

ARTICLE 11 DESIGN STANDARDS

SECTION 11.01 Purpose

The purpose of this article is to identify specific design standards required of specific types of uses, both uses permitted by right and those that require a special use permit. These design standards are in addition to zoning district regulations, general provisions and other requirements for uses and structures identified in this Ordinance.

SECTION 11.01A Animal shelter

Animal shelters are permitted by right in the C-2, C-3, OS, M-1, M-2, and M-3 zoning districts and by special use permit in the AG, R-1, R-2 and R-3 zoning districts, provided:

- A. The minimum lot size shall be 5 acres
- B. The setback requirements shall be the same as those listed for Veterinary Clinics. All structures housing animals including outdoor pens or runs shall meet the minimum set back for principal structures for the district they are located in. The Planning Commission has the discretion to decrease the setbacks if they determine there is no impact to adjacent properties or increase the required setback if they determine it is necessary to protect adjacent properties from the nuisances caused by noise, odors or other off-site impacts.
- C. The site shall be treated as a Level 3 use for the purposes of complying with the buffering requirements of Article 9 in the Zoning Ordinance; the Planning Commission may increase the required setback if they determine it is necessary to protect adjacent properties from the nuisances caused by noise, odors or other off-site impacts.
- D. The Planning Commission may establish limitation regarding hours of operation, number and types of animals housed, the extent of accessory operations including veterinary services provided on site and other operational characteristic of the use to ensure that the facility is consistent with the character of the surrounding area.

(Added: Ord. No. 687, 7-23-07)

SECTION 11.02 Architectural standards

These standards are intended to encourage the realization and conservation of a desirable and aesthetic environment in the Charter Township of Fenton. Also they are intended to minimize incompatible and unsightly surroundings and visual blight which prevent orderly community development and reduce community property values.

A. Commercial and industrial standards

The following standards shall be applied by the Planning Commission as part of site plan review.

1. Exterior building material shall be composed of high quality, durable, low maintenance material, such as masonry, stone, brick, or glass (or comparable materials as required under the Fenton Township Design Standards).
2. The front facade of the building should address the main street with entrances, windows, and architectural features facing the street. No overhead door or docking bays shall face the street, unless approved by the Planning Commission based upon a finding that the door is recessed back from the front facade and properly screened from public view. In the case where the side and/or rear facades are visible from a street, or if parking is located at the side or rear of a building, the facade shall be designed to enhance and not detract from the building's overall appearance, using materials and architectural features similar to those present on the front of the building.
3. Variation in architectural details will be encouraged to provide visual variation and interest.
4. Windows in commercial buildings in areas fronting on the main street or with entrances used by the public should cover at least thirty (30) percent of the front facade and be at eye level. Windows may be constructed from reflective glass for office uses but shall not be used for retail stores of any kind.
5. All mechanical equipment, including but not limited to heating, ventilating and air conditioning equipment, and antennas, shall be placed in an inconspicuous location or screened from view. If equipment is placed on rooftops it shall also be screened from the public view in a manner that does not draw attention to the placement of the equipment
6. Lighting shall comply with the requirements of Section 4.12.
7. Facade colors shall be of a low reflectance, subtle or earth tone colors. The use of high intensity colors, metallic colors, black or fluorescent colors is prohibited. Building trim may consist of brighter colors but neon tubing as a building accent is prohibited.
8. Architectural Elements
9. Long, massive, unbroken or monotonous buildings shall be prohibited.
10. Building facades greater than one hundred (100) feet in length shall incorporate recesses and projections along at least twenty (20) percent of the facade.
11. Architectural interest shall be provided through the use of repeating patterns of changes in color, texture and material modules.
12. There shall be variations in roof lines to reduce the massive scale of the structure and add visual interest.
13. All signs shall conform the general design theme of the development and conform the standards of the Township Sign Ordinance.
14. Size and height of buildings should be compatible with the character and existing views of the surrounding areas as determined by the Planning Commission.
15. The existing character of the site and the nearby area should be the starting point for the design of the building and all site treatment.

16. All loading and unloading areas as well as docking bays shall be maintained and kept free of trash or litter.

B. Residential standards

The following standards shall be applied by the Planning Commission as part of site plan review.

1. Exterior building material shall be composed of high quality, durable, low maintenance material, such as masonry, stone, brick, glass, or comparable materials.
2. Variation in architectural details will be encouraged to provide visual variation and interest.
3. In the case where the side and/or rear facades are visible from a street, or if parking is located at the side or rear of a building, the facade shall be designed to enhance and not detract from the building's overall appearance, using materials and architectural features similar to those present on the front of the building.
4. All mechanical equipment, including but not limited to heating, ventilating and air conditioning equipment, and antennas, shall be placed in an inconspicuous location or screened from view. If equipment is placed on rooftops it shall also be screened from the public view in a manner that does not draw attention to the placement of the equipment
5. Long, massive, unbroken or monotonous buildings shall be avoided.
6. All signs shall conform to the general design theme of the development and conform the standards of the Township Sign Regulation Ordinance.
7. Size and height of buildings should be compatible with the character and existing views of the surrounding areas as determined by the Planning Commission.
8. The existing character of the site and the nearby area should be the starting point for the design of the building and all site treatment.

C. Single family dwelling regulations

A one-family dwelling and any additions or alterations, thereto, erected or placed in the Township, other than mobile home park, shall conform to the following regulations in addition to all other regulations of this ordinance:

1. It shall comply with all pertinent building, construction and fire codes for single-family dwellings.
2. The plan outline of the dwelling, including only heated living area, shall be large enough to contain within it a square of 20 feet on a side. This size requirement shall not make any houses existing at the date of amendment non-conforming so that they cannot be enlarged or improved.
3. It shall be firmly attached to a permanent foundation constructed on the site in accordance with the Township building code and shall have a wall of the same permitted dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring

system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall as required above.

4. In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage, or chassis.
5. The roof shall have a minimum 4/12 pitch.
6. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as energy conscious devices such as solar energy, view, unique land contour or relief from the common or standard designed home.

SECTION 11.03 Adult foster care large group homes (13- 20 persons) and adult foster care small group homes (7- 12 persons)

Adult foster care large group homes with thirteen (13) to twenty (20) adults and adult foster care small group homes with seven (7) to twelve (12) adults are permitted by special use permit in the AG, R-1, R-2, R-3, R-4, R-5, R-6 R-M and R-MH zoning districts provided:

- A. The facility will meet the residential density requirements for the zoning district it is located in based on one dwelling unit per six household members.
- B. The facility shall maintain a valid state license to operate as an adult foster care small or large group home.

SECTION 11.04 Adult foster care family homes and adult foster care small group homes (1-6 persons)

Adult foster care small group homes are permitted by right in the AG, R-1, R-2, R-3, R-4, R-5, R-6, R-M and R-MH zoning districts provided:

- A. The facility is licensed by the State of Michigan.

SECTION 11.05 Adult uses

Adult uses are regulated to protect the community from the negative secondary affects of these uses, including increased crime from an excessive concentration of these uses, and the blighting affect these uses have on residential property values. Therefore, adult uses are permitted in the C-3 zoning district by special use permit provided the parcel on which the use is located is:

- A. Located at least two hundred (200) feet from a residential zoning district.
- B. Located at least one thousand (1,000) feet from another adult use.
- C. Located at least one thousand (1,000) feet from all churches, convents, temples and similar religious institutions.

- D. Located at least one thousand (1,000) feet from all public, private or parochial nursery, primary or secondary schools, public parks and hospitals.
- E. Located at least one thousand (1,000) feet from all child care organizations.
- F. Located at least eight hundred (800) feet from any golf course, driving range, miniature golf, indoor or outdoor recreation and amusement establishment or any other use catering to minors.
- G. Located within a freestanding building. A shared or common wall structure or a shopping center is not considered to be a freestanding building.
- H. Located so that all access to the site is from a county primary roadway.
- I. In addition to the locational criteria above, the building and site shall be designed, constructed and maintained so material such as a display, decoration or sign depicting, describing, or relating to specific sexual activities or specified anatomical areas cannot be viewed by any vehicle or pedestrian on a public right-of-way or from an adjacent land use and shall comply with the architectural design standards contained in Section 11.02 of this Ordinance.

SECTION 11.06 Agricultural roadside stands

Agricultural roadside stands shall be permitted by special use permit in the AG and R-1 zoning district provided:

- A. A maximum of fifteen (15) percent of the area used for product display may be used to display products not grown on the site.
- B. Any building containing a roadside stand shall be at least fifty (50) square feet but not greater than two hundred fifty (250) square feet in size.
- C. Suitable trash containers shall be placed on the premises for public use.

SECTION 11.07 Airports, private landing strips

Airports, private landing strips are permitted by special use permit in the AG zoning district provided:

- A. Site requirements
Lodges, schools, churches or other public meeting places shall not be within five hundred (500) feet of said strip or hanger. No concentrated animal feeding operation shall be within one thousand (1,000) feet of the landing strip or hanger, or within the flight path of planes landing or taking off.

B. Performance standards

All Federal and State aviation safety regulations shall be complied with.

SECTION 11.08 Animal production, intensive feedlot operations

Animal production, intensive livestock operations shall be permitted by special use permit in the AG zoning district provided:

A. The operation shall be located on a minimum of forty (40) contiguous tillable acres.

B. All buildings, structures and confined areas intended to house or contain livestock shall be set back at least two hundred (200) feet from any side lot lines, one hundred(100) feet from any road, one thousand five hundred (1,500) feet from any existing church, school, residence or public building, and one thousand five hundred(1,500) feet from any land that is zoned R-3, R-4, or R-5.

C. All buildings, structures and confined areas intended to house or contain livestock shall be located at least two thousand six hundred forty (2,640) feet (1/2 mile) from any other intensive livestock operation.

D. Maximum animal unit limitations

No cattle or horse intensive livestock operation shall have more than three thousand (3,000) animal units. No swine, sheep or goat intensive livestock operation shall have more than two thousand five hundred (2,500) animal units. No poultry/fowl intensive livestock operation shall have more than two thousand five hundred (2,500) animal units.

E. Animal waste shall not be applied to the soil within one thousand (1,000) feet from the boundary of any existing subdivision, or within three hundred (300) feet from any home or private well, except a home or private well on the parcel on which the intensive livestock operation is to be located or within three hundred (300) feet from any commercial building, or within three hundred (300) feet from any surface water.

F. The intensive livestock operation shall be designed so as to meet the minimum standards included in the guidebook Generally Accepted Agricultural and Management Practices for Manure Management and Utilization as adopted by the Michigan Agriculture Commission and in the Agricultural Waste Management Field Handbook developed by the United States Department of Agriculture. Where standards in the two publications are conflicting or inconsistent, the strictest of the standards shall apply.

G. The applicant shall prepare a Manure Management System Plan as part of the site plan application. The Manure Management System Plan is a coordinated combination of structural components and management practices necessary to control and use manure and other by-products from livestock production in a manner that minimizes adverse impacts on

the environment. The Manure Management System Plan shall include the following components:

1. A site plan meeting the requirements of Article 8 of this Ordinance.
2. A narrative describing the management of the waste addressing the six (6) basic procedures of waste management systems: production, collection, storage, transfer, treatment and utilization.
3. A narrative describing the soil, water, air, plan, and animal resource considerations. This shall include limitations and vulnerability that influenced management plan decisions and shall address any negative impacts the operation may have on neighboring properties.
4. A list of the component practices to be installed with a schedule for implementation of each component. Components shall include structural measures and management measures.
5. A preliminary waste utilization plan. For land application of waste, the preliminary plan should identify the land area needed.
6. Signature of the operator. This indicates that the operator has participated in preparing the plan and agrees to implement, operate and maintain the planned system.
7. Record keeping. The applicant shall agree to keep accurate records of the livestock farm operation to ensure that activities performed on the farm are consistent with those proposed on the Manure Management System Plan.

SECTION 11.09 Automobile repair facilities

Automobile repair facilities are permitted by right in the M-2 and M-3 zoning districts provided and by special use permit in the C-3 zoning district:

- A. The facility fronts on and its access is primarily gained from a county primary road.
- B. All work is performed completely within an enclosed building.
- C. Buildings housing intensive activities such as body work, frame straightening or other heavy repair activities shall be set back one hundred (100) feet from residentially zoned parcels.
- D. There shall be no outdoor storage of automobiles, parts or equipment.

SECTION 11.10 Automobile service stations

Automobile service stations are permitted by special use permit in the C-3 zoning district provided:

- A. An automobile service station shall be located on a lot having a frontage along the county primary road of not less than one hundred (100) feet, and having a minimum area of not less than fifteen thousand (15,000) square feet.

- B. An automobile service station building housing an office and/or facilities for servicing, greasing and/or washing motor vehicles shall be located not less than forty (40') from any street lot line, and not less than twenty five (25) feet from any side or rear lot line adjoining a residentially zoned district.
- C. All driveways providing ingress to or egress from an automobile service station shall comply with Genesee County Road Commission standards.
- D. A raised curb six (6) inches in height shall be erected along all street lot lines, except for driveway openings.
- E. The entire lot, excluding the area occupied by a building, shall be hard-surfaced with concrete or a plant-mixed bituminous material except desirable landscaped areas which shall be separated from all paved areas by a low barrier or curb.
- F. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than fifteen (15) feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or over-hanging any public sidewalk, street or right-of-way.
- G. All exterior lighting, including illuminating signs, shall be erected and hooded or shielded so as to be deflected away from adjacent property.
- H. There shall be no outdoor storage of automobiles, parts or equipment.
- I. All underground storage tanks shall comply with state and federal laws concerning secondary containment, leak detection devices, etc.

SECTION 11.11 Automobile wash establishments

Automobile wash establishments are permitted by right in the M-2 and M-3 zoning districts and by special use permit in the C-3 zoning district provided:

- A. The facility must be connected to the Township sanitary sewer system or be able to demonstrate that all water used for the operation is one hundred percent (100) recyclable.
- B. Any structures, vacuums or other machinery must be located at least one hundred (100) feet from a residence, or ninety (90) feet from the lot line of a vacant residentially zoned parcel.

SECTION 11.12 Automobile wrecking yards and junk yards

Automobile wrecking yards and junk yards are permitted by special use permit in the M-3 zoning district provided:

- A. The use is located on a parcel at least ten (10) acres in size.
- B. Any area where whole vehicles, partially dismantled vehicles or parts are stored outside shall be surrounded by an eight (8) feet high obscuring fence meeting the requirements in Article 10 of this Ordinance.
- C. The development fronts on and is accessed primarily from a county primary road as identified in the Fenton Township Land Use Plan.
- D. Outdoor storage areas or areas where vehicle processing occurs shall be set back one hundred (100) feet from residentially zoned parcels
- E. In order to ensure there shall be no off-site discharge of materials from storm run-off including oil, anti-freeze, battery acids, etc or discharge into the ground or surface water, all fluids contained in junk vehicles located on the parcel designated as a wrecking or junk yard are to be drained before the vehicles are stored on site. The fluids shall be disposed of in compliance with state law.

SECTION 11.13 Bed and breakfast establishments

Bed and breakfast establishments are permitted by special use permit in the AG, R-1, R-2, R-3, R-4 and R-5 zoning districts provided:

- A. Customers are limited to a maximum continuous stay of fourteen (14) days.
- B. The bed and breakfast establishment is limited to the residence only. Accessory buildings such as garages may not be converted into uses for the bed and breakfast establishment.
- C. The owner/operator shall reside in the establishment.
- D. There will be no change in the exterior appearance so that the establishment is out of character with other single family homes in the area in which it is located.
- E. Outdoor eating areas shall be illustrated on the site plans and shall only be allowed if they are adequately buffered from adjacent residences.
- F. Off-street parking areas for guests shall be located in the rear yard and shall be adequately buffered from adjacent residences so that the parking area is not out of character with the surrounding homes.

SECTION 11.14 Billboard signs

Billboard signs are permitted by right in the C-3 zoning district provided they meet the requirements of the Township Sign Regulation Ordinance.

SECTION 11.15 Boarding houses

Boarding houses are permitted by special use permit in the R-M zoning district provided:

- A. The maximum occupancy shall be two (2) persons per bedroom, except for dormitories. Maximum occupancy of dormitories shall be based on fire code requirements and the maximum occupancy allowable without altering the character of the area.
- B. The boarding house establishment is limited to the residence only. Accessory buildings such as garages may not be converted into uses for the bed and breakfast establishment.
- C. The owner/operator shall reside in the establishment.
- D. There will be no change in the exterior appearance so that the establishment is out of character with other single family homes in the area in which it is located.
- E. Outdoor eating areas shall be illustrated on the site plans and shall only be allowed if they are adequately buffered from adjacent residences.
- F. Off-street parking areas for guests shall be located in the rear yard and shall be adequately buffered from adjacent residences so that the parking area is not out of character with the surrounding homes.

SECTION 11.16 Campgrounds, permanent

Campgrounds, permanent are permitted by special use permit in the AG, C-2 and C-3 zoning districts provided:

- A. The campground is intended for seasonal occupancy or use.
- B. Minimum size of any campground shall be at least forty (40) acres.
- C. The overall density of the campground shall not exceed fifteen (15) camping sites per acre.
- D. Direct vehicular access to public roads is provided and the requirement of direct access is reasonable, the direct access will not impair pedestrian or vehicular traffic safety, and the access route shall minimize any adverse impact on the site or surrounding natural resources compared to other reasonable route alternatives.
- E. The campground shall have one (1) or more public telephones for each twenty (20) campsites.
- F. Tent camping shall have separate sites designated for tent use only.

- G. Individual electrical outlets for travel trailers, camping trailers, motor homes and truck campers shall be provided.
- H. On any single site only one (1) tent, travel trailer, camping trailer, motor home or truck camper shall be permitted.
- I. Public stations, housed in all-weather structures, containing adequate water outlets, flush toilets, waste containers, electricity and shower facilities shall be provided uniformly throughout the campground at a ratio of not less than one such station per forty (40) sites.
- J. Toilet and bathing facilities shall be provided for each sex and housed in separate areas within a single building or separate buildings.
- K. Campgrounds that have more than sixty (60) sites shall provide a masonry building containing washer and dryer facilities. These facilities may be coin operated.
- L. Parking space for two (2) vehicles shall be provided on each site, except tent sites may have parking space for only one (1) vehicle which may be remote from the tent sites provided it is connected by a trail or path. These parking spaces are intended for guests of the campground. Also, each campground must have an additional dust controlled parking area for site occupants and guest parking which is separate from any parking available at the sites. Parking spaces equal in number to fifty (50) percent of the sites shall be provided in the dust controlled area; each parking space shall be at least two hundred (200) square feet in area.
- M. Each site shall contain a minimum of fifteen hundred (1,500) square feet, except that the minimum size for sites specifically designated for tents shall be at least two thousand five hundred (2,500) square feet. Each site shall be set back from any right-of-way or property line at least one hundred (100) feet.
- N. A common use area shall be provided in each campground at a ratio of not less than one thousand (1,000) square feet per twenty (20) sites. This common area shall be developed by seeding, landscaping, picnic tables, barbecue stands and passive recreation equipment (i.e. swings, slides, playground equipment, horseshoe pits, shuffleboard courts and the like) for the general use of the occupants of the entire campground. This area shall be at least fifty (50) feet from any road or area used by motor vehicles.
- O. Each site used by travel trailers, camping trailers, motor homes or truck campers shall have direct access to a dust-controlled roadway of at least twenty (20) feet in width for two (2) lane traffic or twelve (12) feet in width for one-way traffic. Parking shall not be allowed on any roadway. Sites specifically designated for and only used for tent camping need not have direct vehicular access to any street or road, but shall be provided with adequately

cleared and marked pedestrian pathway access. Motor vehicles shall not be allowed on any portion of the campground other than designated streets, roads, or parking areas.

- P. Any swimming pool or beach area shall comply with Michigan law including the regulations promulgated under Act 171 of 1970, as amended, and the State Construction Code Act of 1972, Public Act 230 of 1972, as amended.
- Q. The term “campground” may include a “children’s camp” as defined in the Child Care Organizations Act or an “adult foster care camp” as defined in the Adult Foster Care Licensing Act provided the facility is properly licensed as such by the State of Michigan.

SECTION 11.17 Campgrounds, transient

Campgrounds, transient are permitted by special use permit in the AG zoning district provided:

- A. The campground is intended for temporary occupancy or use.
- B. Minimum size of any campground shall be at least twenty (20) acres.
- C. The overall density of the campground shall not exceed fifteen (15) camping sites per acre.
- D. Direct vehicular access to public roads is provided and the requirement of direct access is reasonable, the direct access will not impair pedestrian or vehicular traffic safety, and the access route shall minimize any adverse impact on the site or surrounding natural resources compared to other reasonable route alternatives.
- E. The campground shall have one (1) or more public telephones for each twenty (20) campsites.
- F. Individual electrical outlets for travel trailers, camping trailers, motor homes and truck campers shall be provided.
- G. On any single site only one (1) tent, travel trailer, camping trailer, motor home or truck camper shall be permitted.
- H. Public stations, housed in all-weather structures, containing adequate water outlets, flush toilets, waste containers, electricity and shower facilities shall be provided uniformly throughout the campground at a ratio of not less than one (1) such station per forty (40) sites.
- I. Toilet and bathing facilities shall be provided for each sex and housed in separate areas within a single building or separate buildings.

- J. Campgrounds that have more than sixty (60) sites shall provide a masonry building containing washer and dryer facilities. These facilities may be coin operated.
- K. Parking space for two (2) vehicles shall be provided on each site, except tent sites may have parking space for only one vehicle which may be remote from the tent sites provided it is connected by a trail or path. These parking spaces are intended for guests of the campground. Also, each campground must have an additional dust controlled parking area for site occupants and guest parking which is separate from any parking available at the sites. Parking spaces equal in number to fifty (50) percent of the sites shall be provided in the dust controlled area; each parking space shall be at least two hundred (200) square feet in area.
- L. Each site shall contain a minimum of fifteen hundred (1500) square feet, except that the minimum size for sites specifically designated for tents shall be at least two thousand five hundred (2,500) square feet. Each site shall be set back from any right-of-way or property line at least one hundred (100) feet.
- M. A common use area shall be provided on each campground at a ratio of not less than one thousand (1,000) square feet of such area per twenty (20) campsites. This common area shall be developed by seeding, landscaping, picnic tables, barbecue stands and passive recreation equipment (i.e. swings, slides, playground equipment, horseshoe pits, shuffleboard courts and the like) for the general use of the occupants of the entire campground. This area shall be at least fifty (50) feet from any road or area used by motor vehicles.
- N. Each site used by travel trailers, camping trailers, motor homes or truck campers shall have direct access to a dust-controlled roadway of at least twenty (20) feet in width for two-lane traffic or twelve (12) feet in width for one-way traffic. Parking shall not be allowed on any roadway. Sites specifically designated for and only used for tent camping need not have direct vehicular access to any street or road, but shall be provided with adequately cleared and marked pedestrian pathway access. Motor vehicles shall not be allowed on any portion of the campground other than designated streets, roads, or parking areas.
- O. Any swimming pool or beach area shall comply with Michigan law including the regulations promulgated under Act 171 of 1970, as amended, and the State Construction Code Act of 1972, Public Act 230 of 1972, as amended.
- P. The term "campground" may include a "children's camp" as defined in the Child Care Organizations Act or an adult foster care camp as defined in the Adult Foster Care Licensing Act provided the facility is properly licensed as such by the State of Michigan.

SECTION 11.18 Cemeteries

Cemeteries are permitted by special use permit in the AG and R-1 zoning districts provided:

- A. Construction and operation of such facilities will not pose an undue health or safety risk to the surrounding properties.
- B. Minimum site area shall be at least twenty (20) acres.
- C. All buildings must be at least one hundred (100) feet from all property lines.

SECTION 11.19 Clubs

Clubs are permitted by right in the C-2 and C-3 zoning districts and by special use permit in the AG and R-1 zoning districts provided:

- A. All club activities are to be undertaken indoors unless outside uses are approved by the Planning Commission.

SECTION 11.20 Communications towers and antennae

Communications towers and antennas are permitted by special use permit in the AG, R-1, R-2, R-3, R-4, R-5, R-6, R-M and R-MH and by administrative special use permit in the OS, C-1, C-2, C-3, M-1, M-2, and M-3 zoning districts provided:

A. Applicability

- 1. Amateur Radio Station Operators/Receive Only Antennas. This section shall not govern any tower, or the installation of any antenna, that is under seventy (70) feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas.
- 2. AM Array. For purposes of implementing this section, an AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

B. Inventory of existing sites

Each applicant for an antenna and/or tower shall provide to the Zoning Administrator/Planning Commission an inventory of existing towers, antennas, or sites approved for towers or antennas, that are within the jurisdiction of the Township and within one mile of the border thereof, including specific information about the location, height and design of each tower.

C. Administrative Review

The following uses may be approved by the Zoning Administrator after conducting an administrative review:

1. Locating antennas on existing structures as an accessory use to any commercial, industrial, professional or institutional structures in any zoning district provided, the antenna does not extend more than thirty (30) feet above the highest point of the structure; the antenna complies with all applicable FCC and FAA regulations and building codes.
2. Locating antennas on existing towers (this includes the antennas' equipment shelter). Collocation of antennas by more than one carrier on existing towers is encouraged and therefore will take precedence over the construction of new towers.
3. Modification or reconstruction to accommodate collocation of an additional antenna so long as it is the same tower type, unless the Zoning Administrator allows reconstruction as a monopole.
4. An existing tower may be modified or rebuilt to a taller height, not to exceed thirty (30) feet over the tower's existing height, to accommodate the collocation of an additional antenna but may occur only one time per tower, provided the height complies with the regulations of this Ordinance.

D. Availability of suitable existing towers

No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Planning Commission related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

1. No existing towers or structures are located within the geographic area that meet the applicant's engineering requirements.
2. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
3. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
4. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
5. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
6. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

7. The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable micro cell network using multiple low-powered transmitters/ receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

The Zoning Administrator/Planning Commission may require documentation by a qualified and licensed professional engineer to verify any of the above reasons.

E. Site Requirements

1. Subject to the setback and other requirements of this Section, a communication tower shall be located on a parcel of land in accordance with the following:
 - a. Communication towers up to one hundred (100) feet in height shall be located on a parcel of land at least one-quarter (1/4) acre in size.
 - b. Communication towers over one hundred (100) feet in height, but less than one hundred twenty five (125) feet in height shall be located on a parcel of land at least one-third (1/3) acre in size.
 - c. Communication towers over one hundred twenty five (125) feet in height, but less than one hundred seventy five (175) feet in height shall be located on a parcel of land at least one-half (1/2) acre in size.
 - d. Communication towers over one hundred seventy five (175) feet in height, but less than two hundred twenty five (225) feet in height shall be located on a parcel of land at least one (1) acre in size.
 - e. Communication towers over two hundred twenty five (225) feet in height, but less than two hundred seventy five (275) feet in height shall be located on a parcel of land at least two (2) acres in size.
 - f. The Planning Commission may approve a smaller minimum parcel size than would otherwise be required pursuant to (a) through (e) above for any communications tower, provided the applicant provides the Planning Commission written documentation demonstrating that the proposed tower requires no fall zone or that a parcel smaller than that required above is sufficient to meet fall zone requirements. Such documentation shall address the design standards of the proposed structure with respect to failure modes and shall be signed by a State of Michigan licensed professional engineer qualified to make such determination. The Planning Commission shall have complete discretion, but may consult such other experts as it deems necessary.
 - g. The Zoning Administrator or Planning Commission may require a performance guarantee to ensure removal of a tower at the time it is abandon.

F. General Standards

1. Wireless telecommunication towers shall be of a self collapsing monopole or self-supporting lattice design, unless the Planning Commission finds that an alternative design will not adversely impact the surrounding area.

2. Proposed wireless telecommunication towers of the guyed or self supporting lattice type shall be structurally designed to accommodate both the applicant's antennas and at least two (2) additional comparable antennas. All towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights. The maximum number antennas permitted on a given tower shall be based on the engineers estimated capacity for that tower.
3. The maximum permitted height of a wireless telecommunications tower shall be two hundred seventy five (275) feet.
4. Accessory structures are limited to uses associated with the operation of the tower. Related unmanned equipment structure shall not contain more than three hundred twelve (312) square feet of gross floor area or be more than nine (9) feet in height.
5. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness. The design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
6. Towers shall be constructed of metal treated with corrosive resistant material. Wood poles shall be impregnated with rot resistant substances.
7. Tower shall be located so there is room for vehicles doing maintenance to maneuver on the property.
8. There shall be no display advertising or identification of any kind intended to be visible from the ground or other structures.
9. There shall be no employees located on the site on a permanent basis to service or maintain the antenna. Occasional or temporary repair and service activities are excluded from this restriction.

G. Tower setbacks

Towers shall conform with each of the following minimum setback requirements provided however that the Planning Commission may reduce the standard setback requirements if the applicant can demonstrate that a smaller setback would not pose a danger to adjacent property:

1. Tower must be setback a distance equal to the height of the tower from any adjoining lot line or structures on adjacent lots.
2. Guys and accessory buildings must satisfy the minimum zoning district setback requirements for principal structures.

H. Buffering requirements

1. Towers and antennas shall be designed to blend into the surrounding environment through the use of reasonable color and camouflaging architectural treatment except in instances where the color is dictated by Federal or State authorities such as the FAA.
2. The base of the tower and wire/cable supports shall be enclosed by security fencing not less than six (6) feet in height and shall also be equipped with an appropriate anti-

climbing device; however the Planning Commission may waive such requirements, as it deems appropriate.

I. Landscaping

The following requirements shall govern the landscaping surrounding all new towers or those modified under this section. These requirements apply to the entire tower compound including equipment shelters.

1. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound.
2. Landscaping shall consist of five (5) foot tall evergreens, staggered in at least two (2) rows at fifteen (15) foot spacing on center.
3. Greenbelt areas and plant materials required by this Ordinance shall be kept free from refuse and debris. Plant materials shall be maintained in a healthy growing condition, neat and orderly in appearance in perpetuity from the time of planting. If any plant material required by this Ordinance dies or becomes diseased, they shall be replaced by the applicant/owner within thirty (30) days of written notice from the Township or within an extended time period as specified in said notice.
4. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

J. Separation distance between towers

Separation distance between towers shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base. The separation distances (listed in linear feet) shall be as follows:

Existing Towers – Types			
	Lattice (ft.)	Guyed (ft.)	Monopole (ft.)
Lattice	5,000	5,000	1,500
Guyed	5,000	5,000	1,500
Monopole	1,500	1,500	1,500

K. Performance Standards

All communication towers erected, constructed or located within the Township shall comply with the following requirements:

1. Discontinuance and Abandonment: the holder of a Special Use Permit for a communications tower shall give notice of discontinuance of use of a tower within ninety (90) days of the date that the use of the tower ceases. If at any time the use of the tower

is discontinued for more than twelve (12) consecutive months, the Zoning Administrator may declare the tower abandoned. Notice of abandonment shall be sent by first class mail to the applicant instructing the applicant that the tower must either be reactivated or dismantled and removed from the site within ninety (90) days of the date the notice is sent to the applicant. If reactivation or dismantling and removal of the tower does not occur, the Township may contract to remove the tower and assess all cost on the property taxes of the owner of the tower or use a performance guarantee that may have been required to do so.

2. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the Township concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.
3. The system shall be certified by a licensed engineer to verify that the signal(s) being transmitted will not interfere with the ability of surrounding uses to receive signals from different radio, television, telephone or other electronic equipment or with use of computers or other electronic devices in nearby structures.
4. The applicant shall provide verification that the antenna mount and structure have been reviewed and approved by a registered structural engineer and that the installation is in compliance with all applicable codes.
5. All towers must meet the standards of the Federal Aviation Administration (FAA) and the Federal Communications Commission (FCC).
6. Antennae and metal towers shall be grounded for protection against a direct lightning strike and shall comply as to electrical wiring and connections with all applicable local statutes, regulations and standards.
7. Towers shall be designed to withstand a uniform wind loading as prescribed in the building code.
8. Tower shall not be artificially lighted unless required by the FAA. If required to be lighted, all option for lighting shall be presented to the Planning Commission which shall select the option with the least negative visual impact in the area, unless the FAA dictates a particular option.
9. Structures shall be subject to any State and Federal regulations concerning non-ionizing electromagnetic radiation. If more restrictive State or Federal standards are adopted in the future the antenna shall be made to conform. Cost for testing and verification of compliance shall be borne by the owner or operator of the antenna.

L. Information Required

In addition to any information required for special use permit approval, including information required for site plans under Article 8 of this Ordinance, the applicant shall submit the following information:

1. The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and un-platted residentially zoned properties.
2. The separation distance from other towers described in the inventory of existing sites submitted pursuant Section B of this Ordinance shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.
3. A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.
4. A description of the suitability or lack thereof to use existing towers or other structures or alternative technology not requiring construction of new towers or structures to provide the services proposed by the applicant.
5. A description of the feasible location(s) of future towers or antennas within the Township and surrounding area based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.
6. A statement verifying a "safe fall" zone for the tower, antenna or pole, including any and all attachments, shall be certified and sealed by a licensed engineer or architect and furnished with the application. Manufacturer's specifications of a safe fall zone may be substituted. No building, sidewalk, parking lot or other area in which pedestrian or vehicular traffic is anticipated shall be permitted within the safe fall area.

(Amended: Ord. No. 687, 7-23-07)

SECTION 11.21 Crematory

Crematories are permitted by right in the M-3 zoning district and by special use permit in the M-2 zoning district provided:

- A. All incinerator or cremation facilities must be within an enclosed building.
- B. All remains, prior to incineration, must be stored in an enclosed building.
- C. Stack heights must be elevated to a height necessary to insure that emissions from the stack do not result in excessive concentrations of any smoke in the immediate vicinity of the source as a result of atmospheric downwash, eddies and wakes which may be created by the source itself or nearby structures. If necessary height exceeds the maximum height allowed for the zoning district, the Planning Commission may allow a taller stack after a public hearing, as part of Special Use Permit review under Article 9 of this Ordinance.
- D. The setbacks for such stack from all abutting streets or adjacent parcels, shall be a distance equal to the height of such stack.

E. All emissions shall comply with the performance standards in Section 4.19.

SECTION 11.22 Day care, adult (1 - 6 persons)

Day care, adult (1-6 persons) are permitted by right in the AG, R-1, R-2, R-3, R-4, R-5, R-6, R-M, R-MH, OS, C-1, C-2 and C-3 zoning districts provided:

A. The facility is licensed by the State of Michigan.

SECTION 11.23 Day care, adult (7 - 12 persons)

Day care, adult (7 - 12 persons) are permitted by right in the OS, C-1, C-2 and C-3 zoning districts and by special use permit in the AG, R-1, R-2, R-3, R-4, R-5, R-6, R-M and R-MH zoning districts provided:

A. The facility is licensed by the State of Michigan.

SECTION 11.24 Day care, adult (13 or more persons)

Day care, adult (13 or more persons) are permitted by right in the C-1, C-2 and C-3 zoning districts provided:

A. The facility is licensed by the State of Michigan.

SECTION 11.25 Day care centers, commercial

Day care centers are permitted by right in OS, C-1, C-2 and C-3 zoning districts and by special use permit in the R-2, R-3, R-4, R-5, R-6 and R-M zoning districts provided:

A. The center shall provide and maintain an outdoor play area with a minimum of one thousand (1,000) square feet, plus an additional one hundred (100) square feet for each child cared for over the age of ten (10). This play area shall not be in the front yard and must be fenced or otherwise enclosed on all sides and screened from adjacent properties with landscaping.

B. An on-site drive shall be provided for drop offs/pick ups. This drive shall be arranged to allow maneuvers without affecting traffic flow on the public street.

SECTION 11.26 Day care homes, family (1-6 persons)

Family day care homes are permitted by right in AG, R-1, R-2, R-3, R-4, R-5, R-6, R-M and R-MH zoning districts provided:

A. The facility shall be licensed by the State of Michigan, and shall comply with all State requirements for a family day care home.

B. There shall be fencing around any outdoor play areas.

C. The building shall retain the appearance of a single family residence.

D. The facility shall not exceed sixteen (16) hours of operation in a twenty four (24) hour period.

SECTION 11.27 Day care homes, group (7-12 persons)

Group day care homes are permitted by special use permit in the R-2, R-3, R-4, R-5, R-6, R-M and R-MH zoning district provided:

A. The facility is licensed by the State of Michigan as a group day care home.

B. Fencing is provided around any outdoor play areas.

C. The building retains the appearance of a single family residence.

D. The use does not exceed sixteen (16) hours of operation in a twenty four (24) hour period.

E. The use is no closer than one thousand five hundred (1,500) feet to another licensed group day care home.

Per Section 206 (3) of PA 110 of 2006, the Michigan Zoning Enabling Act, these are the only standards that may be imposed.

(Amended: Ord. No. 668, 7-24-06)

SECTION 11.28 Drive-in and drive-thru establishments (excluding restaurant)

Drive-in and drive-thru establishments are permitted by special use permit in the OS, C-1, C-2 and C-3 zoning districts provided:

A. The minimum width of that portion of the lot fronting on a county primary road shall be one hundred (100) feet.

B. The minimum separation of entrance and exit drives shall be sixty (60) feet.

C. On corner lots, driveways shall be a minimum of sixty (60) feet from the intersection of the right-of-way lines.

SECTION 11.28A Entrance feature

Entrance features are permitted by right as an accessory use in all zoning districts, provided:

A. No temporary structures allowed.

B. Landscaping for entrance features for residential developments must comply with Section 10.08 of the Zoning Ordinance.

- C. Signs incorporated into the entrance feature must conform with the Township Sign Ordinance
- D. Buildings such as gatehouses must be for decorative purposes and not for occupancy or storage.
- E. Buildings must comply with roadway setbacks established in the Township Sign Ordinance, such that no part of such structure extends over the public domain and shall be located or constructed so as to not obscure vision and contribute to hazardous conditions.
- F. Any associated fencing or gates must comply with Section 4.14 of the Zoning Ordinance.
- G. Entrance feature with structures must comply with Section 4.02 B of the Zoning Ordinance regarding height.

(Added: Ord. No. 687, 7-23-07)

SECTION 11.29 Equestrian residential development

Equestrian subdivisions cater to those who want a subdivision environment with horse stables and riding areas as the central theme. Typically these subdivisions have stalls or paddocks for the horses within a covered shelter area. Also, these subdivisions have a fenced riding area for the horses. Equestrian subdivisions are not public riding stables, services and facilities are only made available to those residents who live in the subdivision. Equestrian subdivisions are permitted by right in the PUD zoning district.

- A. Stable area and pasture area shall be located within the development so that odor, dust, noise and drainage shall not create a nuisance or hazard to adjoining properties.
- B. All pasture and riding areas must be fenced so that no horses can leave these designated areas without the supervision of its owner.
- C. 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 at least once per week so as to control odors and flies.
- D. All buildings utilized for the care of horses shall be kept a minimum of fifty (50) feet from adjoining property lines.
- E. Pasture area shall be a minimum area of five (5) acres for the first horse and one (1) acre for any additional horse.
- F. Fencing may be constructed from wood, chain link, masonry, metal and materials with the appropriate structural strength and safety required to restrain the horse. Fence posts of wood, metal, concrete or material with the appropriate structural strength.

G. Fence height shall be no less than four and one half (4½) feet in height.

SECTION 11.30 Farmers markets, permanent

Farmers markets, permanent are permitted by right in the C-2 and C-3 zoning districts provided:

- A. The minimum area of a lot used for a farm market shall be at least ten thousand (10,000) square feet.
- B. No activity or structure shall be located within fifty (50) feet of the public road right-of-way.
- C. Suitable containers for rubbish shall be placed on the premises for public use.
- D. A structure for storage shall be permitted, provided the structure's area does not exceed two hundred (200) square feet.

SECTION 11.31 Farmers markets, temporary

Farmers markets, temporary are permitted by right in the C-2 and C-3 zoning districts provided:

- A. The minimum area of a lot used for a farm market shall be at least ten thousand (10,000) square feet.
- B. No activity or structure shall be located within fifty (50) feet of the public road right-of-way.
- C. Suitable containers for rubbish shall be placed on the premises for public use.

SECTION 11.32 Foster family group homes

Foster family group homes are permitted by right in the AG, R-1, R-2, R-3, R-4, R-5, R-6, R-M and R-MH zoning districts provided:

- A. The facility is licensed by the State of Michigan as a foster family group home and complies with State requirements for a foster family group home.
- B. The building retains the appearance of a single family residence.

SECTION 11.33 Foster family homes

Foster family homes are permitted by right in the AG, R-1, R-2, R-3, R-4, R-5, R-6, R-M and R-MH zoning districts provided:

- A. The facility is licensed by the State of Michigan as a foster family home.
- B. The building retains the appearance of a single family residence.

SECTION 11.34 Fuel distribution facilities

Fuel distribution facilities are permitted by special use permit M-2 and M-3 zoning districts provided:

- A. Minimum lot size shall be five (5) acres.
- B. Above ground storage tanks shall not be less than three hundred (300) feet from a property line and shall be mounted on a solid concrete slab to prevent overturn and spilling, according to EPA specifications
- C. A Pollution Incidence Prevention Plan shall be submitted and approved as part of the special use permit.

SECTION 11.35 Funeral homes or mortuaries

Funeral homes and mortuaries are permitted by right in the OS, C-1, C-2 and C-3 zoning districts provided:

- A. The use shall have a minimum of one hundred fifty (150) feet of frontage on a county primary road.
- B. The parking area shall be designed to provide for efficient and sufficient stacking space for the organization of funeral processions.
- C. The minimum lot size shall be one (1) acre.

SECTION 11.36 Greenhouses, retail

Greenhouses, retail are permitted by right in the C-2 zoning district and special use permit in the AG zoning district provided:

- A. In the AG zoning district, a maximum of fifteen (15) percent of the area used for sales (both indoor and outdoor) shall be used to display products which were not grown or produced on site. This requirement shall not apply in the C-2 zoning district.
- B. No outside storage shall be permit in AG.

SECTION 11.37 Halls

Halls are permitted by right in the OS and C-3 zoning districts provided:

- A. The facility will be operated in compliance with the Fenton Township Amplified Sound Ordinance.
- B. No outdoor activities such as dancing, recreational activities or barbeques are allowed when adjacent to residentially zoned properties.

SECTION 11.38 Home occupations

Home occupations are permitted by right as an accessory use in the AG, R-1, R-2, R-3, R-4, R-5, R-6, R- M and R-MH subject to the provisions of the Fenton Township Home Occupation Ordinance.

SECTION 11.39 Horses, keeping of

The keeping of horses shall be permitted by right as an accessory in the AG zoning district provided:

- A. Structures or pens used to house horses shall be a minimum of one hundred (100) feet from a neighboring residence, or ninety (90) feet from a vacant parcel zoned residential.

SECTION 11.40 Kennels, commercial (7 or more dogs)

Kennels, commercial (7 or more dogs) permitted by special use permit in the C-3 and M-2 zoning districts provided:

- B. The facility shall be licensed by the Genesee County Department of Animal Control.
- C. Kennels housing dogs shall be a minimum of three hundred (300) feet from a residential zoning district.
- D. All dog runs must be enclosed and have a concrete surface.
- E. The applicant must identify an acceptable method of disposing of the animal waste.
- F. The facility shall meet the requirements of the Fenton Township Dog Control Ordinance.

SECTION 11.41 Kennels, private (3-6 dogs)

Kennels, private (3-6 dogs) are permitted by right as an accessory use in the AG and R-1 zoning district and by special use permit in the R-2, R-3 and R-4 zoning districts provided:

- A. All dogs within the facility shall be licensed by the Genesee County Department of Animal Control and the facility shall comply with operational standards of the County.
- B. Kennels (including dog runs) housing dogs shall be a minimum of fifty (50) feet from side or rear lot lines.
- C. All dog runs must be enclosed and have a concrete surface.
- D. The facility shall meet the requirements of the Township Dog Control Ordinance.
- E. The Planning Commission may modify the requirements of subsection B and C based on the specific characteristics of the use requested.

SECTION 11.41A Landscape Contractor

Landscape contractors are permitted by right in the C-3, M-1, M-2 and M-3 zoning districts and by special use permit in the AG, and C-2 zoning districts, provided:

- A. The establishment complies with Section 4.04 “Commercial outdoor display sales or storage”
- B. Outdoor storage shall be strictly and clearly accessory to the contractor's principal office use of the property. Only products, materials and equipment owned and operated by the principal use shall be permitted for storage.
- C. Storage of all motorized equipment shall be on a paved surface.
(Added: Ord. No. 687, 7-23-07)

SECTION 11.42 Long term care facilities

Long term care facilities are permitted by special use permit in the R-M, OS and C-2 zoning districts provided:

- A. The building shall not exceed a height of twenty nine (29) feet.
- B. No building shall be located closer than fifty (50) feet to any property line.
- C. Ingress and egress to the off-street parking area shall be directly onto a county primary road.
- D. The building shall be treated as a multi-family residence for the purpose of determining the required landscaping.

SECTION 11.43 Manufacturing establishments, heavy

Heavy manufacturing establishments are permitted by right in the M-3 zoning district.

- A. Outdoor storage of equipment, raw materials, semi-finished and finished is permitted, provided the material is screened in compliance with Article 10 of this ordinance.
- B. All loading docks shall be constructed in a manner that prevents them from being seen by the general public and shall be located at least one hundred (100) feet from the lot line of an adjacent residential district. Screening may be used to accomplish this when possible. Under no circumstance shall loading and unloading docks be constructed facing a thoroughfare, road or street. Location of loading and unloading docks shall comply with the requirements of Section 11.02.A.2
- C. All operations shall comply with the performance standards in Section 4.19.

SECTION 11.44 Manufacturing establishments, light

Light manufacturing establishments are permitted by right in the M-1 and M-2 zoning districts.

- A. Outdoor storage of equipment, raw materials, semi-finished and finished is permitted, provided the material is screened in compliance with Article 10 of this ordinance.
- B. All loading docks shall be constructed in a manner that prevents them from being seen by the general public and shall be located at least one hundred (100) feet from the lot line of an adjacent residential district. Screening may be used to accomplish this when possible. Under no circumstance shall loading and unloading docks be constructed facing a thoroughfare, road or street. Location of loading and unloading docks shall comply with the requirements of Section 11.02.A.2
- C. All operations shall comply with the performance standards in Section 4.19.

SECTION 11.45 Manufacturing establishments, low Intensity

These manufacturing operations are low impacting type operations that do not produce the negative effects that other manufacturing operations typically cause. Noise, dust, odor and any other negative impact does not occur from these operations. Typically these operations are of a “high-tech” nature. These uses are permitted by right in the C-3, M-1, M-2 and M-3 zoning districts and by special use permit in the C-2 zoning district.

- A. The portion of the required front, side and rear yard setbacks not occupied shall be landscaped with lawn, shrubbery, trees, or suitable living plant materials. Landscaping shall be maintained in a living condition, free of litter, debris or dead and dying plant materials, in conjunction with Article 10.
- B. All principal operations shall be conducted within the confines of the enclosed structure. Outdoor storage of equipment, raw materials, semi-finished and finished is allowed in the M-2 and M-3 districts, provided the material is screened in compliance with Article 10 of this ordinance.
- C. All loading docks shall be constructed in a manner that prevents them from being seen by the general public and shall be located at least one hundred (100) feet from the lot line of an adjacent residential district. Screening may be used to accomplish this when possible. Under no circumstance shall loading and unloading docks be constructed facing a thoroughfare, road or street. Location of loading and unloading docks shall comply with the requirements of Section 11.02.A.2
- D. All operations shall comply with the performance standards in Section 4.19.

SECTION 11.46 Manufacturing, storage and/or distribution facilities (dangerous chemicals)

Manufacturing, storage and/or distribution facilities handling dangerous chemicals are permitted by special use permit in the M-3 district provided:

- A. Any areas where dangerous chemicals are manufactured or stored shall be located at least two hundred (200) feet from the parcel boundary line. The Planning Commission may increase this setback in order to protect public safety based on quantity and characteristics of the chemicals.
- B. The facility shall have direct access to a county primary road or a state or federal highway.
- C. Adequate room for maneuvering of trucks shall be provided.

SECTION 11.47 Medical care establishments, large

Medical care establishments, large are permitted by special use permit in the OS and C-2 zoning districts provided:

- A. Maximum building height shall be twenty nine (29) feet.
- B. All such hospitals shall be developed only on sites consisting of at least ten (10) acres in area.
- C. The proposed site shall have at least one property line abutting a county primary road.
- D. Front, side and rear yard minimum setbacks shall be fifty (50) feet.
- E. Parking setback shall be forty (40) feet in the front yard, twenty (20) feet for side and rear yards.
- F. Emergency room, ambulance and delivery areas shall be screened from public view with an obscuring wall and/or landscaping a minimum of six (6) feet in height.
- G. Auxiliary uses, such as a pharmacy, gift shop, cafeteria and similar customary hospital related uses shall be allowed.

SECTION 11.48 Medical care facilities, neighborhood

Medical care facilities, neighborhood are permitted by right by in the OS, C-1, C-2 and C-3 zoning districts and permitted by special use permit in the AG R-1, R-2, R-3, R-4 and R-5 zoning districts provided:

- A. The use may be established in a single family residential structure and shall retain the residential character of the area.

SECTION 11.49 Museums

Museums are permitted by special use permit in the OS, C-2 and C-3 zoning districts.

- A. Adequate parking shall be provided as listed in Article 6.
- B. All outdoor display, re-enactments or similar activities will be displayed or held in a manner that will not interfere with adjacent properties.

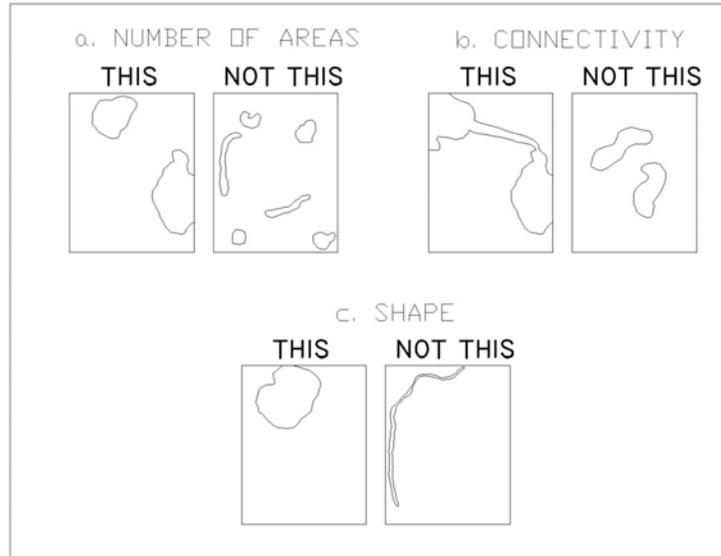
SECTION 11.49A Open Space Developments

Open Space Developments permitted in the AG, R-1, R-2, R-3, R-4 and PUD zoning districts shall comply with the following requirements.

- B. In order to calculate the density bonus, the applicant shall present a parallel plan which will demonstrate the maximum number of lots that could be developed on the site without clustering. In the case of a proposed PUD zoning, the minimum lot size and lot width to be used in preparing the parallel plan shall be based on the zoning district equivalent to the future land use designation of the parcel unless the parcel's current zoning district allows a higher density, in which case the parallel plan will be based on the current zoning district regulations. The parallel plan shall comply with all of the applicable zoning requirements for a non-cluster development, and shall be deemed "buildable" by the Planning Commission in reviewing the plan. The number of lots shown on the parallel plan shall be the base number of lots used to calculate density and any applicable density bonus in the open space development.
- C. The applicant shall ensure permanent protection of any dedicated open space through an irrevocable conveyance that is found acceptable to the Planning Commission, in both form and content, such as recorded deed restrictions, covenants that run perpetually with the land, or a conservation easement established per the State of Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980 as amended (M.C.L. 399.251). Such conveyance shall assure that the open space will be protected from all forms of development in perpetuity, except as shown on an approved site plan, and shall not be changed to another use. Such conveyance shall provide the following:
 - 1. Indicate the proposed allowable use(s) of the perpetually preserved open space. The Planning Commission may require the inclusion of open space restrictions that prohibit the following:
 - a. Dumping or storing of any material or refuse;
 - b. Any activity that may cause the risk of soil erosion or threaten any living plant material;
 - c. Cutting or removal of live plant material except for the removal of dying or diseased vegetation;
 - d. Use of motorized off-road vehicles;
 - e. Cutting, filling or removal of vegetation from wetland areas; and/or

- f. Use of pesticides, herbicides or fertilizers within or adjacent to wetlands.
 2. Require that the perpetually preserved open space be maintained by parties who have an ownership interest in the open space;
 3. Provide standards for scheduled maintenance of the open space; and
 4. Provide for maintenance to be undertaken by the Charter Township of Fenton in the event that the perpetually preserved open space is inadequately maintained, or is determined by the Township to be a public nuisance, with the assessment of costs upon the property owners.
- D. In calculating open space, the following standards will be used.
1. Any proposed open space must be a minimum of fifty (50) feet wide in order to be considered open space, unless the Planning Commission determines that it is an integral part of the total open space for the development and is physically improved in a manner that is readily identifiable as open space and distinguishable from the adjoining lots.
 2. No individual areas less than one-half (1/2) acre may be counted in calculating open space.
 3. Detention/retention areas shall not be counted as open space unless, in the judgment of the Planning Commission, it meets one or more of the following criteria:
 - a. The area constitutes an improved landscaping feature;
 - b. The area promotes bio retention; and/or
 - c. The area otherwise advances the purpose of the open space requirement.
 4. Regulated wetlands, floodplains and submerge lands shall not be counted as open space. The location and size of wetlands shall be verified by the Michigan Department of Environmental Quality as required in Article 8 Site Plan Review and Section 3.21 Planned Unit Development.
 5. Golf courses shall not be included in the calculation of open space.
 6. Rights-of-way and existing easements that make the property they cross non-buildable shall not be included in the calculation of open space.
 7. The requirements listed above may be modified by the Planning Commission if the use of the open space as an amenity for the common benefit of the residents of the development or the general public is determined by the Planning Commission to warrant such consideration.
- E. The proposed site plan shall provide pedestrian access to all open space areas from all residential areas, connections between the following:
1. open space areas
 2. right-of-ways
 3. appropriate on- and off-site uses.
- Trails within the site shall be constructed of gravel, woodchip or other similar material, however the Planning Commission may require construction of paved bike paths through portions of the development or along any public right-of-way abutting the site as a requirement to qualify as open space.

- F. Any area to be used as open space must be a contiguous to the property receiving the density bonus.
- G. All proposed lots must comply with the minimum lot size requirements of this Ordinance, which shall not include regulated wetlands, floodplains and submerged lands.
- H. Concept plans and site plans submitted for consideration as part of a proposed open space development must include an itemized table showing the following:
 - 1. Each of the proposed open spaces, including their location, size and use.
 - 2. The total amount of all open space stated in acres.
 - 3. The total amount of all open space stated as a percentage of net area.
 - 4. The calculation of the net area of the site.
- I. In reviewing proposed open space plans, the Planning Commission will consider:
 - 1. Compliance with the general standards for site plan approval found in Section 8.06 of this ordinance.
 - 2. In considering the appropriate portions of a proposed site to be preserved as open space, the Planning Commission will give priority to land with one or more of these characteristics:
 - a. Serves as a wetland buffer area.
 - b. Protects a floodplain.
 - c. Preserves a woodlot.
 - d. Protects an area of steep slopes/high erosion potential.
 - e. Preserves a historic structure or site.
 - f. Preserves a scenic vista.
 - g. Preserves the rural character of the community along roadways.
 - h. The requirements listed above may be modified by the Planning Commission if the use of the open space as an amenity for the common benefit of the residents of the development or the general public is determined by the Planning Commission to warrant such consideration.
 - 3. In considering the size and shape of proposed open space, the Planning Commission will consider open space areas with the following characteristics:
 - a. The open space is divided into the minimum number of sites feasible
 - b. The open space connects to existing designated open space areas or potential open space areas on adjacent parcels
 - c. The open space, where possible, is relatively equal in width and depth, rather than long and narrow.



(Added: Ord. No. 637, 4-4-05)

SECTION 11.50 Radio and television stations

Radio and television stations shall be permitted by right in the OS, C-1, C-2 and C-3 zoning districts provided:

- A. All buildings shall be at least one hundred (100) feet from all property lines.
- B. All masts, towers, aerials and transmitters shall be permitted by special use permit under the provisions of Section 11.20 of this Ordinance.

SECTION 11.51 Recreation: Commercial outdoor recreation establishments (excluding golf related uses)

Commercial outdoor recreation establishments are permitted by right in the C-3 zoning district and by special use permit in the AG zoning district provided:

- A. The site shall be adequate to accommodate the intended use(s), parking and adequate buffer areas without significant impact on nearby properties in terms of noise, traffic, lighting glare, views, odors, trespassing, dust or blowing debris, as determined by the Planning Commission.
- B. The site shall be located on a paved street which is classified county primary road or a state or federal highway.
- C. No building or spectator seating facility shall be located within one hundred (100) feet of a property line and five hundred (500) feet from residential district.
- D. The site shall be periodically cleared of debris.

SECTION 11.52 Recreation: golf courses, country clubs, par three golf courses

Golf courses, country clubs and par three golf courses are permitted by special use permit in the AG, R-1, R-2 and R-3 zoning districts provided:

- A. The site shall have access directly onto a county primary road or state or federal highway.
- B. The site plan shall be designed to achieve a relationship between the roadway and any proposed service roads, entrances, driveways and parking areas which will contribute to pedestrian and vehicular traffic safety.
- C. Development features including the principal buildings, accessory structures and fairways, shall be designed and arranged to minimize any adverse affects upon adjacent property. All principal and accessory buildings, and storage or maintenance yards shall be at least two hundred (200) feet from any public street right-of-way or property line abutting residentially zoned lands; provided the Planning Commission may modify this requirement where topographic conditions, existing vegetation or new landscaping will screen views. In no case shall the setback be less than seventy five (75) feet.
- D. Operational hours for maintenance vehicles, course maintenance and/or irrigation may be restricted by the Planning Commission to protect nearby residential districts. Maintenance sheds shall not be visible from any adjacent single family residential areas.

SECTION 11.53 Recreation: golf driving ranges, miniature golf courses

Golf driving ranges are permitted by special use permit in the AG, R-1, C-2 and C-3 zoning districts and miniature golf courses are permitted by right in the C-2 and C-3 zoning districts provided:

- A. All traffic ingress and egress shall be from a county primary road or state or federal highway.
- B. Parking lots shall be setback at least thirty (30) feet from the street right-of-way and one hundred (100) feet from any property line abutting a residential district.
- C. Any lot line abutting a residential district shall comply with the requirements of Article 10.
- D. No building shall be constructed or located closer than two hundred (200) feet from the property line of any abutting residential lot.
- E. The site plan shall illustrate expected trajectory or ball dispersion patterns along fairways and for driving ranges where adjacent to residential uses, buildings, parking lots or public streets.

- F. Site size shall be sufficient to retain errant balls within the site by means of landscaping, berms or a six (6) foot high fence. Netting shall be prohibited unless the Planning Commission determines the netting would be compatible with surrounding uses.
- G. The Planning commission may restrict lighting and hours of operation for a driving range in consideration of surrounding land uses and zoning.
- H. Tee areas for a driving range shall be clearly distinguished by elevating the stations six (6) inches to one and one half (1-1/2) feet above the ground, or through use of short walls or alternate distinction to separate tee stations.

SECTION 11.54 Recreation: indoor commercial recreation

Indoor commercial recreation uses are permitted by right in the C-2 and C-3 zoning districts provided:

- A. The principal and accessory buildings and structures shall not be located within one-hundred (100) feet of any residential district or permitted use.
- B. All uses shall be conducted completely within a fully enclosed building.
- C. The buildings shall be sound-proof.

SECTION 11.55 Recreation: private or public recreation clubs

Private or public recreation clubs are permitted by right in the C-1 and C-2 zoning districts and by special use permit in the AG district provided:

- A. Any such site shall have a minimum eight (80) acres.
- B. The applicant shall provide an operations plan clearly outlining the types, location and intensity of uses approved by the Planning Commission. The Planning commission may regulate the operation and hours of activity to minimize any adverse effects on adjacent properties.
- C. Development features shall be so located and arranged as to encourage pedestrian, vehicular, user and neighborhood safety.

SECTION 11.56 Religious institutions

Religious institutions are permitted by special use permit in the AG, R-1, R-2, R-3, R-4, R-5, R-6, R-M, R-MH, OS, C-1, C-2 and C-3 zoning districts provided:

- A. The site shall be adjacent to a county primary road as defined in the Fenton Township Land Use Plan and ingress and egress shall be limited to and directly upon said county primary road.

- B. A minimum site of three (3) acres shall be provided.
- C. The front setback area shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, signage, or vehicle access drives.

SECTION 11.57 Rental and sales of automobiles, recreational vehicles and mobile homes, outdoor

Rental and sales of automobiles, recreational vehicles and mobile homes, outdoor are permitted by right in the C-3 zoning district provided:

- A. All servicing, repair and/or refinishing shall be carried out within a completely enclosed building.
- B. Sale of automobile parts shall be permitted provided such parts shall be stored within a completely enclosed building.
- C. No automobile shall be stored or dismantled on a site for the purpose of selling used parts.
- D. Buildings housing accessory uses such as body work, frame straightening or other heavy repair activities shall be setback one hundred (100) feet from residentially zoned parcels. All such work shall be performed completely within an enclosed building.
- E. Any areas used for outdoor storage of materials or inoperable vehicles will be adequately shielded from view by fencing, walls or landscaping, as determined by the Planning Commission.
- F. Sites used for outdoor rental and sales of automobiles, recreational vehicles and mobile homes shall include at least one permanent building for use as an office and which will include permanent restroom facilities.

SECTION 11.58 Residential, apartments (in the upper floors of commercial buildings)

Apartments in the upper floors of commercial buildings are permitted by right in the OS, C-1 and C-2 zoning districts provided:

- A. Each apartment shall comply with the requirement for minimum size contained in Section 3.27 of this Ordinance.
- B. A minimum of two (2) off-street parking spaces shall be provided per apartment.

SECTION 11.59 Residential, mobile home parks

Mobile home parks are permitted by right in the R-MH zoning district provided:

- A. Mobile home parks shall be developed to the standards established by the Mobile Home Park Commission.

SECTION 11.60 Residential, mobile home subdivisions

Mobile home subdivisions are permitted by right in the R-MH zoning district provided:

- A. Mobile home subdivisions must comply with the Subdivision Control Ordinance of the Township.

SECTION 11.61 Residential, townhouses, patio or row houses

Townhouses, and patio or row housing is permitted by right in the R-6 and R-M zoning districts provided:

- B. A structure shall have not more than eight (8) attached units.
- C. Each unit shall have a minimum of four hundred (400) square feet of landscaped open space.
- D. The distance between any two (2) buildings within a patio or row-housing or townhouse development shall be not less than thirty (30) feet or the height of the tallest building, whichever is greater.

SECTION 11.62 Restaurant, open front

Open front restaurants are permitted by right in the C-3 zoning district and by special use permit in the C-2 zoning district provided:

- A. Waste containers shall be provided.
- B. Fences or landscaping shall be required to control blowing debris.
- C. All signs placed on the building shall be flat and interior signs visible to patrons through glass or an opening shall not exceed twenty five (25) percent of that area.
- D. Additional parking shall be provided based on the capacity of any outdoor seating or lounge areas.
- E. Outdoor eating areas shall be illustrated on a site plan and approved by the Planning Commission.

- F. Where the use abuts a residential district there shall be no outdoor amplification, such as speakers, unless the applicant demonstrates compliance with the Township Noise Abatement Ordinance.

SECTION 11.63 Restaurants with live entertainment and/or outdoor seating (not adult entertainment or dancing)

Restaurants with live entertainment and/or outdoor seating are permitted by special use permit in the C-2 and C-3 districts provided:

- A. The principal building shall be setback at least one hundred (100) feet from a residential district.
- B. A wall at least five (5) feet high shall separate the site from any adjacent residential district.

SECTION 11.64 Retail establishments, convenience

Retail establishments, convenience are permitted by right in the C-1, C-2 and C-3 zoning districts provided:

- A. These establishments must be adequately buffered from adjacent land uses according to the requirements in Article 10 of this Ordinance.
- B. Ingress and egress shall be positioned in such a manner that the potential for conflict points or potential for traffic or pedestrian accidents are limited.
- C. Only one driveway shall be permitted and shared access with an adjacent parcel may be required.
- D. All parking and loading shall be in the side or rear yard.
- E. Establishments that are open for 24-hours a day 7 days a week shall orient lighting so that the lighting remains onsite and does not illuminate adjacent property.

SECTION 11.65 Retail establishments, large

Retail establishments, large are permitted by right in the C-2 and C-3 zoning districts provided:

- A. Minimum lot area shall be four (4) acres.
- B. The proposed development shall be constructed in accordance with an overall plan, shall be designed as a complete project covering the total area, with appropriate landscaping.
- C. Provisions shall be made for safe and efficient ingress and egress to and from public streets and highways serving the center without undue congestion to or interference with normal traffic flow.

- D. No part of any loading dock or other designated unloading/loading area shall be located closer than one hundred (100) feet from any property line adjacent to a residential district.
- E. No part of any parking access and/or service area may be located closer than seventy five (75) feet from any property line adjacent to a residential zoning district.
- F. Parking, loading, or service areas used by motor vehicles shall be located entirely within the lot lines of the shopping center and shall be physically separated from public streets.
- G. All retail establishments, large shall have direct access to a county primary road as determined by the Township Land Use Plan. No regular public access shall be made through a residential local street.

SECTION 11.66 Retail establishments, neighborhood

Retail establishments, neighborhood are permitted by right in the C-1, C-2 and C-3 zoning districts provided:

- A. These establishments must be adequately buffered from adjacent land uses according to the requirements in Article 10 of this Ordinance.
- B. Ingress and egress shall be positioned in such a manner that the potential for conflict points or potential for traffic or pedestrian accidents are limited.
- C. Only one driveway shall be permitted and shared access with an adjacent parcel may be required.
- D. D All parking and loading shall be in the side or rear yard.

SECTION 11.67 Retirement communities, mixed use

Retirement communities, mixed use are permitted by special use permit in the R-M zoning district provided:

- A. Uses permitted in a retirement community, mixed use include long term care facilities, assisted living facilities, independent living facilities, senior housing, extended care facilities, adult day care facilities, as well as recreational and service facilities primarily for the use of the residents.
- B. A retirement community, mixed use may be approved initially as a concept identifying density of dwelling units and arrangement of uses. Approval of the concept plan provides the applicant three (3) years to submit detailed site plans and receive approval for the various portions of the development.

- C. Permitted overall density of up to twelve (12) dwelling units or beds per acre, as determined by the Planning Commission.
- D. At least twenty (20) percent of the site must be retained as open space/recreation area.

SECTION 11.67A Sales & storage, low intensity

Sales and storage, low intensity is permitted by right in the M-1 and M-2 zoning districts and by special use permit in the C-2 and C-3 zoning districts, provided:

- A. The maximum building size shall not exceed 50,000 square feet
- B. The Planning Commission may establish limitation regarding hours of operation, services provided on site and other operational characteristics of the use to ensure that the facility is consistent with the character of the surrounding area.
- C. Accessory uses may include offices and light service but no truck fleet parking, fueling or maintenance.

(Added: Ord. No. 687, 7-23-07)

SECTION 11.68 Service or repair establishments

Service or repair facilities are permitted by right in the C-2 and C-3 zoning districts provided:

- A. No outdoor storage of material permitted.
- B. A location for the drop off and pickup of large items will be provided if determined necessary by the Planning Commission. If such a location is determined necessary, it shall not be located in the required front yard.

SECTION 11.69 Soil, sand, clay and gravel or similar removal operation, quarry excavation

Soil, sand, clay and gravel or similar removal operation, quarry excavation is permitted by special use permit in the AG zoning district provided:

- A. The minimum site size shall be twenty (20) acres.
- B. Areas subject to removal shall not be closer than one hundred fifty (150) feet from boundary lines of the property or any natural or existing water body, watercourse or wetland.
- C. The processing plant shall not be located closer than two hundred fifty (250) feet from the boundary lines or no less than five hundred (500) feet from any dwelling unit.
- D. The applicant shall present a reclamation plan as part of the site plan. The reclamation plan shall include final surface landform of the site.

- E. The Planning Commission may require additional fencing, berming and landscaping to ensure safety and reduce the negative impacts of the operation.
- F. The Township shall require a performance bond prior to beginning excavation for reclamation in the amount of five thousand (5,000) dollars per acre for the active mining areas, or previously mined areas that have not been reclaimed.

SECTION 11.70 Stables and/or riding academies

Stables and/or riding academies are permitted by right in the AG and R-1 zoning district provided:

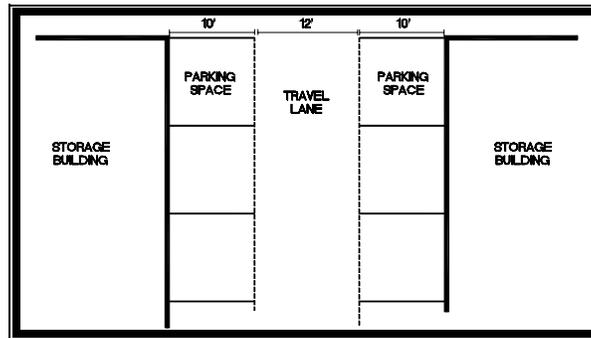
- A. The establishment is on a parcel of land ten (10) acres or more in size.
- B. All structures including stables, but not including fences for paddock areas or tracks, as well as loading areas and wash down areas shall be one hundred (100) feet from a neighboring residence or ninety (90) feet from the lot line of a vacant parcel zoned residential.

SECTION 11.71 Storage facilities

Storage facilities (excluding outdoor storage) are permitted by right in the C-2 and C-3 zoning districts; storage facilities (with outdoor storage) are permitted by special use permit in the C-2 and C-3 zoning districts provided:

- A. Minimum parcel area for the entire development is four (4) acres.
- B. Access to the facility shall be from a county primary road.
- C. All outdoor storage areas shall be appropriately screened from surrounding property, as determined by the Planning Commission.
- D. Maximum building height shall be nineteen (19) feet.
- E. Parking for the storage leasing office and a caretaker's residence shall meet the parking requirement in Article 6 of this Ordinance's parking regulations. A ten (10) foot wide parking strip shall be required in front of each row of storage units and a twelve (12) foot wide travel lane provided between buildings (see Figure 11-1).

Figure 11-1



SECTION 11.72 Temporary buildings

Temporary buildings for use incidental to construction work for a period not to exceed one (1) year are permitted by administrative special use permit in AG, R-1, R-2, R-3, R-4, R-5, R-6, R-M, R-MH, OS, C-1, C-2, C-3, M-1, M-2 and M-3 zoning districts provided:

- A. The building shall not be located on the property for more than one (1) year.
- B. An extension of up to one (1) year may be granted by the Zoning Administrator.
- C. A maximum of two (2) buildings may be permitted for a development site.
- D. If one (1) of the buildings is used as an office, on-site sanitary facilities are required.
- E. A mobile home, motor home or camper may be used as a temporary residence during the repair of a home damaged by fire, flood or similar accident provided:
 - 1. A mobile home shall have a decorative skirt around the base of the home to screen the piers and chassis.
 - 2. The temporary home shall be connected to the sewer and water systems providing service to the home that was damaged in the fire.
 - 3. The temporary home shall comply with required setbacks for a principle structure and will be located in a way as to minimize the structures impact on adjacent parcels. If the structure cannot comply with the setback requirements, it may be allowed by the zoning administrator, provided the applicant gets approval in writing from the owner that the temporary home would encroach upon. This provision does not prohibit the applicant from applying for a variance to permit a temporary encroachment.

Approval for a temporary home is good for one year or until issuance of a certificate of occupancy of the repaired home, whichever is less.

(Amended: Ord. No. 647, 7-5-05)

SECTION 11.73 Temporary outdoor uses

Temporary outdoor uses including seasonal sale of Christmas trees and outdoor gatherings are permitted by administrative special use permit in the AG, R-1, R-2, R-3, R-4, R-5, R-6, R-M, R-MH, OS, C-1, C-2, C-3, M-1, M-2, M-3 and PUD zoning districts provided:

- A. All permits shall be assigned an expiration date by the Zoning Administrator.
- B. All structures, poles, wires, lighting, signs or other shall be removed by the expiration date of the permit.
- C. All structures and items on display or being stored shall comply with the setback requirements for the district in which they are located.
- D. The site plan shall identify an adequate number of portable toilets and other sanitary facilities for the proposed use.
- E. The site plan shall identify an adequate number of off-street parking spaces for the proposed use.
- F. The operator of the use shall keep the site free from litter and debris.
- G. Seasonal outdoor sales of Christmas trees shall comply with the following:
 - 1. Outdoor sales, including Christmas trees, shall not be permitted in the R-2, R-3, R-4, R-5, R-6, R-M, R-MH, OS, M-1, M-2 or M-3.
 - 2. Unless Christmas trees sales are accessory to the principal use of the site, a permit shall be obtained from the Zoning Administrator to allow temporary use of the site for such sales.
 - 3. Christmas tree sales shall not be permitted in residentially zoned districts.
 - 4. All Christmas trees, as well as poles, lights, wires, or other items incidental to the sale of trees shall be removed from the premises by December 31st of the subject Christmas season.
 - 5. Christmas trees on display for sale shall comply with the minimum setback requirements for the district in which the sales lot is located.

SECTION 11.74 Theaters, indoor

Theaters, indoor are permitted by right in the C-2 and C-3 zoning districts, provided:

- A. Access shall be from a county primary road.
- B. Wrought iron fencing may be placed along the frontage to direct pedestrians to safe crossing points, if the Planning commission determines the need.

- C. The subject site shall be located with access to an existing traffic signal, or placed such that installing a traffic signal will not significantly impact through traffic flow.
- D. The principal building and parking lot shall be setback at least fifty (50) feet from any adjacent residential district. This setback shall be landscaped with at least the amount of plant materials specified in Article 10.

SECTION 11.75 Theaters, outdoor

Theaters, outdoor are permitted by special use permit in the C-3 zoning district, provided:

- A. A site plan shall be approved by the Planning Commission which sufficiently illustrates proposed access, buildings, utilities, adequate drainage, lighting and other technical aspects.
- B. Outdoor theaters shall abut, and have all access from a county primary road.
- C. The area shall be designed to prevent the movie screen from being viewed from residential areas or adjacent major roadways. All lighting used to illuminate the area shall be installed and confined within, and directed onto the premises of the outdoor theater site. Landscaping shall be provided to screen automobile headlights off-site.

SECTION 11.76 Veterinary clinics

Veterinary clinics are permitted by right in the C-3 zoning district and by special use permit in the AG, R-1, OS, C-1 and C-2 zoning districts, provided:

- A. The use shall be operated by a licensed or registered veterinarian.
- B. The principal and all accessory buildings or structures used for the treatment or holding of animals shall be set back at least one hundred (100) feet from abutting residential districts, churches or restaurants on the same side of the street; fifty (50) feet from the front property line and fifty (50) feet from all other property lines.
- C. All principal use activities shall be conducted within a totally enclosed principal building; no outdoor pet enclosures or runs are permitted.
- D. Any indoor boarding shall be limited to that incidental to treatment or surgery.
- E. Any veterinary clinic building or structure which is used for the treatment or holding of animals which is adjacent to a residential district shall have the following construction features:
 - 1. Walls are soundproofed to a maximum transmission of 65 dB measured at any point on the outside of the exterior wall,
 - 2. Doors must be solid core,
 - 3. Ventilation must be forced air

D. Outdoor exercising is allowed when the pet is accompanied by an employee provided no animals shall be permitted outside of the buildings between 8:00 p.m. and 7:00 a.m.

E. A caretaker's quarters may be permitted.

SECTION 11.77 Veterinary hospitals

Veterinary hospitals are permitted by right in the C-3 district and by special use permit in the AG and C-2 zoning districts, provided:

A. Minimum lot size shall be five (5) acres.

B. The principal and all accessory buildings or structures used for the treatment and holding of animals shall be set back at least two hundred (200) feet from the front property line and at least five hundred (500) feet from any property line abutting a residential district or use on the same side of the street.

C. Outdoor enclosures or runs visible to adjacent residential districts shall be screened with fully obscuring fences, walls and/or landscaping (for landscaping, the full obscuring affect must be achieved within three years of planting).

D. A caretaker's quarters may be permitted.

E.