

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

19
20 The Township of Jerome, Midland County, Michigan, pursuant to the authority
21 vested in it by Zoning Enabling Act 110 of the State of Michigan for 2006, as
22 amended, ordains:

23
24
25 **ARTICLE I**
26 **TITLE AND PURPOSE**

27
28 **Section 1.01 - Title**

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

31 **Section 1.02 - Purpose**

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

44 **Section 1.03 - Scope of Regulation**

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

56
57 By resolution, the Jerome Township board declined to adopt an ordinance
58 authorizing any of the five types of medical marihuana facilities authorized by
59 PA 281 of 2016, a “marihuana facility shall not operate in Jerome Township”,
60 this includes growers, processors, secure transporters, provisioning centers,
61 and safety compliance facilities.

62
63 **Section 1.04 - General Procedure**

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

73
74 **Section 1.05 - Conflict With Other Laws**

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

78
79 **Section 1.06 – Public Notification**

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

84
85 The notice must:

- 86
87 1. Describe the nature of the zoning request, application, or action.

- 88 2. State the time, date, and place of the meeting.
89 3. Indicate the street address of the property that is the subject of the request.
90 4. Indicate when and where written comments will be received concerning the
91 request.

92
93 Notices must be sent by mail or personal delivery to all property owners and
94 occupants of structures within 300 feet of the property and to the owners of the
95 property for which the approval is being considered.

96
97 For zoning text amendment public hearings, a mail notice must be sent to the each
98 public utility, telecommunication service provider, and railroad operating in the
99 Township to the extent that the entity has registered their name and address with
100 the Township Clerk for the purpose of receiving public hearing notices.

101

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

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

106

107

**ARTICLE II
DEFINITIONS**

108

109 **Section 2.02 – Definitions**

110

111 **Access Property**

112 A property, parcel, or lot abutting a lake, and used or intended to be used,
113 for providing access to a lake by pedestrian or vehicular traffic to and from
114 offshore land.

115

116 **Accessory Buildings**

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

121

122 **Access Property**

123 A property, parcel, or lot abutting a lake, and used or intended to be used,
124 for providing access to a lake by pedestrian or vehicular traffic to and from
125 offshore land.

126

127 **Accessory Use**

128 A use naturally and normally incidental to, subordinate to, and devoted
129 exclusively to the main use of the land or buildings.

130

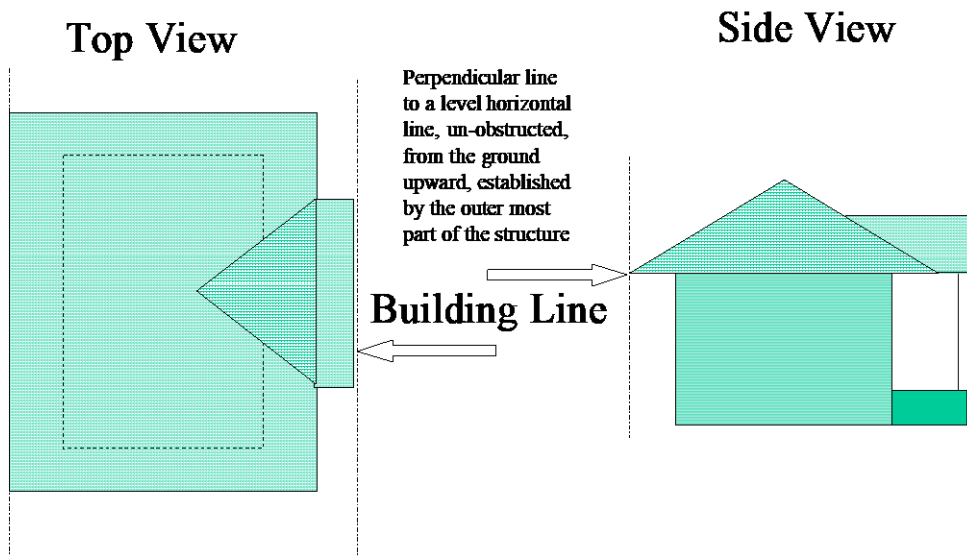
- 131 **Adult Media**
132 Magazines, books, slides, prerecorded storage devices, or other media that
133 are distinguished or characterized by their emphasis on matter depicting,
134 describing, or relating to sexually oriented hard-core material.
135
- 136 **Adult Media Store**
137 An establishment that rents and/or sells adult media, and /or advertises or holds
138 itself out in any form as “XXX,” “adult,” “sex”.
139
- 140 **Adult Motion Picture Theatre**
141 An establishment emphasizing or predominately showing sexually oriented
142 movies.
143
- 144 **Adult theatre**
145 A theater, concert hall, auditorium, or similar commercial establishment
146 which regularly features persons who appear in a state of nudity or
147 seminude, or live performances which are characterized by the exposure of
148 specified anatomical areas or by specified sexual activities.
149
- 150 **Alley**
151 A public thoroughfare or way which affords only a secondary means of access to
152 abutting property.
153
- 154 **Agriculture**
155 The use of land for tilling of the soil, the raising of tree and field crops and animal
156 husbandry.
157
- 158 **Altered**
159 Any change in usage, location, square footage, or height of a building.
160
- 161 **Apartment**
162 See the definition of dwelling, multiple family.
163
- 164 **Basement**
165 That portion of a building partly below average grade.
166
- 167 **Building**
168 An independent structure having a roof supported by columns or walls resting on
169 a foundation.
170

171 **Building Height**
172 The vertical distance measured from the highest finish grade to the highest point
173 of the roof.

174
175

176 **Building Line:**
177 A horizontal line parallel to the structure wall, established by a vertical line, 90
178 degrees to a level horizontal line, un-obstructed, from the ground upward,
179 established by the outer most part of the structure.

Building Line Definition



180
181

182 **Building Line - Front:**
183 The building line on the street side of the building.

184
185

186 **Building Line - Side:**
187 The building line on the side of the building relative to the front building line.

188
189

190 **Building Line - Rear:**
191 The building line opposite the front building line.

192
193

194 **Carports**
Portable or Stationary carports of any type shall be considered accessory buildings.

194

195 **Commercial Vehicle**

196 Any motor vehicle licensed as a commercial vehicle.

197

198 **Condominium unit**

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

203

204 **Condominium use**

205 Any use as defined in the master deed.

206

207 **Display Publicly**

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

214

215 **Driveways**

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

221

222 **Dwelling**

223 A building used as the living quarters for one or more families.

224

225 **Dwelling Area**

226 The dwelling area of a dwelling unit is composed of sleeping rooms, kitchen,
227 dining room, bathrooms, family rooms, dens, hallways, closets, entry ways,
228 and living rooms.

229

230 **Dwelling Unit**

231 That portion of a dwelling providing complete living quarters for one family.

232

233 **Dwelling, One-Family**

234 A detached dwelling designed for or occupied exclusively by one family.

235

236 **Dwelling, Two-Family**
237 A dwelling designed for or occupied exclusively by two families living
238 independently of each other.
239

240 **Dwelling, Multiple Family**
241 A dwelling used and designed as a residence for three or more families, living
242 independently of each other.
243

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

250 **Essential Services**
251 As defined by state law.
252

253 **Family**
254 A family is any number of persons living on the premises comprising a single
255 housekeeping unit and related by blood or marriage, and including the
256 domestic employees thereof.
257

258 **Farm**
259 Any parcel of land which is used for gain in the production of field and tree crops,
260 livestock, poultry and dairy products.
261

262 **Fence**
263 A constructed barrier used to prevent or control entrance, confine within, or
264 mark a boundary. For the purpose of this ordinance an open fence has 80%
265 clear vision, a privacy fence has less than 80% clear vision.
266

267 **Foster family home**
268 A private home in which 1 but not more than 4 minor children, who are not
269 related to an adult member of the household by blood or marriage, or who
270 are not placed in the household under the Michigan adoption code, chapter
271 X of the probate code of 1939, 1939 PA 288, MCL 710.21 to 710.70, are
272 given care and supervision for 24 hours a day, for 4 or more days a week,
273 for 2 or more consecutive weeks, unattended by a parent or legal guardian.
274

275 **Foster family group home**
276 A private home in which more than 4 but fewer than 7 minor children, who
277 are not related to an adult member of the household by blood or marriage,
278 or who are not placed in the household under the Michigan adoption code,

279 chapter X of the probate code of 1939, 1939 PA 288, MCL 710.21 to 710.70,
280 are provided care for 24 hours a day, for 4 or more days a week, for 2 or
281 more consecutive weeks, unattended by a parent or legal guardian.
282

283 **Family day care home**

284 A private home in which 1 but fewer than 7 minor children are received for
285 care and supervision for periods of less than 24 hours a day, unattended by
286 a parent or legal guardian, except children related to an adult member of
287 the family by blood, marriage, or adoption. Family day care home includes
288 a home in which care is given to an unrelated minor child for more than 4
289 weeks during a calendar year.
290

291 **Garage**

292 A building used for storage purposes by a family or families living on the
293 premises.
294

295 **Group day care home**

296 A private home in which more than 6 but not more than 12 minor children
297 are given care and supervision for periods of less than 24 hours a day
298 unattended by a parent or legal guardian, except children related to an adult
299 member of the family by blood, marriage, or adoption. Group day care home
300 includes a home in which care is given to an unrelated minor child for more
301 than 4 weeks during a calendar year.
302

303 **Home Occupation**

304 An occupation conducted solely by members of a family residing on the premises.
305

306 **Junk Yard**

307 A place, structure, or parcel of land where junk, discarded waste, salvage,
308 or similar materials such as old iron or other metal, wood, lumber, glass,
309 paper, rags, cloth, bagging, cordage, barrels, containers, etc., are bought,
310 sold, exchanged, baled, packed, disassembled, stored, including auto
311 wrecking yards, used lumber yards, house wrecking yards, and places or
312 yards for use of salvaged house wrecking and structural steel materials and
313 equipment.
314

315 **Kennel**

316 Any premises where four (4) or more licensable dogs are maintained, or boarded
317 for gain or are kept for the purpose of sale.
318

319 **Land Fill**

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

323

324 **Loading Space**

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

328

329 **Lot**

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

332

333 **Lot, Corner**

334 A corner lot is a lot of which at least two adjacent sides abut for their full
335 length upon a road, provided that such sides intersect at an angle of not
336 more than 135 degrees. A lot abutting upon a curved road or roads shall be
337 considered a corner lot if the tangents to the curve at its points of beginning
338 within the lot intersect at an interior angle of not over 135 degrees. In the
339 case of a corner lot with a curved road line the corner shall be considered
340 to be that point on the road lot line nearest to the point of intersection of the
341 tangents here described.

342

343 **Marihuana**

344 Also known as marijuana or cannabis. That term shall have the meaning
345 given to it in section 7601 of the Michigan public health code, 1978 PAS
346 368, MCL 333.7106, and as is referred to in section 3(d) of the Michigan
347 Medical Marihuana Act, P.A. 2008, Initiated Law, MCL 333.26423(d). Any
348 other term pertaining to marihuana used in this section and not otherwise
349 defined shall have the meaning given to it in the Michigan Medical
350 Marihuana Act and/or in the General Rules of the Michigan Department of
351 Community Health issued in connection with that Act.

352

353 **Media**

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

360

361 **Media shop**
362 A general term, identifying a category of business that may include sexually
363 oriented material but that is not subject to the special provisions applicable
364 to adult media shops. In that context, media shop means a retail outlet
365 offering media for sale or rent, for consumption off the premises provided
366 that any outlet meeting the definition of adult media shop shall be treated
367 as an adult media outlet
368
369 **Medical Use of Marihuana.**
370 The acquisition, possession, cultivation, manufacture, use, internal
371 possession, delivery, transfer, or transportation of marihuana or
372 paraphernalia relating to the administration of marihuana to treat or alleviate
373 a registered qualifying patient's debilitating medical condition or symptoms
374 associated with the debilitating medical condition, as defined under the
375 Michigan Medical Marihuana Act, P.A. 2008, Initiated Law,
376 MCL333.26423(d).
377
378 **Mobile Home**
379 A titled structure, which is built on a chassis and designed for minimal
380 conveyance upon a public thoroughfare; and is constructed in such a
381 manner as will permit occupancy thereof as a permanent dwelling.
382
383 **Mobile Home Park**
384 A parcel of land upon which three or more mobile homes are located for dwelling
385 purposes.
386
387 **Motel**
388 An establishment where individual rooms or suites are rented to transients and
389 shall not be construed to be a multiple dwelling.
390
391 **Nonconforming Use**
392 The use of land or structures that does not conform to the regulations of the
393 District in which it is situated.
394
395 **Open Spaces**
396 See Section 11.12
397
398 **Parcel of Land**
399 Land under one ownership.
400
401 **Premises**
402 A parcel of land together with the buildings thereon.
403

404 **Ponds**

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

408

409 **Private Road**

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

414

415 **Public Road**

416 A way or means of approach which provides access and which is
417 constructed to the Midland County Road Standards and is dedicated for
418 general public use and maintained by the Midland County Road
419 Commission.

420

421 **Right of Way**

422 A public or private thoroughfare or easement of access including waterways.

423

424 **Right of Way Line**

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

427

428 **Road or Street**

429 A public or private thoroughfare used for vehicular travel.

430

431 **Rooming House**

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

433

434 **Service Stations**

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

440

441 **Sexually Oriented Business**

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

446

447 **Sexually Oriented Toys or Novelties**

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

451

452 **Storage shed**

453 A small structure with four enclosed side walls, a peaked roof, or a single
454 sloped roof (such as a potting shed), and the roof will have a minimum of
455 15 degree of roof pitch regardless of shed style. A shed may or may not be
456 built from a prepackaged kit and may or may not be located on a concrete
457 slab or be anchored. A storage shed shall have maximum floor dimensions
458 of 10 feet X 12 feet, overhang of less than 1 foot on a side, and be a
459 maximum of 10 feet 6 inches tall from grade. Note: Larger overhangs than
460 1 foot per side is permitted but the excess will count as part of the floor
461 dimension. Storage sheds must be positioned and designed to be portable
462 or movable if conditions require. Storage Sheds described here are not
463 considered accessory buildings as defined in Jerome Township Ordinance
464 NO. 98 and do require a zoning permit, if they meet all requirements set
465 forth in this ordinance. Storage Shed "like structures" with a floor area of
466 less than 25 square feet (i.e. 5 foot X 5 foot) some examples of which are
467 (but not limited to) very small storage units, children bus shelter, wood box,
468 dog house, etc. are exempted from the requirements of this ordinance.

469

470 **Structure**

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

474

475 **Special Use**

476 Hearing required, see Article X.

477

478 **Towers**

479 See Section 11.13.

480

481 **Tourist Home**

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

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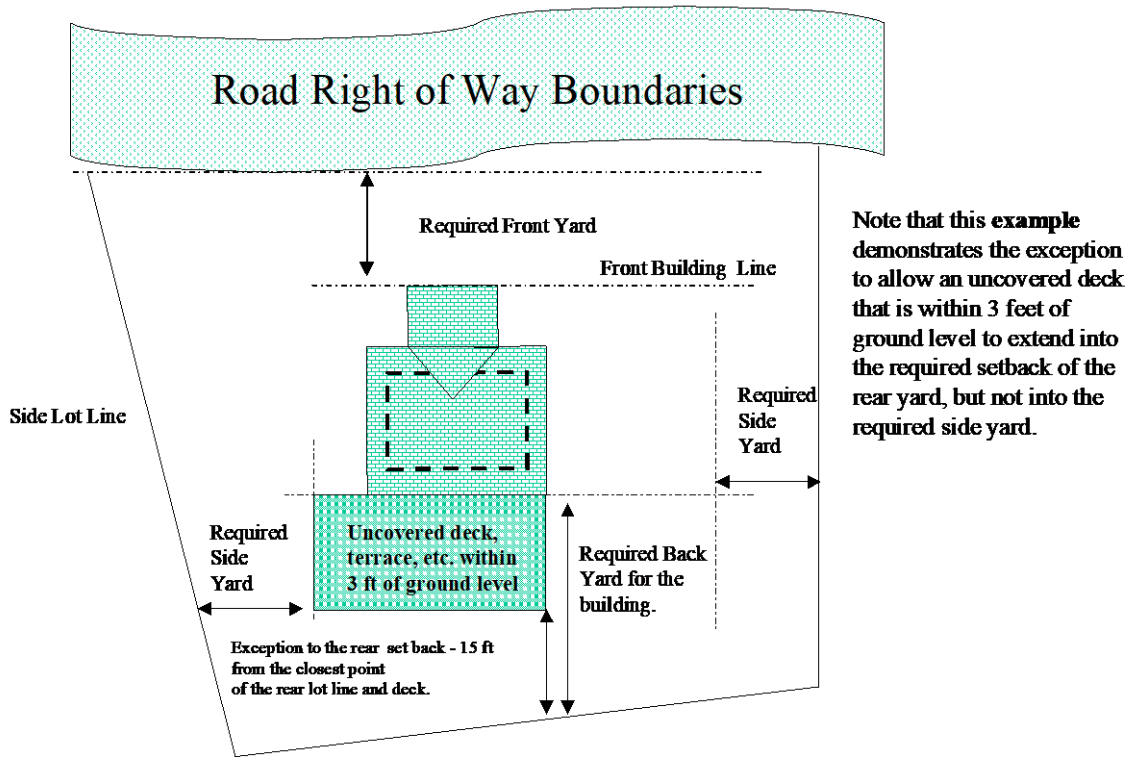
484 **Variance**

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

488

489 **Wireless Communication Facilities** See
490 Section 11.13.
491
492 **Yard, Front**
493 An unoccupied space between the road right-of-way and the front building line.
494
495 **Yard, Rear**
496 An unoccupied space between the rear property line and the rear building line.
497
498 **Yard, Side**
499 An unoccupied space between the side building line and the adjacent side
500 property line.
501
502 **Yard Requirements** – permitted projection into required yard requirement:
503 An open unenclosed and uncovered porch, paved terrace, or deck within 3
504 feet of ground level, may project no further than 10 feet in the required front
505 yard nor more than 15 ft into the required back yard. No projection into the
506 side yard requirement is permitted. Any porch, terrace, deck, or balcony,
507 which is enclosed, shall meet the minimum set back requirements of the
508 main building or accessory building to which it is attached. Sidewalks and
509 driveways at ground level have no set back requirement within the property
510 boundary.
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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:

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

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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.

**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.

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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 days per calendar year provided safe water and access to sanitary waste facilities are available on the premises.
 10. Each residence is allowed 4 “garage or yard sales” for a maximum of 5 days each with at least 30 days between sales per calendar year. Garage sales must be managed in any district in which they are held so as not to create traffic hazards or impinge on neighbors to the extent they create a nuisance. All signs must be removed at the end of the sale and the owners address shall be identified on each sign.
 11. **Special uses as provided by Article X:**
 - A. Privately owned and publicly owned cemeteries.
 - B. Schools and educational institutions.
 - C. Hospitals, sanitariums and rest homes.
 - D. Institutions of a philanthropic or charitable nature.
 - E. Public utility substations, buildings and towers including law enforcement, fire protection, and emergency medical facilities.
 - F. Churches, missions, and other buildings where meetings of a religious nature are to be held, however, no live-in facilities beyond that which are normally allowed as dwellings for that district will be allowed.
 - G. Libraries and museums.
 - H. State licensed residential group day care homes as per PA 110 section 125.3206 as amended.

- 622 I. Open Space Preservation - see Section 11.12
- 623 J. Wireless Communication Facilities - see Section
- 624 11.13
- 625 K. Conversion of an accessory structure to a dwelling.
- 626

627 **Section 4.02 - Size of Dwelling Lots**

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

634

635 **Section 4.03 - Yard Requirements**

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

641

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

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

646

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

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

651

652 **Section 4.06 - Height**

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

656

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

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

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

- 664 2. A shed may be located in front yards but must be at least 25 feet
- 665 away from the road right of way and meet all other setbacks. On
- 666 waterway side of lake lots sheds are not to be more than 3 foot above
- 667 finish grade at the rear dwelling building line. It is recommended that
- 668 shed owners consider placement and landscaping to make it blend
- 669 into the neighborhood as much as possible.
- 670 3. Sheds may not be located within 8 ft of an adjacent property owner
- 671 dwelling.
- 672 4. No sheds are permitted within the side yard area on lots with non-
- 673 conforming side yard set backs of less than 8 ft.
- 674

675 **Section 4.08 Fences**

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

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ARTICLE V
DISTRICT B - RESIDENTIAL, MULTIPLE FAMILY

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690 **Section 5.01 - Uses Permitted**

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

693

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

700 **Section 5.01.6 - Special Uses as provided by Article X**

- 701 1. All special uses allowed in District A.
- 702 2. Community Buildings
- 703 3. Private resorts, recreational camps and parks.
- 704 4. Fraternal lodges, country clubs, private clubs and similar civic or social
- 705 organizations.
- 706

707 **Section 5.02 - Size of Dwelling Lots**

708 Every parcel of land upon which a dwelling is hereafter erected or altered shall not
709 be less than ten thousand (10,000) square feet in area nor less than seventy (70)
710 feet in width at the building site, provided, however, that this requirement shall not
711 apply to a parcel of land less in size than said area and identified under one
712 ownership on record prior to November 5, 1968. Every parcel of land shall provide
713 a minimum width of thirty (30) feet at the point of access to the premises.
714

715 **Section 5.03 - Yard Requirements**

716 The same as is provided in Section 4.03 of ARTICLE IV of this ordinance.
717

718 **Section 5.04 - Floor Area of Dwellings**

719 No dwelling shall be erected or altered which provides less than six hundred (600)
720 square feet of dwelling area at the first floor level.
721

722 **Section 5.05 - Side Yards of Corner Lots**

723 The width of a side yard of a corner lot abutting on a street or right-of-way, shall
724 not be less than the minimum front yard required on an adjoining lot fronting on
725 such side rights-of-way, but this shall not reduce the buildable width of any lot of
726 legal record prior to November 5, 1968 to less than twenty-six (26) feet at the
727 building grade level.
728

729 **Section 5.06 - Height**

730 The same as is provided in Section 4.06 of ARTICLE IV of this ordinance.
731

732 **Section 5.07 - Storage shed Location** The

733 same as is provided in Section 4.07.
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735 **Section 5.08 – Fences**

736 The same as is provided in Section 4.08

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ARTICLE VI 765 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 770 more of the following specified uses and a Site Plan is required for all 771 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, 775 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 785 be noxious or offensive by reason of the emission of odor, fumes, dust, 786 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, 792 motor vehicle sales, parking lots, radio and television stations and similar 793 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

- 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
- 821 shall not exceed 64 square feet.
- 822 34. Laundromats
- 823 35. Special Uses as Provided by Article X All special uses in District C.
- 824 Light manufacturing
- 825 Lighted signs
- 826
- 827

828 **Section 6.02 - Height**

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

831

832 **Section 6.03 Yard Requirements**

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

837

838 **Section 6.03.1 Size of Building Lots**

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

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846 **Section 6.03.2 Floor Area of Buildings or Structures**

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

850

DISTRICT C - (Commercial Business)

851 **Section 6.04 - Uses Permitted**

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

- 855 1. All uses permitted in District B.
- 856 2. Bakeries
- 857 3. Barber Shops and Beauty Shops
- 858 4. Beer and wine retail
- 859 5. Boutiques
- 860 6. Branch Banks
- 861 7. Dairy Products (Retail)
- 862 8. Dental Clinics
- 863 9. Drug Stores
- 864 10. Dry Cleaning
- 865 11. Florist
- 866 12. Furniture Stores
- 867 13. Gift shops
- 868 14. Governmental Offices
- 869 15. Grocery Stores
- 870 16. Hardware Stores
- 871 17. Insurance Offices
- 872 18. Jewelers
- 873 19. Loan Companies
- 874 20. Meat markets
- 875 21. Medical Clinics
- 876 22. Mini storage units
- 877 23. Office Buildings
- 878 24. Parking Lots
- 879 25. Photographic Studios
- 880 26. Real Estate Offices
- 881 27. Restaurants
- 882 28. Sporting Goods
- 883 29. Video stores
- 884 30. Accessory buildings and structures incidental to any of the above uses
885 permitted in this section.
- 886 31. Unlighted signs for identification purposes not to exceed thirty two (32)
887 square feet.

888 **Section 6.04.32 - Special Uses as provided by Article X**

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

893 **6.05 Size of Building Lots**

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

900

901 **6.06 Yard Requirements**

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

907

908 **6.07 Floor Area of Building or Structure**

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

912

913 **6.08 Side Yards of Corner Lots**

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

917

918 **6.09 Height**

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

921

922 **6.10 Required Conditions**

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

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ARTICLE VII 932 DISTRICT E (Agricultural)

Section 7.01 - Uses Permitted

No buildings 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 937 the following specified uses:

1. All uses Permitted in Districts A and B.
2. Farm buildings, structures, including roadside stands not to exceed 160 square feet.
3. Farms, including both general and specialized farming and 943 similar agricultural enterprises. Farms must meet Right to Farm Act GAAMP requirements.
4. Tourist homes, rooming houses, and mobile homes.
5. Signs not to exceed 12 square feet.
6. Accessory uses, buildings and structures incidental to any of the 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.
8. **Special uses as provided by Article X.**
 - a. Airstrips
 - b. Privately owned and publicly owned cemeteries
 - c. Churches, missions, and other buildings where meetings of a 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.
 - d. Community Buildings
 - e. Foster care facilities
 - 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.
 - g. Private resorts, recreational camps and parks.
 - h. Public utility substations, buildings and towers including law 965 enforcement, fire protection, and emergency medical facilities.
 - i. Schools and educational institutions
 - j. Slaughtering, packaging, and refrigeration processing.
 - k. Veterinary hospitals or clinics

- 969 I. For buildings or structures exceeding the height limitation of
- 970 section 7.05
- 971 m. Open Space Preservation - see section 11.12 972 n.
- 973 Wireless Communication Facilities - see section 11.13
- 974 o. Conversion of an accessory structure to a dwelling.

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 hundred (600)
985 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 height
989 exceeding thirty-five (35) feet on parcels of 10 acres or less.

ARTICLE VIII
District F (Industrial)

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Section 8.01 - Uses Permitted

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

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

Section 8.01.15 Special uses are provided by Article X. None.

Section 8.02 Size of Building Lots

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

Section 8.03 Requirements

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

Section 8.04 - Floor Area of Buildings or Structures

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

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.

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

1076 **Section 9.04 - Action on Site Plan Review**

- 1077 A. A hearing shall be scheduled by the Secretary of the Planning Commission
1078 within (45) days following the date of the receipt of the site plan and fee
1079 following the notification requirements of section 1.05.
1080 .
1081 B. Following the hearing the Township Planning Commission shall approve,
1082 disapprove, modify or alter the proposed site plan. Any required
1083 modification or alteration shall be stated in writing, together with the
1084 reasons therefor, and delivered to the applicant.
1085 C. Two copies of the approved site plan with any required modifications
1086 thereon shall be maintained as part of the Township records for future
1087 review and enforcement. Each copy shall be signed and dated by the
1088 Chairman of the Township Planning Commission for identification of the
1089 approved site plan.
1090

1091 **Section 9.05 - Criteria for Review**

- 1092 In reviewing the application and site plan and approving, or modifying the
1093 same, the Township Planning Commission shall be governed by the
1094 following standards:
1095 A. That there is a proper relationship between the existing streets and
1096 highways within the vicinity and service drives, entrance and exit
1097 driveways, parking areas and loading-unloading spaces to assure the
1098 safety and convenience of pedestrian and vehicular traffic.
1099 B. That the buildings, structures, and entry ways thereto proposed to be
1100 located upon the premises are so situated and designed as to minimize
1101 adverse effects therefrom upon owners and occupants of adjacent
1102 properties and the neighborhood.
1103 C. That as many features of the landscape shall be retained as possible
1104 where they furnish a barrier or buffer between the project and adjoining
1105 properties used for dissimilar purposes and where they assist in preserving
1106 the general appearance of the neighborhood or help control erosion or the
1107 discharge of storm waters.
1108 D. That any adverse effects of the proposed development and activities
1109 emanating therefrom upon adjoining residents or owners shall be
1110 minimized by appropriate screening, fencing, or landscaping.
1111 E. That all provisions of this ordinance are complied with unless an
1112 appropriate variance therefrom has been granted by the Zoning Board of
1113 Appeals.
1114 F. That all buildings and structures are accessible to emergency vehicles.
1115 G. That all surface water runoff from a site shall be drained to established or
1116 maintained public drainage ways or a properly designed private drainage
1117 retention basin on or accessible to the site.
1118 H. That the site plan as approved is consistent with the intent and purpose of
1119 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

1163 property involved, a site plan as per Article IX, a statement and supporting
1164 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.

1217 **Section 10.07 - Reapplication**

1218 No application for a special use permit which has been denied wholly or in part by
1219 the Planning Commission shall be resubmitted for a period of six (6) months from
1220 such denial, except on the grounds of new evidence or proof of changed
1221 conditions.

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**ARTICLE XI
SUPPLEMENTARY REGULATIONS**

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1226 The provisions of this ordinance shall be subject to such modifications, additions,
1227 exceptions, or limitations as herein provided by the following supplementary
1228 regulations

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1230 **Section 11.01 - Temporary Structures for Dwelling Purposes Permit Required.**

1231 If a building permit has been issued for a permanent dwelling, written permission
1232 may be granted by the Building Inspector to occupy a temporary dwelling for the
1233 period covered by the building permit subject to the provisions of section 11.02,
1234 after which temporary building shall be removed or made to comply with the
1235 provisions of the Zoning Ordinance.

1236

1237 **Section 11.02 - Required Water Supply and Sanitary Sewage Facilities** In the
1238 interest of public health and welfare every building or structure hereafter erected,
1239 altered or moved upon any premises or moored in a body of water at the shore
1240 bordering any premises and used for dwelling, commercial, or industrial purposes
1241 shall be provided with:

1242 A. An adequate, safe and sanitary water supply furnished under pressure
1243 through a system of pipes from a public supply if available or from a well
1244 on the premises, the site of which is approved by the Midland County
1245 Health Department and constructed in compliance with all state or local
1246 regulations.

1247 B. A safe and sanitary means of collecting waste from all facilities used for the
1248 disposal of human wastes and disposing of them in a septic system which,
1249 when not municipally controlled, shall be located on the property where the
1250 wastes originate. Such a system shall conform to the Midland County
1251 Health Department Regulations. Other means of disposal may be
1252 approved by the Planning Commission.

1253

1254 **Section 11.03 Exceptions to Regulations**

1255 A. Essential Services shall be permitted as authorized and regulated by law
1256 and subject to the provisions of Article X.

1257 B. Two or more dwellings may be erected on a parcel of land under one
1258 ownership provided sufficient land is assigned to each dwelling prior to

- 1259 construction and that conforms to the yard and area requirements of that
1260 district.
1261
1262 C. The height limitations of this ordinance shall not apply to buildings used for
1263 agricultural purposes, church spires, belfries, cupolas, domes, chimneys,
1264 antennas, ventilators, water tanks, bulkheads, similar features and
1265 necessary mechanical appurtenances usually carried above roof level.
1266 Such features, however, shall be erected only to such height as is
1267 necessary to accomplish the purpose they are to serve and then only in
1268 accordance with any other governmental regulations.
1269 D. When a mobile home is exchanged or relocated on the same premises,
1270 permits and inspections are required.
1271 E. No required open space of one building shall overlap the required open
1272 space of another building.
1273 F. Removal of rock, sand, gravel, topsoil, minerals and natural materials in
1274 excess of 100 cubic yards per year, together with necessary buildings,
1275 apparatus, or appurtenances incidental thereto are subject to the
1276 provisions of Article X.
1277 G. Beaches, bathhouses and boat landings, picnic grounds operated for gain
1278 are subject to the provisions of Article X.
1279 H. Carnivals, circuses, races, sport events, tent meetings, temporary signs
1280 and other transient enterprises when the activities are to be located on
1281 property, the present uses of which do not invite participation by the public,
1282 provided, however, that the Building Inspector may issue special use
1283 permits for a period not to exceed seventy-two (72) hours after he has
1284 determined that the use is in compliance with the findings listed in Section
1285 10.05.
1286

1287 **Section 11.04 - Groundwater Quality Protection**

- 1288 A. Wastewater treatment systems, including on-site septic systems shall be
1289 located to minimize any potential degradation of surface water on
1290 groundwater quality.
1291 B. Sites which include storage of hazardous materials or waste shall be
1292 designed and constructed to prevent spills and discharges of said materials
1293 and subject to Federal, State and local regulations.
1294

1295 **Section 11.05 A - Location of Accessory Buildings and/or Structures, non** 1296 **waterway**

- 1297 1. All accessory buildings and/or structures if located in the rear
1298 yards shall be at least three (3) feet from the rear lot line.
1299 2. All accessory buildings and/or structures if located in the side
1300 yards shall be at least ten (10) feet from the side lot line or eight
1301 (8) feet from the side lot line when lots have a width of 75 feet or
1302 less.

- 1303 3. An accessory building and/or structure addition to the principal
1304 building on a lot shall be made structurally a part thereof, and shall
1305 comply in all respects with the requirements applicable to the
1306 principal building. This means that the addition must share a
1307 common wall, a contiguous foundation, and roof line with the
1308 principle building and must follow the aesthetic look of the primary
1309 structure. Unattached accessory buildings shall not be closer than
1310 ten (10) feet to the principle building.
- 1311 4. When a dwelling is located an unusual distance back from the
1312 road right-of-way, an accessory building and/or structure may be
1313 located between the front building line of the dwelling on the
1314 subject lot and the furthest back rear building line of the dwelling
1315 of adjacent neighbors projected across the subject lot. In the
1316 absence of an established rear building line on either piece of
1317 property adjacent to the subject lot, all accessory structures will be
1318 located at least seventy-five (75) feet back from the road right-of-
1319 way.
- 1320 5. In the case of a corner lot no accessory building and/or structure
1321 shall be located closer to the side road line than a distance equal
1322 to the depth of the front yard required on said lot.

1323 **Section 11.05 B. - Fences, non waterway**

- 1324 B1. Privacy fences exceeding 3 feet in height must be set back 25 feet from
1325 the road right of way line and may not to exceed seven (7) feet in height
1326 and requires permit.
- 1327 B2. Open fences through which there is 80% or more clear vision may be
1328 constructed not to exceed seven (7) feet in height up to the road right of
1329 way and requires permit.

1330

1331

1332 **Section 11.05 C - Location of Accessory Buildings and structures adjacent**
1333 **to waterways.**

- 1334 C1. In addition to section 11.05 A requirements, any accessory building
1335 and/or structure between the rear dwelling building line and the water's
1336 edge shall not exceed three (3) feet in height above finish grade at the
1337 rear dwelling building line.
- 1338 C2. When more than one dwelling building line is adjacent to a water's
1339 edge, all restrictions of 11.05 C1 applies to all sides adjacent to the water.

1340

1341

1342 **Section 11.05 D - Fences, waterways**

- 1343 D1. Privacy fences exceeding 3 feet in height must be set back 25 feet from
1344 the road right of way to the rear dwelling building line not to exceed seven
1345 (7) feet in height and requires permit.

- 1346 D2. Open fences through which there is 80% or more clear vision may be
1347 constructed not to exceed seven (7) feet in height up to the road right of
1348 way line from the rear dwelling building line and requires permit.
1349 D3. Open fences may be constructed between the dwelling building line and
1350 the waters edge not to exceed 4 feet in height from grade and requires
1351 permit. Once installed the owner shall maintain the fence including the
1352 80% or more clear vision.
1353

1354 **Section 11.06 - Required Off-Street Parking and Access**

1355 A. For each dwelling, business, commercial, industrial or other similar building
1356 hereafter erected or altered, and located on a public right-of-way in the
1357 Township, and including buildings or structures used principally as a place
1358 of Public Assembly, there shall be provided and maintained suitable space
1359 off the right-of-way that is in general adequate for the parking or loading of
1360 vehicles in proportions as specified in Section 11.06 B, and such space shall
1361 be provided with safe exit to and safe entrance from a public thoroughfare,
1362 but not to exceed one (1) such exit and entrance from each thoroughfare.
1363 Such exit and entrance may be combined or provided separately. Approval
1364 for the location of such exit and entrance shall be obtained from the County
1365 Road Commission, which shall also approve the design and construction
1366 thereof in the interests of safety, adequate drainage and other public
1367 requirements. A minimum of two hundred (200) square feet, exclusive of
1368 drives, entrances, and exits, shall comprise one (1) automobile parking
1369 space.
1370

1371 B. Parking Spaces Required:

- 1372
- 1373 1. For dwellings at least one (1) parking space for each dwelling unit.
 - 1374 2. For motels at least one (1) parking space for each individual sleeping unit
1375 or guest unit.
 - 1376 3. For private clubs at least one (1) parking space for every two (2) of the
1377 active memberships.
 - 1378 4. For hospitals at least one (1) parking space for each two (2) patient beds,
1379 excluding bassinets.
 - 1380 5. For sanitariums, convalescent homes and rest homes at least one (1)
1381 parking space for each four (4) patient beds.
 - 1382 6. For medical or dental clinics three (3) spaces for each doctor or dentist
1383 having an office in such clinic.
 - 1384 7. For churches, theaters, auditoriums, stadiums and other places of public
1385 assemble at least one (1) space for each four (4) seats.
 - 1386 8. For retail stores, personal service shops, business and professional office
1387 at least one (1) parking space for every two hundred (200) square feet of
1388 gross floor area in said establishment.

- 1389 9. Industrial or manufacturing establishments shall provide parking spaces
1390 sufficient in number to accommodate the parking of automobiles and other
1391 motor vehicles used by the firm or employee or persons doing business
1392 therein.
1393 10. Taverns shall provide at least one (1) parking space for every seventyfive
1394 (75) square feet of floor space of said establishment.
1395

1396 C. Loading - Unloading Spaces Required:
1397

- 1398 1. In connection with every building or part thereof hereafter erected, except
1399 single- and two-family dwelling unit structures, there shall be provided on
1400 the same lot with such buildings, off-street loading and unloading spaces
1401 for uses which customarily receive or distribute material or merchandise
1402 by vehicle.
1403 2. Plans and specifications showing required loading and unloading spaces
1404 including the means of ingress and egress and interior circulation shall be
1405 submitted to the Township Building Inspector for review at the time of
1406 application for a building permit for the erection or enlargement of a use
1407 or a building or structure.
1408 3. Each off-street loading space shall not be less than the following:
1409 a. For permitted residential (excluding single- and two-family dwelling
1410 unit uses) institutional, and convenience commercial uses, a
1411 loading-unloading space shall not be less than ten (10) feet in width
1412 and twenty-five (25) feet in length and, if a roofed space, not less
1413 than fourteen (14) feet in height.
1414 b. For permitted general commercial industrial uses, a loading-
1415 unloading space shall not be less than ten (10) feet in width and fifty-
1416 five (55) feet in length, and if a roofed space, not less than fifteen
1417 (15) feet in height.
1418 4. In the case of mixed uses, on one lot or parcel the total requirements for
1419 off-street loading-unloading spaces shall be the sum of the various uses
1420 computed separately.
1421 5. All off-street loading-unloading spaces that make it necessary to back out
1422 directly into a public road shall not be permitted.
1423

1424 **11.06 D. PARKING RESTRICTIONS:**
1425

- 1426 A. It shall be a violation for any person to park or store any motor vehicle
1427 without the express written consent of the owner, holder, occupant,
1428 lessee, agent, or trustee of such property.
1429
1430 B. It shall be a violation for the owner, holder, occupant, lessee, agent, or
1431 trustee of any lot in a Residential Districts A or B to permit or allow the
1432 storage or parking in less than a fully enclosed building, either day or

1433 night, thereon of heavy commercial trucks that exceed 15,000 pounds
1434 Gross Vehicle Weight (GVW), semi-trucks and trailers, manufactured
1435 home, construction equipment, and/or any other similar equipment.
1436 Equipment necessary to be parked overnight on a lot or parcel during
1437 construction work thereon shall be exempted from this restriction.
1438

1439 C. No Commercial Vehicle exceeding 15,000 GVW shall be stored or
1440 parked within any road right-of-way in Residential A or B districts except
1441 for the minimum amount of time needed to support the short term
1442 activities on the property.
1443

1444 D. On-street parking spaces shall not be counted toward the required
1445 parking for any use.
1446

1447 E. It shall be a violation to leave a running vehicle greater than 15,000
1448 pounds Gross Vehicle Weight unoccupied by the operator in
1449 Residential districts A and B.
1450

1451

1452

1453 **Section 11.07 - Nonconforming Uses**

1454

1455 A. The use of land or structures that does not conform to the regulations of the
1456 District in which it is situated prior to the enactment of Ordinance no.1 as
1457 amended, may be continued providing any alteration conforms to the other
1458 provisions of this ordinance and does not constitute a public nuisance or
1459 endanger the public health, safety, or welfare. No other nonconforming use
1460 of any building, structure, or any land or premise shall be undertaken.

1461 B. If the non-conforming use of any building, structure, land or premise is
1462 changed to a conforming use, such use shall not hereafter be reverted to
1463 any non-conforming use.

1464 C. If the non-conforming use, of any building, structure, land or premise, or part
1465 thereof, is abandoned for a continuous period of 545 days, then any future
1466 use of said building, structure, land or premise shall conform in its entirety
1467 to the provisions of this ordinance.

1468 D. When district boundaries shall hereafter be changed to another type of
1469 district and use becomes non-conforming, said use may continue, but
1470 subject to all provisions of Sections 11.07, 11.08, 11.09.
1471

1471

1472 **Section 11.08 – Reconstruction of Damaged Non-Conforming Buildings and**
1473 **Structures**

1474 Nothing in this ordinance shall prevent the reconstruction, repair or
1475 restoration and the continued non-conforming use, building or

1476 structure, damaged by fire, collapse, explosion, acts of God, acts of
1477 the public enemy, or rendered necessary by deterioration or
1478 depreciation, subsequent to November 5, 1968, provided, that such
1479 restoration and resumption shall take place within 545 days of the
1480 time of such damage; further, that said use be identical with the non-
1481 conforming use permitted directly preceding said damage. Lots must
1482 be cleaned up after restoration, reconstruction, or repair within 60
1483 days. A complete restoration or reconstruction of a nonconforming
1484 use shall require a site plan review with the intention of making the
1485 use or structure more conforming, if not built on the same footprint.
1486 The building inspector may require a site plan review of any partial
1487 restoration or reconstruction of a non conforming use.
1488
1489
1490

1491 **Section 11.09 – Private Roads and Driveways**

1492 1493 **Driveways**

1494 A. New driveways or modified driveway connections to a private road require
1495 a permit from the Midland County Road Commission. All driveways must
1496 meet the requirements of a driveway for the Midland County Road
1497 Commission.
1498

1499 B. Long Driveways greater than 200 feet in length must have at least a 12 foot
1500 wide driving surface and at least 14 foot wide open space cleared of tree
1501 limbs, scrubs, or other obstructions to fire or emergency vehicles. The long
1502 driveways greater than 200 feet must have a bend or curve radius not less
1503 than 60 feet with overhead clearance of 12 feet in height along a 14 foot
1504 wide clear path. A special use permit is required for all bridges on a long
1505 driveway.
1506

1507 1508 **Private Roads**

1509 A. Private Roads Permitted: Private roads are permitted provided they conform
1510 to the regulations of this Section.
1511

1512 B. Construction Standards: The creation of a private road that serves a division
1513 of land or a condominium development consisting of one or more principal
1514 buildings, building envelopes or lots (other than a subdivision as defined by
1515 the Subdivision Control Act of 1967) shall meet or exceed the cross-
1516 sectional construction standards established by the Midland County Road
1517 Commission for public roads.
1518

- 1519 C. Right-of-Way Width: All private roads shall have a minimum right-of-way
1520 easement of at least sixty-six (66) feet.
1521
- 1522 D. Dedication of Rights-of-Way or Easements: While not required to be
1523 dedicated to the public, no structure or development activity shall be
1524 established within approved rights-of-way or easements. All plans, as
1525 submitted for approval, must show the private road easement including a
1526 legal description, and must include the grades for these roads.
1527
- 1528 E. Connection to County Roads: Construction authorization from the Midland
1529 County Road Commission is required for connection to County roads. When
1530 applicable, a permit is also required from the County under the Soil Erosion
1531 and Sedimentation Control Act, PA 347 of 1972. The Township Board shall
1532 not approve a private road unless it connects to a county road or another
1533 private road, which in turn, connects to a county road.
1534
1535
- 1536 G. Application Review and Approval or Rejection:
1537
- 1538 1. The following information shall be submitted to the Building Inspector: a site
1539 plan for the private road, proposed road maintenance agreement and road
1540 easement agreement. The Building Inspector shall submit the private road
1541 site plan to the Township Planning Commission for review and
1542 recommendation. The proposed road maintenance agreement and road
1543 easement agreement shall be sent to the Township Attorney for review.
1544
- 1545 2. The recommendations of the Planning Commission shall be forwarded to
1546 the Township Board who shall be responsible for granting final approval for
1547 the private road.
1548
- 1549 3. If the private road application is approved by the Township Board,
1550 construction authorization will be issued by the Building Inspector. If the
1551 application is rejected, the reasons for the rejection and any regulations for
1552 approval shall be given in writing to the applicant.
1553
- 1554 4. The Project Engineer for the site condominium, who shall be a licensed
1555 professional engineer, shall certify the construction of the roadway for
1556 conformance to the township standards in writing to the Township Building
1557 Inspector.
1558
- 1559 H. Failure to Perform: Failure by the applicant to begin construction of the
1560 private road according to approved plans on file with the Township within
1561 one (1) year from the date of approval shall void the approval and a new
1562 plan shall be required by the Township subject to any changes made herein

1563 or subject to any changes made by the Midland County Road Commission
1564 or the Township in its standards and specifications for road construction and
1565 development. The private road shall be completed within one and one-half
1566 (1-1/2) years of the date of approval of the private road.
1567

1568 I. Issuance of Building Permit for Structures on Private Roads: No building
1569 permit shall be issued for a structure on any private road until such private
1570 road is given final approval by the Township Board.
1571

1572 J. Posting of Private Roads: All private roads shall be designated as such and
1573 shall be clearly posted with a clearly readable name, which can be easily
1574 seen in an emergency. The sign shall be paid for, posted, and thereafter
1575 maintained by the property owners of the property serviced by the private
1576 road, property owner's association or developer.
1577

1578 K. Fees - An application fee may be established by resolution of the Township
1579 Board. Before final approval by the Township Board, any costs incurred by
1580 the Township in their review of the project shall be paid for by the applicant.
1581

1582 L. Extending Existing Private Roads: In those cases where the applicant
1583 wishes to extend an existing private road, such extension shall be granted
1584 only if the existing private road is brought up to the standards set forth in
1585 this Ordinance for private roads. All such standards shall be deemed to
1586 apply to both the proposed extension and the existing roadway.
1587

1588 M. Roadways Not Meeting Standards: In those instances where a permit is
1589 being sought for the construction of a structure on an existing private road
1590 which does not meet the standards set forth in this Ordinance, the Township
1591 shall require that said private roadway be brought up to the standards as
1592 herein set forth.
1593

1594 **Section 11.10 - Condominium Use**

1595 Any condominium use in any district shall be subject to a site plan review as per
1596 Article IX.
1597

1598 **Section 11.11 - Mobile Home as Dwelling Units**

1599 **A. New Installations:** Acceptable Mobile Homes are single units with a
1600 14 foot minimum width on an enclosed foundation or on piers and
1601 enclosed with skirting. All Mobile Homes must meet the dwelling
1602 area minimum requirement for the zoning district in which it is
1603 located. A certificate of compliance is required for occupancy based
1604 on the inspection of the mechanical, electrical, plumbing, and
1605 building inspector.

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B. Existing Mobile Home Replacements

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

Section 11.12 Open Space Preservation (Cluster Zoning)

A. Statement of Intent.

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

Cluster housing communities shall promote the following objectives:

- Maintain an image of open space within the Township.
- Preserve open space within the township.
- Incorporate and preserve significant environmental features such as woodlands, wetlands, rural areas and recreational resources within the Township.
- Achieve a balance between open space and residential growth within the Township.

Definitions

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

B. Site Criteria.

1648 **Location of Open Space Communities.**

1649 An open space community may be located in districts designated as
1650 permitted uses in the Jerome Township Ordinance 98.

1651 **Access.**

1652 The open space community shall have direct access to an approved public
1653 roadway with construction suitable for handling the normal traffic load plus
1654 that in the open space community upon final completion.

1655

1656 **Open Space Criteria.**

- 1657 1. Protects and preserves all beach contiguous to a lake, stream, wetland, (any
1658 area which is not accepted by the Midland County Community Health
1659 Department of jurisdiction for on-site sewage disposal unless an alternate
1660 system of sewage disposal is approved by Midland County Community Health
1661 department of jurisdiction), flood plain, existing public utility easements,
1662 existing public right-of-way, waterfront setback areas, and slopes 25 percent
1663 or greater (including a buffer area around such areas) from clearing, grading,
1664 filling, and construction.
1665
- 1666 2. As practical, preserves and maintains existing fields, meadows, crop land,
1667 pastures, and orchards and creates sufficient buffer areas to minimize conflicts
1668 between residential and agricultural/forestry uses. When new development
1669 must be located in these areas due to greater constraints in all other parts of
1670 the site, buildings should be sited on the least prime and important or unique
1671 farmland or forest land soils, and in locations at the far edge of a field, as seen
1672 from existing roads.
1673
- 1674 3. Maintains or creates an upland buffer of natural native species vegetation on
1675 at least one hundred (100) feet in depth from the residential property line
1676 adjacent to wetlands and surface waters.
1677
- 1678 4. Minimizes impacts on large woodlands (greater than 5 acres) especially those
1679 located on upland soils considered prime for timber production.
1680
- 1681 5. Leave scenic views and vistas unblocked and uninterrupted, particularly as
1682 seen from adjacent roads and surface water.
1683
- 1684 6. Avoids siting new construction on prominent hilltops or ridges, by taking
1685 advantage of lower topographic features or by siting in forested areas.
1686
- 1687 7. Protects wildlife habitat areas of species listed as endangered or threatened.
1688
- 1689 8. Designs around and preserves sites of historic, archaeological, or cultural
1690 value, insofar as needed to safeguard the character of the feature.

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9. Protects rural roadside character and improves public safety and vehicular carrying capacity by avoiding development fronting directly onto existing public roads. Establishes buffer zones along the scenic corridor of rural roads. Establishes buffer zones along the scenic corridor of rural roads with historic building, stone walls, hedgerows etc.
 10. Provides that Conservation Lands of this ordinance shall be reasonable and contiguous. While conservation lands are exempt from the 4/1 maximum parcel width to depth ratio, fragmentation of these lands shall as much as practical be minimized so that (except for common greens and playground areas) these areas are not divided into numerous small parcels located in various parts of the development.
 11. When Conservation lands are held in common by surrounding parcel owners the proposed site plan shall:
 - (a.) Provide for active recreational areas in suitable locations that offer convenient access by residents and adequate screening from near by parcels in buildable areas.
 - (b.) Include a pedestrian circulation system designed to assure that pedestrians can walk safely and easily on the site, between parcels, activity areas, special features, and contiguous developments.
 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

1734 community. Passive recreation areas shall include areas such as pathway
1735 systems, common green areas of a substantial size, and open/preserves
1736 natural amenity areas, or other areas or uses consistent in nature. Active
1737 recreation areas shall include areas such as children play sets, sports fields
1738 (i.e., football, soccer, baseball), and other fitness areas that are consistent in
1739 nature.
1740

1741 • **Creation of Natural Amenities** - These areas are to be constructed in a
1742 manner that replicates a natural setting. A percentage of these areas should
1743 remain "unmanicured," allowing natural growth and processes to occur.
1744 These areas can take a number of forms, such as woodlands
1745 (interior street tree plantings shall not count for this requirement), wildflower
1746 or grass meadows, constructed wetlands (preferably extension to an
1747 existing), or other areas consistent in nature.
1748

1749 • **Preservation of Agriculture** - Land uses, such as orchards, horse stables,
1750 active farms, or other similar agriculture uses, shall be preserved, where
1751 feasible or viable. In no way shall an intensive animal raising, slaughter
1752 house, or similar use be allowed within an open space community. A buffer
1753 shall be maintained between the agricultural use and the residential units.
1754

1755 All of the above-mentioned areas shall be accessible or open to all residents within
1756 the open space community, with the exception of farmland. Under the open space
1757 community provision, the net dwelling lot density shall be no greater than that
1758 normally permitted within that zoning district. The maximum "density" shall be the
1759 maximum number of dwelling lots permitted by the approved Parallel Plan. Density
1760 does not guarantee any specific number of lots from any individual parcel or group
1761 of parcels. Rather, density refers to the number of lots which can be platted on the
1762 subject parcel. The type of dwellings allowed in the "Open Space Community"
1763 area is restricted to stand alone single family homes.
1764

1765 C. **Submission Requirements.**

1766 1. **Parallel Plan.**

1768 A "parallel plan" shall be prepared by the developer showing a feasible
1769 development under the requirements of the specific zoning district in which it is
1770 located and the requirements of any and all State, County and Township
1771 Subdivision regulations. All lots, roads and other improvements shall be designed
1772 so that they do not adversely impact wetlands, floodplains or drainageways, as
1773 regulated by Federal, State, County or local agencies. The Planning Commission
1774 must determine that this parallel plan or conventional subdivision is able to be
1775 physically constructed and meet all current subdivisions regulations, should the
1776 Open Space Community be denied or not constructed. This plan shall include
1777 proposed parcels, roads, right of way, plus areas which are not in the buildable

1778 area. If there is a question regarding water, septic, wetlands or floodplains, the
1779 Planning Commission may request validation from the proper regulatory authority.
1780 If it is determined, through these responses, that the number of lots proposed is
1781 unfeasible, the parallel plan shall be revised and resubmitted, minus that number
1782 of lots. Detailed Engineering is not required at this stage.
1783

1784 **2. Waiver of Parallel Plan Provision**

1785 The Planning Commission may also waive the submission of a “parallel” plan if it
1786 is determined that the number of housing units proposed for open space
1787 development is, without question, well below what would be feasible for the site.
1788 Such waivers must be detailed in writing and recorded as part of the motion in the
1789 minutes of the Planning Commission. The Waiver may only be granted if it is
1790 determined by the Planning Commission that the proposed open space design will
1791 be a major benefit to the Township and achieve all the goals and objectives set
1792 forth in the:

- 1793 • Jerome Township Master Plan
- 1794 • Jerome Township Open Space Community Zoning Amendment
- 1795

1796 **3. Site Analysis.**

1797 A site Analysis Plan shall be submitted, showing the following site features:

- 1798 a. Wetlands, as determined by the Michigan
1800 Department of
1801 Environmental Quality
- 1802 b. Water areas, such as streams and ponds
- 1803 c. Woodlands and farmlands
- 1804 d. Soils and topography
- 1805 e. Drainage patterns and County drains
- 1806 f. Historic and cultural features
- 1807 g. Wildlife habitat corridors
- 1808 h. View sheds and view corridors
- 1809 i. Existing easements of record
- 1810 j. Existing and proposed rights-of-way
- 1811 k. Existing infrastructure
- 1812 l. Adjacent development within two hundred (200) feet
- 1813

1814 **4. Conservation Areas Plan.**

1815 The combination of the site analysis elements noted above shall be used to
1816 outline the primary and secondary conservation areas. The primary conservation
1817 areas include areas where no development is to occur. The secondary
1818 conservation areas are areas where development can occur, but special care must
1819 be taken to minimize adverse impacts.

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

1830

1831

5. **Open Space Plan.**

1832

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

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D. **The Review Process.**

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1. The Planning Commission shall determine that the “parallel plan” submitted meets all applicable regulations of the Jerome Township zoning ordinance 98 and the State Subdivision Control Act unless the parallel plan requirement is waived per section C2.

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2. The Planning Commission shall confirm the accuracy and feasibility of the open space plan noted above.

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3. Planning Commission Determination.

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- a. Upon approval, the proprietor may undertake the process for Subdivision or Site Condominium approval, or Parcel Division per State Law and Township Ordinance.

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

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E. **Site Design Requirements.**

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1. Unless otherwise provided for in this Ordinance, all other applicable Zoning Ordinance provisions shall apply.

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2. **Minimum Lot Size** – 5000 square feet minimum subject to the requirements of the State and County Health Departments' regulations or standards, whichever is larger.

1860

1861

- 1862 3. **Minimum Dwelling size** – Same as required by the Jerome Township current
1863 zoning map and all other zone ordinances.
- 1864 4. **Minimum Yard Setbacks** – Side, front and rear setbacks shall be the same as
1865 those required for each zoned area per the Jerome Township Ordinance with
1866 the exception of agricultural district “E” where they are the same as district “A”.
- 1867 5. **Development Layout** - The development is encouraged to include roads that
1868 are single loaded, referring to homes along only one side of the street. This type
1869 of development will allow for a greater number of views and vistas onto the open
1870 space.
- 1871 6. **Minimum Exterior Road Buffer** - The developer shall preserve a minimum of
1872 a 150-foot buffer from the proposed right-of-way along any County Road,
1873 Township Road, or State Highway servicing the open space development.
- 1874 7. **Minimum Open Space** - A minimum of fifty (50%) percent of the gross land
1875 area shall be set aside for common open space uses.
1876 **Open Space shall be defined as follows:** All area within the open space
1877 development, not individually owned or part of a limited common area, which
1878 are designed and intended to preserve environmental features for the common
1879 use and enjoyment of the residents of the entire development for any of the
1880 following uses: recreation, forestry and/or open space conservation, community
1881 gardens, playgrounds, park areas or agricultural uses. The open space
1882 requirements shall not be met by land uses such as golf courses or other
1883 exclusionary commercial recreational uses, lot area within setbacks for each
1884 specific lot, or land area dedicated as limited commons.
- 1885 8. **Maximum Amount of Unbuildable Land Used as Open Space** - A maximum
1886 of fifty (50%) percent of the total open space allotment may be unbuildable land.
1887 Unbuildable land is considered to be land that is deed restricted, regulated by
1888 Michigan Department of Environmental Quality, The Environmental Protection
1889 Agency, Army Corps of Engineers, or any other regulatory body or agency which
1890 has jurisdiction over land which cannot be used for the construction of housing.
- 1891 9. **Houses Abutting the Open Space** - A minimum of fifty (50%) percent of all
1892 dwelling units within the development shall abut or overlook the dedicated open
1893 space.
- 1894 10. **Access to Open Space** - Access points or paths shall be provided to afford
1895 access to open space and common areas. These access points shall link the
1896 open space to the roadway, sidewalks, or the remainder of the development..
- 1897 11. **General Lot Character** - Flag lots or panhandle lots shall not be permitted
1898 within an open space community.
- 1899 12. **Natural Area** – A100 foot greenbelt from the residential property lines shall be
1900 required around any natural features or farmland preserved within the common
1901 open space areas.
- 1902 13. **Pedestrian Circulation** - Adequate pedestrian circulation shall be provided by
1903 the applicant for on-site circulation. Adequate access shall be provided to all
1904 open space/ recreational spaces from the residential areas. "Natural paths or
1905 bike paths" are encouraged within the development. Paths provided within the

1906 development shall be constructed of gravel, woodchip, or other similar material
1907 as approved by the Planning Commission.

1908 14. **Garages** - Garages shall be located to maximize the view of the open space.

1909 15. **Overall Architectural Character** - A diversity of single-family housing styles,
1910 colors, and configurations are encouraged throughout the development.

1911

1912 F. **Roadways** - Roadways surface and base standards shall conform to approved
1913 Midland County Road Commission standards. All roads shall be asphalt or
1914 paved

1915

1916 G. **Dedication of Open Space.** The dedicated open space shall be set aside in an
1917 irrevocable conveyance that is acceptable to the Township Attorney and
1918 approved by the Township Board, such as the following:

1919 1.A Conservation Easement, as established by the State of Michigan
1920 Conservation and Historic Preservation act, Public act 197 of 1980, as
1921 amended (M.C.L. 399.251).

1922 2.Master Deed, as established by the State of Michigan Condominium Act,
1923 Act 59 Public Act of 1978, as amended.

1924 3.Distributed, gift or sale of the development rights to all property owners
1925 within the Open Space Community.

1926

1927 The above conveyance shall indicate all proposed uses of the dedicated open
1928 space, which shall also be shown on the approved open space or farmland
1929 community. The Township Attorney shall review the conveyance and assure the
1930 Township that such lands shall remain as open space for perpetuity. The
1931 conveyance shall also detail a maintenance schedule and funding for operation,
1932 maintenance and insurance for all common areas, facilities, projects and programs
1933 of the Open Space Community, and shall include methods of payment and
1934 collection.

1935

1936 **Section 11.13 WIRELESS COMMUNICATION FACILITIES 1.**

1937 **Purpose and Intent:**

1938 It is the general purpose and intent of Jerome Township to carry out the will of
1939 the United States Congress by authorizing communication facilities needed to
1940 operate wireless communication systems while protecting the public health,
1941 safety and general welfare of the community. However, it is the further purpose
1942 and interest of Jerome Township to provide for such authorization in a manner
1943 which will retain the integrity of neighborhoods and the character, property
1944 values and aesthetic quality of the community at large. In fashioning and
1945 administering the provisions of this section, attempt has been made to balance
1946 these potentially competing interests.

1947

1948 **2. Definitions:**

1949 The following definitions shall apply in the interpretation of this ordinance.

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- A. Tower: Any structure which its principal or secondary purpose is to mount or support one or more wireless communication antennas.
- B. Communications Facilities shall mean and include all structures and accessory facilities relating to the use of radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television Wireless towers, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment building and private and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; short wave receiving facilities; amateur radio facilities; non-commercial satellite dishes; and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.
- C. Attached wireless communications facilities shall mean wireless communication facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A wireless communication support structure, proposed to be newly established, shall not be included within this definition.
- D. Wireless Communication Support Structures shall mean structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to mono-poles, lattice tower, light poles, wood poles, and guyed towers, or other structures which appear to be something other than a mere support structure.
- E. Co-location shall mean the location by two or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, with the view toward reducing the overall numbers of structures required to support wireless communication antennas within the community.

3. These regulations will:

- A. Facilitate the provision of wireless telecommunication services to the residents and businesses of the Township,
- B. Minimize adverse visual effects of towers through design and siting standards,
- 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:

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- 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:
- 1) The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.
 - 2) Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a

2035 height necessary to function reasonably as documented by a
2036 qualified and licensed professional engineer.
2037 3) Other unforeseen reasons make it not feasible to locate the
2038 planned telecommunications equipment upon an existing or
2039 approved tower or building.

2040 D. Tower structures built by other than a licensed carrier may not be
2041 constructed until at least two carriers have been secured to occupy the
2042 structure. Contracts with such carriers will be required by the Township
2043 as proof that two licensed carriers will occupy the structure.
2044

2045 E. CO-LOCATION
2046 Licensed carriers and tower provider shall share wireless service
2047 facilities and sites where feasible and appropriate, thereby reducing the
2048 number of wireless service facilities that are stand-alone facilities. All
2049 applicants for a Special Use Permit for a wireless service facility shall
2050 demonstrate a good faith effort to co-locate with other carriers. Such
2051 good faith effort shall include:

2052 1) A survey of all existing structures that may be feasible sites for
2053 collocating wireless service facilities,
2054 2) Contact with other licensed carriers for commercial mobile radio
2055 services operating in the County, including the Midland County
2056 Emergency Services Director.
2057 3) Sharing information necessary to determine if collocation is
2058 feasible under the design configuration most accommodating to
2059 collocation.
2060 4) Jerome Township reserves the right to co-locate on any tower.
2061 In the event that collocation is found to be infeasible, a written
2062 statement of the reasons for the lack of feasibility shall be
2063 submitted to the Township. The Township may retain a technical
2064 expert in the field of RF engineering to verify if collocation at the
2065 site is not feasible or is feasible given the design configuration most
2066 accommodating to collocation. The cost for such a technical expert
2067 will be at the expense of the applicant. The Township may deny a
2068 Special Use Permit to an applicant that has not demonstrated a
2069 good faith effort to provide for collocation.
2070

2071 **5. Tower Construction:**
2072 Any proposed commercial wireless telecommunication service tower shall
2073 be designed, structurally, electrically and in all respects to accommodate
2074 both the applicant's antennas and comparable antennas for at least two
2075 additional users. Towers must be designed to allow for future rearrangement
2076 of antennas upon the tower and to accept antennas mounted at varying
2077 heights. Towers shall be constructed to ANSI, EIA, and TIA-222-F
2078 "Structural Standards for Steel Antenna Towers and Antenna Supporting

2079 Structures" and National Building Code construction standards for steel
2080 structures.

2081

2082 **6. Tower, antenna, and accessory building design:**

2083 Proposed or modified towers and antennas shall meet the following design
2084 requirements:

2085 A. Towers and antennas shall be designed to blend into the surrounding
2086 environment through the use of color and camouflaging architectural
2087 treatment, except in instances where the color is dictated by federal or
2088 state authorities such as the Federal Aviation Administration.

2089 B. Commercial wireless telecommunication service towers shall be
2090 preferred to be of a mono-pole design unless the Jerome Township
2091 Planning Commission determines that an alternative design would
2092 better service the intended use of the tower.

2093 C. Accessory Utility Cabinets and Buildings: All utility buildings and
2094 structures accessory to a transmission structure shall be architecturally
2095 designed to blend in with the surrounding environment and shall meet
2096 the minimum setback requirements of the underlying zoning district.
2097 Ground mounted equipment shall be screened from view by suitable
2098 vegetation, except where a design of non-vegetative screening better
2099 reflects and complements the architectural character of the surrounding
2100 neighborhood.

2101

2102 **7. Tower setbacks:**

2103 Towers and all associated equipment shall conform to all of the minimum
2104 setbacks requirements for the zone district in which they are located plus
2105 the following:

2106 A. Towers shall be set back from public right-of-ways or planned public
2107 right-of-ways as shown on the Jerome Township's Master Plan by a
2108 minimum distance equal to the height of the tower including all
2109 antennas and attachments plus the normal setbacks for that zone.

2110 B. Towers shall not be located between a principal structure and a public
2111 street.

2112 C. Tower setback may be adjusted at the discretion of the Jerome
2113 Township Planning Commission to allow the integration of a tower into
2114 an existing or proposed structure such as a church steeple, light
2115 standards, power line support device, or similar structure.

2116 D. Towers and associated structures, including fencing, may not be
2117 constructed within five hundred (500') feet of a dwelling unit, except
2118 where they are being collocated on existing towers or structures.

2119

2120 **8. Tower height:**

2121 Tower height is determined by the distance between the tallest portion of
2122 the tower, including any portion of an antenna, which exceeds the top of the
2123 tower, to the mean of the terrain of the property it is to be erected upon.
2124

2125 **9. Tower lighting:**

2126 Towers shall not exceed the illumination as required by the Federal Aviation
2127 Administration or other federal or state authority for a particular tower. When
2128 incorporated into the approved design of the tower, light fixtures used to
2129 illuminate ball fields, parking lots or similar areas may be attached to the
2130 tower.
2131

2132 **10. Signs and advertising:**

2133 The use of any portion of a tower for signs or other forms of advertising other
2134 than warning or equipment information signs are prohibited.
2135

2136 **11. Abandoned or unused towers:**

2137 Abandoned towers shall be removed as follows:

2138 A. All abandoned towers and associated facilities shall be removed within
2139 twelve (12) months of the cessation of operations at the site unless a
2140 time extension is approved by the Jerome Township Planning
2141 Commission within twelve (12) months of the cessation of operations at
2142 a site.

2143 B. All towers shall be bonded to provide sufficient funds for removal.
2144

2145 **12. Interference with public safety telecommunications:**

2146 No new or existing telecommunications service shall interfere with public
2147 safety telecommunications
2148

2149 **13. Modifications:**

2150 A. modification of a wireless service facility shall be considered equivalent
2151 to an application for a new wireless service facility and will require a
2152 Special Use Permit when under the following conditions:

2153 A. The applicant and/or co-applicant wants to alter the terms of the Special
2154 Use Permit by changing the wireless service facility in one or more of the
2155 following ways:

2156 1) Increase the number of services or antennae.

2157 2) The applicant and/or co-applicant wants to add any additional
2158 structures or additional height not specified in the original design
2159 filing.
2160

2161 **14. Site plan submission requirements:**

2162 A. General Filing Requirements

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- 1) Name, address and telephone number of applicant and any co-applicants as well as any agents for the applicant or co-applicants.
 - 2) Co-applicants may include the landowner of the subject property, licensed carriers and tenants for the wireless service facility.
 - 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.

- 2207 D. Siting elevations, or views at-grade from the north, south, east and west
 2208 for a 50-foot radius around the proposed wireless service facility plus
 2209 from all existing public and private roads that serve the subject property.
 2210 Elevations shall be at either one-quarter inch equals one foot or one-
 2211 eighth inch equals one foot scale and show the following:
- 2212 1) Antennas, mounts and equipment shelter(s), with total elevation
 2213 dimensions and AGL of the highest point.
 - 2214 2) Security barrier: If the security barrier will block views of the
 2215 wireless service facility, the barrier drawing shall be cut away to
 2216 show the view behind the barrier.
 - 2217 3) Any and all structures on the subject property.
 - 2218 4) Existing trees and shrubs at current height and proposed trees and
 2219 shrubs at proposed height at time of installation, with approximate
 2220 elevations dimensioned.
- 2221
- 2222 E. Design Filing Requirements:
- 2223 1) Equipment brochures for the proposed wireless service facility
 2224 such as manufacturer's specifications or trade journal reprints shall
 2225 be provided for the antennas, mounts, equipment shelters, cables
 2226 as well as cable runs, and security barrier, if any.
 - 2227 2) Materials of the proposed wireless service facility specified by
 2228 generic type and specific treatment (e.g., anodized aluminum,
 2229 stained wood, painted fiberglass, etc.). These shall be provided for
 2230 the antennas, mounts, equipment shelters, cables as well as cable
 2231 runs, and security barrier, if any.
 - 2232 3) Dimensions of the wireless service facility specified for all three
 2233 directions: height, width and breadth. These shall be provided for
 2234 the antennas, mounts, equipment shelters and security barrier, if
 2235 any.
 - 2236 4) Landscape plan including existing trees and shrubs and those
 2237 proposed to be added, identified by size of specimen at installation
 2238 and species.
 - 2239 5) If lighting of the site is proposed, the applicant shall submit
 2240 manufacturers computer generated point to point printout,
 2241 indicating the horizontal foot candle levels at grade, within the
 2242 property to be developed and twenty-five (25') feet beyond the
 2243 property lines. The printout shall indicate the locations and types of
 2244 luminaries proposed.

2245

2246 **Section 11.14 – Residential Land Based Wind Energy Conversion Facilities**

2247 **1. Purpose and intent**

2248 The purpose of this section is to accommodate land-based wind energy
 2249 conversion facilities in appropriate locations, while minimizing adverse
 2250 visual, safety, and environmental impacts of the facilities. This section

2251 enables the review of residential wind energy conversion facilities (RWEFCF)
2252 in keeping with the Jerome Township Zoning Ordinance. This section is
2253 intended to be used in conjunction with any other regulations adopted by
2254 the Jerome Township designed to encourage appropriate land use,
2255 environmental protection, and provision of adequate infrastructure
2256 development in Jerome Township.

2257 **2. Definitions**

2258

2259 **A. Residential Wind Energy Conversion Facility (RWEFCF)**

2260 A wind turbine with a blade tip up height not to exceed 150 feet as measured
2261 from existing average grade. A RWEFCF has a rated capacity of 2 – 10
2262 kilowatts. To provide context a 10-20 kw is used on farms, 50kw is a small
2263 municipal operation and 100kw is the largest permitted through net
2264 metering.

2265

2266 **B. Wind Turbine**

2267 A device that converts kinetic energy into rotational energy that drives an
2268 electrical generator. A wind turbine typically consists of a tower, nacelle
2269 body, and a rotor with two or more blades.

2270

2271 **C. Height**

2272 The height of a wind turbine measured from existing average grade to the
2273 tip of the rotor at its highest point or blade tip height.

2274

2275 **D. Flicker**

2276 The moving shadow created by the sun shining on the rotating blades of the
2277 wind turbine. (It is a potential health hazard to epileptics etc).

2278

2279 **E. Fall Zone**

2280 The potential fall area for the RWEFCF. It is a measure by using 110% of the
2281 total height as the radius around the center point of the base of the tower.

2282

2282 **F. Meteorological Tower (MET tower)**

2283 Includes the tower, base plate, anchors, guy wires and hardware,
2284 anemometers, wind direction vanes, booms to hold equipment, data
2285 loggers, instrument wiring, and any telemetry devices that are used to
2286 monitor or transmit wind flow and wind speed characteristics over a period
2287 of time to give wind information at a given location.

2288

2289 **G. NET Metering**

2290 The difference between the electricity supplied over the electric distribution
2291 system to the property and the electricity generated and fed back into the
2292 distribution system of Consumers Electric.

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H. Shadow

The outline created on the surrounding area by the sun shining on the small wind energy system.

3. Special permit requirements

A special use permit may be issued by the Planning Commission pursuant to Article X for the erection of an RWEFC as an accessory use in any designated residential district or in connection with any residential use in a commercial district, subject to the following conditions as well as any other as set forth in the Jerome Township ordinances.

- 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.

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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

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

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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

The primary control or 2464 regulation is for the purpose of preventing a concentration of 2465 these uses in any one area or next to residential zones or certain 2466 institutional uses.

2467 **2. Distance restrictions.**

2468 An adult business is prohibited from being established, 2469 operating, caused to be operated, located or being licensed for 2470 business within the following:

2471 A. 2,000 feet of or property used or owned by a church, 2472 synagogue, mosque, temple or building that is used 2473 primarily for religious worship and related religious 2474 activities.

2475 B. 2,000 feet of a public or private educational facility 2476 including but not limited to child day care facilities, nursery 2477 schools, preschools, kindergartens, elementary schools, 2478 private schools, intermediate schools, junior high schools, 2479 middle schools, high schools, vocational schools, secondary 2480 schools, continuation schools, special education schools, 2481 junior colleges, and universities; school includes the school 2482 grounds.

2483 C. 2,000 feet of an entertainment business that is oriented 2484 primarily towards children or family entertainment.

2485 D. 1000 feet of a separate business having a Michigan 2486 Liquor License.

2487 E. 2,000 feet of another adult business.

2488 F. 500 feet of a boundary of a residential zoning district as 2489 defined in the Jerome Township Zoning Ordinance and 2490 Map.

2491 G. 2000 feet of a public park or recreational area which has 2492 been designated for park or recreational activities including 2493 but not limited to a park, playground, nature trails, 2494 swimming pool, reservoir, athletic field, basketball or 2495 tennis courts, pedestrian/bicycle paths, wilderness areas, 2496 state forests or other similar public land.

2497 H. 500 feet of the property line of a lot devoted to a residential 2498 use as defined in the Jerome Township.

2499

2500 For the purpose of this ordinance, measurement shall be made in a 2501 straight line, without regard to intervening structures or objects, from 2502 the nearest property line of the premises where an adult business is 2503 conducted, to the nearest property line of the premises of a use listed in 2504 Subsection b. Presence of a village, county or other political

2505 subdivision boundary shall be irrelevant for purposes of calculating and 2506 applying the distance requirements of this Section.

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2508 **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.

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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.

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

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1. Purpose:
Preserve the recreational use and quality of Sanford Lake and to maintain 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.

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2600 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.

2650 **SECTION 12.03 COMPENSATION.**

2651 Each member and alternate member may receive a reasonable sum as
2652 determined by the Township Board for his/her services in attending each regular
2653 or special meeting of the ZBA.

2654
2655 **SECTION 12.04 REMOVAL.**

2656 Appointed members may be removed for nonperformance of duty or misconduct
2657 in office by the Township Board only after consideration of written charges and a
2658 public hearing. Failure of a member to disqualify himself from a vote in which he
2659 has a conflict of interest shall constitute misconduct in office.

2660
2661 **SECTION 12.05 MEETINGS.**

- 2662 1. The Board of Appeals shall annually elect its own chairman, vice chairman,
2663 and secretary.
- 2664 2. All meetings of the Board of Appeals shall be held at the call of the chairman
2665 and at such times as such Board may determine.
- 2666 3. All hearings conducted by the ZBA shall be open to the public. The Board
2667 shall keep minutes of its proceedings showing the vote of each member in
2668 question, or if absent, or failing to vote, indicating such fact; and shall also keep
2669 records of its hearings and other official actions in the office of the Township Clerk,
2670 and shall be a public record.
- 2671 4. The ZBA shall not conduct business unless a majority of the members are
2672 present. The concurring vote of a majority of the members of the ZBA shall be
2673 necessary to reverse an order, requirement, decision, or determination of an
2674 administrative official or body, or to decide in favor of the applicant a matter upon
2675 which they are required to pass under an ordinance, or to effect a variation in an
2676 ordinance.

2677
2678 **SECTION 12.06 APPEAL AND NOTICE REQUIREMENTS.**

- 2679 1. An appeal may be taken to the ZBA by any person, firm, or
2680 corporation, or by any officer, department, board, or bureau affected by a
2681 decision of the Building Official. An appeal shall be made in accordance
2682 with the processing procedures established by the Zoning Board of
2683 Appeals. Each appeal shall be accompanied by a processing fee in an
2684 amount established by resolution of the Township Board, and may be
2685 amended from time to time. No portion of such fee shall be reimbursable to
2686 the applicant. The Building Official shall forthwith transmit to the Board, all
2687 of the papers constituting the record upon which the action appealed from
2688 was taken. An appeal shall stay all proceedings in furtherance of the action
2689 appealed from unless the Building Official certifies to the Zoning Board of
2690 Appeals, after notice of appeal has been filed with him, that, by reason of
2691 facts stated in the certificate, a stay would, in his opinion, cause imminent
2692 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
2694 record.
- 2695 2. Public notice of the time, date, and place of the meeting shall also be
2696 given in the manner required by Section 1.05. Such notice shall contain the
2697 address, if available, and location of the property for which the ruling by the
2698 ZBA is sought, as well as a brief description of the nature of the Appeal.
- 2699 3. No appeal shall be taken to the ZBA from a decision of the Planning
2700 Commission or Township Board in connection with a use permitted subject
2701 to special approval use.
- 2702 4. Appeal(s) required in connection with site plan approval for principal
2703 uses permitted shall be presented before the ZBA prior to the consideration
2704 of the site plan by the Township Planning Commission.
- 2705 5. The ZBA may only act on those matters brought before it through the
2706 procedures of Section 12.06. In no instance may they conduct business on
2707 matters outside the scope of the appeal.
- 2708 6. No appeal shall be made from a decision of the Township Building
2709 Official or Planning Commission unless such appeal is filed within thirty (30)
2710 days from the date of such decision.

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SECTION 12.07. JURISDICTION.

2713 The ZBA may reverse or affirm, wholly or partly, or may modify the order,
2714 requirement, decision of determination as in its opinion ought to be made in the
2715 premises, and to that end shall have all the powers of the officer from whom the
2716 appeal was taken and may issue or direct the issuance of a permit. Where there
2717 are practical difficulties in the way of carrying out the
2718 strict letter of this Ordinance, the ZBA shall have the power in passing upon
2719 appeals to vary or modify any of its rules, regulations or provisions so that the spirit
2720 of this Ordinance shall be observed, public safety secured, and substantial justice
2721 done. Nothing herein contained shall be construed to give or grant to the Zoning
2722 Board of Appeals the authority to make changes in the Zoning Ordinance or the
2723 Zoning Map, such power and authority being reserved to the Township Board in
2724 the manner herein provided by law.

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SECTION 12.08. POWERS AND DUTIES.

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The ZBA shall have the following specified powers and duties:

2728

1. Administrative Review

2729

To hear and decide appeals where it is alleged by the appellant that there is an
2730 error in any order, requirement, permit, decision, or refusal made by the Building
2731 Official or any other administrative official in carrying out, or enforcing, any
2732 provisions of this Ordinance.

2733

2. Interpretation

2734

To hear and decide in accordance with the provisions of this Ordinance:

2735

- a. Appeals for the interpretation of the provisions of the Ordinance.

2736 b. Requests to determine the precise location of the boundary lines between
2737 the zoning districts as they are displayed on the Zoning Map, when there is
2738 dissatisfaction with the decision on such subject.
2739

2740 **3. Variances**

2741 The ZBA shall have the power to authorize, upon appeal, specific variances from
2742 such dimensional requirements as lot area and width regulations, building height
2743 and square foot regulations, yard width and depth regulations, such requirements
2744 as off-street parking and loading space, and sign regulations, and other similar
2745 requirements as specified in Ordinance 98 as amended. To obtain a variance, the
2746 applicant must submit an affidavit indicating that a "practical difficulty" exists, by
2747 explaining:

2748 a. How the strict enforcement of the provisions of the Township Zoning
2749 Ordinance would deprive the owner of rights enjoyed by all other property owners
2750 owning property within the same zoning district.

2751 b. The conditions and circumstances unique to the property which are not
2752 similarly applicable to other properties in the same zoning district.

2753 c. The conditions and circumstances unique to the property were not created
2754 by the owner, within the time following the effective date of the provisions alleged
2755 to adversely affect such property.

2756 d. Why the requested variance will not confer special privileges that are denied
2757 other properties similarly situated and in the same zoning district.

2758 e. Why the requested variance will not be contrary to the spirit and intent of this
2759 zoning ordinance.
2760

2761 The ZBA shall not approve an application for a variance unless it has found
2762 positively that a practical difficulty exists under the preceding criteria.
2763

2764 **SECTION 12.09. PROHIBITED VARIANCES.**

2765 1. No variance shall be made in connection with a condition attached to a special
2766 condition use approved by the Planning Commission and/or Township Board.

2767 2. A use variance shall not be permitted.
2768

2769 **SECTION 12.10. ATTACHMENT OF CONDITIONS.**

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

2777 1. Be designed to protect natural resources, the health, safety, and welfare,
2778 as well as the social and economic well being of those who will use the land use

2779 or 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 standards.
2786 4. The conditions imposed shall be recorded in the record of the approval
2787 action and shall remain unchanged except upon the mutual consent of the
2788 approving authority and the landowner. The approving authority shall maintain a
2789 record of changes granted in conditions.

2790

2791 **SECTION 12.11 APPROVAL PERIOD.**

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

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2797

ARTICLE XIII

2798

DISTRICT CHANGES AND ORDINANCE AMENDMENTS

2799

2800 **Section 13.01 - Amendment**

2801 In accordance with the provisions of the Zoning Enabling Act 110, as amended,
2802 the Township Board may from time to time amend, or change by ordinance, the
2803 number, shape or area of districts established on the Zoning Map or the regulations
2804 set forth in this ordinance.

2805

2806 **Section 13.02 - Petition For Change**

2807 Said amendment may be initiated by resolution of the Township Board, or by
2808 petition of one or more owners of property to be affected by the proposed
2809 amendment which petition in the case of one or more owners of property shall be
2810 filed with the Planning Commission.

2811

2812 **Section 13.03 - Public Hearing**

2813 The Planning Commission shall hold a public hearing on the proposed
2814 amendment or change, in accordance with the provisions of the Zoning Enabling
2815 Act 110 as amended.

2816

2817 **Section 13.04 - Review**

2818 The amendment and recommendations shall be submitted to the Midland County
2819 Planning Commission and to the Township Board.

2820

2821 **Section 13.05 - Action**

2822 The amendment, with the recommendation of the Midland County
2823 Planning Commission, shall then be submitted to the Township Board and acted
2824 upon in accordance with the provisions of the Zoning Enabling Act 110, as
2825 amended.
2826

2827 **Section 13.06 Conditional Rezoning.**

2828 **A. Intent.** It is recognized that there are certain instances where it would be in the
2829 best interests of the Township, as well as advantageous to property owners
2830 seeking a change in zoning boundaries, if certain conditions could be
2831 proposed by property owners as part of a request for a rezoning. It is the intent
2832 of this Section to provide a process consistent with the provisions of the
2833 Zoning Enabling Act 110 and the Michigan Zoning Guide by which an owner
2834 seeking a rezoning may voluntarily propose conditions regarding the use
2835 and/or development of land as part of the rezoning request.
2836

2837 **B. Application and Offer of Conditions.**

2838 1. An owner of land may voluntarily offer in writing conditions relating to the
2839 use and/or development of land for which a rezoning is requested. This offer may
2840 be made either at the time the application for rezoning is filed or may be made at
2841 a later time during the rezoning process.
2842

2843 2. The required application and process for considering a rezoning request
2844 with conditions shall be the same as that for considering rezoning requests made
2845 without any offer of conditions, except as modified by the requirements of this
2846 Section.
2847

2848 3. The owner's offer of conditions may not purport to authorize uses or
2849 developments not permitted in the requested new zoning district.
2850

2851 4. Any use or development proposed as part of an offer of conditions that
2852 would require a special land use permit under the terms of this Ordinance shall
2853 only be commenced if a special land use permit for such use or development is
2854 ultimately granted in accordance with the provisions of this Ordinance.
2855

2856 5. Any use or development proposed as part of an offer of conditions that
2857 would require a variance under the terms of this Ordinance shall only be
2858 commenced if a variance for such use or development is ultimately granted by
2859 the Zoning Board of Appeals in accordance with the provisions of this Ordinance.
2860

2861 6. Any use or development proposed as part of an offer of conditions that
2862 would require site plan approval under the terms of this Ordinance shall only be
2863 commenced if site plan approval for such use or development is ultimately
2864 granted in accordance with the provisions of this Ordinance.

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

C. Planning Commission Review.

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

D. Township Board Review.

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

E. Approval.

1. If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the Township Board to accomplish the requested rezoning.
2. The Statement of Conditions shall:
 - a. Be in a form recordable with the Register of Deeds of the County in which the subject land is located or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.

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- b. Contain a legal description of the land to which it pertains.
 - c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
 - d. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
 - e. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Township with the Register of Deeds of the County in which the land referenced in the Statement of Conditions is located.
 - f. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
3. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
4. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the Register of Deeds of the County in which the land is located. The Township Board shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner of the land.
5. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

F. Compliance with Conditions.

- 1. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained

2953 within the Statement of Conditions shall constitute a violation of this Zoning
2954 Ordinance and be punishable accordingly. Additionally, any such violation shall
2955 be deemed a nuisance per se and subject to judicial abatement as provided by
2956 law.

2957
2958 2. No permit or approval shall be granted under this Ordinance for any use
2959 or development that is contrary to an applicable Statement of Conditions.
2960

2961 **G. Time Period for Establishing Development or Use.**

2962 The approved development and/or use of the land pursuant to building and other
2963 required permits must be commenced upon the land within 12 months after the
2964 rezoning took effect and thereafter proceed diligently to completion See section
2965 12.11. This time limitation may upon written request be extended by the
2966 Township Board if (1) it is demonstrated to the Township Board's reasonable
2967 satisfaction that there is a strong likelihood that the development and/or use will
2968 commence within the period of extension and proceed diligently thereafter to
2969 completion and (2) the Township Board finds that there has not been a change in
2970 circumstances that would render the current zoning with Statement of Conditions
2971 incompatible with other zones and uses in the surrounding area or otherwise
2972 inconsistent with sound zoning policy.
2973

2974 **H. Reversion of Zoning.**

2975 If approved development and/or use of the rezoned land does not occur within
2976 the time frame specified under Subsection G above, then the land shall revert to
2977 its former zoning classification. The reversion process shall be initiated by the
2978 Township Board requesting that the Planning Commission proceed with
2979 consideration of rezoning of the land to its former zoning classification. The
2980 procedure for considering and making this reversionary rezoning shall thereafter
2981 be the same as applies to all other rezoning requests.
2982

2983 **I. Subsequent Rezoning of Land.**

2984 When land that is rezoned with a Statement of Conditions is thereafter rezoned
2985 to a different zoning classification or to the same zoning classification but with a
2986 different or no Statement of Conditions, whether as a result of a reversion of
2987 zoning pursuant to Subsection H above or otherwise, the Statement of
2988 Conditions imposed under the former zoning classification shall cease to be in
2989 effect. Upon the owner's written request, the Township Clerk shall record with the
2990 Register of Deeds of the County in which the land is located a notice that the
2991 Statement of Conditions is no longer in effect.
2992

2993 **J. Amendment of Conditions.**

2994
2995 1. During the time period for commencement of an approved development
2996 or use specified pursuant to Subsection G above or during any extension thereof

2997 granted by the Township Board, the Township shall not add to or alter the
2998 conditions in the Statement of Conditions.

2999
3000 2. The Statement of Conditions may be amended thereafter in the same
3001 manner as was prescribed for the original rezoning and Statement of Conditions.

3002
3003 **K. Township Right to Rezone.**

3004 Nothing in the Statement of Conditions nor in the provisions of this Section shall
3005 be deemed to prohibit the Township from rezoning all or any portion of land that
3006 is subject to a Statement of Conditions to another zoning classification. Any
3007 rezoning shall be conducted in compliance with this Ordinance and the Zoning
3008 Enabling Act 110.

3009
3010 **L. Failure to Offer Conditions.**

3011 The Township shall not require an owner to offer conditions as a requirement for
3012 rezoning. The lack of an offer of conditions shall not affect an owner's rights
3013 under this Ordinance.

3014
3015

3016
3017

**ARTICLE XIV
ADMINISTRATION**

3018
3019

3020 **Section 14.01 - Building Inspector**

3021 The provisions of this ordinance shall be administered by the Building Inspector
3022 who shall be appointed by the Township Board.

3023
3024

Section 14.02 - Permits Required

3025 Except as otherwise provided, no land shall be occupied or used and no building
3026 or structure shall hereafter be erected, altered, or moved onto a site until a permit
3027 has been obtained from the Building Inspector. Such permit shall be non-
3028 transferable and shall be obtained before any new use is established or work of
3029 excavation or construction is begun. This permit is valid for one (1) year and (A)
3030 construction or use must start within one year following the issuance of the permit
3031 and (B) The permit will remain in effect provided reasonable progress is made on
3032 the project. A fee for said Permit shall be paid to Jerome Township. A sign permit
3033 shall be obtained from the Building Inspector on any bill- board or sign exceeding
3034 twelve (12) square feet by the land owner on whose land the billboard or sign is
3035 erected. A fee for said sign permit shall be paid to Jerome Township.

3036
3037

Section 14.03 - Certificate of Compliance

3038 Except as otherwise provided, no land shall be occupied or used and no building
3039 hereafter erected or altered shall be occupied or used in whole or in part for any

3040 purposes, until a certificate of compliance shall have been issued by the Building
3041 Inspector stating that the proposed use complies with all the provisions of this
3042 ordinance.

3043 **ARTICLE XV**
3044 **Severability**

3045

3046 **Section 15.01 - Severability**

3047 The provisions of this Ordinance are declared severable. If any provisions of this
3048 Ordinance or part thereof is declared invalid for any reason by a court of competent
3049 jurisdiction, that declaration does not affect or impair the validity of all other
3050 provisions that are not subject to that declaration.

3051

3052 **ARTICLE XVI**
3053 **PENALTIES**

3054 **Section 16.01 - Violations Declared a Nuisance Per Se**

3055 All violations of this Ordinance or any part thereof are declared a nuisance per se.

3056

3057 **Section 16.02 - Penalties.**

3058 Any person or other entity who violates any provisions of this Ordinance is
3059 responsible for a municipal civil infraction as defined by Michigan law and subject
3060 to a civil fine of not more than \$500.00, plus costs, which may include all direct or
3061 indirect expenses to which the Township of Jerome has been put in connection
3062 with the violation. In no case, however, shall costs of less than \$9.00 or more than
3063 \$500.00 be ordered.

3064

3065 **Section 16.03 - Additional Remedies**

3066 In addition to the foregoing provisions relating to Penalties, the Township
3067 specifically reserves the right and shall have the authority to proceed in any court
3068 of competent jurisdiction for the purpose of obtaining an injunction, restraining
3069 order or other appropriate remedy to abate said all violations and the nuisances
3070 thereby created and to compel compliance with this Ordinance. Each day that a
3071 violation shall continue is to constitute a separate offense.

3072

3073

3074

3075

3076

3076 **ARTICLE XVII**
3077 **EFFECTIVE DATE**

3077

3078

3079 **Section 17.01 - Effective Date**

3080 This Ordinance shall take effect thirty (30) days after publication of a notice of
3081 adoption of this Ordinance, unless referendum procedures are initiated under MCL

3082 125.3402. If referendum procedures are initiated, this Ordinance will take effect in
3083 accordance with MCL 125.3402.

3084

3085

**ARTICLE XVIII
REPEALING CLAUSE**

3086

3087

Section 18.01 - Repealing Clause

3089 All ordinances or parts of Ordinances in conflict herewith are hereby repealed.

3090

3091 YEAS: _____

3092

3093

3094

3095 NAYS: _____

3096

3097

3098

3099 ABSENT/ABSTAIN _____

3100

3101

3102 ORDINANCE DECLARED ADOPTED.

3103

3104

3105

CERTIFICATION

3106

3107 I hereby certify that the above is a true copy of an Ordinance adopted by the
3108 Jerome Township Board at a Regular Meeting held on _____,
3109 pursuant to the required statutory procedures.

3110

3111

3112 Dated: _____

3113

3114

3115 _____
Michael Wood, Jerome Township Supervisor

3116

3117

3118

3119

3120

3121

3122

Angela Martin, Jerome Township Clerk