

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

JEROME TOWNSHIP ZONING ORDINANCE

Midland County, Michigan

An ordinance to establish zoning districts within the unincorporated portions of Jerome Township, Midland County, Michigan, in accordance with Michigan Zoning Enabling Act, Act 110 of 2006, MCL 125.3101 *et seq.*, to permit certain uses of the land therein and regulate the development thereof, including but not limited to the location, size, area and height of buildings thereon, and provide for the administration and enforcement thereof.

AMENDED January 10, 2024

Jerome Township Hall
737 W. Beamish Road
Sanford, Michigan 48657
Phone: 989-488-4578
Fax: 989-687-2318

29	Table of Contents	
30	ARTICLE I TITLE AND PURPOSE	6
31	Section 1.01 - Title	6
32	Section 1.02 - Purpose	6
33	Section 1.03 - Scope of Regulation	6
34	Section 1.04 - General Procedure	6
35	Section 1.05 - Conflict With Other Laws	7
36	Section 1.06 - Public Notification	7
37	Section 1.07 - Permits, Petition Requirements	7
38	ARTICLE II MARIHUANA REGULATIONS	7
39	Section 2.01 - Prohibition of Commercial Medical Marihuana Facilities and	
40	Marihuana Establishments	8
41	Section 2.02 - Primary Caregiver Regulations	8
42	ARTICLE III ESTABLISHMENT OF DISTRICTS AND ZONING MAP	9
43	Section 3.01 - Zoning Districts	9
44	Section 3.02 - Zoning Map	9
45	Section 3.03 - Location of District Boundaries	9
46	ARTICLE IV DISTRICT A - RESIDENTIAL, ONE FAMILY	9
47	Section 4.01 - Uses Permitted	10
48	Section 4.02 - Size of Dwelling Lots	10
49	Section 4.03 - Yard Requirements	11
50	Section 4.04 - Floor Area of Dwellings	11
51	Section 4.05 - Side Yards of Corner Lots	11
52	Section 4.06 - Height	11
53	Section 4.07 - Accessory Uses, Buildings and Structures, and Storage shed	
54	Location, Uses	11
55	Section 4.08 – Fences	12
56	Section 4.09 - Signs	12
57	Section 4.10 - Additional District Requirements	13
58	ARTICLE V DISTRICT B – RESIDENTIAL, MULTIPLE FAMILY	13
59	Section 5.01 - Uses Permitted	13
60	Section 5.02 - Size of Dwelling Lots	13
61	Section 5.03 - Yard Requirements	13
62	Section 5.04 - Floor Area of Dwellings	14
63	Section 5.05 - Side Yards of Corner Lots	14

64	Section 5.06 - Height	14
65	Section 5.07 - Storage shed Location	14
66	Section 5.08 - Fences	14
67	Section 5.09 - Signs	14
68	ARTICLE VI DISTRICT C – COMMERCIAL BUSINESS	14
69	Section 6.01 - Uses Permitted	14
70	Section 6.02 - Size of Building Lots	15
71	Section 6.03 - Yard Requirements	15
72	Section 6.04 - Floor Area of Building or Structure	15
73	Section 6.05 - Side Yards of Corner Lots	16
74	Section 6.06 - Height	16
75	Section 6.07 - Additional District Regulations	16
76	Section 6.08 - Signs	16
77	ARTICLE VII - DISTRICT D Commercial General	16
78	Section 7.01 - Uses Permitted	17
79	Section 7.02 - Height	18
80	Section 7.03 - Yard Requirements	18
81	Section 7.04 - Size of Building Lots	18
82	Section 7.05 - Floor Area of Buildings or Structures	18
83	Section 7.06 - Additional District Requirements	18
84	Section 7.07 - Signs	18
85	ARTICLE VIII DISTRICT E – AGRICULTURAL	18
86	Section 8.01 - Uses Permitted	19
87	Section 8.02 - Size of Building or Dwelling Lots	19
88	Section 8.03 - Yard Requirements	19
89	Section 8.04 - Floor Area of Dwellings	20
90	Section 8.05 - Height	20
91	Section 8.06 - Signs	20
92	ARTICLE IX DISTRICT F - INDUSTRIAL	20
93	Section 9.01 - Uses Permitted	20
94	Section 9.02 - Size of Building Lots	20
95	Section 9.03 - Additional District Requirements	20
96	Section 9.04 - Floor Area of Buildings or Structures	21
97	Section 9.05 - Signs	21
98	ARTICLE X SITE PLAN REVIEW	21

99	Section 10.01 - Purpose	21
100	Section 10.02 - Scope	21
101	Section 10.03 – Conceptual Site Plan Review	21
102	Section 10.04 - Site Plan Requirements	21
103	Section 10.05 - Action on Site Plan Review	22
104	Section 10.06 - Criteria for Review	23
105	Section 10.07 - Conformity to Approved Site Plan	23
106	Section 10.08 - Amendment to Site Plan	24
107	Section 10.09 - Special Uses and Concurrent Approvals	24
108	ARTICLE XI SPECIAL USE	24
109	Section 11.01 - Authority	24
110	Section 11.02 - Additions	25
111	Section 11.03 - Data Required in Application	25
112	Section 11.04 - Purpose and Authority	25
113	Section 11.05 - Binding Effect; Revocation of Permit	25
114	Section 11.06 - Data Required in Application	25
115	Section 11.07 - Hearing	26
116	Section 11.08 - Required Findings	26
117	Section 11.09 - Determination and Issuance	27
118	Section 11.10 - Reapplication	27
119	Section 11.11 - Revocation	27
120	ARTICLE XII SUPPLEMENTARY REGULATIONS	28
121	Section 12.01 - Temporary Structures for Dwelling Purposes, Permit Required	28
122	Section 12.02 - Required Water Supply and Sanitary Sewage Facilities	28
123	Section 12.03 - Exceptions to Regulations	28
124	Section 12.04 - Groundwater Quality Protection	29
125	Section 12.05 - Location of Accessory Buildings and/or Structures	29
126	Section 12.06 - Requirements for Fences	30
127	Section 12.07 - Required Off-Street Parking and Access	31
128	Section 12.08 - Nonconforming Uses, Structures and Lots	33
129	Section 12.09 - Driveways and Private Roads	35
130	Section 12.10 - Condominium Use	37
131	Section 12.11 - Mobile Home as Dwelling Units	37
132	Section 12.12 - Open Space Preservation	37
133	Section 12.13 - Commercial Wireless Communications Facilities	44

134	Section 12.14 – Residential Land-Based Wind Energy Conversion Facilities	47
135	Section 12.15 - Sexually Oriented Business	50
136	Section 12.16 - Sanford Lake Water Access	51
137	ARTICLE XIII ZONING BOARD OF APPEALS	53
138	SECTION 13.01 - Purpose	53
139	SECTION 13.02 - Creation and Membership	53
140	SECTION 13.03 - Compensation	54
141	SECTION 13.04 - Removal	54
142	SECTION 13.05 - Meetings	54
143	SECTION 13.06 - Appeal and Notice Requirements	54
144	SECTION 13.07- Jurisdiction	55
145	SECTION 13.08 - Powers and Duties	55
146	SECTION 13.09 - Prohibited Variances	57
147	SECTION 13.10 - Attachment of Conditions	57
148	SECTION 13.11 - Approval Period	57
149	ARTICLE XIV DISTRICT CHANGES AND ORDINANCE AMENDMENTS	58
150	Section 14.01 - Amendment	58
151	Section 14.02 - Petition For Change	58
152	Section 14.03 - Procedure	58
153	Section 14.06 - Conditional Rezoning	61
154	ARTICLE XV ADMINISTRATION	63
155	Section 15.01 - Building Inspector	63
156	Section 15.02 - Permits Required	63
157	Section 15.03 - Zoning Permits	63
158	ARTICLE XVI SEVERABILITY	63
159	Section 16.01 - Severability	63
160	ARTICLE XVII PENALTIES	64
161	Section 17.01 - Violations Declared a Nuisance Per Se	64
162	Section 17.02 - Penalties	64
163	Section 17.03 - Additional Remedies	64
164	ARTICLE XVIII EFFECTIVE DATE	64
165	Section 18.01 - Effective Date	65
166	ARTICLE XIX REPEALING CLAUSE	65
167	Section 19.01 - Repealing Clause	65
168	CERTIFICATION	65

169	Addendum	66
170	Definitions	66

171
172 The Township of Jerome, Midland County, Michigan, pursuant to the authority
173 vested in it by Michigan Zoning Enabling Act, Act 110 of 2006, MCL 125.3101 *et*
174 *seq.*, ordains:

175
176 **ARTICLE I TITLE AND PURPOSE**

177
178 **Section 1.01 - Title**

179 This ordinance shall be known as the "Jerome Township Zoning Ordinance."
180

181 **Section 1.02 - Purpose**

182 The fundamental purpose of this ordinance is to promote the public health, safety,
183 convenience, morals and general welfare. The provisions are intended to
184 encourage the use of lands and natural resources in the township in accordance
185 with their character, natural characteristics, and adaptability; to provide for orderly
186 growth of the township that will retain the rural character of the community; to
187 protect the aesthetic character and economic stability of agricultural, residential,
188 commercial, recreational and other local areas within the township; to provide for
189 safety in traffic and vehicle parking; to prevent the improper use of land and
190 structures; to facilitate the establishment of adequate and economic systems of
191 water, sewage, drainage and other public facilities; to conserve the expenditures
192 of funds for the public improvement and services in order to provide the most
193 advantageous uses of land, resources and properties.
194

195 **Section 1.03 - Scope of Regulation**

196 No structure or tract of land, or part thereof, shall hereafter be used or
197 occupied, and no structure, or part thereof, shall be erected, altered, or
198 moved, except in conformity with the provisions of this Ordinance.
199 Furthermore, any business or organization in violation of local, state or
200 federal law is prohibited from locating or operating within the Jerome
201 Township. However, where a building permit for a building or structure has
202 been issued in accordance with law prior to the effective date of this
203 Ordinance and construction is begun within six (6) months of the effective
204 date, said building or structure may be completed and operated in
205 accordance with the approved plans.
206
207
208

209 **Section 1.04 - General Procedure**

210 For the purpose of this ordinance all of the unincorporated area in the Township of
211 Jerome except state owned land has been divided into districts of varied shape,
212 kind and area, called "districts" and regulations adopted for each such district, but
213 with due consideration for the character of each district, its particular suitability for
214 particular purposes and the general trend of land, buildings and population growth.
215 Districts shall be of such number, kind and area and of such common unity of

216 purpose, adaptability or use that are deemed most suitable to conserve the value
217 of buildings and to encourage the most appropriate use of land throughout the
218 Township.

219
220 **Section 1.05 - Conflict With Other Laws**

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

224
225 **Section 1.06 - Public Notification**

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

230
231 The notice must:

- 232
- 233 1. Describe the nature of the zoning request, application, or action.
 - 234 2. State the time, date, and place of the meeting.
 - 235 3. Indicate the street address of the property that is the subject of the request.
236 The notice shall include a listing of all existing street addresses within the
237 property. Street addresses do not need to be created and listed if no such
238 addresses currently exist within the property. If there are no street
239 addresses, other means of identification may be used.
 - 240 4. Indicate when and where written comments will be received concerning the
241 request.
- 242

243 In accordance with Section 103 of the Michigan Zoning Enabling Act, notices must
244 be sent by mail or personal delivery to property owners and occupants of structures
245 within 300 feet of the property and to the owners of the property for which the
246 approval is being considered.

247
248 For public hearings held in response to a zoning text or map amendment, a mailed
249 notice must be sent to each public utility, telecommunication service provider, and
250 railroad operating within the district or zone affected to the extent that the entity
251 has registered their name and address with the Township Clerk for the purpose of
252 receiving public hearing notices.

253
254 **Section 1.07 - Permits, Petition Requirements**

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

258
259 **ARTICLE II MARIHUANA REGULATIONS**

260

261 **Section 2.01 - Prohibition of Commercial Medical Marihuana Facilities and**
262 **Marihuana Establishments**

263 Commercial Medical Marihuana Facilities and Marihuana Establishments defined
264 in this Ordinance are prohibited from operating within the Township, and no
265 property within the Township may be used for the operation of such Facilities or
266 Establishments. No person shall operate, cause to be operated, or permit to be
267 operated a Commercial Medical Marihuana Facility or Marihuana Establishment in
268 the Township.

269
270 **Section 2.02 - Primary Caregiver Regulations**

271 The following regulations apply to all Primary Caregiver Operations by a Primary
272 Caregiver within the Township, unless a more specific provision of this ordinance
273 applies:

- 274
- 275 1. A Primary Caregiver Operation shall comply with the Michigan Medical
276 Marihuana Act, MCL 333.26421, *et seq.*
 - 277 2. There shall be no more than one Primary Caregiver Operation per
278 premises. The Township may waive this limitation if an applicant for a
279 Primary Caregiver Operation can provide written documentation in an
280 application for a permit under this ordinance showing that a proposed
281 Primary Caregiver Operation: (1) complies with the Zoning Ordinance; (2)
282 is able to effectively meet the requirements of this ordinance; and (3) will
283 not impose nuisances on neighboring properties or uses.
 - 284 3. All medical marihuana shall be contained within a separate enclosed,
285 locked facility for each medical marihuana patient for which the Primary
286 Caregiver is lawfully connected, in accordance with the MMMA. The
287 enclosed, locked facility shall have secure windows and doors where
288 applicable and the medical marihuana caregiver shall implement security
289 measures to prevent theft of stored marihuana.
 - 290 4. Distribution, growth or cultivation of medical marihuana, and all other
291 related activity, shall occur indoors.
 - 292 5. The qualifying patient and Primary Caregiver must possess and maintain
293 a valid registry identification card by the MRA, LARA, or their successors.
 - 294 6. Primary Caregiver Operations shall obtain all necessary building,
295 electrical, plumbing, and mechanical permits for any part of the structure
296 altered for cultivation, growing, or harvesting of marihuana, including
297 changes to electrical wiring, lighting, plumbing, heating, cooling,
298 ventilation, or watering devices.
 - 299 7. Primary Caregiver Operations shall control any odor from the premises by
300 regularly maintaining and operating an air scrubbing and carbon filtration
301 system or other reasonably available odor control technology specifically
302 approved for the Primary Caregiver Operation so that no odor from the
303 acquisition, possession, cultivation, processing, transfer, or sale of
304 marihuana is detectable at the property line of the parcel.
 - 305 8. A Primary Caregiver Operation shall not create excessive noise, dust,
306 vibrations, glare, fumes, electrical interference, or odors that are detectible

307 to a reasonable person of normal sensitivities beyond the parcel on which
308 the use occurs.
309 9. An affirmative statement no person operating a Primary Caregiver
310 Operation shall provide or otherwise make available medical marihuana to
311 any person who is not a medical marihuana patient legally connected to
312 that Primary Caregiver.
313 10. There shall be no external evidence, signage, or lighting related to the
314 Primary Caregiver Operation detectable from the exterior of the premises.
315

316 Within the special use permit application, an individual seeking to operate a
317 Primary Caregiver Operation shall submit to the Planning Commission information
318 detailing how their proposed Primary Caregiver Operation will conform with these
319 Primary Caregiver Regulations. As a condition of the special use permit to operate
320 a Primary Caregiver Operation, a Primary Caregiver has a continuing obligation to
321 supply the Township any additional information requested relating to the Primary
322 Caregiver Operation's compliance with this ordinance.
323

ARTICLE III ESTABLISHMENT OF DISTRICTS AND ZONING MAP

Section 3.01 - Zoning Districts

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

- 330
331 District A - Residential, One Family
332 District B - Residential, Multiple Family
333 District C - Commercial, Business
334 District D - Commercial, General
335 District E - Agricultural
336 District F – Industrial
337

Section 3.02 - Zoning Map

339 Said districts are bounded and defined as shown on a map entitled "Zoning Map
340 of Jerome Township" which accompanies and which, with all explanatory matter
341 thereon, is hereby made a part of this ordinance.
342

Section 3.03 - Location of District Boundaries

344 Where the boundaries of districts are so indicated that they appear as:

- 345 A. approximately following the center lines of streets or highways or
346 B. approximately following platted lot lines or
347 C. approximately following shorelines or
348 D. approximately following the center lines of streams or rivers
349 shall be construed as such. If no distance is indicated such dimensions shall be
350 determined by use of the scale on said Zoning Map.
351

ARTICLE IV DISTRICT A - RESIDENTIAL, ONE FAMILY

352
353

354 This district is established to enhance existing single-family detached residences
355 and encourage single-family development, and to provide for suburban-style
356 development and related uses that conform to the Township's rural nature and are
357 compatible with existing neighborhoods.
358

359 **Section 4.01 - Uses Permitted**

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

363 Permitted uses:

- 364 1. Detached one-family dwellings.
- 365 2. Home occupations when carried on by the occupants within
366 the dwelling and/or garage. The home occupation, activities,
367 processes, materials, equipment, and conditions of the home
368 occupation will not be detrimental to the public welfare,
369 persons or property by reason of excessive production of
370 traffic, noise, smoke, fumes, flare, or odors.
- 371 3. Tourist homes.
- 372 4. State licensed residential facilities as per PA 110 section
373 125.3206 as amended.
- 374 5. Family child care homes as per PA 110 section 125.3206 as
375 amended-
376

377 *Special uses as provided by Article X:*

- 378 1. Privately owned and publicly owned cemeteries.
- 379 2. Schools and educational institutions.
- 380 3. Hospitals, sanitariums, and rest homes.
- 381 4. Institutions of a philanthropic or charitable nature.
- 382 5. Public utility substations, buildings and towers including law
383 enforcement, fire protection, and emergency medical
384 facilities.
- 385 6. Churches, missions, and other buildings where meetings of a
386 religious nature are to be held, however, no live-in facilities
387 beyond that which are normally allowed as dwellings for that
388 district will be allowed.
- 389 7. Libraries and museums.
- 390 8. State licensed residential group day care homes as per PA
391 110 section 125.3206 as amended.
- 392 9. Open Space Preservation - see Section 11.12
- 393 10. Wireless Communication Facilities - see Section 11.13
- 394 11. Conversion of an accessory structure to a dwelling.
395
396

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

398 Every parcel of land upon which a dwelling is hereafter erected or altered shall be
399 not less than 15,000 square feet in area nor less than one hundred (100) feet in
400 width at the building site; provided, however that this requirement shall not apply

401 to a parcel of land less in size than said area and identified under one ownership
402 on record prior to November 5, 1968. Every parcel of land shall provide a minimum
403 width of thirty (30) feet at the point of access to the premises.
404

405 **Section 4.03 – Yard Requirements**

406 Every lot on which a building is erected shall have a front yard not less than twenty-
407 five (25) feet in depth from the right-of-way, a rear yard of not less than thirty-five
408 feet (35) in depth and side yards of each side not less than ten (10) feet in width.
409 Side yards of lots may be reduced to eight (8) feet, provided the lots are of legal
410 record on November 5, 1968, and are seventy-five (75) feet or less in width.
411

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

413 No dwelling shall be erected or altered which provides less than nine hundred
414 (900) square feet of floor area at the first-floor level with a minimum width of 20
415 linear feet exclusive of any garage area or area in any accessory structure.
416

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

418 The width of a side yard of a corner lot abutting on a right-of-way shall not be less
419 than the minimum front yard required on an adjoining lot fronting on such side right-
420 of-way.
421

422 **Section 4.06 - Height**

423 No buildings or structure, used for dwelling purposes, or any part there- of, shall
424 be erected or altered to a height exceeding two and one-half (2 ½) stories or thirty-
425 five (35) feet.
426

427 **Section 4.07 - Accessory Uses, Buildings and Structures, and Storage shed**
428 **Location, Uses**

429 Accessory uses, buildings and structures customarily incidental and subordinate
430 to any permitted or special uses shall not be erected, altered, or used unless in
431 conformance with the following:

- 432 1. Each premises shall contain not more than one unattached accessory
433 building or structure;
- 434 2. Accessory buildings or structures shall not to exceed sixteen (16) feet in
435 height from the floor level to the top of the upper plate, with ground floor
436 square footage not to exceed 600 square feet or 3% of the lot area
437 whichever is greater not to exceed 2000 square feet on large lots.
- 438 3. The buildings or structures must have finished exterior siding, within which
439 may be stored not more than one commercial vehicle.
440

441 Storage sheds, as defined in this ordinance, are not considered accessory
442 buildings or structure. Storage sheds may be located on the property if they meet
443 all requirements set forth in this ordinance, including the following:

- 444 4. No more than one storage shed per residential dwelling or premises is
445 allowed. Storage Sheds are not allowed to be used for temporary living
446 quarters, dwelling, camping; storing or parking automobiles. All trailers, a
447 few examples of which are, recreational vehicles, campers, tents, livestock

- 448 trailers, construction trailers, shall not be considered sheds under this
449 ordinance or used as Storage Sheds.
- 450 5. Storage Sheds can be located no closer than one (1) ft from the side or rear
451 property lines, accessory buildings, or main buildings. This distance is
452 measured from the closest shed point i.e. (this includes but is not limited to
453 the shed, side wall, roof edge, foundation, etc.) to the nearest property line,
454 or building point.
- 455 6. A shed may be located in front yards but must be at least 10 feet away from
456 the road right of way and meet all other set-backs. On water way side of
457 lake lots, sheds are not to be more than 4 foot above finish grade at the rear
458 dwelling building line. It is recommended that shed owners consider
459 placement and landscaping to make it blend into the neighborhood as much
460 as possible.
- 461 7. Sheds may not be located within 8 ft of an adjacent property owner dwelling.
- 462 8. No sheds are permitted within the side yard area on lots with non-
463 conforming side yard set-backs of less than 8 ft.
- 464 9. Shipping containers less than 200 sq. ft. used as a storage shed shall meet
465 all storage shed requirements and be one solid exterior color.

466
467 **Section 4.08 – Fences**

468 See Section 11.06

469
470 **Section 4.09 - Signs**

- 471
- 472 A. Indirectly illuminated signs shall be allowed provided such sign is so
473 shielded as to prevent direct light rays from being visible from the public
474 right-of-way or any adjacent residential property.
- 475
- 476 B. No sign shall have blinking, flashing or fluttering lights or other illuminating
477 devices which have a changing light intensity, brightness, or color, or which
478 are so constructed and operating as to create a scrolling appearance of
479 writing or printing.
- 480
- 481 C. The following signs are permitted, subject to Section 14.02:
- 482
- 483 1) For dwelling units, one (1) non-illuminated wall sign not exceeding two
484 (2) square feet in area. For structures other than dwelling units, one (1) non-
485 illuminated wall sign not to exceed eighteen (18 square feet in area and one
486 (1) freestanding sign not to exceed thirty-two (32) square feet and twelve
487 (12) feet in height.
- 488
- 489 2) For multiple-family dwellings and neighborhoods, one externally-
490 illuminated freestanding identification sign not exceeding thirty-two (32)
491 square feet in area is permitted at each point of ingress and egress,
492 provided that the same is set-back at least one hundred (100) feet from any
493 residence and glare is reasonably shielded from nearby roads and
494 residential uses.

495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541

3) Each parcel is allowed temporary signs which must be removed within sixty (60) days of installation unless a longer period is permitted by law. Temporary signs shall not exceed eight (8) square feet in area on any one parcel or premises.

Section 4.10 – Additional District Requirements

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.

ARTICLE V DISTRICT B – RESIDENTIAL, MULTIPLE FAMILY

This district is established to provide opportunities for affordable housing and alternatives to traditional single-family homes, while maintaining the small-town character of the Township.

Section 5.01 - Uses Permitted

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

Permitted Uses:

1. Uses permitted in District A.
2. Two-family dwellings and apartment buildings.
3. Rooming house.
4. Mobile home.

Special Uses as provided by Article X:

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

Section 5.02 - Size of Dwelling Lots

Every parcel of land upon which a dwelling is hereafter erected or altered shall not be less than ten thousand (10,000) square feet in area nor less than seventy (70) feet in width at the building site. Every parcel of land shall provide a minimum width of thirty (30) feet at the point of access to the premises.

Section 5.03 - Yard Requirements

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

542 **Section 5.04 - Floor Area of Dwellings**
543 No dwelling shall be erected or altered which provides less than six hundred (600)
544 square feet of dwelling area at the first-floor level.
545

546 **Section 5.05 - Side Yards of Corner Lots**
547 The width of a side yard of a corner lot abutting on a street or right-of-way, shall
548 not be less than the minimum front yard required on an adjoining lot fronting on
549 such side rights-of-way, but this shall not reduce the buildable width of any lot of
550 legal record prior to November 5, 1968 to less than twenty-six (26) feet at the
551 building grade level.
552

553 **Section 5.06 - Height**
554 The same as is provided in Section 4.06 of ARTICLE IV of this ordinance.
555

556 **Section 5.07 - Storage shed Location**
557 The same as is provided in Section 4.07 of ARTICLE IV of this ordinance.
558

559 **Section 5.08 - Fences**
560 The same as is provided in Section 11. of ARTICLE XI of this ordinance.
561

562 **Section 5.09 - Signs**
563 The same as is provided in Section 4.09 of ARTICLE IV of this ordinance.
564

ARTICLE VI DISTRICT C – COMMERCIAL BUSINESS

565
566
567 This district is established to support predominantly freestanding commercial and
568 office uses that serve both the local and regional market, specifically along the M-
569 30 Corridor. Commercial uses should be appropriately located in areas suitable for
570 development, not adversely effecting surrounding residential areas.
571

572 **Section 6.01 - Uses Permitted**
573 No building or structure, or part thereof, shall be erected, altered or used, or land
574 or premises used, in whole or in part, for other than one or more of the following
575 specified uses:

- 576 Permitted uses:
- 577 1. All uses permitted in District A and B.
 - 578 2. Bakeries
 - 579 3. Barber Shops and Beauty Shops
 - 580 4. Beer and wine retail
 - 581 5. Boutiques
 - 582 6. Branch Banks
 - 583 7. Dairy Products (Retail)
 - 584 8. Dental Clinics
 - 585 9. Drug Stores
 - 586 10. Dry Cleaning
 - 587 11. Florist
 - 588 12. Furniture Stores

- 589 13. Gift shops
- 590 14. Governmental Offices
- 591 15. Grocery Stores
- 592 16. Hardware Stores
- 593 17. Insurance Offices
- 594 18. Jewelers
- 595 19. Loan Companies
- 596 20. Meat markets
- 597 21. Medical Clinics
- 598 22. Mini storage units
- 599 23. Office Buildings
- 600 24. Parking Lots
- 601 25. Photographic Studios
- 602 26. Real Estate Offices
- 603 27. Restaurants
- 604 28. Sporting Goods
- 605 29. Video stores
- 606 30. Automotive repair

607
608
609
610
611
612
613
614

Special Uses as provided by Article X

- 1. All special uses allowed in District B.
- 2. Other retail and wholesale establishments not otherwise listed as a permitted use.
- 3. Sexually-oriented business
- 4. Billboards

Section 6.02 - Size of Building Lots

615 Every parcel of land upon which a building is hereafter erected or altered shall be
616 not less than 15,000 square feet in area nor less than one hundred (100) feet in
617 width at the building site. Every parcel of land shall provide a minimum width of
618 thirty (30) feet at the point of access to the premises.

619
620

Section 6.03 - Yard Requirements

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

626
627

Section 6.04 - Floor Area of Building or Structure

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

631
632

633 **Section 6.05 - Side Yards of Corner Lots**

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

637
638 **Section 6.06 - Height**

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

641
642 **Section 6.07 - Additional District Regulations**

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

646
647 **Section 6.08 - Signs**

- 648 A. Indirectly or internally illuminated signs are permitted providing such sign is
649 so shielded as to prevent direct light rays from being visible from the public
650 right-of-way or any adjacent residential property.
- 651
- 652 B. No sign shall have blinking, flashing or fluttering lights or other illuminating
653 devices which have a changing light intensity, brightness, or color, or which
654 are so constructed and operating as to create a scrolling appearance of
655 writing or printing.
- 656
- 657 C. The following signs are permitted upon securing a sign permit from the
658 Building Inspector, subject to Section 14.02:
- 659
- 660 a. One (1) wall sign not to exceed thirty (30) square feet in area.
 - 661
 - 662 b. One (1) freestanding sign not to exceed fifty (50) square feet in area
663 and twelve (12) feet in height is permitted in the required front yard,
664 provided that the same is set-back two hundred (200) feet from any
665 residential use.
 - 666
 - 667 c. External or internal illumination is permitted, provided that the glare
668 is shielded from any nearby residential use or roadway.
 - 669
 - 670 d. For businesses with frontage on two (2) or more public roads, one
671 (1) additional wall sign and one (1) additional freestanding sign is
672 permitted for each public road, so long as there is no more than one
673 (1) sign per public road.
 - 674

675 **ARTICLE VII - DISTRICT D Commercial General**

676

677 **Section 7.01 - Uses Permitted**

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

681 Permitted uses:

- 682 1. All uses Permitted in Districts A, B, and C.
- 683 2. Sales, rental and service of new and used automobiles, boats,
684 recreational vehicles, mobile homes, and trailers.
- 685 3. Retail and commercial wholesale establishments.
- 686 4. Mobile Home parks.
- 687 5. Motels and Hotels.
- 688 6. Business, professional, commercial, and philanthropic offices.
- 689 7. The repair, conversion, alteration, finishing, assembling, fabrication
690 or storage of goods or services for sale on the premises at retail or
691 wholesale to the ultimate consumers, provided, however, that there
692 is not in connection therewith the operation of any machinery or the
693 conduct of any process or activity or storage or display of goods in
694 such manner as to be noxious or offensive by reason of the emission
695 of odor, fumes, dust, smoke, noise, waste, or vibration.
- 696 8. Personal service establishments for direct service to customers.
- 697 9. Banks, assembly halls, hospitals, and institutions of similar nature,
698 theaters and other places of amusement permitted by law,
699 refrigeration lockers leased or rented for private use, armories,
700 research and testing laboratories, mortuaries, service stations, motor
701 vehicle sales, parking lots, radio and television stations and similar
702 service establishments.
- 703 10. Storage buildings.
- 704 11. Concert Halls.
- 705 12. Retail Sales of Lawn and Garden Materials and Furnishings.
- 706 13. Bowling Alleys
- 707 14. Billiard Hall
- 708 15. Archery Range
- 709 16. Tennis Courts
- 710 17. Skating Rinks and forms of indoor-commercial recreations
- 711 18. Auto Wash, when completely enclosed in a building
- 712 19. Transportation Terminals
- 713 20. Golf courses
- 714 21. Veterinary hospitals or clinics, provided all activities are conducted
715 within a totally enclosed main building.
- 716 22. Pet shops or kennels where animals are maintained in a completely
717 enclosed building.
- 718 23. Dance studios
- 719 24. Greenhouses
- 720 25. Mechanical contractors, sales and service.
- 721 26. Monument sales
- 722 27. Printing Shops
- 723 29. Taverns

- 724 30. Lumber Yards
- 725 31. Auction Barns excluding the sale of animals
- 726 32. Laundromats
- 727 33. Auto Repair

728

729 *Special Uses as Provided by Article X*

- 730 1. All special uses in District C
- 731 2. Light manufacturing
- 732 3. Primary Caregiver Operation
- 733 4. Billboards

734

735 **Section 7.02 - Height**

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

738

739 **Section 7.03 - Yard Requirements**

740 Every lot on which a building is erected shall have a front yard not less than 50
741 feet in depth from any road right of way, rear yard of not less than 25 feet in depth
742 and side yards not less than 20 feet in width. No parking facilities shall be provided
743 within 10 feet of a residential lot line.

744

745 **Section 7.04 - Size of Building Lots**

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

752

753 **Section 7.05 - Floor Area of Buildings or Structures**

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

757

758 **Section 7.06 - Additional District Requirements**

759 A site plan is required for all uses and changes in uses in District D as per Article
760 IX, including dwellings.

761

762 **Section 7.07 - Signs**

763 The same as is provided in Section 6.08 of ARTICLE VI of this ordinance.

764

765

ARTICLE VIII DISTRICT E – AGRICULTURAL

766

767 This district is established to retain the rural character of the community, including
768 by persevering the environmental and agricultural resources of the Township.
769 Common farming activities, relative agricultural activities, and outdoor commercial
770 recreational and open space uses are considered compatible uses in this District.

771
772
773
774
775
776
777
778
779
780
781
782
783
784
785
786
787
788
789
790
791
792
793
794
795
796
797
798
799
800
801
802
803
804
805
806
807
808
809
810
811
812
813
814
815
816
817

Section 8.01 - 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 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 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
7. Kennels are permitted on 5 or more acres and subject to the 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 beyond that which are normally allowed as dwellings for that district will be allowed.
 - d. Community Buildings
 - e. Foster care facilities
 - f. Golf courses, ball parks, race tracks or courses or similar facilities for outdoor exercise and recreation which may or may not be operated for profit.
 - g. Private resorts, recreational camps and parks.
 - h. Public utility substations, buildings and towers including law enforcement, fire protection, and emergency medical facilities.
 - i. Schools and educational institutions
 - j. Slaughtering, packaging, and refrigeration processing.
 - k. Veterinary hospitals or clinics
 - l. For buildings or structures exceeding the height limitation of section ~~7.05~~ 7.02
 - m. Open Space Preservation - see section 12.12
 - n. Wireless Communication Facilities - see section 12.13
 - o. Conversion of an accessory structure to a dwelling.

Section 8.02 - Size of Building or Dwelling Lots

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

Section 8.03 - Yard Requirements

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

818 **Section 8.04 - Floor Area of Dwellings**
819 No Dwelling shall be erected or altered which provides less than six hundred (600)
820 square feet of dwelling area at the first-floor level.

821
822 **Section 8.05 - Height**
823 No building, structure, or part thereof shall be erected, or altered to a height
824 exceeding thirty-five (35) feet on parcels of 10 acres or less.

825
826 **Section 8.06 - Signs**
827 The same as is provided in Section 4.09 of ARTICLE IV of this ordinance.

828
829 **ARTICLE IX DISTRICT F - INDUSTRIAL**

830
831 This district is established to relate to existing industries, uses or developments
832 that have good access to major roadways, that are adequately served by public
833 utilities, and that have minimal adverse impacts on existing residential
834 neighborhoods.

835
836 **Section 9.01 - Uses Permitted**
837 No building or structure, or part thereof, shall be erected, altered or used or land
838 or premises used, in whole or in part, for other than one or more of the following
839 specified uses:

840 Permitted uses:

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

857
858 **Section 9.02 - Size of Building Lots**
859 Every lot upon which a building is hereafter erected or altered shall not be less
860 than 132 feet in width nor less than one (1) acre in area and shall meet the
861 requirements for size and set-back lines as specified in Section 6.03.

862
863 **Section 9.03 - Additional District Requirements**
864 A site plan is required for all uses in District F as per Article IX, including dwellings.

865
866
867
868
869
870
871
872
873
874
875
876
877
878
879
880
881
882
883
884
885
886
887
888
889
890
891
892
893
894
895
896
897
898
899
900
901
902
903
904
905
906
907
908
909
910

Section 9.04 - 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.

Section 9.05 - Signs

The same as is provided in Section 6.10 of ARTICLE VI of this ordinance.

ARTICLE X SITE PLAN REVIEW

Section 10.01 - Purpose

This Article describes all land uses subject to site plan review, as well as the standards and procedures associated with that review. An approved site plan is necessary to ensure that the proposed use or activity is in compliance with this ordinance.

Section 10.02 - Scope

- A. The site plan, which includes those documents and drawings specified in this Article, shall be required prior to receiving zoning approval and other township authorization for the land uses listed herein. The Planning Commission shall conduct site plan review for the following uses:
 1. Special uses in all Districts.
 2. All uses in District D.
 3. All uses in District F.
 4. All non-residential uses, buildings, or structures, including but not limited to public buildings, commercial uses and industrial uses.
 5. Condominiums.
 6. Except for uses in Districts D and F, a site plan review is not required for one and two-family dwellings, incidental accessory buildings, barns and farm buildings.

No person shall undertake any activity or use, including any grading, clearing, cutting and filling, excavating, or tree removal associated therewith, nor shall a building permit or zoning approval be issued for which site plan approval is required by this Ordinance, without first obtaining such approval.

Section 10.03 – Conceptual Site Plan Review

The applicant is encouraged to submit a conceptual plan for review by the Planning Commission to ensure that that errors, miscalculations or misconceptions are not incorporated into preliminary plans. This procedure is intended to be informational only and shall not necessarily bear directly upon later reviews.

Section 10.04 - Site Plan Requirements

Requests for site plan review shall be made by filing the following with the Township Clerk:

- 911 1. A legal description of the lot(s) involved, property address and tax
912 identification number and the name, address, and telephone number of
913 the owner, developer, and/or designer.
914 2. The present zoning classification of the subject parcel and adjacent
915 properties.
916 3. The boundary lines of the area including angles, dimensions and
917 reference to a section corner, quarter section corner, or point on a
918 recorded plat; set-back lines; an arrow pointing north, and the lot area of
919 the land included in the site plan.
920 4. The shape, size, location and height of all existing or proposed buildings
921 or structures, including accessory buildings, and the intended or actual
922 uses thereof.
923 5. Natural features such as existing vegetation, woods, streams, rivers, lakes
924 or ponds, with indication as to which are to be retained and which are to
925 be removed or altered, and proposed new plantings.
926 6. Existing and proposed thoroughfares, driveways, off-street parking areas,
927 loading-unloading spaces, and sidewalks.
928 7. The size and location of all existing and proposed public or private utilities,
929 including sewage disposal systems, wells or water systems.
930 8. A description of adjacent uses.
931 9. Accurate scale drawings of all signs indicating their size, material, color
932 and illumination, if any, and the method of installation of any freestanding
933 sign.
934 10. Identification of any significant or unique site features.
935 11. The name, signature, seal, and address of the architect, planner,
936 designer, or engineer responsible for preparation of the site plan.
937 12. Any other information necessary to establish compliance with this
938 Ordinance.
939 H. A review fee, as determined by resolution of the Township Board. Once
940 accepted, no portion of the fee shall be returned to the applicant, unless
941 authorized by the Township Board.
942 13. Provide a master deed and documents for condominium units.
943 14. Estimated project completion date
944 15. The requester shall provide six (6) sets of all required documents, or an
945 electronic version.
946

947 **Section 10.05 - Action on Site Plan Review**

- 948 1. The Planning Commission, or its qualified designee, shall review site plan
949 applications in accordance with the standards presented in this Article and
950 this Ordinance. The Planning Commission may hire qualified
951 professional(s) at the applicant's expense to aid in its review of a site plan.
952 2. A hearing shall be scheduled by the Secretary of the Planning Commission
953 within (45) days following the date of the receipt of the site plan and fee
954 following the notification requirements pursuant to the notification
955 requirements of Section 1.06. once the application is deemed complete by
956 the Chairman of the Planning Commission. The Chairman shall place the

- 957 site plan review on the next available meeting agenda for discussion by the
958 Commission and shall notify the applicant of this action.
- 959 3. Within a reasonable time, the Planning Commission shall approve, approve
960 with conditions, or deny the request for site plan approval, or provide
961 information to the applicant by which they may amend their plans to conform
962 to certain stipulated requirements to obtain approval.
- 963 4. Any required conditions shall be stated in writing and delivered to the
964 applicant. If plans are denied at any time, the Planning Commission shall
965 submit in writing to the applicant the reasons for the action.
- 966 5. Complete drawings, plus all certified final drawings and plans which are
967 subject to site plan review and contain all necessary modifications or
968 additions required, shall be submitted before final site plan approval is
969 granted. Two copies of the approved site plan with any conditions thereon
970 shall be maintained as part of the Township records for future review and
971 enforcement. Each copy shall be signed and dated by the Chairman of the
972 Township Planning Commission for identification of the approved site plan.
973

974 **Section 10.06 - Criteria for Review**

975 The following standards shall be utilized in reviewing all site plans:

- 976 A. That there is a proper relationship between the existing streets and
977 highways within the vicinity and service drives, entrance and exit driveways,
978 parking areas and loading-unloading spaces to assure the safety and
979 convenience of pedestrian and vehicular traffic.
- 980 B. That the buildings, structures, and entry ways thereto proposed to be located
981 upon the premises are so situated and designed as to minimize adverse
982 effects therefrom upon owners and occupants of adjacent properties and
983 the neighborhood.
- 984 C. That as many features of the landscape shall be retained as possible where
985 they furnish a barrier or buffer between the project and adjoining properties
986 used for dissimilar purposes and where they assist in preserving the general
987 appearance of the neighborhood or help control erosion or the discharge of
988 storm waters.
- 989 D. That any adverse effects of the proposed development and activities
990 emanating therefrom upon adjoining residents or owners shall be minimized
991 by appropriate screening, fencing, or landscaping.
- 992 E. That all provisions of this ordinance are complied with unless an appropriate
993 variance therefrom has been granted by the Zoning Board of Appeals.
- 994 F. That all buildings and structures are accessible to emergency vehicles.
- 995 G. That all surface water runoff from a site shall be drained to established or
996 maintained public drainage ways or a properly designed private drainage
997 retention basin on or accessible to the site.
- 998 H. That the site plan as approved, is consistent with the intent and purposes of
999 zoning as stated in ARTICLE I. this Ordinance.
1000

1001 **Section 10.07 - Conformity to Approved Site Plan**

1002 Property which is the subject of site plan approval must be developed in strict
1003 compliance with the approved site plan. If construction and development does not

1004 conform to such approved plan, all further construction activities shall cease upon
1005 the site until the violation is corrected.

1006
1007 Approval of the site plan shall be valid for a period of one year provided on-site
1008 development actually commenced within said year or the site plan approval is void,
1009 unless an extension has been provided. The Planning Commission may grant
1010 extensions of the site plan approval for one year periods upon submittal in writing
1011 by the applicant of a request for an extension. The Planning Commission shall
1012 grant such an extension only upon presentation of written evidence indicating that
1013 construction of the project has been delayed by factors beyond the reasonable
1014 control of the applicant and that construction on the project is likely to proceed
1015 within one year. Notwithstanding any of the above, a site plan approval shall be
1016 automatically revoked if construction has not been completed within five years of
1017 the initial site plan approval.

1018
1019 **Section 10.08 - Amendment to Site Plan**

- 1020 1. A proposed amendment, modification or alteration to a previously
1021 approved site plan shall be submitted to the Planning Commission for
1022 review in the same manner as the original application. If the developer or
1023 landowner has already effected the changes in question, the Building
1024 Inspector shall immediately notify the permit holder in writing that site plan
1025 approval has been suspended pending approval by the Planning
1026 Commission of the proposed amendment.
- 1027 2. Minor changes in the location, site or character of the building and
1028 structures may be authorized by the Building Inspector if required by
1029 engineering or other required circumstances. No changes so authorized
1030 may cause a change in the use, character, or intent of the development.

1031
1032 **Section 10.09 - Special Uses and Concurrent Approvals**

1033 The Planning Commission may choose to review special use permit and site plan
1034 review submittals concurrently. In the event of concurrent review, the Planning
1035 Commission shall make sure that both the site plan and special use submittals
1036 satisfy all requirements of this Ordinance.

1037
1038 **ARTICLE XI SPECIAL USE**

1039 **Section 11.01 - Authority**

1040 The Planning Commission shall have the authority as hereinafter provided to grant
1041 special use permits subject to such conditions of design and operation, safeguards
1042 and time limitations as it may determine at a public hearing and site plan review.

1043 Application for any special use permit permissible under the provisions of this
1044 Section shall be made to the Planning Commission. Such applications shall be
1045 subject to the Jerome Township Fee schedule as amended from time to time,
1046 except that no fee shall be required of any Governmental agency. No part of such
1047 fee shall be returnable to the applicant.

1048

1049
1050
1051
1052
1053
1054
1055
1056
1057
1058
1059
1060
1061
1062
1063
1064
1065
1066
1067
1068
1069

1070
1071
1072
1073
1074
1075
1076
1077
1078
1079
1080
1081
1082
1083
1084
1085
1086
1087
1088
1089
1090
1091
1092
1093
1094

Section 11.02 - 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 11.03 - Data Required in Application

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

Section 11.04 - Purpose and Authority

In order to make this Ordinance a flexible zoning control and still afford protection of neighboring land uses and orderly and compatible development of property within the Township, the Township has authorized certain uses of land as special uses. Such special uses have been selected because of the unique characteristic of the use which, in the particular district involved, under certain circumstances and without proper controls, could cause it to be incompatible with the other uses permitted in that district, and would be detrimental thereto. Special uses are intended to identify those uses which may be harmonious with the purpose and intent of the district in which they are located, if properly regulated.

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 necessary. 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 11.05 – Binding Effect; Revocation of Permit

Any special use permit approved by the Planning Commission pursuant to the provisions of this Ordinance shall be binding between the parties, and said use shall not be modified, altered, expanded, or otherwise changed unless such a change is authorized in a writing signed by the Planning Commission. Further, any conditions to an approval shall run with the land and shall be binding on the landowner, his successors, heirs and assigns.

Section 11.06 - Data Required in Application

An application for a special use permit shall be submitted to the Planning Commission through the Building Inspector. Each application shall be made by the owner of record of the property on which the proposed special land use is to exist or be conducted, or by an applicant, if not the owner, with a signed authorization of the property owner, and shall be accompanied by the payment of a fee as set forth in the schedule established by the Township Board to cover the costs of

1095 processing the special use permit application. Each application shall include the
1096 following information:

1097

1098 1. The name, address, telephone number and email address of the property
1099 owner or applicant, or any other parties involved.

1100 2. A full legal description of the property on which the proposed special use is
1101 to exist or be conducted, including the property tax parcel number(s).

1102 3. A detailed description of the proposed special use for which the permit is
1103 requested.

1104 4. Land uses and existing structures on the subject parcel and adjoining
1105 parcels within three hundred (300) feet of the subject parcel.

1106 5. A detailed site plan.

1107 6. A statement and supporting evidence regarding the required findings set
1108 forth in Section 10.05 below, provided, however, the Planning Commission
1109 shall be and is authorized to waive any data required therein.

1110 7. The requester shall provide six (6) sets of all required documents, or an
1111 electronic version.

1112

1113 **Section 11.07 – Hearing**

1114 Upon receipt of a special use permit application, which is supported by all the data
1115 and fees required above, the Planning Commission shall hold a public hearing at
1116 the earliest Planning Commission meeting practicable following the notification
1117 requirements of Section 1.06, except as provided in reference to a 72-hour
1118 duration, temporary permit provided for in Section 11.03.

1119

1120 **Section 11.08 - Required Findings**

1121 The Planning Commission shall establish that the standards specified in this
1122 Section, as well as applicable standards outlined elsewhere in this Ordinance, are
1123 satisfied. The Planning Commission shall also review the particular circumstances
1124 and facts of the proposed use in the light of the following required findings:

1125 1. That public facilities and services such as highways, fire and police protection,
1126 drainage facilities, refuse disposal and schools are adequate for the proposed
1127 use or are capable of being adequately provided by the agencies responsible
1128 therefore.

1129 2. That the use does not create excessive additional requirements for public
1130 facilities and services.

1131 3. That the proposed use, activities, processes, materials, equipment, and
1132 conditions of operation will not be detrimental to the public welfare, surrounding
1133 property, persons or property by reason of excessive production of traffic,
1134 noise, smoke, fumes, flare, or odors.

1135 4. That liquids and other waste of any kind will be confined, treated or purified so
1136 as to prevent pollution of air, water or soil resources.

1137 5. That the use be designed, constructed, operated and maintained so as to be
1138 harmonious in effect and appropriate in appearance with the existing or
1139 intended character of the general vicinity as indicated in the Township Master
1140 Plan or other policies of the Township and consistent with the intent and
1141 purposes of this ordinance.

- 1142 6. The property shall have sufficient area to accommodate all facilities for
1143 intended use such as disposal and treatment of all waste, parking, accessory
1144 buildings, isolation, and screening.
1145 7. That all applicable Federal, state, and local permits shall be obtained
1146 8. That the use not be unduly hazardous or disturbing to existing uses in the same
1147 general vicinity and not have substantial adverse effects on surrounding
1148 property and the community as a whole.
1149 9. That the use is in compliance with the requirements of the district in which it is
1150 proposed and all other applicable standards in this Ordinance.

1151

1152 **Section 11.09 - Determination and Issuance**

1153 The Planning Commission shall have the authority to grant, with or without
1154 conditions, or deny a special use permit in light of the required findings and
1155 conditions specified in this Ordinance. If the facts in the case establish that the
1156 required findings can be made and will be applicable to the proposed use and upon
1157 a decision by the Planning Commission, the Planning Commission shall grant and
1158 authorize the Building Inspector to issue a special use permit. In the granting of
1159 any special use permit the Planning Commission may impose such conditions of
1160 use as it deems necessary to protect the best interest of the Township of Jerome
1161 and the surrounding property and to achieve the objectives of this ordinance, and
1162 the breach of any such condition shall automatically invalidate the permit thereof.
1163 Where a special use permit is granted specifically based upon the necessity for
1164 the applicant to obtain a variance, or variances, from the Zoning Board of Appeals,
1165 the permit shall not be valid until such variances are obtained.

1166 A special use permit issued pursuant to the requirements of this Ordinance shall
1167 be valid for a period of one year from the date of issuance of said permit. If the
1168 construction or use has not commenced and proceeded meaningfully toward
1169 completion by the end of this period, the special use permit shall be null and void,
1170 unless an extension is granted by the Planning Commission. Notwithstanding any
1171 of the foregoing, a special use permit shall become null and void if construction is
1172 not completed within five years of the date the special use permit is approved, or
1173 if the approved use has not operated during that same time.

1174 **Section 11.10 - Reapplication**

1175 No application for a special use permit which has been denied wholly or in part by
1176 the Planning Commission shall be resubmitted for a period of six (6) months from
1177 such denial, except on the grounds of new evidence or proof of changed
1178 conditions.

1179

1180 **Section 11.11 – Revocation**

1181 If at any time during the existence of a permitted special land use the land, lot, or
1182 structures are used contrary to the conditions and provisions of the permit, said
1183 use shall be deemed a violation of the special use permit and the permit may be
1184 revoked.

1185

1186 **ARTICLE XII SUPPLEMENTARY REGULATIONS**

1187
1188 In addition to the development and performance requirements set forth in the
1189 districts established above, other standards and requirements are necessary to
1190 ensure that the development of land occurs in an efficient and orderly manner. It
1191 is the intent of this Article to set forth provisions that will regulate the uses allowed
1192 in all districts. To the extent any requirement set forth in this Article is in conflict
1193 with another requirement under this Ordinance, the stricter requirement shall
1194 apply.

1195
1196 **Section 12.01 Temporary Structures for Dwelling Purposes, Permit Required**

1197 If a building permit has been issued for a permanent dwelling, written permission
1198 may be granted by the Building Inspector to occupy a temporary dwelling for the
1199 period covered by the building permit subject to the provisions of section 11.02,
1200 after which temporary building shall be removed or made to comply with the
1201 provisions of the Zoning Ordinance.

1202
1203 **Section 12.02 Required Water Supply and Sanitary Sewage Facilities**

1204 In the interest of public health and welfare every building or structure hereafter
1205 erected, altered or moved upon any premises or moored in a body of water at the
1206 shore bordering any premises and used for dwelling, commercial, or industrial
1207 purposes shall be provided with:

- 1208 1. An adequate, safe and sanitary water supply furnished under pressure
1209 through a system of pipes from a public supply if available or from a well on
1210 the premises, the site of which is approved by the Midland County Health
1211 Department and constructed in compliance with all state or local
1212 regulations.
- 1213 2. A safe and sanitary means of collecting waste from all facilities used for the
1214 disposal of human wastes and disposing of them in a septic system which,
1215 when not municipally controlled, shall be located on the property where the
1216 wastes originate. Such a system shall conform to the Midland County
1217 Health Department Regulations. Other means of disposal may be approved
1218 by the Planning Commission.

1219
1220 **Section 12.03 Exceptions to Regulations**

- 1221 1. Essential Services shall be permitted as authorized and regulated by law
1222 and subject to the provisions of Article X.
- 1223 2. Two or more dwellings may be erected on a parcel of land under one
1224 ownership provided sufficient land is assigned to each dwelling prior to
1225 construction and that conforms to the yard and area requirements of that
1226 district.
- 1227 3. The height limitations of this ordinance shall not apply to buildings used for
1228 agricultural purposes, church spires, belfries, cupolas, domes, chimneys,
1229 antennas, ventilators, water tanks, bulkheads, similar features and
1230 necessary mechanical appurtenances usually carried above roof level.
1231 Such features, however, shall be erected only to such height as is

- 1232 necessary to accomplish the purpose they are to serve and then only in
1233 accordance with any other governmental regulations.
- 1234 4. When a mobile home is exchanged or relocated on the same premises,
1235 permits and inspections are required.
- 1236 5. No required open space of one building shall overlap the required open
1237 space of another building.
- 1238 6. Removal of rock, sand, gravel, topsoil, minerals and natural materials in
1239 excess of 100 cubic yards per year, together with necessary buildings,
1240 apparatus, or appurtenances incidental thereto are subject to the provisions
1241 of Article X.
- 1242 7. Beaches, bathhouses and boat landings, picnic grounds operated for gain
1243 are subject to the provisions of Article X.
- 1244 8. Carnivals, circuses, races, sport events, tent meetings, temporary signs and
1245 other transient enterprises when the activities are to be located on property,
1246 the present uses of which do not invite participation by the public, provided,
1247 however, that the Building Inspector may issue special use permits for a
1248 period not to exceed seventy-two (72) hours after he has determined that
1249 the use is in compliance with the findings listed in Section 10.05.
- 1250 9. Garage sales must be managed in any district in which they are held so as
1251 not to create traffic hazards or impinge on neighbors to the extent they
1252 create a nuisance.

1253
1254 **Section 12.04 - Groundwater Quality Protection**

- 1255 1. Wastewater treatment systems, including on-site septic systems, shall be
1256 located to minimize any potential degradation of surface water on
1257 groundwater quality.
- 1258 2. Sites which include storage of hazardous materials or waste shall be
1259 designed and constructed to prevent spills and discharges of said materials
1260 and subject to Federal, State and local regulations.

1261
1262 **Section 12.05 Location of Accessory Buildings and/or Structures**

1263 Reasonable accessory buildings, structures, and uses supplemental, incidental
1264 and subordinate to a principal building or the principal use that is permitted in any
1265 district shall also be permitted when located on the same premises, provided that
1266 such accessory buildings and uses conform to the provisions prescribed in this
1267 Ordinance for the respective district. An accessory building may not be located on
1268 a separate premises from the principal building without a special use permit.
1269 Accessory buildings, except as otherwise permitted in this Ordinance, are
1270 permitted in all zoning districts unless otherwise specified, and shall be subject to
1271 the following regulations: CONTAINERS over 200 sq ft as described in definitions
1272 shall be considered as an accessory building and subject to the regulations of this
1273 sections. Containers are not allowed in District A – Residential, One Family.

- 1274 1. All accessory buildings and/or structures if located in the rear yards shall be
1275 at least three (3) feet from the rear lot line.

- 1276 2. All accessory buildings and/or structures if located in the side yards shall be
1277 at least ten (10) feet from the side lot line or eight (8) feet from the side lot
1278 line when lots have a width of 75 feet or less.
- 1279 3. Accessory buildings and/or structures structurally attached to a principal
1280 building are subject to all regulations applicable to the principal building, and
1281 are considered a part thereof.
- 1282 4. Unattached accessory buildings and/or structures shall not be closer than
1283 ten (10) feet to the principal building.
- 1284 5. Accessory buildings and/or structures shall not be erected in any required
1285 front yard.
- 1286 6. When a dwelling is located an unusual distance back from the road right-of-
1287 way, an accessory building and/or structure may be located between the
1288 front building line of the dwelling on the subject lot and the furthest back
1289 rear building line of the dwelling of adjacent neighbors projected across the
1290 subject lot. In the absence of an established rear building line on either
1291 piece of property adjacent to the subject lot, Accessory buildings and/or
1292 structures will be located at least seventy-five (75) feet back from the road
1293 right-of-way.
- 1294 7. In the case of a corner lot, no accessory building and/or structure shall be
1295 located closer to the side road line than a distance equal to the depth of the
1296 front yard required on said lot.
- 1297 8. No portion of an accessory building and/or structure may be used as a
1298 dwelling. Recreational vehicles, campers, tents or similar movable
1299 structures shall not be considered and or used as accessory buildings or
1300 structures.
- 1301 9. Any accessory structure with a floor area of two hundred (200) square feet
1302 or less shall not require a building or zoning permit.
- 1303 10. One accessory building and/or structure is permitted in each zoning district.
1304 An application for a Special Use Permit may be submitted to the Planning
1305 Commission to request an additional accessory building and/or structure
1306 beyond the one permitted by this Section.
- 1307 11. Any accessory building and/or structure between the rear dwelling building
1308 line and the water's edge shall not exceed three (3) feet in height above
1309 finish grade at the rear dwelling building line. When more than one dwelling
1310 building line is adjacent to a water's edge, this restriction applies to all sides
1311 adjacent to the water.
- 1312 12. Additional regulations for containers.
- 1313 a. A foundation of crushed stone, asphalt, concrete or treated lumber is
1314 required.
- 1315 b. Shall be of uniform color to blend in with the other structures on site.
- 1316 c. No commercial signage allowed on the structure.
- 1317 d. Containers shall be sided to match the dwelling, or painted one solid color
1318 on the exterior to match its surroundings.
- 1319
- 1320

1321 **Section 12.06 Requirements for Fences**

- 1322 1. All fences require a permit.

- 1323 2. Except as provided herein, all fences, including privacy fences not to
1324 exceed 7 ft. in height may be constructed up to the road right of way either
1325 along the side yard through the front yard or in the front yard along the
1326 direction of the road. In the case of a corner lot this will include both road
1327 frontages. Fences in residential areas shall be constructed from
1328 conventional fencing material such as wood, metal, vinyl, or brick/rock with
1329 mortar joints. Barbed wire, razor wire, snow fence, shipping crates, chicken
1330 wire, farm fence, concrete reinforcing wire/grid, tree stumps, stacked broken
1331 concrete/ loose bricks or rocks, dirt piles, and similar non-residential fencing
1332 material is not allowed. Fences that carry electric current, or any fence
1333 guard wall, or other protection upon which any spike, nail, or non-
1334 ornamental pointed instrument of any kind is fixed, attached or placed shall
1335 not be permitted. Fence owners must maintain fences. An installed fence
1336 does not constitute an ownership boundary.
- 1337 3. Fences along the road right of way must be made of 80% or more clear
1338 vision material not to exceed seven (7) feet in height.
- 1339 4. Fences shall only be constructed of wood, masonry, vinyl, chain link,
1340 wrought iron, page wire, or another material approved by the Planning
1341 Commission.
- 1342 5. Open fences through which there is 80% or more clear vision may be
1343 constructed between the rear dwelling building line and the water's edge
1344 only if not exceeding 4 feet in height.

1345
1346
1347

Section 12.07 - Required Off-Street Parking and Access

1348 For each dwelling, business, commercial, industrial or other similar building
1349 hereafter erected or altered, there shall be provided and maintained suitable space
1350 off the right-of-way that is adequate for the parking or loading of vehicles in
1351 proportions as specified in subsection A of this Section, and such space shall be
1352 provided with safe exit to and safe entrance from a thoroughfare. Approval for the
1353 location of such exit and entrance shall be obtained from the County Road
1354 Commission, which shall also approve the design and construction thereof in the
1355 interests of safety, adequate drainage and other public requirements. A minimum
1356 of two hundred (200) square feet, exclusive of drives, entrances, and exits, shall
1357 comprise one (1) automobile parking space. Where an applicant can substantiate
1358 a different parking need than those indicated herein, upon submittal of convincing
1359 written evidence to the Planning Commission, a deviation may be allowed.

1360
1361
1362
1363

A. In addition to the below, all non-residential uses shall also provide 1 parking space per employee. Off-street parking requirements are as follows:

- 1364 1. For dwellings at least one (1) parking space for each dwelling unit.
1365 2. For motels at least one (1) parking space for each individual sleeping unit
1366 or guest unit.
1367 3. For private clubs at least one (1) parking space for every two (2) of the
1368 active memberships.

- 1369 4. For hospitals at least one (1) parking space for each two (2) patient beds,
1370 excluding bassinets.
1371 5. For sanitariums, convalescent homes and rest homes at least one (1)
1372 parking space for each four (4) patient beds.
1373 6. For medical or dental clinics three (3) spaces for each doctor or dentist
1374 having an office in such clinic.
1375 7. For churches, theaters, auditoriums, stadiums and other places of public
1376 assembly at least one (1) space for each four (4) seats.
1377 8. For retail stores, personal service shops, business and professional office
1378 at least one (1) parking space for every two hundred (200) square feet of
1379 gross floor area in said establishment.
1380 9. Industrial or manufacturing establishments shall provide parking spaces
1381 sufficient in number to accommodate the parking of automobiles and other
1382 motor vehicles used by the firm or employee or persons doing business
1383 therein.
1384 10. Taverns shall provide at least one (1) parking space for every seventy-five
1385 (75) square feet of floor space of said establishment.
1386

1387 The parking requirements for a use not listed above shall be determined by the
1388 Zoning Board of Appeals. The Zoning Board of Appeals' determination shall be
1389 based on a comparison of the proposed use and a similar use that is listed, or, in
1390 the event there is no sufficiently similar use, pursuant to a traffic study provided by
1391 the applicant.
1392

1393 B. Loading - Unloading Spaces Required:
1394

- 1395 1. In connection with every building or part thereof hereafter erected, except
1396 single- and two-family dwelling unit structures, there shall be provided on
1397 the same lot with such buildings, off-street loading and unloading spaces
1398 for uses which customarily receive or distribute material or merchandise by
1399 vehicle.
1400 2. Plans and specifications showing required loading and unloading spaces
1401 including the means of ingress and egress and interior circulation shall be
1402 submitted to the Township Building Inspector for review at the time of
1403 application for a building permit for the erection or enlargement of a use or
1404 a building or structure.
1405 3. Each off-street loading space shall not be less than the following:
1406 a. For permitted residential (excluding single- and two-family dwelling
1407 unit uses) institutional, and convenience commercial uses, a loading-
1408 unloading space shall not be less than ten (10) feet in width and
1409 twenty-five (25) feet in length and, if a roofed space, not less than
1410 fourteen (14) feet in height.
1411 b. For permitted general commercial and industrial uses, a loading-
1412 unloading space shall not be less than ten (10) feet in width and fifty-
1413 five (55) feet in length, and if a roofed space, not less than fifteen
1414 (15) feet in height.

- 1415 c. In the case of mixed uses, on one lot or parcel the total requirements
1416 for off-street loading-unloading spaces shall be the sum of the
1417 various uses computed separately.
1418 d. All off-street loading-unloading spaces that make it necessary to
1419 back out directly into a public road shall not be permitted.
1420

1421 C. Parking Restrictions and Requirements:
1422

- 1423 1. It shall be a violation for any person to park or store any motor vehicle on
1424 property without the express written consent of the owner, holder, occupant,
1425 lessee, agent, or trustee of such property.
1426
1427 2. It shall be a violation for the owner, holder, occupant, lessee, agent, or
1428 trustee of any lot in a Residential Districts A or B to permit or allow the
1429 storage or parking in less than a fully enclosed building, either day or night,
1430 thereon of heavy commercial trucks that exceed 15,000 pounds Gross
1431 Vehicle Weight (GVW), semi-trucks and trailers, manufactured home,
1432 construction equipment, and/or any other similar equipment. Equipment
1433 necessary to be parked overnight on a lot or parcel during construction work
1434 thereon shall be exempted from this restriction.
1435
1436 3. No Commercial Vehicle exceeding 15,000 GVW shall be stored or parked
1437 within any road right-of-way in Residential A or B districts except for the
1438 minimum amount of time needed to support the short-term activities on the
1439 property.
1440
1441 4. On-street parking spaces shall not be counted toward the required parking
1442 for any use.
1443
1444 5. It shall be a violation to leave a running vehicle greater than 15,000 pounds
1445 Gross Vehicle Weight unoccupied by the operator in Residential Districts A
1446 and B.
1447
1448 6. Off-street parking may be located within any non-required yard and within
1449 the rear yard set-back unless otherwise provided in this Ordinance. Off-
1450 street parking shall not be permitted in a required front or side yard set-back
1451 unless otherwise provided in this Ordinance.
1452
1453 7. Off-street parking areas shall be surfaced with a material that provides a
1454 durable, smooth and dustless surface (asphalt, concrete, pavers, etc.)
1455 which shall be graded to drain and dispose of storm water.
1456

1457 **Section 12.08 - Nonconforming Uses Nonconforming Uses, Structures and**
1458 **Lots**
1459

1460 A. Nonconforming Uses of Land
1461

1462 If a lawful use exists that becomes nonconforming under the terms of this
1463 Ordinance, that use may be continued, so long as it remains otherwise lawful, and
1464 is neither expanded nor extended on the same or adjoining property. The following
1465 standards apply to nonconforming uses:

- 1466
- 1467 1. The use of land or structures that does not conform to the regulations of the
1468 District in which it is situated prior to the enactment of this Ordinance, or an
1469 amendment thereof, may be continued providing any alteration conforms to
1470 the other provisions of this ordinance and does not constitute a public
1471 nuisance or endanger the public health, safety, or welfare. No other
1472 nonconforming use of any building, structure, or any land or premise shall
1473 be undertaken.
 - 1474 2. A non-conforming use may not be resumed after being converted to
1475 a permitted or special use under this Ordinance.
 - 1476 3. If the non-conforming use, of any building, structure, land or premise, or part
1477 thereof, is abandoned for a continuous period of 545 days, then any future
1478 use of said building, structure, land or premise shall conform in its entirety
1479 to the provisions of this ordinance.
 - 1480 4. No nonconforming use may be enlarged, extended, or increased to occupy
1481 a greater area of land than was occupied at the effective date of adoption
1482 or amendment of this Ordinance.
 - 1483 5. No nonconforming use may be moved to any other portion of a lot. A
1484 nonconforming use may be extended to any part of a building which existed
1485 at the time of the adoption or amendment of this Ordinance, but not to any
1486 new building, or to any land outside that building.

1487
1488 **B. Nonconforming Structures**

1489
1490 Where a lawful structure exists at the time this Ordinance is adopted, and could
1491 not be built under the terms of this Ordinance due to the area, lot coverage, height,
1492 yards, or other characteristics of the structure or its location on the lot, that
1493 structure may be continued so long as it remains otherwise lawful, subject to the
1494 following provisions:

- 1495
- 1496 1. A nonconforming building that has been damaged by fire, explosion, Act of
1497 God, neglect, natural deterioration, or the public enemy to the extent that
1498 more than fifty (50) percent of its assessed value has been eliminated shall
1499 not be restored unless in conformity with the regulations of this Ordinance
1500 applying to the district in which that building is located. A building that has
1501 lost fifty (50) percent or less of its assessed value may be repaired, but any
1502 repair or reconstruction must be completed within one (1) year of the date
1503 the damage occurs.
 - 1504 2. A non-conforming structure that is moved from its original location must
1505 conform to the regulations for the district to which it is moved as established
1506 by this Ordinance and will no longer be considered a lawful nonconforming
1507 use.

- 1508 3. No nonconforming structure may be enlarged or altered in a way which
1509 would increase its nonconformity.
1510 4. Nothing in this Ordinance shall prohibit the repair or modernizing of a lawful
1511 nonconforming structure to correct deterioration, obsolescence,
1512 depreciation, or wear, provided that such activity does not increase the
1513 nonconformity of the structure, or exceed the cost of fifty (50) percent of the
1514 structures assessed value.

1515

1516 C. Nonconforming Lots

1517

- 1518 1. Any lot that was a non-conforming lot of record on the date this Ordinance
1519 was adopted is still considered a buildable lot for the construction of a
1520 single-family dwelling and accessory buildings. The dimensional
1521 requirements of this Ordinance, other than lot area and width requirements,
1522 must be met for such a lot to be considered buildable under this Section.
1523 2. No portion of a lot shall be used or sold in a manner that diminishes
1524 compliance with lot area or lot width requirements of the district in which it
1525 is located, nor shall any division of a lot be made that creates a lot with area
1526 or width less than the requirements of the district in which it is located.

1527

1528

1529 **Section 12.09 –Driveways and Private Roads**

1530

1531 A. Driveways

1532

- 1533 1. New driveways or modified driveway connections to a private road require
1534 a permit from the Midland County Road Commission.
1535 2. All driveways must meet the requirements of a driveway for the Midland
1536 County Road Commission.
1537 3. Long Driveways (greater than 200 feet in length) must have at least a 12-
1538 foot-wide driving surface and at least 14-foot-wide open space cleared of
1539 tree limbs, scrubs, or other obstructions to fire or emergency vehicles. The
1540 long driveways greater than 200 feet must have a bend or curve radius not
1541 less than 60 feet with overhead clearance of 12 feet in height along a 14-
1542 foot-wide clear path. A special use permit is required for all bridges on a
1543 long driveway.

1544

1545 B. Private Roads

1546

1547 Private roads are permitted provided they conform to the regulations of this
1548 Section:

1549

1550 A. Right-of-Way Width: All private roads shall have an improved surface with
a minimum width of 30 feet.

1551

- 1552 1. Dedication of Rights-of-Way or Easements: A private road is not
1553 required to be dedicated to the public unless otherwise required
1554 pursuant to an approval provided under this Ordinance. No private road,
or related structure or development activity shall be established within

- 1555 approved rights-of-way. All plans, as submitted for approval, must show
1556 private road easement(s), including a legal description, and must include
1557 the grades for these roads.
- 1558 2. Connection to County Roads: Construction authorization from the
1559 Midland County Road Commission is required for connection to County
1560 roads. When applicable, a permit is also required from the County under
1561 the Soil Erosion and Sedimentation Control Act, PA 347 of 1972. The
1562 Township Board shall not approve a private road unless it connects to a
1563 county road or another private road, which in turn, connects to a county
1564 road.
- 1565 3. Application Review and Approval or Rejection: The following information
1566 shall be submitted to the Building Inspector:
- 1567 a. A site plan for the private road, proposed road maintenance
1568 agreement and road easement agreement.
- 1569 b. The Building Inspector shall submit the private road site plan to
1570 the Township Board for review and recommendation.
- 1571 c. The proposed road maintenance agreement and road easement
1572 agreement shall be sent to the Township Attorney for review.
- 1573 d. The Township Board shall be responsible for granting final
1574 approval for the private road.
- 1575 4. If the private road application is approved by the Township Board and
1576 attorney, construction authorization will be issued by the Building
1577 Inspector. If the application is rejected, the reasons for the rejection and
1578 any regulations for approval shall be given in writing to the applicant.
- 1579 5. Failure to Perform: Failure by the applicant to begin construction of the
1580 private road according to approved plans on file with the Township within
1581 one (1) year from the date of approval shall void the approval and a new
1582 plan shall be required by the Township subject to any changes made
1583 herein or subject to any changes made by the Midland County Road
1584 Commission or the Township in its standards and specifications for road
1585 construction and development. The private road shall be completed
1586 within one and one-half (1-1/2) years of the date of approval of the
1587 private road.
- 1588 6. Issuance of Building Permit for Structures on Private Roads: No building
1589 permit shall be issued for a structure on any private road until such
1590 private road is given final approval by the Township Board.
- 1591 7. Posting of Private Roads: All private roads shall be designated as such
1592 and shall be clearly posted with a clearly readable name, which can be
1593 easily seen in an emergency. The sign shall be paid for, posted, and
1594 thereafter maintained by the property owners of the property serviced by
1595 the private road, property owner's association or developer.
- 1596 8. Fees - An application fee may be established by resolution of the
1597 Township Board. Before final approval by the Township Board, any
1598 costs incurred by the Township in their review of the project shall be paid
1599 for by the applicant.
- 1600 9. Extending Existing Private Roads: In those cases where the applicant
1601 wishes to extend an existing private road, such extension shall be

1602 granted only if the existing private road is brought up to the standards
1603 set forth in this Ordinance for private roads. All such standards shall be
1604 deemed to apply to both the proposed extension and the existing
1605 roadway.

1606 10. Roadways Not Meeting Standards: In those instances where a permit is
1607 being sought for the construction of a structure on an existing private
1608 road which does not meet the standards set forth in this Ordinance, the
1609 Township shall require that said private roadway be brought up to the
1610 standards as herein set forth before a permit will be issued.

1611

1612 **Section 12.10 - Condominium Use**

1613 Any condominium use in any district shall be subject to a site plan review as per
1614 Article IX Site Plan Review.

1615

1616 **Section 12.11 - Mobile Home as Dwelling Units**

1617 1. **New Installations:** Acceptable Mobile Homes are single units with a
1618 14-foot minimum width on an enclosed foundation or on piers and
1619 enclosed with skirting. All Mobile Homes must meet the dwelling
1620 area minimum requirement for the zoning district in which it is
1621 located. A building permit is required for occupancy based on the
1622 inspection of the mechanical, electrical, plumbing, and building
1623 inspector.

1624 2. **Existing Mobile Home Replacements:** Mobile Homes that already
1625 exist in Jerome Township may be replaced on the same parcel as
1626 long as the building inspector has given approval. The replacement
1627 Mobile Home is considered an upgrade and must meet all current
1628 safety requirements and code inspections. The Mobile Home being
1629 replaced must be removed from the site before the replacement
1630 installation is permitted. The replacement Mobile Home must meet
1631 all other requirements of this Section. This is only for a replacement
1632 and not a new installation of a Mobile Home on a new lot.

1633

1634 **Section 12.12 - Open Space Preservation**

1635

1636 Statement of Intent: The purpose of this Section of the Zoning Ordinance is to
1637 allow alternative subdivision designs that preserve Jerome Township's character
1638 and environmentally sensitive elements, while providing housing communities that
1639 are desired by the community and the general public. To provide for "Open Space
1640 Preservation" requirements under Section 506 of the Michigan Zoning Enabling
1641 Act, MCL 125.3506.

1642

1643 Cluster housing communities shall promote the following objectives:

1644

- 1645 a. Maintain an image of open space within the Township.
1646 b. Preserve open space within the township.

- 1647 c. Incorporate and preserve significant environmental features such as
- 1648 woodlands, wetlands, rural areas and recreational resources within
- 1649 the Township.
- 1650 d. Achieve a balance between open space and residential growth within
- 1651 the Township.
- 1652

1653 **Definitions**

- 1654 a. Greenbelt: Protected natural lands or working lands that serve as a
- 1655 framework for development while also preserving native ecosystems
- 1656 and/or farms or ranchland.
- 1657 b. View Shed: The volume of space through which a significant natural
- 1658 feature is visible from a designated point or area
- 1659 c. Limited Common Areas: Commons that benefit more than one
- 1660 member of the cluster, but not all members.
- 1661

1662 **1. Site Criteria**

1663 **Location of Open Space Communities:**

1664 An open space community may be located in districts designated as permitted

1665 uses in the Jerome Township Zoning Ordinance.

1666 **Access:**

1667 The open space community shall have direct access to an approved public

1668 roadway with construction suitable for handling the normal traffic load plus that

1669 in the open space community upon final completion.

1670

1671 **Open Space Criteria:**

- 1672 a. Protects and preserves all beach contiguous to a lake, stream, wetland,
- 1673 (any area which is not accepted by the Midland County Community Health
- 1674 Department of jurisdiction for on-site sewage disposal unless an alternate
- 1675 system of sewage disposal is approved by Midland County Community
- 1676 Health department of jurisdiction), flood plain, existing public utility
- 1677 easements, existing public right-of-way, waterfront set-back areas, and
- 1678 slopes 25 percent or greater (including a buffer area around such areas)
- 1679 from clearing, grading, filling, and construction.
- 1680
- 1681 b. As practical, preserves and maintains existing fields, meadows, crop land,
- 1682 pastures, and orchards and creates sufficient buffer areas to minimize
- 1683 conflicts between residential and agricultural/forestry uses. When new
- 1684 development must be located in these areas due to greater constraints in
- 1685 all other parts of the site, buildings should be sited on the least prime and
- 1686 important or unique farmland or forest land soils, and in locations at the far
- 1687 edge of a field, as seen from existing roads.
- 1688
- 1689 c. Maintains or creates an upland buffer of natural native species vegetation
- 1690 on at least one hundred (100) feet in depth from the residential property line
- 1691 adjacent to wetlands and surface waters.
- 1692

- 1693 d. Minimizes impacts on large woodlands (greater than 5 acres) especially
1694 those located on upland soils considered prime for timber production.
1695
- 1696 e. Leave scenic views and vistas unblocked and uninterrupted, particularly as
1697 seen from adjacent roads and surface water.
1698
- 1699 f. Avoids siting new construction on prominent hilltops or ridges, by taking
1700 advantage of lower topographic features or by siting in forested areas.
1701
- 1702 g. Protects wildlife habitat areas of species listed as endangered or
1703 threatened.
1704
- 1705 h. Designs around and preserves sites of historic, archaeological, or cultural
1706 value, insofar as needed to safeguard the character of the feature.
1707
- 1708 i. Protects rural roadside character and improves public safety and vehicular
1709 carrying capacity by avoiding development fronting directly onto existing
1710 public roads. Establishes buffer zones along the scenic corridor of rural
1711 roads. Establishes buffer zones along the scenic corridor of rural roads with
1712 historic building, stone walls, hedgerows etc.
1713
- 1714 j. Provides that Conservation Lands of this ordinance shall be reasonable and
1715 contiguous. While conservation lands are exempt from the 4/1 maximum
1716 parcel width to depth ratio, fragmentation of these lands shall as much as
1717 practical be minimized so that (except for common greens and playground
1718 areas) these areas are not divided into numerous small parcels located in
1719 various parts of the development.
1720
- 1721 k. When Conservation lands are held in common by surrounding parcel
1722 owners the proposed site plan shall:
- 1723 l. Provide for active recreational areas in suitable locations that offer
1724 convenient access by residents and adequate screening from near-by
1725 parcels in buildable areas.
- 1726 m. Include a pedestrian circulation system designed to assure that pedestrians
1727 can walk safely and easily on the site, between parcels, activity areas,
1728 special features, and contiguous developments.
1729
- 1730 n. Ownership of Conservation Lands of this Ordinance may remain with the
1731 owner of the parent parcel, a homeowners association made up of parcel
1732 owners in the development, the township, or a recognized non-profit land
1733 conservancy.
- 1734 o. Required Elements: In all open space communities, at least two (2) of the
1735 following items must be present.
- 1736 • **Preservation of Natural Amenities** - Sites preserving a significant
1737 quantity of any of the following:
 - 1738 a. **Organic Amenities:** Significant views and vistas, mature woodlands,

1739 wetlands or lowland areas, prairie, bodies of open water (such as
1740 ponds, streams, natural drainage ways), wildlife habitat or corridors,
1741 and significant size trees (six to eight inches or more, measured five
1742 feet above the grade).

1743 b. **Non-organic Amenities:** Farmhouses (viable for restoration and/or
1744 preservation) fence lines (stone or wood), buildings or foundations of
1745 historical value.

1746

1747 • **Provisions for Recreational Facilities** - The submittal should include
1748 both passive and/or active recreation areas for residents within the open
1749 space community. Passive recreation areas shall include areas such as
1750 pathway systems, common green areas of a substantial size, and
1751 open/preserves natural amenity areas, or other areas or uses consistent
1752 in nature. Active recreation areas shall include areas such as children
1753 play sets, sports fields (i.e., football, soccer, baseball), and other fitness
1754 areas that are consistent in nature.

1755

1756 • **Creation of Natural Amenities** - These areas are to be constructed in
1757 a manner that replicates a natural setting. A percentage of these areas
1758 should remain "unmanicured," allowing natural growth and processes to
1759 occur. These areas can take a number of forms, such as woodlands
1760 (interior street tree plantings shall not count for this requirement),
1761 wildflower or grass meadows, constructed wetlands (preferably
1762 extension to an existing), or other areas consistent in nature.

1763

1764 • **Preservation of Agriculture** - Land uses, such as orchards, horse
1765 stables, active farms, or other similar agriculture uses, shall be
1766 preserved, where feasible or viable. In no way shall an intensive animal
1767 raising, slaughterhouse, or similar use be allowed within an open space
1768 community. A buffer shall be maintained between the agricultural use
1769 and the residential units.

1770

1771 All of the above-mentioned areas shall be accessible or open to all residents within
1772 the open space community, with the exception of farmland. Under the open space
1773 community provision, the net dwelling lot density shall be no greater than that
1774 normally permitted within that zoning district. The maximum "density" shall be the
1775 maximum number of dwelling lots permitted by the approved Parallel Plan. Density
1776 does not guarantee any specific number of lots from any individual parcel or group
1777 of parcels. Rather, density refers to the number of lots which can be platted on the
1778 subject parcel. The type of dwellings allowed in the "Open Space Community"
1779 area is restricted to stand-alone single-family homes.

1780

1781 2. **Submission Requirements.**

1782

1783 a. **Parallel Plan:** A "parallel plan" shall be prepared by the developer showing
1784 a feasible development under the requirements of the specific zoning district
1785 in which it is located and the requirements of any and all State, County and

1786 Township Subdivision regulations. All lots, roads and other improvements
1787 shall be designed so that they do not adversely impact wetlands, floodplains
1788 or drainage-ways, as regulated by Federal, State, County or local agencies.
1789 The Planning Commission must determine that this parallel plan or
1790 conventional subdivision is able to be physically constructed and meet all
1791 current subdivisions regulations, should the Open Space Community be
1792 denied or not constructed. This plan shall include proposed parcels, roads,
1793 right of way, plus areas which are not in the buildable area. If there is a
1794 question regarding water, septic, wetlands or floodplains, the Planning
1795 Commission may request validation from the proper regulatory authority. If
1796 it is determined, through these responses, that the number of lots proposed
1797 is unfeasible, the parallel plan shall be revised and resubmitted, minus that
1798 number of lots. Detailed Engineering is not required at this stage.
1799

1800 b. **Waiver of Parallel Plan Provision:** The Planning Commission may also
1801 waive the submission of a “parallel” plan if it is determined that the number
1802 of housing units proposed for open space development is, without question,
1803 well below what would be feasible for the site. Such waivers must be
1804 detailed in writing and recorded as part of the motion in the minutes of the
1805 Planning Commission. The Waiver may only be granted if it is determined
1806 by the Planning Commission that the proposed open space design will be
1807 a major benefit to the Township and achieve all the goals and objectives set
1808 forth in the:

- 1809 • Jerome Township Master Plan
- 1810 • Jerome Township Open Space Community Zoning Amendment

1811
1812 c. **Site Analysis:** A site Analysis Plan shall be submitted, showing the
1813 following site features:

- 1814
- 1815 i. Wetlands, as determined by the Michigan Department of
- 1816 Environmental Quality
- 1817 ii. Water areas, such as streams and ponds
- 1818 iii. Woodlands and farmlands
- 1819 iv. Soils and topography
- 1820 v. Drainage patterns and County drains
- 1821 vi. Historic and cultural features
- 1822 vii. Wildlife habitat corridors
- 1823 viii. View sheds and view corridors
- 1824 ix. Existing easements of record
- 1825 x. Existing and proposed rights-of-way
- 1826 xi. Existing infrastructure
- 1827 xii. Adjacent development within two hundred (200) feet

1828 1829 **3. Conservation Areas Plan.**

1830 The combination of the site analysis elements noted above shall be used to outline
1831 the primary and secondary conservation areas. The primary conservation areas
1832 include areas where no development is to occur. The secondary conservation

1833 areas are areas where development can occur, but special care must be taken to
1834 minimize adverse impacts.

1835 • **Primary Conservation Areas** - floodplains, regulated wetlands,
1836 drainage-ways, easements, 150 - foot exterior road buffer, or
1837 other exceptional elements.

1838 • **Secondary Conservation Areas** - farmlands, woodlands,
1839 suspected or marginal wetlands, tree lines, soils sensitive to
1840 development, soils prone to flooding, aesthetic views, etc.

1841 • **Buildable Areas** - areas that are not dedicated to primary
1842 conservation areas may be treated as buildable areas. Housing
1843 sites should be located so as to complement the conservation
1844 areas.

1845

1846 4. **Open Space Plan.**

1847 An Open Space Plan, with the proposed housing layout shall not exceed the
1848 maximum number of housing units determined by the “parallel plan”. The
1849 roads shall also be shown to provide interior access to all homes. At this stage,
1850 the drawings need not be engineered, only drawn to scale.

1851

1852 5. **The Review Process.**

1853 a. The Planning Commission shall determine that the “parallel plan” submitted
1854 meets all applicable regulations of the Jerome Township Zoning Ordinance
1855 and the State Subdivision Control Act unless the parallel plan requirement
1856 is waived per section 3b.

1857 b. The Planning Commission shall confirm the accuracy and feasibility of the
1858 open space plan noted above.

1859 c. Planning Commission Determination.

1860 i. Upon approval, the proprietor may undertake the process for
1861 Subdivision or Site Condominium approval, or Parcel Division per
1862 State Law and Township Ordinance.

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

1866

1867 6. **Site Design Requirements.**

1868

1869 a. Unless otherwise provided for in this Ordinance, all other applicable
1870 Zoning Ordinance provisions shall apply.

1871 b. **Minimum Lot Size** – 5000 square feet minimum subject to the
1872 requirements of the State and County Health Departments' regulations
1873 or standards, whichever is larger.

1874 c. **Minimum Dwelling size** – Same as required by the Jerome Township
1875 current zoning map and all other zone ordinances.

1876 d. **Minimum Yard Set-backs** – Side, front and rear set-backs shall be
1877 the same as those required for each zoned area per the Jerome
1878 Township Ordinance with the exception of agricultural District E where
1879 they are the same as District A.

- 1880
1881
1882
1883
1884
1885
1886
1887
1888
1889
1890
1891
1892
1893
1894
1895
1896
1897
1898
1899
1900
1901
1902
1903
1904
1905
1906
1907
1908
1909
1910
1911
1912
1913
1914
1915
1916
1917
1918
1919
1920
1921
1922
1923
1924
1925
- e. **Development Layout** - The development is encouraged to include roads that are single loaded, referring to homes along only one side of the street. This type of development will allow for a greater number of views and vistas onto the open space.
 - f. **Minimum Exterior Road Buffer** - The developer shall preserve a minimum of a 150-foot buffer from the proposed right-of-way along any County Road, Township Road, or State Highway servicing the open space development.
 - g. **Minimum Open Space** - A minimum of fifty (50%) percent of the gross land area shall be set aside for common open space uses.
 - h. **Open Space shall be defined as follows:** All area within the open space development, not individually owned or part of a limited common area, which are designed and intended to preserve environmental features for the common use and enjoyment of the residents of the entire development for any of the following uses: recreation, forestry and/or open space conservation, community gardens, playgrounds, park areas or agricultural uses. The open space requirements shall not be met by land uses such as golf courses or other exclusionary commercial recreational uses, lot area within set-backs for each specific lot, or land area dedicated as limited commons.
 - i. **Maximum Amount of Unbuildable Land Used as Open Space** - A maximum of fifty (50%) percent of the total open space allotment may be unbuildable land. Unbuildable land is considered to be land that is deed restricted, regulated by Michigan Department of Environmental Quality, The Environmental Protection Agency, Army Corps of Engineers, or any other regulatory body or agency which has jurisdiction over land which cannot be used for the construction of housing.
 - j. **Houses Abutting the Open Space** - A minimum of fifty (50%) percent of all dwelling units within the development shall abut or overlook the dedicated open space.
 - k. **Access to Open Space** - Access points or paths shall be provided to afford access to open space and common areas. These access points shall link the open space to the roadway, sidewalks, or the remainder of the development.
 - l. **General Lot Character** - Flag lots or panhandle lots shall not be permitted within an open space community.
 - m. **Natural Area** – A100 foot greenbelt from the residential property lines shall be required around any natural features or farmland preserved within the common open space areas.
 - n. **Pedestrian Circulation** - Adequate pedestrian circulation shall be provided by the applicant for on-site circulation. Adequate access shall be provided to all open space/ recreational spaces from the residential areas. "Natural paths or bike paths" are encouraged within the development. Paths provided within the development shall be constructed of gravel, woodchip, or other similar material as approved by the Planning Commission.

- 1926 o. **Garages** - Garages shall be located to maximize the view of the open
1927 space.
1928 p. **Overall Architectural Character** - A diversity of single-family housing
1929 styles, colors, and configurations are encouraged throughout the
1930 development.
1931
1932 7. **Roadways** - Roadway surface and base standards shall conform to approved
1933 Midland County Road Commission standards. All roads shall be asphalt or
1934 paved.
1935
1936 8. **Dedication of Open Space.** The dedicated open space shall be set aside in an
1937 irrevocable conveyance that is acceptable to the Township Attorney and
1938 approved by the Township Board, such as the following:
1939 1. A Conservation Easement, as established by the State of Michigan
1940 Conservation and Historic Preservation act, Public Act 197 of 1980, as
1941 amended (M.C.L. 399.251).
1942 2. Master Deed, as established by the State of Michigan Condominium Act,
1943 Act 59 Public Act of 1978, as amended.
1944 3. Distributed, gift or sale of the development rights to all property owners
1945 within the Open Space Community.
1946

1947 The above conveyance shall indicate all proposed uses of the dedicated open
1948 space, which shall also be shown on the approved open space or farmland
1949 community. The Township Attorney shall review the conveyance and assure the
1950 Township that such lands shall remain as open space for perpetuity. The
1951 conveyance shall also detail a maintenance schedule and funding for operation,
1952 maintenance and insurance for all common areas, facilities, projects and programs
1953 of the Open Space Community, and shall include methods of payment and
1954 collection.
1955

1956 **Section 12.13 – Commercial Wireless Communications Facilities**

1957 A. Purpose and Intent:

1958 It is the general purpose and intent of Jerome Township to carry out the will of the
1959 United States Congress by authorizing communication facilities needed to operate
1960 wireless communication systems while protecting the public health, safety and
1961 general welfare of the community. However, it is the further purpose and interest
1962 of Jerome Township to provide for such authorization in a manner which will retain
1963 the integrity of neighborhoods and the character, property values and aesthetic
1964 quality of the community at large. In fashioning and administering the provisions of
1965 this section, attempt has been made to balance these potentially competing
1966 interests. These regulations will:
1967

- 1968 (1) Facilitate the provision of wireless telecommunication services to the
1969 residents and businesses of the Township,
1970 (2) Minimize adverse visual effects of towers through design and siting
1971 standards,
1972

- 1973 (3) Avoid potential damage to adjacent property from tower failure
1974 through structural standards and set-back requirements,
1975 (4) Maximize the use of existing approved towers and buildings to
1976 accommodate new wireless telecommunication facilities in order to
1977 reduce the number of towers necessary to serve the community.
1978

1979 After an application for special use approval has been submitted for a wireless
1980 communications facility, the Township, and its bodies and officials shall process
1981 the application pursuant to the procedures of this Ordinance and Section 514 of
1982 the Michigan Zoning Enabling Act ("MZEA"), including its timing requirements.
1983

1984 B. Zoning district regulations:
1985

1986 A wireless communications facility shall require a building permit in all instances
1987 and may be permitted as follows:
1988

- 1989 1. All Districts: A wireless communications facility may locate on any existing
1990 guyed tower, lattice tower, mono-pole, electric utility transmission tower, fire
1991 tower or water tower, provided that the installation of the new facility does
1992 not violate required set-backs for the increase in the height. Such
1993 installations shall be permitted in all zoning districts and shall require a
1994 special use permit with a site plan review.
1995
- 1996 2. Towers in Residentially zoned areas are only allowed if they are towers
1997 supporting commercial antennas and conforming to all applicable
1998 provisions of this Ordinance and shall be allowed only in the following
1999 locations and shall be permitted through the site plan review procedures as
2000 outlined in The Jerome Township Zoning Ordinance.
2001 i. Church sites, when camouflaged as steeples or bell towers:
2002 ii. Park sites, when compatible with the nature of the park; and,
2003 iii. Government, school, utility and institutional sites, according to the
2004 Statement of Priority of users and minimum requirements for use of
2005 Township owned properties.
2006 iv. Wireless telecommunication antennas on roofs, walls and existing
2007 towers may be approved by the Jerome Township Planning
2008 Commission provided the antennas meet the requirements of this
2009 Ordinance after submittal of a final site plan and a report prepared
2010 by a licensed professional engineer indicating the existing structure
2011 or tower's suitability to accept the antenna and the proposed method
2012 for affixing the antenna to the structure. Complete details of all
2013 fixtures and couplings and the precise point of attachment shall be
2014 indicated.
2015
- 2016 3. Towers in agricultural, commercial or industrial zoned areas are allowed, if
2017 they qualify as towers allowed in residential zoned areas. Newly constructed
2018 towers in agricultural, commercial or industrial zoned areas are allowed by
2019 Special Use Permit if the telecommunications equipment planned for the

2020 proposed tower cannot be accommodated on an existing or approved tower
2021 or building within a two (2) mile radius of the proposed tower location due
2022 to one or more of the following reasons:

- 2023 i. The planned equipment would exceed the structural capacity of the
2024 existing or approved tower or building, as documented by a qualified
2025 and licensed professional engineer and the interference cannot be
2026 prevented at a reasonable cost.
- 2027 ii. Existing or approved towers and buildings within the search radius
2028 cannot accommodate the planned equipment at a height necessary
2029 to function reasonably as documented by a qualified and licensed
2030 professional engineer.
- 2031 iii. Other unforeseen reasons make it not feasible to locate the planned
2032 telecommunications equipment upon an existing or approved tower
2033 or building.
- 2034 iv. Tower structures built by other than a licensed carrier may not be
2035 constructed until at least two carriers have been secured to occupy
2036 the structure. Contracts with such carriers will be required by the
2037 Township as proof that two licensed carriers will occupy the
2038 structure.

2039
2040 C. Co-Location:

2041
2042 In order to maximize the efficiency of the provision of services, while also
2043 minimizing the impact of towers on the Township, co-location, or the provision of
2044 more than one antenna and more than one user on a single tower at a single
2045 location, shall be strongly encouraged. Applications shall be denied if existing
2046 towers or structures are located within the geographic area which meet
2047 the applicant's engineering requirements. Licensed carriers and tower operators
2048 shall share wireless communications facilities and sites where feasible and
2049 appropriate, thereby reducing the number of wireless communications facilities
2050 that are standalone facilities.

2051
2052 All applicants for a Special Use Permit for a wireless communications facility shall
2053 demonstrate a good faith effort to co-locate with other carriers. Such good faith
2054 effort shall include:

- 2055 1. A survey of all existing structures that may be feasible sites for collocating
2056 wireless communications facilities.
- 2057 2. Contact with other licensed carriers or commercial tower operators
2058 operating in the County, including the Midland County Emergency Services
2059 Director.
- 2060 3. Sharing information necessary to determine if collocation is feasible under
2061 the design configuration most accommodating to collocation.
- 2062
- 2063 4. In the event that collocation is found to be infeasible, a written statement of
2064 the reasons for the lack of feasibility shall be submitted to the Planning
2065 Commission. The Planning Commission may retain a technical expert in the
2066 field of RF engineering to verify if collocation at the site is not feasible or is

2067 feasible given the design configuration most accommodating to collocation.
2068 The cost for such a technical expert will be at the expense of the applicant.
2069 The Township may deny a Special Use Permit to an applicant that has not
2070 demonstrated a good faith effort to provide for collocation.
2071

2072 **Section 12.14 – Residential Land-Based Wind Energy Conversion Facilities**

2073

2074 A. Purpose and intent

2075

2076 The purpose of this section is to accommodate land-based wind energy conversion
2077 facilities in appropriate locations, while minimizing adverse visual, safety, and
2078 environmental impacts of the facilities. This section enables the review of
2079 residential wind energy conversion facilities (“RWEFC”) in keeping with the Jerome
2080 Township Zoning Ordinance. This section is intended to be used in conjunction
2081 with any other regulations adopted by the Jerome Township designed to
2082 encourage appropriate land use, environmental protection, and provision of
2083 adequate infrastructure development in Jerome Township.
2084

2084

2085 B. Special permit requirements

2086

2087 A special use permit may be issued by the Planning Commission pursuant to
2088 Article X for the erection of an RWEFC as an accessory use in any designated
2089 residential district or in connection with any residential use in a commercial district,
2090 subject to the following conditions as well as any other as set forth in the Jerome
2091 Township Zoning Ordinance.
2092

2092

2093

1. **Location and Lot Size:** Tower mounted RWEFC’s may be allowed
2094 on lots of 40,000 sq feet or more. They must conform to all other
2095 ordinances or regulations relating to accessory buildings or uses.

2096

2. **Height:** The height of a wind turbine shall be no higher than 150 feet
2097 measured from existing average grade to the tip of the rotor blade at
2098 its highest point or blade tip height. The Planning Commission may
2099 allow this height to be exceeded as part of a special permit process
2100 if the applicant can demonstrate:

2101

i. that the additional height is needed and would result in
2102 significant additional benefits in terms of energy production
2103 and efficiency, and

2104

ii. by submission of substantial evidence that such height
2105 reflects industry standards for a similarly RWEFC, and

2105

iii. that the proposed RWEFC satisfies all other criteria for the
2106 granting of a special permit under this section of the zoning
2107 ordinance.
2108

2109

3. **Set-backs:** No part of the RWEFC support structure, including guy
2110 wires anchors, may extend closer to the property boundaries than
2111 the standard structure set-backs for the zoning district that it is
2112 located in.

2110

2111

2112

2113
2114
2115
2116
2117
2118
2119
2120
2121
2122
2123
2124
2125
2126
2127
2128
2129
2130
2131
2132
2133
2134
2135
2136
2137
2138
2139
2140
2141
2142
2143
2144
2145
2146
2147
2148
2149
2150
2151
2152
2153
2154
2155
2156
2157
2158
2159

- 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.

4. **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
45db	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.

5. **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.
6. **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.
7. **Compliance with the Uniform Building Code:** 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.
8. **Compliance with FAA Regulations:** RWEFC must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.

2160
2161
2162
2163
2164
2165
2166
2167
2168
2169
2170
2171
2172
2173
2174
2175
2176
2177
2178
2179
2180
2181
2182
2183
2184
2185
2186
2187
2188
2189
2190
2191
2192
2193
2194
2195
2196
2197
2198
2199
2200
2201
2202
2203
2204
2205
2206

9. **Compliance with National Electric Code:** Permits for RWECFs shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electric Code. This information is frequently supplied by the manufacturer.
10. **Utility Notification:** No RWECF shall be installed until notice given to the utility company of the customers intent to install an interconnected customer owned generation system. Off grid systems shall be exempt from this requirement.
11. **Special Use Permit Approval Criteria:** Any special use permit for a RWECF 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
 - iii. there will be no serious hazard to pedestrians or vehicles from the use:
 - iv. adequate and appropriate facilities will be provided for the proper operation of the use.

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

C. Abandonment

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

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

Jerome Township retains the right to enter and remove an abandoned or hazardous RWECF that is not removed by the property owner within 6 months from the date of abandonment. All RWECF removal and costs

2207 associated will be charged to the property owner as a tax lien on the
2208 property.

2209

2210 **Section 12.15 – Sexually Oriented Business**

2211

2212 A. Intent

2213

2214 There are some uses that, because of their very nature, are recognized as
2215 having serious objectionable operational characteristics, particularly when
2216 several of them are grouped. Such uses may have deleterious effects upon
2217 the adjacent areas. Special regulation of these uses is necessary to ensure
2218 that these adverse effects will not contribute to blighting or downgrade the
2219 surrounding neighborhood. These special regulations are itemized in this
2220 Section. The primary control or regulation is for the purpose of preventing a
2221 concentration of these uses in any one area or next to residential zones or
2222 certain institutional uses.

2223

2224 B. Distance restrictions

2225

2226 An adult business is prohibited from being established, operating, caused
2227 to be operated, located or being licensed for business within the following:

2228

2229

2230

2231

2232

2233

2234

2235

2236

2237

2238

2239

2240

2241

2242

2243

2244

2245

2246

2247

2248

2249

2250

2251

2252

2253

For the purpose of this ordinance, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest

2254 property line of the premises where an adult business is conducted, to the
2255 nearest property line of the premises of a use listed in this Subsection B.
2256 Presence of a village, county or other political subdivision boundary shall
2257 be irrelevant for purposes of calculating and applying the distance
2258 requirements of this Section.

2259
2260 C. Signs and public or exterior display

2261
2262 Window displays, signs, decorative or structural elements of buildings shall
2263 not include or convey specific examples of actual adult uses, and are limited
2264 to the sign provisions of this Ordinance.

2265
2266 No Sexually Oriented Business or Adult Media Store shall be conducted in
2267 any manner that permits the observation of any material depicting,
2268 describing or relating to “specific sexual activities,” “specified anatomical
2269 areas,” or “sexually oriented toys or novelties,” (as defined in this
2270 Ordinance) from any public way or from any property not licensed as a
2271 Sexually Oriented Business or Adult Media Store. This provision shall apply
2272 to any display, decoration, sign, show window, structural elements or other
2273 opening.

2274
2275 D. Parking and lighting

2276 All parking shall be situated in the front yard, adjacent to and visible from a
2277 public road and shall be lighted. All entrances and exits to the structure shall
2278 be lighted during the hours of operation.

2279
2280 E. Precautionary note to the zoning board of appeals

2281
2282 When considering any appeal from a Sexually Oriented Business or Adult
2283 Media Store for reduction of spacing or separation standards established
2284 herein, the Zoning Board of Appeals shall address each of the following
2285 issues and include the findings regarding each point in their minutes:

- 2286 i. **Ordinance intent.** The proposed use shall not be contrary to the
2287 intent and purpose of this Ordinance, or injurious to nearby
2288 properties.
2289 ii. **Blighting influence.** The proposed use shall not enlarge or
2290 encourage the development of a concentration of such Uses or
2291 blighting influences.
2292 iii. **Neighborhood conservation.** The proposed use shall not be
2293 contrary to any program of neighborhood conservation, revitalization
2294 or urban renewal.

2295
2296 F. Other standards. The proposed use, and its principal building, shall
2297 comply with all other regulations and standards of this Ordinance.

2298 **Section 12.16 – Sanford Lake Water Access**

2299
2300 A. Purpose

2301
2302
2303
2304
2305
2306
2307
2308
2309
2310
2311
2312
2313
2314
2315
2316
2317
2318
2319
2320
2321
2322
2323
2324
2325
2326
2327
2328
2329
2330
2331
2332
2333
2334
2335
2336
2337
2338
2339
2340
2341
2342
2343
2344
2345
2346

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

Area of Jerome Township regulated by this Section: Access property contiguous to Sanford Lake and all connected waterways.

B. Regulations

In any zoning district where a parcel of land is contiguous to Sanford Lake or a connected waterway, 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:

1. That said parcel of land contain a minimum of 50 feet of water frontage.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.

2347 7. That there shall be no more than a total of four (4) motorized watercraft or
2348 more than eight (8) total water craft permitted, to be kept on within each 50-
2349 foot access lot.

2350

2351

ARTICLE XIII ZONING BOARD OF APPEALS

2352

SECTION 13.01 - Purpose

2354 To ensure the objectives of this Ordinance may be fully and equitably achieved,
2355 that a means shall be provided for competent interpretation of this Ordinance, that
2356 adequate but controlled flexibility be provided in the application of this Ordinance,
2357 that the health, safety, and welfare of the public is secured, and that justice be
2358 done, there is hereby established a Zoning Board of Appeals ("ZBA").
2359

2360

SECTION 13.02 - Creation and Membership

2361 The ZBA shall perform its duties and exercise its powers as provided in the
2362 Michigan Zoning Enabling Act of 2006, as amended. The ZBA shall consist of a
2363 maximum of five (5) members, selected from the electorate, appointed by the
2364 Supervisor, with the consent of the Township Board.
2365

2366

A. The first member of the ZBA shall be a member of the Planning
2367 Commission.

2368

B. The remaining members shall have been a resident of the Township for at
2369 least one (1) year prior to the date of appointment, and shall be qualified
2370 and registered electors of the Township on such day and throughout his/her
2371 tenure of office. One member may be a member of the Township Board.

2372

C. An employee or contractor of the Township Board may not serve as a
2373 member of the ZBA.

2374

D. The term of the appointments shall be for three (3) years.

2375

E. Any appointive vacancies in the ZBA shall be filled by the Township Board
2376 for the remainder of the unexpired term.

2377

F. The Township Board may also appoint not more than two (2) alternate
2378 members to the ZBA. Appointments shall be as follows: each alternate
2379 member shall hold office for a full three (3) year term. Any vacancies in the
2380 alternative membership of the ZBA shall be filled by appointment made by
2381 the Township Board for the remainder of the unexpired term. The alternate
2382 members shall:

2383

a. Sit as regular members of the ZBA in the absence of a regular member if a
2384 regular member is absent from, or unable to, attend two (2) or more
2385 consecutive meetings of the ZBA, or will be unable to attend meetings for a
2386 period of more than thirty (30) consecutive days

2387

b. Be called to serve in the place of a regular member for the purpose of
2388 reaching a decision in a case in which the regular member has abstained
2389 for reasons of conflict of interest.

2390

G. The alternate member having been appointed shall serve in the case until
2391 a final decision has been made. Alternate members shall have the same
2392 voting rights as a regular member of the ZBA. Whenever possible, these

2393 two (2) alternates should be provided the opportunity to rotate as members
2394 of the ZBA.
2395

2396 **SECTION 13.03 - Compensation**

2397 Each member and alternate member may receive a reasonable sum as
2398 determined by the Township Board for his/her services in attending each regular
2399 or special meeting of the ZBA.
2400

2401 **SECTION 13.04 - Removal**

2402 Appointed members may be removed for nonperformance of duty or misconduct
2403 in office by the Township Board only after consideration of written charges and a
2404 public hearing. Failure of a member to disqualify himself from a vote in which he
2405 has a conflict of interest shall constitute misconduct in office.
2406

2407 **SECTION 13.05 - Meetings**

- 2408 A. The ZBA shall adopt its own rules of procedure as may be necessary to
2409 conduct its meetings and carry out its function The Board of Appeals shall
2410 annually elect its own chairman, vice chairman, and secretary.
2411 B. All meetings of the Board of Appeals shall be held at the call of the chairman
2412 and at such times as such Board may determine.
2413 C. All hearings conducted by the ZBA shall be open to the public. A simple
2414 majority of the membership of the ZBA shall constitute a quorum and may
2415 conduct any items of business brought before the Board. The Board shall
2416 keep minutes of its proceedings showing the vote of each member in
2417 question, or if absent, or failing to vote, indicating such fact; and shall also
2418 keep records of its hearings and other official actions in the office of the
2419 Township Clerk, and shall be a public record.
2420 D. The ZBA shall not conduct business unless a majority of the members are
2421 present. The concurring vote of a majority of the members of the ZBA shall
2422 be necessary to reverse an order, requirement, decision, or determination
2423 of an administrative official or body, or to decide in favor of the applicant a
2424 matter upon which they are required to pass under this Ordinance, or to
2425 affect a variation of this Ordinance.
2426

2427 **SECTION 13.06 - Appeal and Notice Requirements**

2428 The Zoning Board of Appeals is authorized to review all decisions made in the
2429 administration of this Ordinance. An appeal may be taken to the ZBA by any
2430 person, firm, or corporation, or by any officer, department, board, or bureau
2431 affected by a decision of the Building Official or the Planning Commission, except
2432 as otherwise noted in this Ordinance. An appeal shall be made in accordance with
2433 the processing procedures established by the Zoning Board of Appeals.
2434

- 2435 A. The appeal or request for administrative review shall be submitted to the
2436 Township Clerk with the required fee. Each appeal shall be accompanied
2437 by a processing fee in an amount established by resolution of the Township
2438 Board, and may be amended from time to time. No portion of such fee shall

- 2439 be reimbursable to the applicant. The appellant shall file a letter specify the
2440 grounds for the appeal and the facts supporting the appeal.
- 2441 B. The Building Official shall forthwith transmit to the Board, all of the papers
2442 constituting the record upon which the action appealed from was taken. An
2443 appeal shall stay all proceedings in furtherance of the action appealed from
2444 unless the Building Official certifies to the Zoning Board of Appeals, after
2445 notice of appeal has been filed with him, that, by reason of facts stated in
2446 the certificate, a stay would, in his opinion, cause imminent peril to life or
2447 property, in which case, the proceedings shall be not be stayed, otherwise
2448 than by order of a court of record.
- 2449 C. Public notice of the time, date, and place of the meeting shall also be given
2450 in the manner required by this Ordinance. Such notice shall contain the
2451 address, if available, and location of the property for which the ruling by the
2452 ZBA is sought, as well as a brief description of the nature of the Appeal.
- 2453 i. No appeal shall be taken to the ZBA from a decision of the Planning
2454 Commission or Township Board in connection with a use permitted
2455 subject to special approval use.
- 2456 ii. Appeal(s) required in connection with site plan approval for principal
2457 uses permitted shall be presented before the ZBA prior to the
2458 consideration of the site plan by the Township Planning Commission.
- 2459 D. The ZBA may only act on those matters brought before it through the
2460 procedures of Section 12.06. In no instance may they conduct business on
2461 matters outside the scope of the appeal.
- 2462 E. No appeal shall be made from a decision of the Township Building Official
2463 or Planning Commission unless such appeal is filed within thirty (30) days
2464 from the date of such decision. No appeal shall be granted that would be
2465 in violation of the Jerome Township Master Plan.
- 2466 F. Any party aggrieved by any order, determination, or decision of the ZBA
2467 may appeal as provided for by law.

2468
2469

2470 **SECTION 13.07- Jurisdiction**

2471 The ZBA may reverse or affirm, wholly or partly, or may modify the order,
2472 requirement, decision of determination as in its opinion ought to be made in the
2473 premises, and to that end shall have all the powers of the officer from whom the
2474 appeal was taken and may issue or direct the issuance of a permit. Where there
2475 are practical difficulties in the way of carrying out the strict letter of this Ordinance,
2476 the ZBA shall have the power in passing upon appeals to vary or modify any of its
2477 rules, regulations or provisions so that the spirit of this Ordinance shall be
2478 observed, public safety secured, and substantial justice done. Nothing herein
2479 contained shall be construed to give or grant to the Zoning Board of Appeals the
2480 authority to make changes in the Zoning Ordinance or the Zoning Map, such power
2481 and authority being reserved to the Township Board in the manner herein provided
2482 by law.

2483

2484 **SECTION 13.08 - Powers and Duties**

2485

2486
2487
2488
2489
2490
2491
2492
2493
2494
2495
2496
2497
2498
2499
2500
2501
2502
2503
2504
2505
2506
2507
2508
2509
2510
2511
2512
2513
2514
2515
2516
2517
2518
2519
2520
2521
2522
2523
2524
2525
2526
2527
2528
2529
2530
2531
2532

A. The ZBA shall have the following specified powers and duties:

1. **Administrative Review.** To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision, or refusal made by the Building Official or any other administrative official in carrying out, or enforcing, any provisions of this Ordinance.
2. **Interpretation.** To hear and decide in accordance with the provisions of this Ordinance:
 - i. Appeals for the interpretation of the provisions of the Ordinance.
 - ii. Requests to determine the precise location of the boundary lines between the zoning districts as they are displayed on the Zoning Map, when there is dissatisfaction with the decision on such subject.
 - iii. The classification of any use which is not specifically mentioned in any district regulations as a permitted principal use or a special use. In classifying an unlisted use, the ZBA shall base its decision and any accompanying restrictions on listed uses that are consistent with and similar to the unclassified use.
3. **Variances.** The ZBA shall have the power to authorize, upon application, specific variances from such dimensional requirements as lot area and width regulations, building height and square foot regulations, yard width and depth regulations, such requirements as off-street parking and loading space, and sign regulations. Any requirement of this Ordinance which is dimensional in nature may be brought before the ZBA to be considered for a variance.

The ZBA shall ensure that all variances comply with the following:

- i. The strict enforcement of the provisions of this Ordinance would deprive the owner of rights enjoyed by all other property owners owning property within the same zoning district.
- ii. The applicant has demonstrated that conditions and circumstances unique to the property exist which generally are not similarly applicable to other properties in the same zoning district.
- iii. The conditions and circumstances unique to the property were not created by the owner, within the time following the effective date of the provisions alleged to adversely affect such property.
- iv. The applicant has demonstrated that the requested variance will not confer special privileges that are denied to other properties similarly situated and in the same zoning district.
- v. The requested variance will not be contrary to the spirit and intent of this Ordinance.

2533 The ZBA shall not approve an application for a variance unless it has
2534 found positively that a practical difficulty exists under the preceding
2535 criteria. Any variance that is denied shall not be resubmitted for review
2536 for a period of one (1) year from the date that the ZBA last took action
2537 on the request unless substantive new evidence is to be presented or
2538 new circumstances arise.

2539

2540 **SECTION 13.09 – Prohibited Variances**

2541 A use variance shall not be permitted.

2542

2543 **SECTION 13.10 - Attachment of Conditions**

2544 The ZBA may impose conditions upon an affirmative decision. The conditions may
2545 include, conditions necessary to ensure that public services and facilities affected
2546 by a proposed land use or activity will be capable of accommodating increased
2547 service and facility loads caused by the land use or activity, to protect the natural
2548 environment and conserve natural resources and energy, to ensure compatibility
2549 with adjacent uses of land, and to promote the use of land in a socially and
2550 economically desirable manner.

2551 Conditions imposed shall do all the following:

- 2552 1. Be designed to protect natural resources, the health, safety, and welfare,
2553 as well as the social and economic well-being of those who will use the land
2554 use or activity under consideration, residents, and landowners immediately
2555 adjacent to the proposed land use, or activity, and the community as a
2556 whole.
- 2557 2. Be related to the valid exercise of the police power and purposes which are
2558 affected by the proposed use or activity.
- 2559 3. Be necessary to meet the intent and purpose of the zoning regulations; be
2560 related to the standards established in the Ordinance for the land use or
2561 activity under consideration and be necessary to ensure compliance with
2562 those standards.
- 2563 4. The conditions imposed shall be recorded in the record of the approval
2564 action and shall remain unchanged except upon the mutual consent of the
2565 approving authority and the landowner. The approving authority shall
2566 maintain a record of changes granted in conditions.

2567

2568 **SECTION 13.11 - Approval Period**

2569 No order of the ZBA shall be valid for a period longer than one (1) year, unless a
2570 building permit for such erection or alteration is obtained within such period, and
2571 such erection or alteration is started and proceeds to completion in accordance
2572 with the terms of such permit.

2573

2574

2575 **ARTICLE XIV DISTRICT CHANGES AND ORDINANCE AMENDMENTS**

2576
2577 **Section 14.01 - Amendment**

2578 In accordance with the provisions of the Michigan Zoning Enabling Act 110, as
2579 amended, the Township Board may amend, supplement or change the provisions
2580 of this Ordinance.

2581
2582 For the purposes of this Article and other applicable sections of this Ordinance, the
2583 term "rezoning" shall be considered an amendment to the Zoning District Map. The
2584 procedure for rezoning shall follow the procedure set forth in this Article for
2585 amendments.

2586
2587 **Section 14.02 - Petition For Change**

2588 Proposals for amendments may be initiated by resolution of the Township Board,
2589 Planning Commission, or by petition of one or more residents of Jerome Township,
2590 or by one or more persons acting on behalf of a resident of Jerome Township.

2591
2592 **Section 14.03 – Procedure**

2593
2594 A. The Township Board, after review and recommendation by the Planning
2595 Commission, has authority to adopt amendments to the text of this
2596 Ordinance and the zoning map.

2597 B. Procedure for Amendment of Zoning Ordinance.

2598 1. Application. Twelve (12) copies for an application seeking an
2599 amendment to the text or map shall be filed with the Township Clerk.
2600 The Township Clerk shall date stamp all materials received, retain the
2601 original documents, and distribute the copies appropriately.

2602 2. The application shall provide the following information if an application
2603 involves an amendment to the official zoning map:

2604 i. A legal description of the property, including the street address
2605 and tax code number(s).

2606 ii. The name, address and telephone number of the applicant.

2607 iii. The applicant's interest in the property. If the applicant is not the
2608 owner, the name and address of the record and known owner(s),
2609 and the owner(s) signed consent to the application.

2610 iv. Identification of the zoning district requested and the existing
2611 zoning of the property.

2612 v. Identification of the area that is being considered for rezoning and
2613 existing land uses within that area, along with a description of the

- 2614 current zoning and existing land uses of all properties within five
2615 hundred (500) feet of that area.
- 2616 vi. Signature(s) of the applicant(s) and owner(s), certifying the
2617 accuracy of the information.
- 2618 vii. Further information as requested by consultants hired by the
2619 Township, Planning Commission, or Township Board that is
2620 relevant to the site and standards set forth in this Ordinance.
- 2621 3. The application shall provide the following information if an application
2622 involves a change in the text of this Ordinance:
- 2623 i. A detailed statement clearly and completely setting forth all
2624 proposed provisions and regulations, including all changes in the
2625 zoning ordinance necessary to accommodate the proposed
2626 amendment.
- 2627 ii. Name and address of the applicant.
- 2628 iii. Reasons for the proposed amendment.
- 2629 iv. Further information as requested by consultants hired by the
2630 Township, Planning Commission, or Township Board, that is
2631 relevant to the proposed text amendment.
- 2632 v. Right of Entry. The filing of an application to rezone shall
2633 constitute permission from the owner for the Township to
2634 complete an on-site investigation of the property in question for
2635 purposes of this Section.
- 2636 4. Application Fee. The applicant shall submit to the Township Clerk with
2637 the application an application fee in an amount established by resolution
2638 of the Township Board to cover the fixed costs associated with
2639 processing the application.
- 2640 5. Initial Review. The Building Inspector shall review the application(s) for
2641 completeness and indicate to the applicant additional information and
2642 documents to be provided. The Planning Commission shall schedule all
2643 public hearings and the Township Clerk or his/her designee shall
2644 coordinate public notices.
- 2645 6. Public Hearing - Planning Commission. The Planning Commission shall
2646 conduct a public hearing on the proposed text amendment or rezoning
2647 as provided in the Michigan Zoning Enabling Act, MCL 125.3101 *et seq.*
- 2648 7. Administrative Report. Following the public hearing the Planning
2649 Commission may request that the Building Inspector and/or other
2650 persons retained by the Township present a report that analyzes the

2651 application(s) with respect to the requirements and standards of
2652 applicable federal and state statutes, ordinances, rules and regulations.

2653 C. Standards and Burden. In deciding a request for a zoning text amendment
2654 or rezoning, the Planning Commission and Township Board shall be
2655 governed by the following principles and standards:

2656 1. The applicant shall have the burden of proof, which shall include the
2657 burden of going forward with the evidence and the burden of persuasion
2658 on all questions of fact.

2659 2. Decisions to amend the ordinance text or official zoning map are
2660 legislative in nature, and the Township Board ultimately has discretion
2661 to act in the interest of the public health, safety and general welfare.

2662 3. In considering an application for rezoning, the following factors may be
2663 considered, among others:

2664 i. Whether all required information has been provided and fees
2665 paid.

2666 ii. Consistency with the goals, policies and future land use map of
2667 the Master Plan. If conditions have changed since the Master
2668 Plan was adopted, the rezoning may be found to be consistent
2669 with recent development trends in the area.

2670 iii. The compatibility of all uses permitted in the proposed zoning
2671 district with surrounding uses and zoning in terms of land
2672 suitability, impacts on the environment, density, nature of use,
2673 traffic impacts, aesthetics, infrastructure and potential influence
2674 on property values compared to uses permitted under current
2675 zoning;

2676 iv. The capacity of local utilities and public services sufficient to
2677 accommodate all the uses permitted in the requested district
2678 without compromising the "health, safety and welfare" of the
2679 Township, including the capacity of the street system to safely
2680 and efficiently accommodate the expected traffic generated by
2681 uses permitted in the requested zoning district.

2682 v. The precedents, and the possible effects of such precedents, that
2683 might result from approval or denial of the petition; and

2684 vi. Whether the requested rezoning will create an isolated and
2685 unplanned spot zone.

2686 D. Payment of Costs. Prior to any decision on an application for rezoning or
2687 concurrent application, the applicant shall pay all costs and expenses
2688 incurred by the Township to review and process the application(s). If sums

2689 due and owing the Township are not paid, the Township Board may delay
2690 making its decision(s) until such time as the sums are fully paid, dismiss the
2691 application(s), or take such other action as provided by law.

2692 **Section 14.06 - Conditional Rezoning**

2693
2694 **Intent**

2695 It is recognized that there are certain instances where it would be in the best
2696 interests of the Township, as well as advantageous to property owners seeking a
2697 change in zoning boundaries, if certain conditions could be proposed by property
2698 owners as part of a request for a rezoning. It is the intent of this Section to provide
2699 a process consistent with the provisions of the Zoning Enabling Act 110 and the
2700 Michigan Zoning Guide by which an owner seeking a rezoning may voluntarily
2701 propose conditions regarding the use and/or development of land as part of the
2702 rezoning request.

2703
2704 **A. Application and Offer of Conditions**

- 2705
- 2706 1. An owner of land may voluntarily offer in writing, and the Township may
2707 approve, certain conditions relating to the use and/or development of land
2708 for which a rezoning is requested. This offer may be made either at the time
2709 the application for rezoning is filed or may be made at a later time during
2710 the rezoning process.
2711
 - 2712 2. The required application and process for considering a rezoning request
2713 with conditions shall be the same as that for considering amendments,
2714 except as modified by the requirements of this Section.
2715
 - 2716 3. The owner's offer of conditions may not purport to authorize uses or
2717 developments not permitted in the requested new zoning district.
2718
 - 2719 4. The offer of conditions may be amended during the process of rezoning
2720 consideration provided that any amended or additional conditions are
2721 entered voluntarily by the owner. An owner may withdraw all or part of its
2722 offer of conditions any time prior to final rezoning action of the Township
2723 Board provided that, if such withdrawal occurs subsequent to the Planning
2724 Commission's public hearing on the original rezoning request, then the
2725 rezoning application shall be referred to the Planning Commission for a new
2726 public hearing with appropriate notice and a new recommendation.
2727
 - 2728 5. A Township shall not require a landowner to offer conditions as a
2729 requirement for rezoning. The lack of an offer under Subsection A(1) shall
2730 not otherwise affect the landowner's rights under this Ordinance, the
2731 ordinances of the Township, or any other laws of this state.
2732
 - 2733 6. An application for conditional rezoning shall follow the procedures of this
2734 Article. If a rezoning is approved, the landowner shall then follow all the

2735 applicable procedures and regulations of this Ordinance in pursuance of the
2736 intended use or uses.

2737
2738 7. Upon approval of a proposed project, the landowner shall provide to the
2739 Township an agreement of conditions, in a recordable contractual form,
2740 stating the terms, conditions and obligations of the rezoning.

2741
2742 8. In approving the conditions, the Township may establish a time period
2743 during which the conditions apply to the land. The time period specified may
2744 be extended upon the application of the landowner and approval of the
2745 Township. The Township shall not add to or alter the conditions approved
2746 during the time period specified. Except for an extension, if the conditions
2747 are not satisfied within the time specified under this subsection, the land
2748 shall revert to its former zoning classification.

2749
2750 B. Compliance with Conditions

2751
2752 Any person who establishes a development or commences a use upon land that
2753 has been conditionally rezoned shall continuously operate and maintain the
2754 development or use in compliance with all of those conditions. Any failure to
2755 comply with a condition contained within the Statement of Conditions shall
2756 constitute a violation of this Zoning Ordinance and be punishable accordingly.
2757 Additionally, any such violation shall be deemed a nuisance per se and subject to
2758 judicial abatement as provided by law.

2759
2760 C. Township Right to Rezone.

2761
2762 Nothing in this Section shall be deemed to prohibit the Township from rezoning all
2763 or any portion of land that is subject to a conditional rezoning to another zoning
2764 classification. Any rezoning shall be conducted in compliance with this Ordinance
2765 and the Zoning Enabling Act 110.

2766
2767
2768
2769
2770
2771
2772
2773
2774
2775
2776
2777
2778
2779
2780

2781 **ARTICLE XV ADMINISTRATION**

2782
2783 **Section 15.01 - Building Inspector**

2784 The provisions of this ordinance shall be administered by the Building Inspector
2785 who shall be appointed by the Township Board.

2786
2787 **Section 15.02 - Permits Required**

2788 Except as otherwise provided, no land shall be occupied or used and no building
2789 or structure shall hereafter be erected, altered, or moved onto a site until a zoning
2790 permit has been obtained from the Building Inspector. Such permit shall be non-
2791 transferable and shall be obtained before any new use is established or work of
2792 excavation or construction is begun. This permit is valid for one (1) year and

- 2793 A. construction or use must start within one year following the issuance of the
- 2794 permit and
- 2795 B. The permit will remain in effect provided reasonable progress is made on
- 2796 the project. A fee for said Permit shall be paid to Jerome Township.

2797
2798 A sign permit shall be obtained from the Building Inspector on any billboard or sign
2799 exceeding twelve (12) square feet. An application for a sign permit shall be made
2800 on forms provided by the Township Building Inspector and shall be accompanied
2801 by any fees as required by the Township. A fee for said sign permit shall be paid
2802 to Jerome Township. Fees for sign permits shall be set by resolution by the
2803 Township Board. Failure to obtain a sign permit shall be a violation of this
2804 Ordinance.

2805
2806 **Section 15.03 – Zoning Permits**

- 2807
- 2808 A. Except as otherwise provided, no land shall be occupied or used and no
- 2809 building hereafter erected or altered shall be occupied or used in whole or
- 2810 in part for any purposes, until a zoning permit has been issued by the
- 2811 Building Inspector stating that the proposed use complies with all the
- 2812 provisions of this Ordinance.
- 2813
- 2814 B. The Building Administrator shall have the power to revoke or cancel any
- 2815 zoning permit in case of failure or neglect to comply with any provision of
- 2816 this Ordinance or the requirements, standards or any conditions imposed
- 2817 upon a special use permit, or in the case of false statements or
- 2818 misrepresentation in an application. The revocation or cancellation of the
- 2819 zoning permit shall be made in writing, and all construction, uses, or other
- 2820 activities allowed by the permit shall cease.

2821
2822 **ARTICLE XVI SEVERABILITY**

2823
2824 **Section 16.01 - Severability**

2825 The provisions of this Ordinance are declared severable. If any provisions of this
2826 Ordinance or part thereof is declared invalid for any reason by a court of competent

2827 jurisdiction, that declaration does not affect or impair the validity of all other
2828 provisions that are not subject to that declaration.

2829

2830

ARTICLE XVII PENALTIES

2831

Section 17.01 - Violations Declared a Nuisance Per Se

2833 All violations of this Ordinance or any part thereof are declared a nuisance per se.

2834

2835

Section 17.02 - Penalties

2836

2837 A. The Building Inspector shall inspect all alleged violations of this Ordinance.

2838 In the event that a violation is found. Any person or other entity who violates

2839 any provisions of this Ordinance is responsible for a municipal civil infraction

2840 as defined by Michigan law and subject to a civil fine as defined in Jerome

2841 Township fee schedule, plus costs, which may include all direct or indirect

2842 expenses to which the Township of Jerome has been put in connection with

2843 the violation.

2844

2845 B. Any person, firm, or corporation who violates, disobeys, omits, neglects, or

2846 refuses to comply with, or who resists enforcement of any of the provisions

2847 of this Ordinance is responsible for a misdemeanor, subject to a fine of up

2848 to five hundred dollars (\$500.00), or imprisonment for up to ninety (90) days.

2849 Each day during which a violation continues shall be deemed a separate

2850 offense.

2851

2852 C. If the Building Inspector discovers that work on any structure or premises is

2853 being undertaken contrary to this Ordinance, he or she shall deliver an order

2854 to the property owner requiring that such work shall immediately cease. The

2855 stop work order shall be posted on the property with a copy mailed or

2856 delivered to the owner of the property in question, person occupying the

2857 property, and the person doing the work and shall state the conditions under

2858 which the work may be resumed. Any person who shall continue any work

2859 in or about the structure or premises after having been served with a stop

2860 work order, except as directed by the Building Inspector to remove

2861 violations or unsafe conditions, shall be found responsible for a violation of

2862 this Ordinance.

2863

Section 17.03 - Additional Remedies

2865 In addition to the foregoing provisions relating to Penalties, the Township

2866 specifically reserves the right and shall have the authority to proceed in any court

2867 of competent jurisdiction for the purpose of obtaining an injunction, restraining

2868 order or other appropriate remedy to abate said violations and the nuisances

2869 thereby created and to compel compliance with this Ordinance. Each day that a

2870 violation shall continue is to constitute a separate offense.

2871

2872

ARTICLE XVIII EFFECTIVE DATE

2873

2874
2875
2876
2877
2878
2879
2880
2881
2882
2883
2884
2885
2886
2887
2888
2889
2890
2891
2892
2893
2894
2895
2896
2897
2898
2899
2900
2901
2902

2903
2904
2905
2906

2907
2908
2909
2910
2911

Section 18.01 - Effective Date

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

ARTICLE XIX REPEALING CLAUSE

Section 19.01 - Repealing Clause

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

YEAS: Mike Wood, Gil Bernier, Becky Slack, Sarah Jo Rowley, Steve Rice, Lee Fellows, Mark Green

NAYS: 0

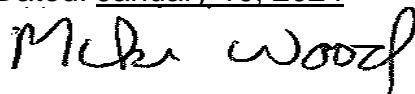
ABSENT/ABSTAIN 0

ORDINANCE DECLARED ADOPTED.

CERTIFICATION

I hereby certify that the above is a true copy of an Ordinance adopted by the Jerome Township Board at a Regular Meeting held on January 10, 2024, pursuant to the required statutory procedures.

Dated: January 10, 2024



Mike Wood, Jerome Township Supervisor



Gil Bernier, Jerome Township Clerk

Addendum

2912

2913

Definitions

Access Property

2916 A property, parcel, or lot abutting a lake, and used or intended to be used, for
2917 providing access to a lake by pedestrian or vehicular traffic to and from offshore
2918 land.

2919

Accessory Buildings

2921 A supplementary building or any structure on the same lot or parcel of land as the
2922 main building. Any structure greater than 200 sq. ft. is considered an accessory
2923 building. Such use shall not include any accessory building for a dwelling. An
2924 accessory building over 200 sq. ft. requires a building permit.

2925

Accessory Use

2927 A use naturally and normally incidental to, subordinate to, and devoted exclusively
2928 to the main use of the land or buildings.

2929

Adult Media

2931 Magazines, books, slides, prerecorded storage devices, or other media that are
2932 distinguished or characterized by their emphasis on matter depicting, describing,
2933 or relating to sexually oriented hard-core material.

2934

Adult Media Store

2936 An establishment that rents and/or sells adult media, and /or advertises or holds
2937 itself out in any form as "XXX," "adult," "sex".

2938

Adult Motion Picture Theatre

2940 An establishment emphasizing or predominately showing sexually oriented
2941 movies.

2942

Adult theatre

2944 A theater, concert hall, auditorium, or similar commercial establishment which
2945 regularly features persons who appear in a state of nudity or semi-nude, or live
2946 performances which are characterized by the exposure of specified anatomical
2947 areas or by specified sexual activities.

2948

Alley

2950 A public thoroughfare or way which affords only a secondary means of access to
2951 abutting property.

2952

Agriculture

2954 The use of land for tilling of the soil, the raising of tree and field crops and animal
2955 husbandry.

2956

Altered

2958 Any change in usage, location, square footage, or height of a building.

2959
2960
2961
2962
2963
2964
2965
2966
2967
2968
2969
2970
2971
2972
2973
2974
2975
2976
2977
2978
2979
2980
2981

Apartment

See the definition of dwelling, multiple family.

Basement

That portion of a building partly below average grade.

Billboard

See **Sign**.

Building

An independent structure having a roof supported by columns or walls resting on a foundation.

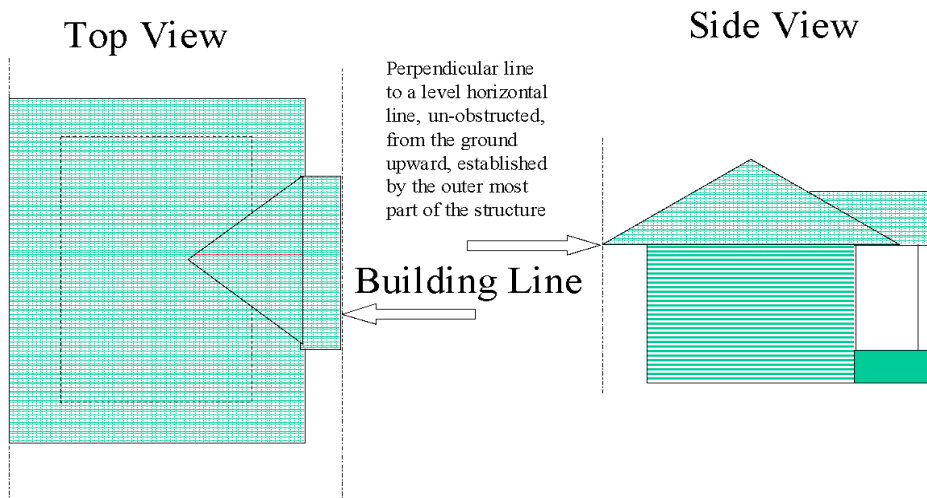
Building Height

The vertical distance measured from the highest finish grade to the highest point of the roof.

Building Line:

A horizontal line parallel to the structure wall, established by a vertical line, 90 degrees to a level horizontal line, un-obstructed, from the ground upward, established by the outer most part of the structure.

Building Line Definition



2982
2983
2984
2985
2986

Building Line - Front:

The building line on the street side of the building.

Building Line - Side:

2987 The building line on the side of the building relative to the front building line.

2988

2989 **Building Line - Rear:**

2990 The building line opposite the front building line.

2991

2992 **Carports**

2993 Portable or Stationary carports of any type shall be considered accessory
2994 buildings.

2995

2996 **Co-location**

2997 The location by two or more wireless communication providers of wireless
2998 communication facilities on a common structure, tower, or building, with the view
2999 toward reducing the overall numbers of structures required to support wireless
3000 communication antennas within the community.

3001

3002 **Commercial Medical Marihuana Facility**

3003 Means any of the following:

3004

3005 A. "Provisioning Center," as that term is defined in the Medical Marihuana
3006 Facilities Licensing Act, Public Act 281 of 2016 ("MMFLA");

3007

B. "Processor," as that term is defined in the MMFLA;

3008

C. "Secure Transporter," as that term in the MMFLA;

3009

D. "Grower," as that term is defined in the MMFLA;

3010

E. "Safety Compliance Facility," as that term is defined in the MMFLA.

3011

Commercial Vehicle

3012 Any motor vehicle licensed as a commercial vehicle.

3013

3014 **Community Building**

3015 Any building that is open and assessable to the general public with or without a
3016 user fee.

3017

3018 **Condominium unit**

3019 A portion of a condominium subdivision designed and intended for occupancy or
3020 use by the unit owner consistent with the provisions of the master deed. A
3021 Condominium unit is not a lot or a parcel as those terms are used in this ordinance.

3022

3023 **Condominium use**

3024 Any use as defined in the master deed.

3025

3026 **Container**

3027 Shipping container aka; Conex Box, Cargo Containers, C-Cans, Sea Cans,
3028 Storage Bins.

3028

3029 **Display Publicly**

3030 The act of exposing, placing, posting, exhibiting, or in any fashion displaying in any
3031 location, whether public or private, an item in such a manner that it may be readily
3032 seen and its content or character distinguished by normal unaided vision viewing
3033 it from a street, highway, or public sidewalk, or from the property of others, or from
3034 any portion of the premises where items and material other than adult media are
3035 on display to the public.

3036

3037 **Driveways**

3038 A way or means of approach which provides access to one or more principal
3039 buildings under one ownership and which is constructed and maintained by the
3040 owner and is not dedicated for general public use. Driveways must meet the
3041 specifications of the Midland County Road Commission; a county permit is
3042 required for new or modified connections to a public road.

3043

3044 **Dwelling**

3045 A building used as the living quarters for one or more families.

3046

3047 **Dwelling Area**

3048 The dwelling area of a dwelling unit is composed of sleeping rooms, kitchen, dining
3049 room, bathrooms, family rooms, dens, hallways, closets, entry ways, and living
3050 rooms.

3051

3052 **Dwelling Unit**

3053 That portion of a dwelling providing complete living quarters for one family.

3054

3055 **Dwelling, One-Family**

3056 A detached dwelling designed for or occupied exclusively by one family.

3057

3058 **Dwelling, Two-Family**

3059 A dwelling designed for or occupied exclusively by two families living
3060 independently of each other.

3061

3062 **Dwelling, Multiple Family**

3063 A dwelling used and designed as a residence for three or more families, living
3064 independently of each other.

3065

3066 **Electronic Video Media**

3067 Films, motion pictures, video cassettes, slides, digital video disks, or other similar
3068 electronic, digital, or mechanical image productions, characterized by an emphasis
3069 on the display of specified sexual activity or specified anatomical areas.

3070

3071 **Essential Services**

3072 As defined by state law.

3073

3074 **Family**
3075 A family is any number of persons living on the premises comprising a single
3076 housekeeping unit and related by blood or marriage, and including the domestic
3077 employees thereof.
3078
3079 **Farm**
3080 Any parcel of land which is used for gain in the production of field and tree crops,
3081 livestock, poultry and dairy products.
3082
3083 **Fence**
3084 A constructed barrier used to prevent or control entrance, confine within, or mark
3085 a boundary. For the purpose of this ordinance an open fence has 80% clear vision,
3086 a privacy fence has less than 80% clear vision.
3087
3088 **Foster family home**
3089 A private home in which 1 but not more than 4 minor children, who are not related
3090 to an adult member of the household by blood or marriage, or who are not placed
3091 in the household under the Michigan adoption code, chapter X of the probate code
3092 of 1939, 1939 PA 288, MCL 710.21 to 710.70, are given care and supervision for
3093 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks,
3094 unattended by a parent or legal guardian.
3095
3096 **Foster family group home**
3097 A private home in which more than 4 but fewer than 7 minor children, who are not
3098 related to an adult member of the household by blood or marriage, or who are not
3099 placed in the household under the Michigan adoption code, chapter X of the
3100 probate code of 1939, 1939 PA 288, MCL 710.21 to 710.70, are provided care for
3101 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks,
3102 unattended by a parent or legal guardian.
3103
3104 **Family day care home**
3105 A private home in which 1 but fewer than 7 minor children are received for care
3106 and supervision for periods of less than 24 hours a day, unattended by a parent or
3107 legal guardian, except children related to an adult member of the family by blood,
3108 marriage, or adoption. Family day care home includes a home in which care is
3109 given to an unrelated minor child for more than 4 weeks during a calendar year.
3110
3111 **Garage**
3112 A building used for storage purposes by a family or families living on the premises.
3113
3114 **Group day care home**
3115 A private home in which more than 6 but not more than 12 minor children are given
3116 care and supervision for periods of less than 24 hours a day unattended by a
3117 parent or legal guardian, except children related to an adult member of the family
3118 by blood, marriage, or adoption. Group day care home includes a home in which
3119 care is given to an unrelated minor child for more than 4 weeks during a calendar
3120 year.

3121

3122 **Home Occupation**

3123 An occupation conducted solely by members of a family residing on the premises.

3124

3125 **Junk Yard**

3126 A place, structure, or parcel of land where junk, discarded waste, salvage, or
3127 similar materials such as old iron or other metal, wood, lumber, glass, paper, rags,
3128 cloth, bagging, cordage, barrels, containers, etc., are bought, sold, exchanged,
3129 baled, packed, disassembled, stored, including auto wrecking yards, used lumber
3130 yards, house wrecking yards, and places or yards for use of salvaged house
3131 wrecking and structural steel materials and equipment.

3132

3133 **Kennel**

3134 Any premises where four (4) or more licensable dogs are maintained, or boarded
3135 for gain or are kept for the purpose of sale.

3136

3137 **Land Fill**

3138 A solid waste disposal area as defined by the rules and regulations promulgated
3139 by the State of Michigan in accordance with Public Act No. 641 the Solid Waste
3140 Management Act of 1978, as amended.

3141

3142 **Loading Space**

3143 An off-street space on the same lot with a building, or group of buildings, for the
3144 temporary parking of a vehicle while loading and unloading merchandise or
3145 materials

3146

3147 **Lot**

3148 A parcel of land which is a part of a subdivision and is shown on a map thereof, or
3149 described by metes and bounds.

3150

3151 **Lot, Corner**

3152 A corner lot is a lot of which at least two adjacent sides abut for their full length
3153 upon a road, provided that such sides intersect at an angle of not more than 135
3154 degrees. A lot abutting upon a curved road or roads shall be considered a corner
3155 lot if the tangents to the curve at its points of beginning within the lot intersect at
3156 an interior angle of not over 135 degrees. In the case of a corner lot with a curved
3157 road line the corner shall be considered to be that point on the road lot line nearest
3158 to the point of intersection of the tangents here described.

3159

3160 **Marihuana**

3161 Also known as marijuana or cannabis. That term shall have the meaning given to
3162 it in the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 *et*
3163 *seq.* Any other term pertaining to marihuana used in this ordinance and not
3164 otherwise defined shall have the meaning given to it in the Michigan Medical
3165 Marihuana Act, Michigan Regulation and Taxation of Marihuana Act, and/or in the
3166 rules issued in connection with those Acts.

3167

3168 **Marijuana Establishment**

3169 An enterprise at a specific location at which a licensee is licensed to operate under
3170 the Michigan Regulation and Taxation of Marihuana Act, including a marihuana
3171 grower, marihuana safety compliance facility, marihuana processor, marihuana
3172 microbusiness, marihuana retailer, marihuana secure transporter, or any other
3173 marihuana-related business licensed under the Michigan Regulation and Taxation
3174 of Marihuana Act.

3175

3176 **Media**

3177 Anything printed or written, or any picture, drawing, photograph, motion picture,
3178 film, videotape or videotape production, or pictorial representation, or any electrical
3179 or electronic reproduction of anything that is or may be used as a means of
3180 communication. Media includes but shall not necessarily be limited to books,
3181 newspapers, magazines, movies, videos, sound recordings, CD, other magnetic
3182 media, and undeveloped pictures.

3183

3184 **Media shop**

3185 A general term, identifying a category of business that may include sexually
3186 oriented material but that is not subject to the special provisions applicable to adult
3187 media shops. In that context, media shop means a retail outlet offering media for
3188 sale or rent, for consumption off the premises provided that any outlet meeting the
3189 definition of adult media shop shall be treated as an adult media outlet

3190

3191 **Medical Use of Marihuana.**

3192 The acquisition, possession, cultivation, manufacture, use, internal possession,
3193 delivery, transfer, or transportation of marihuana or paraphernalia relating to the
3194 administration of marihuana to treat or alleviate a registered qualifying patient's
3195 debilitating medical condition or symptoms associated with the debilitating medical
3196 condition, as defined under the Michigan Medical Marihuana Act, P.A. 2008,
3197 Initiated Law, MCL333.26423(d).

3198

3199 **Mobile Home**

3200 A titled structure, which is built on a chassis and designed for minimal conveyance
3201 upon a public thoroughfare; and is constructed in such a manner as will permit
3202 occupancy thereof as a permanent dwelling.

3203

3204 **Mobile Home Park**

3205 A parcel of land upon which three or more mobile homes are located for dwelling
3206 purposes.

3207

3208 **Motel**

3209 An establishment where individual rooms or suites are rented to transients and
3210 shall not be construed to be a multiple dwelling.

3211

3212 **Nonconforming Use**

3213 The use of land or structures that does not conform to the regulations of the District
3214 in which it is situated.

3215
3216
3217
3218
3219
3220
3221
3222
3223
3224
3225
3226
3227
3228
3229
3230
3231
3232
3233
3234
3235
3236
3237
3238
3239
3240
3241
3242
3243
3244
3245
3246
3247
3248
3249
3250
3251
3252
3253
3254
3255
3256
3257
3258
3259
3260
3261

Open Spaces

See Section 11.12

Parcel of Land

Land under one ownership.

Permitted Use

A use specified in a zoning district allowed by right.

Premises

A parcel of land together with the buildings thereon.

Primary Caregiver

Means a person qualified under the Michigan Medical Marihuana Act, and the rules promulgated therefore, to assist with a patient’s medical use of marihuana, and authorized under the MMMA to operate as a Primary Caregiver.

Primary Caregiver Operation

The cultivation, storage, or distribution of medical marihuana by a Primary Caregiver in accordance with the Michigan Medical Marihuana Act, Initiated Law 1 of 2008.

Ponds

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

Private Road

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

Public Road

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

Residential Wind Energy Conversion Facility (“RWECF”)

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

- A. “Fall Zone” means the potential fall area for the RWECF. It is a measure by using 110% of the total height as the radius around the center point of the base of the tower.

- 3262
3263 B. "Meteorological Tower (MET tower)" includes the tower, base plate,
3264 anchors, guy wires and hardware, anemometers, wind direction vanes,
3265 booms to hold equipment, data loggers, instrument wiring, and any
3266 telemetry devices that are used to monitor or transmit wind flow and wind
3267 speed characteristics over a period of time to give wind information at a
3268 given location.
3269
3270 C. "NET Metering" means the difference between the electricity supplied over
3271 the electric distribution system to the property and the electricity generated
3272 and fed back into the distribution system of Consumers Electric.
3273

3274 **Right of Way**

3275 A public or private thoroughfare or easement of access including waterways.
3276

3277 **Right of Way Line**

3278 The established right-of-way line or if not established shall be thirty-three (33) feet
3279 from the center of the road.
3280

3281 **Road or Street**

3282 A public or private thoroughfare used for vehicular travel.
3283

3284 **Rooming House**

3285 A dwelling in which rooms are rented to 1 or more persons.
3286

3287 **Service Stations**

3288 Any area of land including the structures thereon, that is used or designed to be
3289 used for the retail supply of gasoline, oil, other fuels and which may include
3290 facilities used or designed to be used for polishing, greasing, washing, spraying,
3291 dry cleaning, cleaning or servicing such motor vehicles, including towing service.
3292

3293 **Sexually Oriented Business**

3294 An inclusive term used to describe collectively: adult cabaret, adult motion picture
3295 theater; adult media store; bathhouse; massage shop; modeling studio and/or sex
3296 shop. This collective term does not describe a specific land use and should not be
3297 considered a single-use category.
3298

3299 **Sexually Oriented Toys or Novelties**

3300 Instruments, devices, or paraphernalia either designed as representations of
3301 human genital organs or female breasts, or designed or marketed primarily for use
3302 to stimulate human genital organs.
3303

3304 **Sign**

3305 Any device, fixture, placard or structure, including its component parts, which
3306 draws attention to an object, product, place, activity, opinion, person, institution,
3307 organization, or place of business, or which identifies or promotes the interests of
3308 any person and which is to be viewed from any public street, road, highway, right-

3309 of-way or parking area (collectively referred to as a “public area”). Signs do not
3310 include cemetery markers, vending machines, mailboxes, seasonal decorations,
3311 or a building's permanent architectural feature. Specific signs are defined as
3312 follows:

- 3313
- 3314 A. “Billboard” means any free-standing sign on a parcel of land which does not
3315 include another principal structure.
- 3316
- 3317 B. “Freestanding Sign” means a sign supported from the ground by one or
3318 more poles, posts, or similar uprights, with or without braces.
- 3319
- 3320 C. “Temporary Sign” means a sign intended for a use not permanent in nature.
- 3321
- 3322 D. “Wall Sign” means a sign fastened to or painted on the wall area of a
3323 building or structure that is confined within the limits of the wall with the
3324 exposed face of the sign in a plane approximately parallel to the plane of
3325 such wall.

3326
3327

Storage shed

3328 A small structure, including shipping containers less than 200 sq. ft, with four
3329 enclosed side walls, a peaked roof, or a single sloped roof (such as a potting shed),
3330 and the roof will have a minimum of 15 degree of roof pitch regardless of shed
3331 style. A shed may or may not be built from a prepackaged kit and may or may not
3332 be located on a concrete slab or be anchored. A storage shed shall have maximum
3333 floor dimension of 200 square feet, overhang of less than 1 foot on a side, and be
3334 a maximum of 10 feet 6 inches tall from grade. Note: Larger overhangs than 1
3335 foot per side is permitted but the excess will count as part of the total maximum
3336 ground dimension of 264 square foot. Storage sheds must be positioned and
3337 designed to be portable or movable if conditions require. Storage Sheds described
3338 here are not considered accessory buildings as defined in Jerome Township
3339 Ordinance and do not require a building permit, if they meet all requirements set
3340 forth in this ordinance. Storage Shed “like structures” with a floor area of less than
3341 25 square feet (i.e. 5 foot X 5 foot) some examples of which are (but not limited
3342 to) very small storage units, children bus shelter, wood box, dog house, etc. are
3343 exempted from the requirements of this ordinance and do not require a building
3344 permit.

3345
3346

Structure

3347 Any combination of materials to form any type of construction whatsoever. Some
3348 examples of structures include but are not limited to; sheds, fences, signs, and
3349 decks.

3350
3351

Special Use

3352 A use specified in a zoning district only allowed following required review, see
3353 Article X.

3354

3355 **Tower**
3356 Any structure which its principal or secondary purpose is to mount or support one
3357 or more wireless communication antennas.
3358

3359 **Tourist Home**
3360 A dwelling in which overnight accommodations are rented to transient guests.
3361

3362 **Variance**
3363 A modification of the specific regulations of this ordinance granted by resolution of
3364 the Board of Appeals in accordance with the terms of this ordinance.
3365

3366 **Wind Turbine**
3367 A device that converts kinetic energy into rotational energy that drives an electrical
3368 generator. A wind turbine typically consists of a tower, nacelle body, and a rotor
3369 with two or more blades.
3370

3371 A. "Flicker" means the moving shadow created by the sun shining on the
3372 rotating blades of the wind turbine. (It is a potential health hazard to
3373 epileptics etc.).
3374

3375 B. "Height" means the height of a wind turbine measured from existing average
3376 grade to the tip of the rotor at its highest point or blade tip height.
3377

3378 C. "Shadow" means the outline created on the surrounding area by the sun
3379 shining on the wine turbine.
3380

3381 **Wireless Communication Facilities**
3382 All structures and accessory facilities relating to the use of radio frequency
3383 spectrum for the purpose of transmitting or receiving radio signals. This may
3384 include, but shall not be limited to, radio towers, television wireless towers,
3385 telephone devices and exchanges, microwave relay facilities, telephone
3386 transmission equipment building and private and commercial mobile radio service
3387 facilities. Not included within this definition are: citizen band radio facilities; short
3388 wave receiving facilities; amateur radio facilities; non-commercial satellite dishes;
3389 and governmental facilities which are subject to state or federal law or regulations
3390 which preempt municipal regulatory authority.
3391

3392 A. "Attached Wireless Communications Facilities" shall mean wireless
3393 communication facilities that are affixed to existing structures, such as
3394 existing buildings, towers, water tanks, utility poles, and the like. A wireless
3395 communication support structure, proposed to be newly established, shall
3396 not be included within this definition.
3397

3398 B. "Wireless Communication Support Structures" mean structures erected or
3399 modified to support wireless communication antennas. Support structures
3400 within this definition include, but shall not be limited to mono-poles, lattice

3401 tower, light poles, wood poles, and guyed towers, or other structures which
3402 appear to be something other than a mere support structure.

3403

3404 **Yard, Front**

3405 An unoccupied space between the road right-of-way and the front building line.

3406

3407 **Yard, Rear**

3408 An unoccupied space between the rear property line and the rear building line.

3409

3410 **Yard, Side**

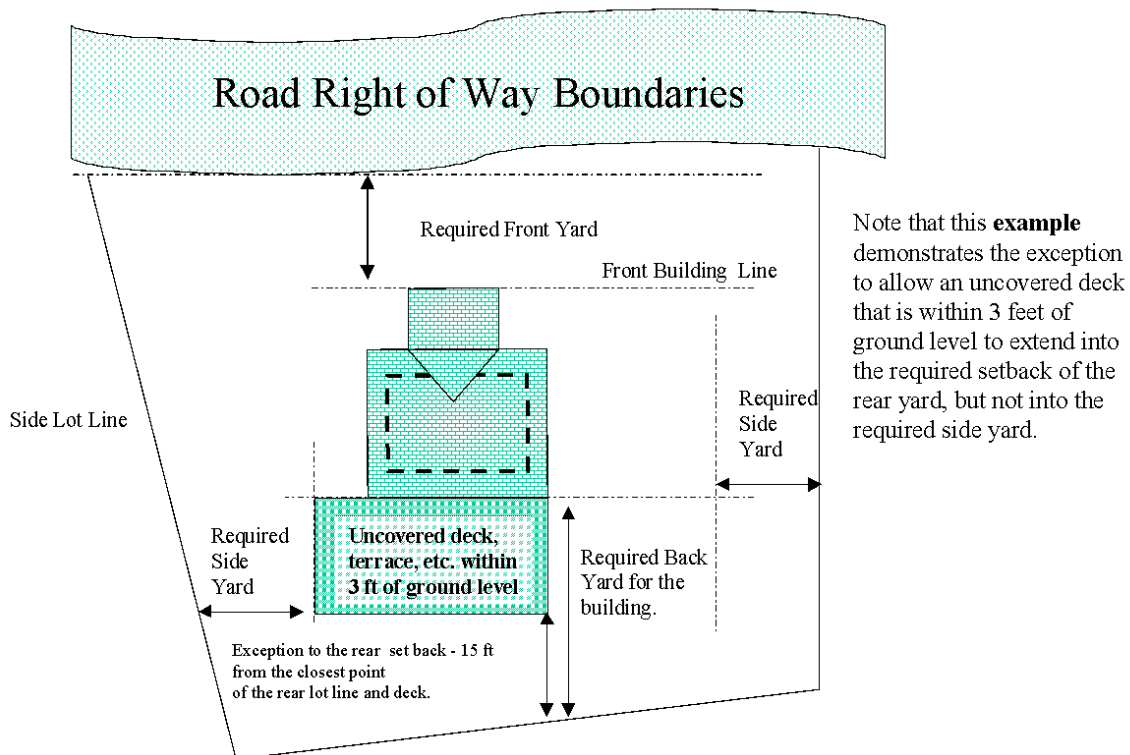
3411 An unoccupied space between the side building line and the adjacent side property
3412 line.

3413

3414 **Yard Requirements** – permitted projection into required yard requirement:

3415 An open unenclosed and uncovered porch, paved terrace, or deck within 3 feet of
3416 ground level, may project no further than 10 feet in the required front yard nor more
3417 than 15 ft into the required back yard. No projection into the side yard requirement
3418 is permitted. Any porch, terrace, deck, or balcony, which is enclosed, shall meet
3419 the minimum set back requirements of the main building or accessory building to
3420 which it is attached. Sidewalks and driveways at ground level have no set back
3421 requirement within the property boundary.

Yard Projection Example - Uncovered Deck in Rear Yard



3422

3423 **Undefined Terms**

3424 Any term not defined herein shall have the meaning of common or standard
3425 use.