

1 **JEROME TOWNSHIP ORDINANCE NO. 98**

2
3 An ordinance to amend the "Jerome Township Zoning Ordinance no. 1" as
4 amended, Midland County, Michigan.

5
6 The Township of Jerome, Midland County, Michigan, pursuant to the authority
7 vested in it by the Zoning Enabling Act 110 of State of Michigan for 2006, as
8 amended, hereby amends the "Jerome Township Zoning Ordinance no. 1" as
9 amended to read as follows:

10
11 **ZONING ORDINANCE OF JEROME TOWNSHIP**
12 **Midland County, Michigan**
13

14 An ordinance to establish zoning districts within the unincorporated
15 portions of Jerome Township, Midland County, Michigan, in accordance with
16 Zoning Enabling Act 110 of the State of Michigan for the year 2006, as
17 amended, to encourage certain uses of the land therein and regulate the
18 location, size, area and height of buildings thereon and provide for the
19 administration and enforcement thereof.

20
21 The Township of Jerome, Midland County, Michigan, pursuant to the authority
22 vested in it by Zoning Enabling Act 110 of the State of Michigan for 2006, as
23 amended, ordains:

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25
26 **ARTICLE I**
27 **TITLE AND PURPOSE**
28

29 **Section 1.01 - Title**

30 This ordinance shall be known as the "Zoning Ordinance of Jerome
31 Township."
32

33 **Section 1.02 - Purpose**

34 The fundamental purpose of this ordinance is to promote the public
35 health, safety, convenience, morals and general welfare. The provisions are
36 intended to encourage the use of lands and natural resources in the township in
37 accordance with their character and adaptability; to provide for the orderly growth
38 of the township; to protect the character and economic stability of agricultural,
39 residential, commercial, recreational and other local areas within the township; to
40 provide for safety in traffic and vehicle parking; to prevent the improper use of
41 land and structures; to facilitate the establishment of adequate and economic
42 systems of water, sewage, drainage and other public facilities; to conserve the
43 expenditures of funds for the public improvement and services in order to provide
44 the most advantageous uses of land, resources and properties.
45

46 **Section 1.03 - Scope of Regulation**

47 No structure or tract of land, or part thereof, shall hereafter be used
48 or occupied, and no structure, or part thereof, shall be erected, altered, or
49 moved, except in conformity with the provisions of this Ordinance.
50 Furthermore, any business or organization in violation of local, state or
51 federal law is prohibited from locating or operating within the Jerome
52 Township. However, where a building permit for a building or structure has
53 been issued in accordance with law prior to the effective date of this
54 Ordinance and construction is begun within six (6) months of the effective
55 date, said building or structure may be completed in accordance with the
56 approved plans. Any subsequent text or map amendments shall not affect
57 previously issued valid permits.

58
59 By resolution, the Jerome Township board declined to adopt an ordinance
60 authorizing any of the five types of medical marihuana facilities authorized
61 by PA 281 of 2016, a “marihuana facility shall not operate in Jerome
62 Township”, this includes growers, processors, secure transporters,
63 provisioning centers, and safety compliance facilities.
64

65 **Section 1.04 - General Procedure**

66 For the purpose of this ordinance all of the unincorporated area in the
67 township of Jerome except state owned land, has been divided into districts of
68 varied shape, kind and area, called "districts" and regulations adopted for each
69 such district, but with due consideration for the character of each district, its
70 particular suitability for particular purposes and the general trend of land,
71 buildings and population growth. Districts shall be of such number, kind and
72 area and of such common unity of purpose, adaptability or use that are deemed
73 most suitable to conserve the value of buildings and to encourage the most
74 appropriate use of land throughout the township.
75

76 **Section 1.05 - Conflict With Other Laws**

77 Should any provision of this ordinance conflict with any other law, then the
78 provisions of the more stringent requirements, regulations, restrictions, or
79 limitations shall govern.
80

81 **Section 1.06 – Public Notification**

82 The Planning Commission shall hold a public hearing or hearings upon
83 application for a special use permit, site plan review, and zoning change
84 requests. All notices must be published once in a newspaper of general
85 circulation within the Township of Jerome at least 15 days before the date of the
86 meeting or hearing.
87

88 The notice must:

- 89
90 1. Describe the nature of the zoning request, application, or action.
91 2. State the time, date, and place of the meeting.
92 3. Indicate the street address of the property that is the subject of the
93 request.

94 4. Indicate when and where written comments will be received concerning
95 the request.
96

97 Notices must be sent by mail or personal delivery to all property owners and
98 occupants of structures within 300 feet of the property and to the owners of the
99 property for which the approval is being considered.
100

101 For zoning text amendment public hearings, a mail notice must be sent to the
102 each public utility, telecommunication service provider, and railroad operating in
103 the Township to the extent that the entity has registered their name and address
104 with the Township Clerk for the purpose of receiving public hearing notices.
105

106 **Section 1.07 - Permits, Petition Requirements**

107 Property taxes, township fees, and all governmental liens must be
108 current, paid and up to date in order to obtain a building permit or to apply
109 for a site plan, special use, variance, or rezoning.
110

111 **ARTICLE II**
112 **DEFINITIONS**

113 **Section 2.02 – Definitions**
114

115 **Access Property**

116 A property, parcel, or lot abutting a lake, and used or intended to be used,
117 for providing access to a lake by pedestrian or vehicular traffic to and from
118 offshore land.
119

120 **Accessory Buildings**

121 A supplementary building or any structure on the same lot or parcel of
122 land as the main building. Any structure greater than 120 sq. ft. is
123 considered an accessory building. Such use shall not include any
124 accessory building for a dwelling.
125

126 **Access Property**

127 A property, parcel, or lot abutting a lake, and used or intended to be used,
128 for providing access to a lake by pedestrian or vehicular traffic to and from
129 offshore land.
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131 **Accessory Use**

132 A use naturally and normally incidental to, subordinate to, and devoted
133 exclusively to the main use of the land or buildings.
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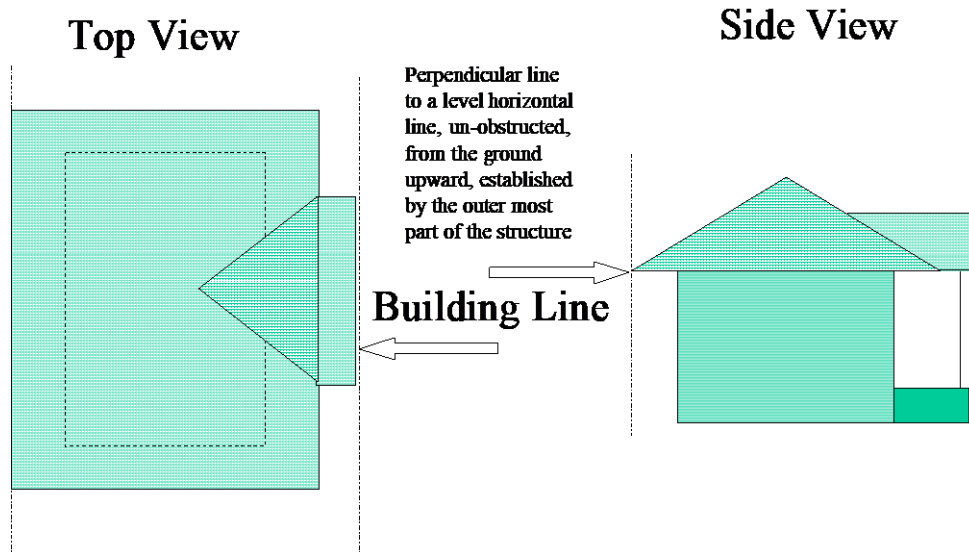
135 **Adult Media**

136 Magazines, books, slides, prerecorded storage devices, or other media
137 that are distinguished or characterized by their emphasis on matter
138 depicting, describing, or relating to sexually oriented hard-core material.
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140 **Adult Media Store**

141 An establishment that rents and/or sells adult media, and /or advertises or
142 holds itself out in any form as “XXX,” “adult,” “sex”.
143
144 **Adult Motion Picture Theatre**
145 An establishment emphasizing or predominately showing sexually
146 oriented movies.
147
148 **Adult theatre**
149 A theater, concert hall, auditorium, or similar commercial establishment
150 which regularly features persons who appear in a state of nudity or semi-
151 nude, or live performances which are characterized by the exposure of
152 specified anatomical areas or by specified sexual activities.
153
154 **Alley**
155 A public thoroughfare or way which affords only a secondary means of
156 access to abutting property.
157
158 **Agriculture**
159 The use of land for tilling of the soil, the raising of tree and field crops and
160 animal husbandry.
161
162 **Altered**
163 Any change in usage, location, square footage, or height of a building.
164
165 **Apartment**
166 See the definition of dwelling, multiple family.
167
168 **Basement**
169 That portion of a building partly below average grade.
170
171 **Building**
172 An independent structure having a roof supported by columns or walls
173 resting on a foundation.
174
175 **Building Height**
176 The vertical distance measured from the highest finish grade to the
177 highest point of the roof.
178
179
180 **Building Line:**
181 A horizontal line parallel to the structure wall, established by a vertical line, 90
182 degrees to a level horizontal line, un-obstructed, from the ground upward,
183 established by the outer most part of the structure.

Building Line Definition



184

185 **Building Line - Front:**

186 The building line on the street side of the building.

187

188 **Building Line - Side:**

189 The building line on the side of the building relative to the front building line.

190

191 **Building Line - Rear:**

192 The building line opposite the front building line.

193

194 **Carports**

195 Portable or Stationary carports of any type shall be considered accessory
196 buildings.

197

198 **Commercial Vehicle**

199 Any motor vehicle licensed as a commercial vehicle.

200

201 **Condominium unit**

202 A portion of a condominium subdivision designed and intended for
203 occupancy or use by the unit owner consistent with the provisions of the
204 master deed. A Condominium unit is not a lot or a parcel as those terms
205 are used in this ordinance.

206

207 **Condominium use**

208 Any use as defined in the master deed.

209

210 **Display Publicly**
211 The act of exposing, placing, posting, exhibiting, or in any fashion
212 displaying in any location, whether public or private, an item in such a
213 manner that it may be readily seen and its content or character
214 distinguished by normal unaided vision viewing it from a street, highway,
215 or public sidewalk, or from the property of others, or from any portion of
216 the premises where items and material other than adult media are on
217 display to the public.

218
219 **Driveways**
220 A way or means of approach which provides access to one or more
221 principal buildings under one ownership and which is constructed and
222 maintained by the owner and is not dedicated for general public use.
223 Driveways must meet the specifications of the Midland County Road
224 Commission, a county permit is required for new or modified connections
225 to a public road.

226
227 **Dwelling**
228 A building used as the living quarters for one or more families.

229
230 **Dwelling Area**
231 The dwelling area of a dwelling unit is composed of sleeping rooms,
232 kitchen, dining room, bathrooms, family rooms, dens, hallways, closets,
233 entry ways, and living rooms.

234
235 **Dwelling Unit**
236 That portion of a dwelling providing complete living quarters for one family.

237
238 **Dwelling, One-Family**
239 A detached dwelling designed for or occupied exclusively by one family.

240
241 **Dwelling, Two-Family**
242 A dwelling designed for or occupied exclusively by two families living
243 independently of each other.

244
245 **Dwelling, Multiple Family**
246 A dwelling used and designed as a residence for three or more families,
247 living independently of each other.

248
249 **Electronic Video Media**
250 Films, motion pictures, video cassettes, slides, digital video disks, or other
251 similar electronic, digital, or mechanical image productions, characterized
252 by an emphasis on the display of specified sexual activity or specified
253 anatomical areas.

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255 **Essential Services**
256 As defined by state law.

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Family

A family is any number of persons living on the premises comprising a single housekeeping unit and related by blood or marriage, and including the domestic employees thereof.

Farm

Any parcel of land which is used for gain in the production of field and tree crops, livestock, poultry and dairy products.

Fence

A constructed barrier used to prevent or control entrance, confine within, or mark a boundary. For the purpose of this ordinance an open fence has 80% clear vision, a privacy fence has less than 80% clear vision.

Foster family home

A private home in which 1 but not more than 4 minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan adoption code, chapter X of the probate code of 1939, 1939 PA 288, MCL 710.21 to 710.70, are given care and supervision for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent or legal guardian.

Foster family group home

A private home in which more than 4 but fewer than 7 minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan adoption code, chapter X of the probate code of 1939, 1939 PA 288, MCL 710.21 to 710.70, are provided care for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent or legal guardian.

Family day care home

A private home in which 1 but fewer than 7 minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year.

Garage

A building used for storage purposes by a family or families living on the premises.

Group day care home

303 A private home in which more than 6 but not more than 12 minor children
304 are given care and supervision for periods of less than 24 hours a day
305 unattended by a parent or legal guardian, except children related to an
306 adult member of the family by blood, marriage, or adoption. Group day
307 care home includes a home in which care is given to an unrelated minor
308 child for more than 4 weeks during a calendar year.

309

310 **Home Occupation**

311 An occupation conducted solely by members of a family residing on the
312 premises.

313

314 **Junk Yard**

315 A place, structure, or parcel of land where junk, discarded waste, salvage,
316 or similar materials such as old iron or other metal, wood, lumber, glass,
317 paper, rags, cloth, bagging, cordage, barrels, containers, etc., are bought,
318 sold, exchanged, baled, packed, disassembled, stored, including auto
319 wrecking yards, used lumber yards, house wrecking yards, and places or
320 yards for use of salvaged house wrecking and structural steel materials
321 and equipment.

322

323 **Kennel**

324 Any premises where four (4) or more licensable dogs are maintained, or
325 boarded for gain or are kept for the purpose of sale.

326

327 **Land Fill**

328 A solid waste disposal area as defined by the rules and regulations
329 promulgated by the State of Michigan in accordance with Public Act No.
330 641 the Solid Waste Management Act of 1978, as amended.

331

332 **Loading Space**

333 An off-street space on the same lot with a building, or group of buildings,
334 for the temporary parking of a vehicle while loading and unloading
335 merchandise or materials

336

337 **Lot**

338 A parcel of land which is a part of a subdivision and is shown on a map
339 thereof, or described by metes and bounds.

340

341 **Lot, Corner**

342 A corner lot is a lot of which at least two adjacent sides abut for their full
343 length upon a road, provided that such sides intersect at an angle of not
344 more than 135 degrees. A lot abutting upon a curved road or roads shall
345 be considered a corner lot if the tangents to the curve at its points of
346 beginning within the lot intersect at an interior angle of not over 135
347 degrees. In the case of a corner lot with a curved road line the corner
348 shall be considered to be that point on the road lot line nearest to the
349 point of intersection of the tangents here described.

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Marihuana

Also known as marijuana or cannabis. That term shall have the meaning given to it in section 7601 of the Michigan public health code, 1978 PAS 368, MCL 333.7106, and as is referred to in section 3(d) of the Michigan Medical Marihuana Act, P.A. 2008, Initiated Law, MCL 333.26423(d). Any other term pertaining to marihuana used in this section and not otherwise defined shall have the meaning given to it in the Michigan Medical Marihuana Act and/or in the General Rules of the Michigan Department of Community Health issued in connection with that Act.

Media

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

Media shop

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

Medical Use of Marihuana.

The acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition, as defined under the Michigan Medical Marihuana Act, P.A. 2008, Initiated Law, MCL333.26423(d).

Mobile Home

A titled structure, which is built on a chassis and designed for minimal conveyance upon a public thoroughfare; and is constructed in such a manner as will permit occupancy thereof as a permanent dwelling.

Mobile Home Park

A parcel of land upon which three or more mobile homes are located for dwelling purposes.

Motel

396 An establishment where individual rooms or suites are rented to transients
397 and shall not be construed to be a multiple dwelling.

398

399 **Nonconforming Use**

400 The use of land or structures that does not conform to the regulations of
401 the District in which it is situated.

402

403 **Open Spaces**

404 See Section 11.12

405

406 **Parcel of Land**

407 Land under one ownership.

408

409 **Premises**

410 A parcel of land together with the buildings thereon.

411

412 **Ponds**

413 When more than 1200 square feet in surface area requires a site plan
414 review by the Planning Commission and a township pond permit by the
415 building inspector.

416

417 **Private Road**

418 A way or means of approach which provides access to two or more
419 principal buildings, and which is constructed and maintained by the owner
420 or owners and is not dedicated for general public use. Parking aisles and
421 parking lot maneuvering lanes shall not be construed to be private roads.

422

423 **Public Road**

424 A way or means of approach which provides access and which is
425 constructed to the Midland County Road Standards and is dedicated for
426 general public use and maintained by the Midland County Road
427 Commission.

428

429 **Right of Way**

430 A public or private thoroughfare or easement of access including
431 waterways.

432

433 **Right of Way Line**

434 The established right-of-way line or if not established shall be thirty-three
435 (33) feet from the center of the road.

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437 **Road or Street**

438 A public or private thoroughfare used for vehicular travel.

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440 **Rooming House**

441 A dwelling in which rooms are rented to 1 or more persons.

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Service Stations

Any area of land including the structures thereon, that is used or designed to be used for the retail supply of gasoline, oil, other fuels and which may include facilities used or designed to be used for polishing, greasing, washing, spraying, dry cleaning, cleaning or servicing such motor vehicles, including towing service.

Sexually Oriented Business

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

Sexually Oriented Toys or Novelties

Instruments, devices, or paraphernalia either designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs.

Storage shed

A small structure with four enclosed side walls, a peaked roof, or a single sloped roof (such as a potting shed), and the roof will have a minimum of 15 degree of roof pitch regardless of shed style. A shed may or may not be built from a prepackaged kit and may or may not be located on a concrete slab or be anchored. A storage shed shall have maximum floor dimensions of 10 feet X 12 feet, overhang of less than 1 foot on a side, and be a maximum of 10 feet 6 inches tall from grade. Note: Larger overhangs than 1 foot per side is permitted but the excess will count as part of the floor dimension. Storage sheds must be positioned and designed to be portable or movable if conditions require. Storage Sheds described here are not considered accessory buildings as defined in Jerome Township Ordinance NO. 98 and do require a zoning permit, if they meet all requirements set forth in this ordinance. Storage Shed “like structures” with a floor area of less than 25 square feet (i.e. 5 foot X 5 foot) some examples of which are (but not limited to) very small storage units, children bus shelter, wood box, dog house, etc. are exempted from the requirements of this ordinance.

Structure

Any combination of materials to form any type of construction whatsoever. Some examples of structures include but is not limited to; sheds, fences, signs, and decks.

Special Use

Hearing required, see Article X.

Towers

See Section 11.13.

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Tourist Home

A dwelling in which overnight accommodations are rented to transient guests.

Variance

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

Wireless Communication Facilities

See Section 11.13.

Yard, Front

An unoccupied space between the road right-of-way and the front building line.

Yard, Rear

An unoccupied space between the rear property line and the rear building line.

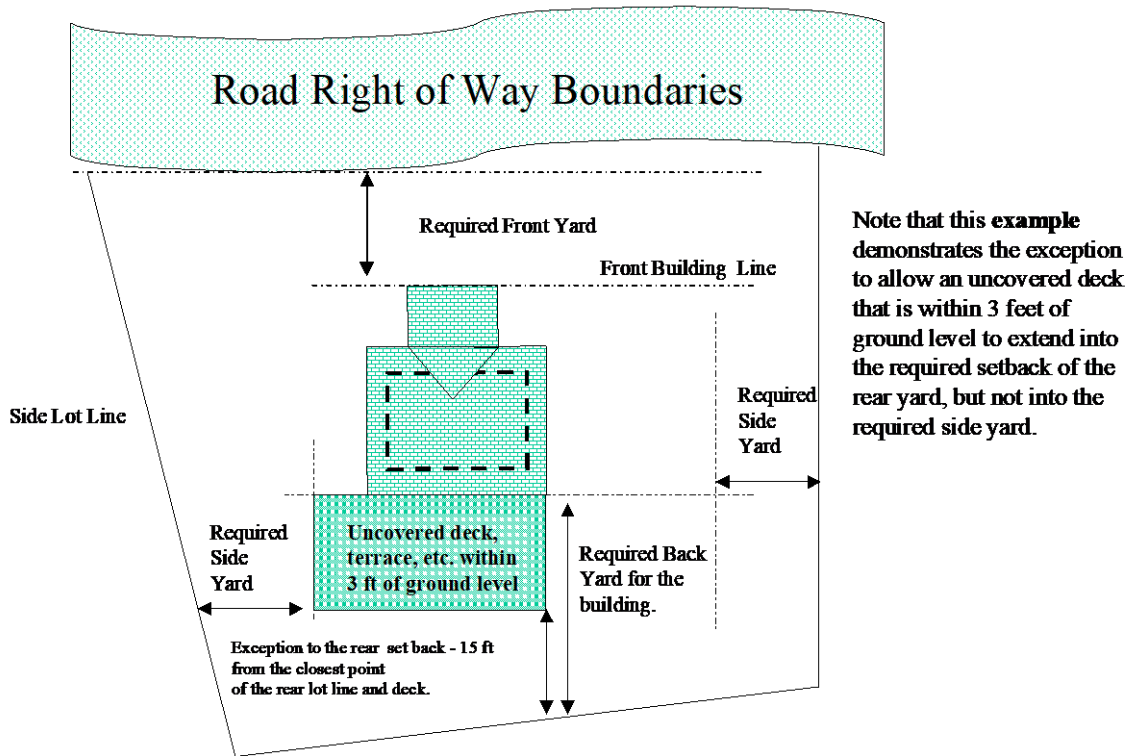
Yard, Side

An unoccupied space between the side building line and the adjacent side property line.

Yard Requirements – permitted projection into required yard requirement:

An open unenclosed and uncovered porch, paved terrace, or deck within 3 feet of ground level, may project no further than 10 feet in the required front yard nor more than 15 ft into the required back yard. No projection into the side yard requirement is permitted. Any porch, terrace, deck, or balcony, which is enclosed, shall meet the minimum set back requirements of the main building or accessory building to which it is attached. Sidewalks and driveways at ground level have no set back requirement within the property boundary.

Yard Projection Example - Uncovered Deck in Rear Yard



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Section 2.03 Undefined Terms

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

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**ARTICLE III
ESTABLISHMENT OF DISTRICTS AND ZONING MAP**

Section 3.01

For the purpose of this ordinance all of the unincorporated area in the township of Jerome except state owned land is hereby divided into the following districts, to be known as, and having the following symbols:

- District A - Residential, One Family
- District B - Residential, Multiple Family
- District C - Commercial, Business
- District D - Commercial, General
- District E - Agricultural
- District F - Industrial

Section 3.02 - Zoning Map

Said districts are bounded and defined as shown on a map entitled "Zoning Map of Jerome Township" which accompanies and which, with all explanatory matter thereon, is hereby made a part of this ordinance.

Section 3.03 - Location of District Boundaries

- Where the boundaries of districts are so indicated that they appear as:
- A. approximately following the center lines of streets or highways or
 - B. approximately following platted lot lines or
 - C. approximately following shorelines or
 - D. approximately following the center lines of streams or rivers shall be construed as such. If no distance is indicated such dimensions shall be determined by use of the scale on said Zoning Map.

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ARTICLE IV
DISTRICT A - RESIDENTIAL, ONE FAMILY

Section 4.01 - Uses Permitted

No building or structure, or any part thereof, shall be erected, altered, or used, or land or premises used, in whole or in part, for other than one or more of the following specified uses:

1. Detached one-family dwellings
2. Home occupations when carried on by the occupants within the dwelling and/or garage. The home occupation, activities, processes, materials, equipment, and conditions of the home occupation will not be detrimental to the public welfare, persons or property by reason of excessive production of traffic, noise, smoke, fumes, flare, or odors.
3. Tourist homes
4. Accessory uses, buildings and structures customarily incidental to any of the above permitted uses, including not more than one unattached accessory building with side walls not to exceed twelve (12) feet in height from the floor level to the top of the upper plate, with ground floor square footage not to exceed 600 square feet or 3% of the lot area whichever is greater not to exceed 1200 square feet on large lots. The structures must have finished exterior siding, within which may be stored not more than one commercial vehicle.
5. The keeping of not more than two (2) roomers or boarders and state licensed residential facilities as per PA 110 section 125.3206 as amended.
6. Unlighted Signs pertaining to the sale, lease or rental of a lot or building placed thereon, shall not exceed eight (8) square feet in area on any one parcel. Unlighted General signs not to exceed 2 square feet on any one parcel when flush mounted to the dwelling or garage.
7. Recreational vehicles, campers, tents or similar movable structures shall not be considered and or used as accessory buildings or structures.
8. No more than one storage shed per residential dwelling is allowed. Storage Sheds are not allowed to be used for temporary living quarters, dwelling, camping; storing or parking automobiles. All trailers, a few examples of which are, recreational vehicles, campers, tents, livestock trailers, construction trailers, shall not be considered sheds under this ordinance or used as Storage Sheds.
9. No trailer, RV, pop-up tent camper, motor home, travel trailer, fifth wheel, tent or any noncompliant dwelling structure within the zoning district may be used as living space outside the boundaries of a state licensed campground for more than 30

614 days per calendar year provided safe water and access to
615 sanitary waste facilities are available on the premises.
616 10. Each residence is allowed 4 “garage or yard sales” for a
617 maximum of 5 days each with at least 30 days between sales
618 per calendar year. Garage sales must be managed in any
619 district in which they are held so as not to create traffic hazards
620 or impinge on neighbors to the extent they create a nuisance.
621 All signs must be removed at the end of the sale and the
622 owners address shall be identified on each sign.

623 **11. Special uses as provided by Article X:**

- 624 A. Privately owned and publicly owned cemeteries.
- 625 B. Schools and educational institutions.
- 626 C. Hospitals, sanitariums and rest homes.
- 627 D. Institutions of a philanthropic or charitable nature.
- 628 E. Public utility substations, buildings and towers
629 including law enforcement, fire protection, and
630 emergency medical facilities.
- 631 F. Churches, missions, and other buildings where
632 meetings of a religious nature are to be held,
633 however, no live-in facilities beyond that which are
634 normally allowed as dwellings for that district will be
635 allowed.
- 636 G. Libraries and museums.
- 637 H. State licensed residential group day care homes as
638 per PA 110 section 125.3206 as amended.
- 639 I. Open Space Preservation - see Section 11.12
- 640 J. Wireless Communication Facilities - see Section
641 11.13
- 642 K. Conversion of an accessory structure to a dwelling.

643
644 **Section 4.02 - Size of Dwelling Lots**

645 Every parcel of land upon which a dwelling is hereafter erected or altered
646 shall be not less than 15,000 square feet in area nor less than one hundred
647 (100) feet in width at the building site; provided, however that this requirement
648 shall not apply to a parcel of land less in size than said area and identified under
649 one ownership on record prior to November 5, 1968. Every parcel of land shall
650 provide a minimum width of thirty (30) feet at the point of access to the premises.
651

652 **Section 4.03 - Yard Requirements**

653 Every lot on which a building is erected shall have a front yard not less than
654 twenty-five (25) feet in depth from the right-of-way, a rear yard of not less than
655 thirty-five (35) feet in depth and side yards of each side not less than ten (10)
656 feet in width. Side yards of lots may be reduced to eight (8) feet, provided the
657 lots are of legal record on November 5, 1968, and are seventy-five (75) feet or
658 less in width .
659

660 **Section 4.04 - Floor Area of Dwellings**

661 No dwelling shall be erected or altered which provides less than nine
662 hundred (900) square feet of floor area at the first floor level with a minimum
663 width of 20 linear feet exclusive of any garage area or area in any accessory
664 structure.

665

666 **Section 4.05 - Side Yards of Corner Lots**

667 The width of a side yard of a corner lot abutting on a right-of-way shall not
668 be less than the minimum front yard required on an adjoining lot fronting on such
669 side right-of-way.

670

671 **Section 4.06 - Height**

672 No buildings or structure, used for dwelling purposes, or any part there- of,
673 shall be erected or altered to a height exceeding two and one-half (2 1/2) stories
674 or thirty-five (35) feet.

675

676 **Section 4.07 - Storage shed Location, Uses**

677 Storage Sheds can be located on the property subject to the
678 following conditions.

679

680 1. Storage Sheds can be located no closer than one (1) ft from the
681 side or rear property lines, accessory buildings, or main
682 buildings. This distance is measured from the closest shed point
683 i.e. (this includes but is not limited to the shed, side wall, roof
684 edge, foundation, etc.) to the nearest property line, or building
point.

685

686 2. A shed may be located in front yards but must be at least 25 feet
687 away from the road right of way and meet all other setbacks. On
688 waterway side of lake lots sheds are not to be more than 3 foot
689 above finish grade at the rear dwelling building line. It is
690 recommended that shed owners consider placement and
691 landscaping to make it blend into the neighborhood as much as
possible.

692

693 3. Sheds may not be located within 8 ft of an adjacent property
owner dwelling.

694

695 4. No sheds are permitted within the side yard area on lots with
non-conforming side yard set backs of less than 8 ft.

696

697 **Section 4.08 Fences**

698 Fences in residential areas shall be constructed from conventional fencing
699 material such as wood, metal, vinyl, or brick/rock with mortar joints. Barbed wire,
700 razor wire, snow fence, shipping crates, chicken wire, farm fence, concrete
701 reinforcing wire/grid, tree stumps, stacked broken concrete/ loose bricks or rocks,
702 dirt piles, and similar non-residential fencing material is not allowed. Fences that
703 carry electric current, or any fence guard wall, or other protection upon which any
704 spike, nail, or non ornamental pointed instrument of any kind is fixed, attached or
705 placed shall not be permitted. Fence owners must maintain fences. An installed
706 fence does not constitute an ownership boundary.

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ARTICLE V
DISTRICT B - RESIDENTIAL, MULTIPLE FAMILY

Section 5.01 - Uses Permitted

No building, structure or part thereof shall be erected, altered or used on land or premises in whole or in part, for other than one of the following specified uses:

1. Uses permitted in District A (Section 4.01 of this ordinance) including all approvals required therein.
2. Two-family dwellings and apartment buildings.
3. Rooming house.
4. Mobile home
5. Unlighted general signs not to exceed 2 square feet on any one parcel.

Section 5.01.6 - Special Uses as provided by Article X

1. All special uses allowed in District A.
2. Community Buildings
3. Private resorts, recreational camps and parks.
4. Fraternal lodges, country clubs, private clubs and similar civic or social organizations.

Section 5.02 - Size of Dwelling Lots

Every parcel of land upon which a dwelling is hereafter erected or altered shall not be less than ten thousand (10,000) square feet in area nor less than seventy (70) feet in width at the building site, provided, however, that this requirement shall not apply to a parcel of land less in size than said area and identified under one ownership on record prior to November 5, 1968. Every parcel of land shall provide a minimum width of thirty (30) feet at the point of access to the premises.

Section 5.03 - Yard Requirements

The same as is provided in Section 4.03 of ARTICLE IV of this ordinance.

Section 5.04 - Floor Area of Dwellings

No dwelling shall be erected or altered which provides less than six hundred (600) square feet of dwelling area at the first floor level.

Section 5.05 - Side Yards of Corner Lots

The width of a side yard of a corner lot abutting on a street or right-of-way, shall not be less than the minimum front yard required on an adjoining lot fronting on such side rights-of-way, but this shall not reduce the buildable width of any lot of legal record prior to November 5, 1968 to less than twenty-six (26) feet at the building grade level.

754 **Section 5.06 - Height**
755 The same as is provided in Section 4.06 of ARTICLE IV of this ordinance.
756
757 **Section 5.07 - Storage shed Location**
758 The same as is provided in Section 4.07.
759
760 **Section 5.08 – Fences**
761 The same as is provided in Section 4.08
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**ARTICLE VI
DISTRICT D (Commercial General)**

Section 6.01 - Uses Permitted

No building or structure, or part thereof, shall be erected, altered or used, or land or premises used, in whole or in part, for other than one or more of the following specified uses and a Site Plan is required for all uses and changes in uses in District D as per Article IX.

1. All uses Permitted in Districts A, B, and C.
2. Sales, rental and service of new and used automobiles, boats, recreational vehicles, mobile homes, and trailers.
3. Retail and commercial wholesale establishments.
4. Mobile Home parks.
5. Motels and Hotels.
6. Business, professional, commercial, and philanthropic offices.
7. The repair, conversion, alteration, finishing, assembling, fabrication or storage of goods or services for sale on the premises at retail or wholesale to the ultimate consumers, provided, however, that there is not in connection therewith the operation of any machinery or the conduct of any process or activity or storage or display of goods in such manner as to be noxious or offensive by reason of the emission of odor, fumes, dust, smoke, noise, waste, or vibration.
8. Personal service establishments for direct service to customers.
9. Banks, assembly halls, hospitals, and institutions of similar nature, theaters and other places of amusement permitted by law, milk distributing stations, refrigeration lockers leased or rented for private use, armories, research and testing laboratories, mortuaries, service stations, motor vehicle sales, parking lots, radio and television stations and similar service establishments.
10. Storage buildings.
11. Concert Halls.
12. Retail Sales of Lawn and Garden Materials and Furnishings.
13. Bowling Alleys
14. Billiard Hall
15. Archery Range
16. Tennis Courts
17. Skating Rinks and forms of indoor-commercial recreations
18. Auto Wash, when completely enclosed in a building
19. Transportation Terminals
20. Golf courses
21. Veterinary hospitals or clinics, provided all activities are conducted within a totally enclosed main building.
22. Pet shops or kennels where animals are maintained in a completely enclosed building.
23. Dance studios

- 810 24. Greenhouses
- 811 25. Mechanical contractors, sales and service.
- 812 26. Monument sales
- 813 27. Printing Shops
- 814 29. Taverns
- 815 30. Lumber Yards
- 816 31. Auction Barns excluding the sale of animals
- 817 32. Accessory uses buildings and structures incidental to any of the uses
- 818 permitted in this section.
- 819 33. Permanent advertising media provided they comply with all
- 820 requirements of this ordinance as per Article XIV section 14.02 and shall
- 821 not exceed 64 square feet.
- 822 34. Laundromats
- 823 35. Special Uses as Provided by Article X
- 824 All special uses in District C.
- 825 Light manufacturing
- 826 Lighted signs

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Section 6.02 - Height

830 No building, structure, or part thereof shall be erected, or altered to a
831 height exceeding thirty-five (35) feet.

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Section 6.03 Yard Requirements

834 Every lot on which a building is erected shall have a front yard not less
835 than 50 feet in depth from any road right of way, rear yard of not less than 35
836 feet in depth and side yards not less than 20 feet in width. No parking facilities
837 shall be provided within 10 feet of a residential lot line.

838

Section 6.03.1 Size of Building Lots

840 Every parcel of land upon which a building is hereafter erected or altered
841 shall be not less than 15,000 square feet in area nor less than one hundred
842 (100) feet in width at the building site; provided, however, that this requirement
843 shall not apply to a parcel of land less in size than said area and identified under
844 one ownership on record prior to November 5, 1968. Every parcel of land shall
845 provide a minimum width of thirty (30) feet at the point of access to the premises.

846

Section 6.03.2 Floor Area of Buildings or Structures

848 No primary building shall be erected or altered which provides less than
849 600 square feet or more than 10,000 square feet of floor area at the 1st floor
850 level, exclusive of any garage area or area in any accessory building.

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DISTRICT C - (Commercial Business)

Section 6.04 - Uses Permitted

No building or structure, or part thereof, shall be erected, altered or used, or land or premises used, in whole or in part, for other than one or more of the following specified uses:

1. All uses permitted in District B.
2. Bakeries
3. Barber Shops and Beauty Shops
4. Beer and wine retail
5. Boutiques
6. Branch Banks
7. Dairy Products (Retail)
8. Dental Clinics
9. Drug Stores
10. Dry Cleaning
11. Florist
12. Furniture Stores
13. Gift shops
14. Governmental Offices
15. Grocery Stores
16. Hardware Stores
17. Insurance Offices
18. Jewelers
19. Loan Companies
20. Meat markets
21. Medical Clinics
22. Mini storage units
23. Office Buildings
24. Parking Lots
25. Photographic Studios
26. Real Estate Offices
27. Restaurants
28. Sporting Goods
29. Video stores
30. Accessory buildings and structures incidental to any of the above uses permitted in this section.
31. Unlighted signs for identification purposes not to exceed thirty two (32) square feet.

Section 6.04.32 - Special Uses as provided by Article X

1. All special uses allowed in District B.
2. Lighted signs.
3. Retail and wholesale establishments.
4. Sexually oriented business

6.05 Size of Building Lots

Every parcel of land upon which a building is hereafter erected or altered shall be not less than 15,000 square feet in area nor less than one hundred

899 (100) feet in width at the building site; provided, however, that this requirement
900 shall not apply to a parcel of land less in size than said area and identified under
901 one ownership on record prior to November 5, 1968. Every parcel of land shall
902 provide a minimum width of thirty (30) feet at the point of access to the premises.
903

904 **6.06 Yard Requirements**

905 Every lot on which a building is erected shall have a front yard not less
906 than thirty-five (35) feet in depth from the right-of-way, rear yard of not less than
907 thirty-five (35) feet in depth and side yards of each side not less than twenty (20)
908 feet in width. No parking facilities shall be provided within ten (10) feet of a
909 residential lot line.
910

911 **6.07 Floor Area of Building or Structure**

912 No primary building shall be erected or altered which provides less than
913 600 square feet nor more than 2000 square feet of floor area at the 1st floor
914 level, exclusive of any garage area or area in any accessory building.
915

916 **6.08 Side Yards of Corner Lots**

917 The width of a side yard of a corner lot abutting on a right-of-way shall not
918 be less than the minimum front yard required on an adjoining lot fronting on such
919 side right-of-way.
920

921 **6.09 Height**

922 No buildings or structures shall be erected or altered to a height
923 exceeding two and one-half (2-1/2) stories or thirty-five (35) feet.
924

925 **6.10 Required Conditions**

926 All business, servicing, or processing, except for off-street parking or
927 loading, shall be conducted within a completely enclosed building. The outdoor
928 storage of goods or material shall be prohibited.
929

930
931 **ARTICLE VII**
932 **DISTRICT E (Agricultural)**
933

934 **Section 7.01 - Uses Permitted**

935 No buildings or structure, or part thereof, shall be erected, altered or used
936 or land or premises used, in whole or in part, for other than one or more of
937 the following specified uses:
938

- 939 1. All uses Permitted in Districts A and B.
- 940 2. Farm buildings, structures, including roadside stands not to
941 exceed 160 square feet.
- 942 3. Farms, including both general and specialized farming and
943 similar agricultural enterprises. Farms must meet Right to Farm Act
944 GAAMP requirements.
- 945 4. Tourist homes, rooming houses, and mobile homes.
- 946 5. Signs not to exceed 12 square feet.
- 947 6. Accessory uses, buildings and structures incidental to any of the
948 above permitted uses, a dwelling is not required in this district
- 949 7. Kennels are permitted on 5 or more acres and subject to the
950 provisions of Midland County Regulations for Kennels.
- 951 8. **Special uses as provided by Article X.**
 - 952 a. Airstrips
 - 953 b. Privately owned and publicly owned cemeteries
 - 954 c. Churches, missions, and other buildings where meetings of a
955 religious nature are to be held, however, no live-in facilities
956 beyond that which are normally allowed as dwellings for that
957 district will be allowed.
 - 958 d. Community Buildings
 - 959 e. Foster care facilities
 - 960 f. Golf courses, ball parks, race tracks or courses or similar
961 facilities for outdoor exercise and recreation which may or may
962 not be operated for profit.
 - 963 g. Private resorts, recreational camps and parks.
 - 964 h. Public utility substations, buildings and towers including law
965 enforcement, fire protection, and emergency medical facilities.
 - 966 i. Schools and educational institutions
 - 967 j. Slaughtering, packaging, and refrigeration processing.
 - 968 k. Veterinary hospitals or clinics
 - 969 l. For buildings or structures exceeding the height limitation of
970 section 7.05
 - 971 m. Open Space Preservation - see section 11.12
 - 972 n. Wireless Communication Facilities - see section 11.13
 - 973 o. Conversion of an accessory structure to a dwelling.

974
975 **Section 7.02 - Size of Building or Dwelling Lots**

976 Every lot upon which a building or dwelling is hereafter erected or altered
977 shall be not less than one hundred thirty two (132) feet in width nor less than one
978 (1) acre in area.

979

980 **Section 7.03 - Yard Requirements**

981 The same as is provided in Section 4.03 of ARTICLE IV of this ordinance.

982

983 **Section 7.04 Floor Area of Dwellings**

984 No Dwelling shall be erected or altered which provides less than six
985 hundred (600) square feet of dwelling area at the first floor level.

986

987 **Section 7.05 - Height**

988 No building, structure, or part thereof shall be erected, or altered to a
989 height exceeding thirty-five (35) feet on parcels of 10 acres or less.

990

991
992 **ARTICLE VIII**
993 **District F (Industrial)**

994
995 **Section 8.01 - Uses Permitted**

996 No building, structure or part thereof shall be erected, altered, or moved
997 upon a premises which is intended or designed to be used in whole or in part for
998 other than one or more of the following specified purposes.

- 999 1. Uses permitted in District E (Agricultural).
- 1000 2. The manufacturing, processing, treatment or assembly of beverages and
- 1001 food products, or slaughterhouses except the refining of fats and oils.
- 1002 3. Building contractor heavy equipment yards.
- 1003 4. Machine shop and Blacksmith shop.
- 1004 5. Paint and Enameling shop.
- 1005 6. Public Utilities Service Yards and Transformer Stations.
- 1006 7. Radio and TV towers.
- 1007 8. Sand Blasting, within a building.
- 1008 9. Service Stations.
- 1009 10. Stone cutting and engraving, within a building.
- 1010 11. Warehousing, moving and storage of merchandise.
- 1011 12. Wholesaling and Distributing.
- 1012 13. Manufacturing, processing or assembly of wood products.
- 1013 14. Extrusion or stamping of metal and plastics.

1014 **Section 8.01.15 Special uses are provided by Article X.**

1015 None.

1016
1017
1018 **Section 8.02 Size of Building Lots**

1019 Every lot upon which a building is hereafter erected or altered shall not be
1020 less than 132 feet in width nor less than one (1) acre in area and shall meet the
1021 requirements for size and set-back lines as specified in Section 6.03.

1022
1023 **Section 8.03 Requirements**

1024 A Site Plan is required for all uses in District F as per Article IX including
1025 dwellings.

1026
1027 **Section 8.04 - Floor Area of Buildings or Structures**

1028 No primary building shall be erected or altered which provides less than
1029 600 square feet of floor area at the 1st floor level, exclusive of any garage area
1030 or area in any accessory building.

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**ARTICLE IX
SITE PLAN REVIEW**

Section 9.01 - Purpose

An approved site plan is necessary to ensure that the proposed use or activity is in compliance with this ordinance.

Section 9.02 - Scope

- A. The site plan, which includes those documents and drawings specified in this section, shall be required prior to receiving zoning approval and other township authorization for use, erection or enlargement of any structure or facility. The provisions of this article also apply to any use, premises, building, or structure as may be reviewed in accordance with Article X for a special use permit.
- B. A site plan for dwellings in District F are required.
- C. A site plan review is not required for one and two-family dwellings, incidental accessory buildings, barns and farm buildings.

Section 9.03 - Site Plan Requirements

A site plan review by the Township Planning Commission shall be required for all non-residential uses, buildings, or structures including public buildings, commercial uses and industrial uses. Requests for site plan review shall be made by filing the following with the Township Clerk:

- A. A legal description of the lot(s) involved including the name, address, and telephone number of the owner, developer, and/or designer; the present zoning classification of the subject parcel; a general description of the development.
- B. The boundary lines of the area including angles, dimensions and reference to a section corner, quarter section corner, or point on a recorded plat; an arrow pointing north, and the lot area of the land included in the site plan.
- C. The shape, size location and height of all existing or proposed buildings or structures.
- D. Natural features such as woods, streams, rivers, lakes or ponds, with indication as to which are to be retained and which are to be removed or altered.
- E. Existing and proposed thoroughfares, driveways, off-street parking areas, loading-unloading spaces, and sidewalks.
- F. The size and location of all existing and proposed public or private utilities including sewage disposal systems, wells or water systems.
- G. A description of adjacent uses.
- H. Any other information necessary to establish compliance with this ordinance.
- I. A review fee as determined by resolution of the Township Board based upon the cost of processing the review shall be on file with the Township Clerk for public information.
- J. Provide a master deed and documents for condominium units.

- 1079 K. Estimated project completion date
- 1080 L. The requester shall provide six (6) sets of all required documents

1081

1082 **Section 9.04 - Action on Site Plan Review**

1083 A. A hearing shall be scheduled by the Secretary of the Planning
1084 Commission within (45) days following the date of the receipt of the site
1085 plan and fee following the notification requirements of section 1.05.

1086

1087 B. Following the hearing the Township Planning Commission shall approve,
1088 disapprove, modify or alter the proposed site plan. Any required
1089 modification or alteration shall be stated in writing, together with the
1090 reasons therefor, and delivered to the applicant.

1091 C. Two copies of the approved site plan with any required modifications
1092 thereon shall be maintained as part of the Township records for future
1093 review and enforcement. Each copy shall be signed and dated by the
1094 Chairman of the Township Planning Commission for identification of the
1095 approved site plan.

1096

1097 **Section 9.05 - Criteria for Review**

1098 In reviewing the application and site plan and approving, or modifying the
1099 same, the Township Planning Commission shall be governed by the
1100 following standards:

1101 A. That there is a proper relationship between the existing streets and
1102 highways within the vicinity and service drives, entrance and exit
1103 driveways, parking areas and loading-unloading spaces to assure the
1104 safety and convenience of pedestrian and vehicular traffic.

1105 B. That the buildings, structures, and entry ways thereto proposed to be
1106 located upon the premises are so situated and designed as to minimize
1107 adverse effects therefrom upon owners and occupants of adjacent
1108 properties and the neighborhood.

1109 C. That as many features of the landscape shall be retained as possible
1110 where they furnish a barrier or buffer between the project and adjoining
1111 properties used for dissimilar purposes and where they assist in
1112 preserving the general appearance of the neighborhood or help control
1113 erosion or the discharge of storm waters.

1114 D. That any adverse effects of the proposed development and activities
1115 emanating therefrom upon adjoining residents or owners shall be
1116 minimized by appropriate screening, fencing, or landscaping.

1117 E. That all provisions of this ordinance are complied with unless an
1118 appropriate variance therefrom has been granted by the Zoning Board of
1119 Appeals.

1120 F. That all buildings and structures are accessible to emergency vehicles.

1121 G. That all surface water runoff from a site shall be drained to established
1122 or maintained public drainage ways or a properly designed private
1123 drainage retention basin on or accessible to the site.

1124 H. That the site plan as approved is consistent with the intent and purpose
1125 of zoning as stated in ARTICLE I.

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Section 9.06 - Conformity to Approved Site Plan

Property which is the subject of site plan approval must be developed in strict compliance with the approved site plan. If construction and development does not conform to such approved plan, all further construction activities shall cease upon the site until the violation is corrected.

Approval of the site plan shall be valid for a period of one year provided on-site development actually commenced within said year or the site plan approval is void.

Section 9.07 - Amendment to Site Plan

- A. A proposed amendment, modification or alteration to a previously approved site plan shall be submitted to the Planning Commission for review in the same manner as the original application.
- B. Minor changes in the location, site or character of the building and structures may be authorized by the Building Inspector if required by engineering or other required circumstances. No changes so authorized may cause a change in the use, character, or intent of the development.

**ARTICLE X
SPECIAL USE**

Section 10.01 - Authority

The Planning Commission shall have the authority as hereinafter provided to grant special use permits subject to such conditions of design and operation, safeguards and time limitations as it may determine at a public hearing and site plan review.

Application for any special use permit permissible under the provisions of this Section shall be made to the Planning Commission. Such applications shall be subject to the Jerome Township Fee schedule as amended from time to time, except that no fee shall be required of any Governmental agency. No part of such fee shall be returnable to the applicant.

Section 10.02 - Additions

Any addition to or expansion of any existing Special Use shall also require a permit issued by the Planning Commission after the requirements in Article X have been met.

Section 10.03 - Data Required in Application

An application for a special use permit shall contain the names and addresses of the property owner and all parties involved, the address and description of the property involved, a site plan as per Article IX, a statement and supporting evidence regarding the required findings set forth in Section 10.05

1172 below, provided, however, the Planning Commission shall be and is authorized
1173 to waive any data required herein.
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Section 10.04 – Hearing

The Planning Commission shall schedule a hearing following the notification requirements of Section 1.05 except as provided in reference to a 72 hour permit section.

Section 10.05 - Required Findings

The Planning Commission shall review the particular circumstances and facts of the proposed use in the light of the following required findings:

- A. That public facilities and services such as highways, fire and police protection, drainage facilities, refuse disposal and schools are adequate for the proposed use or are capable of being adequately provided by the agencies responsible therefore.
- B. That requirements for additional public services and facilities which will be created by the proposed use will not be detrimental to the economic welfare of the community.
- C. That the proposed use, activities, processes, materials, equipment, and conditions of operation will not be detrimental to the public welfare, persons or property by reason of excessive production of traffic, noise, smoke, fumes, flare, or odors.
- D. That liquids and other waste of any kind will be confined, treated or purified so as to prevent pollution of air, water or soil resources.
- E. That the proposed use at the particular location will be consistent with the intent and purposes of this ordinance.
- F. The property shall have sufficient area to accommodate all facilities for intended use such as disposal and treatment of all waste, parking, accessory buildings, isolation, and screening.
- G. That all applicable Federal, state, and local permits shall be obtained.

Section 10.06 - Determination and Issuance

The Planning Commission may determine special uses in light of the required findings and conditions specified in this ordinance. If the facts in the case establish that the required findings can be made and will be applicable to the proposed use and upon a decision by the Planning Commission, the Planning Commission shall grant and authorize the Building Inspector to issue a special use permit. In the granting of any special use permit the Planning Commission shall determine standards for the special use and/or impose such conditions of use as it deems necessary to protect the best interest of the Township of Jerome and the surrounding property and to achieve the objectives of this ordinance, and the breach of any such condition shall automatically invalidate the permit thereof.

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Section 10.07 - Reapplication

No application for a special use permit which has been denied wholly or in part by the Planning Commission shall be resubmitted for a period of six (6) months from such denial, except on the grounds of new evidence or proof of changed conditions.

**ARTICLE XI
SUPPLEMENTARY REGULATIONS**

The provisions of this ordinance shall be subject to such modifications, additions, exceptions, or limitations as herein provided by the following supplementary regulations

Section 11.01 - Temporary Structures for Dwelling Purposes Permit Required.

If a building permit has been issued for a permanent dwelling, written permission may be granted by the Building Inspector to occupy a temporary dwelling for the period covered by the building permit subject to the provisions of section 11.02, after which temporary building shall be removed or made to comply with the provisions of the Zoning Ordinance.

Section 11.02 - Required Water Supply and Sanitary Sewage Facilities

In the interest of public health and welfare every building or structure hereafter erected, altered or moved upon any premises or moored in a body of water at the shore bordering any premises and used for dwelling, commercial, or industrial purposes shall be provided with:

- A. An adequate, safe and sanitary water supply furnished under pressure through a system of pipes from a public supply if available or from a well on the premises, the site of which is approved by the Midland County Health Department and constructed in compliance with all state or local regulations.
- B. A safe and sanitary means of collecting waste from all facilities used for the disposal of human wastes and disposing of them in a septic system which, when not municipally controlled, shall be located on the property where the wastes originate. Such a system shall conform to the Midland County Health Department Regulations. Other means of disposal may be approved by the Planning Commission.

Section 11.03 Exceptions to Regulations

- A. Essential Services shall be permitted as authorized and regulated by law and subject to the provisions of Article X.
- B. Two or more dwellings may be erected on a parcel of land under one ownership provided sufficient land is assigned to each dwelling prior to construction and that conforms to the yard and area requirements of that district.

- 1265
1266 C. The height limitations of this ordinance shall not apply to buildings used
1267 for agricultural purposes, church spires, belfries, cupolas, domes,
1268 chimneys, antennas, ventilators, water tanks, bulkheads, similar features
1269 and necessary mechanical appurtenances usually carried above roof
1270 level. Such features, however, shall be erected only to such height as is
1271 necessary to accomplish the purpose they are to serve and then only in
1272 accordance with any other governmental regulations.
1273 D. When a mobile home is exchanged or relocated on the same premises,
1274 permits and inspections are required.
1275 E. No required open space of one building shall overlap the required open
1276 space of another building.
1277 F. Removal of rock, sand, gravel, topsoil, minerals and natural materials in
1278 excess of 100 cubic yards per year, together with necessary buildings,
1279 apparatus, or appurtenances incidental thereto are subject to the
1280 provisions of Article X.
1281 G. Beaches, bathhouses and boat landings, picnic grounds operated for
1282 gain are subject to the provisions of Article X.
1283 H. Carnivals, circuses, races, sport events, tent meetings, temporary signs
1284 and other transient enterprises when the activities are to be located on
1285 property, the present uses of which do not invite participation by the
1286 public, provided, however, that the Building Inspector may issue special
1287 use permits for a period not to exceed seventy-two (72) hours after he
1288 has determined that the use is in compliance with the findings listed in
1289 Section 10.05.
1290

1291 **Section 11.04 - Groundwater Quality Protection**

- 1292 A. Wastewater treatment systems, including on-site septic systems shall be
1293 located to minimize any potential degradation of surface water on
1294 groundwater quality.
1295 B. Sites which include storage of hazardous materials or waste shall be
1296 designed and constructed to prevent spills and discharges of said
1297 materials and subject to Federal, State and local regulations.
1298

1299 **Section 11.05 A - Location of Accessory Buildings and/or Structures,**
1300 **non waterway**

- 1301 1. All accessory buildings and/or structures if located in the rear
1302 yards shall be at least three (3) feet from the rear lot line.
1303 2. All accessory buildings and/or structures if located in the side
1304 yards shall be at least ten (10) feet from the side lot line or eight
1305 (8) feet from the side lot line when lots have a width of 75 feet or
1306 less.
1307 3. An accessory building and/or structure addition to the principal
1308 building on a lot shall be made structurally a part thereof, and
1309 shall comply in all respects with the requirements applicable to
1310 the principal building. This means that the addition must share a
1311 common wall, a contiguous foundation, and roof line with the

- 1312 principle building and must follow the aesthetic look of the
1313 primary structure. Unattached accessory buildings shall not be
1314 closer than ten (10) feet to the principle building.
1315 4. When a dwelling is located an unusual distance back from the
1316 road right-of-way, an accessory building and/or structure may be
1317 located between the front building line of the dwelling on the
1318 subject lot and the furthest back rear building line of the dwelling
1319 of adjacent neighbors projected across the subject lot. In the
1320 absence of an established rear building line on either piece of
1321 property adjacent to the subject lot, all accessory structures will
1322 be located at least seventy-five (75) feet back from the road
1323 right-of-way.
1324 5. In the case of a corner lot no accessory building and/or structure
1325 shall be located closer to the side road line than a distance equal
1326 to the depth of the front yard required on said lot.

1327 **Section 11.05 B. - Fences, non waterway**

- 1328 B1. Privacy fences exceeding 3 feet in height must be set back 25 feet from
1329 the road right of way line and may not to exceed seven (7) feet in height
1330 and requires permit.
1331 B2. Open fences through which there is 80% or more clear vision may be
1332 constructed not to exceed seven (7) feet in height up to the road right of
1333 way and requires permit.

1334
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1336 **Section 11.05 C - Location of Accessory Buildings and structures**
1337 **adjacent to waterways.**

- 1338 C1. In addition to section 11.05 A requirements, any accessory building
1339 and/or structure between the rear dwelling building line and the
1340 water's edge shall not exceed three (3) feet in height above finish
1341 grade at the rear dwelling building line.
1342 C2. When more than one dwelling building line is adjacent to a water's
1343 edge, all restrictions of 11.05 C1 applies to all sides adjacent to the
1344 water.

1345
1346
1347 **Section 11.05 D - Fences, waterways**

- 1348 D1. Privacy fences exceeding 3 feet in height must be set back 25 feet from
1349 the road right of way to the rear dwelling building line not to exceed seven
1350 (7) feet in height and requires permit.
1351 D2. Open fences through which there is 80% or more clear vision may be
1352 constructed not to exceed seven (7)feet in height up to the road right of
1353 way line from the rear dwelling building line and requires permit.
1354 D3. Open fences may be constructed between the dwelling building line and
1355 the waters edge not to exceed 4 feet in height from grade and requires
1356 permit. Once installed the owner shall maintain the fence including the
1357 80% or more clear vision.
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Section 11.06 - Required Off-Street Parking and Access

- A. For each dwelling, business, commercial, industrial or other similar building hereafter erected or altered, and located on a public right-of-way in the Township, and including buildings or structures used principally as a place of Public Assembly, there shall be provided and maintained suitable space off the right-of-way that is in general adequate for the parking or loading of vehicles in proportions as specified in Section 11.06 B, and such space shall be provided with safe exit to and safe entrance from a public thoroughfare, but not to exceed one (1) such exit and entrance from each thoroughfare. Such exit and entrance may be combined or provided separately. Approval for the location of such exit and entrance shall be obtained from the County Road Commission, which shall also approve the design and construction thereof in the interests of safety, adequate drainage and other public requirements. A minimum of two hundred (200) square feet, exclusive of drives, entrances, and exits, shall comprise one (1) automobile parking space.

- B. Parking Spaces Required:
 - 1. For dwellings at least one (1) parking space for each dwelling unit.
 - 2. For motels at least one (1) parking space for each individual sleeping unit or guest unit.
 - 3. For private clubs at least one (1) parking space for every two (2) of the active memberships.
 - 4. For hospitals at least one (1) parking space for each two (2) patient beds, excluding bassinets.
 - 5. For sanitariums, convalescent homes and rest homes at least one (1) parking space for each four (4) patient beds.
 - 6. For medical or dental clinics three (3) spaces for each doctor or dentist having an office in such clinic.
 - 7. For churches, theaters, auditoriums, stadiums and other places of public assemble at least one (1) space for each four (4) seats.
 - 8. For retail stores, personal service shops, business and professional office at least one (1) parking space for every two hundred (200) square feet of gross floor area in said establishment.
 - 9. Industrial or manufacturing establishments shall provide parking spaces sufficient in number to accommodate the parking of automobiles and other motor vehicles used by the firm or employee or persons doing business therein.
 - 10. Taverns shall provide at least one (1) parking space for every seventy-five (75) square feet of floor space of said establishment.

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C. Loading - Unloading Spaces Required:

1. In connection with every building or part thereof hereafter erected, except single- and two-family dwelling unit structures, there shall be provided on the same lot with such buildings, off-street loading and unloading spaces for uses which customarily receive or distribute material or merchandise by vehicle.
2. Plans and specifications showing required loading and unloading spaces including the means of ingress and egress and interior circulation shall be submitted to the Township Building Inspector for review at the time of application for a building permit for the erection or enlargement of a use or a building or structure.
3. Each off-street loading space shall not be less than the following:
 - a. For permitted residential (excluding single- and two-family dwelling unit uses) institutional, and convenience commercial uses, a loading-unloading space shall not be less than ten (10) feet in width and twenty-five (25) feet in length and, if a roofed space, not less than fourteen (14) feet in height.
 - b. For permitted general commercial industrial uses, a loading-unloading space shall not be less than ten (10) feet in width and fifty-five (55) feet in length, and if a roofed space, not less than fifteen (15) feet in height.
4. In the case of mixed uses, on one lot or parcel the total requirements for off-street loading-unloading spaces shall be the sum of the various uses computed separately.
5. All off-street loading-unloading spaces that make it necessary to back out directly into a public road shall not be permitted.

11.06 D. PARKING RESTRICTIONS:

- A. It shall be a violation for any person to park or store any motor vehicle without the express written consent of the owner, holder, occupant, lessee, agent, or trustee of such property.
- B. It shall be a violation for the owner, holder, occupant, lessee, agent, or trustee of any lot in a Residential Districts A or B to permit or allow the storage or parking in less than a fully enclosed building, either day or night, thereon of heavy commercial trucks that exceed 15,000 pounds Gross Vehicle Weight (GVW), semi-trucks and trailers, manufactured home, construction equipment, and/or any other similar equipment. Equipment necessary to be parked overnight on a lot or parcel during construction work thereon shall be exempted from this restriction.
- C. No Commercial Vehicle exceeding 15,000 GVW shall be stored or parked within any road right-of-way in Residential A or B districts except

1447 for the minimum amount of time needed to support the short term
1448 activities on the property.

1449
1450 D. On-street parking spaces shall not be counted toward the required
1451 parking for any use.

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1453 E. It shall be a violation to leave a running vehicle greater than 15,000
1454 pounds Gross Vehicle Weight unoccupied by the operator in
1455 Residential districts A and B.

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1459 **Section 11.07 - Nonconforming Uses**

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1461 A. The use of land or structures that does not conform to the regulations of
1462 the District in which it is situated prior to the enactment of Ordinance no.1
1463 as amended, may be continued providing any alteration conforms to the
1464 other provisions of this ordinance and does not constitute a public
1465 nuisance or endanger the public health, safety, or welfare. No other
1466 nonconforming use of any building, structure, or any land or premise shall
1467 be undertaken.

1468 B. If the non-conforming use of any building, structure, land or premise is
1469 changed to a conforming use, such use shall not hereafter be reverted to
1470 any non-conforming use.

1471 C. If the non-conforming use, of any building, structure, land or premise, or
1472 part thereof, is abandoned for a continuous period of 545 days, then any
1473 future use of said building, structure, land or premise shall conform in its
1474 entirety to the provisions of this ordinance.

1475 D. When district boundaries shall hereafter be changed to another type of
1476 district and use becomes non-conforming, said use may continue, but
1477 subject to all provisions of Sections 11.07, 11.08, 11.09.

1478

1479 **Section 11.08 – Reconstruction of Damaged Non-Conforming Buildings and**
1480 **Structures**

1481 Nothing in this ordinance shall prevent the reconstruction, repair or
1482 restoration and the continued non-conforming use, building or
1483 structure, damaged by fire, collapse, explosion, acts of God, acts of
1484 the public enemy, or rendered necessary by deterioration or
1485 depreciation, subsequent to November 5, 1968, provided, that such
1486 restoration and resumption shall take place within 545 days of the
1487 time of such damage; further, that said use be identical with the
1488 non-conforming use permitted directly preceding said damage. Lots
1489 must be cleaned up after restoration, reconstruction, or repair
1490 within 60 days. A complete restoration or reconstruction of a non-
1491 conforming use shall require a site plan review with the intention of
1492 making the use or structure more conforming, if not built on the
1493 same footprint. The building inspector may require a site plan

1494 review of any partial restoration or reconstruction of a non
1495 conforming use.

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1499 **Section 11.09 – Private Roads and Driveways**

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1501 **Driveways**

1502 A. New driveways or modified driveway connections to a private road require
1503 a permit from the Midland County Road Commission. All driveways must
1504 meet the requirements of a driveway for the Midland County Road
1505 Commission.

1506

1507 B. Long Driveways greater than 200 feet in length must have at least a 12
1508 foot wide driving surface and at least 14 foot wide open space cleared of
1509 tree limbs, scrubs, or other obstructions to fire or emergency vehicles.
1510 The long driveways greater than 200 feet must have a bend or curve
1511 radius not less than 60 feet with overhead clearance of 12 feet in height
1512 along a 14 foot wide clear path. A special use permit is required for all
1513 bridges on a long driveway.

1514

1515

1516 **Private Roads**

1517 A. Private Roads Permitted: Private roads are permitted provided they
1518 conform to the regulations of this Section.

1519

1520 B. Construction Standards: The creation of a private road that serves a
1521 division of land or a condominium development consisting of one or more
1522 principal buildings, building envelopes or lots (other than a subdivision as
1523 defined by the Subdivision Control Act of 1967) shall meet or exceed the
1524 cross-sectional construction standards established by the Midland County
1525 Road Commission for public roads.

1526

1527 C. Right-of-Way Width: All private roads shall have a minimum right-of-way
1528 easement of at least sixty-six (66) feet.

1529

1530 D. Dedication of Rights-of-Way or Easements: While not required to be
1531 dedicated to the public, no structure or development activity shall be
1532 established within approved rights-of-way or easements. All plans, as
1533 submitted for approval, must show the private road easement including a
1534 legal description, and must include the grades for these roads.

1535

1536 E. Connection to County Roads: Construction authorization from the Midland
1537 County Road Commission is required for connection to County roads.
1538 When applicable, a permit is also required from the County under the Soil
1539 Erosion and Sedimentation Control Act, PA 347 of 1972. The Township

1540 Board shall not approve a private road unless it connects to a county road
1541 or another private road, which in turn, connects to a county road.
1542
1543

1544 G. Application Review and Approval or Rejection:
1545

- 1546 1. The following information shall be submitted to the Building Inspector: a
1547 site plan for the private road, proposed road maintenance agreement and
1548 road easement agreement. The Building Inspector shall submit the private
1549 road site plan to the Township Planning Commission for review and
1550 recommendation. The proposed road maintenance agreement and road
1551 easement agreement shall be sent to the Township Attorney for review.
1552
- 1553 2. The recommendations of the Planning Commission shall be forwarded to
1554 the Township Board who shall be responsible for granting final approval
1555 for the private road.
1556
- 1557 3. If the private road application is approved by the Township Board,
1558 construction authorization will be issued by the Building Inspector. If the
1559 application is rejected, the reasons for the rejection and any regulations
1560 for approval shall be given in writing to the applicant.
1561
- 1562 4. The Project Engineer for the site condominium, who shall be a licensed
1563 professional engineer, shall certify the construction of the roadway for
1564 conformance to the township standards in writing to the Township Building
1565 Inspector.
1566

1567 H. Failure to Perform: Failure by the applicant to begin construction of the
1568 private road according to approved plans on file with the Township within
1569 one (1) year from the date of approval shall void the approval and a new
1570 plan shall be required by the Township subject to any changes made
1571 herein or subject to any changes made by the Midland County Road
1572 Commission or the Township in its standards and specifications for road
1573 construction and development. The private road shall be completed within
1574 one and one-half (1-1/2) years of the date of approval of the private road.
1575

1576 I. Issuance of Building Permit for Structures on Private Roads: No building
1577 permit shall be issued for a structure on any private road until such private
1578 road is given final approval by the Township Board.
1579

1580 J. Posting of Private Roads: All private roads shall be designated as such
1581 and shall be clearly posted with a clearly readable name, which can be
1582 easily seen in an emergency. The sign shall be paid for, posted, and
1583 thereafter maintained by the property owners of the property serviced by
1584 the private road, property owner's association or developer.
1585

1586 K. Fees - An application fee may be established by resolution of the
1587 Township Board. Before final approval by the Township Board, any costs
1588 incurred by the Township in their review of the project shall be paid for by
1589 the applicant.
1590

1591 L. Extending Existing Private Roads: In those cases where the applicant
1592 wishes to extend an existing private road, such extension shall be granted
1593 only if the existing private road is brought up to the standards set forth in
1594 this Ordinance for private roads. All such standards shall be deemed to
1595 apply to both the proposed extension and the existing roadway.
1596

1597 M. Roadways Not Meeting Standards: In those instances where a permit is
1598 being sought for the construction of a structure on an existing private road
1599 which does not meet the standards set forth in this Ordinance, the
1600 Township shall require that said private roadway be brought up to the
1601 standards as herein set forth.
1602

1603 **Section 11.10 - Condominium Use**

1604 Any condominium use in any district shall be subject to a site plan review
1605 as per Article IX.
1606

1607 **Section 11.11 - Mobile Home as Dwelling Units**

1608 **A. New Installations:** Acceptable Mobile Homes are single units
1609 with a 14 foot minimum width on an enclosed foundation or on
1610 piers and enclosed with skirting. All Mobile Homes must meet
1611 the dwelling area minimum requirement for the zoning district in
1612 which it is located. A certificate of compliance is required for
1613 occupancy based on the inspection of the mechanical,
1614 electrical, plumbing, and building inspector.

1615 **B. Existing Mobile Home Replacements**

1616 Mobile Homes that already exist in Jerome Township may be replaced
1617 on the same parcel as long as the building inspector has given
1618 approval. The replacement Mobile Home is considered an upgrade
1619 and must meet all current safety requirements and code inspections.
1620 The Mobile Home being replaced must be removed from the site
1621 before the replacement installation is permitted. The replacement
1622 Mobile Home must meet all other requirements of 11.11.A. This is
1623 only for a replacement and not a new installation of a Mobile Home on
1624 a new lot.
1625

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1629 **Section 11.12 Open Space Preservation (Cluster Zoning)**

1630

A. Statement of Intent.

1631 The purpose of this Section of the Zoning Ordinance is to allow alternative
1632 subdivision designs that preserve Jerome Township's character and
1633 environmentally sensitive elements, while providing housing communities that
1634 are desired by the community and the general public. To provide an amendment
1635 to Jerome Township's zoning which provides for "Open Space Preservation "
1636 meeting requirements of PA 177 of 2001 (HB 4995).

1637
1638 Cluster housing communities shall promote the following objectives:
1639

- 1640 1. Maintain an image of open space within the Township.
- 1641 2. Preserve open space within the township.
- 1642 3. Incorporate and preserve significant environmental features such as
1643 woodlands, wetlands, rural areas and recreational resources within the
1644 Township.
- 1645 4. Achieve a balance between open space and residential growth within the
1646 Township.

1647

1648 **Definitions**

- 1649 1. Greenbelt: Protected natural lands or working lands that serve as a framework
1650 for development while also preserving native ecosystems and/or farms or
1651 ranchland.
- 1652 2. View Shed: The volume of space through which a significant natural feature is
1653 visible from a designated point or area
- 1654 3. Limited Common Areas: Commons that benefit more than one member of the
1655 cluster but not all members.

1656

1657 **B. Site Criteria.**

1658

1659 **Location of Open Space Communities.**

1660 An open space community may be located in districts designated as
1661 permitted uses in the Jerome Township Ordinance 98.

1662 **Access.**

1663 The open space community shall have direct access to an approved
1664 public roadway with construction suitable for handling the normal traffic
1665 load plus that in the open space community upon final completion.
1666

1666

1667 **Open Space Criteria.**

- 1668 1. Protects and preserves all beach contiguous to a lake, stream, wetland, (any
1669 area which is not accepted by the Midland County Community Health
1670 Department of jurisdiction for on-site sewage disposal unless an alternate
1671 system of sewage disposal is approved by Midland County Community Health
1672 department of jurisdiction), flood plain, existing public utility easements, existing
1673 public right-of-way, waterfront setback areas, and slopes 25 percent or greater
1674 (including a buffer area around such areas) from clearing, grading, filling, and
1675 construction.

1676

- 1677 2. As practical, preserves and maintains existing fields, meadows, crop land,
1678 pastures, and orchards and creates sufficient buffer areas to minimize conflicts
1679 between residential and agricultural/forestry uses. When new development must
1680 be located in these areas due to greater constraints in all other parts of the site,
1681 buildings should be sited on the least prime and important or unique farmland or
1682 forest land soils, and in locations at the far edge of a field, as seen from existing
1683 roads.
- 1684
- 1685 3. Maintains or creates an upland buffer of natural native species vegetation on
1686 at least one hundred (100) feet in depth from the residential property line
1687 adjacent to wetlands and surface waters.
- 1688
- 1689 4. Minimizes impacts on large woodlands (greater than 5 acres) especially those
1690 located on upland soils considered prime for timber production.
- 1691
- 1692 5. Leave scenic views and vistas unblocked and uninterrupted, particularly as
1693 seen from adjacent roads and surface water.
- 1694
- 1695 6. Avoids siting new construction on prominent hilltops or ridges, by taking
1696 advantage of lower topographic features or by siting in forested areas.
- 1697
- 1698 7. Protects wildlife habitat areas of species listed as endangered or threatened.
- 1699
- 1700 8. Designs around and preserves sites of historic, archaeological, or cultural
1701 value, insofar as needed to safeguard the character of the feature.
- 1702
- 1703 9. Protects rural roadside character and improves public safety and vehicular
1704 carrying capacity by avoiding development fronting directly onto existing public
1705 roads. Establishes buffer zones along the scenic corridor of rural roads.
1706 Establishes buffer zones along the scenic corridor of rural roads with historic
1707 building, stone walls, hedgerows etc.
- 1708
- 1709 10. Provides that Conservation Lands of this ordinance shall be reasonable and
1710 contiguous. While conservation lands are exempt from the 4/1 maximum parcel
1711 width to depth ratio, fragmentation of these lands shall as much as practical be
1712 minimized so that (except for common greens and playground areas) these
1713 areas are not divided into numerous small parcels located in various parts of the
1714 development.
- 1715
- 1716 11. When Conservation lands are held in common by surrounding parcel owners
1717 the proposed site plan shall:
- 1718 (a.) Provide for active recreational areas in suitable locations that offer
1719 convenient access by residents and adequate screening from near by
1720 parcels in buildable areas.
- 1721 (b) Include a pedestrian circulation system designed to assure that
1722 pedestrians can walk safely and easily on the site, between parcels,
1723 activity areas, special features, and contiguous developments.

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12. Ownership of Conservation Lands of this Ordinance may remain with the owner of the parent parcel, a homeowners association made up of parcel owners in the development, the township, or a recognized non-profit land conservancy.

13. Required Elements:
In all open space communities, at least two (2) of the following items must be present:

- **Preservation of Natural Amenities** - Sites preserving a significant quantity of any of the following:
 - a. **Organic Amenities:** Significant views and vistas, mature woodlands, wetlands or lowland areas, prairie, bodies of open water (such as ponds, streams, natural drainage ways), wildlife habitat or corridors, and significant size trees (six to eight inches or more, measured five feet above the grade).
 - b. **Non-organic Amenities:** Farmhouses (viable for restoration and/or preservation) fence lines (stone or wood), buildings or foundations of historical value.
- **Provisions for Recreational Facilities** - The submittal should include both passive and/or active recreation areas for residents within the open space community. Passive recreation areas shall include areas such as pathway systems, common green areas of a substantial size, and open/preserves natural amenity areas, or other areas or uses consistent in nature. Active recreation areas shall include areas such as children play sets, sports fields (i.e., football, soccer, baseball), and other fitness areas that are consistent in nature.
- **Creation of Natural Amenities** - These areas are to be constructed in a manner that replicates a natural setting. A percentage of these areas should remain "unmanicured," allowing natural growth and processes to occur. These areas can take a number of forms, such as woodlands (interior street tree plantings shall not count for this requirement), wildflower or grass meadows, constructed wetlands (preferably extension to an existing), or other areas consistent in nature.
- **Preservation of Agriculture** - Land uses, such as orchards, horse stables, active farms, or other similar agriculture uses, shall be preserved, where feasible or viable. In no way shall an intensive animal raising, slaughter house, or similar use be allowed within an open space community. A buffer shall be maintained between the agricultural use and the residential units.

All of the above-mentioned areas shall be accessible or open to all residents within the open space community, with the exception of farmland. Under the open space community provision, the net dwelling lot density shall be no greater than that normally permitted within that zoning district. The maximum "density"

1771 shall be the maximum number of dwelling lots permitted by the approved Parallel
1772 Plan. Density does not guarantee any specific number of lots from any individual
1773 parcel or group of parcels. Rather, density refers to the number of lots which can
1774 be platted on the subject parcel. The type of dwellings allowed in the "Open
1775 Space Community" area is restricted to stand alone single family homes.
1776

1777 **C. Submission Requirements.**
1778

1779 **1. Parallel Plan.**

1780 A "parallel plan" shall be prepared by the developer showing a feasible
1781 development under the requirements of the specific zoning district in which it is
1782 located and the requirements of any and all State, County and Township
1783 Subdivision regulations. All lots, roads and other improvements shall be
1784 designed so that they do not adversely impact wetlands, floodplains or drainage-
1785 ways, as regulated by Federal, State, County or local agencies. The Planning
1786 Commission must determine that this parallel plan or conventional subdivision is
1787 able to be physically constructed and meet all current subdivisions regulations,
1788 should the Open Space Community be denied or not constructed. This plan shall
1789 include proposed parcels, roads, right of way, plus areas which are not in the
1790 buildable area. If there is a question regarding water, septic, wetlands or
1791 floodplains, the Planning Commission may request validation from the proper
1792 regulatory authority. If it is determined, through these responses, that the number
1793 of lots proposed is unfeasible, the parallel plan shall be revised and resubmitted,
1794 minus that number of lots. Detailed Engineering is not required at this stage.
1795

1796 **2. Waiver of Parallel Plan Provision**

1797 The Planning Commission may also waive the submission of a "parallel" plan if it
1798 is determined that the number of housing units proposed for open space
1799 development is, without question, well below what would be feasible for the site.
1800 Such waivers must be detailed in writing and recorded as part of the motion in
1801 the minutes of the Planning Commission. The Waiver may only be granted if it is
1802 determined by the Planning Commission that the proposed open space design
1803 will be a major benefit to the Township and achieve all the goals and objectives
1804 set forth in the:

- 1805 • Jerome Township Master Plan
 - 1806 • Jerome Township Open Space Community Zoning Amendment
- 1807

1808 **3. Site Analysis.**

1809 A site Analysis Plan shall be submitted, showing the following site features:

- 1810
- 1811 a. Wetlands, as determined by the Michigan Department of
- 1812 Environmental Quality
- 1813 b. Water areas, such as streams and ponds
- 1814 c. Woodlands and farmlands
- 1815 d. Soils and topography
- 1816 e. Drainage patterns and County drains
- 1817 f. Historic and cultural features

- 1818 g. Wildlife habitat corridors
- 1819 h. View sheds and view corridors
- 1820 i. Existing easements of record
- 1821 j. Existing and proposed rights-of-way
- 1822 k. Existing infrastructure
- 1823 l. Adjacent development within two hundred (200) feet
- 1824

1825 **4. Conservation Areas Plan.**

1826 The combination of the site analysis elements noted above shall be used
 1827 to outline the primary and secondary conservation areas. The primary
 1828 conservation areas include areas where no development is to occur. The
 1829 secondary conservation areas are areas where development can occur, but
 1830 special care must be taken to minimize adverse impacts.

- 1831 • **Primary Conservation Areas** - floodplains, regulated wetlands,
 1832 drainage-ways, easements, 150 - foot exterior road buffer, or
 1833 other exceptional elements.
- 1834 • **Secondary Conservation Areas** - farmlands, woodlands,
 1835 suspected or
 1836 marginal wetlands, tree lines, soils sensitive to development,
 1837 soils prone to flooding, aesthetic views, etc.
- 1838 • **Buildable Areas** - areas that are not dedicated to primary
 1839 conservation
 1840 areas may be treated as buildable areas. Housing sites should
 1841 be located so as to complement the conservation areas.

1842

1843 **5. Open Space Plan.**

1844 An Open Space Plan, with the proposed housing layout shall not exceed the
 1845 maximum number of housing units determined by the “parallel plan”. The
 1846 roads shall also be shown to provide interior access to all homes. At this
 1847 stage, the drawings need not be engineered, only drawn to scale.

1848

1849 **D. The Review Process.**

- 1850
- 1851 1. The Planning Commission shall determine that the “parallel plan” submitted
 1852 meets all applicable regulations of the Jerome Township zoning ordinance 98
 1853 and the State Subdivision Control Act unless the parallel plan requirement is
 1854 waived per section C2.
- 1855
- 1856 2. The Planning Commission shall confirm the accuracy and feasibility of the
 1857 open space plan noted above.
- 1858
- 1859 3. Planning Commission Determination.
- 1860 a. Upon approval, the proprietor may undertake the process for Subdivision
 1861 or Site Condominium approval, or Parcel Division per State Law and
 1862 Township Ordinance.

1863 b. Upon denial, the proprietor may either submit the “ parallel plan” for
1864 approval under the Subdivision or Site Condominium review process, or
1865 submit a new application for an open space community.
1866

1867 **E. Site Design Requirements.**
1868

- 1869 1. Unless otherwise provided for in this Ordinance, all other applicable Zoning
1870 Ordinance provisions shall apply.
- 1871 2. **Minimum Lot Size** – 5000 square feet minimum subject to the requirements
1872 of the State and County Health Departments' regulations or standards,
1873 whichever is larger.
- 1874 3. **Minimum Dwelling size** – Same as required by the Jerome Township current
1875 zoning map and all other zone ordinances.
- 1876 4. **Minimum Yard Setbacks** – Side, front and rear setbacks shall be the same
1877 as those required for each zoned area per the Jerome Township Ordinance
1878 with the exception of agricultural district “E” where they are the same as
1879 district “A”.
- 1880 5. **Development Layout** - The development is encouraged to include roads that
1881 are single loaded, referring to homes along only one side of the street. This
1882 type of development will allow for a greater number of views and vistas onto
1883 the open space.
- 1884 6. **Minimum Exterior Road Buffer** - The developer shall preserve a minimum of
1885 a 150-foot buffer from the proposed right-of-way along any County Road,
1886 Township Road, or State Highway servicing the open space development.
- 1887 7. **Minimum Open Space** - A minimum of fifty (50%) percent of the gross land
1888 area shall be set aside for common open space uses.
1889 **Open Space shall be defined as follows:** All area within the open space
1890 development, not individually owned or part of a limited common area, which
1891 are designed and intended to preserve environmental features for the
1892 common use and enjoyment of the residents of the entire development for any
1893 of the following uses: recreation, forestry and/or open space conservation,
1894 community gardens, playgrounds, park areas or agricultural uses. The open
1895 space requirements shall not be met by land uses such as golf courses or
1896 other exclusionary commercial recreational uses, lot area within setbacks for
1897 each specific lot, or land area dedicated as limited commons.
- 1898 8. **Maximum Amount of Unbuildable Land Used as Open Space** - A
1899 maximum of fifty (50%) percent of the total open space allotment may be
1900 unbuildable land. Unbuildable land is considered to be land that is deed
1901 restricted, regulated by Michigan Department of Environmental Quality, The
1902 Environmental Protection Agency, Army Corps of Engineers, or any other
1903 regulatory body or agency which has jurisdiction over land which cannot be
1904 used for the construction of housing.
- 1905 9. **Houses Abutting the Open Space** - A minimum of fifty (50%) percent of all
1906 dwelling units within the development shall abut or overlook the dedicated
1907 open space.

- 1908 10. **Access to Open Space** - Access points or paths shall be provided to afford
 1909 access to open space and common areas. These access points shall link the
 1910 open space to the roadway, sidewalks, or the remainder of the development..
 1911 11. **General Lot Character** - Flag lots or panhandle lots shall not be permitted
 1912 within an open space community.
 1913 12. **Natural Area** – A100 foot greenbelt from the residential property lines shall be
 1914 required around any natural features or farmland preserved within the
 1915 common open space areas.
 1916 13. **Pedestrian Circulation** - Adequate pedestrian circulation shall be provided
 1917 by the applicant for on-site circulation. Adequate access shall be provided to
 1918 all open space/ recreational spaces from the residential areas. "Natural paths
 1919 or bike paths" are encouraged within the development. Paths provided within
 1920 the development shall be constructed of gravel, woodchip, or other similar
 1921 material as approved by the Planning Commission.
 1922 14. **Garages** - Garages shall be located to maximize the view of the open space.
 1923 15. **Overall Architectural Character** - A diversity of single-family housing styles,
 1924 colors, and configurations are encouraged throughout the development.
 1925

1926 F. **Roadways** - Roadways surface and base standards shall conform to approved
 1927 Midland County Road Commission standards. All roads shall be asphalt or
 1928 paved
 1929

- 1930 G. **Dedication of Open Space.** The dedicated open space shall be set aside in
 1931 an irrevocable conveyance that is acceptable to the Township Attorney and
 1932 approved by the Township Board, such as the following:
 1933 1.A Conservation Easement, as established by the State of Michigan
 1934 Conservation and Historic Preservation act, Public act 197 of 1980, as
 1935 amended (M.C.L. 399.251).
 1936 2.Master Deed, as established by the State of Michigan Condominium Act,
 1937 Act 59 Public Act of 1978, as amended.
 1938 3.Distributed, gift or sale of the development rights to all property owners
 1939 within the Open Space Community.
 1940

1941 The above conveyance shall indicate all proposed uses of the dedicated open
 1942 space, which shall also be shown on the approved open space or farmland
 1943 community. The Township Attorney shall review the conveyance and assure the
 1944 Township that such lands shall remain as open space for perpetuity. The
 1945 conveyance shall also detail a maintenance schedule and funding for operation,
 1946 maintenance and insurance for all common areas, facilities, projects and
 1947 programs of the Open Space Community, and shall include methods of payment
 1948 and collection.
 1949

1950 **Section 11.13 WIRELESS COMMUNICATION FACILITIES**

- 1951 **1. Purpose and Intent:**
 1952 It is the general purpose and intent of Jerome Township to carry out the will
 1953 of the United States Congress by authorizing communication facilities needed
 1954 to operate wireless communication systems while protecting the public

1955 health, safety and general welfare of the community. However, it is the further
1956 purpose and interest of Jerome Township to provide for such authorization in
1957 a manner which will retain the integrity of neighborhoods and the character,
1958 property values and aesthetic quality of the community at large. In fashioning
1959 and administering the provisions of this section, attempt has been made to
1960 balance these potentially competing interests.

1961

1962 **2. Definitions:**

1963 The following definitions shall apply in the interpretation of this ordinance.

1964 A. Tower: Any structure which its principal or secondary purpose is to
1965 mount or support one or more wireless communication antennas.

1966 B. Communications Facilities shall mean and include all structures and
1967 accessory facilities relating to the use of radio frequency spectrum for
1968 the purpose of transmitting or receiving radio signals. This may
1969 include, but shall not be limited to, radio towers, television Wireless
1970 towers, telephone devices and exchanges, microwave relay facilities,
1971 telephone transmission equipment building and private and
1972 commercial mobile radio service facilities. Not included within this
1973 definition are: citizen band radio facilities; short wave receiving
1974 facilities; amateur radio facilities; non-commercial satellite dishes; and
1975 governmental facilities which are subject to state or federal law or
1976 regulations which preempt municipal regulatory authority.

1977 C. Attached wireless communications facilities shall mean wireless
1978 communication facilities that are affixed to existing structures, such as
1979 existing buildings, towers, water tanks, utility poles, and the like. A
1980 wireless communication support structure, proposed to be newly
1981 established, shall not be included within this definition.

1982 D. Wireless Communication Support Structures shall mean structures
1983 erected or modified to support wireless communication antennas.
1984 Support structures within this definition include, but shall not be limited
1985 to mono-poles, lattice tower, light poles, wood poles, and guyed
1986 towers, or other structures which appear to be something other than a
1987 mere support structure.

1988 E. Co-location shall mean the location by two or more wireless
1989 communication providers of wireless communication facilities on a
1990 common structure, tower, or building, with the view toward
1991 reducing the overall numbers of structures required to support
1992 wireless communication antennas within the community.

1993

1994 **3. These regulations will:**

1995 A. Facilitate the provision of wireless telecommunication services
1996 to the residents and businesses of the Township,

1997 B. Minimize adverse visual effects of towers through design and
1998 siting standards,

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- C. Avoid potential damage to adjacent property from tower failure through structural standards and setback requirements,
- D. Maximize the use of existing approved towers and buildings to accommodate new wireless telecommunication facilities in order to reduce the number of towers necessary to serve the community.

4. Zoning district regulations:

A wireless communication facility shall require a building permit in all instances and may be permitted as follows:

- A. All Districts:
A Wireless Service Facility may locate on any existing guyed tower, lattice tower, mono-pole, electric utility transmission tower, fire tower or water tower, provided that the installation of the new facility does not violate required setbacks for the increase in the height. Such installations shall be permitted in all zoning districts and shall require a special use permit with a site plan review.

- B. Towers in Residentially zoned areas are only allowed if they are towers supporting commercial antennas and conforming to all applicable provisions of this Ordinance and shall be allowed only in the following locations and shall be permitted through the site plan review procedures as outlined in The Jerome Township Ordinance 98.
 - 1) Church sites, when camouflaged as steeples or bell towers:
 - 2) Park sites, when compatible with the nature of the park; and,
 - 3) Government, school, utility and institutional sites, according to the Statement of Priority of users and minimum requirements for use of Township owned properties.
 - 4) Wireless telecommunication antennas on roofs, walls and existing towers may be approved by the Jerome Township Planning Commission provided the antennas meet the requirements of this ordinance after submittal of a final site plan and a report prepared by a licensed professional engineer indicating the existing structure or tower's suitability to accept the antenna and the proposed method for affixing the antenna to the structure. Complete details of all fixtures and couplings and the precise point of attachment shall be indicated.

- C. Towers in agricultural, commercial or industrial zoned areas are allowed, if they qualify as towers allowed in residential zoned areas. Newly constructed towers in agricultural, commercial or industrial zoned areas are allowed by Special Use Permit if the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within a two (2) mile radius of the proposed tower location due to one or more of the following reasons:

- 2045 1) The planned equipment would exceed the structural capacity
- 2046 of the existing or approved tower or building, as documented
- 2047 by a qualified and licensed professional engineer and the
- 2048 interference cannot be prevented at a reasonable cost.
- 2049 2) Existing or approved towers and buildings within the search
- 2050 radius cannot accommodate the planned equipment at a
- 2051 height necessary to function reasonably as documented by
- 2052 a qualified and licensed professional engineer.
- 2053 3) Other unforeseen reasons make it not feasible to locate the
- 2054 planned telecommunications equipment upon an existing or
- 2055 approved tower or building.

D. Tower structures built by other than a licensed carrier may not be constructed until at least two carriers have been secured to occupy the structure. Contracts with such carriers will be required by the Township as proof that two licensed carriers will occupy the structure.

E. CO-LOCATION

Licensed carriers and tower provider shall share wireless service facilities and sites where feasible and appropriate, thereby reducing the number of wireless service facilities that are stand-alone facilities. All applicants for a Special Use Permit for a wireless service facility shall demonstrate a good faith effort to co-locate with other carriers. Such good faith effort shall include:

- 2068 1) A survey of all existing structures that may be feasible sites for
- 2069 collocating wireless service facilities,
- 2070 2) Contact with other licensed carriers for commercial mobile radio
- 2071 services operating in the County, including the Midland County
- 2072 Emergency Services Director.
- 2073 3) Sharing information necessary to determine if collocation is
- 2074 feasible under the design configuration most accommodating to
- 2075 collocation.
- 2076 4) Jerome Township reserves the right to co-locate on any tower.
- 2077 In the event that collocation is found to be infeasible, a written
- 2078 statement of the reasons for the lack of feasibility shall be
- 2079 submitted to the Township. The Township may retain a technical
- 2080 expert in the field of RF engineering to verify if collocation at the
- 2081 site is not feasible or is feasible given the design configuration
- 2082 most accommodating to collocation. The cost for such a technical
- 2083 expert will be at the expense of the applicant. The Township may
- 2084 deny a Special Use Permit to an applicant that has not
- 2085 demonstrated a good faith effort to provide for collocation.
- 2086

5. Tower Construction:

Any proposed commercial wireless telecommunication service tower shall be designed, structurally, electrically and in all respects to accommodate both the applicant's antennas and comparable antennas for at least two additional users. Towers must be designed to allow for future

2092 rearrangement of antennas upon the tower and to accept antennas
2093 mounted at varying heights. Towers shall be constructed to ANSI, EIA,
2094 and TIA-222-F "Structural Standards for Steel Antenna Towers and
2095 Antenna Supporting Structures" and National Building Code construction
2096 standards for steel structures.

2097
2098 **6. Tower, antenna, and accessory building design:**

2099 Proposed or modified towers and antennas shall meet the following design
2100 requirements:

- 2101 A. Towers and antennas shall be designed to blend into the surrounding
2102 environment through the use of color and camouflaging architectural
2103 treatment, except in instances where the color is dictated by federal or
2104 state authorities such as the Federal Aviation Administration.
- 2105 B. Commercial wireless telecommunication service towers shall be
2106 preferred to be of a mono-pole design unless the Jerome Township
2107 Planning Commission determines that an alternative design would
2108 better service the intended use of the tower.
- 2109 C. Accessory Utility Cabinets and Buildings: All utility buildings and
2110 structures accessory to a transmission structure shall be architecturally
2111 designed to blend in with the surrounding environment and shall meet
2112 the minimum setback requirements of the underlying zoning district.
2113 Ground mounted equipment shall be screened from view by suitable
2114 vegetation, except where a design of non-vegetative screening better
2115 reflects and complements the architectural character of the surrounding
2116 neighborhood.

2117
2118 **7. Tower setbacks:**

2119 Towers and all associated equipment shall conform to all of the minimum
2120 setbacks requirements for the zone district in which they are located plus
2121 the following:

- 2122 A. Towers shall be set back from public right-of-ways or planned public
2123 right-of-ways as shown on the Jerome Township's Master Plan by a
2124 minimum distance equal to the height of the tower including all antennas
2125 and attachments plus the normal setbacks for that zone.
- 2126 B. Towers shall not be located between a principal structure and a public
2127 street.
- 2128 C. Tower setback may be adjusted at the discretion of the Jerome
2129 Township Planning Commission to allow the integration of a tower into
2130 an existing or proposed structure such as a church steeple, light
2131 standards, power line support device, or similar structure.
- 2132 D. Towers and associated structures, including fencing, may not be
2133 constructed within five hundred (500') feet of a dwelling unit, except
2134 where they are being collocated on existing towers or structures.

2135
2136 **8. Tower height:**

2137 Tower height is determined by the distance between the tallest portion of
2138 the tower, including any portion of an antenna, which exceeds the top of

2139 the tower, to the mean of the terrain of the property it is to be erected
2140 upon.

2141

2142 **9. Tower lighting:**

2143 Towers shall not exceed the illumination as required by the Federal
2144 Aviation Administration or other federal or state authority for a particular
2145 tower. When incorporated into the approved design of the tower, light
2146 fixtures used to illuminate ball fields, parking lots or similar areas may be
2147 attached to the tower.

2148

2149 **10. Signs and advertising:**

2150 The use of any portion of a tower for signs or other forms of advertising
2151 other than warning or equipment information signs are prohibited.

2152

2153 **11. Abandoned or unused towers:**

2154 Abandoned towers shall be removed as follows:

2155 A. All abandoned towers and associated facilities shall be removed within
2156 twelve (12) months of the cessation of operations at the site unless a
2157 time extension is approved by the Jerome Township Planning
2158 Commission within twelve (12) months of the cessation of operations
2159 at a site.

2160 B. All towers shall be bonded to provide sufficient funds for removal.

2161

2162 **12. Interference with public safety telecommunications:**

2163 No new or existing telecommunications service shall interfere with public
2164 safety telecommunications

2165

2166 **13. Modifications:**

2167 A modification of a wireless service facility shall be considered equivalent
2168 to an application for a new wireless service facility and will require a
2169 Special Use Permit when under the following conditions:

2170 A. The applicant and/or co-applicant wants to alter the terms of the
2171 Special Use Permit by changing the wireless service facility in one or
2172 more of the following ways:

2173 1) Increase the number of services or antennae.

2174 2) The applicant and/or co-applicant wants to add any additional
2175 structures or additional height not specified in the original design
2176 filing.

2177

2178 **14. Site plan submission requirements:**

2179 A. General Filing Requirements

2180 1) Name, address and telephone number of applicant and any
2181 co-applicants as well as any agents for the applicant or
2182 co-applicants.

2183 2) Co-applicants may include the landowner of the subject property,
2184 licensed carriers and tenants for the wireless service facility.

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- 3) Original signatures for the applicant and all co-applicants applying for the Special Permit. If the applicant or co-applicant will be represented by an agent, an original signature, authorizing the agent to represent the applicant and/or co-applicant. Photo reproductions of signatures will not be accepted.
- B. Location Filing Requirements
- 1) Identify the subject property by including the name of the nearest road or roads, and street address if any.
 - 2) A line map to scale showing the lot lines of the subject Tax map and parcel number of subject property.
 - 3) Zoning district designation for the subject parcel.
 - 4) property and all properties within 500 feet and the location of all buildings, including accessory structures, on all properties shown.
- C. Siting Filing Requirements
- 1) A one-inch-equals-40 feet vicinity plan showing the following:
 - a) Property lines for the subject property.
 - b) Property lines of all properties adjacent to the subject property within 500 feet.
 - c) Tree cover on the subject property and adjacent properties within 500 feet, by dominant species and average height, as measured by or available from a verifiable source.
 - d) Outline of all existing buildings, including purpose (e.g. residential buildings, garages, accessory structures, etc.) on subject property and all adjacent properties within 500 feet.
 - e) Proposed location of antenna, mount and equipment shelter(s).
 - f) Proposed security barrier, (minimum 8 feet in height) indicating type and extent as well as point of controlled entry.
 - g) Location of all roads, public and private, on the subject property and on all adjacent properties within 500 feet including driveways proposed to serve the wireless service facility.
 - h) Distances, at grade, from the proposed personal wireless service facility to each building on the vicinity plan.
 - i) All proposed changes to the existing property, including grading, vegetation removal and temporary or permanent roads and driveways.
 - j) Representations, dimensioned and scale, of the proposed mount, antennas, equipment shelters, cable runs, parking areas and any other construction or development attendant to the wireless service facility.
- D. Siting elevations, or views at-grade from the north, south, east and west for a 50-foot radius around the proposed wireless service facility plus from all existing public and private roads that serve the subject property. Elevations shall be at either one-quarter inch equals one foot or one-eighth inch equals one foot scale and show the following:

- 2231 1) Antennas, mounts and equipment shelter(s), with total elevation
- 2232 dimensions and AGL of the highest point.
- 2233 2) Security barrier: If the security barrier will block views of the
- 2234 wireless service facility, the barrier drawing shall be cut away to
- 2235 show the view behind the barrier.
- 2236 3) Any and all structures on the subject property.
- 2237 4) Existing trees and shrubs at current height and proposed trees and
- 2238 shrubs at proposed height at time of installation, with approximate
- 2239 elevations dimensioned.
- 2240

E. Design Filing Requirements:

- 2241 1) Equipment brochures for the proposed wireless service facility
- 2242 such as manufacturer's specifications or trade journal reprints
- 2243 shall be provided for the antennas, mounts, equipment shelters,
- 2244 cables as well as cable runs, and security barrier, if any.
- 2245 2) Materials of the proposed wireless service facility specified by
- 2246 generic type and specific treatment (e.g., anodized aluminum,
- 2247 stained wood, painted fiberglass, etc.). These shall be provided
- 2248 for the antennas, mounts, equipment shelters, cables as well as
- 2249 cable runs, and security barrier, if any.
- 2250 3) Dimensions of the wireless service facility specified for all three
- 2251 directions: height, width and breadth. These shall be provided for
- 2252 the antennas, mounts, equipment shelters and security barrier, if
- 2253 any.
- 2254 4) Landscape plan including existing trees and shrubs and those
- 2255 proposed to be added, identified by size of specimen at
- 2256 installation and species.
- 2257 5) If lighting of the site is proposed, the applicant shall submit
- 2258 manufacturers computer generated point to point printout,
- 2259 indicating the horizontal foot candle levels at grade, within the
- 2260 property to be developed and twenty-five (25') feet beyond the
- 2261 property lines. The printout shall indicate the locations and types
- 2262 of luminaries proposed.
- 2263
- 2264

Section 11.14 – Residential Land Based Wind Energy Conversion Facilities

1. Purpose and intent

2265 The purpose of this section is to accommodate land-based wind energy

2266 conversion facilities in appropriate locations, while minimizing adverse

2267 visual, safety, and environmental impacts of the facilities. This section

2268 enables the review of residential wind energy conversion facilities

2269 (RWEFCF) in keeping with the Jerome Township Zoning Ordinance. This

2270 section is intended to be used in conjunction with any other regulations

2271 adopted by the Jerome Township designed to encourage appropriate land

2272 use, environmental protection, and provision of adequate infrastructure

2273 development in Jerome Township.

2. Definitions

2274

2275

2276

2277

- 2278 A. Residential Wind Energy Conversion Facility (RWECEF)
2279 A wind turbine with a blade tip up height not to exceed 150 feet as
2280 measured from existing average grade. A RWECEF has a rated capacity of
2281 2 – 10 kilowatts. To provide context a 10-20 kw is used on farms, 50kw is
2282 a small municipal operation and 100kw is the largest permitted through net
2283 metering.
2284
- 2285 B. Wind Turbine
2286 A device that converts kinetic energy into rotational energy that drives an
2287 electrical generator. A wind turbine typically consists of a tower, nacelle
2288 body, and a rotor with two or more blades.
2289
- 2290 C. Height
2291 The height of a wind turbine measured from existing average grade to the
2292 tip of the rotor at its highest point or blade tip height.
2293
- 2294 D. Flicker
2295 The moving shadow created by the sun shining on the rotating blades of
2296 the wind turbine. (It is a potential health hazard to epileptics etc).
2297
- 2298 E. Fall Zone
2299 The potential fall area for the RWECEF. It is a measure by using 110% of
2300 the total height as the radius around the center point of the base of the
2301 tower.
- 2302 **F. Meteorological Tower (MET tower)**
2303 Includes the tower, base plate, anchors, guy wires and hardware,
2304 anemometers, wind direction vanes, booms to hold equipment, data
2305 loggers, instrument wiring, and any telemetry devices that are used to
2306 monitor or transmit wind flow and wind speed characteristics over a period
2307 of time to give wind information at a given location.
2308
- 2309 **G. NET Metering**
2310 The difference between the electricity supplied over the electric distribution
2311 system to the property and the electricity generated and fed back into the
2312 distribution system of Consumers Electric.
2313
- 2314 **H. Shadow**
2315 The outline created on the surrounding area by the sun shining on the
2316 small wind energy system.
2317
- 2318 **3. Special permit requirements**
2319 A special use permit may be issued by the Planning Commission pursuant
2320 to Article X for the erection of an RWECEF as an accessory use in any
2321 designated residential district or in connection with any residential use in a
2322 commercial district, subject to the following conditions as well as any other
2323 as set forth in the Jerome Township ordinances.
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- A. Location and Lot Size:** Tower mounted RWEFC's may be allowed in all zoning districts on lots of 40,000 sq feet or more. They must conform to all other ordinances relating to accessory buildings.
- B. Height:** The height of a wind turbine shall be no higher than 150 feet measured from existing average grade to the tip of the rotor blade at its highest point or blade tip height. The Planning Commission may allow this height to be exceeded as part of a special permit process if the applicant can demonstrate
- i. that the additional height is needed and would result in significant additional benefits in terms of energy production and efficiency, and
 - ii. by submission of substantial evidence that such height reflects industry standards for a similarly RWEFC, and
 - iii. that the proposed RWEFC satisfies all other criteria for the granting of a special permit under this section of the zoning ordinance.
- C. Set-Backs:** No part of the RWEFC support structure, including guy wires anchors, may extend closer to the property boundaries than the standard structure setbacks for the zoning district that it is located in.
- i. The base of the residential wind turbine tower must be set back at least 10 feet from any habitable structure on the lot on which it is located.
 - ii. In order to ensure public safety and to protect the interests of neighboring property owners, the minimum distance shall be 1.5 times the tower height from property lines, public or private ways, with a minimum footage of 28 feet.
- D. Noise:** The RWEFC shall be certified by the manufacturer to meet the following maximum noise levels at ground level, as measured by the "A" scale of a Type 1 Sound Level Meter, at a point 100 feet from the tower base, with the averaging 30 mph or less:

Ambient Reading (without RWEFC running)	Maximum Reading (with unit running)
45db or less	48db
45 db	50db
50db	55db
55db	60db
60db	65db

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In no instance may the noise level at the lot line exceed 10dB over the ambient sound level. The ZBA may require an analysis, prepared by a qualified engineer to demonstrate compliance with these noise standards.

- E. **Prevention of Tower Access:** Climbing access to the tower shall be limited by one of the following methods; by placing climbing apparatus no lower than ten feet from the ground, or by placing shielding over climbing apparatus, or by installation of a fence that touches the ground with a minimum height of 8 feet.
- F. **Compliance with FCC Regulations:** The RWEFC shall be certified by the manufacturer to be in conformance with the regulations of the FCC (47CFR Part 15) relating to possible interference with radio or television reception.
- G. **Compliance with the Uniform Building Code:** Building permit applications for RWEFC shall be accompanied by standard drawings of the wind turbine structure, including the tower, base and footings. An engineering analysis of the tower showing compliance with the Uniform Building Code and certified by a licensed professional engineer shall also be submitted. This analysis is normally supplied by the manufacturer.
- H. **Compliance with FAA Regulations:** RWEFC must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.
- I. **Compliance with National Electric Code:** Building permits for RWEFCs shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electric Code. This information is frequently supplied by the manufacturer.
- J. **Utility Notification:** No RWEFC shall be installed until notice given to the utility company of the customers intent to install an inter connected customer owned generation system. Off grid systems shall be exempt from this requirement.
- K. **Special Use Permit Approval Criteria:** Any special use permit for a RWEFC granted shall meet the following conditions:
 - i. the specific site is an appropriate location for such use: and
 - ii. the use will not pose a significant adverse impact to the health and safety of the neighborhood: and

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- iii. there will be no serious hazard to pedestrians or vehicles from the use:
- iv. adequate and appropriate facilities will be provided for the proper operation of the use.

Such permits may also impose reasonable conditions, safeguards and limitations on time and use and may require the applicant to implement all reasonable measures to mitigate unforeseen adverse impacts of the RWEFC should they occur.

4. Abandonment

A RWEFC will be considered to be abandoned if it is not operated continuously for a period of 6 months or if it is designated a safety hazard by the building inspector. Once an RWEFC is designated as abandoned or a safety hazard the owner shall be required to immediately physically remove the installation, which will include, but not be limited to:

- A. removal of RWEFC, any equipment shelters and security barriers from the subject property; and
- B. proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations; and
- C. restoring the location of the RWEFC to its natural condition, except that any landscaping and grading shall remain in the after condition.
- D. A bond shall be required in the amount of \$25,000 for removal of a tower deemed by the Jerome Township building or code enforcement officer to be abandoned.

Jerome Township retains the right to enter and remove an abandoned or hazardous RWEFC that is not removed by the property owner within 6 months from the date of abandonment. All RWEFC removal and costs associated will be charged to the property owner as a tax lien on the property.

Section 11.15-Sexually Oriented Business

1. Intent.

There are some uses that because of their very nature are recognized as having serious objectionable operational characteristics, particularly when several of them are grouped. Such uses may have deleterious effects upon the adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to blighting or downgrade the surrounding neighborhood. These special regulations are itemized in this Section. The primary control or regulation is for the purpose of preventing a concentration of

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these uses in any one area or next to residential zones or certain institutional uses.

2. Distance restrictions.

An adult business is prohibited from being established, operating, caused to be operated, located or being licensed for business within the following:

- A. 2,000 feet of or property used or owned by a church, synagogue, mosque, temple or building that is used primarily for religious worship and related religious activities.
- B. 2,000 feet of a public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities; school includes the school grounds.
- C. 2,000 feet of an entertainment business that is oriented primarily towards children or family entertainment.
- D. 1000 feet of a separate business having a Michigan Liquor License.
- E. 2,000 feet of another adult business.
- F. 500 feet of a boundary of a residential zoning district as defined in the Jerome Township Zoning Ordinance and Map.
- G. 2000 feet of a public park or recreational area which has been designated for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, state forests or other similar public land.
- H. 500 feet of the property line of a lot devoted to a residential use as defined in the Jerome Township.

For the purpose of this ordinance, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest property line of the premises where an adult business is conducted, to the nearest property line of the premises of a use listed in Subsection b. Presence of a village, county or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this Section.

3. Signs and public or exterior display.

2509 Window displays, signs, decorative or structural elements of buildings
2510 shall not include or convey specific examples of actual adult uses, and
2511 are limited to the sign provisions of this Ordinance.

2512
2513 No Sexually Oriented Business or Adult Media Store shall be
2514 conducted in any manner that permits the observation of any material
2515 depicting, describing or relating to "specific sexual activities,"
2516 "specified anatomical areas," or "sexually oriented toys or novelties,"
2517 (as defined in this Ordinance) from any public way or from any property
2518 not licensed as a Sexually Oriented Business or Adult Media Store.
2519 This provision shall apply to any display, decoration, sign, show
2520 window, structural elements or other opening.

2521
2522 **4. Parking and lighting.**

2523 All parking shall be situated in the front yard, adjacent to and visible
2524 from a public road and shall be lighted. All entrances and exits to the
2525 structure shall be lighted during the hours of operation.

2526
2527 **5. Precautionary note to the zoning board of appeals.**

2528 When considering any appeal from a Sexually Oriented Business or
2529 Adult Media Store for reduction of spacing or separation standards
2530 established herein, the Zoning Board of Appeals shall address each of
2531 the following issues and include the findings regarding each point in
2532 their minutes:

- 2533 A. **Ordinance intent.** The proposed use shall not be contrary
2534 to the intent and purpose of this Ordinance, or injurious to
2535 nearby properties.
- 2536 B. **Blighting influence.** The proposed use shall not enlarge or
2537 encourage the development of a concentration of such Uses
2538 or blighting influences.
- 2539 C. **Neighborhood conservation.** The proposed use shall not
2540 be contrary to any program of neighborhood conservation,
2541 revitalization or urban renewal.

2542
2543 **6. Other standards.** The proposed use, and its principal building, shall
2544 comply with all other regulations and standards of this Ordinance.

2545
2546 **Section 11.16 - Sanford Lake water Access**

2547
2548 **1. Purpose:**

2549 Preserve the recreational use and quality of Sanford Lake and to maintain
2550 the existing natural beauty of the lake by discouraging excess use by
2551 regulating man made adjustments to the established shoreline. Nothing in
2552 this ordinance shall be construed to limit access to lake or waterways by
2553 the public by way of a Public Park or public access site provided or
2554 maintained by any unit of state, county or local government.

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Area of Jerome Township regulated by this ordinance: Sanford Lake and all connected waterways.

2. REGULATIONS:

In any zone district where a parcel of land is contiguous to a lake, such parcel may be used as access property or as common open space held in common by a subdivision, open spaces community, association, or similar agency; or held in common by virtue of the terms of a plat of record; or provided for common use under deed restriction of record; or owned by two or more dwelling units located away from the waterfront, only if the following conditions are met:

- A. That said parcel of land contain a minimum of 50 feet of water frontage.
- B. That lots or condominium units with granted access must be situated so as to be contiguous with each other with the exceptions of roadways and be within 500 feet of the waterway access point.
- C. That in no event shall the water frontage of such a parcel of land consist of a swamp, marsh, or bog as shown on the most recent U.S. Geological Survey Maps, or the Michigan Department of Natural Resources MIRIS map, or have otherwise been determined to be wetland by the Michigan DNR; and that in no event shall a swamp, marsh, or bog be altered by dredging, the addition of earth or fill material or by the drainage of water for the purpose of increasing the water frontage required by this regulation.
- D. That in no event shall such a parcel of land abut a man-made canal or channel, and no canal shall be excavated for the purpose of increasing the water frontage required by this regulation.
- E. That the access property, as provided for in and meeting all conditions of this ordinance shall not be used as a residential lot for the purpose of constructing a dwelling and / or accessory structure(s), or for any commercial or business use. Boat ramps or launching facilities are not allowed. Open Air Pavilions, gazebos, parking lots and picnic facilities are uses that require a special use permit.
- F. That piers or docks on such access property shall not be closer than thirty (30) feet from another pier or dock, nor longer than 120% of the average length of the adjacent four (4) residential docks or piers either side of the access property. A pier or Dock shall be no closer than 10 ft to the adjacent side lot line.
- G. That there shall be no more than a total of four (4) motorized water craft or more than eight (8) total water craft permitted, to be kept on within each 50 foot access lot.

3. Definitions

2602 “Access Property” shall mean a property, parcel, or lot abutting a lake, and used
2603 or intended to be used, for providing access to a lake by pedestrian or vehicular
2604 traffic to and from offshore land.
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**ARTICLE XII
ZONING BOARD OF APPEALS**

SECTION 12.01 PURPOSE.

In order that the objectives of this Ordinance may be fully and equitably achieved, that a means shall be provided for competent interpretation of this Ordinance, that adequate but controlled flexibility be provided in the application of this Ordinance, that the health, safety, and welfare of the public is secured, and that justice be done, there is hereby established a Zoning Board of Appeals (ZBA).

SECTION 12.02 CREATION AND MEMBERSHIP.

The ZBA shall perform its duties and exercise its powers as provided in the Zoning Enabling Act of 2006 as amended. The ZBA shall consist of a maximum of five (5) members, selected from the electorate, appointed by the Supervisor, with the consent of the Township Board.

1. The first member of the ZBA shall be a member of the Planning Commission.
2. The remaining members shall have been a resident of the Township for at least one (1) year prior to the date of appointment, and shall be qualified and registered electors of the Township on such day and throughout his/her tenure of office. One member may be a member of the Township Board.
3. An employee or contractor of the Township Board may not serve as a member of the ZBA.
4. The term of the appointments shall be for three (3) years.
5. Any appointive vacancies in the ZBA shall be filled by the Township Board for the remainder of the unexpired term.
6. The Township Board may also appoint not more than two (2) alternate members to the ZBA. Appointments shall be as follows: each alternate member shall hold office for a full three (3) year term. Any vacancies in the alternative membership of the ZBA shall be filled by appointment made by the Township Board for the remainder of the unexpired term. The alternate members shall:
 - a. Sit as regular members of the ZBA in the absence of a regular member if a regular member is absent from, or unable to, attend two (2) or more consecutive meetings of the ZBA, or will be unable to attend meetings for a period of more than thirty (30) consecutive days
 - b. Be called to serve in the place of a regular member for the purpose of reaching a decision in a case in which the regular member has abstained for reasons of conflict of interest.The alternate member having been appointed shall serve in the case until a final decision has been made. Alternate members shall have the same voting rights as a regular member of the ZBA. Whenever possible, these two (2) alternates should be provided the opportunity to rotate as members of the ZBA.

SECTION 12.03 COMPENSATION.

2652 Each member and alternate member may receive a reasonable sum as
2653 determined by the Township Board for his/her services in attending each regular
2654 or special meeting of the ZBA.
2655

2656 **SECTION 12.04 REMOVAL.**

2657 Appointed members may be removed for nonperformance of duty or
2658 misconduct in office by the Township Board only after consideration of written
2659 charges and a public hearing. Failure of a member to disqualify himself from a
2660 vote in which he has a conflict of interest shall constitute misconduct in office.
2661

2662 **SECTION 12.05 MEETINGS.**

2663 1. The Board of Appeals shall annually elect its own chairman, vice
2664 chairman, and secretary.

2665 2. All meetings of the Board of Appeals shall be held at the call of the chairman
2666 and at such times as such Board may determine.

2667 3. All hearings conducted by the ZBA shall be open to the public. The Board
2668 shall keep minutes of its proceedings showing the vote of each member in
2669 question, or if absent, or failing to vote, indicating such fact; and shall also keep
2670 records of its hearings and other official actions in the office of the Township
2671 Clerk, and shall be a public record.

2672 4. The ZBA shall not conduct business unless a majority of the members are
2673 present. The concurring vote of a majority of the members of the ZBA shall be
2674 necessary to reverse an order, requirement, decision, or determination of an
2675 administrative official or body, or to decide in favor of the applicant a matter upon
2676 which they are required to pass under an ordinance, or to effect a variation in an
2677 ordinance.
2678

2679 **SECTION 12.06 APPEAL AND NOTICE REQUIREMENTS.**

2680 1. An appeal may be taken to the ZBA by any person, firm, or corporation,
2681 or by any officer, department, board, or bureau affected by a decision of the
2682 Building Official. An appeal shall be made in accordance with the processing
2683 procedures established by the Zoning Board of Appeals. Each appeal shall be
2684 accompanied by a processing fee in an amount established by resolution of the
2685 Township Board, and may be amended from time to time. No portion of such fee
2686 shall be reimbursable to the applicant. The Building Official shall forthwith
2687 transmit to the Board, all of the papers constituting the record upon which the
2688 action appealed from was taken. An appeal shall stay all proceedings in
2689 furtherance of the action appealed from unless the Building Official certifies to
2690 the Zoning Board of Appeals, after notice of appeal has been filed with him, that,
2691 by reason of facts stated in the certificate, a stay would, in his opinion, cause
2692 imminent peril to life or property, in which case, the proceedings shall be stayed,
2693 otherwise than by a restraining order which may be granted by a court of record.

2694 2. Public notice of the time, date, and place of the meeting shall also be given in
2695 the manner required by Section 1.05. Such notice shall contain
2696 the address, if available, and location of the property for which the ruling by the
2697 ZBA is sought, as well as a brief description of the nature of the Appeal.

- 2698 3. No appeal shall be taken to the ZBA from a decision of the Planning
2699 Commission or Township Board in connection with a use permitted subject to
2700 special approval use.
- 2701 4. Appeal(s) required in connection with site plan approval for principal uses
2702 permitted shall be presented before the ZBA prior to the consideration of the site
2703 plan by the Township Planning Commission.
- 2704 5. The ZBA may only act on those matters brought before it through the
2705 procedures of Section 12.06. In no instance may they conduct business on
2706 matters outside the scope of the appeal.
- 2707 6. No appeal shall be made from a decision of the Township Building Official or
2708 Planning Commission unless such appeal is filed within thirty (30) days from the
2709 date of such decision.

2710

2711 **SECTION 12.07. JURISDICTION.**

2712 The ZBA may reverse or affirm, wholly or partly, or may modify the order,
2713 requirement, decision of determination as in its opinion ought to be made in the
2714 premises, and to that end shall have all the powers of the officer from whom the
2715 appeal was taken and may issue or direct the issuance of a permit. Where there
2716 are practical difficulties in the way of carrying out the
2717 strict letter of this Ordinance, the ZBA shall have the power in passing upon
2718 appeals to vary or modify any of its rules, regulations or provisions so that the
2719 spirit of this Ordinance shall be observed, public safety secured, and substantial
2720 justice done. Nothing herein contained shall be construed to give or grant to the
2721 Zoning Board of Appeals the authority to make changes in the Zoning Ordinance
2722 or the Zoning Map, such power and authority being reserved to the Township
2723 Board in the manner herein provided by law.

2724

2725 **SECTION 12.08. POWERS AND DUTIES.**

2726 The ZBA shall have the following specified powers and duties:

2727

2727 **1. Administrative Review**

2728 To hear and decide appeals where it is alleged by the appellant that there is an
2729 error in any order, requirement, permit, decision, or refusal made by the Building
2730 Official or any other administrative official in carrying out, or enforcing, any
2731 provisions of this Ordinance.

2732

2732 **2. Interpretation**

2733 To hear and decide in accordance with the provisions of this Ordinance:
2734 a. Appeals for the interpretation of the provisions of the Ordinance.
2735 b. Requests to determine the precise location of the boundary lines
2736 between the zoning districts as they are displayed on the Zoning Map,
2737 when there is dissatisfaction with the decision on such subject.

2738

2739 **3. Variances**

2740 The ZBA shall have the power to authorize, upon appeal, specific variances from
2741 such dimensional requirements as lot area and width regulations, building height
2742 and square foot regulations, yard width and depth regulations, such
2743 requirements as off-street parking and loading space, and sign regulations, and
2744 other similar requirements as specified in Ordinance 98 as amended. To obtain a

- 2745 variance, the applicant must submit an affidavit indicating that a "practical
2746 difficulty" exists, by explaining:
- 2747 a. How the strict enforcement of the provisions of the Township Zoning
2748 Ordinance would deprive the owner of rights enjoyed by all other property
2749 owners owning property within the same zoning district.
 - 2750 b. The conditions and circumstances unique to the property which are not
2751 similarly applicable to other properties in the same zoning district.
 - 2752 c. The conditions and circumstances unique to the property were not created by
2753 the owner, within the time following the effective date of the provisions alleged to
2754 adversely affect such property.
 - 2755 d. Why the requested variance will not confer special privileges that are denied
2756 other properties similarly situated and in the same zoning district.
 - 2757 e. Why the requested variance will not be contrary to the spirit and intent of this
2758 zoning ordinance.

2759
2760 The ZBA shall not approve an application for a variance unless it has found
2761 positively that a practical difficulty exists under the preceding criteria.
2762

2763 **SECTION 12.09. PROHIBITED VARIANCES.**

- 2764 1. No variance shall be made in connection with a condition attached to a special
2765 condition use approved by the Planning Commission and/or Township Board.
- 2766 2. A use variance shall not be permitted.

2767
2768 **SECTION 12.10. ATTACHMENT OF CONDITIONS.**

2769 The ZBA may impose conditions upon an affirmative decision. The conditions
2770 may include, conditions necessary to ensure that public services and facilities
2771 affected by a proposed land use or activity will be capable of accommodating
2772 increased service and facility loads caused by the land use or activity, to protect
2773 the natural environment and conserve natural resources and energy, to ensure
2774 compatibility with adjacent uses of land, and to promote the use of land in a
2775 socially and economically desirable manner. Conditions imposed shall do all the
2776 following:

- 2777 1. Be designed to protect natural resources, the health, safety, and welfare, as
2778 well as the social and economic well being of those who will use the land use or
2779 activity under consideration, residents, and landowners immediately adjacent to
2780 the proposed land use, or activity, and the community as a whole.
- 2781 2. Be related to the valid exercise of the police power and purposes which are
2782 affected by the proposed use or activity.
- 2783 3. Be necessary to meet the intent and purpose of the zoning regulations; be
2784 related to the standards established in the Ordinance for the land use or activity
2785 under consideration and be necessary to ensure compliance with those
2786 standards.
- 2787 4. The conditions imposed shall be recorded in the record of the approval action
2788 and shall remain unchanged except upon the mutual consent of the approving
2789 authority and the landowner. The approving authority shall maintain a record of
2790 changes granted in conditions.

2791

2792 **SECTION 12.11 APPROVAL PERIOD.**
2793 No order of the ZBA permitting the erection of a building shall be valid for a
2794 period longer than one (1) year, unless a building permit for such erection or
2795 alteration is obtained within such period, and such erection or alteration is started
2796 and proceeds to completion in accordance with the terms of
2797 such permit.

2798
2799 **ARTICLE XIII**
2800 **DISTRICT CHANGES AND ORDINANCE AMENDMENTS**

2801
2802 **Section 13.01 - Amendment**

2803 In accordance with the provisions of the Zoning Enabling Act 110, as
2804 amended, the Township Board may from time to time amend, or change by
2805 ordinance, the number, shape or area of districts established on the Zoning Map
2806 or the regulations set forth in this ordinance.

2807
2808 **Section 13.02 - Petition For Change**

2809 Said amendment may be initiated by resolution of the Township Board, or
2810 by petition of one or more owners of property to be affected by the proposed
2811 amendment which petition in the case of one or more owners of property shall be
2812 filed with the Planning Commission.

2813
2814 **Section 13.03 - Public Hearing**

2815 The Planning Commission shall hold a public hearing on the proposed
2816 amendment or change, in accordance with the provisions of the Zoning Enabling
2817 Act 110 as amended.

2818
2819 **Section 13.04 - Review**

2820 The amendment and recommendations shall be submitted to the Midland
2821 County Planning Commission and to the Township Board.

2822
2823 **Section 13.05 - Action**

2824 The amendment, with the recommendation of the Midland County
2825 Planning Commission, shall then be submitted to the Township Board and acted
2826 upon in accordance with the provisions of the Zoning Enabling Act 110, as
2827 amended.

2828
2829 **Section 13.06 Conditional Rezoning.**

2830 **A. Intent.** It is recognized that there are certain instances where it would be in
2831 the best interests of the Township, as well as advantageous to property owners
2832 seeking a change in zoning boundaries, if certain conditions could be proposed
2833 by property owners as part of a request for a rezoning. It is the intent of this
2834 Section to provide a process consistent with the provisions of the Zoning
2835 Enabling Act 110 and the Michigan Zoning Guide by which an owner seeking a
2836 rezoning may voluntarily propose conditions regarding the use and/or
2837 development of land as part of the rezoning request.

2838

2839 **B. Application and Offer of Conditions.**

2840 1. An owner of land may voluntarily offer in writing conditions relating to the use
2841 and/or development of land for which a rezoning is requested. This offer may be
2842 made either at the time the application for rezoning is filed or may be made at a
2843 later time during the rezoning process.

2844
2845 2. The required application and process for considering a rezoning request with
2846 conditions shall be the same as that for considering rezoning requests made
2847 without any offer of conditions, except as modified by the requirements of this
2848 Section.

2849
2850 3. The owner's offer of conditions may not purport to authorize uses or
2851 developments not permitted in the requested new zoning district.

2852
2853 4. Any use or development proposed as part of an offer of conditions that would
2854 require a special land use permit under the terms of this Ordinance shall only be
2855 commenced if a special land use permit for such use or development is
2856 ultimately granted in accordance with the provisions of this Ordinance.

2857
2858 5. Any use or development proposed as part of an offer of conditions that would
2859 require a variance under the terms of this Ordinance shall only be commenced if
2860 a variance for such use or development is ultimately granted by the Zoning
2861 Board of Appeals in accordance with the provisions of this Ordinance.

2862
2863 6. Any use or development proposed as part of an offer of conditions that would
2864 require site plan approval under the terms of this Ordinance shall only be
2865 commenced if site plan approval for such use or development is ultimately
2866 granted in accordance with the provisions of this Ordinance.

2867
2868 7. The offer of conditions may be amended during the process of rezoning
2869 consideration provided that any amended or additional conditions are entered
2870 voluntarily by the owner. An owner may withdraw all or part of its offer of
2871 conditions any time prior to final rezoning action of the Township Board provided
2872 that, if such withdrawal occurs subsequent to the Planning Commission's public
2873 hearing on the original rezoning request, then the rezoning application shall be
2874 referred to the Planning Commission for a new public hearing with appropriate
2875 notice and a new recommendation.

2876
2877 **C. Planning Commission Review.**

2878 The Planning Commission, after public hearing and consideration of the factors
2879 for rezoning in this Ordinance, may recommend approval, approval with
2880 recommended changes or denial of the rezoning; provided, however, that any
2881 recommended changes to the offer of conditions are acceptable to and
2882 thereafter offered by the owner.

2883
2884 **D. Township Board Review.**

2885 After receipt of the Planning Commission's recommendation, the Township
2886 Board shall deliberate upon the requested rezoning and may approve or deny
2887 the conditional rezoning request. The Township Board's deliberations shall
2888 include, but not be limited to, a consideration of the factors for rezoning set forth
2889 in this Ordinance. Should the Township Board consider amendments to the
2890 proposed conditional rezoning advisable and if such contemplated amendments
2891 to the offer of conditions are acceptable to and thereafter offered by the owner,
2892 then the Township Board shall refer such amendments to the Planning
2893 Commission for a report thereon within a time specified by the Township Board
2894 and proceed to deny or approve the conditional rezoning with or without
2895 amendments.

2896

2897 **E. Approval.**

2898 1. If the Township Board finds the rezoning request and offer of conditions
2899 acceptable, the offered conditions shall be incorporated into a formal written
2900 Statement of Conditions acceptable to the owner and conforming in form to the
2901 provisions of this Section. The Statement of Conditions shall be incorporated by
2902 attachment or otherwise as an inseparable part of the ordinance adopted by the
2903 Township Board to accomplish the requested rezoning.

2904

2905 2. The Statement of Conditions shall:

2906

2907 a. Be in a form recordable with the Register of Deeds of the County in which the
2908 subject land is located or, in the alternative, be accompanied by a recordable
2909 Affidavit or Memorandum prepared and signed by the owner giving notice of the
2910 Statement of Conditions in a manner acceptable to the Township Board.

2911

2912 b. Contain a legal description of the land to which it pertains.

2913

2914 c. Contain a statement acknowledging that the Statement of Conditions runs with
2915 the land and is binding upon successor owners of the land.

2916

2917 d. Incorporate by attachment or reference any diagram, plans or other
2918 documents submitted or approved by the owner that are necessary to illustrate
2919 the implementation of the Statement of Conditions. If any such documents are
2920 incorporated by reference, the reference shall specify where the document may
2921 be examined.

2922

2923 e. Contain a statement acknowledging that the Statement of Conditions or an
2924 Affidavit or Memorandum giving notice thereof may be recorded by the Township
2925 with the Register of Deeds of the County in which the land referenced in the
2926 Statement of Conditions is located.

2927

2928 f. Contain the notarized signatures of all of the owners of the subject land
2929 preceded by a statement attesting to the fact that they voluntarily offer and
2930 consent to the provisions contained within the Statement of Conditions.

2931

2932 3. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect
2933 the new zoning classification along with a designation that the land was rezoned
2934 with a Statement of Conditions. The Township Clerk shall maintain a listing of all
2935 lands rezoned with a Statement of Conditions.

2936
2937 4. The approved Statement of Conditions or an Affidavit or Memorandum giving
2938 notice thereof shall be filed by the Township with the Register of Deeds of the
2939 County in which the land is located. The Township Board shall have authority to
2940 waive this requirement if it determines that, given the nature of the conditions
2941 and/or the time frame within which the conditions are to be satisfied, the
2942 recording of such a document would be of no material benefit to the Township or
2943 to any subsequent owner of the land.

2944
2945 5. Upon the rezoning taking effect, the use of the land so rezoned shall conform
2946 thereafter to all of the requirements regulating use and development within the
2947 new zoning district as modified by any more restrictive provisions contained in
2948 the Statement of Conditions.

2949

2950 **F. Compliance with Conditions.**

2951 1. Any person who establishes a development or commences a use upon land
2952 that has been rezoned with conditions shall continuously operate and maintain
2953 the development or use in compliance with all of the conditions set forth in the
2954 Statement of Conditions. Any failure to comply with a condition contained within
2955 the Statement of Conditions shall constitute a violation of this Zoning Ordinance
2956 and be punishable accordingly. Additionally, any such violation shall be deemed
2957 a nuisance per se and subject to judicial abatement as provided by law.

2958

2959 2. No permit or approval shall be granted under this Ordinance for any use or
2960 development that is contrary to an applicable Statement of Conditions.

2961

2962 **G. Time Period for Establishing Development or Use.**

2963 The approved development and/or use of the land pursuant to building and other
2964 required permits must be commenced upon the land within 12 months after the
2965 rezoning took effect and thereafter proceed diligently to completion See section
2966 12.11. This time limitation may upon written request be extended by the
2967 Township Board if (1) it is demonstrated to the Township Board's reasonable
2968 satisfaction that there is a strong likelihood that the development and/or use will
2969 commence within the period of extension and proceed diligently thereafter to
2970 completion and (2) the Township Board finds that there has not been a change
2971 in circumstances that would render the current zoning with Statement of
2972 Conditions incompatible with other zones and uses in the surrounding area or
2973 otherwise inconsistent with sound zoning policy.

2974

2975 **H. Reversion of Zoning.**

2976 If approved development and/or use of the rezoned land does not occur within
2977 the time frame specified under Subsection G above, then the land shall revert to
2978 its former zoning classification. The reversion process shall be initiated by the

2979 Township Board requesting that the Planning Commission proceed with
2980 consideration of rezoning of the land to its former zoning classification. The
2981 procedure for considering and making this reversionary rezoning shall thereafter
2982 be the same as applies to all other rezoning requests.

2983

2984 **I. Subsequent Rezoning of Land.**

2985 When land that is rezoned with a Statement of Conditions is thereafter rezoned
2986 to a different zoning classification or to the same zoning classification but with a
2987 different or no Statement of Conditions, whether as a result of a reversion of
2988 zoning pursuant to Subsection H above or otherwise, the Statement of
2989 Conditions imposed under the former zoning classification shall cease to be in
2990 effect. Upon the owner's written request, the Township Clerk shall record with the
2991 Register of Deeds of the County in which the land is located a notice that the
2992 Statement of Conditions is no longer in effect.

2993

2994 **J. Amendment of Conditions.**

2995

2996 1. During the time period for commencement of an approved development or use
2997 specified pursuant to Subsection G above or during any extension thereof
2998 granted by the Township Board, the Township shall not add to or alter the
2999 conditions in the Statement of Conditions.

3000

3001 2. The Statement of Conditions may be amended thereafter in the same manner
3002 as was prescribed for the original rezoning and Statement of Conditions.

3003

3004 **K. Township Right to Rezone.**

3005 Nothing in the Statement of Conditions nor in the provisions of this Section shall
3006 be deemed to prohibit the Township from rezoning all or any portion of land that
3007 is subject to a Statement of Conditions to another zoning classification. Any
3008 rezoning shall be conducted in compliance with this Ordinance and the Zoning
3009 Enabling Act 110.

3010

3011 **L. Failure to Offer Conditions.**

3012 The Township shall not require an owner to offer conditions as a requirement for
3013 rezoning. The lack of an offer of conditions shall not affect an owner's rights
3014 under this Ordinance.

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**ARTICLE XIV
ADMINISTRATION**

Section 14.01 - Building Inspector

The provisions of this ordinance shall be administered by the Building Inspector who shall be appointed by the Township Board.

Section 14.02 - Permits Required

Except as otherwise provided, no land shall be occupied or used and no building or structure shall hereafter be erected, altered, or moved onto a site until a permit has been obtained from the Building Inspector. Such permit shall be non-transferable and shall be obtained before any new use is established or work of excavation or construction is begun. This permit is valid for one (1) year and (A) construction or use must start within one year following the issuance of the permit and (B) The permit will remain in effect provided reasonable progress is made on the project. A fee for said Permit shall be paid to Jerome Township.

A sign permit shall be obtained from the Building Inspector on any billboard or sign exceeding twelve (12) square feet by the land owner on whose land the billboard or sign is erected. A fee for said sign permit shall be paid to Jerome Township.

Section 14.03 - Certificate of Compliance

Except as otherwise provided, no land shall be occupied or used and no building hereafter erected or altered shall be occupied or used in whole or in part for any purposes, until a certificate of compliance shall have been issued by the Building Inspector stating that the proposed use complies with all the provisions of this ordinance.

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**ARTICLE XV
Severability**

Section 15.01 - Severability

The provisions of this Ordinance are declared severable. If any provisions of this Ordinance or part thereof is declared invalid for any reason by a court of competent jurisdiction, that declaration does not affect or impair the validity of all other provisions that are not subject to that declaration.

**ARTICLE XVI
PENALTIES**

Section 16.01 - Violations Declared a Nuisance Per Se

All violations of this Ordinance or any part thereof are declared a nuisance per se.

Section 16.02 - Penalties.

Any person or other entity who violates any provisions of this Ordinance is responsible for a municipal civil infraction as defined by Michigan law and subject to a civil fine of not more than \$500.00, plus costs, which may include all direct or indirect expenses to which the Township of Jerome has been put in connection with the violation. In no case, however, shall costs of less than \$9.00 or more than \$500.00 be ordered.

Section 16.03 - Additional Remedies

In addition to the foregoing provisions relating to Penalties, the Township specifically reserves the right and shall have the authority to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to abate said all violations and the nuisances thereby created and to compel compliance with this Ordinance. Each day that a violation shall continue is to constitute a separate offense.

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**ARTICLE XVII
EFFECTIVE DATE**

Section 17.01 - Effective Date

This Ordinance shall take effect thirty (30) days after publication of a notice of adoption of this Ordinance, unless referendum procedures are initiated under MCL 125.3402. If referendum procedures are initiated, this Ordinance will take effect in accordance with MCL 125.3402.

**ARTICLE XVIII
REPEALING CLAUSE**

Section 18.01 - Repealing Clause

All ordinances or parts of Ordinances in conflict herewith are hereby repealed.

YEAS: _____

NAYS: _____

ABSENT/ABSTAIN _____

ORDINANCE DECLARED ADOPTED.

CERTIFICATION

I hereby certify that the above is a true copy of an Ordinance adopted by the Jerome Township Board at a Regular Meeting held on _____, pursuant to the required statutory procedures.

Dated: _____

Michael Wood, Jerome Township Supervisor

Angela Martin, Jerome Township Clerk