

**BIRCH RUN TOWNSHIP BOARD OF TRUSTEES  
SPECIAL JOINT MEETING BETWEEN THE PLANNING COMMISSION/ TOWNSHIP  
BOARD AND ZBA  
JANUARY 12, 2004**

The Planning Commission Chairman for the purpose of rewriting the Zoning Ordinance Book called a special joint meeting. Chairman Earl Schlegel called the Special Joint Meeting/Workshop to order at 7:00 P.M. Present for the Birch Run Township Board were Earl Schlegel, Supervisor; Ed Magnus, and Jeff Putnam, Trustees. Present for the Planning Commission were Al Hunter, Dennis Bronner, Bob Scharrer, and Diane Timmons. Present for the ZBA was Mike Marr and Jerry Cook. Mike Setzer the Building Administrator was also present. There was no one in the audience.

A quorum was present for both the Planning Commission and ZBA.

The handout attached dated November 29, 2003, Final Draft Portions of the New Zoning Ordinance-Article 20, will be the document in which to refer to for the remainder of the minutes.

**ARTICLE 20: GENERAL PROVISIONS**

Section 20.01: No Concerns

Section 20.02: No Concerns

Section 20.03: No Concerns

Section 20.04: No Concerns

Section 20.05: Change to read "No commercial vehicle in excess of two (2) tons or more carrying capacity..."

Section 20.06: No Concerns

Section 20.07: No Concerns

Section 20.08: No Concerns

Section 20.09: No Concerns

Section 20.10: No Concerns

Section 20.11: No Concerns

Section 20.12: Clarify the fence height in the front yard. The Township Board should not regulate this.

Section 20.13: No Concerns

Section 20.14 C (5): Change the approval body to the Planning Commission.

Section 20.15 A (2): Change to Michigan Construction Code.

A (3): Clarify Mobile Home wording.

A (6) : Add in this section that roof overhang of less than 12 inches needs gutters.

A (7): Take out the word "aesthetically."

Section 20.16: No Concerns

Section 20.17 C: Delete

Section 20.18 C (5): Delete

Section 20.19: Add no farm animals are allowed in Residential areas or subdivisions. 50 fowl or rabbits are allowed per 2 acres.

E (11): No living quarters shall be located in any private stables and are allowed by permit only.

Section 20.20:

**Add #4: A pole barn can be built in front of a house if it is place over 300 feet from the road.**

**B (1): Remove the phrase "attached"**

**C: All heights will be in Figure 21-3**

**D: This section will be covered at the next meeting**

**Motion by Bronner supported by Marr to adjourn at 9:30 pm.**

**Motion carried**

**The next meeting will be January 28, 2004**

**Earl Schlegel**

**Township Supervisor**

Date: November 29, 2003  
To: Birch Run Township Planning Commission, Township Board, ZBA, and Zoning Administrator  
From: Mark A. Eidelson, AICP  
Re: Final Draft Portions of the New Zoning Ordinance – Article 20.

Attached please find the final draft portion of the new draft Zoning Ordinance, consisting of Article 20 – General Provisions. This Article addresses numerous miscellaneous zoning issues, some of which were initially discussed during the joint Planning Commission/Township Board/ZBA meeting on 9-8-03. Please review this material carefully and identify any revisions you would like to see made, provisions you feel need further discussion and exploration, or questions you may have. We are scheduled to meet again on January 12 (in addition to this Monday, December 1) when this material will be the focus of our review. Please call if you have any questions.

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Article 20  
GENERAL PROVISIONS

**Section 20.01 Purpose**

The purpose of this Article is to recognize that there are certain conditions concerning land uses that warrant specific exceptions, regulations, or standards in addition to the requirements of the zoning district in which they are permitted to be located. The following general provisions establish regulations which are applicable to all zoning districts unless otherwise indicated.

**Section 20.02 Conditional Approvals**

**A. Conditions on Discretionary Decisions:** The Planning Commission, Zoning Board of Appeals, and Township Board may attach conditions to the approval of a site plan, special land use, variance or other discretionary approval. Such conditions shall be based upon standards in this Ordinance and may be imposed to:

1. Insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.
2. Protect the natural environment and conserve natural resources and energy.
3. Insure compatibility with adjacent uses of land.
4. Promote the use of land in a socially and economically desirable manner.

**B. Requirements for Valid Conditions:** Conditions imposed shall meet all of the following requirements:

1. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
3. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

**C. Record of Conditions and Changes:** Any conditions imposed shall be recorded in the record of the approval action. These conditions shall not be changed except upon the mutual consent of the approving authority and the property owner.

**D. Performance Guarantees:** Performance guarantees may be required to ensure compliance with conditions on discretionary decisions pursuant to the requirements of Section 3.06.

**Section 20.03 Essential Services**

Essential services shall be permitted as authorized and regulated by law and other ordinances of the Township, it being the intention hereof to exempt such essential services from the application of this Ordinance. This provision shall not apply to administrative buildings, communication towers, public utility storage yards, and similar above-ground structures and uses associated with such essential services. See definition of "essential services" in Article 21.

**Section 20.04 Permitted Yard Encroachments for Principal Buildings**

**A.** Certain architectural features such as cornices, eaves, gutters, chimneys, pilasters and similar features may project three (3) feet into a required setback area. Balconies, and fire escapes and outside stairways of open construction, may project into a required yard to a maximum of five (5) feet.

**B.** An unroofed porch or deck may project from a principal building to within five (5) feet of a side or rear lot line, provided such deck or porch is unenclosed and, if walls are present, such walls are no greater height than six (6) feet and do not enclose more than one-half of the deck/porch perimeter.

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**Section 20.05 Limitations on Commercial Vehicles in Residential Districts and Subdivisions**

A. No commercial vehicle in excess of two (2) tons in weight shall be stored overnight on a lot in a Residential District or in a condominium or platted subdivision. "Commercial vehicle" shall be defined as a vehicle primarily designed or used to transport goods, materials, equipment, tools, or other items.

**Section 20.06 Signs**

All uses shall comply with the Birch Run Township Sign Ordinance.

**Section 20.07 One Single-Family Dwelling to a Lot**

No more than one (1) single family dwelling unit shall be permanently established on a lot or parcel, unless specifically provided for elsewhere in this Ordinance.

**Section 20.08 Moving Buildings**

No existing building or structure within or outside of the Township shall be relocated upon any parcel or lot within the Township unless the building or structure meets all applicable provisions of this Ordinance, including but not limited to required setbacks, and the building and all materials therein are approved by the Building Inspector.

**Section 20.09 Exception to Frontage Requirements**

The frontage of a lot may be reduced below the minimum lot frontage requirement of the District in which it is located where the front lot line of such lot abuts a curvilinear segment of a road, including a cul-de-sac, where without such reduction, such lots would be unnecessarily excessive in lot width or lot area. However, such frontage reduction shall result in a lot with a minimum of sixty-six (66) feet of frontage and such lot shall comply with the minimum lot width requirement of the District over at least seventy percent (70%) of the lot area.

**Section 20.10 Height Requirement Exceptions**

A. The following are exempted from height limit requirements of the respective Districts, provided that no portion of the exempted structure may be used for human occupancy:

1. Those features that are purely ornamental in purpose such as church spires, belfries, cupolas, domes, ornamental towers, flagpoles and monuments, and such features do not exceed more than twenty percent (20%) of the structure's roof area nor result in the structure exceeding a total height of seventy-five (75) feet.
2. Those necessary appurtenances to mechanical or structural functions, such as chimneys and smokestacks, water tanks, elevator and stairwell penthouses, ventilators, bulkheads, masts and aials, television antennas, fire and hose towers, wire transmission structures, cooling towers, or other structures where the manufacturing process requires a greater height, but the structure and necessary appurtenances shall not exceed one hundred seventy-five (175) feet in height.
3. Public utility structures and communication towers, where so approved pursuant to Article 5, Special Land Uses.
4. Agricultural buildings shall not exceed a height of eighty (80) feet.

**Section 20.11 Earth Sheltered Homes**

The bottom edge of an earth berm abutting a wall or roof of a dwelling shall meet the height and setback requirements for the District in which it is located.

**Section 20.12 Fences for Residences**

A. Fences on a residential lot shall comply with the following:

1. Fences within or along any rear or side yard setback area shall not exceed six (6) feet in height as measured from the surface of the ground.
2. Fences located within or along a required front yard shall not exceed four (4) feet in height as measured from the surface of the ground.
3. Fences shall not be subject to setback requirements.

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4. The finished side of a fence shall face the adjoining lot.
5. No fence with barbs, spikes, nails, or other sharp or electrified devices shall be permitted in any District except for the purpose of confining animals.

### Section 20.13 Home Occupations

A. The regulation of home occupations as provided herein is intended to secure flexibility in the application of the requirements of this Ordinance; but such flexibility is not intended to allow the essential residential character of residential districts, in terms of use and appearance, to be changed by the occurrence of non-residential activities. Home Occupations, as defined in Article 21, shall comply with the following conditions:

1. The home occupation shall be conducted entirely within the dwelling and shall not occupy more than twenty-five percent (25%) of the total floor area of the dwelling.
2. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
3. The operation of the home occupation shall not involve the presence of more than one (1) person not residing in the home.
4. All activities shall be carried on indoors. No outdoor storage or display shall be permitted.
5. There shall be no change in the exterior appearance of the dwelling including the addition of exterior doorways, or other visible evidence of the conduct of such home occupation other than a permitted sign.
6. No traffic shall be generated by such home occupation in volumes twenty percent (20%) greater than is normally associated with a single family dwelling, based upon the most current published standards of the Institute of Transportation Engineers. Any need for parking generated by the home occupation shall be met off the street and other than in a required front yard, although motor vehicles may be parked in an existing driveway if it is of sufficient size. No additional off-street parking demand shall be created.
7. No article shall be sold or offered for sale on the premises except such as is produced within the dwelling, or is provided as an incidental activity associated with the principal service offered by the home occupation.
8. The home occupation shall not entail the use or storage of explosive, flammable, or otherwise hazardous materials or waste in excess of quantities normally customary and incidental to a single family dwelling and lot.

### Section 20.14 Condominium Subdivisions

A. **Intent:** The intent of this Section is to provide regulatory standards for condominium subdivisions similar to those required for projects developed under other forms of ownership. This section is not intended to prohibit or treat proposed or existing condominium projects different than projects developed under another form of ownership.

B. **Applicability of District Regulations:** A condominium unit, including single family detached units, shall comply with all applicable site development standards of the district within which it is located, including use, setback, height, coverage and area requirements, and all other provisions of this Ordinance. A condominium unit in a condominium subdivision is that portion of the project intended to function generally similar to a platted subdivision lot and shall comply with the minimum lot area, width and yard setbacks of the District within which it is located.

#### **C. Review and Approval Procedures:**

1. **Zoning Permit Required:** No grading or any other form of construction shall be initiated for a condominium subdivision prior to the approval of a final site plan and issuance of a zoning permit. The future erection of any dwelling or other structure or building in the site condominium, not expressly approved as part of and illustrated on the final site plan, shall require an additional zoning permit prior to erection.
2. **Site Plan Approval Required:** The issuance of a zoning permit shall require the submittal and approval of a preliminary and final site plan pursuant to Article 4, Plot Plan and Site Plan Review, and master deed and bylaw documents. The Planning Commission shall be the approving body.
  - a. In addition to the preliminary and final site plan information required by Article 4, the applicant shall also submit information constituting a condominium subdivision plan, including the size, location, area, width, and boundaries of each condominium unit; building locations; the nature, location, and approximate size of common elements; and other information required by Section 66 of Michigan Public Act 59 of 1978, as amended.

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3. **Master Deed/Bylaws Approval Required:** The applicant shall furnish the Planning Commission with fifteen (15) copies of the proposed master deed and bylaws. These shall be reviewed for compliance with Township ordinances and to ensure that an assessment mechanism has been included to guarantee adequate funding for maintenance of all common elements. The common area funding responsibility of the association shall include any necessary drainage-ways and the cost to periodically clean out such drainage ways to keep them functioning as intended in the approved plans. The master deed shall clearly state the responsibility of the owner and co-owners and shall state that all amendments to the master deed must conform with Township, County, and state laws and regulations. The Master Deed shall also include any variances granted by Township, County, or State authorities and include a hold harmless clause from these variances. All provisions of the condominium subdivision plan which are approved by the Township Board shall be incorporated, as approved, in the master deed for the condominium subdivision.
4. **Issuance of Zoning Permit:** Upon approval of the final site plan, by-laws and master deed, the applicant shall furnish the Township Clerk a copy of the final bylaws and master deed, and a copy of the approved site plan on a mylar sheet of at least twenty-four inches by thirty-six inches (24" x 36"). Upon the satisfactory submittal of these documents, the Clerk shall direct the Zoning Administrator to issue a zoning permit.
5. **Changes:** Any changes to an approved site condominium including changes in the by-laws, master deed, or site plan, including changes in lot line or road configuration and the addition or relocation of buildings, shall require approval by the Township prior to such change.

**D. Building Permit:** No building shall be erected prior to the issuance of a zoning permit by the Zoning Administrator, and a building permit by the Building Inspector.

**E. Utilities:** The condominium subdivision shall provide for dedication of easements to the appropriate public agencies for the purposes of construction, operation, maintenance, inspection, repair, alteration, replacement and/or removal of pipelines, conduits, mains and other installations of a similar character for the purpose of providing public utility services, including conveyance of sewage, potable water and storm water runoff across, through and under the property subject to said easement, and excavation and refilling of ditches and trenches necessary for the location of such installations.

**F. Roads:** All roads within a condominium subdivision shall be designed and constructed in conformance with adopted standards of the Saginaw County Road Commission unless otherwise approved for private road construction pursuant to this Ordinance.

**G. As-Built Plan and Occupancy:** Submission of an as-built plan of a condominium subdivision is required. The Zoning Administrator may allow occupancy of the project before all required improvements are installed provided that a financial performance guarantee in the form of a cash deposit or irrevocable letter of credit is submitted to the Township Clerk, sufficient in amount and type to provide for the installation of improvements. The amount of the financial guarantee shall be determined by the Township Board based on an estimate by the Township Engineer.

**H. Monuments:** All condominium units which are building sites shall be marked with monuments as if such units were lots within a platted subdivision, and such monuments shall comply with the requirements of the P.A. 591 of 1996, the Land Division Act, as amended.

### **Section 20.15 Single Family Dwelling Standards**

A. All single family detached dwellings shall comply with the following standards, provided that the following standards shall not apply to temporary dwellings, or mobile homes located in a licensed mobile home park, except to the extent required by State and Federal law.

1. A single family dwelling shall have a minimum floor area as required by the District in which it is located, be of such dimensions to accommodate a horizontal 24' by 24' imaginary square within the limits of the walls of such dwelling, and have a roof pitch of 4:12 (four feet of rise for every twelve feet of length) over a minimum of seventy percent (70%) of the roof area.
2. A single family dwelling shall comply in all respects with the State Construction Code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with federal or state standards or regulations for construction (as in the case of mobile homes) and where such standards or regulations for construction are different than those imposed by the State Construction Code, then and in that event such federal or state standard or regulation shall apply.

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3. A single family dwelling shall be firmly attached to a permanent foundation constructed on the site in accordance with the State Construction Code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required by the State Construction Code for such dwelling.
  - a. 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, and shall be set on a concrete footing with a masonry wall extending from perimeter to ground, or on a concrete footing with fireproof supports and shall have a continuous skirt extending from perimeter to ground, made of commercial quality or equivalent, and comply with the rules and regulations of the Michigan Mobile Home Commission, the Public Health Department, and HUD Regulations 24 CFR 3280, being the "Mobile Home Construction and Safety Standards".
  - b. 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.
4. A single family dwelling shall be connected to a public sewer and water supply or to such private facilities approved by the Saginaw County Health Department.
5. A single family dwelling shall contain storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure similar to or of better quality than the principal dwelling, which storage area shall be equal to ten (10) percent of the square footage of the dwelling or one-hundred (100) square feet, whichever shall be less.
6. A single family dwelling shall contain either a roof overhang of not less than twelve (12) inches on all sides, or alternatively, window sills and roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling.
7. A single family dwelling shall be aesthetically compatible in design and appearance with other single family dwellings in the vicinity. The compatibility of design and appearance shall be determined by the Zoning Administrator upon review of the plans submitted for a particular dwelling. Any determination of compatibility shall be based upon the standards set forth in this Section as well as the character, design and appearance of one or more residential dwellings located in the Township within three hundred (300) feet of the subject dwelling where such area is developed with dwellings; or, where said area is not so developed, by the general character, design and appearance of residential dwellings located in the Township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.
8. All subsequent additions to a dwelling shall be of similar quality workmanship as the original structure, including construction of a foundation as required herein.
9. All construction required for a single family dwelling shall be commenced only after a building permit has been obtained in accordance with the applicable State Construction Code provisions and requirements.

### Section 20.16 Outdoor Storage

**A. Commercial Display and Sales:** Outdoor display or sales of merchandise shall be permitted only where expressly authorized pursuant to an approved site plan, and such display or sales area shall not extend into a District's required setback for the principal building. The maximum permitted outdoor display or sales area shall be a total of ten percent (10%) of the use's indoor retail sales floor area. This subsection (A) shall not apply to the display and sales of motor vehicles, items intended for tow, retail and wholesale landscape materials, or other items customarily requiring outdoor display and sales.

**B. Commercial and Industrial Storage:** Excepting the display and sales of motor vehicles, items intended for tow, or retail and wholesale landscape materials, or other items customarily requiring outdoor display and sales, and unless specifically noted elsewhere in this Ordinance, all storage of materials or products in association with a commercial or industrial use that are not intended for display or sales, including lumber piles, crates, boxes, building materials, discarded materials, and junk shall be completely enclosed or otherwise screened by an opaque fence or wall of not less than six (6) feet in height. The height of the wall or fence shall be increased to equal the height of any equipment, vehicles, or materials within the enclosed area. Such enclosure or screen shall be subject to site plan approval.



**Section 20.17 Temporary Dwellings**

**A. Authorization:** Temporary dwellings are prohibited except as provided for by this Section.

**B. Emergency Housing and New Home Under Construction:** The Zoning Administrator shall have the authority to approve a temporary zoning permit to use a mobile home as a temporary dwelling in the case of (1) and (2) below. Said permit shall be in effect for twelve (12) months and the Planning Commission may grant a single six (6) month extension upon a finding that the applicant has made a good faith effort to initiate and complete construction. Such permit shall be issued only on the following basis:

1. **Emergency Housing:** When a dwelling is destroyed by fire, collapse, explosion, Acts of God, or acts of a public enemy to the extent that it is no longer safe for human occupancy, as determined by the Building Inspector, a temporary zoning permit may be issued to allow a mobile home to be placed on the property upon the request of the owner. In no case shall a garage be used or authorized as a temporary dwelling.
2. **New Home Under Construction:** When a new dwelling is being constructed on a vacant lot, a temporary zoning permit may be issued to allow a mobile home on the same lot. In no case shall a garage be used or authorized as a temporary dwelling.

**C. Medical Condition of Family Member:** The Township Board shall have the authority to approve a temporary zoning permit for a mobile home as an accessory use to the principal dwelling if a medical condition exists such that the intended occupant is a family member of the occupant of the principal dwelling and requires continued supervision. Such medical condition shall be attested to by a licensed physician, stating the nature of the disorder and specifying the level and type of continued care needed by the patient. A temporary housing permit shall be granted if the Township Board finds adequate evidence of the need for supervision. Such permit issued to the party with the medical condition is for the applicant's use only and not transferable to any other owner or occupant. Said permit shall be in effect for six (6) months.

**D. Standards:** Temporary dwellings authorized by this Section shall comply with the following standards.

1. The temporary dwelling shall not be placed in a front yard and shall comply with all side and rear yard setback requirements of the District.
2. The temporary dwelling shall not interfere with emergency access to the principal dwelling.
3. Adequate measures are available for potable water and sewage disposal, in compliance with all applicable county health department rules and regulations.
4. The temporary dwelling need not comply with the dwelling standards of Section 15, but it shall contain a minimum of six hundred (600) square feet of floor area and comply with all applicable building codes.
5. The temporary dwelling shall be skirted, and it shall be fastened to the ground according to applicable building codes.
6. A performance guarantee in the amount established by the Township Board is made available from the property owner prior to placing the temporary dwelling, to ensure removal of the temporary dwelling at termination of the permit.

**E. Removal:** The temporary dwelling shall be removed from the lot no later than the termination date of the temporary permit.

**Section 20.18 Temporary Non-Residential Uses and Structures**

**A. Scope:** Temporary uses and structures may be established only under the conditions of this Section. Such temporary structures and uses may include, but shall not be limited to, temporary buildings associated with new construction projects, temporary buildings associated with school and religious facilities, temporary real estate offices part of a multi-unit residential development, garage sales, the sale of firewood on a parcel in a non-Commercial District, and large public gatherings. For the purpose of this Section, a large public gathering shall be defined as a gathering of more than two-hundred (200) persons for the purposes of entertainment of an outdoor nature such as, but not limited to circuses, carnivals, theatrical exhibitions, public shows, displays, and musical festivals, but excluding family reunions and similar family celebrations and gatherings.

**B. Application, Permit, and Conditions**

1. **Application:** An applicant shall submit a completed application for a temporary zoning permit to the Zoning Administrator on a form established for that purpose. A plot plan meeting the requirements of Section 4.03(A)

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shall be submitted with such application. The Zoning Administrator shall refer the application to the Township Board for action in the case where, in the reasonable judgment of the Zoning Administrator, the temporary use may represent a threat to the public health, safety and welfare due to the potential for large gatherings of persons and/or vehicles. The Township Board may require the submittal of a site plan prepared according to Section 4.04(B) to adequately evaluate the merits of the request.

2. Conditions of Approval: No temporary use application shall be approved, or shall such use be permitted to continue, which does not comply with the following conditions:

- a. The nature and intensity of the temporary use and the size and placement of any temporary structure shall be planned so that the temporary use or structure will be compatible with existing development.
- b. The parcel shall be of sufficient size to adequately accommodate the temporary use or structure.
- c. The location of the temporary use or structure shall be such that adverse effects on surrounding properties will be minimal, particularly regarding the traffic generated by the temporary use or structure.
- d. Off-street parking areas are of adequate size for the particular temporary use or structure and properly located. The entrance and exit drives shall be laid out so as to prevent traffic hazards and nuisances.
- e. Any lighting shall be directed and controlled so as to not create a nuisance to neighboring property owners.
- f. The Zoning Administrator may impose conditions with the issuance of the permit which are designed to insure compliance with the requirements of this Ordinance. The Zoning Administrator may revoke a permit at any time for nonconformance with the requirements of this section and a permit issued thereunder.

3. Permits: A temporary zoning permit application may be approved, modified, conditioned, or denied by the Zoning Administrator. A written temporary zoning permit shall be issued for all approved temporary uses and shall contain the following information:

- a. The applicant's name.
- b. The location and effective dates of the temporary use.
- c. Conditions specified by which the permit was issued, such as:
  - 1) use and placement of signs.
  - 2) provision for security and safety measures.
  - 3) control of nuisance factors.

4. Performance Guarantee: The Zoning Administrator may require a performance guarantee in the form of cash, certified check, irrevocable bank letter of credit, surety bond, or similar instrument acceptable to the Township Treasurer, be deposited with the Township Clerk in an amount equal to the estimated cost of removing any temporary structure authorized under this Section should it not be removed by an applicant at the end of an authorized period. The applicant shall similarly sign an affidavit holding the Township harmless against any claim for damages if the Township were to subsequently use the performance guarantee to remove the temporary structure after its authorized period had expired. The performance guarantee shall be returned when all the terms and conditions of the temporary zoning permit have been met and the temporary use or structure has been removed.

C. Garage Sales: A temporary zoning permit shall not be required for garage sales, rummage sales, yard sales, moving sales, and similar activities. However, such activities shall comply with the following:

1. A single garage sale, rummage sale or similar activity shall not exceed three (3) days in length.
2. In no instance shall more than two (2) garage sales, rummage sales or similar activity be held in any one location within any twelve (12) month period.
3. All sales activity shall be conducted a minimum of thirty (30) feet from the front lot line.
4. No sales activity shall be conducted before 8:00 a.m. or continue later than 9:00 p.m.
5. No items shall be displayed or sold that are not owned by the occupant of the premises.
6. All signs advertising a garage sale shall be removed within twenty-four (24) hours of the conclusion of said garage sale or similar activity.

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**Section 20.19 Keeping of Animals**

**A. Definitions:** For the purposes of this Section, the following phrases shall have the following definitions:

1. "Viscous animal" shall be defined as any animal that attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals.
2. "Large animal" shall be defined as any animal that can be reasonably expected to exceed a weight of one-hundred fifty (150) pounds upon reaching maturity.
3. "Small animal" shall be defined as any animal that can be reasonably expected to weigh one-hundred fifty (150) pounds or less upon reaching maturity.

**B. Keeping of Viscous Animals:** No viscous animal shall be kept permanently or temporarily in any District in the Township.

**C. Keeping of Household pets:** The keeping of household pets, including dogs cats, fish, birds, hamsters and other animals generally regarded as household pets is permitted as an accessory use in association with any residentially-used lot provided such activities do not constitute a kennel as defined in this Ordinance.

**D. Keeping of Small and Large Animals:** The keeping of small and large animals as an accessory use to the principal residential use of a lot shall be restricted to Conservation and Residential Districts only, as provided below in (1) and (2). This subsection (D) shall apply only to the keeping of non-household pets as accessory to the principal residential use of a lot, including private stables, and shall not apply to a farm.

1. Keeping of Small and Large Animals in Residential Districts:
  - a. The keeping of large animals in a Residential District is prohibited.
  - b. The keeping of small animals in a Residential District is permitted in compliance with subsection (E) below.
2. Keeping of Small and Large Animals in Conservation Districts: The keeping of small and large animals in a Conservation District is permitted in compliance with subsection (E) below.

**E. Standards:** The raising and keeping of small and large animals as authorized in subsection (D) above shall comply with the following:

1. Animals shall be managed by the occupants of the premises.
2. No electrical fencing shall exceed twelve (12) volts.
3. All such raising and keeping or killing and dressing of poultry and animals processed upon the premises shall be for the use or consumption by the occupants of the premises only.
4. The occupants of the premises shall keep the odor, sounds and movement of the animals from becoming a nuisance to adjacent properties.
5. No storage of manure, offal, or odor or dust producing materials or use, shall be permitted within one hundred (100) feet of any adjoining lot line.
6. Any structure used to house animals shall be set back a minimum distance of one hundred fifty (150) feet from an existing residence. Otherwise, such structures and areas to which animals have access to graze shall be setback a minimum distance of fifty (50) feet from front, side and rear lot lines.
7. The minimum lot area and maximum animal density shall be as follows:
  - a. A minimum lot area of three (3) acres is necessary for the keeping of a large animal in a Conservation District, and two (2) additional acres of land shall be provided for each additional large animal.
  - b. A minimum lot area of two (2) acres is necessary for the keeping of a small animal in a Conservation or Residential District, and one-half (1/2) additional acre of land shall be provided for each additional small animal.
8. Newly born horses, cows, donkeys, mules and other animals that exceed forty pounds (40 lbs.) in weight at birth may be maintained on said parcel for up to six (6) months provided the maintenance of such animals on the premises does not increase the permitted number of animals beyond the limitations of subsection (7) above by more than fifty percent (50%). Newly born pigs, sheep, and other animals that do not exceed forty pounds (40 lbs.) in weight at birth may be maintained on said parcel for up to sixty (60) days where such maintenance would increase the permitted number of animal units beyond the limitations of subsection (7).
9. Maintenance of animals and operation of private stables shall be in conformance with all applicable county, state, and federal regulations.

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10. All animal facilities shall be constructed and maintained so that dust and drainage from the facilities shall not create a nuisance or hazard to adjoining property or uses.
11. No living quarters shall be located in any private stable.

**Section 20.20 Accessory Uses, Buildings, and Structures**

**A. Scope:** Accessory buildings, structures and uses, except as otherwise permitted in this Ordinance, shall be subject to the regulations of this Section. This Section shall not apply to accessory uses, buildings and structures part of a farm operation.

**B. Placement/Setbacks:**

1. No accessory building or structure shall be located in a front yard, and no garage, whether attached or not attached to a dwelling, shall project more than five (5) feet beyond the dwelling's facade as viewed from the front lot line.
2. An accessory building or structure, including carports which are attached to the principal building, shall be set back a minimum distance of five (5) feet from a rear lot line except that, where such rear lot line abuts a adjoining side lot line, as in the case of a corner lot, such minimum setback shall be increased to ten (10) feet.
3. An accessory building or structure, including carports which are attached to the principal building, shall comply with side yard setback requirements applicable to the principal building.
4. Breezeways, as an attachment between the garage or carport and the main building, shall be considered a part of the main building.

**C. Height:**

1. In Conservation and Residential Districts, accessory buildings shall not exceed twenty-two (22) feet in height provided that, for each one (1) foot in height in excess of fifteen (15) feet, the required setback of subsection (B) above shall be increased by one (1) foot.
3. Accessory buildings in Commercial or Industrial Districts may be constructed to equal the permitted maximum height of principal structures in said Districts, subject to site plan approval.

**D. Lot Coverage:**

1. In Residential Districts, and in Conservation Districts on lots of two (2) acres or less in size, accessory buildings and structures shall not occupy more than a cumulative total of thirty percent (30%) of the rear or side yard in which they are located, and shall not occupy more than a total of one thousand (1,000) square feet.
2. In Conservation Districts on lots greater than (2) acres in size, the total area of such accessory buildings or structures shall not exceed one thousand five hundred (1,500) square feet.

**E. Habitation of Accessory Structures:** No accessory building or structure shall be used or occupied as a dwelling. See Section 20.05, Temporary Dwellings.

**F. Prior to a Principal Structure:** Accessory buildings and structures may be erected on a lot or parcel prior to the establishment of a principal structure provided the landowner submits a plot plan or site plan to the Zoning Administrator pursuant to Article 4 and the Zoning Administrator finds that such building or structure will not hinder the future erection of a principal building(s) in conformance with all setback and other site development requirements of this Ordinance. Accessory buildings and structures approved for erection on a lot or parcel prior to the establishment of the principal structure shall be appropriately landscaped to be harmonious in appearance and character with surrounding properties. Such landscaping shall be identified on the plot plan or site plan and shall be installed within four (4) months of substantial completion of construction of the accessory buildings or structures.

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**End of Article 20**