 - 6) Maintenance Vehicle And Open Space Access: Conservation developments shall provide maintenance vehicle access to interior common areas that require mowing or tilling.
 - 7) Waterway Buffering: All dwellings and accessory structures shall be no less than one hundred feet (100') from any lakes, ponds, rivers and streams. Only with approval of the Planning Commission may a roadway be placed within this buffer area and efforts should be made to eliminate any encroachment when possible.
 - 8) Preservation of Open Space: Open space shall be set aside by the developer through an irrevocable conveyance that is acceptable to the Township. All forms of protecting open space within a conservation development shall be subject to the review of the Township Attorney and all transfers of property to the Township are subject to approval by the Township Board. Forms of dedicating open space may include:

- a) A conservation easement.
 - b) Covenants that run perpetually with the land. Use of dedicated open space may be restricted to dwelling owners within the development.
 - c) Transfer of deed to Township, County or State ownership with Township Board approval. The open space must be suitable for parks, ball fields or public access to waterways and for a boat launch. The transferred dedicated open space will be considered public lands.
 - d) Two (2) forms of the above mentioned preservation options may be used together if a portion of a parcel is being deeded to the Township, County or State and a portion of a parcel is being retained for the development's dwelling owners to use exclusively as covenant protected open space.
- 9) Conveyance Standards: Such conveyance shall assure that the open space will be protected from all forms of development, except as allowed under this ordinance and shown on an approved site plan and shall never be changed to another use. Such conveyance shall:
- a) Indicate the allowable use(s) of the dedicated open space with site plan approval.
 - b) Require that the dedicated open space be maintained by parties who have an ownership interest in the open space.
 - c) Provide standards for scheduled maintenance of the open space.
 - d) Be recorded on every deed of parcels within the development.
- 10) Trees In Open Spaces: Three (3) trees no less than two feet (2') tall and twenty-five (25) trees not less than ten inches (10") tall, marked by a planting stick thirty six inches (36") tall, must be planted within the open space area for every residential building lot created within the open space development. The location of the tree plantings and type of tree to be planted is subject to Planning Commission approval. All tree plantings shall be on dedicated open space areas only. No more than fifty percent (50%) of the same species of tree may be planted within the developments open space area. If recreation areas or farm fields are developed within the open space, the tree plantings may be located around the perimeter of the fields or in groups.

TABLE 17 NUMBER OF TREES REQUIRED IN OPEN SPACE AREA PER LOT DEVELOPED

3 trees	2 feet tall
25 trees	10 inches tall
Total	28 trees

- a) An inspection of the required open space area and tree plantings shall be required by the developer a minimum of twelve (12) months after initial planting. Any tree plantings that died or have been removed must be replaced.
 - b) The Planning Commission may require a performance bond or case deposit, equal to the cost of the trees and their installation. The proceeds of this deposit shall be returned to the developer only after a written report from the developer is presented to the Township stating the findings of the inspection. The Township may inspect the site to verify all findings.
- 11) Installation Delay: If seasonal conditions such as snow and ice do not allow for the planting of trees in open space areas or the installation of sidewalks along open space, a delay in planting or installation may be granted.
- a) The delay may only be granted until May 31, at which time planting of said trees and/or installation of sidewalks must be commenced as determined by the Township Building Inspector.

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- b) A performance bond or other acceptable monetary assurance will be required to ensure the required installation of sidewalks and/or tree plantings is completed. The Township Engineer shall determine the amount of monetary assurance to be held by the Township until the required work is completed.
 - c) If after May 31, the required sidewalk installation or tree plantings have not commenced as determined by the Building Inspector, the Township may use the deposited funds to complete the required work.
 - d) All additional funds necessary to complete said work above the deposited amount will be charged to the parcel owner(s) and if necessary a lien will be placed on the parcel and required funds may be collected from the property tax paid on said parcel(s).
- g. Housing Development Standards:
- 1) Dwelling Placement: Dwelling units shall be carefully located and designed. Dwelling placement shall be planned to screen homes from off-site vantage points, away from environmentally sensitive areas, existing agricultural uses and away from areas subject to land management practices that will cause dust, noise, smoke, odors or similar problems.
 - 2) Residential Tree Plantings: All residential lots shall have three (3) trees planted in the front yard area a minimum of six feet (6') high prior to obtaining an occupancy permit.
 - 3) Sanitary Sewer: If sanitary sewer or public water is provided within the development, all provisions for the review and approval by the Township must be completely followed. If there is a public sanitary sewer within five hundred feet (500') from any portion of the proposed development, the sanitary sewer shall be provided according to Township requirements.
 - 4) Water: If there is an existing or extendible public water supply within five hundred feet (500') from any portion of the proposed development, the water shall be provided according to Township requirements.
 - 5) Lot Drainage: All lots shall have lot drainage that shall comply with all requirements of the Storm Water Management Ordinance. Open space area undisturbed may not be required to be evaluated for storm water review.
 - 6) Septic System: If not served by public sanitary sewer, the following on-site septic system procedure may be followed upon Township approval:
 - a) In order to meet the Saginaw County Health Department and Department of Environmental Quality's requirement for lot size, a portion of the open space area may be used for septic system lot size computation and if necessary for its installation.
 - b) The open space area used for septic system computation and installation must be restricted to the installation of an individual dwelling septic system only. The following conditions must be met prior to Township Planning Commission approval of any such system:
 - i. The development is not served by public or common sanitary sewer.
 - ii. The septic system must be placed as close as possible to the dwelling using the system.
 - iii. The County Health Department and all State required installation details must be followed.
 - iv. Open space area used as part of the required septic system computation may only be used once.
 - v. The site plan submitted for review by the Township Planning Commission must show the area to be used in the septic system calculation.

-
- vi. The parcel owner must remove the septic system from the open space area if public sanitary sewer is connected to the dwelling.
 - vii. Open space areas having septic systems on them may not in any way be turned over to the Township as Township property.
 - viii. The open space area used for the septic system may not be maintained as lawn for any dwelling owner.
 - ix. If the open space is farmed, no plantings shall be allowed over the septic system.
 - x. No trees may be planted over a septic system in open space areas.
- c) Prior to Construction: Prior to any residential construction within a conservation development, all roadways, drainage and utilities must be installed within one year of the first home start. All pathways must be installed prior to any residential construction.
 - d) Signage: All proposed signage in the residential area shall be regulated as if it were zoned R-1.
- h. Sidewalk Standards: Sidewalk Requirements: The following provisions shall be used for the location and placement of required sidewalks within a conservation development:
- 1) Sidewalks In Front of Dwellings: A five foot (5') wide sidewalk must be installed along the frontage of every dwelling. A minimum setback from the edge of the roadway of eight feet (8') is required unless approved by the Planning Commission. The sidewalk must be installed prior to obtaining an occupancy permit.
 - 2) Sidewalks Along Open Space: A five foot (5') wide sidewalk must be installed along the frontage of every residential dwelling and installed along at least one side of every roadway that has frontage on common open space area.
 - 3) Sidewalk Ramps: An approved sidewalk ramp to the roadway, meeting sidewalk ordinance standards must be installed at the end of all sidewalks stopping at common areas and a similar approved ramp must be located directly across the roadway to connect the sidewalks on opposite sides. All sidewalks must meet the specifications for sidewalk construction and maintenance found in the Thomas Township Sidewalk Ordinance. The Thomas Township Planning Commission shall have final approval of sidewalk location. The Planning Commission may require sidewalks on both sides of a roadway if it is determined to be necessary for public safety.
 - 4) Sidewalks along Public Roadways: Sidewalks within a conservation development must extend to the public roadway with an approved sidewalk ramp. Sidewalks are required along the frontage of any public roadway.
 - 5) Sidewalk Design: The site plan must show a cross section of required sidewalks showing the type of materials, sidewalk base and surface elevation in relation to the grade, all of which must meet the sidewalk construction standards found in the Township Sidewalk Ordinance. Sidewalks must be constructed to meet all requirements found in the Sidewalk Ordinance.
- i. Governmental Construction Authority Standards: Nothing in this ordinance shall be construed as prohibiting further construction or use of land by any government body for public purposes where consistent with the zones and regulation of this chapter.
- j. Private Roads.
- 1) Access: Conservation developments shall have access to a public roadway by connection to another conservation development or by physical connection. Access to conservation developments shall be provided internally from roadways constructed within the proposed development. Any entrance or exit

drive shall be located no closer than two hundred feet (200') from any existing street or road intersection as measured from the nearest right-of-way line.

- 2) Internal Roads: Construction of private roads as a means of providing access and circulation is required within a conservation development. All roadways constructed shall provide adequate storm drainage systems, including necessary storm sewers, drain inlets, manholes, culverts and bridges and shall be required in all developments. The drainage requirements for each development shall be established by the Thomas Township Storm Water Management Ordinance. All roads designed for a conservation development must be approved by the Township Engineer and the Saginaw County Drain Commissioner, prior to construction. The following requirements must be established within all conservation development deed restrictions:
 - a) A deed restriction to be placed on the project site that perpetually vests fee simple the land area in the parties adjoining the road and prohibits future transfer to the public, prohibits future lot splits.
 - b) A deed restriction placed on each lot with a private road maintenance plan attached stating that only lot owners within the development shall pay for roadway maintenance and snow removal and that the Township shall not be responsible for any future improvements to the private road.
- 3) Review Notice: Application, review and approval of a proposed private road shall follow the same procedures, as site plan review application with regards to notice and timing.
- 4) Sealed Prints: Application for approval of a private road shall include a site plan sealed by a professional engineer showing:
 - a) Lot Lines: Existing and proposed lot lines.
 - b) Structures: The location of existing structures.
 - c) Width Of Roads: The width and location of the private road easement.
 - d) Road Materials: A cross section of the proposed road, showing the types of material the road base and surface will consist of.
 - e) Utility: Utility plans including the location, size and capacity of storm water drainage systems to comply with the Storm Water Management Ordinance, sewer or septic systems, water lines or private well locations and private utilities such as telephone, electrical and cable service.
 - f) Driveways: Proposed locations of driveways off the private road to any recreational fields.
 - g) Right-of-way: Any existing or proposed structures, trees or other obstructions within the proposed right-of-way.
 - h) Land Division Ordinance: All division of land shall be in compliance with the Land Division Ordinance.
 - i) Traffic Calming: All private roads within a conservation development shall use significant traffic calming designs that will reduce speeds naturally. The use of green islands and curved roads to slow traffic naturally will be required on all roads over six hundred feet (600') in length.
- 5) Standards: The proposed private road shall meet the following standards:
 - a) The minimum right-of-way width shall be fifty feet (50'), provided that an applicant can request a reduction in right-of-way width in order to protect natural features provided that in no case may the right-of-way is less than forty feet (40').

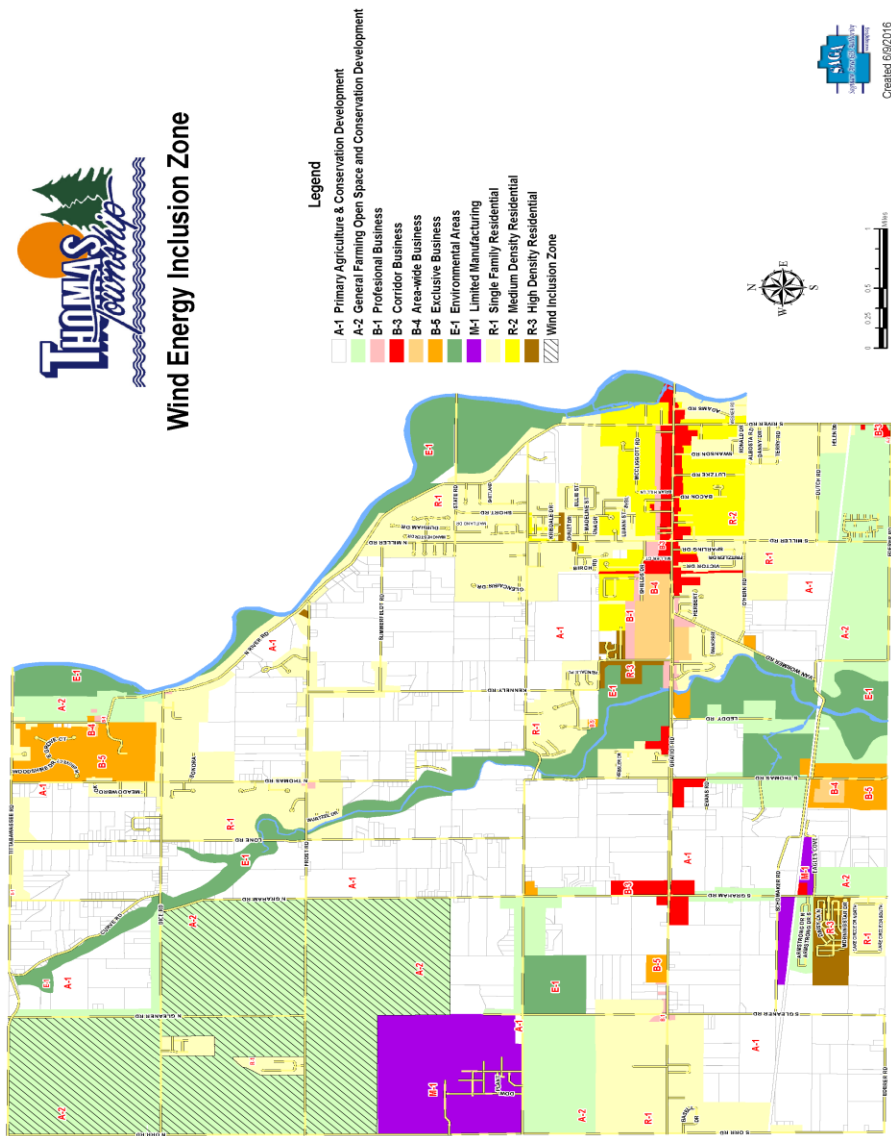
-
- b) All roads shall be paved with bituminous asphalt or concrete and shall have a base design meeting the standards found in the "Saginaw County Road Commissions Procedures, Standards and Specifications for Plat Development" handbook. The following shall be complied with:
 - i. If bituminous is used, the private road shall be constructed meeting the rural cross section design for a typical concrete all season road as outlined in the handbook.
 - ii. If concrete is used, the private road shall be constructed meeting the rural cross section design for a typical concrete all season road as outlined in the handbook.
 - iii. Only the width of the bituminous or concrete surface as shown in the handbook may be narrowed to three feet (3'), nothing less will be allowed to ensure adequate emergency vehicle access.
 - c) The maximum grade within one hundred feet (100') of an intersection shall be three percent (3%).
 - d) No fence, wall, sign, screen or any planting shall be erected or maintained in such a way as to obstruct vision between a height of three feet (3') and ten feet (10') within the triangular area formed by the intersection of a road right-of-way line and a private road right-of-way line and a line connecting two (2) points which are located on those intersecting right-of-way lines, thirty feet (30') from the point of intersection.
 - e) In no instances may a cul-de-sac be over one thousand five hundred feet (1,500') in length from the main access road within the conservation development. The maximum number of dwellings in a group shall be determined by the Planning Commission.
 - f) Any driveways off of a private road shall be at least forty feet (40') from the intersection of the private road right-of-way.
 - g) Intersections of private roads with public roads shall be at an angle as close to ninety degrees (90°) as possible, but in no case shall it be less than eighty degrees (80°) or more than one hundred degrees (100°).
 - h) Private roads shall meet the maintenance requirements as provided in the deed restrictions of the development.
 - i) Parcels fronting on private roads shall meet the required conservation development lot size requirements.
 - j) Unobstructed vertical clearance of not less than thirteen feet six inches (13'6") is required over all roads.
 - k) Roads in excess of one hundred fifty feet (150') in length shall have an approved turnaround for emergency vehicles.
 - l) Roadways shall remain unobstructed from locked gates, barriers, etc., at all times giving emergency vehicles access to the development.
 - m) Access: No private road shall provide connection or access to industrial or commercial property.
 - n) Inspection Fee: An inspection fee shall be paid by the developer prior to site plan review, so that the Township Engineer may ensure proper and safe private road construction. Fee to be set by Board resolution.

(Ord. 00-Z-01, 1-4-2000, eff. 2-3-2000; Ord. 03-Z-02, 10-6-2003, eff. 11-14-2003)

SECTION 9.4. WIND INCLUSION ZONE.

A proposed Wind Inclusion Zone has been established in Thomas Township. The general location is West of North Graham and North of Geddes Roads shown on the Wind Inclusion Zone Map in specified areas zones A-2; General Farming, Open Space, Woodlot, and Conservation Development District.

Utility Grid Wind Energy Systems shall be considered a special land use in the specified wind zone areas as noted on such map.



(Ord. No. 18-Z-03B, 8-6-2013, eff. 9-17-2018)

Chapter 10 RESIDENTIAL DISTRICTS

SECTION 10.1. R-1 RESIDENTIAL ONE-FAMILY, LOW DENSITY DISTRICT.

TABLE 18 R-1 RESIDENTIAL ONE-FAMILY DISTRICT USES

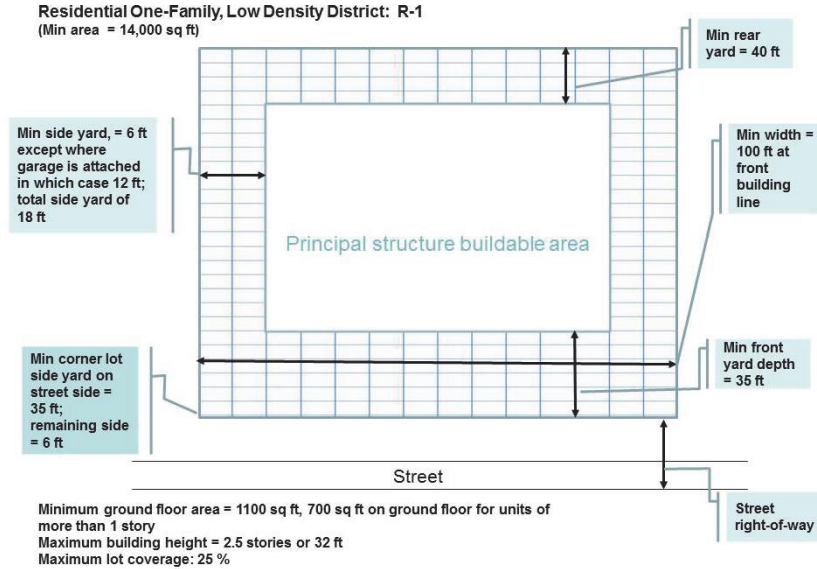
Uses By Right

- Accessory use
- Cemeteries, public and private
- Home Occupations
- Institutions: Religious
- Multi-unit housing for personnel when attached to a religious institution or school
- Parks and recreation facilities, public and private
- Quasi-public facility
- Single-family dwellings
- Yard, rummage, or garage sale
- Cemeteries, public and private; Quasi-public facility

Uses by Special Permit

- Cemeteries, public and private
- Golf courses, country clubs and driving ranges
- Institutions: Educational, Human care
- Planned unit development
- Public buildings and utility installations and buildings
- Quasi-public facility

FIGURE 7 R-1 RESIDENTIAL ONE-FAMILY DISTRICT DIMENSIONS



SECTION 10.2. R-2 RESIDENTIAL TWO-FAMILY, MEDIUM DENSITY DISTRICT.

TABLE 19 R-2 RESIDENTIAL TWO-FAMILY DISTRICT USES

Uses By Right

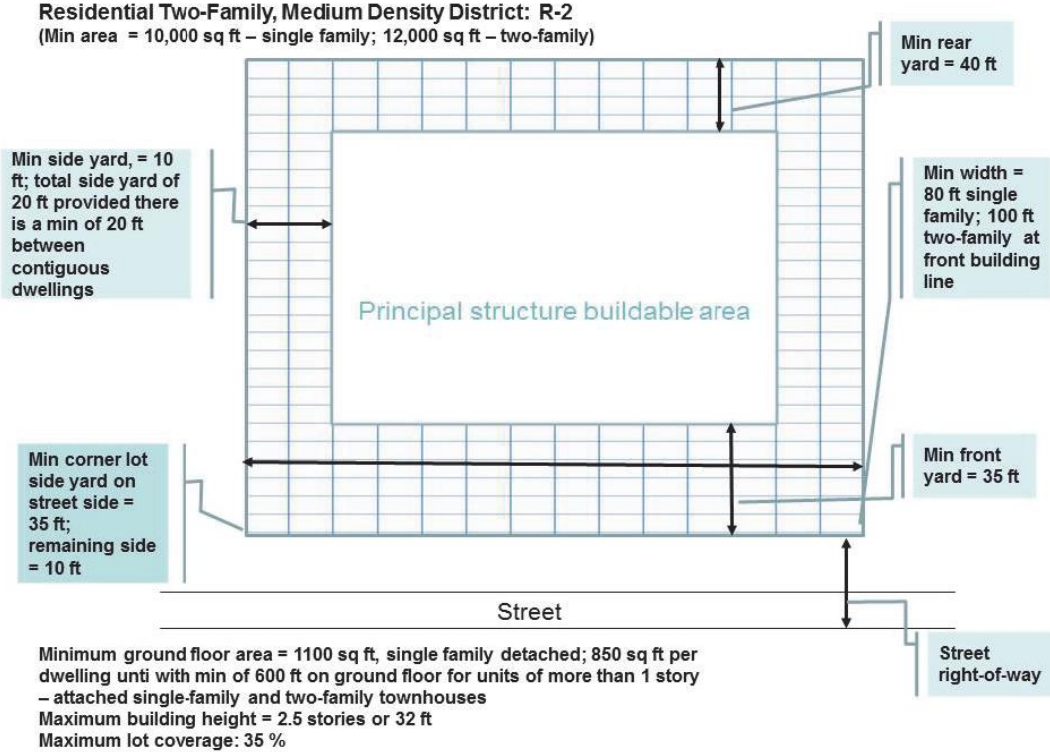
- Accessory use
- Cemeteries, public and private
- Home occupations
- Institutions: Religious
- Multi-unit housing for personnel when attached to a religious institution or school
- Parks and recreation facilities, public and private
- Quasi-public facility
- Single-family dwelling
- Two-family dwellings
- Yard, rummage, or garage sale

Uses by Special Permit

- Childcare organizations
- Golf courses, country clubs, driving ranges
- Institutions: Educational, Human care
- Multiple-family dwellings

- Planned unit developments
- Public buildings and utility installations and buildings
- State licensed residential facility for 7-20

FIGURE 8 R-2 RESIDENTIAL TWO-FAMILY DISTRICT DIMENSIONS



SECTION 10.3. R-3 RESIDENTIAL MULTIPLE-FAMILY, INTENSIVE LOW RISE DISTRICT.

TABLE 20 R-3 RESIDENTIAL MULTIPLE-FAMILY DISTRICT USES

Uses By Right

- Accessory use
- Home occupations
- Institutions: Religious
- Multi-unit housing for personnel when attached to a religious institution or school
- Multiple-family dwellings
- Public buildings and utility installations and buildings
- Single-family dwelling
- Two-family dwellings

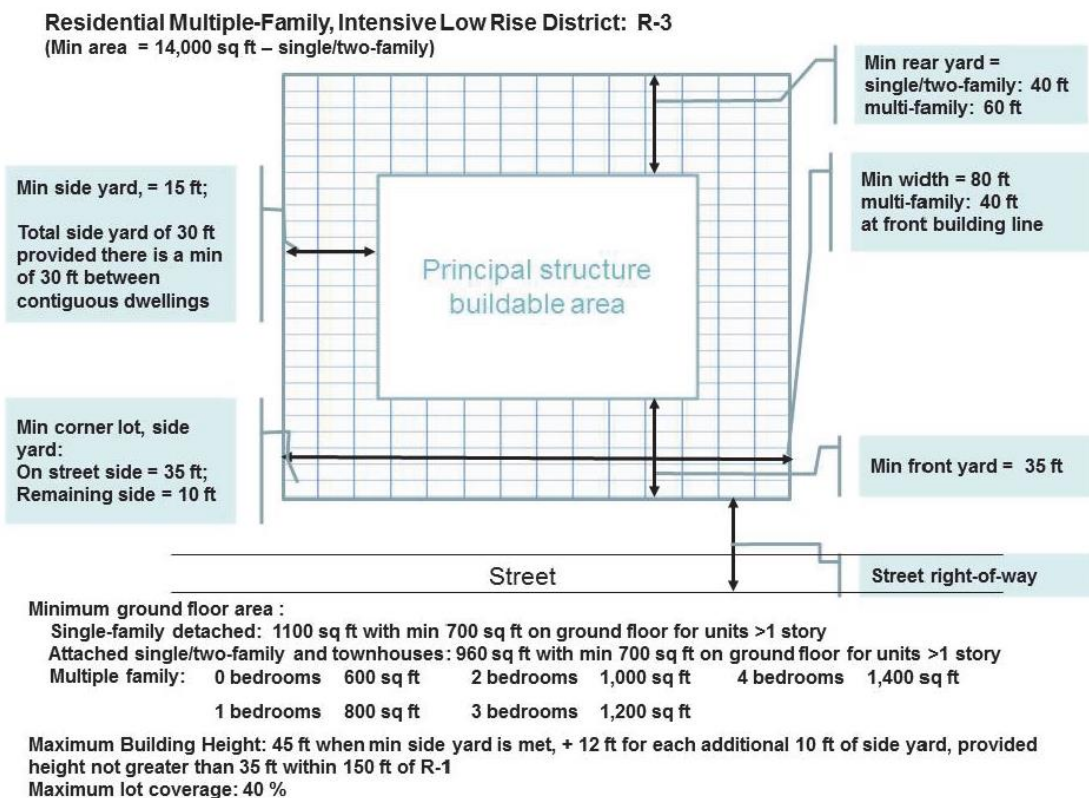
- Yard, rummage or garage sale

Uses by Special Permit

- Funeral Homes
- Golf courses, country clubs
- Institutions: Educational, Human care
- Mobile home park developments
- Planned unit developments
- Public buildings and utility installations and buildings
- State licensed residential facility for 7-20

(Ord. No. 14-Z-01, § 1, 4-7-2014, eff. 5-9-2014)

FIGURE 9 R-3 RESIDENTIAL MULTIPLE-FAMILY DISTRICT DIMENSIONS



Chapter 11 RESIDENTIAL MOBILE HOME PARK DISTRICT (MHP)

SECTION 11.1. INTENT AND 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 mobile home park designed for that purpose. Recreational facilities, churches, schools, and necessary public utility buildings are also permitted in the Zoning District.

It is further the intent of Thomas Township that MHP Districts will be served adequately by essential public facilities and services as may be provided by the developer or Township such as highway, police, and fire protection, water and sewer service, drainage structures, and refuse disposal; and that the establishment of any MHP District shall not create excessive requirements for public facilities and services.

Pursuant to the provisions and authority of the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, Thomas Township hereby reserves the right to regulate the development of land for mobile home parks and to thereby establish MHP Districts to ensure that mobile home parks are situated in appropriate locations and relationships so as to:

- a. limit the inappropriate overcrowding of land and congestion of population, transportation systems, and other public facilities;
- b. to facilitate adequate and efficient provision for such necessary facilities; and,
- c. to promote the public health, safety, and welfare. Mobile home park developments shall be limited to MHP Zoning Districts which shall be designated on the Thomas Township Zoning District Map by the Township Board of Trustees after a public hearing, review, and recommendation by the Township Planning Commission in accordance with the requirements of PA 110 of 2006.

The designation and location of MHP Districts shall be based upon and consistent with the intent and purpose of this Article, the goals and objectives of the Township Master Plan, and any other development plans or ordinances that may be adopted by the Township.

(Ord. 97-Z-03, 11-3-1997, eff. 12-12-1997)

SECTION 11.2. USES PERMITTED BY RIGHT.

The following are the principal permitted uses by right within an MHP District provided that a plan of the proposed development is approved by the State of Michigan in accordance with PA 96 of 1987, as amended, otherwise known as the Mobile Home Commission Act, and provided further that the said development proposal meets the standards and conditions and all other provisions as herein established:

- a. Mobile home parks, subject to the requirements of the Mobile Home Commission Act, Act 96 of 1987, as may be amended. Mobile homes shall be designed for occupancy as a dwelling unit and shall contain a minimum of seven hundred twenty (720) square feet of living area within the mobile home.
- b. Accessory buildings and services required for normal operation of the mobile home park. Such establishments or service facilities shall be designed and intended to serve frequent needs of persons residing within the park and may be permitted provided that such uses shall be subordinate to the residential character of the park and shall present no visible evidence of commercial character to any area outside of the park boundaries.
- c. Noncommercial recreational facilities, churches, schools, and necessary public utility buildings.

(Ord. 97-Z-03, 11-3-1997, eff. 12-12-1997; amd. 1998 Code)

SECTION 11.3. USES SPECIFICALLY PROHIBITED.

The following uses of land are prohibited within the MHP District:

- a. All uses other than those uses permitted by right shall be prohibited within the MHP District.
- b. The business of selling new and/or used mobile homes as a commercial operation in connection with the operation of a mobile home development is prohibited. New or used mobile homes located on lots within the mobile home development to be used and occupied within the mobile home park may be sold by a licensed dealer and/or broker. This subsection shall not prohibit the sale of a new or used mobile home by a resident of the mobile home development provided the development permits the sale.

(Ord. 97-Z-03, 11-3-1997, eff. 12-12-1997)

SECTION 11.4. MOBILE HOME PARK DEVELOPMENT PROVISIONS.

Mobile home park developments are subject to all minimum requirements and standards as established in the Mobile Home Commission Act, Act 96 of 1987 as amended, and any and all rules and regulations promulgated pursuant to Act 96, as may be amended, unless otherwise provided herein as follows:

- a. Park Site Standards:
 - 1) Site for Mobile Home: Sites for the placement and occupancy of mobile home units within a mobile home park developed under Act 96 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 percent (20%), 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 require 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.
 - 2) Site for Mobile Home Park: Minimum site size for mobile home parks shall be fifteen (15) acres.
 - 3) Utilities: Minimum standards for plumbing, heating, and electrical systems shall be those set forth by the United States Department of Housing and Urban Development (HUD) Manufactured Home Construction and Safety Standards. Mobile homes built to the standards of the American National Standards Institute (ANSI) or the State of Michigan Construction Standards shall also be acceptable for those homes constructed prior to the effective date of HUD certification.
 - 4) Maximum Building Height: Maximum height for any building or structure shall not exceed two and one-half (2 1/2) stories or thirty five feet (35').
 - 5) Mobile Home Space Standards: No personal property shall be stored outside or under any mobile home. Storage sheds may be used to store property but need not be supplied by the owner of the mobile home development.
 - 6) Utilities Standards:
 - a) Electricity: Electric lines to each mobile home park space shall be installed underground and specially designed for that purpose. When separate meters are installed, each meter shall be located in a uniform manner.

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- b) Natural Gas: Natural gas service to each mobile home park space, if provided, shall be installed underground. When separate meters are installed, each meter shall be located in a uniform manner.
- 7) Landscaping And Ground Cover: Exposed ground surfaces in all parts of the mobile home park shall be paved or covered with stone or other solid material or protected with grass, trees, or shrubs that are capable of preventing soil erosion. The ground surface in all parts of every mobile home park shall be graded and equipped to drain all surface water in a safe, efficient manner.
 - a) If the mobile home park abuts an existing residential development, the park shall be required to provide screening along the park boundary abutting the residential development.
 - b) In all cases, however, a park shall provide screening along the park boundary abutting a public right-of-way. The landscaping shall consist of evergreen trees or shrubs of a minimum three feet (3') in height which are spaced so they provide a continuous screen at maturity. Alternative screening devices may be utilized if they conceal the mobile home park as effectively as the required landscaping described above.
- b. Public Health And Safety:
 - 1) Fire Hydrants: Fire hydrants shall be installed in all mobile home parks for which public water systems are available and shall be in compliance with the requirements and provisions of the current local Fire Code in effect at the time of permit application.
 - 2) Street Names and House Numbers: For the protection of the public safety, an orderly street name system and numbering system shall be established by the mobile home park owner and a plan of this system shall be verified with the Township Fire and Police Departments. Mobile home space numbers shall be located uniformly on each space. Mobile Home Park and street names shall be adequately marked.
 - 3) Pets: Dogs, cats, or other pets shall not be permitted to run at large or to commit any nuisance within the park.
 - 4) Open Fires: Cooking shelters, barbecue pits, fireplaces, and wood-burning stoves or incinerators shall be so located, constructed, maintained and used as to minimize fire hazards and smoke nuisance both on the site and on neighborhood property. Open fires shall not be allowed except in facilities provided and all such fires must be attended. No fuel shall be used or items burned which emit dense smoke or objectionable odors.
 - c. Performance Bond: Upon approval of a mobile home park by Thomas Township, a bond, executed by any surety company authorized to do business in the State of Michigan, may be required to be delivered to the legislative body by the applicant for the faithful performance of provisions of this ordinance. Said bond shall be in an amount to be determined by the legislative body and shall be conditioned upon the completion of all acts relative the construction, alteration, or extension of any mobile home park approved by the Township.

(Ord. 97-Z-03, 11-3-1997, eff. 12-12-1997)

Chapter 12 BUSINESS DISTRICTS

SECTION 12.1. B-1 OFFICE AND NEIGHBORHOOD BUSINESS DISTRICT.

TABLE 21 B-1 OFFICE AND NEIGHBORHOOD BUSINESS DISTRICT USES

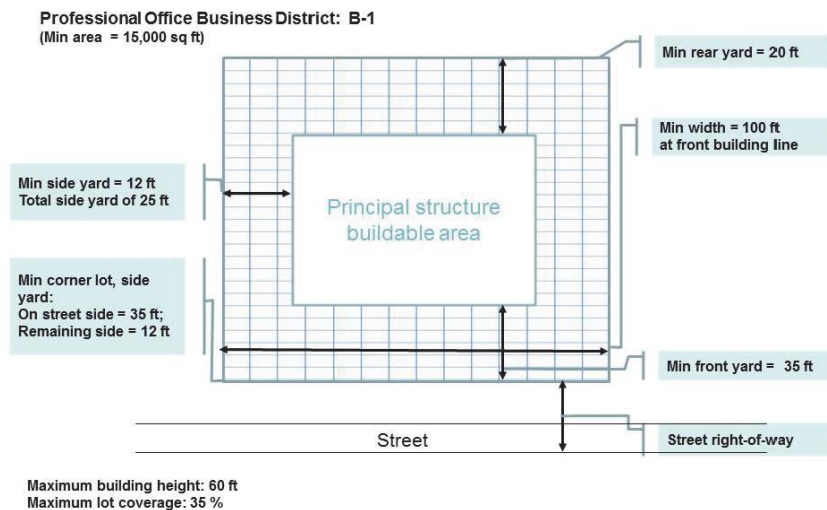
Uses By Right

- Accessory uses
- Commercial schools
- Funeral homes
- Institutions: Human care, Religious, Social
- Multiple-family dwellings, above the first floor
- Personal service establishment
- Professional offices and services
- Retail: food and convenience items
- Single-family dwellings
- Temporary outdoor uses
- Two-family dwellings
- Yard, rummage, or garage sale

Uses By Special Permit

- Camper sales and storage
- Childcare organizations
- Hotels and motels
- Public buildings and utility installations and buildings
- Restaurants and dining establishments
- Wireless communication facilities

FIGURE 10 B-1 OFFICE AND NEIGHBORHOOD BUSINESS DISTRICT DIMENSIONS



(A) *Residential Building Dimensions in the B-1 Office and Neighborhood Business District.*

(B) *Minimum Ground Floor Area:*

Single-family detached: 1100 square feet, with minimum 700 square feet, on ground floor for units \geq 1 story.

Attached single/two family and townhouses: 960 square feet with minimum 700 square feet on ground floor for units \geq 1 story.

Multiple family:

0 bedrooms (square feet)600

1 bedroom (square feet)800

2 bedrooms (square feet)1,000

3 bedrooms (square feet)1,200

4 bedrooms (square feet)1,400

[(C)] *Maximum Building Height:* 45 feet when minimum side yard is met + 12 feet for each additional 10-foot of side yard, provided height is not greater than 35 feet within 150 feet of R-1.

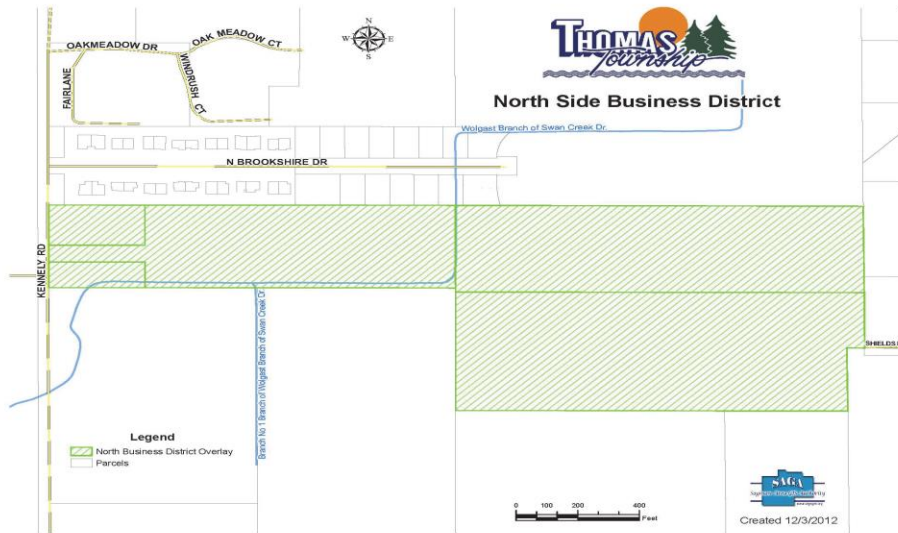
(Ord. No. 15-Z-02, § 1, 8-3-2015, eff. 9-22-2015)

SECTION 12.2. B-2 NORTH BUSINESS DISTRICT OVERLAY ZONE.

MAP 2 B-2 Overlay Zone

SECTION 12.2 B-2 NORTH BUSINESS DISTRICT OVERLAY ZONE

MAP 2 B-2 Overlay Zone



Adopted: March 4, 2013

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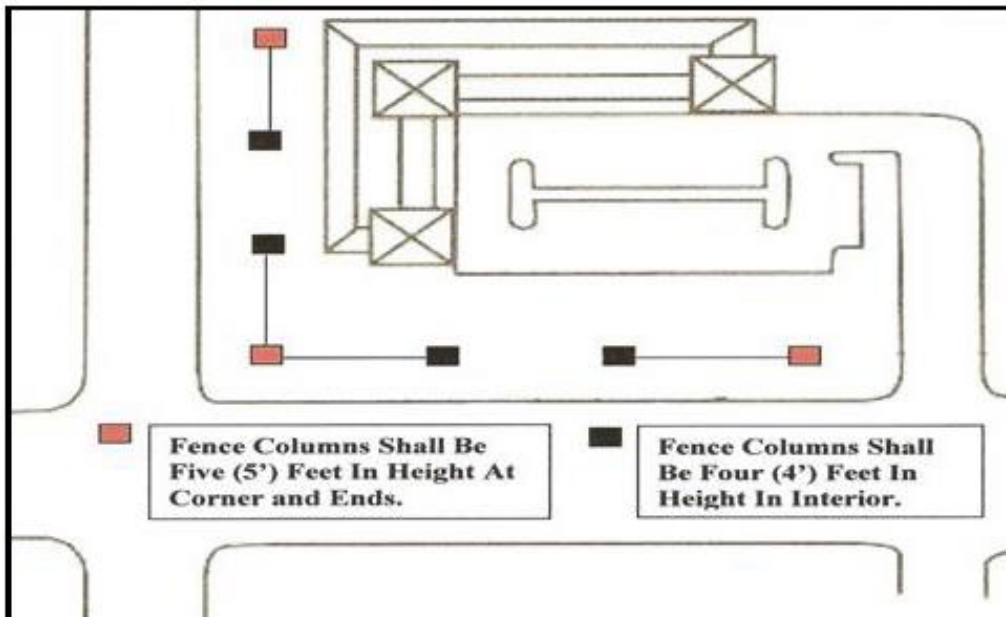
REQUIRED STREETScape DESIGN IN THE B-2 DISTRICT

a. Commercial Building Design Standards:

- 1) All developments within the specified area as defined above will install, at key locations, stone pillars and simulated wrought iron fencing with the following standards:
 - a) A maximum of eighteen (18') feet length of simulated black wrought iron fence will be installed between each brick pillar. Pillars shall be spaced between six (6') feet and eighteen (18') feet apart when fencing is installed between pillars. The township manager has the right to adjust pillar spacing if necessary.
 - b) All fences will be between thirty-two (32") inches and thirty-six (36") inches in height.
 - c) Stone pillars will be twenty-four (24") inches by twenty-four (24") inches in width with a square edge limestone cap. The height of the cap shall not exceed two (2") inches in height. The overall height of the pillar will be as follows:

- i. All pillars will be four (4') feet in height.
- d) The stone color of the pillars shall consist of Owens Corning Culture Stone - Chardonnay Country LedgeStone (CSV - 20006) or will match existing pillars as determined by the community development department. All joints between the decorative stone veneer must be filled with mortar to about one-half-inch (½") thickness of decorative stone. Finish joints with a stiff-bristle brush or masonry tool to form a somewhat joint surface, sealing the joints from water infiltration.
- e) All fences will be located between four (4') feet and eight (8') feet behind the sidewalk or pathway or match the fence on adjoining properties as determined by the community development department. Location of proposed fencing must be staked and approved by the community development department prior to the installation of any pillars/fencing.
- f) A minimum of one (1) section offence is required in each required direction from the corner pillar. In no case will sections of fence be separated from each other by more than thirty-two (32') feet.

FIGURE 11 COLUMN DIAGRAMS



- b. Commercial Building Setbacks: All buildings must be set back from the county road or state highway right-of-way a minimum of fifteen feet (15').
- c. Commercial Rooftop Design Standards:



Figure 12 STREET POLE LIGHT & PILLARS.

- 1) Rooftops shall be designed to flow with the wall architecture. Architectural elements to the rooftops are encouraged. The color must be appropriate or not unusual and must flow with the building design. Elevations are required to eliminate long flat rooftops. This will add visual interest and variety.
 - 2) Asphalt shingles, standing metal seamed material, or other compatible materials shall be required on roofs. Other materials may be used if approved by the Planning Commission. A pre-site plan review meeting with township staff and Planning Commission members is strongly encouraged to review materials being proposed.
 - 3) Roof mounting equipment, including, but not limited to, air conditioners, heating equipment, noise control devices, and any other such appliances, must be hidden so that it is not visible from the ground. The screening must be compatible with the architectural design of the building.
- d. Commercial And Residential Lighting:
- 1) Street pole lighting is required and one (1) pole must be placed every one hundred (100') feet. The design shall meet the following specifications:
Twenty (20') foot black STD pole assembly including:
 - a) 1 UCL-LUM-FLR-H-250 PSMH-MT Metal Halide FI (Lamp GE MUR250VBUPA)
 - b) 1 - SLA 18 Arm
 - c) 1-PR442B-226 4 In STD Black Pole
 - d) 1-BC6-4 Standard Base Cover.
 - e) RBC - Receptacle Housing W/WP Cover.
 - f) 2095 P & S Ground Fault Duplex Receptacle.
 - 2) The street pole lighting design must be the same for the residential district as well.

-
- 3) Lighting is required to adequately illuminate all parking areas, having a minimum candle power of 10 in all areas of the parking lot.
 - 4) All developments must illuminate only the parcel under review. At no time shall lighting adversely affect adjacent parcels because of over illumination. If requested, the developer shall provide a full illumination plan.
 - 5) All lighting plans must be submitted to and approved by the Thomas Township Planning Commission.
- e. Commercial Awnings:
- 1) Definition: An "awning" shall be a roof-like structure, made of canvas, which serves as a shelter, over a storefront, window, door, or deck.
 - 2) Required: Awnings shall be required to enhance the building design.
 - 3) Construction Material: Awnings must be constructed of durable, protective, water repellent material, but cannot be made of fiberglass or plastic.
 - 4) Writing Prohibited: No writing shall be placed on the top of the awning. Awnings shall be constructed in a basic shape/design. Writing on top of the awning will be prohibited.
- f. Commercial Signs Within The Overlay District Only:
- 1) Definition: A "sign" shall refer to any building wall sign that is connected to the wall of a building, projected, or suspended from the building, or any sign attached to any exterior part of a building.
 - 2) Compatibility: If wall signs are used, they must be compatible with the style, colors, and details of the building and design. Street pole signs are not allowed.
 - 3) Perpendicular Wall Signs: Perpendicular wall signs may be allowed however, they shall not exceed twelve inches (12") in height and thirty six inches (36") in length.
 - 4) Size: The size of the signs must follow the Thomas Township ordinance, title 13, "Sign Regulations".
Note: An awning and a wall sign may both be used, however, when determining total signage, it will be under Thomas Township's discretion as to how much will be allowed.
- g. Maintenance: General upkeep and maintenance is required. Certain measures will be incorporated for the protection against the elements, neglect, damage, and abuse.
- h. Landscaping:
- 1) Landscaping is required and must be approved by the Planning Commission.
 - 2) Trees must be planted every fifty feet (50') and follow the same design pattern. The primary tree of choice will be the Cleveland select flowering pear tree. Secondary tree types will be the crimson maple tree, and the red maple. Two (2) ornamental grasses will also be used, Karl Foerster and the perennial fountain grass.
 - 3) Landscaping must be kept up by the business owners at all times.
- i. Commercial Parking:
- 1) Parking must adequately serve the customers without detracting from the design.
 - 2) Off street parking will be limited to the back of the building only.
 - 3) Side parking may be allowed in certain circumstances, but must meet the off street parking requirements.
- j. Commercial Sidewalks:

-
- 1) A five foot (5') sidewalk must be installed in any area where sidewalks are required per the sidewalk ordinance. The Planning Commission may require an additional sidewalk if it determines it is necessary for pedestrian safety.
 - 2) Sidewalks must also connect from the front entrance to the public walkway.
 - 3) Sidewalks must meet the standards of the Township sidewalk ordinance.

(Ord. 07-G-02, 6-20-2007, eff. 7-26-2007; Ord. No. 11-Z-02, § 1, 3-16-2011, eff. 4-16-2011; Ord. No. 14-Z-02, § 1, 4-7-2014, eff. 5-9-2014; Ord. No. 20-Z-03, § 1, 10-5-2020, eff. 11-9-2020)

SECTION 12.3. B-3 CORRIDOR BUSINESS DISTRICT.

TABLE 22 B-3 CORRIDOR BUSINESS DISTRICT USES

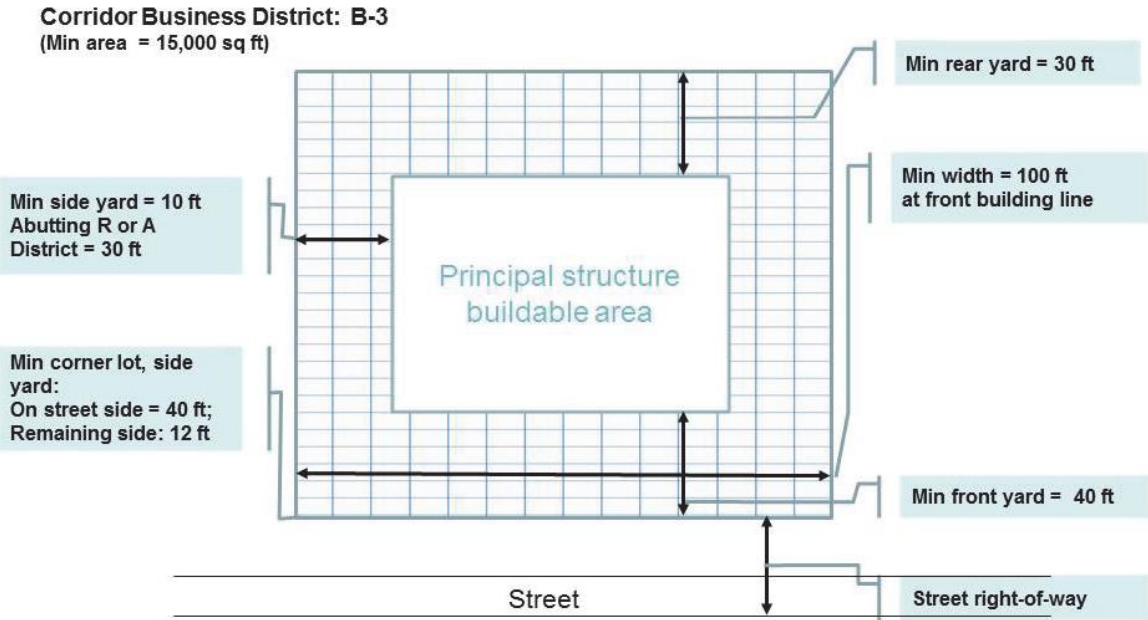
Uses By Right

- Accessory uses
- Automobile and light truck service, car washes, repair and gas stations
- Automobiles and Farm equipment sales, new
- Childcare organizations
- Commercial recreation facilities
- Drive-in, drive-thru, and take-out retail establishments
- Funeral homes
- Hotels and motels
- Institutions: Human care, Religious. Social
- Kennels, veterinary hospitals, clinics
- Lumber, hardware
- Ministorage
- Multi-unit housing for personnel when attached to a religious institution or school
- Nightclubs, bar, taverns, meeting halls
- Office uses, retail uses, and other similar uses
- Open air business uses
- Personal Service Establishments
- Restaurants and dining establishments
- Retail sales
- Temporary outdoor uses
- Warehouse and storage buildings

Uses by Special Standards

- Automobile and light truck service, repair and gas stations
- Institutions: Rehabilitation for drugs or alcohol
- Sexually oriented businesses
- Used automobile sales lots and leasing services
- Warehouse/Distribution
- Wireless communication facilities

FIGURE 13 B-3 CORRIDOR BUSINESS DISTRICT DIMENSIONS



SECTION 12.4. B-4 AREA-WIDE BUSINESS DISTRICT.

TABLE 23 B-4 AREA-WIDE BUSINESS DISTRICT USES

Uses By Right

- Accessory uses
- Automobile and farm equipment sales, new
- Commercial recreation facilities
- Drive-in, drive-thru, and take-out retail establishments
- Funeral homes
- Hotels and motels
- Large-scale merchandise operations for single or multi-tenant businesses including freestanding department stores, discount department stores and supermarkets
- Large-scale multi-tenant retail shopping and service centers and malls.

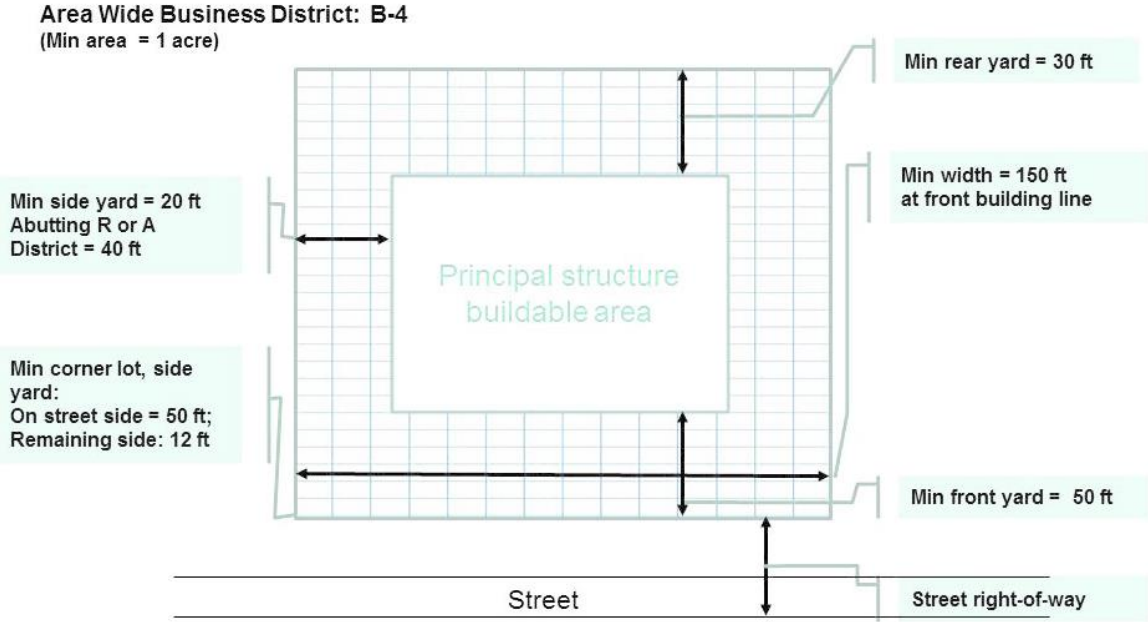
- Large scale office buildings for professional, financial, real estates, executive, administrative and general office functions
- Nightclubs, bars, taverns, meeting halls
- Restaurants and dining establishments

Uses By Special Permit

- Automobile and light truck service, car washes, and gas stations
- Camper sales and storage
- Open air business uses
- Public buildings and utility installations and buildings
- Wireless communication facilities

(Ord. No. 14-Z-01, § 1, 4-7-2014, eff. 5-9-2014; Ord. No. 18-Z-031, 8-6-2018, eff. 9-17-2018; Ord. No. 20-Z-02 , § 1, 10-5-2020, eff. 11-9-2020)

FIGURE 14 B-4 AREA-WIDE BUSINESS DISTRICT DIMENSIONS



Maximum building height: 60 ft; for every additional 10 ft of side yard building height may increase by 12 ft,

SECTION 12.5. B-5 EXCLUSIVE BUSINESS DISTRICT.

TABLE 24—B-5 EXCLUSIVE BUSINESS DISTRICT USES

Uses By Right

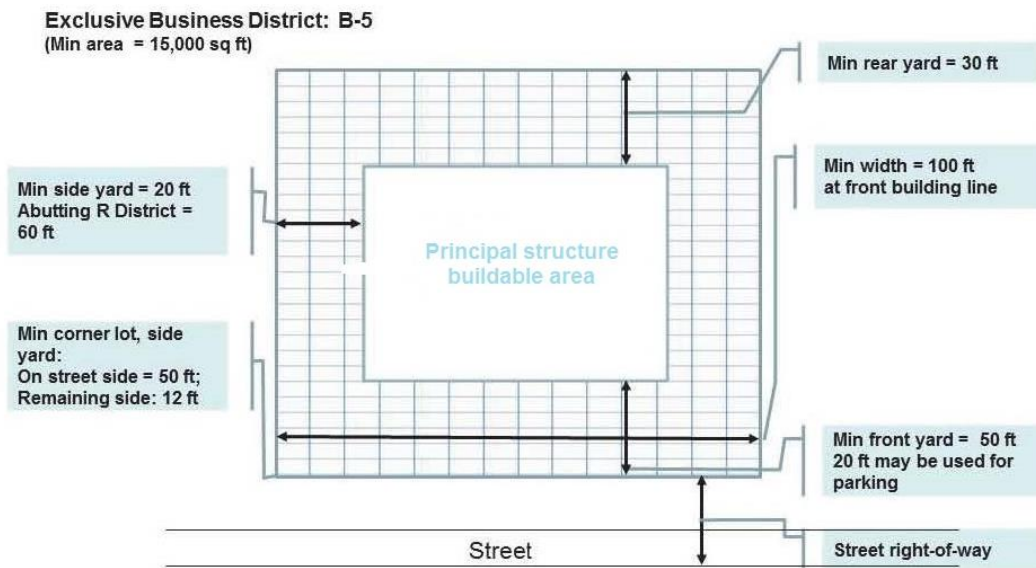
- Accessory uses

- Commercial recreation facilities
- Funeral homes
- Retail sales
- Transient lodging
- Tree farms, plant nurseries, and natural resource areas
- One- and two-family dwellings meeting the requirements of the R-1 and R-2 residential districts.
- Wholesale establishments

Uses By Special Permit

- Open air business uses
- Public buildings and utility installations and buildings
- Planned unit developments (PUDs)

FIGURE 15 B-5 EXCLUSIVE BUSINESS DISTRICT DIMENSIONS



Maximum building height: 60 ft; for every additional 10 ft of side yard building height may increase by 12 ft.

(Ord. No. 15-Z-08, § 1, 2-1-2016, eff. 3-8-2016; Ord. No. 17-Z-06, 1-8-2018, eff. 1-18-2018; Ord. No. 18-Z-01, 2-5-2018, eff. 2-15-2018; Ord. No. 18-Z-03H, 8-6-2018, eff. 9-17-2018)

Chapter 13 M-46 CORRIDOR OVERLAY ZONE

SECTION 13.1. PURPOSE.

The Michigan Department of Transportation has jurisdiction within the highway's right-of-way, while the Township has authority for land use and site plan decisions within individual parcels along the highway. The regulating overlay zoning district was created to help ensure a collaborative process between MDOT and the Township that through the recommendations of the M-46 Corridor Access Management Plan and other adopted community plans would consistently address access standards.

Among the specific purposes of this Corridor Overlay Zoning District are to:

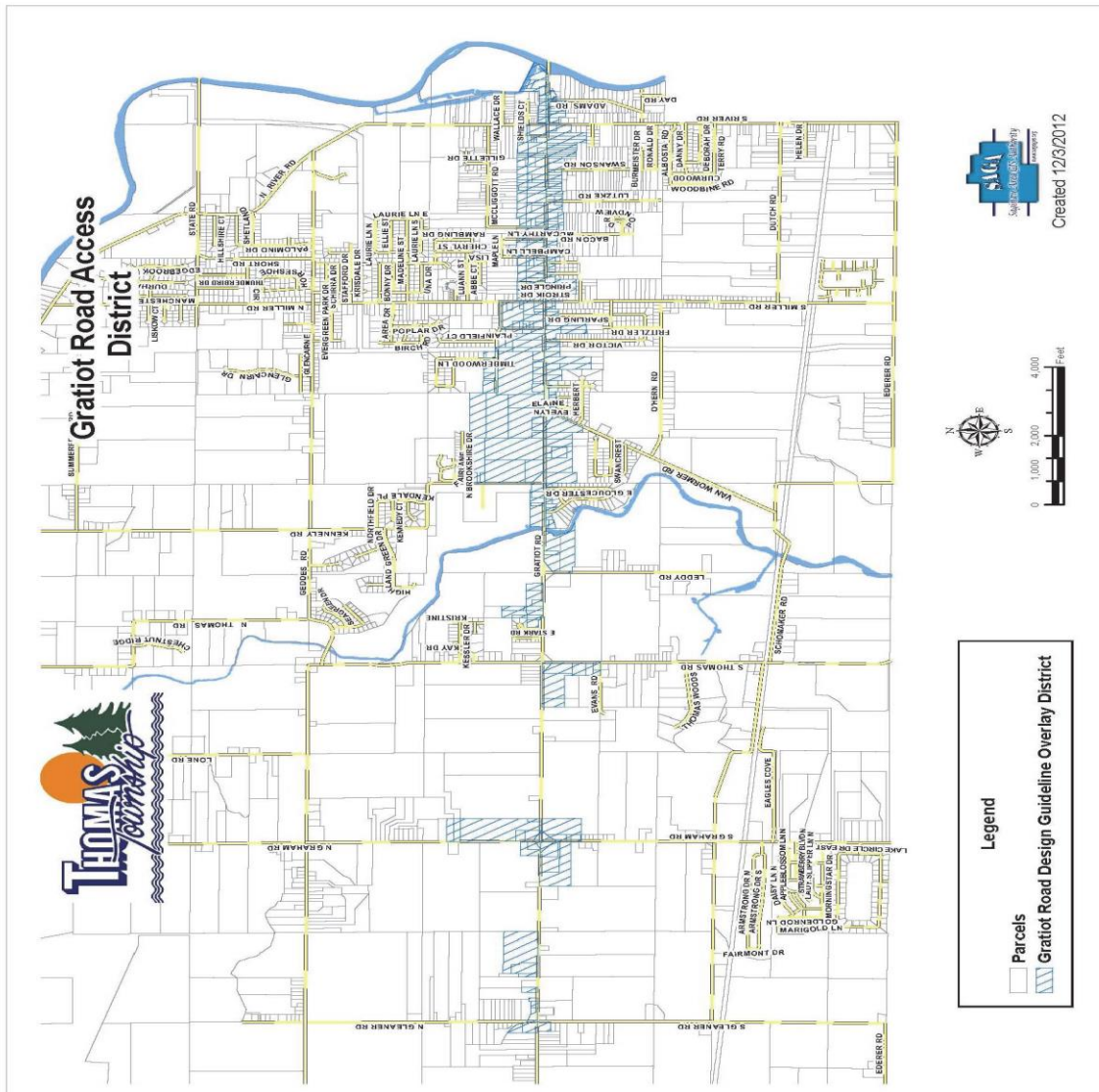
- a. Preserve the capacity of M-46 by regulating the number, location and design of access points and requiring alternate means of access through shared driveways, service drives and access off cross streets in certain locations.
- b. Implement when possible traffic calming techniques that are intended to reduce traffic speeds within the overlay zoning district.
- c. Encourage efficient flow of traffic by minimizing the disruption and conflicts between through traffic and turning movements.
- d. Improve safety and reduce the potential for crashes.
- e. Avoid the proliferation of unnecessary curb cuts and driveways and eliminate or reconfigure existing access points that do not conform to the standards herein, when a site plan is presented to the Thomas Township Planning Commission for consideration.
- f. Implement the recommendations of the M-46 Corridor Access Management Plan.
- g. Require coordinated access among adjacent lands where possible.
- h. Require demonstration that resultant parcels are accessible through compliance with the access standards herein prior to approval of any land division to ensure safe accessibility as required by the Land Division Act.
- i. Address situations where existing development within the corridor area does not conform with the standards of this overlay district. At no time shall these recommendations become retroactive to existing businesses. Only upon site plan review will these standards be applied.
- j. Identify additional submittal information and review procedures required for parcels that front along M-46.
- k. Avoid the need for unnecessary and costly reconstruction which disrupts business operations and traffic flow.
- l. Ensure efficient access by emergency vehicles.
- m. Improve safety for pedestrians and other non-motorized travelers through reducing the number of conflict points at access crossings.
- n. Establish a uniform process to ensure fair and reasonable application of these standards.
- o. Provide landowners with reasonable access, though the access may be restricted to a shared driveway or service drive or via a side street or the number and location of access may not be the arrangement most desired by the landowner or applicant. Reasonable access shall be determined by both the Thomas Township Planning Commission and MDOT.
- p. Promote a more coordinated development review process for the Township with the Michigan Department of Transportation and the Saginaw County Road Commission.

- q. Due to the limited median width, Michigan turnarounds are not recommended in the overlay district, without geometric changes that meet specifications provided by the American Association of State Highway and Transportation Officials (AASHTO) standards.

(Ord. No. 08-Z-05, 1-14-2009, eff. 2-13-2009)

SECTION 13.2. LOCATION.

MAP 3 M-46 ZONE



SECTION 13.3. APPLICABILITY.

The standards of this Section shall apply to all lands illustrated as the M-46 Corridor Overlay Zone. The regulations herein apply in addition to and simultaneously with the other applicable regulations of the zoning ordinance. Permitted and special land uses within the M-46 Corridor Overlay Zone shall be as regulated in the underlying

zoning district (as designated on the zoning map) and shall meet all the applicable requirements for that district with the following additional provisions:

- a. Access spacing from intersections and other driveways shall meet the standards within the M-46 overlay zone district and the guidelines of the applicable road agency (MDOT and/or Saginaw County Road Commission). The standard used to determine access spacing and design must also be balanced with the current use of the land and the practicality of complying with the standard. Additional consideration will be given based upon proposed future design.
- b. Provision has been made to share access with adjacent uses, either now or in the future, including any necessary written shared access and maintenance agreements to be recorded with the County.
- c. No building or structure, nor the enlargement of any building or structure requiring site plan review, shall be erected unless the Overlay Zone Regulations are met and maintained in connection with such building, structure or enlargement.
- d. No subdivision or site condominium project shall be approved within this district unless compliance with the access spacing standards herein are demonstrated.
- e. Any change in use on a site that does not meet the access standards of this overlay district shall be required to submit a site plan for approval by the Planning Commission and submit information to the MDOT for a new access permit. The final details will be established jointly by MDOT, Thomas Township and the Saginaw County Road Commission where applicable.
- f. The standards herein were developed collaboratively between the Township and MDOT. When a conflict occurs between a developer and MDOT, an acceptable access will be determined by the Thomas Township Planning Commission and MDOT.

(Ord. No. 08-Z-05, 1-14-2009, eff. 2-13-2009)

SECTION 13.4. ADDITIONAL SUBMITTAL INFORMATION.

In addition to the submittal information required for site plan review, the following shall be provided with any application for site plan or special land use review. The information listed below shall be required with any request for a land division:

- a. Existing access points. Existing access points within five hundred (500') feet on either side of M-46 frontage and along both sides of any adjoining roads shall be shown on the site plan, aerial photographs or on a plan sheet.
- b. The applicant shall submit evidence indicating that the sight distance recommendations of the road agency are met.
- c. Dimensions shall be provided between proposed and existing access points (and median crossovers if applicable in the future).
- d. Where shared access is proposed or required, a shared access and maintenance agreement shall be submitted for approval. Once approved, this agreement shall be recorded with the Saginaw County Register of Deeds.
- e. Dimensions shall be provided for driveways (width, radii, throat length, length of any deceleration lanes or tapers, pavement markings and signs) and all curb radii within the site.
- f. The site plan shall illustrate the route and dimensioned turning movements of any expected truck traffic, tankers, delivery vehicles, waste receptacle vehicles and similar vehicles. The plan should confirm that routing the vehicles will not disrupt operations at the access points nor impede maneuvering or parking within the site.

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- g. Traffic impact study. Submittal of a traffic impact study may be required by the Thomas Township Planning Commission or Planning Staff for any use that would be expected to generate one hundred (100) or more vehicle trips during any peak hour, one thousand (1,000) or more vehicle trips daily or where modifications from the generally applicable access spacing standards are requested. The traffic impact study shall be paid for by the developer and shall be prepared by a firm or individual that is a member of the Institute of Transportation Engineers with demonstrated experience in production of such studies. The methodology and analysis of the study shall be in accordance with accepted principles as described in the handbook "Evaluating Traffic Impact Studies, a Recommended Practice for Michigan," developed by MDOT and other Michigan Transportation agencies. MDOT may require calculations or micro-scale modeling to illustrate future operations at the access points and nearby intersections and/or to evaluate various access alternatives.
 - h. Review coordination. The applicant shall provide correspondence that the proposal has been submitted to MDOT and Saginaw County Road Commission for their approval. Any correspondence from MDOT or SCRC shall be considered during the site plan review process. Coordination meetings should be required or other communication between the authorities involved via e-mail with cc's to appropriate MDOT, Township and SCRC staff. An access permit shall be required from the appropriate road agency prior to site plan approval by the Township unless other arrangements have been made with the permitting agency.

(Ord. No. 08-Z-05, 1-14-2009, eff. 2-13-2009)

SECTION 13.5. ACCESS MANAGEMENT STANDARDS.

Access points shall meet the following standards. These standards are based on considerable research in Michigan and nationally and were prepared concurrent with guidelines promoted by MDOT.

- a. Access Management Standards. Access point shall meet the following standards. The spacing standards specified below shall be required to be measured from all other roads and driveways. If there is a change in use from residential to a non-residential use requiring a Thomas Township Planning Commission site plan review, the Planning Commission shall require access to be brought into conformance with the recommendations of this section.
 - 1) The site shall be permitted reasonable access. This access point may consist of a shared access with an adjacent use or access via a service drive, frontage road or side street. An individual driveway may be permitted where the standards of this ordinance are met, provided such driveway is located to facilitate share access by adjacent lots.
 - 2) The access point location shall be in accordance with the standards of this section and shall provide the opportunity for shared access with adjoining lots. Each lot developed under this ordinance shall be required to grant shared access easements to adjoining site to allow for future shared access. Where a proposed parking lot is located adjacent to the parking lot of a similar use, there shall be a vehicular connection where feasible, as determined by MDOT and the Planning Commission.
 - 3) For building or parking lot expansions or changes in use, the Planning Commission shall determine the extent of upgrades to bring the site into greater compliance with the access standards of this district. In making its decision, the Planning Commission shall consider the existing and projected traffic conditions, any site distance limitations, site topography or natural features, impacts on internal site circulation and any recommendations from MDOT. Required improvements may include removal or rearrangement or redesign of site access points.

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- 4) In order to comply with the accessibility recommendations of the Land Division Act (PA 288 of 1967, as amended), land divisions shall not be permitted that may prevent compliance with the access location standards of this ordinance.
 - 5) Access point shall provide the following spacing from other access points along the same side of the public street (measured from centerline to centerline) based on the posted speed limit along the public street segment, as listed in Table 25.
 - 6) Where the subject site adjoins land that may be developed or redeveloped in the future including adjacent lands or potential out lots, the access shall be located to ensure the adjacent site(s) can also meet the access location standards in the future.
 - 7) Access points shall be aligned with driveways on the opposite side of the street or offset the distance as indicated in Table 26.
 - 8) Minimum spacing of access points from intersections shall be in accordance with Table 27 (measured from pavement edge to pavement edge).
 - 9) Where direct access consistent with the various standards above cannot be achieved, access shall be via a shared driveway or service drive or side street. In cases where access is from the side street, the access point must be located as far from an intersection as feasible.
- b. Sight Distance. Driveways shall be located to provide safe sight distance or as determined by the applicable road agency.
 - c. Public Facilities in Right-of-Way. No driveway shall interfere with municipal facilities such as street light or traffic signal poles, signs, fire hydrants, cross walks, bus loading zones, utility poles, fire alarm supports, drainage structures or other necessary street structures.
 - d. Shared Commercial Driveways, Frontage Roads and Service Drives. Shared commercial driveways, frontage roads or rear service drives connecting two or more lots or uses shall be required in instances where the Planning Commission and MDOT determines that reducing the number of access points will have a beneficial impact on traffic operations and safety. In particular, service drives shall be required where recommended in a sub-area master plan; near existing traffic signals or near locations having potential for future signalization; where service drives may minimize the number of driveways; and along segments with a relatively high number of crashes or limited sight distance. Frontage roads or service drives shall be constructed in accordance with the following standards:
 - 1) Service roads shall generally be parallel or perpendicular to the front property line and may be located either in front of, adjacent to or behind principal buildings. In considering the most appropriate alignment for a service road, the Planning Commission and MDOT shall consider the setbacks of existing buildings and anticipated traffic flow for the site.
 - 2) The service road shall be within an access easement permitting traffic circulation between properties. This easement may be reviewed by MDOT for location and approved by the Township and recorded with the Saginaw County Register of Deeds. The required width shall remain free and clean of obstructions unless otherwise approved by the Planning Commission. Each property owner shall be responsible for maintenance of the easement and service drive.
 - 3) Service drives and frontage roads shall be set back as far as reasonably possible from the intersection of the access driveway with the public street. A minimum of twenty (20') feet shall be maintained between the public street right-of-way and the pavement of the frontage road with a minimum of sixty (60') feet of throat depth provided at the access point measured between the public street right-of-way and the pavement of the parallel section of the frontage road.

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- 4) Service roads shall have a minimum pavement width of twenty-four (24') feet and be constructed of a base, pavement and curb with gutter that is in accordance with public street standards. The Planning Commission may modify these standards based upon site conditions, anticipated traffic volumes and type of truck traffic.
 - 5) The service road is intended to be used exclusively for circulation. The Planning Commission may require the posting of "no parking" signs along the service road. One-way roads or two way roads constructed with additional width for parallel parking may be allowed on the side of the road closest to the building if it can be demonstrated through site plan review that parking along the service road will not significantly affect the capacity, safety or operation of the service road.
 - 6) The site plan shall indicate the proposed elevation of the service road at the property line so that the Township can maintain a record of all service road elevations and their grades can be coordinated with future developments.
 - 7) The alignment of the service drive can be refined to meet the needs of the site and anticipated traffic conditions, provided the resulting terminus allows the drive to be extended through the adjacent site(s). This may require use of aerial photographs, property line maps, topographic information and other supporting documentation.
 - 8) In cases where a shared access facility is recommended but is not yet available, temporary direct access may be permitted provided the plan is designed to accommodate the future service drive and a written agreement is submitted that the temporary access will be removed by the applicant when the alternative access system becomes available. This may require posting of a financial performance guarantee.
 - 9) With the redevelopment of existing sites where it is not possible to develop separate service drives, the Planning Commission and MDOT may instead require a drive connecting parking lots.

(Ord. No. 08-Z-05, 1-14-2009, eff. 2-13-2009)

SECTION 13.6. MODIFICATION OF ACCESS STANDARDS.

Modifications by Planning Commission and MDOT. Given the variation in existing physical conditions along the corridors, modifications to the spacing and other standards above may be permitted by the Planning Commission and MDOT as part of the site plan review. Standards to take into account when considering a modification include practical difficulties that may exist on the site that make compliance with the standards of this ordinance unreasonable which may include site distance limitations, topography, drain or water bodies, wetlands, building location to right-of-way and lot size and dimensions and the extent to which existing off site access points make it impractical to fully comply with the standards. Such modification shall provide reasonable access that will not impair safety and is not simply for the convenience of development.

The decision of the Planning Commission may be appealed to the Zoning Board of Appeals. In consideration of this variance, the Board shall apply the standards above

(Ord. No. 08-Z-05, 1-14-2009, eff. 2-13-2009)

SECTION 13.7. M-46 CORRIDOR PLAN REVIEW CHECKLIST.

The following checklist may be used by staff, Zoning Administrator or whoever receives applications to discuss procedures with potential applicants:

- a. Is the subject site located within the M-46 Corridor Access Management Plan study area?

- b. Has the most recent plan been submitted to MDOT contact person for their review and comments?
- c. Has the applicant been made aware of the special recommendations and standards?
- d. Is the site within an area where specific access recommendations were provided in the M-46 Corridor Access Management Plan? If so, provide the applicant with a copy.
- e. Does the site plan or submittal illustrate all of the additional information on other existing access points and adjacent lot configurations so compliance with the standards can be determined?
- f. Can the site meet the spacing standards between access points?
- g. Is the number of access points the minimum needed to provide reasonable access to the site?
- h. Is there a potential to provide an alternative shared access system?
- i. Is the access point properly aligned with or spaced from existing driveways or the location where driveways can be expected in the future?
- j. Has information on sight distance been provided?
- k. Is there a need for a traffic impact study to evaluate the impacts and determine if changes to the site design or road system are needed?
- l. Should other communities along the M-46 corridor be informed of the proposal (i.e. is the project large enough that it will have a major impact?)
- m. Is there a reason to request a meeting with MDOT to discuss and address access issues prior to review by the Planning Commission?

FIGURE 16 DRIVEWAY SPACING MEASUREMENTS

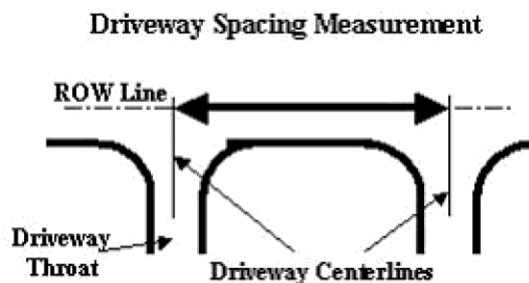


TABLE 25 MAXIMUM DRIVEWAY SPACING SAME SIDE OF ROAD

Minimum Driveway Spacing Same Side of Road		
Posted Speed (mph)	Driveway Spacing (in feet)	
	Arterial Road	Other Roads
25	130	90
30	185	120
35	245	150
40	300	185
45	350	230
50 +	455	275

Unless greater spacing is required by MDOT, SCRC or required to meet other standards herein.

TABLE 26 MINIMUM OPPOSING DRIVEWAY OFFSET

Minimum Opposing Driveway Offset	
Posted Speed (mph)	Driveway Spacing (in feet)
25	255
30	325
35	425
40	525
45	630
50+	750

TABLE 27 MINIMUM DRIVEWAY SPACING FROM INTERSECTION

Minimum Driveway Spacing from Intersection*			
Location of Access Point	Type of Intersecting Road	Minimum Spacing for a Full Movement Driveway**	Minimum Spacing for a Driveway Restricting Left-Turns
Access along Gratiot Road/M-46 or other arterial	Arterial	300	125
	Collector or local	200	125
Access along a collector road	Arterial	200	100
	Collector	150	100
	Local	125	100
Access along a local street	Arterial	125	75
	Collector	100	75
	Local	75	75

* Unless greater spacing is required by MDOT, SCRC or required to meet other standards here.

** Greater spacing may be required based upon the posted speed of the road and the spacing distances required.

(Ord. No. 08-Z-05, 1-14-2009, eff. 2-13-2009)

FIGURE 17 DRIVEWAY SPACING FROM INTERSECTION

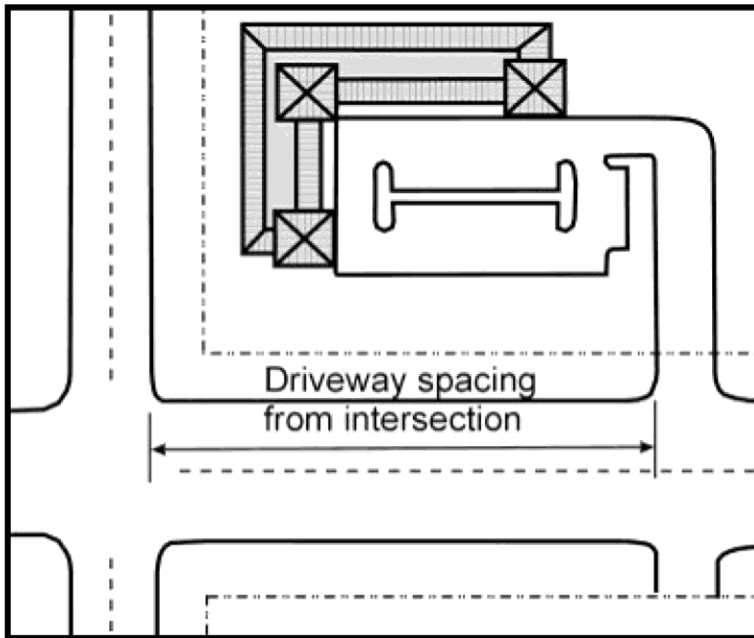


FIGURE 18 SERVICE DRIVE SETBACK

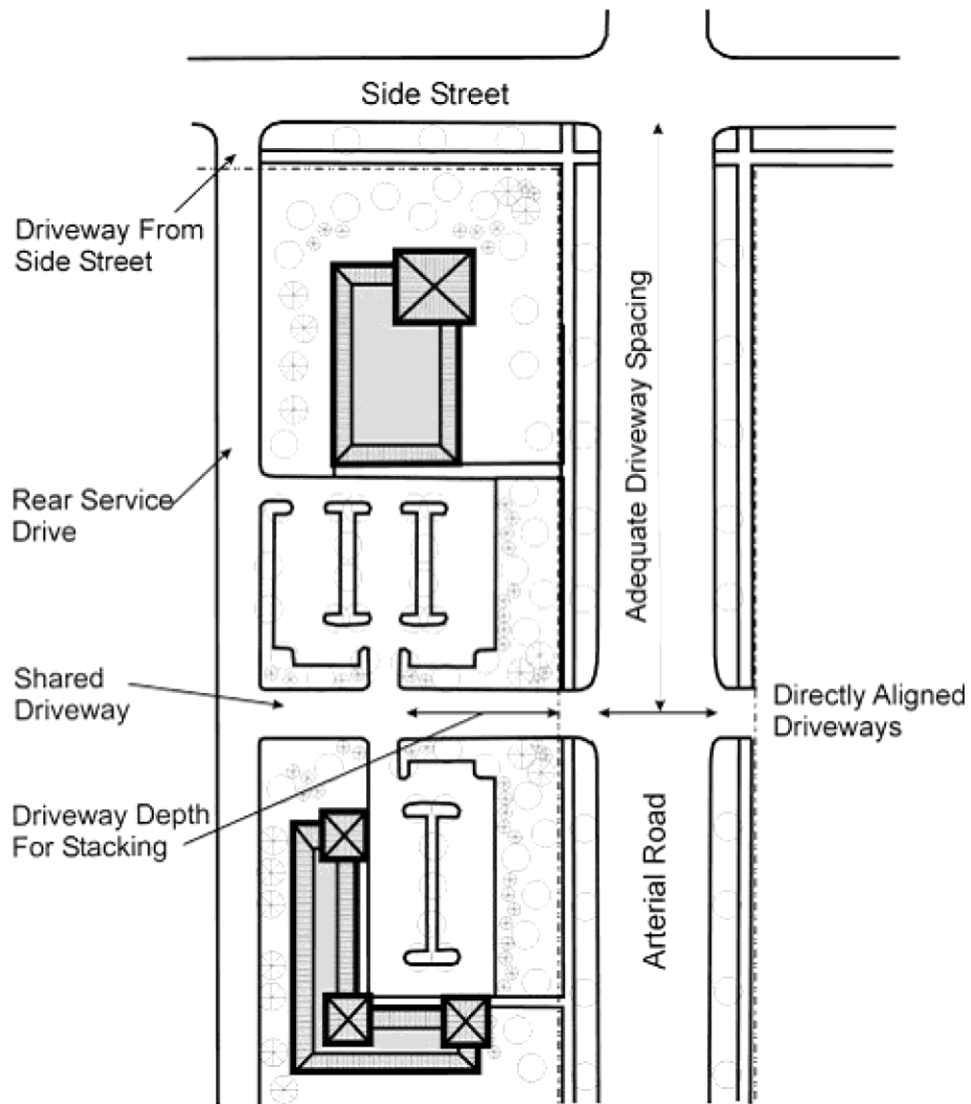


FIGURE 19 FRONTAGE ROAD SETBACK

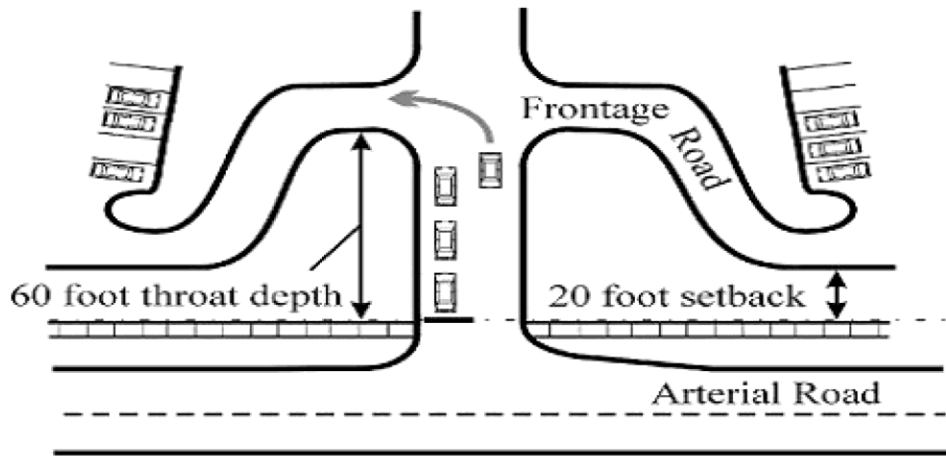
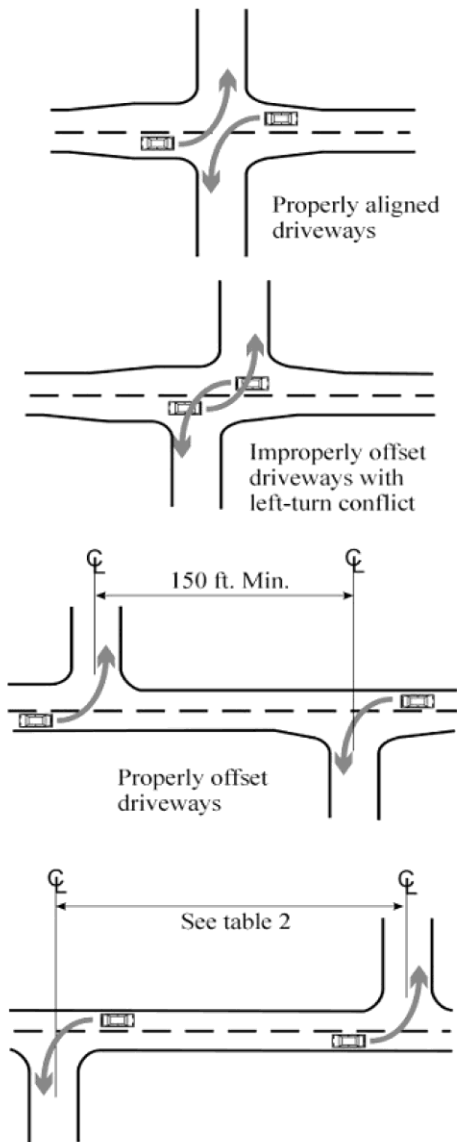


FIGURE 20 DRIVEWAY ALIGNMENT AND OFFSET



Chapter 14 GRATIOT ROAD DESIGN GUIDELINE OVERLAY DISTRICT

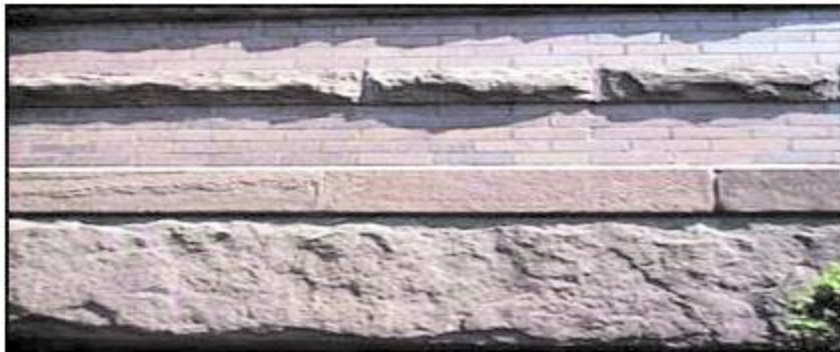
SECTION 14.1. GUIDELINES.

These requirements are intended to serve as recommendations for all development and redevelopment projects that require site plan approval. They are designed to enhance Thomas Township's quality of life and community image, as well as protect and promote the Township's long-term economic vitality through quality design and architecture.

- a. Intent: It is vital that Thomas Township maintains a strong and growing business corridor to insure property values remain strong and shoppers continue to feel safe and to use the businesses in the

area. To that end, measures are necessary to help improve and sustain the health and safety of the public utilizing the Gratiot Road Design Guideline Overlay District. They include setting strong architectural design requirement that mandates the use of materials and design that will contribute to an improved and safer business district for visitors and residents alike. A strong business district will also contribute to developments that are better planned and potentially safer for shoppers and residents to visit and to enjoy for years to come.

- b. Applicability: Thomas Township Gratiot Road Design Guideline Overlay District. The Thomas Township Design Guideline Overlay District is a specified area within Thomas Township that has unique conditions associated with its development. They include a large number of existing non-conforming structures including a mix of single family homes most of which are residential rentals or at one time were converted from residential uses into businesses. The Gratiot Road Design Guideline Overlay District is generally parallel to M-46 (Gratiot) between the Tittabawassee River and the corner of M-52 (Graham). It includes commercially zoned parcels (B-1, B-2, B-3, B-4 and B-5) within this area, including those parcels not having frontage on M-46 but that share contiguous commercial zoning. These provisions exclude the overlay zoning district for "B-2 Northside Overlay District," which has its own unique requirements that must be followed.
- c. Architectural Aesthetic Design Requirements.
 - 1) While no specific or particular architectural aesthetic style is required for any structure, high quality, innovative and imaginative architecture is encouraged. All new buildings must contain a minimum of 85% brick fascia on the front, sides and rear of the building. Brick buildings typically have been shown to have greater longevity, have lower maintenance issues, sustain a more attractive appearance over time and are typically considered safer structures during severe weather events. Considering these benefits of utilizing brick on the outside of buildings, it is clear that this architectural design requirement is one necessary requirement to help insure the economic potential within the Gratiot Road Design Guideline Overlay District.
 - 2) All buildings shall be compatible in scale, mass and form with adjacent structures and the pattern of the surrounding area.
 - a) Scale: The proportion of a structure's mass and bulk in relationship to other structures in the structure's neighborhood.
 - b) Mass: Spatial arrangement, bulk and three dimensional form of a structure.
 - c) Form: The shape, size and general composition of the structure.
 - d) Belt Course: A molding or projecting course running horizontally along the face of a building. A continuous row or layer of stones, tile, brick, shingles, etc., in a wall.



- 3) Efforts to coordinate the actual and apparent height of adjacent structures are encouraged. This is especially applicable where buildings are located very close to each other. In terms of design,

differing heights can often be made more compatible through placement of windows, belt courses and other horizontal elements that reflect similar elements on neighboring properties including rooflines and roof pitches.

- 4) Rear and side facades, if visible from public streets or neighboring properties, shall be carefully designed with similar detailing and should be compatible with the principal facades of the building. All elevations of the building will be evaluated during review.
 - 5) The incorporation of defined outdoor spaces into the buildings and site designs of all new commercial development in Thomas Township is encouraged. Outdoor spaces, which are encouraged, include courtyards, patios, plazas, covered walkways, passages, gardens, trellised areas, etc.
 - 6) Building surfaces more than two stories or thirty-five (35') feet high or fifty (50') feet in length shall attempt to include a wall plane that provides strong shadow or visual interest.
 - 7) New building forms and elevations shall be detailed and articulated to create interesting roof lines and strong patterns of shade and shadow.
 - 8) Building frontages shall be designed with large non-reflective minimally tinted window openings at ground level.
 - 9) Large structures shall be designed to reduce their perceived height and bulk by dividing the building mass into smaller-scale components.
 - 10) The rear of existing buildings will be enhanced, where appropriate, to improve public access from parking lots. Articulation such as cornice detail, insets, windows, reveals, furring, score lines, and/or trim will be used to break up the visual massing of building facades. A minimum of one window and/or architectural false window shall be required every twenty-five (25') feet. Elements should be chosen that are appropriate to the overall stylistic treatment. Unarticulated and windowless walls are prohibited.
 - 11) Variations in rooflines shall be encouraged to reduce the massive scale of the structure and add visual interest. Roofs should attempt to include two of the following features: Parapets concealing flat roofs and roof top equipment, overhanging eaves, sloped roofs and three or more roof surfaces.
- d. Building Equipment and Service.
- 1) Access for service vehicles shall be provided on the street with the least traffic volume.
 - 2) Building equipment will be located, designed and/or screened to minimize visual impact on public streets, large surface parking fields and neighboring properties.
 - 3) Trash containers and outdoor storage areas will be screened from public streets, pedestrian areas and neighboring properties. The screen for both the trash containers and any outdoor storage should be designed to be compatible with the architectural character of the development. It will be constructed of durable materials similar to those of the building and should have solid (opaque) walls and doors. Please see the ordinance regulating trash enclosures for specific requirements.
 - 4) When feasible and/or upon recommendation by the Planning Commission, service and loading areas shall be separated from main circulation and parking areas and away from public streets. Loading and unloading activities will not require circulation onto public streets.
 - 5) All exterior on-site utilities, including but not limited to, sewers, gas lines, water lines and electrical, telephone and communications wires and equipment will be installed and maintained

underground. Drainage systems, when pertaining to retention or detention, will be installed above ground but should be well planned, attractive and integrated into the site.

- 6) Developers should work with utility companies to plan the most appropriate and unobtrusive location for utility boxes and other necessary utility installations. An architectural screen similar to the building should screen all utility installations. If this is not possible the utility installation will be mitigated through landscaping. Loading docks and outdoor storage areas will be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets. Screening walls consistent with the main structures material is encouraged.

e. Site Design.

- 1) The sequence of continuous pedestrian activity will not be interrupted. Blank walls and other "dead" or dull space at the street level will be avoided. Visually interesting activities at the sidewalk edge, such as planters, murals will be maintained and/or established to engage pedestrian interest.

FIGURE 21 EXAMPLES OF WALKS



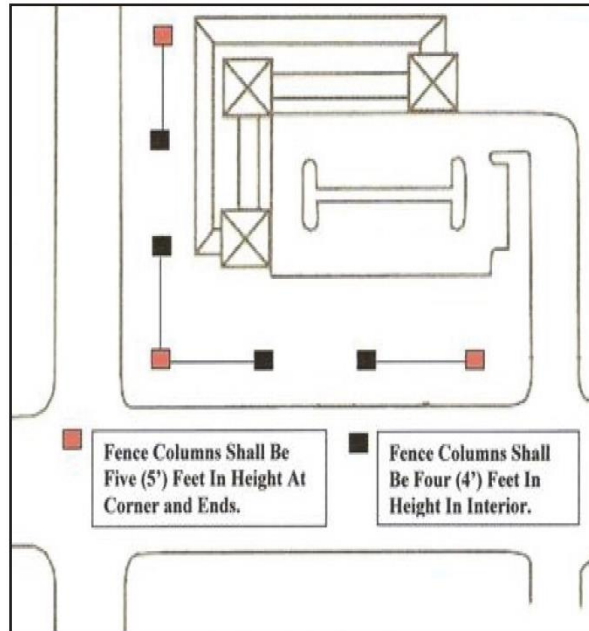
- 2) Frontage design and signage locations will be coordinated with streetscape landscaping and street trees.
- 3) Pedestrian open spaces such as covered walkways, courtyards and plazas are encouraged, as well as the development of open and attractive passageways between buildings and uses.
- 4) Outdoor seating and dining areas are encouraged.
- 5) The existing scale and rhythm of storefronts will be preserved. When a parcel is redeveloped, there should be an attempt to design a structure that will positively impact and not detract the already built environment. Buildings over two stories high will seek to "scale down" their facades to reduce apparent height. The building wall at the street should be no more than thirty-five (35') feet tall. The upper story above thirty-five (35') feet should be stepped back at a distance equal to the height of the building story immediately below.
- 6) All roof top mechanical equipment, antennas, etc. will be screened from view. Roof top lighting is strongly discouraged.
- 7) Shopping cart storage areas will be incorporated into the building design as an integral part of the development and will be harmonious with other aspects of the development.
- 8) Storm water detention and/or retention shall be integrated into the site and addressed as a site feature and amenity as opposed to merely an infrastructure necessity. Developers should work to master plan drainage and retention facilities to improve efficiency and create larger usable areas of open space.

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- 9) Lighting should operate for only the minimum number of hours required and should then be reduced in level or turned off. The design of lighting systems shall anticipate lighting levels that will vary depending on building use, hours of operation, occupancy and seasonal changes. The hours of operation of site lighting should be included in the site plan submittal.
 - 10) Landscape feature lighting and lighting at the pedestrian level is encouraged.
 - 11) Architectural lighting shall be used to highlight special features only and to embellish the lighting levels of ground level pedestrian areas.
 - 12) All off street parking will be in the rear of the building where possible.
 - 13) Landscaping.
 - a) Landscaping shall be provided along and against buildings to anchor it to the surrounding environment and soften the structure and must follow the regulations within the landscaping section of the zoning ordinance.
 - b) Trees shall be used throughout paved areas and along pedestrian pathways. Trees shall be so selected and planted to provide a mix of canopy and ornamental trees and must follow the regulations within the landscaping section of the zoning ordinance.
 - c) Dense landscaping and/or architectural treatments shall be provided to screen unattractive view and features such as storage areas, trash enclosures, utility cabinets, etc.
 - d) Developers are encouraged to retain existing mature and desirable trees on site and to incorporate them into the new development.
- f. Guidelines for the Public Streetscape.
- 1) All projects must incorporate pedestrian access from the street and parking areas.
 - 2) All development and redevelopment projects must include sidewalk and sidewalk connections as deemed appropriate by the Planning Commission. At a minimum, these connections should provide access to, from and in between existing pedestrian hubs such as to adjacent business, public areas and transit stops.
 - 3) In order to provide safe and convenient pedestrian access, all crosswalks on streets whether public or private and driveways will be denoted by a change in surface consistent with the intent of the Design Guidelines and as approved by the Planning Commission.
 - 4) Terminal street views (the point where a street connects perpendicular to a second street) shall focus on a significant built or natural feature (a building, landscaping, public space - not a parking lot).
 - 5) Street trees and landscaping shall be designed and maintained to enhance pedestrian access and levels of comfort.
 - 6) Buildings, not parking lots, shall be the primary feature at the entrance to a development. The principal front building line will be placed at a consistent setback with neighboring buildings and share common wall with neighboring properties where possible.
 - 7) Facades facing streets or public walkways will incorporate windows and doors so as to encourage pedestrian activity. Mirrored or smoked glass is not permitted as it acts as a wall and prevents pedestrian interaction.
 - 8) Street furniture. Street furniture, including benches and trash receptacles shall be provided at key locations at the discretion of the Township and will be of a type and standard approved by the Township.

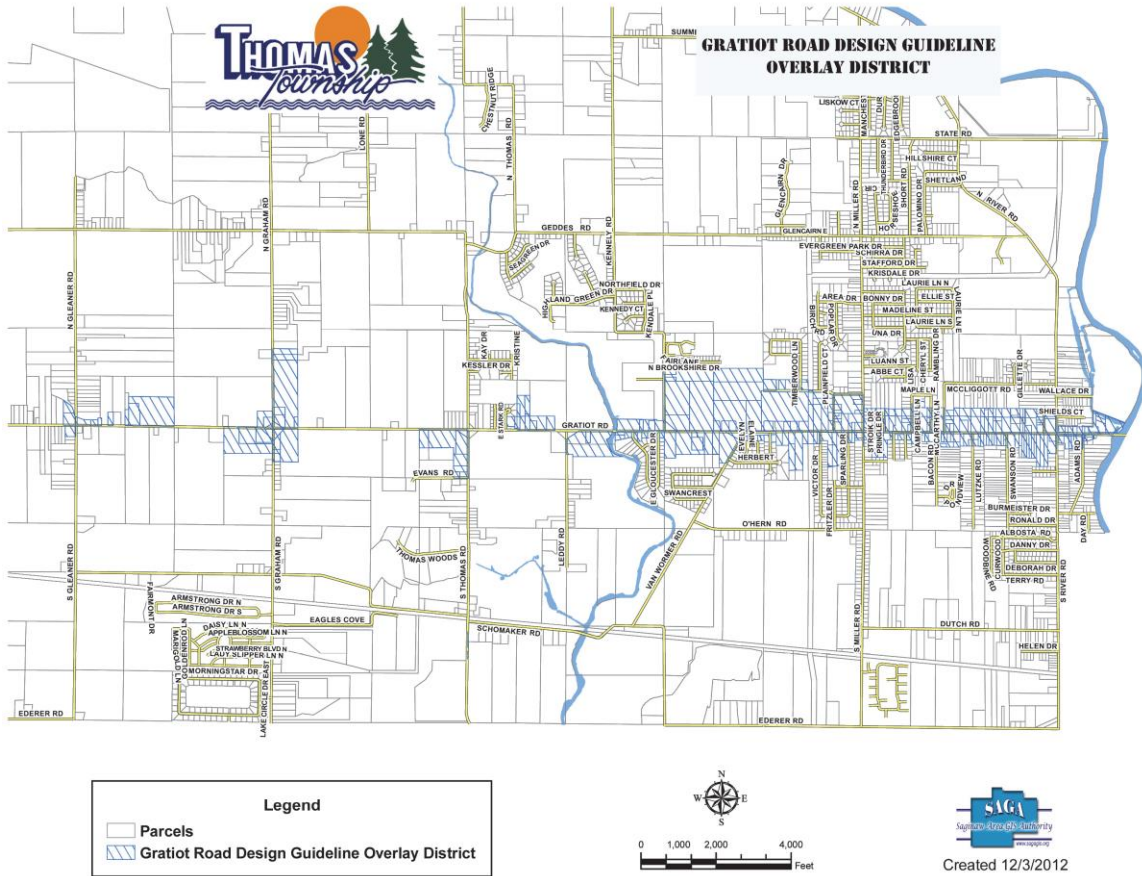
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- 9) Decorative streetlights. Any proposed street lighting that is intended to serve to light a circulation drive, a dedicated private street or intended to be a street dedicated to the County will be of a type and standards approved by the Township.
 - 10) Signage. All signage will be wall or marquee signage and conform to the Thomas Township Sign Ordinance.
- g. All developments within the specified area known as the Thomas Township Gratiot Road Design Guideline Overlay District as defined above will install, at key locations stone columns and simulated wrought iron fencing with the following standards:
- 1) A maximum of eighteen (18') feet length of simulated black wrought iron fence will be installed between each brick column. Pillars shall be spaced between (6') and eighteen (18') feet apart when fencing is installed in between the pillars. The Township Manager has the right to adjust pillar spacing if necessary.
 - 2) All fences will be between thirty-two (32") inches and thirty-six (36") inches in height.
 - 3) Stone columns will be twenty-four (24") inches by twenty-four (24") inches in width with a twenty-seven (27") inch by twenty-seven (27") inch in width square edge limestone cap. The height of the cap shall not exceed two (2") inches in height. The overall column will be as follows:
 - a) All columns will be four (4') feet in height.
 - b) The stone color of the columns shall consist of Owens Corning Culture Stone - Chardonnay Country LedgeStone (CSV-20006) or will match existing columns as determined by the Community Development Department. All joints between the decorative stone veneer must be filled with mortar to about ½ thickness of decorative stone. Finish joints with a stiff-bristle brush or masonry tool to form a somewhat joint surface, sealing the joints from water infiltration.
 - 4) All fences will be located between four (4') feet and eight (8') feet behind the sidewalk or pathway or match the fence on adjoining properties as determined by the Community Development Department. Location of proposed fencing must be staked and approved by the Community Development Department prior to the installation of any columns/fencing.
 - 5) A minimum of one section of fence is required in each required direction from the corner column. In no case will sections of fence be separated from each other by more than thirty-two (32') feet.
 - 6) Modification of Guidelines. The Planning Commission may approve alternatives in material and design granting that the modification is consistent with the intent of this ordinance. Circumstances that shall warrant modification of the design requirements may include, but not be limited to, physical constraints such as the location of existing buildings or changes in grade between adjacent properties; excessive cost; or failure to obtain an agreement or permit that is required for the implementation of the design requirements. In reviewing any proposed modification, the Planning Commission shall consider whether granting the modification will be consistent with the purposes of this chapter, locally adopted plans and the following principles:
 - a) The general design and character of the proposal is in harmony with the neighboring properties in the district.
 - b) The scale of the proposal in relation to the site and neighboring properties.
 - c) The similarity of building materials and their color and texture in relation to those found in the surrounding district.

- d) The visual compatibility of the proposal with surrounding properties, including height, setbacks, roof shape, window and door arrangements and the orientation of the building in relation to the street.

FIGURE 22 COLUMN DIAGRAMS



MAP 4 GRATIOT ROAD OVERLAY DISTRICT



(Ord. No. 09-Z-02, § 1, 5-13-2009, eff. 6-13-2009; Ord. No. 14-Z-02, § 1, 4-7-2014, eff. 5-9-2014; Ord. No. 15-Z-09, § 2, 2-1-2016, eff. 3-8-2016)

Chapter 15 ACCESS/PARALLEL ROAD OVERLAY ZONE

SECTION 15.1. LOCATION OF ROADS AND MAP.

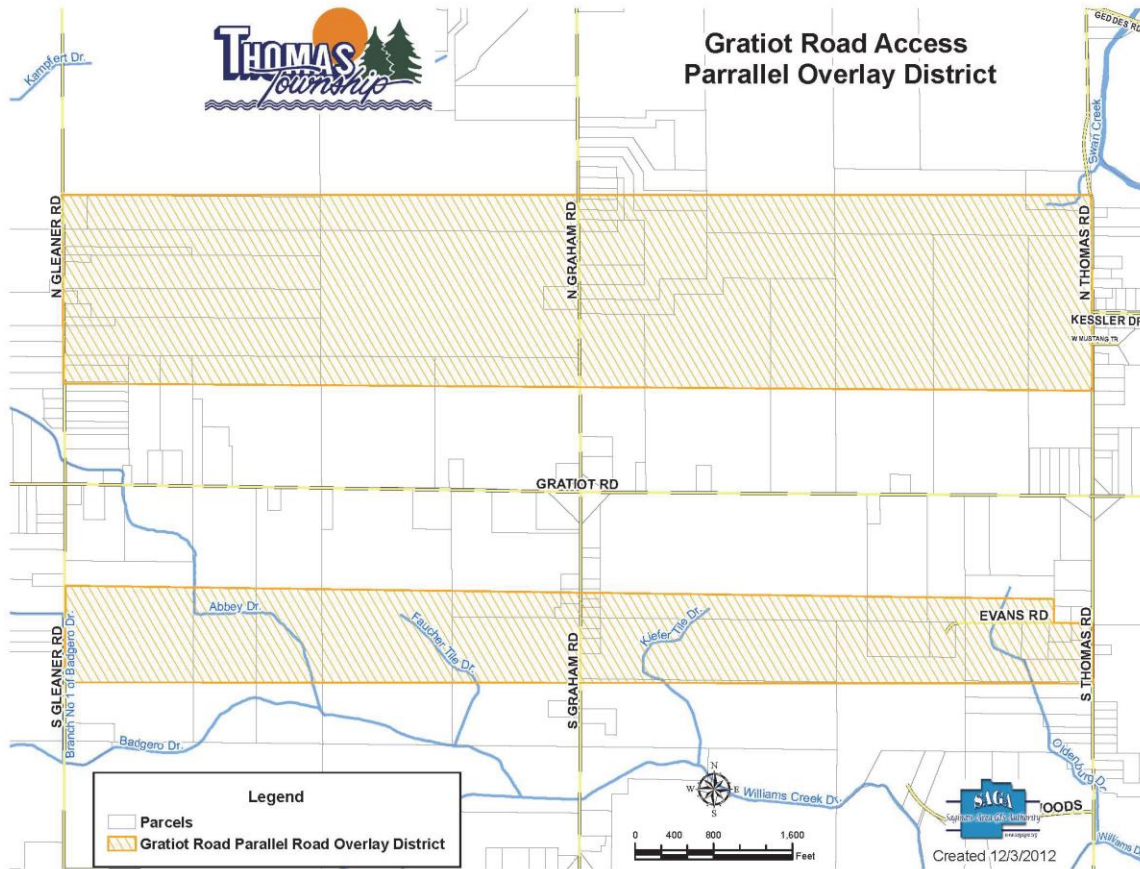
A proposed Parallel Roads Overlay Area has been established in Thomas Township between Gleaner Road on the west and Thomas Road on the east. Roads may be straight, curvilinear, create access to drives, other streets, culs-de-sac and other similar road construction features that may be desirable.

The general location of these roads is shown on the Zoning Map of this ordinance. The described location of these roads is intended to be flexible and open to some interpretation by the Planning Commission. In all cases, the proposed parallel road must extend from the east to west property lines within the overlay area.

- a. Northern Road. The general location of the northern parallel road is intended to be within a .4 mile wide band of land beginning roughly 1,000' north of Gratiot Road and extending north .4 miles.
- b. Southern Road. The general location of the southern parallel road is intended to be within a .18 mile wide band of land located roughly 1,000' south of Gratiot Road extending south .18 miles.

- c. Planning Commission Oversight. The Thomas Township Planning Commission will have the ability to adjust or to modify the location of the roads to meet the intent of this ordinance.

MAP 5 ACCESS PARALLEL ROAD OVERLAY ZONE



SECTION 15.2. DEVELOPMENT STIPULATIONS.

- a. Development stipulations detailed in this ordinance may be amended by Thomas Township as roads are constructed and land is divided.
- b. Master Plan. Development shall proceed according to the goals and objectives for the Township as a whole, commercial land uses and transportation as specified in the Thomas Township Master Plan as amended.
- c. Zoning Ordinance. All requirements of the Thomas Township Zoning Ordinance must be complied with.
- d. Road Design. All roads must be designed and constructed according to the Saginaw County Road Commission standards.
- e. Land Division. All land must be divided according to the requirements of the Thomas Township Land Division Ordinance. At the time of land division joint access and parking agreements may be required to be recorded with the deed to comply with this ordinance.
- f. Parcel Access.

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- 1) Location. Parcel access may be determined by an overall access plan adopted by Thomas Township. Individual access is not guaranteed for each property owner, rather reasonable access is guaranteed according to the principles of the Michigan Department of Transportation as described in the Access Management Guidebook, September, 2001, as revised.
 - 2) Shared access. Shared access may be required at the time of land division, at the time of development or at the time of subsequent adjacent development where shared access is feasible and desirable to achieve the intent and purposes of this ordinance. Shared access agreements for construction, location and maintenance will be required and shall be recorded with the Saginaw County Register of Deeds.
 - 3) Controlled access. Access may be controlled through the use of traffic control devices such as signals, deceleration lanes, islands, and similar physical and mechanical means.
- g. Parking.
- 1) Location. All front yards shall be deemed to be adjacent to Gratiot Road. All parking and loading shall be located in the rear and in some instances side yards of principal structures regardless of the location of the entrance.
 - 2) Shared parking. Shared parking may be required at the time of land division, at the time of development or at the time of subsequent adjacent development where shared parking is feasible and desirable to achieve the intent and purposes of this ordinance. Shared parking agreements for construction, location and maintenance will be required and shall be recorded with the Saginaw County Register of Deeds.
- h. Sidewalks.
- 1) Sidewalks. Sidewalks must be constructed on both sides of the road with provisions for handicap accessible crosswalks. Pedestrian safety islands and similar means may be required to ensure the safety of non-motorized traffic.
 - 2) Time of construction. Sidewalks must be constructed at the same time as the road is constructed even if the adjacent property is undeveloped.
 - 3) Repair. Adjacent property owners are responsible for sidewalk maintenance and repair, including damage done by construction activity on private property.
- i. Street Lighting. All streets must be lighted according to Thomas Township specifications.
- j. Water and Sewer.
- 1) Water and sewer. Water and sewer lines must be installed on all developed lots per Thomas Township specifications.
 - 2) Hydrants. Fire hydrant and other necessary fire suppression shall be installed according to the specifications of Thomas Township.
- k. Gas, Electric and Cable.
- 1) Bury Lines. All gas, electric and cable lines must be buried according to the specifications of Consumer's Energy or the energy and/or cable company that owns the lines.
 - 2) Utility boxes. All gas, cable, and electrical boxes must be installed in the side yard behind the front principal building line and screened from view of the street with landscaping or other approved structures.

Ord. No. 08-Z-03, 10-6-2008, eff. 11-14-2008)

SECTION 15.3. GENERAL DESIGN GUIDELINES.

The Thomas Township M-46 Corridor Overlay District General Design Guidelines must be met where applicable.

Chapter 16 GREAT LAKES TECH PARK OVERLAY ZONE

SECTION 16.1. APPLICABILITY.

The standards of this Section shall apply to all lands illustrated as the Great Lakes Tech Park Overlay Zone. The regulations herein apply in addition to and simultaneously with the other applicable regulations of the zoning ordinance. Permitted and special land uses with the Overlay Zone shall be as regulated in the underlying zoning district (as designated on the zoning map) and shall meet all the applicable requirements for that district.

(Ord. No. 09-Z-08, § 1, 1-13-2010, eff. 1-13-2010; Ord. No. 10-Z-01, § 1, 5-12-2010, eff. 6-12-2010)

MAP 6 GREAT LAKES TECHNOLOGY OVERLAY ZONE



SECTION 16.2. USES PERMITTED BY RIGHT.

All uses in the Great Lakes Tech Park Overlay Zone shall be subject to the site plan requirements. The following are the principal permitted uses by right within the Great Lakes Tech Park Overlay Zone.

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- a. Laboratories, offices and other facilities for basic and applied research, experimentation, testing, product design, technology development, consulting and business development particularly related to solar technology.
 - b. Business schools and training facilities.
 - c. Office buildings providing for uses such as corporate offices in accordance with the purpose of this district.
 - d. Data processing and computer centers, including service and maintenance of electronic data processing equipment.
 - e. Any use charged with the principal function of research in the area of solar energy, photonics/optics, robotics and electronic equipment.
 - f. A high technology service use, which has as its principal function the providing of services including computer information transfer, communications, distribution, management, processing, administrative, laboratory, experimental, developmental, technical or testing services.
 - 1) A high technology manufacturing use, which has as its principal function light manufacturing, assembly, fabrication or machining from process materials. Such uses shall include but are not limited to solar technology, agricultural technology, biological or pharmaceutical research, software technology, telecommunications, biomedical technology, fluid transfer and handling technology, defense and aerospace technologies or other technology oriented or emerging industrial or business activity. Permitted high technology uses shall not include heavy manufacturing, heavy stamping operations or any manufacturing from raw unprocessed materials.
 - 2) Research, development, engineering, design, assembly, fabrication and limited light manufacturing of high-tech equipment including equipment involved in high tech industrial activity, instrumentation or associated computer software.
 - g. Engine project research, fluid transfer and handling product research, development, engineering, design, testing, assembly, production and related office, sales and administrative uses.
 - h. Manufacturing and assembly operations which operate within a wholly enclosed building. Manufacturing shall not include heavy manufacturing, heavy stamping operations or any manufacturing from raw or unprocessed materials.
 - i. Accessory structures and uses customarily incidental to the above permitted uses.
 - j. Parks.
 - k. Motels and hotels in accordance with the requirements as follows:
 - 1) Minimum floor area of two hundred fifty (250) square feet per guest unit shall be provided.
 - 2) Minimum lot width of one hundred fifty (150') feet and a minimum of four hundred (400) square feet of lot area for each guest unit.
 - 3) Maximum lot coverage including all buildings, both principal and accessory, shall be forty (40%) percent.

(Ord. No. 09-Z-08, § 1, 1-13-2010, eff. 1-13-2010; Ord. No. 10-Z-01, § 1, 5-12-2010, eff. 6-12-2010)

SECTION 16.3. USES PERMITTED BY SPECIAL LAND USE PERMIT.

The following uses may be permitted in the Great Lakes Tech Park Overlay Zone; however, they shall be treated as special land uses subject to approval by the Planning Commission in accordance with the additional requirements of Chapter 20, Special Land Use Permit Requirements, and subject to the public hearing requirements.

- a. Medical offices, clinics research, and medical supply facilities, including auxiliary or accessory laboratories. Such uses may include sports medicine, medical wellness, physical therapy, physical medicine and similar facilities. Substance abuse (drugs and alcohol) treatment facilities and facilities principally for emergency services or that provide twenty-four (24) hour services shall not be permitted.
- b. Publicly owned and operated buildings and facilities, such as fire stations.
- c. Fitness centers, health spas and racquetball clubs.
- d. Wireless communication facilities.

(Ord. No. 09-Z-08, § 1, 1-13-2010, eff. 1-13-2010; Ord. No. 10-Z-01, § 1, 5-12-2010, eff. 6-12-2010)

SECTION 16.4. DEVELOPMENT REQUIREMENTS.

All principal permitted uses and special land uses shall comply with all applicable provisions of the Zoning Ordinance, including but not limited to the following:

- a. Minimum Lot Size:
 - 1) Each lot shall contain a minimum of forty three thousand, five hundred and sixty (43,560) square feet.
 - 2) Each lot shall be a minimum width at the front building line corresponding with the underlying zoning district.
- b. Minimum Yard Requirements:
 - 1) Each lot shall have a minimum front yard of forty (40') feet.
 - 2) Each lot shall have a total side yard of forty (40') feet for each side yard and street side yard.
 - 3) Each lot shall have a minimum rear yard of forty (40') feet.
- c. Maximum Building Height: The maximum building height shall be forty five (45') feet when the minimum yard requirements on all sides are met. For every additional ten (10') feet of side and rear yard added, the maximum building height may increase by twelve (12') feet.
- d. General Parking Guidelines:
 - 1) All parking shall be located to the rear of the building. The Planning Commission shall have the authority to designate the front of the building when located on multiple road fronts and limit parking at their discretion along the side yards. In addition, the Planning Commission shall have the authority to review and approve limited parking in the front yard not to exceed five (5%) percent of the total parking area.
 - 2) All parking shall comply with Chapter 5, General Off-Street Parking and Loading.
- e. Landscaping: Landscaping shall be provided along and against buildings to anchor it to the surrounding environment and soften the structure and must follow the regulations within Chapter 4.

Trees shall be used throughout paved areas and along pedestrian pathways. Trees shall be so selected and planted to provide a mix of canopy and ornamental trees.

- f. Buffer Zone Guidelines: When a Great Lakes Tech Park Overlay Zone is developed adjacent to a residentially zoned parcel or a parcel used for residential under five (5) acres in size, the buffer zone between them must meet the standards as required between an R-1 zone and B-3 zone found in Section 3.12.
- g. Uses in this district are required to meet the following site development standards to ensure that this unique district develops consistent with the community's vision of a new business zone and to ensure the compatibility of the variety of uses within the district.
 - 1) Building Materials: All structures visible from public roadways shall be constructed of exterior materials approved by the Planning Commission. While no specific or particular architectural aesthetic style is required for any structure, high quality, innovative and imaginative architecture is encouraged. All new buildings must contain a minimum of 50% brick fascia or be of an acceptable design as approved by the Planning Commission on the front of the building.
 - a) All buildings shall be compatible in scale, mass and form with adjacent structures and the pattern of the surrounding area.
 - b) Efforts to coordinate the actual and apparent height of adjacent structures are encouraged. This is especially applicable where buildings are located very close to each other. In terms of design, differing heights can often be made more compatible through placement of windows, belt courses and other horizontal elements that reflect similar elements on neighboring properties including rooflines and roof pitches.

FIGURE 23 REAR OR SIDE FACADE



- c) Rear and side facades, if visible from public streets or neighboring properties, shall be carefully designed with similar detailing and should be compatible with the principal facades of the building. All elevations of the building will be evaluated during review.
 - d) Building frontages shall be designed with large non-reflective minimally tinted window openings at ground level.
 - e) Variations in rooflines shall be encouraged to reduce the massive scale of the structure and add visual interest. Roofs should attempt to include two of the following features: Parapets concealing flat roofs and roof top equipment, overhanging eaves, sloped roofs and three or more roof surfaces.
- 2) Building Orientation: Buildings shall front towards and have their primary pedestrian entrance facing onto a public street or onto a major internal drive. Walls facing a public street shall have

windows and architectural features commonly associated with the front façade of a building, such as awnings, cornice work, edge detailing or other decorative finish materials.

- 3) Utilities: All exterior on-site utilities, including but not limited to sewers, gas lines, water lines and electrical, telephone and communications wires and equipment will be installed and maintained underground. Developers should work with utility companies to plan the most appropriate and unobtrusive location for utility boxes and other necessary utility installations. An architectural screen similar to the building shall screen all utility installations. If this is not possible, the utility installation shall be screened through landscaping.
- 4) Greenbelt: A twenty (20') foot wide greenbelt shall be planted along each public street right-of-way including the equivalent of one (1) canopy tree for every forty (40) linear feet of frontage. All greenbelt trees shall be uniformly spaced to create a tree lined corridor. The remaining greenbelt shall include only living materials with the exception of permitted driveways, sidewalks, signs and utilities.
- 5) Driveways: All access shall comply with the principles of the Michigan Department of Transportation Access Management Guidebook. Driveways shall be located so as to minimize interference with the free movement of traffic and to provide adequate site distance. Large development projects may be required to provide a traffic study showing traffic patterns, number of generated trips, etc.
 - a) Number of Commercial Driveways - The number of commercial driveways shall be a minimum necessary to provide reasonable access for regular traffic and emergency vehicles, while preserving traffic operations and safety along the public roadway. A single means of direct or indirect access shall be provided for each separately owned parcel. Where possible, this access shall be via a shared driveway or a service drive.
 - b) Spacing Between Driveways - The minimum spacing between two (2) commercial driveways on the same side of the road shall be one hundred and fifty (150') feet.
 - c) Offsets - To reduce left-turn conflicts, driveways should be aligned with driveways or streets on the opposite side of the roadway where possible.
- 6) Facility Lighting: Building-mounted light fixtures shall be in proportion to the structure and area intended to be illuminated by the fixture. Free standing pole fixtures shall not exceed twelve (12') feet. Lighting and light fixtures shall coordinate with the other site elements, with the architecture of the building and with the lighting of surrounding developments and public spaces. All light fixtures shall be screened from all adjacent parcels.
- 7) Roadway/Street Lighting: The developer is required to install street lighting along all public and internal access roadways per Thomas Township specifications. Developers must contact the Community Development Department for approved street lighting specifications prior to the installation of any roadway street lighting.
- 8) Outdoor Storage: Outdoor storage shall be attractively secluded from public view through the creative use of berms, fencing, landscaping, building screening, etc.
- 9) Service Area and Appurtenance:
 - a) Screen all rooftop mechanical and communications equipment from public view from adjacent streets and adjoining developments. Rooftop screening shall be integrated into the architecture of the building in terms of materials and details.
 - b) Screen service area and loading docks that are visible from streets, parking areas and adjoining development with berms, plantings, structures or fences.

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- c) Site noise generating features such as generators, compactors and loudspeakers shall not exceed 60 decibels (dB) as measured from the surrounding property lines and shall be directed away from neighboring properties. The use of noise barriers or other means of reducing the impact is strongly encouraged.
 - d) Garbage collection areas shall be located at the rear of the buildings and shall be enclosed by opaque material on all four sides. The screen materials shall match the materials on the building.
- 10) Storm Water Detention/Retention: Storm water detention and/or retention shall be integrated into the site and addressed as a site feature and amenity as opposed to merely an infrastructure necessity. Drainage systems, when pertaining to retention or detention, will be installed above ground but should be well planned, attractive and integrated into the site. Retention and detention areas do not require fencing.
- 11) Public Streetscape:
- a) Sidewalks, Pedestrian Pathways, Crosswalks: The developer shall create a complete pedestrian pathway system within a site linking all buildings, parking areas and green spaces. The design shall ensure that this network connects to any nearby public pedestrian pathways and public amenities to adjacent land uses. Public sidewalks must be installed along all public and private road frontages.

The developer shall provide crosswalks at intersections, at points of vehicular access and in front of building entrances. Crosswalks shall be designed with new paving material that will be compatible with the character of the area. Cobble stones, scored concrete with broom finish, colored, exposed aggregate concrete and brick or unit pavers are examples of appropriate materials. Large expanses of bright white or gray concrete surfaces shall be avoided.

FIGURE 24 COLUMN DIAGRAMS



- b) Street trees and landscaping shall be designed and maintained to enhance pedestrian access and levels of comfort.
- c) All developments will install, at key locations (at the corners of the property or at major entrances or in at least four (4) locations for every two hundred (200') feet of lineal frontage) stone columns and simulated wrought iron fencing with the following standards:
 - i. A maximum of thirty-two (32') feet length of simulated black wrought iron fence will be installed between each brick column.
 - ii. All fences will be between thirty-two (32") inches and thirty-six (36") inches in height.
 - iii. All fences will be twenty-four (24") inches by twenty-four (24") inch in width with a twenty-seven (27") inch by twenty-seven (27") inch in width with a square edge limestone cap. The height of the cap shall not exceed two (2") inches in height. The overall column will be as follows:
 - a. All columns will be four (4') feet in height.

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- iv. The stone color of the columns shall consist of Owens Corning Culture Stone - Chardonnay Country LedgeStone (CSV-20006) or will match existing columns as determined by the Community Development Department. All joints between the decorative stone veneer must be filled with mortar to about ½ thickness of decorative stone. Finish joints with a stiff-bristle brush or masonry tool to form a somewhat joint surface, sealing the joints from water infiltration.
 - v. All fences will be located between four (4') feet and eight (8') feet behind the sidewalk or pathway or match the fence on adjoin properties as determined by the Community Development Department. Location of proposed fencing must be staked and approved by the Community Development Department prior to the installation of any columns/fencing.
 - vi. A minimum of one section of fence is required in each required direction from the corner column. In no case will sections of fence be separated from each other by more than thirty-two (32') feet.
- 12) Signs: Because of the distinctiveness of the businesses locating within the Great Lakes Tech Park Overlay Zone, specific identity and direction markers (signs) are necessary. Thomas Township has a substantial governmental interest in achieving the following objectives and has narrowly drawn these regulations to be the least extensive means to achieve them:
- a) Types of Restrictions: This section of the overlay zone regulates such things as identity and directional marker sign size, height, placement, illumination and structural components.
 - b) Public Safety: The regulations are intended to improve public safety by minimizing the visual obstructions, distractions and traffic hazards caused by identity and directional marker signs.
 - c) Aesthetics: The regulations address the aesthetic purpose of avoiding visual clutter, thus furthering the objective of protecting property values and improving public safety.
 - d) Balance: The regulations attempt to balance the public's need to identify locations of public and private facilities with:
 - i. The needs of businesses to attract customers and create awareness of products.
 - ii. The limitations of human ability to deal with information especially while driving a motor vehicle.
 - iii. The constitutional objective to preserve freedom of speech.
 - e) Any business location within the overlay zone whose site was developed utilizing the overlay zone standards shall refer to the Thomas Township Sign Ordinance regulations to establish wall, pole or ground sign standards.
 - f) Identity Signs: In order to identify campus locations or groups of multiple businesses, two (2) ground or pole signs totaling fifty (50) square feet in area shall be permitted at every entrance. All such signs shall be setback from the road right-of-way ten (10') feet. If located within the center of a road on a median, it may be located within the road right-of-way. This will require approval from the Saginaw County Road Commission.
 - g) Directional Marker Signs: In order to direct traffic to a specific area or in a specific direction, two (2) ground or pole signs totaling fifty (50) square feet in area each shall be permitted. All such signs shall be setback from the road right-of-way ten (10') feet.

Chapter 17 M-1 LIMITED MANUFACTURING DISTRICT

SECTION 17.1. GENERAL USE REQUIREMENTS.

- a. Enclosed Buildings and Storage Activities: Enclosed buildings and storage activities in this District shall be carried on in completely enclosed buildings. Storage may be permitted out-of-doors provided that within two hundred feet (200') of any other district said storage shall be in completely enclosed buildings.

All outdoor storage shall be effectively screened by a solid, uniformly finished wall or fence with solid entrance and exit gates, which fence or wall shall be at least four feet (4') in height, but in no case shall the fence be lower than the enclosed storage up to a maximum of eight feet (8') in height. Such storage shall be deemed to include the parking of licensed motor vehicles over one and one-half (1 ½) ton rated capacity.

- b. Retail Sales and Residential Dwellings: Retail sales and residential dwellings are expressly prohibited except as may herein be specially allowed.

- c. Standards For Uses: Uses in this District shall conform to the following standards:

- 1) Emit no noxious, toxic or corrosive fumes or gases which are harmful to the public health, safety or general welfare except those produced by internal combustion engines under design operating conditions.
- 2) Emit no smoke, odorous gases or other odorous matter in such quantities as to be offensive at or beyond any boundary of the use on the parcel.
- 3) Produce no heat or glare to such an extent to be detrimental to the health, safety and general welfare at or beyond the lot boundaries.
- 4) Produce no physical vibrations to such an extent to be determined detrimental to the health, safety and general welfare at or beyond the lot boundaries.
- 5) Does not include in the manufacturing process any production or storage of any material designed for use as an explosive nor the use of any such material in production.
- 6) Shall conform to all local, State and applicable Federal pollution control standards, including noise, air, and water quality requirements.

TABLE 28 M-1 LIMITED MANUFACTURING DISTRICT USES

Uses By Right

- Accessory uses
- Childcare organizations
- Commercial schools
- Contractor's establishments
- Drilling, operating and maintenance of wells
- Drive-in, drive-thru, and take-out retail establishments
- Incinerators and sanitary landfills.

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- Kennels, veterinary hospitals, clinics
 - Laboratories
 - Livestock auction yards
 - Manufacturing and assembly of electronic equipment, or musical instruments, toys, and novelties, pottery and ceramics
 - Production, processing and packaging of articles or products
 - Professional offices
 - Public buildings and utility installations and buildings
 - Sewage treatment and disposal installations
 - Truck terminals
 - Warehouse and storage buildings and yards
 - Windmills and wind powered electricity generating devices

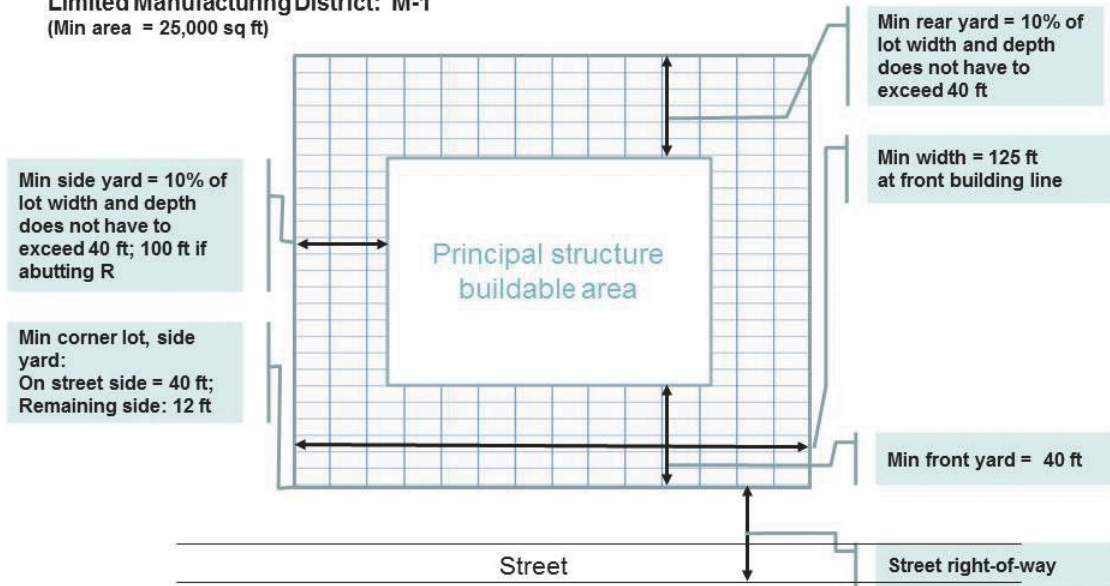
Uses by Special Permit

- Correctional camps
- Junk yards
- Motorized race tracks
- Wireless communication facilities

(Ord. No. 97-Z-03, 11-3-1997, eff. 12-12-1997; Ord. No. 13-Z-03, § 1, 10-7-2013, eff. 11-15-2013)

TABLE 28 M-1 LIMITED MANUFACTURING DISTRICT USES

Limited Manufacturing District: M-1
(Min area = 25,000 sq ft)



Maximum building height: 3 ½ stories or 45 ft; if within 75 ft of R then 2 ½ stories and 35 ft

Chapter 18 SPECIAL LAND USE PERMIT REQUIREMENTS

SECTION 18.1. INTENT AND PURPOSE.

It is the intent of this Chapter to provide a set of procedures and standards for special uses of land or structure which, because of their unique characteristics, require special consideration in relation to the welfare of adjacent properties and the community as a whole.

It is the expressed purpose of the regulations and standards herein, to allow, on one hand, practical latitude for the investor or developer, but at the same time maintain adequate provision for the protection of the health, safety, convenience and general welfare of the community.

(Ord. 97-Z-03, 11-3-1997, eff. 12-12-1997; amd. 1998 Code)

SECTION 18.2. PERMIT PROCEDURES.

The application for a special land use permit, also referred to hereafter as special use permit, shall be submitted and processed under the following procedures:

- a. Submission of Application: An application shall be submitted through the Zoning Administrator on a special form for that purpose. Each application shall be accompanied by the payment of a fee as set by resolution of the Township Board.

In the event the allowance of a desired use requires both a rezoning and special land use permit both requests may be submitted jointly, subject to the following:

- 1) The Ordinance procedures for each shall be followed as specified.
 - 2) All applicable standards and specifications required by the Ordinance shall be observed.
- b. Date Required:
- 1) The special form shall be completed in full by the applicant including a statement by the applicant that the Permit Standards (Section 17.3) can be complied with.
 - 2) Site plan drawn to scale (preferably 1" = 100') of the total property involved showing the location of all abutting streets, the location of all existing and proposed structures and uses of the property and any natural or manmade features which affect the property, together with indication of abutting uses.
 - 3) Preliminary plans and specifications of the proposed development.
- c. The Thomas Township Planning Commission: The Planning Commission shall be the body responsible for reviewing and approving special land uses. The Planning Commission may, however, designate the Zoning Administrator some specific responsibilities for assisting them in this function.
- d. Public Notice:
- 1) If the application is complete, the administrator shall notify the following persons of the application being considered, so the notice is sent not less than fifteen (15) days before the date that the application will be considered. The notice is considered to be given when personally delivered or when deposited during normal business hours for delivery with the U.S. Postal Service or other public or private delivery service. Notices shall be sent to:
 - a) The applicant.
 - b) The owner of the property if different.
 - c) The owners of all real property within three hundred (300') feet of the boundary for the property for which the approval has been requested, as shown by the latest assessment role, regardless of whether the owner and property is located in Thomas Township or not.
 - d) One occupant of each structure or each unit within three hundred (300') feet of the boundary for the property for which the approval has been requested, regardless of whether the owner and property is located in Thomas Township or not. For multiple unit structures containing more than four (4) dwelling units, notice must be given to the manager or owner of the structure to be posted at the primary entrance of the structure.
 - e) The general public by publication in a newspaper of general circulation in Thomas Township.
 - f) The members of the Planning Commission.
 - 2) The notice shall include:
 - a) The nature of the special use permit being requested.
 - b) The property/properties for which the request has been made.
 - c) A listing of all existing street addresses within the property/properties which is/are subject to the special use. (Street addresses do not need to be created and listed if no such addresses currently exist. If there are no street addresses, another means of identification may be used.)

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- d) The location where the application documents can be viewed and copied prior to the date the application will be considered.
 - e) The date, time and location where the hearing on the application will take place.
 - f) The address to which written comments should be directed prior to the hearing.
 - g) For members of the Planning Commission only - a complete copy of the special use permit application and supporting documents in the record.
- e. Action by Planning Commission: The Planning Commission may deny, approve, or approve with conditions, a request for special land use approval. If the application for a special land use permit is in compliance with all standards in this Zoning Ordinance, other applicable ordinances, and State and Federal statutes, it shall be approved. The decision on a special land use shall be incorporated in a statement containing the conclusions relative to the special land use under consideration which specifies the basis for the decision, and any conditions imposed.

The Thomas Township Planning Commission must deny, approve, or approve with conditions a request for special land use permit within sixty (60) days of its submission to the Planning Commission, except in those cases where the applicant has been requested to furnish additional information, in which case a decision shall be made within thirty (30) days from the receipt of said information.

- f. Permit Expiration: A special land use permit issued pursuant to this Chapter shall be valid for one year from the date of issuance of said permit. If construction has not commenced and proceeded meaningfully toward completion by the end of this one year period, the Zoning Administrator shall notify the applicant in writing of the expiration of said permit.
- g. Revocation: The Planning Commission shall have the authority to revoke any special land use permit after it has been proven that the holder of the permit has failed to comply with any of the applicable requirements of the Site Plan requirements. Written notice of violation shall be given by the Zoning Administrator to the holder of the permit and correction must be made within thirty (30) days. After a thirty (30) day period an additional notice shall be given by the Zoning Administrator, that the use for which the permit was granted must cease within sixty (60) days from date of second notice.
- h. Reapplication: No application for a special land use permit which has been denied wholly or in part by the Planning Commission shall be resubmitted until the expiration of one year or more from the date of such denial, except on the grounds of newly discovered evidence or proof of change of conditions.

(Ord. 97-Z-03, 11-3-1997, eff. 12-12-1997; Ord. No. 08-Z-04, 11-12-2008, eff. 12-15-2008)

SECTION 18.3. PERMIT STANDARDS.

Before formulating recommendations on a special land use permit application, the Planning Commission shall establish that the following general standards, as well as specific standards, shall be satisfied:

- a. General Standards: The Planning Commission shall review each application for the purpose of determining that each proposed use meets the following standards and, in addition, shall find adequate evidence that each use on the proposed site will:
 - 1) Be designed, constructed, operated and maintained so as to be harmonious and, appropriate in appearance, with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.
 - 2) Not be hazardous or disturbing to existing or intended uses in the same general area and will be an improvement to property in the immediate vicinity and to the community as a whole.

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- 3) Be served adequately by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, and schools.
 - 4) Not create excessive additional requirements at public cost for public facilities and services.
 - 5) Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.
 - 6) Be consistent with the intent and purpose of the zoning district in which it is proposed to locate such use.
 - 7) Be compatible with the natural environment including terrain, biota, flood plains and distinctive features or characteristics.
- b. Conditions: The Thomas Township Planning Commission may impose additional conditions as part of issuing a special land use permit if it is necessary to insure that public services and facilities affected by the land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:
- 1) Be designed to protect natural resources, the health, safety and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - 2) Be related to the valid exercise of police power, and purposes which are affected by the proposed use or activity.
 - 3) Be necessary to meet the intent and purpose of this Zoning Ordinance, be related to the standards established in this ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.
 - 4) The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the Planning Commission and landowner. The Planning Commission shall maintain a record of conditions which are changed.
- c. Specific Requirements: The general standards and requirements of this Section are basic to all uses authorized by special land use permit. The specific and detailed requirements set forth in the following Section relate to particular uses and are requirements which must be met by those requirements where applicable.
- d. Permitted Uses: Uses permitted by special land use permit shall be those listed in the district regulations chapters.

(Ord. 97-Z-03, 11-3-1997, eff. 12-12-1997)

SECTION 18.4. AIRPORTS AND COMMERCIAL LANDING STRIPS.

- a. All uses shall be established and maintained in accordance with all applicable Federal and State of Michigan statutes. If any of the requirements of this subsection are less than those in applicable State and Federal statutes, the State and Federal requirements shall prevail.
- b. The proposed site shall be at least two thousand six hundred forty feet by five hundred feet (2,640' × 500').

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- c. Any runway shall have a minimum length of one thousand five hundred feet (1,500') with a five hundred foot (500') clearance at each of the runway ends.
 - d. The site in question shall have at least one property line abutting a collector or minor road.
 - e. Buildings, height limits, lighting, parking, and uses and activities shall be in accordance with applicable FAA and MAC regulations.

SECTION 18.5. AUTOMOBILE AND LIGHT TRUCK SERVICE, CAR WASHES, REPAIR AND GAS STATIONS.

- a. **Authorization:** Facilities to serve motor vehicles are of considerable importance within urbanizing areas where the basic mode of transportation is by private automobile. The continued growth of motor vehicle registrations and of total miles traveled annually has stimulated additional needs for retailing gasoline and associated products. To meet the demands of location and space for this type of retail facility requires careful planning to properly integrate the service station function into the pattern of other commercial and retail activities serving the community. Because such integration requires special considerations relating to location, site layout, storage facilities, traffic, safety, and compatibility with surrounding uses of land, this ordinance requires conformance to the standards set forth in this Section before a building permit may be issued for a gasoline service station as permitted use within various commercial districts. Moreover, gasoline service stations may be permitted in the district or as otherwise cited upon the issuance of a special use permit which complies with the stated requirements and with the general standards set forth.
- b. **Objectives:** It is the intent of this Section to exercise a measure of control over service stations and permitted buildings and their sites and to establish a basic set of standards within which individual solutions may be developed to meet the retail service needs of motor vehicles. The objectives of the regulations set forth in this Section are to:
 - 1) Promote the type of development which will be compatible with other land use activities located in areas where service stations will be constructed.
 - 2) Control those aspects of service station design, site layout, and operation which may, unless regulated, be damaging to surrounding uses of land.
 - 3) Minimize the traffic congestion and safety hazards which are inherent in service station activity.
- c. **Uses That May Be Permitted:** Gasoline service stations as defined in Chapter 2, including the servicing of motor vehicles under one and one-half (1 1/2) tons' rated capacity such as minor adjustments to motor vehicles, sales and installation of automotive accessories, and other servicing of motor vehicles, provided such accessory uses and services are conducted wholly within a completely enclosed building. Body repair, engine overhauling, steam cleaning or other mechanical or physical modifications to motor vehicles is specifically prohibited.
- d. **Site Development Requirements:** The following requirements for site development, together with any other applicable requirements of this ordinance shall be complied with:
 - 1) **Minimum Site Size:** Fifteen thousand (15,000) square feet with a minimum width of one hundred fifty feet (150').
 - 2) **Site Location:** The proposed site shall have at least one property line on a principal or minor arterial.
 - 3) **Building Setback:** The service station building or permitted buildings shall be set back fifty feet (50') from all street right-of-way lines and shall not be located closer than fifty feet (50') to any property line in a residential district unless separated therefrom by a street or alley.

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- a) No installations, except walls or fencing and permitted signs, lighting, and essential services, may be constructed closer than twenty feet (20') to the line of any street right-of-way.
 - b) Hydraulic hoists, pits and all lubrication, greasing, automobile washing, and repair equipment shall be entirely enclosed within a building.
- 4) Access Drives: No more than two (2) driveway approaches shall be permitted directly from any principal or minor arterial nor more than one driveway approach from any other street, each of which shall not exceed thirty five feet (35') in width at the property line.
 - a) If the service station or permitted building site fronts on two (2) or more streets, the driveways shall be located as far from the street intersection as practicable, but not less than fifty feet (50').
 - b) No driveway or curb cut for a driveway shall be located within ten feet (10') of an adjoining property line and shall be no less than twenty-five feet (25') from any adjacent lot within an R District as extended to the curb or pavement.
 - c) Any two (2) driveways giving access to a single street should be separated by an island with a minimum dimension of twenty feet (20') at both the right-of-way line and the curb or edge of the pavement.
 - 5) Curbing And Paving: A raised curb at least six inches (6") in height shall be erected along all of the street property lines, except at driveway approaches. The entire service area shall be paved with a permanent surface of concrete or asphalt.
 - 6) Fencing: A solid fence or wall four feet (4') in height shall be erected along all property lines abutting any lot within a residential district.
 - 7) Signs: Signs, as provided in the Thomas Township Sign Ordinance, provided that no signs whether permanent or temporary, shall be permitted within the public right-of-way.
 - 8) Lighting: Exterior lighting shall be so arranged so that it is deflected away from adjacent residential districts and adjacent streets. The height of lighting shall not exceed twelve feet (12') when located within two hundred feet (200') of a residential district and further may not exceed a height of sixteen feet (16') otherwise.
- e. Automobile Service Stations and Automobile Repair Shops: Notwithstanding anything in this ordinance to the contrary, the foregoing standards of this Section shall apply to automobile service stations and automobile repair shops.

(Ord. 97-Z-03, 11-3-1997, eff. 12-12-1997)

SECTION 18.6. CAMPER SALES AND STORAGE ESTABLISHMENT.

- a. Minimum site size shall be thirty thousand (30,000) square feet.
- b. Minimum number of campers shall be twenty (20). At least fifteen (15) new campers shall be ready for sale at all times.
- c. Minimum site access standards require a minimum of one access point with a minimum width of twenty four feet (24'). All access points shall be paved. All street entrance or exit drives shall not be located closer than seventy feet (70') from or to any intersection, and twenty-five feet (25') from or to any side yard property line.
- d. Minimum Yard Requirements:
 - 1) Each lot shall have a minimum side yard of fifteen feet (15') except on that side of the lot abutting upon a residential or agricultural district, in which case there shall be a side yard of thirty feet (30'). No

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building upon the premises shall be located closer than the required side yard dimension to the property line. No parking or display may be located in the required side yard area.

- 2) Each lot shall have a minimum front yard of forty feet (40') not more than ten feet (10') of which may be used for parking or storage.
- e. Maximum height of any building or structure shall not exceed two and one-half (2 1/2) stories or thirty five feet (35').
- f. Maximum of one sign per approved site. Said sign shall meet all B-2 Sign Ordinance requirements contained in the Thomas Township Sign Ordinance.
- g. All parking shall be paved and striped, with curb and storm drains, and must meet the parking standards requirements.
- h. All display and storage areas must be paved and properly drained.
- i. The site must comply with the Storm Water Management Plan.
- j. The site must comply with the Township's buffer and greenbelt development standards.
- k. Delivery to the Township of any required performance bond for the faithful performance of the provisions of this ordinance and all conditions of the special use permit.

(Ord. 97-Z-03, 11-3-1997, eff. 12-12-1997; amd. 1998 Code)

SECTION 18.7. CEMETERIES.

- a. The site shall be at least twenty (20) acres and shall be so designed as to provide ingress and egress directly onto or from a major or minor thoroughfare.
- b. No principal or accessory building shall be closer than fifty feet (50') from any abutting residentially zoned property line.
- c. All lighting shall be shielded to reduce glare and shall be so arranged and maintained to direct light away from residential lands adjoining the site.
- d. A maximum of one sign is permitted at a point of entrance or exit which shall bear only the name of the cemetery and shall have a maximum area of sixteen (16) square feet. The sign shall be located no closer than the yard requirements for the residential zone.

SECTION 18.8. CHILDCARE ORGANIZATIONS.

- a. Authorization: In order to facilitate the care of preschool children within a desirable home environment, this Section provides for the inclusion of childcare homes and centers within those residential districts cited under Part II hereof and in churches within any zoning district. This use may be authorized by the issuance of a special use permit or as otherwise cited when all of the procedures and applicable requirements stated and the additional requirements of this Section can be complied with.
- b. Uses That May Be Permitted: Childcare homes and centers may be authorized, provided that there shall not be more than one family occupying a dwelling unit used for childcare homes and centers.
- c. Development Requirements: The following requirements for site development together with any other applicable requirements of this ordinance shall be complied with:

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- 1) Minimum Site Size: Eleven thousand fifty (11,050) square feet with eighty five foot (85') lot width at front building lines. There shall also be provided for each child in attendance, two hundred (200) square feet of lot area in addition to the base figure of eleven thousand fifty (11,050) square feet.
 - 2) Yards: Front, side, and rear yards shall conform to the requirements of the R-1 district.
 - 3) Maximum Building Height; Maximum Lot Coverage: Maximum building height and maximum lot coverage shall be no greater than that permitted in the R-1 Districts.
 - 4) Play Area: There shall be provided on the site a usable outdoor play area at the rate of fifty (50) square feet for each child not a member of the family, exclusive of required front yard, required side yard along a street and of driveways and parking areas. The play area shall be fenced for safety and shall be screened from any adjoining residential land by suitable plant material.

(Ord. 97-Z-03, 11-3-1997, eff. 12-12-1997; Ord. 99-Z-06, 4-5-1999, eff. 5-14-1999)

SECTION 18.9. DRILLING, OPERATING AND MAINTENANCE OF WELLS.

- a. Minimum lot size required shall be two and one-half (2½) acres.
- b. The well shall not be closer to any adjacent lot line than one hundred fifty feet (150').
- c. Fencing of the well structures shall be required if and when substantial residential development exists in the vicinity of the well site.
- d. Landscaping of the site, noise abatement, odor controls, and similar performance characteristics should be harmonious in appearance and qualities as the surrounding uses of the environment.
- e. All developments, operations and maintenance of wells shall otherwise be in conformance with the laws of the State of Michigan

SECTION 18.10. GOLF COURSES, COUNTRY CLUBS, DRIVING RANGES, SHOOTING CLUBS, RACE TRACKS.

- a. Authorization: In recognition of the basic open space and recreational character of golf courses and shooting or country clubs, and compatibility within agricultural districts and residential uses but excluding shooting clubs in R districts, these uses may be permitted within agricultural and residential, as well as the flood plain conservation districts by issuance of a special use permit pursuant to district allowance and all standards herein specified.
- b. Uses: In addition to the uses permitted by special use permit in each district, accessory uses for a permitted use shall be construed to include restaurant and other eating or drinking establishments and such retail sales directly connected with the conduct of the principal use.
- c. Site Location Principles: The following principles shall be used in evaluating the proposed location of a permitted use.
 - 1) Minimum site shall be fifty (50) acres or more and access shall be so designed as to provide all ingress and egress directly onto or from a collector street.
 - 2) Allowed use should be located to be immediately accessible from a principal or minor arterial or collector street as classified by the adopted Major Street Plan.
 - 3) Site location should be allowed which enhances the natural environment and amenities for community life.
 - 4) All sites shall be located on a principal or minor arterial or collector street.

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- d. Development Requirements: The following standards shall be applicable as basic requirements for the use of land or for the erection, reconstruction, or alteration of permitted structures:
- 1) Lighting shall be shielded to reduce glare and shall be so arranged and maintained as to direct the light away from all residential lands which adjoin the site.
 - 2) Minimum yard and height standards require that no building shall be closer than fifty feet (50') to any property or street line. No building shall be erected to a height greater than that permitted in the district in which it is located, except as may be provided under height exceptions for the district in question.
 - 3) All traffic ingress and egress shall be from said thoroughfare. Local traffic movement shall be accommodated within the site so that entering and exiting vehicles will make normal and uncomplicated movements into or out of the major thoroughfare.
 - 4) All points of entrance or exit for motor vehicles shall be located no closer than two hundred feet (200') from the intersection of any two (2) streets or highways.
 - 5) All vehicles shall have clear vertical and horizontal sight distance approaching a public street within one hundred feet (100') of the street for a sight distance of five hundred feet (500') in either direction along the street.
 - 6) Acceleration and deceleration lanes shall be provided at points of ingress and egress to the site. Left turns at entrances and exits should be prohibited on the major thoroughfare where possible.
 - 7) Whenever any use that may be permitted in this subsection abuts property within a residential or agricultural district, a transition strip at least one hundred feet (100') in width shall be provided between all operations and structures, including fences and the residential or agricultural property. Grass, plant materials and structural screens of a type approved by the Planning Commission shall be placed within said transition strip.
 - 8) A minimum yard of one hundred feet (100') shall separate all uses, operations and structures permitted herein, including fences, from any public street or highway exit purposes. This yard shall be landscaped in accordance with plans approved by the Planning Commission.
 - 9) Racetracks shall be enclosed for the entire use on the site for their full periphery with a solid screen fence at least eight feet (8') in height.
 - 10) Racetracks shall be enclosed for the entire use on the site for their full periphery with a solid screen fence at least eight feet (8') in height. Fences shall be of sound construction, painted or otherwise finished, attractively and inconspicuously.

(Ord. 97-Z-03, 11-3-1997, eff. 12-12-1997; amd. 1998 Code)

SECTION 18.11. GRAIN AND SEED ELEVATORS, LIVESTOCK AUCTION/PRODUCTION YARDS.

- a. Each principal agribusiness use shall have frontage upon and access to a thoroughfare having a primary or greater classification.
- b. The minimum lot area shall be ninety thousand (90,000) square feet and the minimum lot width shall be three hundred (300') feet.
- c. A bulk collection, storage, distribution, and similar structure shall be located not less than fifty (50') feet from any right-of-way line and not less than fifty (50') feet from any side or rear property line.
- d. The total coverage of all main and accessory buildings shall not exceed thirty (30%) percent of the lot on which they are located.

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- e. Noise or similar objectionable characteristics incidental to the activity shall not be discernible beyond five hundred (500') feet from the boundaries of the lot or premises from which the noise or objectionable characteristic is generated.

SECTION 18.12. GREENHOUSES AND NURSERIES.

See OPEN AIR BUSINESS USES.

SECTION 18.13. HOTELS AND MOTELS.

- a. The proposed use is located on or has immediate access to a street or road designated as an arterial in the Township's comprehensive development or transportation plan.
- b. The proposed use would not be located adjacent to an R-1 residential district.
- c. Minimum floor area of two hundred fifty (250) square feet per guest unit shall be provided.
- d. Minimum lot area of forty thousand (40,000) square feet is required together with a minimum lot width of one hundred fifty feet (150'). For motels, a minimum of four hundred (400) square feet of lot area for each guest unit.
- e. Maximum lot coverage including all buildings, both principal and accessory shall be forty percent (40%).
- f. All buildings shall be set back no less than forty feet (40') from any street property line and a minimum of thirty feet (30') from any side or rear property line, except that the side yard, for a corner lot, which is adjacent to the street shall be a minimum of forty feet (40').

SECTION 18.14. INCINERATORS AND SANITARY LANDFILLS.

- a. Purpose; Disposal Restrictions. The purpose of this ordinance is to protect the public health, safety, and general welfare of the residents of the Township and surrounding communities by regulation of the location, materials deposited, and management so that no landfill shall be a nuisance, nor cause damage to surrounding property, to the ground water, surface water or in any way become a financial liability or endanger the health or safety of persons or parcels in the area.

From and after the effective date of this ordinance, no person, firm, partnership, corporation, or public body shall dispose of solid waste at any place in the Township except at an approved disposal area as allowed by this ordinance.

- b. Requirements.
 - 1) All uses shall be established and maintained in accordance with all applicable Federal and State of Michigan statutes. If any of the requirements of this subsection are less than those in applicable State statutes, the State requirements shall prevail.
 - 2) All disposal areas within any single development shall be rehabilitated progressively as they are filled or abandoned so that they shall be in a condition of being entirely lacking in hazards, inconspicuous and blended with the general surrounding ground form.
 - 3) The Planning Commission shall establish routes for truck movement in and out of the development in order to minimize the wear on public streets, to minimize traffic hazards and to prevent encroachment of traffic or the by-products of traffic (such as dust and noise) upon adjacent properties.
 - 4) All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, individual or to the community in general.

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- 5) A site plan shall include a complete water table evaluation along with a complete soil evaluation, and must meet the following requirements.
 - 6) Permanent Facilities:
 - a) Sanitary facilities shall be provided for and maintained for persons working on the premises.
 - b) A telephone shall be located on site within an approved facility maintained on the premises.
 - c) Suitable equipment shall be permanently maintained on site to extinguish fires.
 - 7) Perimeter Setbacks: No disposal area shall occur within two hundred feet (200') from any property line or right-of-way. No disposal area shall be within two thousand feet (2,000') from any residential use. No disposal area shall be within two thousand feet (2,000') from any church or institutional use.
 - 8) Lot Requirements: The disposal area shall be required to be on one parcel of property not less than three hundred (300) acres in size, having no less than one thousand feet (1,000') of road frontage on a Class A County primary road as determined by the Saginaw County Road Commission.
 - 9) Access: The ingress to or egress from a disposal area site shall be only from a Class A County primary road as determined by the Saginaw County Road Commission.
 - 10) Fencing: The disposal premises shall be fenced with an eight foot (8') high chain link-type fence to assist in the interception of windblown debris. Portable litter fences shall be used in the immediate working area and at other appropriate locations to control blowing litter; at the end of each operating day, litter shall be removed from fencing and the grounds and incorporated into the disposal area.
 - 11) Perimeter Buffering: The area shall be required to buffer around the entire parcel even though it may be adjacent to additional M-1 zoned property.
 - a) A minimum of a twenty foot (20') high berm is required as measured from surrounding grade.
 - b) All plantings including grass must be maintained in good, healthy condition, and must be replaced if it should die.
 - c) One canopy tree and one evergreen tree must be planted per thirty (30) linear feet or fraction of property line.
 - d) All plantings must be on the outside of the berm.
 - e) All trees must be a minimum of five feet (5') high when planted, and must be replaced if they should die.
 - f) Along every road, street or highway, two (2) additional evergreen trees must be planted for every thirty (30) linear feet of road frontage.
 - g) All tree plantings must be staggered and spaced uniformly along the berm.
 - h) Additional berming may be required by the Planning Commission to meet the purpose of this ordinance.
 - 12) All driveways and parking areas must be paved and have curb and gutter.
 - 13) Sidewalks: Sidewalks meeting the instillation requirements of the Sidewalk Ordinance, 11-4-5 are to be installed along all road frontages.
 - 14) Environmental Impact Study: All applicants must supply an environmental impact study to the Thomas Township Planning Commission.
 - 15) Other Permits: A copy of all other required permits must be supplied to the Planning Commission for review.

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- 16) Wetland Permit: If an applicant is requesting to develop within a designated wetland, the impact of such development must be evaluated by the Planning Commission. Applicants must supply the Planning Commission with evidence that the public welfare will not be harmed if the development disturbs said wetland area. It will be the responsibility of the applicant to supply sufficient evidence to the Planning Commission that the benefit of this development does not harm the future of the Township in any manner.

(Ord. 97-Z-03, 11-3-1997, eff. 12-12-1997)

SECTION 18.15. INSTITUTIONAL USES. RELIGIOUS, EDUCATIONAL, SOCIAL, HUMAN CARE, AND STATE LICENSED RESIDENTIAL FACILITIES FOR 7-20 PEOPLE.

- a. Authorization: In recognition of the many institutional types of nonresidential functions that have been found compatible and reasonably harmonious with residential uses, certain institutional uses specified in this Section may be authorized by the issuance of a special land use permit. Such permit shall not be issued unless all the procedures and applicable requirements stated herewith, together with the additional requirements of this Section can be complied with.
- b. Uses: The following uses may be authorized in those districts and provided the applicable conditions are complied with:
- 1) Institutions for Human Care: Hospitals, sanitariums, nursing or convalescent homes, home for the aged, and philanthropic and charitable institutions.
 - 2) Religious Institutions: Churches or similar places of worship, convents, parsonages and parish houses, and other housing for clergy.
 - 3) Educational And Social Institutions: Public and private elementary and secondary schools and educational institutions, auditoriums and other places of assembly, and centers for social activities, including charitable and philanthropic activities other than activities conducted as a gainful business or of a commercial nature.
 - 4) Public Buildings and Public Service Installations: Publicly owned and operated buildings, public utility buildings and structures, transformer stations and substations, and gas regulator stations.
- c. Site Location Principles for all uses: The following principles shall be utilized to evaluate the proposed location of any institutional use within a permitted district. These principles are alterable, depending upon the specific conditions of each situation, but they shall be applied by the Planning Commission as general guidelines to help assess the impact of an institutional use upon the district in which such use is proposed to be located:
- 1) Any institutional structure or use to be located within a residential district should preferably be located at the edge of a residential district, abutting either a business or industrial district or adjacent to a public open space.
 - 2) Motor vehicle entrance shall be made on a principal arterial or be immediately accessible from a principal arterial as to avoid the impact of traffic generated by the institutional use upon a residential area.
 - 3) Site locations should be preferred that offer natural or manmade barriers that would lessen the effect of the intrusion of the institutional use into a residential area.
- d. Development Requirements for all uses:

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- 1) The proposed site shall have at least one property line abutting a principal or minor arterial or a collector as classified on the adopted Street Plan. All ingress and egress to the off-street parking area (for guests, employees, staff) shall be directly from the major thoroughfares.
 - 2) All two (2) story structures shall be at least sixty feet (60') from all boundary lines or street lines. Buildings less than two (2) stories shall be no closer than forty feet (40') to any property or street line. For buildings above two (2) stories, the building shall be set back from the initial sixty foot (60') setback an additional one foot (1') for each foot of additional height above two (2) stories.
 - 3) No more than twenty-five percent (25%) of the gross site shall be covered by buildings.
 - 4) Ambulance and delivery areas shall be obscured from all residential view by a solid masonry wall six feet (6') in height. Access to and from the delivery and ambulance area shall be directly from a principal or minor arterial or collector street.
- e. Additional development requirements for Religious Institutions:
- 1) The proposed site shall be at least one-half (1/2) acre in size plus one-half (1/2) acre per one hundred (100) seats in the main auditorium or sanctuary.
 - 2) The proposed site shall be so located as to have at least one property line on a principal or minor arterial or collector street as classified by the adopted Street Plan. All ingress and egress to the site shall be directly onto said thoroughfares or a marginal access service drive thereof.
 - 3) No building shall be closer than forty feet (40') to any property or street line. No building shall be erected to a height greater than that permitted in the district in which it is located unless the building is set back from the initial forty feet (40') an additional one foot (1') for each foot of additional height above the district height limitation.
- f. Additional Development requirements for Human Care, Educational, Social Institutions:
- 1) The proposed site shall be at least one acre in area.
 - 2) No building shall be closer than forty feet (40') to any property or street line. No building shall be erected to a height greater than that permitted in the district in which it is located, except as may be provided under height exceptions for the district in question.
 - 3) All buildings shall be of an appearance that shall be harmonious and unified as a group of buildings and shall blend appropriately with the surrounding area.
 - 4) No parking space shall be provided in the front yard and the parking area shall be screened from surrounding residential areas by a wall or fence, in combination with suitable plant materials, not less than four feet (4') in height.
- g. Additional Development requirements for public utility transformer stations and substations, gas regulator stations, and housing for religious personnel attached to a church or school function:
- 1) Lot area and lot width shall be no less than that specified for the district in which the proposed use would be located.
 - 2) Yard and setback requirements shall be no less than that specified for the district in which the proposed use would be located.
 - 3) No building shall be erected to a height greater than that permitted in the district in which the proposed use would be located.
 - 4) All buildings shall be harmonious in appearance with the surrounding residential area and shall be similar in design and appearance to any other buildings on the same site development.

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- 5) Where mechanical equipment is located in the open air, it shall be screened from the surrounding residential area by suitable plant material and it shall be fenced for safety. All buildings housing mechanical equipment shall be landscaped and maintained to harmonize with the surrounding area.

(Ord. 97-Z-03, 11-3-1997, eff. 12-12-1997; amd. 1998 Code)

SECTION 18.16. INSTITUTIONS, REHABILITATION, DRUG OR ALCOHOLIC PATIENTS AND CORRECTIONAL CAMPS OR CORRECTIONAL INSTITUTIONS.

- a. The proposed site shall be at least twenty (20) acres in area.
- b. The proposed site shall have at least one property line abutting a major or minor thoroughfare or principal collector as classified by the adopted Street Plan. All ingress and egress to the off-street parking area shall be directly from the major thoroughfare or collector.
- c. All two (2) story structures shall be at least one hundred feet (100') from all boundary lines or street lines. Buildings less than two (2) stories shall be no closer than fifty feet (50') to any property or street line. For buildings above two (2) stories, the building shall be set back the initial one hundred feet (100') and an additional one foot (1') for each foot of additional height above two (2) stories.
- d. No more than twenty-five percent (25%) of the gross site shall be covered by buildings.
- e. Ambulance and delivery areas shall be obscured from all residential view by a solid masonry wall six feet (6') in height. Access to and from the delivery and ambulance area shall be directly from a major thoroughfare.

SECTION 18.17. JUNK YARDS.

- a. All uses shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this subsection are less than those in applicable State statutes, the State requirements shall prevail.
- b. The site shall be a minimum of five (5) acres in size.
- c. A solid fence or wall at least eight feet (8') in height shall be provided around the entire periphery of the site to screen said site from surrounding property. Such fence or wall shall be of sound construction, painted and otherwise finished neatly and inconspicuously.
- d. All activities shall be confined within the fenced-in area. There shall be no stacking of material above the height of the fence or wall, except that movable equipment used on the site may exceed the wall or fence height. No equipment, material, signs, or lighting shall be used or stored outside the fenced-in area.
- e. All fenced-in area shall be set back at least fifty feet (50') from any front street or property line. Such front yard setback shall be planted with trees, grass and shrubs to minimize the appearance of the installation.
- f. No open burning shall be permitted and all industrial processes involving the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building.
- g. Whenever the installation abuts upon property within a residential or agricultural district, a transition strip at least one hundred feet (100') in width shall be provided between the fenced-in area and the property within a residential or agricultural district. Such strip shall contain plant materials, grass and structural screens of a type approved by the Planning Commission to effectively minimize the appearance of the installation and to help confine odors therein.
- h. A roadway shall be provided and maintained from the street to the rear of the property as necessary to permit free access of fire trucks and emergency vehicles at any time.

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- i. All trucks and other vehicles with the exception of customer and employee parking shall be stored or parked within the required walled or fenced enclosure.
 - j. All truck loading and unloading shall be performed within the required walled or fenced enclosure.

SECTION 18.18. MULTIPLE FAMILY DWELLINGS.

- a. The project has a minimum site of two (2) acres.
- b. Density of the project does not exceed more than six (6) units per acre.
- c. The average lot size is equal to nine thousand six hundred (9,600) square feet.
- d. Legal mechanisms are established for the care and responsibility of all common lands.
- e. All dwelling units are connected to public water and sanitary sewer.
- f. The project is appropriate in scale, quality and appearance with surrounding land uses.

SECTION 18.19. OPEN AIR BUSINESS USES.

- a. The proposed site shall be at least two (2) acres in area.
- b. The proposed site shall have at least one property line abutting a major thoroughfare or principal collector as classified on the adopted Street Plan. All ingress and egress to the site shall be directly from said thoroughfare or collector street.
- c. All buildings and structures shall be set back at least two hundred feet (200') from any property or street line. Whenever the installation abuts upon property within a residential district, this two hundred foot (200') setback shall be landscaped with trees, grass, and structural screens of a type approved by the Planning Commission to effectively screen the installation from surrounding residential properties.
- d. No more than twenty-five percent (25%) of the gross site shall be covered by buildings.
- e. Accessory uses for a permitted use shall be construed to include restaurant and other eating or drinking establishments and retail sales directly connected with the principal open space use.

SECTION 18.20. PLANNED UNIT DEVELOPMENT.

- a. Authorization: Rapid and intensive urbanization over the past decade has produced a need for an economical single-family living unit that is adaptable to urban densities but that retains many of the attractive features of the suburban home. Among the housing concepts emerging to meet this need are townhouses, row houses, garden apartments and similar types of housing units with common property areas; cluster-types of subdivisions in which housing units are arranged in cluster forms, with clusters separated from each other by common open space; and housing units developed with related recreational space, such as golf courses, swimming pools, private parks, community centers and other recreational facilities.

It is the purpose of this Section to encourage more imaginative and livable housing environments within the residential districts, as noted, through a planned reduction, or averaging of the individual lot area requirements for each zone district, providing the overall density requirements for each district remains the same. Such averaging or reduction of lot area requirements shall only be permitted when a land owner or group of owners acting jointly can plan and develop a tract of land as one complex land use unit, rather than an aggregation of individual buildings located on separate, unrelated lots. Under these conditions a special use permit may be issued for the construction and occupancy of a planned unit development, providing the standards, procedures, and requirements set forth in this Section can be complied with.

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- b. Objectives: The following objectives shall be considered in reviewing any application for a special use permit for planned unit development:
- 1) To provide a more desirable living environment by reserving the natural character of open fields, stands of trees, brooks, ponds, flood plains, hills, and similar natural assets.
 - 2) To encourage the provisions of open space and the development of recreational facilities in a general central location and within reasonable distance of all living units.
 - a) Open space shall be reviewed by the Planning Commission and given the highest priority when considering any PUD.
 - b) The open space area within a PUD shall be significant in size, having a minimum of twenty-five percent (25%) of the development dedicated open space.
 - 3) To encourage developers to use a more creative and imaginative approach in the development of residential areas.
 - 4) To provide for more efficient and aesthetic use of open areas by allowing the developer to reduce development costs through the bypassing of natural obstacles in the residential site.
 - 5) To encourage variety in the physical development pattern of the community by providing a variety and mixture of housing types.
- c. Qualifying Conditions: Any application for a special use permit shall meet the following conditions to qualify for consideration as planned unit development:
- 1) The planned unit development (PUD) shall not be less than ten (10) acres in area.
 - 2) Public water and sewer facilities shall be required if available as determined by the DPW. Private sewer disposal systems and wells may be used if public utilities are not available, and such private systems are approved by State and/or local agencies as required by law.
 - 3) For each square foot of land gained through the reduction or averaging of lot sizes, equal amounts of land shall be dedicated to the public or shall be set aside for the common use of the home or lot owners within the planned unit development under legal procedures which shall also give the public a covenant or interest therein, so that there are assurances that the required open space shall remain open.
 - 4) The proposed planned unit development shall meet all of the general standards outlined herein.
- d. Uses That May Be Permitted: The following uses of land and structures may be permitted within a planned unit development, subject to the district limitations as hereinafter listed:
- 1) Single-family.
 - 2) Two-family dwellings.
 - 3) Townhouses, row houses or other similar housing types which can be defined as a single-family attached dwellings with no side yards between adjacent dwelling units, provided that there shall be no more than a length of one hundred fifty feet (150') in any contiguous group allowed, within an R-2 and R-3 District.
 - 4) Garden apartments.
 - 5) Recreation and open space, provided that only the following land uses may be set aside as common land for open space or recreation use under the provisions of this Section:

- a) Private recreation facilities such as golf courses, swimming pools or other recreation facilities which are limited to the use of the owners or occupants of the lots located within the planned unit development.
 - b) Historic building sites, historical sites, parks and parkway areas, ornamental parks, extensive areas with tree cover, low lands along streams or areas of rough terrain when such areas have natural features worthy of scenic preservation.
- 6) Customary accessory uses, as permitted in districts where located.
- 7) Planned neighborhood shopping centers in an R-2 District, provided all standards are met and provided planned unit development contains a minimum of forty (40) acres.
- e. Lot Variation And Development Requirements: The lot area for planned unit developments within Residential R Districts may be averaged or reduced from those sizes required by the applicable zoning district within which said development is located by compliance with the following requirements:
- 1) Site Acreage Computation: The gross acreage proposed for a planned unit development shall be computed to determine the total land area available for development into lots under the minimum lot size requirements of the applicable zoning district in which the proposed planned unit development is located.
- In arriving at a gross acreage figure, the following lands shall not be considered as part of the gross acreage in computing the maximum number of lots and/or dwelling units that may be created under this procedure:
- a) Land utilized by public utilities as easements, for major facilities, such as electric transmission lines, sewer lines, water mains, or other similar lands which are not available to the other because of such easement.
 - b) Land within floodways.
- 2) Maximum Number Of Lots And Dwelling Units: After the total gross area available for development has been determined by the above procedure, the maximum number of lots and/or dwelling units that may be approved within a planned unit development shall be computed by subtracting from the total gross area available a fixed percentage of said total for street right-of-way purposes and dividing the remaining net area available by the minimum lot area requirement of the zoning district in which the planned unit development is located.
- The fixed percentages for street right-of-way purposes to be subtracted from the total gross area available for development shall be determined according to the following schedule:

TABLE 30 PUD STREET RIGHT-OF-WAY PERCENTAGES

District Use	Percent Of Project Area
Single-family detached	25 percent
Two-family and multi-family	20 percent

These percentages shall apply only if no other actual street right-of-way data or easement information is provided for review by the developer.

Under this procedure, individual lots may be reduced in area below the minimum lot size required by the zone district in which the planned unit development is located, provided that the total number of dwelling units and/or lots created within the development is not more than the maximum number that would be allowed if the tract were developed under the minimum lot area requirements of the applicable zone district in which it is located.

Recognizing that good project planning, provision of adequate and developed open space and sound site design, minimize the effects of crowding associated with higher densities, the developer at the time of requesting a special use permit may also request a maximum of up to a ten percent (10%) increase in permitted dwelling unit density as above computed.

Said request may be granted as a condition of special use permit, provided increased density does not result in creation of any of these conditions:

- a) Inconvenience or unsafe access to the planned development.
 - b) Traffic congestion in streets which adjoin the planned development.
 - c) An excessive burden on public services or utilities including schools which serve the planned development.
- 3) Permissive Minimum Lot Area: Notwithstanding other procedures set forth in this Section, lot sizes within planned unit developments shall not be varied or reduced in area below the following standards:
- a) One-Family Detached Dwelling Structure: Six thousand five hundred (6,500) square feet of lot area.
 - b) Two-Family Dwelling Structure: Eight thousand five hundred (8,500) square feet of lot area.
 - c) Townhouses, Row Houses, Or Other Similar Permitted Single-Family Attached Dwelling Types: Six thousand five hundred (6,500) square feet of lot area for the first dwelling unit in each structure plus two thousand (2,000) square feet for each additional dwelling unit within a structure.
- 4) Permissive Minimum Yard Requirements: Under the lot averaging or reduction procedure, each lot shall have at least the following minimum yards:
- a) Front Yard: Twenty feet (20') for all dwellings, provided that front yard requirements may be varied by the Planning Commission after consideration of common greens or other common open space if such provides an average of twenty feet (20') of front yard area per dwelling unit.
 - b) Side Yard: Eight feet (8') on each side for all one-family and two-family dwellings; none for townhouses or row houses, provided that there shall be a minimum of twenty feet (20') between end of contiguous groups of dwelling units.
 - c) Rear Yard: Twenty-five feet (25') for all dwellings, provided that rear yard requirements may be varied by the Planning Commission after consideration of common open space lands or parks which abut the rear yard area.
 - d) Perimeter Setback: The yard requirements at the exterior boundaries of the project will not be less than the minimum yards required in the district where located.
- 5) Maximum Permissive Building Height: Two and one-half (2 1/2) stories but not exceeding thirty five feet (35'). Accessory buildings shall not exceed a height of fifteen feet (15').
- 6) Minimum Floor Area: Minimum floor area shall be required in the following amounts:
- 7) Signs: Signs, in accordance with the Thomas Township Sign Ordinance.
- 8) Off-Street Parking: Off-street parking in accordance with the schedule outlined in Chapter 5.

TABLE 31 PUD MINIMUM FLOOR AREA AMOUNTS

Structure	Area Per Unit
Single-family detached	Each dwelling unit shall have a minimum finished living area of one thousand one hundred (1,100)

	square feet of floor area per dwelling unit with a minimum of seven hundred (700) square feet on the ground floor for units of more than one story.
Attached single-family including two-family and townhouses	Each dwelling unit shall have a minimum finished living area of eight hundred fifty (850) square feet per dwelling unit with a minimum of six hundred (600) square feet on the ground floor for units of more than one story.
Multiple-family dwellings	0 bedrooms 600 sq. ft.
	1 bedroom 800 sq. ft.
	2 bedrooms 1,000 sq. ft.
	3 bedrooms 1,200 sq. ft.
	4 bedrooms or more 1,400 sq. ft.

- f. Open Space Requirements: For each square foot of land gained through the averaging or reduction of lot sizes under the provisions of this Section, equal amounts of land shall be provided in open space. The minimum amount of open space area required in any PUD is twenty-five percent (25%). All open space, tree cover, recreational area, scenic vista, or other authorized open land areas shall be either set aside as common land for the sole benefit, use and enjoyment of present and future lot or homeowners within the development or shall be dedicated to the general public as park land for the use of the general public. The Planning Commission shall determine which of these options is most appropriate and shall recommend to the Township Board one of the following procedures as part of its approval of a special use permit for a planned unit development:
- 1) That open space land shall be conveyed by proper legal procedures from the tract owner or owners to a homeowners' association or other similar nonprofit organization so that fee simple title shall be vested in tract lot owners as tenants in common, provided that suitable land and any buildings thereon, and provided further that an open space easement for said land be conveyed to the Township to assure that open space land remains open.
 - 2) That open space land shall be dedicated to the general public for parks or recreational purposes by the tract owner or owners, provided that the location and extent of said land conforms to the development plans and provided further that access to and the characteristics of said land is such that it will be readily available to and desirable for public use, development, and maintenance. It is the intent of this Section that in cases where subsection f2 above is determined to be in the best interest of the general public that the owners or developers of the planned unit development shall not be compelled or required to improve the natural condition of said open space lands.
- g. Street Development Requirements: Street standards and specifications adopted by the Saginaw County Road Commission shall be complied with for all street improvements, unless the street is to be private.
- 1) Public Street and Private Street Requirements: All streets must be paved. All streets must be designed meeting the development standards of the Saginaw County Road Commission.
 - 2) Private Street Requirements: The width of a private street may vary as well as right-of-way and easements for streets, depending on the development proposed. All private streets must meet public safety needs in terms of accessibility as determined by the Planning Commission.
- h. Sidewalk Requirements: Sidewalks must be installed within all planned unit developments meeting the Sidewalk Ordinance development standards.

(Ord. 97-Z-03, 11-3-1997, eff. 12-12-1997; amd. 1998 Code; Ord. 99-Z-05, 4-5-1999, eff. 5-14-1999)

SECTION 18.21. PUBLIC BUILDINGS AND UTILITY INSTALLATIONS AND BUILDINGS, INCLUDING TRANSFORMER STATIONS AND SUBSTATIONS, GAS REGULATOR STATIONS AND OTHER UTILITY CONTROL FUNCTIONS.

Buildings and structures intended to service the community including water towers, lift stations, pump stations for both sanitary sewer and storm sewer, public safety buildings including fire stations, police stations and other governmental buildings intended to provide services to the public. Water towers are not restricted by district height limitations and may be equipped with cell antenna or other wireless antennas.

- a. All public and private utilities, services and installations shall be located behind the front building line of the principal building on the property. Where possible, utilities shall be buried.
- b. All above ground utilities and installations must be screened from view of the road and adjacent properties whether installed on the ground or on structures.
- c. Where fencing is required or desirable, fencing shall be consistent in design with the surrounding environment. In no case shall chain link fencing with inserted privacy slats be used. Use of barbed wire is prohibited in residential districts and in other districts where residential uses are within view.
- d. Lot size may be reduced to no less than one hundred feet (100') in width and fourteen thousand (14,000) square feet with minimum front yard of sixty feet (60'), side yards of twenty feet (20') and rear yard of thirty feet (30').
- e. Applicable height and lot coverage requirements of the B-1 District shall be maintained.
- f. All buildings shall be harmonious in appearance with the surrounding residential area and shall be similar in design and appearance to any other buildings on the same site development.
- g. Where mechanical equipment is located in the open air, it shall be screened from the surrounding residential area by suitable plant material and shall be fenced for safety. All buildings housing mechanical equipment shall be landscaped and maintained to harmonize with the surrounding area.
- h. Other utility control functions such as gas, electric, cable and phone boxes shall be located in the rear yards of residentially zoned areas, preferably at the rear lot line.

SECTION 18.22. QUASI-PUBLIC FACILITY.

A Quasi-Public facility shall:

- a. Prohibit overnight parking and camping except for one weekend a year.
- b. Supply a properly maintained and drained parking area.
- c. Supply at least two (2) permanent toilet facilities.
- d. Be located on a County primary road with a minimum of five hundred feet (500') of road frontage and be a minimum of seven (7) acres in size.
- e. Not operate after dusk, except for one weekend a year, unless the event is within a closed building.
- f. Not conduct activities during traditional meeting times of adjacent institutional or church uses except for one weekend a year.

The above restrictions may be adjusted for special events by the Township Board given sixty (60) days' notice for review and pursuant to any other applicable Township ordinances after considering such matters as:

- a. Impact on adjacent properties.

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- b. Type of event planned.
 - c. Duration of event.
 - d. Hours of event.
 - e. Insurance coverage.
 - f. Security plan.
 - g. Drinking guidelines.
 - h. Parking plan.
 - i. Recommendations from the Fire and Police Departments.

SECTION 18.23. RESTAURANTS AND DINING ESTABLISHMENTS.

- a. Drive-in, drive-thru, take-out or other forms of off-premises dining are prohibited.
- b. Dancing or nightclub entertainment is prohibited.
- c. The proposed use is designed, constructed, operated and maintained in harmony with adjacent land uses or zoning districts.

SECTION 18.24. RIDING STABLES.

- a. Location. Commercial stables shall not be located on land that is part of a recorded plat.
- b. Minimum Size. Commercial stables shall have a minimum of one (1) acre per animal, but in no such case shall there be less than twenty (20) acres.
- c. Setbacks. All buildings in which animals are kept shall be located a minimum of one hundred (100') feet from any property line planned, zoned or used for residential purposes and a minimum of fifty (50') feet from any occupied dwelling and any other building used by the public on-site.
- d. Maintenance. All stables shall be constructed and maintained so that odor, dust, noise and drainage shall not create a nuisance or hazard to adjoining properties. All manure shall be stored at least one-hundred (100') feet from any property line and shall be removed from the premises or spread and cultivated so as to control odors and flies.
- e. Supervision. Persons renting horses shall be properly supervised so as to avoid conflict with other nearby property owners.

SECTION 18.25. SAND, GRAVEL, OR CLAY PITS AND QUARRIES.

The purpose of this section is to allow limited commercial quarrying, gravel processing and mining of minerals within the Township under certain defined conditions, and to minimize the impacts of those operations upon adjacent properties and the surrounding neighborhood. The following requirements also apply to expanded or new areas of earth removal quarrying, gravel processing, mining and mineral extraction businesses actively in existence with the Township at the time of adoption of the Ordinance.

- a. Street Access: All such operations shall be located on a major road for ingress and egress thereto, or on a road which does not create traffic through an area developed primarily for residential purposes. Where necessary, the Planning Commission may require the applicant to construct and/or improve a road to accommodate the truck travel necessitated by the operations as a condition to such

operations, and for the purpose of routing traffic around residential areas and preventing the breaking up of existing roads which are not "all weather" roads.

b. Setbacks and Grade Levels:

- 1) Sufficient setbacks shall be provided from all property lines and public rights-of-way to assure adequate lateral distances from adjacent public and private property. No such excavation operation shall be permitted closer than one hundred fifty (150') feet to interior boundary lines of the property but larger setbacks may be required by the Planning Commission to adequately protect adjoining properties.
- 2) No such excavation operation shall be permitted within fifty (50') feet of adjoining public rights-of-way except for the lowering of land adjoining the rights-of-way to the grade level of the rights-of-way.
- 3) The permanent processing plant and its accessory structures shall not be located closer than two hundred fifty (250') feet from the interior property lines and adjoining public rights-of-way and shall, where practicable, be located at a lower level than the surrounding terrain to lessen visual and noise impact. In addition, the foregoing shall apply to digging or excavating apparatus, to the stockpiling or loading of materials and to the location of transportation equipment.
- 4) No such excavation operation shall be located within one hundred (100') feet of the banks of any stream or waterway unless previously approved, in writing, by the Michigan Water Resources Commission, or such other State commission having appropriate jurisdiction. No such mining operations shall be conducted to the detriment or damage of adjoining public or private properties.

c. Sight Barriers: Sight barriers shall be provided along all boundaries of the site which lack natural screening conditions through existing contours or evergreen growth. Such barriers shall consist of one or more of the following:

- 1) Earth berms constructed to a height of six (6') feet above the mean elevation of the centerline of the adjacent public roadway and/or six (6') feet above the general level of terrain along interior property lines. Such berms shall have slopes that are not in excess of one (1') foot vertical to three (3') feet horizontal and shall be planted with grass, trees or shrubs.
- 2) Plantings of evergreen trees or shrubbery in rows parallel to the boundaries of the property, not less than four (4') feet in height at the time of planting and which grow to not less than six (6') feet in height at maturity and sufficiently spaced to provide effective sight barriers when six (6') feet in height.

d. Nuisance Abatement:

- 1) Noise and Vibrations. Noise and vibration shall be minimized in their effect upon adjacent properties by the utilization of modern equipment designed to accomplish such minimization and by the proper use of berms, walls, and natural planting screens. All equipment shall be maintained and operated in such a manner so as to eliminate, as far as practicable, excessive noise and vibrations which are not necessary in the operation of such equipment.
- 2) Air Pollution. Air pollution in the form of dust and dirt shall also be kept to a minimum by the use of modern equipment and methods of operation designed to avoid any excessive dust or dirt or other air pollution injurious or substantially annoying to adjoining property owners. Interior and adjoining roads used in the operations shall have their surface treated to minimize any such nuisance.
- 3) Hours of Operation. The operation shall be restricted to the hours of seven (7:00 am) o'clock a.m. until six (6:00 pm) o'clock p.m. Monday through Friday.

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- 4) Fencing. In addition to the sight barriers along the boundaries of the site all steep excavations, pits and pond areas, banks or slopes shall be fenced and posted with signs around the perimeter thereof and maintained to prevent injury to children or others. Such excavation, pits, pond areas, banks and slopes upon termination of operations, shall be eliminated as expeditiously as possible.
- e. Reclamation of Mined Areas:
- 1) Time Periods. Reclamation and rehabilitation of mined areas shall be accomplished as soon as practical following the mining or excavation of an area. Rehabilitation and reclamation shall be commenced immediately upon the termination of the mining or excavation operations in any area consisting of one (1) acre or more. Substantial completion of reclamation and rehabilitation shall be effected within one (1) year after termination of mining or excavation activity. Inactivity for a twelve (12) month consecutive period shall constitute, for this purpose, termination of mining activity.
 - 2) Standards.
 - a) All excavation shall be either to a water producing depth of not less than five (5) feet below the average summer level of water in the excavation, or shall be graded or backfilled with non-noxious, non-flammable, non-polluting and non-combustible solids to ensure:
 - i. That the excavated area shall not collect stagnant water and not permit the same to remain; or,
 - ii. That the surface of such area which is not permanently submerged is graded or backfilled as necessary to produce a gently rolling surface that will minimize wind and water erosion, and which will be generally compatible with the adjoining land area.
 - b) The banks of all excavations shall be sloped to the waterline in a water-producing excavation, and to the pit floor in a dry operation at a slope which shall not be steeper than one (1) foot vertical to three (3) feet horizontal.
 - c) Top soil of a quality equal to that occurring naturally in the area shall be replaced on excavated areas not covered by water, except where streets, beaches, or other planned improvements are to be completed within a one (1) year period. Where used, top soil shall be applied to a minimum depth of four (4") inches sufficient to support vegetation.
 - d) Vegetation shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs to establish a permanent vegetative cover on the land surface and to minimize erosion.
 - e) Upon cessation of mining operations by abandonment or otherwise, the operating company, within a reasonable period of time not to exceed twelve (12) months thereafter, shall remove all plant structures, foundations, buildings, stockpiles and equipment, provided that buildings and structures which have a function under the reclamation plan and which can be lawfully used under the requirements of the zoning district in which they will be located under such plan may be retained.
 - f) Performance Bond: A performance bond or cash shall be furnished the Township Clerk ensuring the proper rehabilitation and reclamation of the mined and excavated areas prior to the commencement of any such mining or excavating operations. The amount of guarantee shall not be less than three thousand dollars (\$3,000) per acre proposed to be mined or excavated in the following twelve (12) month period and which has previously been mined or excavated during any preceding period and not reclaimed and rehabilitated

in accordance with this ordinance and the applicant's filed plan. Mined areas resulting in a water depth of five (5) feet or more shall be deemed to be reclaimed areas to within fifteen (15) feet of any vertical shoreline thereof and to the extent of the shoreline where the same has been sloped to a grade of not more than one (1) vertical to three (3) horizontal, for the purpose of this financial guarantee. Such financial guarantee shall be reviewed annually on or about the anniversary date of the excavation permit for adjustment and compliance with the foregoing requirements by the Zoning Administrator and the Planning Commission. In no event shall such financial guarantee be less than three thousand dollars (\$3,000) and the dollar amount of the guarantee shall be set by the Township Board.

- g. Submission of Operational and Reclamation Plans: Plan Contents. No earth removal, quarrying, gravel processing, mining and related mineral extraction businesses shall be allowed or commenced until a plan has been submitted to the Planning Commission disclosing compliance with all of the provisions of this ordinance or the manner in which compliance will be secured by the applicant. Such plans shall include, among other things, the following:
- 1) A contour map of the tract of land involved in the operations, including dimensions of the same, access thereto abutting public streets, and whether or not the same are "all weather" roads, additional roads, if any, to be constructed, and the location and nature of abutting improvements on adjoining property.
 - 2) The number of acres and the location of the same proposed to be operated upon within the following twelve (12) month period after commencement of operations.
 - 3) The type of mining or processing proposed to be conducted and the nature of the equipment to be used.
 - 4) The location of the principal processing plant and the distance of any proposed excavation or mining from the boundaries of the site.
 - 5) Soil boring tests shall be made around the perimeter of the excavation site in the event excavation or activities are to be conducted closer than one hundred fifty (150) feet from the boundaries of the site. The soil boring tests shall disclose conditions satisfactory for lateral support of adjacent premises as determined by a registered civil engineer. The written consent of the Planning Commission shall be required if mining operations shall be closer than specified in this ordinance to the boundaries of the site.
 - 6) A map or plan disclosing the final grades and elevations to be established following the completion of the mining operations, including the proposed uses then contemplated for the land, future lakes and roads and such other matters as may evidence the bona fide nature of the reclamation and rehabilitation plans and the fact that the land will not be devastated and rendered unusable by the proposed mining activities.
- h. Additional Conditions. In making any decision, the Planning Commission shall have the right and authority to impose such additional conditions and safeguards as it deems necessary for the protection of the health, safety and general welfare of the neighborhood and of the adjoining residents and property owners. It may also limit the length of time its special use permit is to be effective and may provide for a periodic review of the proposed operations to ascertain compliance with the conditions and limitations imposed upon such operations. It shall be empowered to renew or extend a special use permit where all standards and

conditions are complied with and may revoke or refuse to renew the same where non-compliance exists. No revocation or failure to renew or extend a permit shall release the applicant from the duty of rehabilitation and reclamation of the mined or disturbed area. No permit shall be revoked or not renewed until the operator has been given written notice of any violation forming the basis of the revocation or denial of renewal and not less than thirty (30) days have elapsed to correct the stated violation. All permits shall be reviewed by the Planning Commission annually.

- i. Inspections and Conformance. Inspections shall be made of the mining site no less often than twice in each calendar year by the Zoning Administrator in order to ensure conformance with the requirements of the approved special use permits. An aerial photo or a CD showing the entire property and/or operations thereon shall be taken prior to the start of operations and annually thereafter and presented to the Zoning Administrator for administrative and enforcement purposes.
- j. Liability Insurance. All operators shall be required to carry personal injury and property damage insurance while any unreclaimed or unrehabilitated area exists, in amount to be established by the Township Board. The insurance shall cover injury or damage occurring upon the site of the operations as well as upon adjoining properties, as a result of conditions or activities existing upon the site. A copy of the policy shall be filed with the Township Clerk.

SECTION 18.26. SEASONAL LABOR HOUSING COMPLEX ASSOCIATED WITH AGRICULTURAL ENTERPRISE.

- a. Such use shall be accessory to productive agricultural operations having a minimum of forty (40) acres of land to house migratory workers on a seasonal basis.
- b. All provided shelters shall be of single-story construction and not exceed twenty-five feet (25') in height.
- c. All provided shelters shall be located in the rear yard and located at least two hundred feet (200') from all property lines.
- d. The use of trailers, tents and vehicles as sleeping or living quarters in an agricultural labor camp is strictly prohibited; however, mobile homes constructed in accordance with the standards for mobile home construction as contained in the United States Department of Housing and Urban Development (HUD) regulations entitled Mobile Homes Construction and Safety Standards, as amended, shall be permitted.
- e. Agricultural labor camps shall comply with the minimum requirements and standards as established under the provisions of PA 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 PA 368, 1978, as amended.

SECTION 18.27. SERVICING AND REPAIR OF MOTOR VEHICLES, TRAILERS, AND BOATS.

- a. The proposed use shall have fifteen thousand (15,000) square feet of land area.
- b. The site layout, setbacks, structures, overall appearance and functional relationship of the proposed use shall be compatible with adjacent land use.
- c. If the proposed use is located adjacent to any R-1, R-2, or R-3 zoning district, a thirty foot (30') buffer zone shall be established between the proposed use and the R district. The buffer area shall consist of a six foot (6') high privacy wood fence along with tree plantings, shrubs and grass.

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- d. The use shall principally have indirect access off of a designated arterial road through the driveway or ingress/egress approaches of the primary land use.
 - e. Vehicles, trailers and boats shall be repaired within a completely enclosed building.
 - f. All vehicles, trailers and boats for repair shall be temporarily stored or parked within an enclosed building or within a six foot (6') high walled or fenced enclosure.

(Ord. 97-Z-03, 11-3-1997, eff. 12-12-1997; amd. 1998 Code; Ord. No. 07-G-05, § 2, 8-19-2007, eff. 9-28-2007)

SECTION 18.28. SEWAGE TREATMENT AND DISPOSAL INSTALLATIONS.

- a. All uses shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this subsection are less than those in applicable State statutes, the State requirements shall prevail.
- b. All operations shall be completely enclosed by a wire link fence not less than six feet (6') high.
- c. All operations and structures shall be surrounded on all sides by a transition strip at least two hundred feet (200') in width within which grass, plant materials and structural screens shall be placed to minimize the appearance and odors of the installations. The Planning Commission shall approve all treatment of transition strips.

SECTION 18.29. SEXUALLY ORIENTED BUSINESSES.

In the development and execution of this ordinance, it is recognized that there are some uses which because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances thereby having deleterious effects upon the adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to blighting or downgrade the surrounding neighborhood. These special regulations are itemized in this Section. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area or next to residential zones or certain institutional uses.

In regulating sexually oriented businesses, as that term is defined herein, it is the purpose of this article to promote the health, safety, and general welfare of the citizens of the Township, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of adult entertainment activities within the Township. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor the effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented material to the intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene material.

Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the Township Board, and on findings incorporated in the cases of *Pap's A.M. v City of Erie*, 529 U.S. 277 (2000); *Thomas v. Chicago Park District*, 534 U.S. 316 (2002); *City of Littleton v. Z.J. Gifts D-4, L.L.C.*, 541 U.S. 774 (2004); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 427 U.S. 50 (1976); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v LaRue*, 409 U.S. 109 (1972); *Sensations, Inc. v. City of Grand Rapids*, Case Nos. 1:06-CV-300, 4:06-CV-60 (W.D. Mich. Oct. 23, 2006)(unpublished); 2006 U.S. Dist. LEXIS 77159; *DLS, Inc. v. City of Chattanooga*, 107 F.3d 403 (6th Cir. 1997); *East Brooks Books, Inc. v. City of Memphis*, 48 F.3d 220 (6th Cir.1995); *Broadway Books v. Roberts*, 642 F.Supp. 486 (E.D. Tenn. 1986); *Bright Lights, Inc. v. City of Newport*, 930 F.Supp. 378 (E.D. Ky. 1993); *Exec. Arts Studio v. City of Grand Rapids*, 391 F.3d 783 (6th Cir. 2004); *Richland Bookmart v. Nichols*, 137 F.3d 435 (6th Cir. 1998); *Déjà vu v. Metro Government*, Case Nos. 96-

6512, 96-6573, 97-5924, 97-5938 (6th Cir. Jan. 13, 1999) 1999 U.S. App. LEXIS 535 (unpublished); *Bamon Corp. v. City of Dayton*, 923 F. 2d 470 (6th Cir. 1991); *Threesome Entertainment v. Strillmather*, 4 F.Supp.2d 710 (N.D. Ohio 1998); *J.L. Spoons, Inc. v. City of Brunswick*, 49 F.Supp.2d 1032 (N.D. Ohio 1999); *Triplett Grille, Inc. v. City of Akron*, 40 F.3d 129 (6th Cir. 1994); *O'Connor v. City and County of Denver*, 894 F.2d 1210 (10th Cir. 1990); *Déjà vu of Nashville, Inc., et al. v. Metropolitan Government of Nashville and Davidson County*, 274 F.3d 377 (6th Cir. 2001); *Z.J. Gifts D-2, L.L.C. v. City of Aurora*, 136 F.3d 683 (10th Cir. 1998); *Connection Distrib. Co. v. Reno*, 154 F.3d 281 (6th Cir.1998); *Sundance Assocs. v. Reno*, 139 F.3d 804 (10th Cir. 1998); *American Library Association v. Reno*, 33 F.3d 78 (D.C.Cir. 1994); *American Target Advertising, Inc. v. Giani*, 199 F.3d 1241 (10th Cir. 2000); *ILQ Investments, Inc. v. City of Rochester*, 25 F.3d 1413 (8th Cir. 1994); *Bigg Wolf Discount Video Movie Sales, Inc. v. Montgomery County*, 184 F.Supp.2d 445 (D. Md. 2002); *Currence v. Cincinnati*, 28 Fed.Appx. 4385 (6th Cir. 2002); and other cases; and on testimony to Congress in 135 Cong. Rec. S. 14519; 135 Cong. Rec. S 5636; 134 Cong. Rec. E 3750; and reports of secondary effects occurring in and around Adult Entertainment Activities, including, but not limited to, Phoenix, Arizona - 1979; Minneapolis, Minnesota-1980; Houston, Texas - 1997; Amarillo, Texas; Garden Grove, California - 1991; Los Angeles, California - 1977; Whittier, California - 1978; Austin, Texas - 1986; Seattle, Washington - 1989; Oklahoma City, Oklahoma - 1986; Cleveland, Ohio - and Dallas, Texas - 1997; St. Croix County, Wisconsin - 1993; Bellvue, Washington, - 1998; Newport News, Virginia - 1996; New York Times Square Study - 1994; Phoenix, Arizona - 1995-98; and also on findings from the paper entitled "Stripclubs According to Strippers: Exposing Workplace Sexual Violence," by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota, and from "Sexually Oriented Businesses: An Insider's View," by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000, and the Report of the Attorney General's Working Group on the Regulation of Adult Entertainment Activities, (June 6, 1989, State of Minnesota), the Township Board finds that Sexually Oriented Businesses as a category of establishments are correlated with harmful secondary effects, and that the foregoing reports are reasonably believed to be relevant to the problems that Thomas Township is seeking to abate and prevent in the future

a. Distance Restrictions:

- 1) No sexually oriented business shall be permitted to be established within one thousand five hundred (1,500') feet of another sexually oriented business.
- 2) It shall be unlawful to hereafter establish any sexually oriented business within one thousand (1,000') feet of any residentially zoned property or within one thousand (1,000') feet of any religious or educational institution, public park, or recreational land use.

b. Signs and Exterior Display: Window displays, signs, decorative or structural elements of buildings shall not include or convey specific examples of actual adult uses, and are limited to the signage provisions stated the Thomas Township Sign Ordinance. No adult use shall be conducted in any manner that permits the observation of any material depicting, describing or relating to "specific sexual activities" or "specified anatomical areas" (as defined in this ordinance) from any public way or from any property not registered as an adult use. This provision shall apply to any display, decoration, sign, show window, structural elements or other opening.

c. Precautionary Note To The Zoning Board Of Appeals: When considering any appeal from an sexually oriented business for reduction of spacing or separation standards established herein, the Zoning Board of Appeals shall address each of the following issues and include the findings regarding each point in their minutes:

- 1) Ordinance Intent: The proposed use shall not be contrary to the intent and purpose of this ordinance, or injurious to nearby properties.
- 2) Blighting Influence: The proposed use shall not enlarge or encourage the development of a concentration of such uses or blighting influences.
- 3) Neighborhood Conservation: The proposed use shall not be contrary to any program of neighborhood conservation, revitalization or urban renewal.

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- 4) Other Standards: The proposed use, and its principal building, shall comply with all other regulations and standards of this ordinance.

SECTION 18.30. SOLAR FARM.

- a. Intent and Purpose: To promote the use of Solar Energy within Thomas Township as a clean alternative energy source and to provide for the land development, installation and construction regulations for large photovoltaic solar farm facilities subject to reasonable conditions that will protect the public health, safety and welfare. These regulations establish minimum requirements and standards for the placement, construction and modification of large photovoltaic solar farm facilities, while promoting a renewable energy source for our community in a safe, effective and efficient manner.
- b. Minimum Lot Size: Large photovoltaic solar farm facilities shall not be constructed on parcels less than twenty (20) acres in size.
- c. Height Restrictions: All photovoltaic panels located in a solar farm shall be restricted to a height of fourteen (14) feet.
- d. Setbacks: All photovoltaic solar panels and support structures associated with such facilities (excluding perimeter security fencing) shall be a minimum of ten (10) feet from a side or rear property line and a minimum of twenty (20) feet from any road or highway right-of-way.
- e. Maximum Lot Coverage: Maximum lot coverage restrictions shall not apply to photovoltaic solar panels. Any other regulated structures on the parcel are subject to maximum lot coverage restrictions.
- f. Safety/Access: A security fence (height and material to be established through the special use permit process) shall be placed around the perimeter of the solar power plant and electrical equipment shall be locked. Knox boxes and keys shall be provided at locked entrances for emergency personnel access.
- g. Noise: No large photovoltaic solar farm facilities shall exceed sixty-five (65) dBA as measured at the property line.
- h. Landscaping: Large photovoltaic solar farm facilities shall be required to install perimeter landscaping equal to one (1) tree for each twenty-five (25) feet of road or highway frontage. The equivalent of one (1) tree shall be required along the sides and rear of such developments equal to one (1) tree every twenty-five (25) feet of property line when abutting existing homes or developed parcels. The Planning Commission may alter the landscaping requirement depending upon the location and existing plant material on the site. Trees shall be a minimum of four (4) feet tall when planted and remain in good condition for the life of the large photovoltaic solar farm.
- i. Local, State and Federal Permits: Large photovoltaic solar farm facilities shall be required to obtain all necessary permits from the U.S. Government, State of Michigan, and Thomas Township, and comply with standards of the State of Michigan adopted codes.
- j. Electrical Interconnections: All electrical interconnection or distribution lines shall comply with all applicable codes and standard commercial large-scale utility requirements. Use of above ground transmission lines shall be prohibited within the site.
- k. Additional Special Use Criteria: The following topics shall be addressed in a Special Use application for such large photovoltaic solar farm facilities in addition to the Special Use Review Criteria:
- 1) Project description and rationale: Identify the type, size, rated power output, performance, safety and noise characteristics of the system, including the name and address of the manufacturer, and model. Identify time frame, project life, development phases, likely markets for the generated energy, and possible future expansions;

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- 2) Analysis of onsite traffic: Estimated construction jobs, estimated permanent jobs associated with the development;
 - 3) Visual impacts: Review and demonstrate the visual impact using photos or renditions of the project or similar projects with consideration given to tree plantings and setback requirements;
 - 4) Wildlife: Review potential impact on wildlife on the site;
 - 5) Environmental analysis: Identify impact analysis on the water quality and water supply in the area, and dust from project activities;
 - 6) Waste: Identify solid waste or hazardous waste generated by the project;
 - 7) Lighting: Provide lighting plans showing all lighting within the facility. No light may adversely affect adjacent parcels. All lighting must be shielded from adjoining parcels, and light poles are restricted to eighteen (18) feet in height;
 - 8) Transportation plan: Provide access plan during construction and operation phases. Show proposed project service road ingress and egress access onto primary and secondary routes, layout of the plant service road system. Due to infrequent access to such facilities after construction is completed, it is not required to pave or curb solar panel access drives. It will be necessary to pave and curb any driveway and parking lots used for occupied offices that are located on site;
 - 9) Public safety: Identify emergency and normal shutdown procedures. Identify potential hazards to adjacent properties, public roadways, and to the community in general that may be created;
 - 10) Sound limitations and review: Identify noise levels at the property line of the project boundary when completed;
 - 11) Telecommunications interference: Identify electromagnetic fields and communications interference generated by the project;
 - 12) Life of the project and final reclamation: Describe the decommissioning and final land reclamation plan after anticipated useful life or abandonment or termination of the project, including evidence of an agreement with the property owner that ensures proper final removal of power generating equipment within six (6) to twelve (12) months of decommissioning.
- I. The Planning Commission Review: Because of the ever changing technical capabilities of photovoltaic solar panels and of new technology in general, the Planning Commission shall have the authority to review and consider alternatives in both dimensional requirements as well as physical development requirements found in this Section. The Planning Commission shall not have the authority to review or to allow large photovoltaic solar farm facilities within any other zoning district.

(Ord. 97-Z-03, 11-3-1997, eff. 12-12-1997; Ord. No. 10-Z-03, § 1, 12-15-2010, eff. 1-14-2011, Ord. 03-Z-01, 10-6-2003, eff. 11-14-2003)

SECTION 18.31. USED AUTOMOBILE SALES LOTS AND LEASING SERVICES.

- a. No temporary structures for sales or servicing are included.
- b. All car sales and parking areas are properly drained and paved in accordance with the provisions of this ordinance.
- c. The site layout, setbacks, structures and overall appearance and function of the proposed sales lot would be compatible with adjacent land uses.
- d. The site is not adjacent to an existing residential area or R-1, R-2 or R-3 Zoning District.

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- e. The applicant constructs and/or occupies a permanent building of at least five hundred (500) square feet on the site.
 - f. The proposed site has a minimum lot size of twenty two thousand five hundred (22,500) square feet.
 - g. The dealership maintains an on-site inventory of at least thirty (30) vehicles.
 - h. The placement of vehicles for display is of a professional nature, such as no upside-down cars.
 - i. There will be no selling or storing of used auto parts on the premises.
 - j. There will be no painting on the premises.
 - k. There will be no storage of junked or inoperable vehicles on the premises.

SECTION 18.32. VETERINARY HOSPITALS, CLINICS AND KENNELS.

Kennels, including the offices and clinic of a veterinarian are uses permitted by special land use permit in the A-1 and A-2 Districts under the following conditions:

- a. They must be located on a continuous parcel of land five (5) acres or more in area.
- b. No building or runs shall be closer than one hundred feet (100') from any abutting property line and
- c. All runs or breeding areas shall be enclosed. For kennels, one parking space shall be provided for every five (5) kennel runs.
- d. Parking shall be designed to accommodate the maximum number of visitors using the facility plus one space for each employee shall be provided. All off-street parking shall be paved and constructed to the standards of this ordinance.

(Ord. 97-Z-03, 11-3-1997, eff. 12-12-1997)

SECTION 18.33. WINDMILLS AND WIND-POWERED ELECTRICITY GENERATING DEVICES.

- a. Intent.
 - 1) Promote the safe, effective and efficient use of small wind energy systems installed to reduce the on-site consumption of non-wind utility supplied electricity.
 - 2) Permit the safe, effective and efficient siting and operation of utility grid wind energy conversion systems and farms.
 - 3) Protect the health, welfare, safety, and quality of life of the general public, and to ensure compatible land uses in the vicinity of the areas affected by such facilities.
 - 4) Provide a map showing the location where windmills and wind-powered electricity generating devices are allowed within Thomas Township.
- b. Definitions.
 - 1) Ambient: Ambient is defined as the sound pressure level exceeded ninety percent (90%) of the time or L90.
 - 2) ANSI: American National Standards Institute.
 - 3) Commencement of Construction: Excavation of turbine foundations. Preparation of the substation site, lay down yards, staging areas, and office set up, etc., are not considered commencement of construction.

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- 4) dB(A): The sound pressure level in decibels. Refers to the "a" weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.
 - 5) Decibel: The unit of measure used to express the magnitude of sound pressure and sound intensity.
 - 6) Hub Height: The distance from the turbine platform to the rotor shaft
 - 7) Height of Structure: The height of the structure is the distance from the platform to the highest point on the tip of a fully vertical rotor blade.
 - 8) Inhabited Structure: Any existing structure usable for living or non-agricultural commercial purposes, which includes but is not limited to working, sleeping, eating, cooking, recreation, office, office storage, or any combination thereof. An area used only for storage incidental to a residential use, including agricultural barns, is not included in this definition. If it is not clear by this definition, the zoning administrator shall make a determination of any structure regarding whether or not it is inhabited.
 - 9) IEC: International Electro technical Commission. The IEC is the leading global organization that prepares and publishes international standards for all electrical, electronic and related technologies.
 - 10) ISO: International Organization for Standardization. ISO is a network of the national standards institutes of one hundred fifty-six (156) countries.
 - 11) Non-Participating Parcel: A property that is not subject to a wind turbine lease or easement agreement at the time an application is submitted for a special land use for the purposes of constructing a utility grid wind energy system
 - 12) On Site Use Wind Energy Systems: An on site use wind energy system is intended to primarily serve the needs of the consumer.
 - 13) Participating parcel: A property that participates in a lease or easement agreement, or other contractual agreement, with an entity submitting a special land use permit application for the purposes of developing of a utility grid wind energy system.
 - 14) Rotor: An element of a wind energy system that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.
 - 15) SCADA Tower: A freestanding tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system.
 - 16) Shadow Flicker: Alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as a window at a dwelling.
 - 17) Sound Pressure: Average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.
 - 18) Sound Pressure Level: The sound pressure mapped to a logarithmic scale and reported in decibels (dB).
 - 19) Utility Grid Wind Energy Systems: A utility grid wind energy system is designed and built to provide electricity to the electric utility grid.
 - 20) Wind Energy Conversion System: A wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blades, and tower as well as related electrical equipment. This does not include wiring to connect the wind energy system to the grid.
 - 21) Wind Site Assessment: An assessment to determine the wind speeds at a specific site and the feasibility of using that site for construction of a wind energy system.

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- c. Wind Energy System Site Assessment for Utility Grid Wind Energy Systems: Prior to construction of a utility grid wind energy system, a wind site assessment is conducted to determine the wind speeds and the feasibility of using the site. Anemometer towers or "Met Towers," more than sixty-five (65) feet in height used to conduct a wind site assessment for possible installation of an on site use wind energy system shall also be a special land use.
- Prior to the installation of the tower, an application for a special land use permit shall be filed with the local government that will include:
- 1) Applicant identification;
 - 2) A site plan;
 - 3) A copy of that portion of the applicant's lease with the land owner granting authority to install the Met tower and requiring the applicant to remove all equipment and restore the site after completion of the wind site assessment, and
 - 4) Proof of the applicant's public liability insurance. The distance from the center of a Met tower and the property lines between the leased property and the non-leased property shall be at least the height of the Met tower. Leased property can include more than one (1) piece of property and the requirement shall apply to the combined properties.
- d. Utility Grid Wind Energy Systems: A utility grid wind energy system shall be considered a special land use in a portion of the A-2 district as depicted on the Wind Energy Inclusion Zone Map which specifically allows for them to be constructed in Sections 6, 7, 8, 17 and the North half of Section 18 and cannot be constructed outside of those areas.
- e. The planning commission review of a special land use permit application for a wind energy conversion facility is a two-step process. The first step is the public hearing and decision by the planning commission, per the procedures for review in Chapter 18. The second step, which may occur at a separate meeting for a utility scale wind energy system, is the site plan review process by the Planning Commission as described in Chapter 19. A decision on the special land use permit application by the planning commission is inclusive of all proposed wind turbine components, underground electrical lines, sub-station(s), underground electrical lines, junction boxes, laydown yard(s), concrete batch plant(s), and any operations/maintenance building(s).
- f. Prior to the installation of a utility grid wind energy system, an application for a special land use permit shall be filed with the local government and shall include the following:
- 1) Applicant Identification: Applicant name and address in full, a statement that the applicant is the owner involved or is acting on the owner's behalf, the address of the property involved if application (substitution may include a legal description or parcel identification numbers) and any additional contact information.
 - 2) Project Description: A general description of the proposed project including a legal description of the property or properties on which the project would be located and an anticipated construction schedule.
 - 3) Site Plan: The site plan shall include maps showing the physical features and land uses of the project area, both before and after construction of the proposed project. The site plan shall include:
 - a) The project area boundaries;
 - b) The location, height, and dimensions of all existing and proposed structures and fencing;
 - c) The location, grades, and dimensions of all temporary and permanent on-site and access roads from the nearest county or state maintained road;

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- d) A description of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary in the Township to accommodate construction vehicles, equipment or other deliveries, and an agreement or bond which guarantees the repair of damage to public roads and other areas caused by construction of the Wind Energy Facility;
 - e) Existing topography;
 - f) Water bodies, waterways, wetlands, and drainage channels;
 - g) All new infrastructure above ground related to the project;
 - h) Engineering data concerning construction of the tower and its base or foundation, which must be engineered and constructed in such a manner that upon removal of said tower, the soil will be restored to its original condition to a depth of four feet (4');
 - i) Anticipated construction schedule;
 - j) Description of operations, including anticipated regular and unscheduled maintenance;
 - k) All other provisions found on the Thomas Township Site Plan Review checklist;
 - l) The applicant shall submit a decommissioning plan as well as schedule of life expectancy.
- 4) Insurance: Proof of the applicant's public liability insurance.
 - 5) Sound Pressure Level: Copy of the modeling and analysis report.
 - 6) Certifications: Certification that applicant has complied or will comply with all applicable state and federal laws and regulations. Copies of all such permits and approvals that have been obtained or applied for at time of the application. Note: Land enrolled in Michigan Farmland Preservation Program through Part 361 of the Natural Resources and Environmental Protection Act, 1994 Act 451 as amended, more commonly known as PA 116, must receive approval from the Michigan Department of Agriculture to locate a WECS on the property prior to construction. MDA - Farmland Preservation.
 - 7) Visual Impact: Visual simulations of how the completed project will look from four (4) viewable angles.
 - 8) Environmental Impact: Copy of the environmental impact analysis.
 - 9) Avian and Wildlife Impact: Copy of the avian and wildlife impact analysis.
 - 10) Shadow Flicker: Copy of the shadow flicker analysis.
 - 11) Manufacturers' Material Safety Data Sheet(s): Documentation shall include the type and quantity of all materials used in the operation of all equipment including, but not limited to, all lubricants and coolants.
 - 12) Decommissioning: Copy of the decommissioning plan.
 - 13) Complaint Resolution: Description of the complaint resolution process.
 - 14) An applicant shall remit an application fee and an escrow deposit, in the amount specified in the fee schedule adopted by the board of trustees. The escrow funds are used to cover all reasonable costs and expenses associated with the special use permit and site plan review and approval process, which costs can include, but are not limited to, fees of the township attorney, township planner, and township engineer, as well as any reports or studies which the township anticipates it may have done related to the zoning review process for the particular application. At any point during the zoning review process, the township may require that the applicant place additional monies into escrow with the Township should the existing escrow amount filed by the applicant prove insufficient. If the escrow account needs replenishing and the applicant refuses to do so within fourteen (14) days after receiving notice, the zoning review and approval process shall cease until and unless the applicant makes the

required escrow deposit. Any escrow amounts which are in excess of actual costs shall be returned to the applicant.

- 15) The utility grid wind energy system project shall meet the following standards and requirements:
- a) Setbacks.
 - i. Setbacks from inhabited structures: Each wind turbine shall be set back from the nearest inhabited structure, a distance no less than fourteen hundred feet (1400'), as measured from the top of the blade in its vertical position to the centerline of the base.
 - ii. Setbacks from Non-Leased Property: The distance between a utility grid wind energy system and the property lines of adjacent non-leased properties shall be at least one (1.0) times its total structure height.
 - iii. Where property is leased on both sides of a public right-of-way, a wind energy system may be placed no closer than one rotor radius from the closest edge of the right-of-way. Where a property is leased on both sides of a private property line the tower may be placed on the property line. Leased property can include more than one piece of property and the requirement shall apply to the combined properties.
 - b) Wind turbines and access roads: Wind related facilities shall be located so as to minimize the disruption to agricultural activity and, therefore, the location of towers and access routes is encouraged along internal property lines.
 - c) Public Roads, Communication and Electrical Lines: Each wind turbine shall be set back from the nearest public road a distance no less than one and a half (1.5) total height of the structure or two hundred feet (200'), whichever is greater, determined at the nearest boundary of the underlying right-of-way for such public road. SCADA (supervisory control and data acquisition) or meteorological (Met) towers shall also comply with the property setback requirement. The setback shall be at least the height of the SCADA or Met tower. An operations and maintenance office building, a substation, or ancillary equipment shall comply with any property setback requirement that may be applicable to that type of building or equipment. Overhead transmission lines and power poles shall comply with the setback requirements applicable to public utilities.
 - d) Sound Pressure Level: The sound pressure level generated by a utility grid wind energy system shall not exceed 50 dB(A) as measured at an inhabited structure on non-leased property. This sound pressure level shall not be exceeded for more than three (3) minutes in any hour of the day. If the ambient sound pressure level exceeds 45 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).
 - e) As part of the application and prior to installation, the applicant shall provide modeling and analysis that will confirm that the utility grid wind energy system will not exceed the maximum permitted sound pressure levels. Modeling and analysis shall conform to IEC 61400 and ISO 9613. After installation of the utility grid wind energy system, sound pressure level measurements shall be done by a third party, qualified professional according to the procedures in the most current version of ANSI S12.18. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a Type II sound meter. Documentation of the sound pressure level measurements shall be provided to the local government within sixty (60) days of the commercial operation of the project.
- 16) Construction Codes, Towers, and Interconnection Standards: Utility grid wind energy systems including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. Utility grid wind energy systems including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et

seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.), and local jurisdiction airport overlay zone regulations. The minimum FAA lighting standards shall not be exceeded. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA. Utility Grid wind energy systems shall comply with applicable utility, Michigan Public Service Commission, and Federal Energy Regulatory Commission interconnection standards. These requirements must be met prior to the commencement of construction but not at the time of application.

- 17) Safety: All utility grid wind energy systems shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present. All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site of the wind energy system. A sign shall be posted near the tower or operations and maintenance office building that will contain emergency contact information. Signage placed at the road access shall be used to warn visitors about the potential danger of falling ice. The minimum vertical blade tip clearance from grade shall be fifty (50) feet for a wind energy system employing a horizontal axis rotor.
- 18) Visual Impact:
- a) Utility grid wind energy system projects shall use tubular towers and all Utility grid wind energy systems in a project shall be finished in a single, non-reflective matte finished color.
 - b) A project shall be constructed using wind energy systems of similar design, size, operation, and appearance throughout the project.
 - c) No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades.
 - d) Nacelles may have lettering that exhibits the manufacturer's and/or owner's identification.
 - e) The applicant shall avoid state or federal scenic areas and significant visual resources listed in the local unit of government's comprehensive plan.
 - f) The electrical collection system shall be placed underground within the interior of each parcel at a depth of no less than four feet (4') below grade. The collection system may be placed overhead near roadways, substations or points of interconnection to the electric grid or in other areas as necessary. Any new substation shall be located at a distance of no less than one thousand feet (1,000') from the nearest residence, school, hospital, church or public library (inhabited structure). A lesser setback may be approved if the intent of this Ordinance would be better served thereby. A reduced setback shall be considered only with written approval from the owner of the inhabited structure.
- 19) Environmental Impact: The applicant shall have a third party, qualified professional conduct an analysis to identify and assess any potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, historical and cultural sites, and antiquities. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis.

The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts. The applicant shall comply with applicable parts of the Michigan Natural Resources and Environmental Protection Act (Act 451 of 1994, MCL 324.101 et seq.) including but not limited to Part 31 Water Resources Protection (MCL 324.3101 et seq.), Part 91 Soil Erosion and Sedimentation Control (MCL 324.9101 et seq.), Part 301 Inland Lakes and Streams (MCL 324.30101 et seq.), Part 303 Wetlands (MCL 324.30301 et seq.), Part 323 Shoreland Protection and Management (MCL 324.32301 et seq.), Part 325 Great Lakes Submerged Lands (MCL 324.32501 et seq.), and Part 353

Sand Dunes Protection and Management (MCL 324.35301 et seq.). The applicant shall be responsible for making repairs to any public roads damaged by the construction of the utility grid wind energy system.

- 20) Avian and Wildlife Impact: The applicant shall have a third party, qualified professional conduct an analysis to identify and assess any potential impacts on wildlife and endangered species. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.

Sites requiring special scrutiny include wildlife refuges, other areas where birds are highly concentrated, bat hibernacula, wooded ridge tops that attract wildlife, sites that are frequented by federally and/or state listed endangered species of birds and bats, significant bird migration pathways, and areas that have landscape features known to attract large numbers of raptors.

At a minimum, the analysis shall include a thorough review of existing information regarding species and potential habitats in the vicinity of the project area. Where appropriate, surveys for bats, raptors, and general avian use should be conducted. The analysis shall include the potential effects on species listed under the federal Endangered Species Act and Michigan's Endangered Species Protection Law.

The analysis shall indicate whether a post construction wildlife mortality study will be conducted and, if not, the reasons why such a study does not need to be conducted. Power lines should be placed underground, when feasible, to prevent avian collisions and electrocutions. All above-ground lines, transformers, or conductors should comply with the Avian Power Line Interaction Committee (APLIC) published standards to prevent avian mortality.

- 21) Electromagnetic Interference: No utility grid wind energy system shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennae for global positioning system correction systems (RTK), radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that will restore reception to at least the level present before operation of the wind energy system. No utility grid wind energy system shall be installed in any location within the line of sight of an existing microwave communications link where operation of the wind energy system is likely to produce electromagnetic interference in the link's operation unless the interference is insignificant.
- 22) Shadow Flicker: The applicant shall conduct an analysis of potential shadow flicker created by each proposed wind turbine at inhabitable structure with direct line-of sight to a wind turbine. Such analysis shall be documented in a shadow flicker modeling report to be submitted as part of the special use permit application to the planning commission. The analysis shall identify the locations of shadow flicker created by each proposed wind turbine and the expected duration of the flicker at these locations from sunrise to sunset over the course of a year. Site plans shall depict a contour around each proposed wind turbine that represents the predicted thirty (30) hours per year shadow flicker generated by the modeling software used in the report. The analysis shall identify problem areas where shadow flicker may affect the occupants of the habitable structures and describe measures that shall be taken to eliminate or mitigate the problems.
- 23) Decommissioning: The applicant shall submit a decommissioning plan. The plan shall include:
- a) The anticipated life of the project;
 - b) The estimated decommissioning costs net of salvage value in current dollars;
 - c) The method of ensuring that funds will be available for decommissioning and restoration;
 - d) The anticipated manner in which the project will be decommissioned and the site restored;

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- e) A provision to give notice to the Township one (1) year in advance of decommissioning. A surety bond equal to the cost of decommissioning is required.
 - f) State the standard for inactivity shall be twelve (12) months.
- 24) Complaint Resolution: The applicant shall develop a process to resolve complaints from nearby residents concerning the construction or operation of the project. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. The process shall not preclude the local government from acting on a complaint. During construction the applicant shall maintain and make available to nearby residents a telephone number where a project representative can be reached during normal business hours. A report of all complaints and resolutions to complaints shall be filed with the Township on an annual basis.
- 25) Conflicting provisions: In the event of a conflict between any provision in this section and any other section of this Zoning Ordinance with regard to Utility-Scale Wind Energy Systems, the provisions of this section shall control.

(Ord. No. 18-Z-03, 8-6-2018, eff. 9-17-2018)

SECTION 18.34. WIRELESS COMMUNICATION.

- a. Intent and Purpose. The intent and purpose of these regulations is to accommodate the communications needs of people while protecting the public health, safety and general welfare of the community. These regulations will:
 - 1) Facilitate the provision of wireless telecommunication services to the residents and businesses of the Township,
 - 2) Minimize adverse visual effects of towers through design and siting standards,
 - 3) Avoid potential damage to adjacent property from tower failure through structural standards and setback requirements, and
 - 4) Maximize the use of existing approved towers and buildings to accommodate new wireless telecommunication facilities in order to reduce the number of towers necessary to serve the community.
- b. District Regulations. A wireless communication facility shall require a building permit in all instances and may be permitted as follows:
 - 1) All districts: A Wireless Service Facility may locate on any existing guyed tower, lattice tower, monopole, electric utility transmission tower, fire tower or water tower as a use by right in all zoning districts provided that the following conditions are met:
 - a) The existing structure or compound complies with the Township zoning ordinance or was approved by the Township.
 - b) The proposed collocation would not increase the overall height of the support structure by more than 20 feet or 10 percent of original height not to exceed 200' maximum, whichever is greater; increase the width of the structure by more than the minimum necessary to permit collocation or increase the area of the existing equipment compound to great than 2,500 square feet; and
 - c) The proposed collocation complies with the municipality's prior approvals for the structure or compound.
 - 2) Towers in Residentially zoned areas are only allowed if they are:

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- a) Towers supporting amateur radio antennas and conforming to all applicable provisions of this ordinance shall be allowed in the rear yard of parcels.
 - b) Towers supporting commercial antennas and conforming to all applicable provisions of this ordinance shall be allowed only in the following locations by right and shall be permitted through the site plan review procedures outlined in this ordinance:
 - i. Religious institutions when camouflaged as steeples or bell towers;
 - ii. Park sites, when compatible with the nature of the park; and,
 - iii. Government, school, utility and institutional sites, according to the Statement of Priority of users and minimum requirements for use of Township owned properties.
 - iv. Wireless telecommunication antennas on roofs, walls and existing towers may be approved by the Township staff provided the antennas meet the requirements of this ordinance after submittal of a final site plan and a report prepared by a licensed professional engineer indicating the existing structure or tower's suitability to accept the antenna and the proposed method for affixing the antenna to the structure. Complete details of all fixtures and couplings and the precise point of attachment shall be indicated.
- 3) Towers in agriculturally, commercially or industrially zoned areas are allowed by right if they qualify as towers allowed by right in residentially zoned areas.
 - 4) Newly constructed towers are allowed only in the M-1, B-1, B-2, B-3, and B-4 districts and only by Special Use. The Special Use will be allowed under the following situations:
 - a) The telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within a two (2) mile radius of the proposed tower location due to one or more of the following reasons:
 - i. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
 - ii. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.
 - iii. Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonable as documented by a qualified and licensed professional engineer.
 - iv. Other unforeseen reasons make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.
 - b) A tower structure to be built by a third party owner of a tower other than a licensed carrier cannot be constructed without a contract to occupy the structure with at least one carrier. Contracts with any such carrier shall be required by the Township as proof that at least one carrier will occupy the structure.
 - c. Collocation: Licensed carriers shall share wireless service facilities and sites where feasible and appropriate, thereby reducing the number of wireless service facilities that are stand-alone facilities. All applicants for a Special Use Permit for a wireless service facility shall demonstrate a good faith effort to collocate with other carriers. Such good faith effort includes:

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- 1) A survey of all existing structures that may be feasible sites for collocating wireless service facilities,
 - 2) Contact with all the other licensed carriers for commercial mobile radio services operating in the County and,
 - 3) Sharing information necessary to determine if collocation is feasible under the design configuration most accommodating to collocation.

In the event that collocation is found to be infeasible, a written statement of the reasons for the lack of feasibility shall be submitted to the Township. The Township may retain a technical expert in the field of RF engineering to verify if collocation at the site is not feasible or is feasible given the design configuration most accommodating to collocation. The cost for such a technical expert will be at the expense of the applicant. The Township may deny a Special Use Permit to an applicant that has not demonstrated a good faith effort to provide for collocation.

- d. Tower Construction: Any proposed commercial wireless telecommunication service tower shall be designed, structurally, electrically and in all respects to accommodate both the applicant's antennas and comparable antennas for at least two additional users. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights. Towers shall be constructed to ANSI EIA TIA-222-F "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures" and National Building Code construction standards for steel structures.
- e. Tower, Antenna and Accessory Building Design: Proposed or modified towers and antennas shall meet the following design requirements:
 - 1) Towers and antennas shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration.
 - 2) Commercial wireless telecommunication service towers shall be of a monopole design unless the Township Board determines that an alternative design would better blend into the surrounding environment.
 - 3) Accessory Utility Cabinets and Buildings. All utility buildings and structures accessory to a transmission structure shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district. Ground mounted equipment shall be screened from view by suitable vegetation, except where a design of nonvegetative screening better reflects and complements the architectural character of the surrounding neighborhood.
- f. Tower Setbacks: Towers shall conform with each of the following minimum setbacks requirements:
 - 1) Towers shall be set back from adjacent property lines by a minimum distance of 1-½ times the height of the tower. Towers in industrial zoning districts may encroach into the rear setback areas, provided that the rear property line abuts another industrially zoned property and the tower does not encroach upon any easements.
 - 2) Towers shall be set back from planned public rights-of-way as shown on the Township's Master Plan by a minimum distance equal to the height of the tower including all antennas and attachments.
 - 3) Towers shall not be located between a principal structure and a public street, with the following exceptions:
 - a) In industrial zoning districts, towers may be placed within a side yard abutting an internal industrial street.
 - b) On sites adjacent to public streets on all sides, towers may be placed within a side yard abutting a local street.

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- 4) Tower setback may be reduced or its location in relation to a public street varied, at the discretion of the Township Planning Commission to allow the integration of a tower into an existing or proposed structure such as a church steeple, light standards, power line support device, or similar structure.
 - 5) Towers and associated structures, including fencing, may not be constructed within five hundred (500') feet of a dwelling unit, except where they are being collocated on existing towers or structures.
- g. Tower Height: In all zoning districts, the maximum height of any tower, including antennas and other attachments, shall not exceed 200' except as granted by the Zoning Board of Appeals.
 - h. Tower Lighting: Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots or similar areas may be attached to the tower.
 - i. Signs and Advertising: The use of any portion of a tower for signs or other forms of advertising other than warning or equipment information signs are prohibited.
 - j. Abandoned or Unused Towers or Portions of Towers. Abandoned or unused towers or portions of towers shall be removed as follows:
 - 1) All abandoned or unused towers and associated facilities shall be removed within twelve (12) months of the cessation of operations at the site unless a time extension is approved by the Zoning Administrator. A copy of the relevant portions of a signed lease which requires the applicant to remove the tower and associated facilities upon cessation of operations at the site shall be submitted at the time of application. In the event that a tower and associated facilities is not removed within twelve (12) months of the cessation of operations at a site, the tower and associated facilities may be removed by the Township and the costs of removal assessed against the property.
 - 2) Unused portions of towers above a manufactured connection shall be removed within six (6) months of the time of antenna relocation. The replacement of portions of a tower previously removed requires the issuance of a new special use permit.
 - k. Interference with Public Safety Telecommunications. No new or existing telecommunications service shall interfere with public safety telecommunications. The Planning Commission may request an intermodulation study which provides a technical evaluation of existing and proposed transmission and indicates all potential interference problems. Before the introduction of new service or changes in existing service, telecommunication providers shall notify the Township at least ten calendar days in advance of such changes and allow the Township to monitor interference levels during the testing process.
 - l. Site Plan Submission Requirements
 - 1) General Filing Requirements
 - a) Name, address and telephone number of applicant and any co-applicants as well as any agents for the applicant or co-applicants.
 - b) Co-applicants may include the landowner of the subject property, licensed carriers and tenants for the personal wireless service facility.
 - c) Original signatures for the applicant and all co-applicants applying for the Special Permit. If the applicant or co-applicant will be represented by an agent, original signature authorizing the agent to represent the applicant and/or co-applicant. Photo reproductions of signatures will not be accepted.
 - 2) Location Filing Requirements

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- a) Identify the subject property by including the Town as well as the name of the locality, name of the nearest road or roads, and street address, if any.
 - b) Tax map and parcel number of subject property.
 - c) Zoning district designation for the subject parcel.
 - d) A line map to scale showing the lot lines of the subject property and all properties within 300 feet and the location of all buildings, including accessory structures, on all properties shown.
- 3) Siting Filing Requirements
- a) A one-inch-equals-40 feet vicinity plan showing the following:
 - i. Property lines for the subject property.
 - ii. Property lines of all properties adjacent to the subject property within 300 feet.
 - iii. Tree cover on the subject property and adjacent properties within 300 feet, by dominant species and average height, as measured by or available from a verifiable source.
 - iv. Outline of all existing buildings, including purpose (e.g. residential buildings, garages, accessory structures, etc.) on subject property and all adjacent properties within 300 feet.
 - v. Proposed location of antenna, mount and equipment shelter(s).
 - vi. Proposed security barrier, indicating type and extent as well as point of controlled entry.
 - vii. Location of all roads, public and private, on the subject property and on all adjacent properties within 300 feet including driveways proposed to serve the personal wireless service facility.
 - viii. Distances, at grade, from the proposed personal wireless service facility to each building on the vicinity plan.
 - ix. All proposed changes to the existing property, including grading, vegetation removal and temporary or permanent roads and driveways.
 - x. Representations, dimensioned and scale, of the proposed mount, antennas, equipment shelters, cable runs, parking areas and any other construction or development attendant to the personal wireless service facility.
 - b) Siting elevations, or views at-grade from the north, south, east and west for a 50-foot radius around the proposed personal wireless service facility plus from all existing public and private roads that serve the subject property. Elevations shall be at either one-quarter inch equals one foot or one-eighth inch equals one foot scale and show the following:
 - i. Antennas, mounts and equipment shelter(s), with total elevation dimensions and AGL of the highest point.
 - ii. Security barrier. If the security barrier will block views of the personal wireless service facility, the barrier drawing shall be cut away to show the view behind the barrier.
 - iii. Any and all structures on the subject property.
 - iv. Existing trees and shrubs at current height and proposed trees and shrubs at proposed height at time of installation, with approximate elevations dimensioned.
- 4) Design Filing Requirements

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- a) Equipment brochures for the proposed personal wireless service facility such as manufacturer's specifications or trade journal reprints shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any.
 - b) Materials of the proposed personal wireless service facility specified by generic type and specific treatment (e.g., anodized aluminum, stained wood, painted fiberglass, etc.). These shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any.
 - c) Dimensions of the personal wireless service facility specified for all three directions: height, width and breadth. These shall be provided for the antennas, mounts, equipment shelters and security barrier, if any.
 - d) Landscape plan including existing trees and shrubs and those proposed to be added, identified by size of specimen at installation and species.
 - e) If lighting of the site is proposed, the applicant shall submit manufacturers computer generated point to point printout, indicating the horizontal foot candle levels at grade, within the property to be developed and twenty-five (25') feet beyond the property lines. The printout shall indicate the locations and types of luminaries proposed.
- 5) Radio Frequency Radiation (RFR) Filing Requirements. The Planning Commission reserves the right to request RFR requirements in the form of a certification that the following studies have been completed.

The applicant shall provide a statement listing the existing and maximum future projected measurements of RFR from the proposed personal wireless service facility, for the following situations:

- a) Existing, or ambient: the measurements of existing RFR.
- b) Existing plus proposed personal wireless service facilities: maximum estimate of RFR from the proposed personal wireless service facility plus the existing RFR environment.
- c) Certification, signed by a RF engineer, stating that RFR measurements are accurate and meet FCC Guidelines as specified in the Radio Frequency Radiation Standards sub-section of this Bylaw.

In all cases the applicant shall provide a letter from emergency service providers within the coverage area of the proposed facility stating that emergency services will not be adversely impacted by the proposed facility.

(Ord. No. 15-Z-07, § 3, 2-1-2016, eff. 2-9-2016; Ord. No. 16-Z-01, § 1, 4-4-2016, eff. 4-14-2016)

SECTION 18.35. FUNERAL HOMES AND MORTUARIES.

- a. Authorization: Because funeral homes and mortuaries perform special and necessary services to urban populations and in recognition of the unique locational and site development characteristics of these functions, such uses of land may be authorized by special use permit within requirements states and the additional requirements of this section can be complied with.
- b. Uses That May Be Permitted: Funeral homes, undertaking parlors and mortuaries, provided that the conduct of all aspects of activities related to such uses shall take place within the principal building and not in an accessory building. A caretaker's residence may be provided within the principal building.
- c. Development Requirements: The following requirements for site development, together with any other applicable requirements of this Ordinance shall be complied with:
 - 1) Minimum Site Size: One (1) acre site with a minimum width of one hundred fifty (150') feet.

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- 2) Site Location: The proposed site shall front upon a major or minor arterial or principal collector as classified on the adopted street plan. All ingress and egress to the site shall be directly from said thoroughfare.
 - 3) Yards: Front, side and rear yards shall have a minimum of forty (40') feet except on those sides adjacent to nonresidential districts wherein they shall have a minimum of twenty (20') feet. All yards shall be appropriately landscaped in trees, shrubs and grass. No structures or parking areas shall be permitted in said yards, except that rear yards may be used for parking purposes under the requirements specified and except for required entrance drives and those walls and/or fences used to obscure the use from abutting residential districts.

(Ord. No. 14-Z-01, § 1, 4-7-2014, eff. 5-9-2014)

SECTION 18.36. WAREHOUSE/DISTRIBUTION.

- a. The gross area used principally for storage, warehousing or distribution does not exceed five thousand (5,000) square feet.
- b. The site is not adjacent to an existing residential development or an R-1, R-2 or R-3 zoning district.
- c. The proposed use is designed, constructed, operated and maintained in harmony with adjacent land uses or zoning districts.

(Ord. No. 14-Z-01, § 1, 4-7-2014, eff. 5-9-2014)

SECTION 18.37. NON-MOTORIZED AND MOTORIZED RACE TRACKS.

- a. Non-motorized tracks such as but not limited to horse tracks, BMX bike tracks, etc. shall meet the following minimum standards:
 - 1) Must be located a minimum of fifty (50') feet from the property line.
 - 2) Must be located a minimum one thousand (1,000') feet from any residence, except that of the owner.
 - 3) Provisions must be provided for adequate dust control.
 - 4) Exterior lighting shall be so arranged that it is deflected away from adjoining properties and/or streets. Lighting shall be equipped with shields and reflectors so that it does not spread excessively.
- b. Motorized tracks such as but not limited to dirt bike, go-cart, snowmobile and/or all-terrain vehicles shall meet the following minimum standards:
 - 1) Parcel must contain a minimum of five (5) acres.
 - 2) Must be located a minimum of one hundred (100') feet from the property line.
 - 3) Established riding area for the track is to be located no closer than three hundred (300') feet of a building occupied by humans or livestock.
 - 4) Property shall be enclosed for the entire use on the site from their full periphery with a solid screen fence at least eight (8') feet in height. Fences shall be of sound construction, painted and otherwise finished attractively and inconspicuously.
 - 5) Dust control measures are to be maintained by the property owner or occupant.
 - 6) Noise control measures are to be maintained by the property owner or occupant. Sound generated by the track shall not exceed a maximum value of 69 dBA at any point on the property line.

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(Supp. No. 44)

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- 7) Exterior lighting shall be so arranged that it is deflected away from adjoining properties and/or streets. Lighting shall be equipped with shields and reflectors so that it does not spread excessively.
 - 8) The property owner or occupant shall not permit the accumulation of junk on the property including but not limited to tires, motor vehicle parts, barrels, drums or used equipment and shall collect, contain and promptly and properly dispose of all trash, garbage and junk originating on the site.
 - 9) The Planning Commission shall have the right to regulate days and hours of operation.

(Ord. No. 13-Z-03, § 1, 10-7-2013, eff. 11-15-2013)

Editor's note(s)—Ord. No. 13-Z-03, § 1, adopted Oct. 7, 2013, set out provisions intended for use as § 18.35. At the editor's discretion, to prevent duplication of section numbers, these provisions have been included as § 18.37.

Chapter 19 SITE PLAN

SECTION 19.1. ADMINISTRATIVE SITE PLAN REVIEW.

- a. Purpose. The purpose of this chapter is to establish how and when proposals will be reviewed administratively to ensure that uses and developments are in compliance with land use policies and regulations. The Township will use the Administrative Site Plan Review process to expedite reviews of projects that have minimal impact upon a site to enable the property owner to make improvements quickly and affordably. It is not intended to compromise any Township requirements.
- b. Administrative Review: A site plan review consisting of the Thomas Township Community Development Department reviewing a proposed project, along with all other applicable departments, making sure that it complies with the essential site plan review requirements as specified by the Planning Commission and all applicable ordinances and codes without having to go in front of the Planning Commission.
- c. Procedure. All applications submitted would be processed by the Community Development Director, who shall make a preliminary investigation in accordance with the procedures set forth in this chapter. The Community Development Director shall review all applications and determine whether such applications are complete. The following projects may be eligible for Administrative Site Plan Review provided that the existing site conforms with all applicable codes and if one of the following criteria is met:
 - 1) Additions not exceeding ten (10%) percent of existing building size; however, in no case may the addition exceed 1,000 square feet.
 - 2) New accessory buildings (garage, pole barn, pavilion, or shed) not larger than 600 square feet in size.
 - 3) Additional parking spaces limited to an increase of 5% of existing number of spaces.
 - 4) The proposal is a co-location on an existing antenna tower.
 - 5) Other minimal changes (driveways, minor parking lot additions, etc.) to a site plan as approved by both the Community Development Director and Township Manager.
- d. Application Submittal. The proposed project will be subject to review by the Fire Department, Police Department, Department of Public Works, Township Engineer, Township Manager, and the Community Development Department. The Community Development Director will forward a written report of each approved project to the Planning Commission for their information. All requests made by each of these departments or individuals must be followed prior to approval.

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- 1) If the proposed project meets the minimum qualifying criteria to be administratively reviewed, the following procedure and process must be followed prior to starting any construction or receiving a building permit.
 - 2) The applicant must submit an application for the administrative review and allow a minimum of 30 days for proper review before approval.
 - 3) The Applicant must meet all site plan review requirements as stated in the Thomas Township Zoning Ordinance below: Issuance of Building Permit or Certificate of Occupancy per Approved Site Plan.
 - 4) If for any reason the Community Development Director determines that the full Planning Commission should review a site plan, the applicant must comply with all standards for full site plan review including fees.
 - 5) If for any reason an applicant would like the Planning Commission to conduct a full site plan review, the applicant must comply with all standards for full site plan review including fees.
 - 6) Under no circumstances will the Administrative Site Plan Review procedure apply to Special Use Permits.

(Ord. No. 07-Z-02, § 1, 6-2-2008, eff. 7-11-2008)

SECTION 19.2. ISSUANCE OF BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY PER APPROVED SITE PLAN.

- a. Submission of Site Plan: Site plan review shall be required of all uses in Business Districts (B-1, B-2, B-3, B-4 and B-5) and Industrial Districts (M-1). It shall also be required of single- and multi-family dwellings developments in R-1, R-2 and R-3 Districts. Site plan review shall also be required of all uses permitted under a special land use permit. Site plan review shall be performed prior to the issuance of a building permit for a regulated use.
- b. Site Plan Standards: The Planning Commission shall review the site plans in terms of the following standards:
 - 1) Safe and convenient vehicular ingress and egress from the proposed use without interference with surrounding transportation patterns. The Planning Commission shall have the authority to vary setbacks for yards to achieve the use of mutual access in cases where this standard will be furthered by doing so.
 - 2) Provision of bicycle and/or pedestrian access if appropriate and as may be specifically included in the comprehensive plan.
 - 3) Impact of structures, fencing, lighting and landscaping on adjacent land uses and properties.
 - 4) Appropriate consideration of environmental concerns including natural resources, air quality, noise levels and storm runoff.
 - 5) Continuance of established area patterns of landscaping, setbacks, structural materials and street furniture.
 - 6) Public transportation review: The Planning Commission will review all site plans for consideration of public transportation, but due to the fact that Thomas Township does not have public transportation available at this time, no further action can be taken.
- c. Site Plan Requirements
 - 1) Minimum Site Plan and/or Special Use Permit Requirements. Items listed in this ordinance are the minimum requirements to be shown on a site plan for development, redevelopment, new

construction, renovation or for special use permit consideration by the Thomas Township Planning Commission.

- 2) Incomplete Site Plans. Incomplete site plans will be returned to the developer.
- 3) Required Items to be Submitted. Three (3) copies of a site plan are required to be submitted for review by the Township, along with the required application(s) and proper payment. In addition, all subdivisions, site condos or platted subdivisions must submit the site plan showing street and lot layout in proper format on disk. All items listed below must be included on a site plan submitted for review and shown to be in conformance with the listed minimum requirements. Only those items determined by the Township to be nonapplicable may be excluded from a site plan.

d. Site Plan Basics:

- 1) North Arrow. Indicate north on the site plan.
- 2) Location Map. Indicate the site location as it relates to the Township or County.
- 3) Scale of one inch equals fifty feet (1" = 50') or greater. Drawn to a scale of one inch equals fifty feet (1" = 50') or greater.
- 4) Indicate Zoning. Indicate the zoning of the subject property and all adjacent zoning districts. A Township Zoning Map is available.
- 5) Title or Name of Project. All site plans submitted must include a title or name specific to the proposed project.
- 6) Date of Draft. Indicate the draft date of the site plan being submitted.
- 7) Legal Description and Tax Identification Number. Indicate on the site plan, the legal description and tax identification number of all parcels involved.
- 8) Electrical lines. Indicate all electrical lines on the parcel, and if known, the location of future lines. All electrical lines must be buried.
- 9) Sewage lines. Indicate all sewage or waste lines on the parcel.
- 10) Gas lines. Indicate all gas lines on the parcel.
- 11) All utility lines must be buried according to Thomas Township specifications per Chapter 6, Utility Lines.
- 12) Sewage Disposal Systems and Wells. Indicate any sewage disposal systems or wells on the parcel(s).
- 13) Developer Information:
 - a) Name of Developer, Draftsman and Engineer. Indicate the name of the developer, draftsman, and if used, engineer on the project.
 - b) Address of Developer, Draftsman and Engineer. Indicate the address of the developer, draftsman, and if used, engineer on the project.
 - c) Telephone Number(s). Indicate the telephone number and fax number of the developer, draftsman, and if used, engineer on the project.
- 14) Fire Department Requirements:
 - a) Nearest Fire Hydrant. Indicate the distance from the nearest fire hydrant to the furthest part of any building. The Fire Department enforces the Uniform Fire Code as amended.
 - b) Fire Hydrant Location. A fire hydrant must be within three hundred feet (300') of the furthest part of any building, the route must accommodate Fire Department apparatus.

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- c) Contact Fire Chief or Fire Marshal. A preconstruction meeting is recommended between the developer and the Thomas Township Fire Chief or Fire Marshall. Call the Fire Station at 517-781-4141.
 - d) Water Lines. Indicate all water lines on the parcel.
- 15) General Property Standards:
- a) Building and Parking Setbacks. All setbacks must be indicated on the site plan, including those from any and all roads, highways, and right-of-way lines. The Business District setbacks are as follows:
 - i. B-1 35 foot front yard, no parking allowed. 12 foot one side, total of 25 feet. 20 foot rear.
 - ii. B-2 40 foot front yard, 10 foot parking allowed. 15 foot side, except when abutting agricultural zoning then 20 foot side. 20 foot rear.
 - iii. B-3 40 foot front yard, 20 foot parking allowed. 10 foot side, except when abutting agricultural zoning then 30 foot sides.
 - iv. A zero lot line is allowed if connected to adjacent structures with a combined access and parking area. 30 foot rear.
 - v. B-4 50 foot front yard, 20 foot parking allowed. 20 foot side. 30 foot rear.
 - vi. B-5 50 foot front yard, 20 foot parking allowed. 20 foot side. 30 foot rear.Contact the Community Development Department for Residential, Agricultural, Environmental and Limited Manufacturing District setbacks.
 - b) Dimensions. Indicate all lot widths and all boundary dimensions.
 - c) Lot Size. Indicate the total area of the parcel(s) under consideration.
 - d) Identify Elements. Identify any proposed structures or key elements of the development.
 - e) Elevation View. A front elevation must be submitted.
 - f) Floor Plan. Indicate the structure's floor plan.
 - g) Dumpsters Screening. Indicate the location of any dumpsters or trash receptacle(s). All such items must be screened from front, side, and rear yards. A minimum screening fence of six feet (6') high must be placed around all dumpsters.
 - h) Outdoor Storage Areas. Outdoor storage areas of items not approved for outdoor display, such as excess stock, shipping pallets or other packing or shipping materials shall be screened and gated in an approved area.
- 16) Sidewalks and Landscaping:
- a) Sidewalks Installation. A sidewalk must be installed in any area where sidewalks are required per the Sidewalk Ordinance. The Planning Commission may require additional sidewalks if it determines it is necessary for pedestrian safety.
 - b) Existing Landscaping and Trees. In order to evaluate a parcel, all existing landscaping and trees must be indicated.
 - c) Greenbelt. A greenbelt is the area between the front of a building or development and the road's edge, excluding allowed parking and driveways. All required plantings must be shown in the greenbelt area.

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- d) Greenbelt Size. The size of a greenbelt area shall be determined by the required setback in that zoning district. (See Chapter 4, Landscaping.)
 - e) Landscape Plan. A complete landscape plan must accompany all site plans. It must indicate all required plantings per the Landscaping Ordinance. The plan must show all required plantings within parking lot islands, plantings between parcels, and planting around buildings. The plan must indicate the type, size and species of any planting proposed.
- 17) Parking Lot Requirements:
- a) Elevation. Indicate the proposed elevation of parking areas and buildings.
 - b) Storm Drains. Indicate any proposed storm drains on the parcel.
 - c) Paving. All driveways, parking and loading areas and areas where employees or customers will park shall be paved, or covered with concrete approved by the Township.

Gravel parking lots in Parks and Recreational areas are permitted where parking is used for an outdoor use such as soccer, baseball or a similar use.
 - d) Curbs. All new parking areas and driveways must be enclosed by curbs.
 - e) Numbering Parking Spaces. It is required that all parking spaces within a parking lot, new or existing must be numbered or sections of parking spaces must be numbered and indicated on the site plan.
 - f) Egress and Ingress. Indicate the location, arrangement and dimensions of all existing and proposed driveways, exits, and/or egress and ingress points. Any entrance or exit shall be a minimum of twenty-five feet (25') from adjacent parcel lines, including its radius.
 - g) Egress and Ingress Size. Any egress or ingress drive shall be no less than twenty two feet (22') in width.
 - h) One-way Traffic. Any driveway carrying one-way traffic must be a minimum of fourteen feet (14') in width if parking spaces are angled, and a minimum of sixteen feet (16') in width if parking spaces are at a ninety degree (90°) angle to the driveway.
 - i) Two-way Traffic. Any driveway carrying two-way traffic must be a minimum of twenty two feet (22') in width.
 - j) Striping. Every parking space must be clearly striped with reflective paint of either yellow, white, blue or silver.
- 18) Lighting Requirements:
- a) Lighting Required. Lighting is required in all parking areas except single-family or two-family homes.
 - b) Illumination Plan. All developments must illuminate only the parcel under review. At no time shall lighting adversely affect adjacent parcels because of over illumination. If requested, the developer shall provide a full illumination plan to prevent against over illumination.
 - c) Light Type. All lights must be box type lighting, directed to the parking or walking surface. Box type lighting refers to the screened sides of the light which direct the light from its source to the parking or walking surface without allowing the light source to be seen from any side, front or rear property line.
 - d) Light Height. Exterior lighting shall not exceed a height of twelve feet (12'), if within two hundred feet (200') of a residential district. If an approved light level and distribution pattern is submitted showing that the light(s) will be directed onto a parking lot and/or walking surface is submitted

and approved by the Planning Commission, the height of a light may be increased to a maximum of twenty feet (20') if within two hundred feet (200') of a residential district. No light(s) may exceed twenty-five feet (25') in any districts except M-1, unless it is shown to be necessary because of its unique or unusual circumstance.

- e) Direct Light Source. A luminary or lighting plan must be designed to eliminate any direct light source from shining from a business or development onto or at any roads, highways or adjacent parcels.
- 19) Miscellaneous Requirements:
- a) Storm Water Ordinance Review. All provisions of the Storm Water Runoff Regulation and Control Ordinance must be complied with prior to site plan review if requested. Application for review is available at the Thomas Township office. Approval of any storm water plan is required by the Thomas Township Engineer.
 - b) Soil Erosion Permit. If necessary, a soil erosion permit can be obtained from the Saginaw County Department of Public Works located at 111 S. Michigan Avenue, Saginaw, Michigan 48602. Phone 517-790-5258.
 - c) Review Deadline. Anyone submitting a request for consideration or review by the Thomas Township Planning Commission, which includes, but is not limited to, all site plans, special use permits, rezoning, text or map amendments must be made at least thirty (30) days prior to a scheduled Planning Commission meeting date.
 - d) Driveway Permit. A driveway permit from MDOT or the Saginaw County Road Commission is required prior to constructing any driveway.
- 20) Nonconforming Signage Review:
- a) Documenting Signage. The developer must document all signs on parcel including wall, pole, ground and billboard signs as part of the Planning Commission's nonconforming signage review. The following information will be required:
 - i. The height of every existing pole, ground and billboard sign must be shown.
 - ii. The setback of every existing pole, ground and billboard sign must be shown.
 - iii. The size of every existing pole, ground and billboard sign must be shown.
 - iv. The size of every wall sign must be shown.
 - v. The linear frontage of every business must be shown.
 - vi. A picture of every sign on the parcel must accompany the nonconforming signage review information.
 - b) Review of Existing Signage. It shall be required that any existing sign on a parcel under review by the Planning Commission that is nonconforming, including wall, pole, ground or billboard sign(s), must be brought into complete compliance with the Thomas Township Sign Ordinance as part of the site plan review. The entire parcel that is under consideration must be brought into full compliance with the current Sign Ordinance in order to obtain Planning Commission approval during site plan review or special use permit review. If any sign(s) including billboards are not in conformance at the time of site plan review, approval by the Planning Commission will be considered contingent upon making all nonconforming sign(s) conforming to the current standards as outlined in the Sign Ordinance.
 - c) Proposed Signage:

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- i. New Signage Location. The location of every proposed ground or pole sign must be shown on the site plan for Planning Commission review.
 - ii. Sign Size. The total amount of signage allowed on the parcel under review must be stated on the site plan. The total square footage of wall signage allowed must be listed on the site plan. The total square footage of ground or pole signage must be listed on the site plan.

(Ord. 97-Z-03, 11-3-1997, eff. 12-12-1997; Ord. 00-Z-03, 4-3-2000, eff. 5-12-2000; Ord. No. 07-Z-01, § 1, 8-19-2007, eff. 9-28-2007; Ord. No. 09-Z-01, § 1, 3-11-2009, eff. 4-11-2009; Ord. 11-Z-05, 5-11-2011, eff. 6-11-2011)

SECTION 19.3. REGULATION OF CONDOMINIUM DEVELOPMENT.

- a. Initial Information: Concurrently with notice required to be given Thomas Township pursuant to section 71 of Public Act 59 of 1978, as amended (the Condominium Act), a person, firm, or corporation intending to develop a condominium development shall provide the following information:
 - 1) The name, address, and telephone number of:
 - a) All persons, firms, or corporations with an ownership interest in the land on which the condominium development will be located together with a description of the nature of each entity's interest (for example, fee owner, optionee, or land contract vendee).
 - b) All engineers, attorneys, architects, or registered land surveyors associated with the project and the Building Inspector.
 - c) The developer or proprietor of the condominium development.
 - 2) The legal description of the land on which the condominium development will be developed together with appropriate tax identification numbers.
 - 3) The acreage content of the land on which the condominium development will be developed. There is no minimum or maximum acreage requirement for a condominium development.
 - 4) The purpose of the development (for example, residential, commercial, industrial, etc.).
 - 5) Approximate number of condominium units to be developed on the subject parcel.
 - 6) Whether or not a community water system is contemplated.
 - 7) Whether or not a community septic system is contemplated.
 - 8) The names of abutting development projects or subdivisions, if any.
 - 9) A map of the entire area scheduled for development if the proposed condominium development is a portion of a larger holding intended for subsequent development, and staging of development of the entire condominium development, as well as the relations of each stage to the entire development shall be clearly shown.
 - 10) A location map showing the relationship of the proposed development to the surrounding area.
 - 11) The land use and existing zoning of the proposed subdivision and adjacent tracts.
 - 12) Streets, street names, alleys, sidewalks, rights of way and roadway widths, as well as surfacing of all streets.
 - 13) Condominium unit lines and total number of units shown by numerical order commencing with number one with no omissions or duplications. Setback requirements and area of condominium units and lands reserved for public use with the conditions of dedication.

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- 14) A site report as described in the Rules of the State Department of Public Health if the proposed subdivision is not being served by public sewer and water systems.
 - 15) Location and size of all existing and proposed sanitary sewer, storm sewer, and water supply facilities; points of connection to existing lines, elevations and grades, direction of flow, location of valves and hydrants, as well as location of gas, electric, and telephone lines.
 - 16) Right-of-way easements, showing location, width and purpose.
 - 17) Street lighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, manholes, catch basins and underground conduits showing location thereof.
 - 18) Topography, existing and proposed, at two-foot (2') intervals and proposed grading and landfilling.
- b. Information To Be Kept Current: The information shall be furnished to the Township Zoning Administrator and shall be kept updated until such time as a certificate of occupancy has been issued by the Zoning Administrator.
 - c. Site Plans For New Projects: Prior to recording of the master deed required by section 72 of Public Act 59 of 1978, as amended, the condominium development shall undergo site plan review and approval. The Township shall require appropriate engineering plans and inspections prior to the issuance of any certificates of occupancy.
 - d. Site Plans for Expandable or Convertible Projects: Prior to expansion or conversion of a condominium development to additional land, the new phase of the project shall undergo site plan review and approval.
 - e. Master Deed, Restrictive Covenants, And "As Built Survey" To Be Furnished: The condominium development developer or proprietor shall furnish the Building Official with the following:
 - 1) One copy of the recorded master deed.
 - 2) One copy of all restrictive covenants.
 - 3) Two (2) copies of any "as-built survey".The "as-built survey" shall be reviewed by the Township Engineer for compliance with Township ordinances. Fees for this review shall be established by resolution of the Township Board.
 - f. Monuments Required: All condominium developments which consist in whole or in part of condominium units which are building sites, mobile home sites, or recreational sites, shall be marked with monuments as provided in this subsection.
 - 1) All monuments used shall be made of solid iron or steel bars at least one-half inch (1/2") in diameter and thirty six inches (36") long and completely encased in concrete at least four inches (4") in diameter.
 - 2) Monuments shall be located in the ground at all angles in the boundaries of the condominium development; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the condominium development and at the intersection of alleys with the boundaries of the condominium development; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets and alleys and at all angles of an intermediate traverse line. It is not intended or required that monuments be place within the traveled portion of a street to mark angles in the boundary of the condominium development if the angle points can be readily reestablished by reference to monuments along the side lines of the streets.
 - 3) If the required location of a monument is in an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plans and referenced to the true point.

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- 4) If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one-half inch (1/2") in diameter shall be drilled and grouted into solid rock to a depth of at least eight inches (8").
 - 5) All required monuments shall be placed flush with the ground where practicable.
 - 6) The Township Board may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one year, on the condition that the proprietor deposits with the Township Clerk cash, certified check, or irrevocable bank letter of credit to the Township whichever the proprietor selects in an amount to be established by Board resolution. Such cash, certified check, or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.
- g. Compliance with Federal, State, and Local Law: All condominium developments shall comply with Federal and State statutes and local ordinances.
- h. Occupancy: The Zoning Administrator may allow occupancy of the condominium development before all improvements required by this ordinance are installed provided that cash, a certified check, or an irrevocable bank letter of credit is submitted sufficient in amount and type to provide for the installation of improvements before the expiration of the temporary occupancy permit without expense to the Township.
- i. Single-Family Detached Condominiums:
- 1) Pursuant to authority conferred by section 141 of the Condominium Act, Act 59 of 1978, as amended, all condominium subdivision plans must be approved by the Township Board of Trustees following review and recommendation for approval by the Planning Commission. In determining whether to recommend a condominium subdivision plan for approval to the Township Board of Trustees, the Planning Commission shall consult with the Zoning Administrator, Township Attorney, Township Engineer, and Township Planner regarding the adequacy of the master deed, deed restrictions, utility systems and streets, development layout, and design and compliance with all requirements of the Condominium Act and Township Zoning Ordinance.
 - 2) A single-family detached condominium development shall be subject to all the requirements and standards of the applicable single- or multiple-family residential district or approved planned unit development (PUD) plan.
 - 3) Private roads shall be constructed to the requirements of the Saginaw County Road Commission and the developer shall prepare and record a restrictive covenant running with the land and applying to all parcels abutting on said street and shall contain the following:
 - a) Said street or roadway shall be covered by an easement at least sixty six feet (66') in width.
 - b) Said street or roadway shall be constructed in accordance with minimum Saginaw County Road Commission standards and specifications.
 - 4) The developer and/or owners of parcels abutting said street or roadway shall fully assume the entire cost of all maintenance, repair, and snow removal. If the street or roadway is not initially hard surfaced, any future hard surfacing shall be paid for in full by the developer and/or owners of the surrounding parcels. Enclosed storm drains shall be fully paid for by the developer. The Township shall not bear any initial or future costs pertaining to said street or roadway.
 - 5) Where sewer, water or other utilities are to be extended in any such roadway or street, an easement for such shall be given to the appropriate body.
 - 6) The design of a single-family detached condominium project shall be subject to the design layout and engineering standards, as provided below, except as may otherwise be provided by this ordinance.
 - 7) Location Arrangement And Design Of Streets:

- a) The street layout shall provide for continuation of collector streets in the adjoining subdivisions or of the proper projection of streets when adjoining property is not subdivided or conform to a plan for a neighborhood unit drawn up and adopted by the Commission.
 - b) The street layout shall include minor streets so laid out that their use by through traffic shall be discouraged.
 - c) When a proposed condominium development borders on or contains an existing or proposed thoroughfare, the Commission shall require marginal access streets, reverse frontage, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation and reduction of traffic hazards.
 - d) When a proposed condominium development borders on or contains a railroad, expressway, or other limited access highway right-of-way, the Commission may require the location of a street approximately parallel to and on each side of such right-of-way at a distance suitable for the development of an appropriate use of the intervening land such as for parks in residential districts. Such distances shall be determined with due consideration of the minimum distance required for approach grades to future grade separation.
 - e) Half streets shall be prohibited, except where absolutely essential to the reasonable development of the subdivision in conformity with the other requirements of those regulations, and where the Commission finds it will be practicable to require the dedication of the other half when the adjoining property is developed. Wherever there exists adjacent to the tract to be subdivided, a dedicated or platted and recorded half street, the other half shall be platted or otherwise included in the condominium subdivision.
 - f) When a proposed condominium development borders upon or contains an existing or proposed canal, channel, or drainageway, the Commission may require the location of a bridge facility suitable to permit the unimpeded flow of water and the passage of waterborne vehicles.
- 8) Right-Of-Way And Pavement Widths: Street right-of-way and pavement widths shall conform to at least the following minimum requirements:

TABLE 32 RIGHT-OF-WAY AND PAVEMENT WIDTHS

Street Type	Right-Of-Way Width	Pavement Width
All types of streets	66 feet	24 feet
Cul-de-sac	75 feet radius	45 feet radius

- a) No on-street parking shall be allowed.
 - b) Minimum length for residential cul-de-sac streets shall be one hundred forty feet (140'). Maximum length for residential cul-de-sac streets shall be six hundred feet (600'). Special consideration shall be given to longer culs-de-sac under certain topographic conditions or other unusual situations.
 - c) Access to streets across all ditches shall be provided by the proprietor with the Saginaw County Road Commission's specifications and procedures for driveway installation.
- 9) Easements:
- a) Locations of utility line easements shall be provided as necessary for utility lines. Such easements shall be a total of not less than twelve feet (12') wide, six feet (6') from each parcel.
 - b) Recommendations on the proposed layout of telephone and electric company easements should be sought from all of the utility companies serving the area. It shall be the responsibility of the

proprietor to submit copies of the proposed condominium development plan to all appropriate public utility agencies.

- c) Easements six feet (6') in width, three feet (3') from each parcel shall be provided where needed alongside condominium unit boundary lines so as to provide for streetlight dropouts. Prior to the approval of the condominium subdivision plan, a statement shall be obtained from the appropriate public utility indicating that easements have been provided along specific condominium unit boundaries. A notation shall be made on the condominium subdivision plan indicating: "The side boundary lines between condominium units (indicating building envelope numbers) are subject to street light dropout rights granted to the (name of utility company)."
- 10) Condominium Units: Condominium units within detached condominium developments shall conform to the following standards:
- a) Condominium units situated on corners in residential subdivisions shall be at least ten feet (10') wider than the minimum width permitted by the Zoning Ordinance.
 - b) Excessive condominium unit depth in relation to width shall be avoided. A depth-to-width ratio of four to one (4:1) shall be considered a maximum.
 - c) Every condominium unit shall front or abut on a street.
 - d) Side condominium unit lines shall be at right angles or radial to the street lines.
 - e) Condominium units shall have a front-to-front relationship across all streets where possible.
 - f) Where condominium units border upon bodies of water, the front yard may be designated as the waterfront side of such condominium unit provided the building envelope has sufficient depth to provide adequate setback on the street side to maintain a setback for all structures equal to the front setback on the street side as well as on the waterfront side.
 - g) The width, depth, and area of condominium units shall not be less than the particular district requirements of the Zoning Ordinance except where outlots are provided for some permitted purpose.
 - h) Where condominium units are developed so that they abut on existing roads, freeways, shopping centers or industrial properties, the subdivider shall record with the Saginaw County Register of Deeds a restrictive covenant running with the land providing that no right to access by vehicular traffic to the existing road, freeway, shopping center, or industrial property is permitted from or onto such condominium units. Access to such condominium units shall be provided internally from streets constructed within the proposed development. Such condominium units shall contain a landscape easement along the rear at least fifty feet (50') wide in addition to the utility easement to restrict access to the existing street. When a landscape easement is required to be provided herein, the developer shall provide a landscaped earth berm and tree plantings. Residential condominium units extending through a block and having frontage on two (2) local streets shall be prohibited.
- 11) Blocks:
- a) Maximum length for blocks shall not exceed one thousand three hundred twenty feet (1,320') in length, except where, in the opinion of the Planning Commission, conditions may justify a greater distance.
 - b) Widths of blocks shall be determined by the condition of the layout and shall be suited to the intended layout.
- 12) Natural Features: The natural features and character of lands must be preserved wherever possible. Due regard must be shown for all natural features such as large trees, natural groves, watercourses,

and similar community assets that will add attractiveness and value to the property if preserved. The preservation of drainage and natural stream channels must be considered by the proprietor and the dedication and provision of adequate barriers, where appropriate, shall be required.

- 13) Walkways: Walkways shall be installed in all single-family detached condominium developments. Such walkways shall be a minimum of five feet (5') in width along both sides of all streets. Access to all general common areas shall be provided. Upon review of the site plan, the Planning Commission may approve alternate locations for the walkways or may waive the walkway requirement if it would not serve the purpose of providing adequate pedestrian circulation. Walkways shall be a minimum lateral slope of one-fourth inch (1/4") per foot away from the property line. Walkways shall be concrete, four inches (4") thick with six inch (6") thickness under driveways. Driveway aprons shall not break the sidewalk's level. Sidewalks shall otherwise be constructed as planned in the Township's sidewalk plan.
- 14) Street Trees And Landscaping:
- a) Street Trees and Landscaping: Trees shall be provided in the road right-of-way of both sides of all streets, public or private, and shall be placed at the minimum rate of three (3) per single family lot, at a maximum distance apart of twenty-five feet (25'). All trees shall be of the same or similar species as those planted by neighboring property owners. All of the required number of trees mandated in this subsection will be planted within the road right-of-way with a permit from the Saginaw County Road Commission. If it is determined by Thomas Township that trees cannot be planted within the road right-of-way for reasons that cannot be corrected, the trees may be planted within the front yard area. Front yard as defined in the zoning ordinance is a yard extending across the full width of a lot between the front lot line and the nearest line of the main building.
 - b) The following trees are prohibited:
 - Box elder
 - Catalpa
 - Elms
 - Horse chestnut (nut bearing)
 - Poplars
 - Soft maples (red, silver)
 - Tree of heaven
 - Willows
 - c) All unimproved surface areas of the site shall be planted with grass, ground cover, shrubbery, or other suitable landscape materials, except that patios, terraces, decks and similar site features may be allowed.
 - d) Where a landscape easement is required to be provided herein, the subdivider shall provide a landscaped earth berm and tree plantings within the easement as required by the Township Board after review and recommendation by the Planning Commission. The berm shall be a minimum of six feet (6') high at the time of planting, construction, or installation. Trees shall be a minimum of eight feet (8') high at the time of planting. Maximum spacing for the trees shall be twenty-five feet (25') apart. A drawing of the berm and the tree plantings shall be completed by a landscape architect and submitted to the Planning Commission for review. The landscape easement shall be in addition to the required setback requirements for structures within a given zoning district.

15) Utilities:

- a) An adequate storm drainage system, including necessary storm sewers, drain inlets, manholes, culverts, bridges, and other appurtenances, shall be required in all subdivisions. The requirements for each particular subdivision shall be established by the Saginaw County drain commissioner.
 - b) If there is an existing and extendable public water supply system within five hundred feet (500') from any portion of a proposed subdivision, the subdivider shall provide water mains and necessary appurtenances thereto within the subdivision and shall pay one hundred percent (100%) of the construction cost for said installation, including fire hydrants and other required appurtenances. Said construction cost shall include the cost of offsite installation.
 - c) If there is no existing or accessible public water supply system the subdivider shall comply with any rule or ordinance adopted by Saginaw County or promulgated by the Saginaw County health department relative to private water supplies.
 - d) If a public sanitary sewer system is extendable within five hundred feet (500') from any portion of the proposed condominium development, sanitary sewers and other required appurtenances thereto, shall be provided by the developer who shall pay one hundred percent (100%) of the construction cost of the installation of said sanitary sewers. Sanitary sewer lines shall include service connections from the sewer main to the property line. Said construction cost shall include the costs of installation within five hundred feet (500') of the development or more if agreed by the developer. Any reimbursement or cost sharing by the Township would be determined by the Board.
 - e) Where it is determined in the judgment of the Planning Commission, with the advice of the Township engineer and the Saginaw County health department, that a condominium development cannot be economically connected with an existing public sewer system or that a public sewer system cannot be provided for the development itself, then approved septic tanks and disposal fields may be allowed which shall comply with all requirements of the Saginaw County health department or ordinances of Saginaw County. When studies by the Township Planning Commission or the Township Engineer indicate that construction or extension of sanitary trunk sewers to serve the property being developed appears probable within a reasonable time of up to three (3) years, sanitary sewer mains and house connections may be required to be installed and capped.
- 16) Final Documents To Be Provided: After submittal of the condominium plan and bylaws as part of the master deed, the proprietor shall furnish to the Township a copy of the site plan on a Mylar sheet of at least thirteen by sixteen inches (13 × 16") with an image not to exceed ten and one-half by fourteen inches (10½ × 14").

(Ord. 97-Z-03, 11-3-1997, eff. 12-12-1997; Ord. 06-G-05, 5-1-2006, eff. 6-10-2006; Ord. No. 17-Z-04, § 1, 11-6-2017, eff. 12-9-2017; Ord. No. 22-Z-01, 1-10-2022, eff. 2-18-2022)

SECTION 19.4. PERFORMANCE BOND.

The Planning Commission may require a performance bond, cash, irrevocable letter of credit, or other similar financial assurance satisfactory to the Township. All financial deposits must be deposited with the Township prior to the issuance of a building permit, in the amount of the Planning Commission's estimated cost of installing the landscaping onto the parcel and shall be held until all approved landscaping is installed. If landscaping is not installed in accordance with the approved site plan as determined solely by the Township, the deposited financial assurance may be used to install the required landscaping and only any unused portion thereof will be returned. If

the financial assurance does not cover the entire cost of installation, the excess cost will be billed to the owner of the property.

Chapter 20 ADMINISTRATION

SECTION 20.1. GENERAL ADMINISTRATION.

The provisions of this ordinance shall be administered by the Planning Commission, the Zoning Board of Appeals and the Township Board of Trustees in conformance with applicable state of Michigan enabling legislation.

- a. **Responsibility:** The Township Board shall employ a Zoning Administrator to act as its officer to effect proper and adequate administration of this ordinance. The term of employment, compensation, and any other conditions of employment shall be established by the Township Board. For the purposes of this ordinance, the Zoning Administrator shall have policing powers.
- b. **Duties and Limitations of Zoning Administrator:** All applications for permits or certificates shall be submitted to the Zoning Administrator who may issue certificates of occupancy or sign permits when all applicable provisions of this ordinance have been met. The Zoning Administrator and his staff shall be empowered to make inspections of buildings or premises to carry out his duties in the enforcement of this ordinance.

The Zoning Administrator shall record all nonconforming uses existing at the effective date of this ordinance.

Under no circumstances is the Zoning Administrator permitted to make changes in this ordinance nor to vary the terms of this ordinance in carrying out his/her duties.

- c. **Certificate Of Occupancy:** A Certificate of Occupancy shall be obtained from the building inspector for any of the following:
 - 1) Change in the use of land or building that involves renovation, expansion or substantial modification of the structure or land.
 - 2) Any change in use or enlargement of a nonconforming use or building.
- d. **Application For Certificate Of Occupancy:**
 - 1) **Application:** In all cases where a building permit is required, written application for a certificate of occupancy shall be made coincident with the application for such building permit.
 - 2) **Information Required:** Application for a Certificate of Occupancy shall be accompanied by all necessary information to obtain a building permit as required by the building department.
 - 3) **Accessory Buildings or Structures:** Accessory buildings or structures, when erected at the same time as the principal building or structures on a lot shown on the application therefor, shall not require a separate certificate of occupancy.
 - 4) **Record of Application:** A record of all such applications for certificate of occupancy shall be kept on file by the building inspector. Whenever the building, structure, premises and uses thereof as set forth on the application are in conformity with the provisions of this code and other applicable regulations, it shall be the duty of the building inspector to issue any necessary building permit and when such permit is denied, to state refusal in writing, with cause.
 - 5) **Issuance of Certificate of Occupancy:** After notification that the building, structure or premises, or part thereof is completed and approved final inspections have been made the building inspector shall issue a certificate of occupancy which shall show such compliance. When a

certificate of occupancy is denied on the grounds of a zoning violation or construction code, such refusal shall be stated in writing with reasons for said denial.

A temporary Certificate of Occupancy may be issued by the Building Inspector for a part of a building or structure or premises prior to completion of the entire building, structure or premises, provided it is sufficiently clear all provisions of this ordinance will be met. A performance bond or other financial assurance may be required as needed.

(Ord. 97-Z-03, 11-3-1997, eff. 12-12-1997)

SECTION 20.2. PLANNING COMMISSION.

- a. **Creation and Membership:** The Planning Commission shall be organized pursuant to P.A. 110 of 2006, as amended, and shall have the duties and powers prescribed by that law.
- b. **Organization and Procedures:** The Planning Commission may adopt its own rules of procedure as may be necessary to conduct its meetings and to carry out its functions. The rules of procedure shall address meeting times, officers, maintenance of records, conduct of hearings and manner of decision making.
- c. **Compensation:** The Township Board shall establish the rate of compensation and/or reimbursement for officers and members of the Planning Commission for duties performed as Commissioners.
- d. **Meeting:** The Planning Commission may declare any meeting a committee or study meeting.

(Ord. 97-Z-03, 11-3-1997, eff. 12-12-1997)

SECTION 20.3. CIVIL VIOLATIONS.

- a. **Enforcement:** The Zoning Administrator shall enforce the provisions of this ordinance.
- b. **Violation and Penalties:** Violations of any provisions of this ordinance are declared to be a civil infraction, enforceable under Township Ordinance 97-G-01, Municipal Civil Infractions and the rules adopted. Any and all building or land use activities considered possible violations of the provisions of this ordinance observed by or communicated to an official or employee shall be reported to the Zoning Administrator or Code Enforcement Officer.
 - 1) **Inspection of Violation:** The Zoning Administrator, Code Enforcement Officer, or designated staff person shall inspect each alleged violation or violations he/she observes or is aware of and shall order correction in writing or in person, of all conditions found to be in violation of this ordinance.
 - 2) **Cumulative Rights and Remedies:** This ordinance is enforceable by any action, legal or equitable, authorized by statute or court decision of the State and may be brought in the name of the Township in any court of competent jurisdiction. The rights and remedies provided for herein are cumulative and in addition to any other remedies provided by law.

(Ord. 97-Z-03, 11-3-1997, eff. 12-12-1997)

SECTION 20.4. AMENDMENT.

- a. **Authority:** The Township Board may amend by ordinance the regulations and provisions stated in the text of this ordinance and the boundaries of the zoning districts shown on the Zoning Districts Map in accordance with applicable zoning enabling legislation of the State.

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- b. Initiation of Amendments: Proposals for amendments, supplements or changes may be initiated by the Township Board of its own action, by the Planning Commission or by petition of one or more owners or their agents of the property to be affected by the proposed amendment.
 - c. Amendment Procedures:
 - 1) Petition To Township Board: Each petition by one or more owners, or their agents for an amendment shall be submitted upon an application of standard form to the Township Clerk, and a fee as established by the Township Board shall be paid at the time of application to cover costs of necessary advertising for public hearings and investigation of the amendment request. The Clerk shall transmit the application to the Planning Commission for recommended action.
 - 2) Recommendation: The Planning Commission shall consider each proposal for amendment in terms of its own judgment on particular factors related to the individual proposal and in terms of the likely effect of such proposal upon the development plan for the community. The Planning Commission may recommend any additions or modifications to the original amendment petition.
 - 3) Public Notice: The Planning Commission shall conduct at least one (1) public hearing on all requests for amendments. Notice shall be given not less than fifteen (15) days before the date of the hearing on a proposed zoning amendment. Notice is considered to be given when personally delivered or when deposited during normal business hours for delivery with the U.S. Postal Service or other public or private delivery service.
 - a) Notices shall be sent to:
 - i. The applicant.
 - ii. The owner (or other owners) of the property, if different.
 - iii. If an individual property or ten (10) or fewer adjacent properties are proposed for rezoning: The owners of all real property within three hundred (300') feet of the boundary for the property for which the approval has been requested, as shown by the latest assessment roll, regardless of whether the owner and property is located in the zoning jurisdiction.
 - iv. If an individual property or ten (10) or fewer adjacent properties are proposed for rezoning: One occupant of each structure, or each unit within multiple-unit structures within three hundred (300') feet of the boundary of the property for which the approval has been requested, regardless of whether the owner and property is located in the zoning jurisdiction. (For multiple unit-structures containing four or more dwelling units, only the manager of the structure needs to be notified and post the information at the main entrance to the structure.)
 - v. If eleven (11) or more adjacent properties are proposed for rezoning, the notification of owners and occupants within three hundred (300') feet of the subject request is not required. Further, the street addresses of the eleven (11) or more adjacent properties need not be listed in the notice.
 - vi. The general public by publication in a newspaper of general circulation in Thomas Township.
 - vii. Members of the Planning Commission or legislative body and Planning Commission if the hearing is being held by the legislative body.
 - b) The notice shall include:
 - i. The nature of the zoning amendment being requested.
 - ii. The property/properties for which the zoning amendment has been made.

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- iii. If the zoning amendment is for less than eleven (11) adjacent properties: A listing of all existing street addresses within the property/properties which is/are the subject of the zoning amendment. (Street addresses do not need to be created and listed if no such addresses currently exist. If there are not street addresses another means of identification may be used.
 - iv. The location where the application documents can be viewed and copied prior to the date the application will be considered.
 - v. The date, time and location where the hearing on the zoning amendment will take place.
 - vi. The addresses to which written comments should be directed prior to the hearing on the zoning amendment.
 - vii. For members of the Planning Commission only - a copy of the request for the zoning amendment, the draft of the zoning amendment and supporting documents in the record.
- 4) County Planning Commission: Following the conclusion of the public hearing, the Planning Commission shall submit the proposed amendments, including any zoning district map, to the county Planning Commission for their review. The approval of the county Planning Commission shall be conclusively presumed unless such commission shall within thirty (30) days of its receipt, have notified the Board of Trustees of its disapproval or approval.
 - 5) Thomas Township Board of Trustees: The Township Board of Trustees shall review the recommendations of the county and township Planning Commission at their first regular meeting following their receipt unless a special meeting has been duly called for that purpose.

If the Thomas Township Board of Trustees shall deem any amendments, changes, addition or departures are advisable to the proposed ordinance amendment recommended for approval or denial by the Planning Commission, the Board of Trustees may deny, or adopt the amendment with or without any changes.
 - 6) Resubmittal: No application for rezoning which has been denied by the Board shall be resubmitted for a period of one year from the date of the last denial except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Township to be valid.
 - 7) Fees: A fee as established by the Township shall be paid to the Township Clerk at the time of requesting a zoning amendment. The purpose of the fee is to cover, in part, the necessary advertisements, investigations, and other expenses incurred by the Township in connection with the requested amendment.
 - 8) Some Factors For Consideration: In reviewing an application for the rezoning of land, whether the application is made with or without an offer of conditions, factors that should be considered by the Planning Commission and the Township Board include, but are not limited to, the following:
 - a) Whether the rezoning is consistent with the policies and uses proposed for that area in the Township's master land use plan;
 - b) Whether all of the uses allowed under the proposed rezoning would be compatible with other zones and uses in the surrounding area;
 - c) Whether any public services and facilities would be significantly adversely impacted by a development or use allowed under the requested rezoning; 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.

(Ord. 97-Z-03, 11-3-1997, eff. 12-12-1997; amd. 1998 Code; Ord. 98-Z-05, 8-3-1998, eff. 9-11-1998; Ord. 06-G-03, 5-1-2006, eff. 6-10-2006; Ord. No. 08-Z-04, 11-12-2008, eff. 12-15-2008)

SECTION 20.5. CONDITIONAL REZONING.

- a. 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 the Michigan Zoning Enabling Act, P.A. 110 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.
- b. Application And Offer Of Conditions:
- 1) 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.
 - 2) 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.
 - 3) The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.
 - 4) 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.
 - 5) 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 Zoning Board of Appeals in accordance with the provisions of this ordinance.
 - 6) 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.
 - 7) 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.
- c. Planning Commission Review: The Planning Commission, after public hearing and consideration of the factors for rezoning, 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.
- d. 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 factors for rezoning set forth in Section 19.4(c)8. 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 the

Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, 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.

e. Approval:

- 1) 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 and shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the Township Board to accomplish the requested rezoning.
- 2) The statement of conditions shall:
 - a) Be in a form recordable with the register of deeds of the county in which the subject land is located 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.
 - b) Contain a legal description of the land to which it pertains.
 - c) Contain a statement acknowledging that the statement of conditions runs with the land and is binding upon successor owners of the land.
 - d) 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.
 - e) Contain a statement acknowledging that the statement of conditions or an affidavit or memorandum giving notice thereof may be recorded by the Township with the register of deeds of the county in which the land referenced in the statement of conditions is located.
 - f) 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.
- 3) 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.
- 4) The approved statement of conditions or an affidavit or memorandum giving notice thereof shall be filed by the Township with the register of deeds of the county in which the land is located. 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.
- 5) 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.

f. Compliance with Conditions:

- 1) 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

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- be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
- 2) No permit or approval shall be granted under this ordinance for any use or development that is contrary to an applicable statement of conditions.
- g. 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 eighteen (18) 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.
- h. Reversion of Zoning: If approved development and/or use of the rezoned land does not occur within the time frame specified, then the land shall revert to its former zoning classification. 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.
- i. 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 reversion of zoning pursuant to subsection H hereof 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.
- j. Amendment of Conditions:
- 1) During the time period for commencement of an approved development or use specified 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.
 - 2) The statement of conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and statement of conditions.
- k. Township Right To Rezone: Nothing in the statement of conditions or 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 the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended.
- l. 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.

(Ord. 06-G-02, 5-1-2006, eff. 6-10-2006)

Chapter 21 ZONING BOARD OF APPEALS

SECTION 21.1. CREATION AND MEMBERSHIP.

- a. Establishment: The zoning board of appeals is established pursuant to the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended.
- b. Membership: The Zoning Board of Appeals is composed of five (5) members, one of whom shall be a member of the planning commission, and shall be appointed by a majority vote of the serving members of the Thomas Township Board of Trustees. The four (4) remaining regular members of the zoning board of appeals shall be selected from the electors of Thomas Township and shall be representative of the population distribution and of the various interests present in Thomas Township. One (1) regular member of the zoning board of appeals may be a member of the Thomas Township Board of Trustees, but shall not serve as chairperson of the zoning board of appeals.
- c. Terms of Office: The term of office for an appointed member of the zoning board of appeals shall be three (3) years except for a member serving because of his or her membership on the planning commission or board of trustees, whose term shall be limited to the time he or she is a member of that body. When members are first appointed, appointments may be for less than three (3) years to provide for staggered terms. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired.
- d. Vacancy: A vacancy on the zoning board of appeals shall be filled for the remainder of the unexpired term in the same manner as the original appointment.
- e. Conduct of Business: The zoning board of appeals shall not conduct business unless a majority of the regular members of the zoning board of appeals are present.
- f. Participation/Voting by Certain Members: A member of the zoning board of appeals who is also a member of the planning commission or the board of trustees shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the planning commission or board of trustees. However, the member may consider and vote on other unrelated matters involving the same property.
- g. Other Powers/Duties: The foregoing provisions are not intended to be exclusive and the provisions of the Zoning Enabling Act, P.A. 110 of 2006, as presently existing or hereafter amended pertaining to the zoning board of appeals are hereby incorporated by reference as if they were set forth word for word.

(Ord. No. 17-Z-07, 1-8-2018, eff. 1-18-2018)

SECTION 21.2. ORGANIZATION AND PROCEDURES.

- a. Rules of Procedure. The Zoning Board of Appeals (ZBA) may adopt its own rules of procedure as may be necessary to conduct its meetings and carry out its function. The Board shall choose its chairman and in his absence, an acting chairman.
- b. Meetings: Meetings shall be held at the call of the chairman and at such other times as the ZBA may determine. All meetings shall be open to the Public. The zoning board may declare any meeting or part of any meeting, a study meeting to pursue matters of business without comment or interruption from the public in attendance.
- c. Records: Minutes shall be recorded of all proceedings which shall contain evidence and dates relevant to every case considered together with the votes of the members and the final disposition of each case. Such minutes shall be filed in the office of the Township Clerk and shall be made available to the general public in accordance with applicable state law.

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- d. Counsel: The Township Attorney shall act as legal counsel for the ZBA and shall be present when requested at meetings of the Zoning Board of Appeals.
- e. Procedure For Appeals to the Zoning Board of Appeals:
- 1) A demand for a zoning appeal is received by the Zoning Administrator.
Appeals can be filed by:
 - a) A person aggrieved, or
 - b) An officer, department, board or bureau of the state or local unit of government.
 - 2) The Zoning Board of Appeals shall have the authority to hear appeals concerning:
 - a) All questions that arise in the administration of the zoning ordinance, including interpretation of the zoning map.
 - b) All administrative orders, requirements, decisions or determinations made by an administrative official or body charged with enforcement of the zoning ordinance.
 - c) All decisions of the Zoning Administrator.
 - d) All decisions concerning site plan review.
 - e) All decisions of the Planning Commission concerning planned unit developments.
 - 3) Upon receipt of a demand for appeal, the administrator will review the demand for appeal to insure it is complete and the fee is paid.
 - a) If the application is not complete, the administrator will return the application to the applicant with a letter that specifies the additional material required.
 - b) If the application is complete, the administrator and chairman of the Zoning Board of Appeals shall establish a date to hold a hearing on the appeal.
 - 4) The appeal stays all proceedings in furtherance of the action appealed, unless the body or officer from whom the appeal is taken certifies to the Zoning Board of Appeals that by reason of facts stated in the certificate, a stay would in the opinion of the body or officer cause imminent peril to life or property, in which case proceedings may be stayed by a restraining order issued by the Zoning Board of Appeals or a circuit court.
 - 5) The notices shall be given not less than fifteen (15) days before the date of the hearing on an appeal. Notice is considered to be given when personally delivered or when deposited during normal business hours for delivery with the U.S. Postal Service or other public or private Delivery Service.
 - a) Notices shall be sent to:
 - i. The individual demanding the appeal.
 - ii. The owner (or other owners) of the property, if different.
 - iii. The owners of all real property within three hundred (300') feet of the boundary for the property for which the approval has been requested, as shown by the latest assessment roll, regardless of whether the owner and property is located in the zoning jurisdiction.
 - iv. One occupant of each structure, or each unit within multiple-unit structures, within three hundred (300') feet of the boundary for the property for which the approval has been requested, regardless of whether the owner and property is located in the zoning jurisdiction. (For multiple-unit structures containing more than four dwelling units, only the

manager of the structure needs to be notified and post the information at the main entrance to the structure.)

- v. The general public by publication in a newspaper which circulates in Thomas Township.
 - vi. Members of the Zoning Board of Appeals.
- b) The notice shall include:
- i. The nature of the appeal being requested.
 - ii. The property/properties for which the appeal or variance has been made.
 - iii. A listing of all existing street addresses within the property/properties which is/are the subject of the appeal. (Street addresses do not need to be created and listed if no such addresses currently exist. If there are no street addresses, another means of identification may be used.)
 - iv. The location where the demand for appeal can be viewed and copied prior to the date of the hearing.
 - v. The date, time and location of when the hearing before the Zoning Board of Appeals will take place.
 - vi. The address which written comments should be directed prior to the hearing.
 - vii. For members of the Zoning Board of Appeals only, a copy of the demand for appeal, the entire record on the case, the staff report and supporting documents in the record.
- 6) Hearings: The Zoning Board of Appeals shall hold a hearing on the demand for appeal. Upon the hearing, any party or parties may appear in person or by agent or by attorney.
- 7) Decisions: The Zoning Board of Appeals shall return a decision upon each case within thirty (30) days after a request or appeal has been filed, unless a further time is agreed upon with the parties concerned. Any decision of the Zoning Board of Appeals shall not become final until the expiration of five (5) days from the date of entry of such order.
- f. Duties And Powers: The ZBA shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms or intent of this ordinance, but does have power to act on those matters where this ordinance provides for an administrative review, interpretation, variance exception, or special approval permit as defined in this Section.
- 1) Review: The ZBA shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Zoning Administrator or by another official in administering or enforcing any provisions of this ordinance.
 - 2) Interpretation: The ZBA shall have the power to:
 - a) Interpret, upon request, the provisions of this ordinance in such a way as to carry out the intent and purpose of the Ordinance.
 - b) Determine the precise location of the boundary lines between zoning districts.
 - c) Classify a use which is not specifically mentioned as part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use in accordance with the purpose and intent of each district.
 - 3) Variances: The Zoning Board of Appeals shall base its decisions on variances from the Ordinance so that the spirit of the Ordinance is observed, public safety secured and substantial justice done based on the following standards:

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- a) For Dimensional Variances: A dimensional variance may be granted by the Zoning Board of Appeals only in cases where the applicant demonstrates in the official record of the public hearing the practical difficulty exists by showing all of the following:
- i. That the need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water or topography and is not due to the applicants personal or economic difficulty.
 - ii. That the need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).
 - iii. That strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose or will render conformity with those regulations unnecessarily burdensome.
 - iv. That the requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.
 - v. That the requested variance will not cause an adverse impact on surrounding property, property values or the use and enjoyment of property in the neighborhood or zoning district.
- b) Rules: The following rules shall be applied in the granting of variance.
- i. The Zoning Board of Appeals may specify, in writing, such conditions regarding the character, location and other features that will, in its judgment, secure the objectives and purposes of this ordinance. The breach of any such condition shall automatically invalidate the permit granted.
 - ii. Each variance granted under the provisions of this ordinance shall become null and void unless:
 - The construction authorized by such variance or permit has been commenced within six (6) months after the granting of the variance.
 - The occupancy of land, premises or buildings authorized by the variance has taken place within one year after the granting of the variance.
 - No application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall be resubmitted for a period of one year from the date of the last denial, except on the grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Zoning Board of Appeals to be valid.
- g. Temporary Permits: Temporary permits for temporary structures such as a garage, partial structure, cellar or basement to be used for dwelling purposes, including mobile homes not meeting Building Code requirements or house travel trailer, not located in a licensed mobile home park shall be subject to the following procedures and limitations:
- 1) An application for a permit for the erection or movement of a temporary structure for dwelling purposes, including trailer coaches, shall be made to the ZBA on a form used for that purpose. The applicant shall submit along with the application the written consent of fifty percent (50%) of the owners of all dwellings within five hundred feet (500') of the proposed site.

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- 2) The Zoning Board of Appeals shall give due notice to the applicant and to all property owners within five hundred feet (500') of the property affected at least five (5) days before the hearing will be held on such application.
 - 3) A temporary permit shall not be granted unless, the Zoning Board of Appeals finds adequate evidence that the proposed location of the use will not be detrimental to property in the immediate vicinity; and that the proposed water supply and sanitary facilities have been approved by the Saginaw County Health Department.
 - 4) The Zoning Board of Appeals may impose any reasonable conditions in addition to the district requirements in which the use is proposed, including setbacks, land coverage, off-street parking, landscaping and other requirements deemed necessary to protect adjoining properties and the public welfare. The violation of any such condition shall automatically invalidate the permit.
 - 5) Unique and temporary conditions shall exist which justify the need for a trailer coach of a nature that relates to the use of the principal dwelling on the property in question.
 - 6) The permit issued shall clearly set forth the conditions under which the permit is granted and shall state that the proposed temporary dwelling structure is to be vacated upon expiration of a specific time limit not to exceed twelve (12) months. No permit shall be transferable to any other owner or occupant. The permit may be renewed in the case of trailer coaches if the conditions above can be met again for a maximum of twelve (12) months.
 - 7) Temporary Outdoor Uses, such as displays, Christmas tree sales lots, revival tents, or other quasi-civic activities may be permitted on a temporary basis without a public hearing by the Township's Zoning Board of Appeals, provided that such permit shall not be issued for more than thirty (30) days in any one year and that said use can be adequately shown not to be injurious or detrimental to properties in immediate vicinity.
- h. Conditional Permits: When conditions exist that are unique to a particular situation, a conditional permit may be issued with specific limitations imposed by the Zoning Board of Appeals. The land or structure use may be permitted to be established and to continue in use as long as the unique conditions to the use exist. The permit may be cancelled when the conditions upon which the permit was issued cease to exist. The permit issued shall contain all the specified conditions under which continued use may be allowed. Conditional permits may be issued for the following uses:
- 1) Permit more than two (2) roomers in any one dwelling, but not more than four (4), when it can be demonstrated to the satisfaction of the Zoning Board of Appeals that such an expanded capacity is a clear necessity for satisfaction of this particular housing demand; that adequate off-street parking space can be and that such use will not injure the character or value of the immediate neighborhood.
 - 2) The Zoning Board of Appeals may authorize a reduction, modification, or waiver of any of the off-street parking or off-street loading regulations in Chapter 5, when it can be demonstrated that circumstances of extreme practical difficulty exist that would unquestionably result in hardship to the applicant when a literal interpretation of the regulations is required. Hardship shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land. A hardship that is a result of any action of the applicant shall not be considered by the Zoning Board of Appeals. Under all these circumstances, in no case shall the off-street parking or off-street loading standards be reduced by more than twenty-five percent (25%).
 - 3) Joint use of off-street parking areas may be authorized when the capacities outlined in Chapter 5 are complied with and when a copy of an agreement between joint users shall be filed with the application for a building permit and is recorded with the Register of Deeds of Saginaw County, guaranteeing continued use of the parking facilities for each party.

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- 4) Use of a "model home" within a residential district including modular or sectional homes (except mobile home sales shall not be allowed) and provided said permit shall be for one year only; but may be renewed; and further provided all regulations of the district within which the proposed use is allowed are followed.
 - 5) Other "conditional uses" based upon findings of fact by the Zoning Board of Appeals that indicate conditions exist that are unique to a particular situation, however, not contrary or in contradiction to the intent of the district within which the proposed use is located.
 - i. Bond For Compliance: In authorizing any variance or in granting any conditional or special approval permits, the Zoning Board of Appeals may require that a bond of ample sum but not to exceed five thousand dollars (\$5,000.00), be furnished to ensure compliance with requirements, specifications and conditions imposed with the grant of variance.

(Ord. 97-Z-03, 11-3-1997, eff. 12-12-1997; Ord. No. 08-Z-04, 11-12-2008, eff. 12-15-2008)

APPENDIX

APPLICATION FOR CERTIFICATION OF OCCUPANCY

**APPLICATION FOR SITE PLAN REVIEW
APPLICATION FOR SPECIAL USE PERMIT
APPLICATION FOR REZONING OR TEXT CHANGE
APPLICATION FOR ZONING BOARD OF APPEALS
APPLICATION FOR SIGN PERMIT
ZONING ORDINANCE ADOPTION RESOLUTION**