

# TOMPKINS TOWNSHIP ZONING ORDINANCE

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## ZONING ORDINANCE

### ARTICLE 1-----TITLE

This Ordinance shall be known and may be cited as the "Tompkins Township Zoning Ordinance".

### ARTICLE 2-----Purpose

This ordinance is enacted to preserve and promote the public health, safety, and general welfare, and for the following more specific purposes:

- To protect and enhance the value of land and buildings;
- To limit the improper use of land and buildings;
- To regulate the location, size and use of buildings;
- To assure adequate provisions for safe water supply and sanitary sewage disposal; and,
- To conserve the natural resources and property values, public and private, in accordance with their character and adaptability.

### ARTICLE 3-----ESTABLISHMENT AND TYPES OF DISTRICTS

#### 3.01 Official Zoning Districts

For the purpose of this Ordinance the Township of Tompkins is divided into the following districts:

- AGOS - - Agriculture and Open Space
- AG - - Agriculture District
- RS - - Suburban Residential District
- RMH - - Mobile Home Park District
- B4 - - General Business District
- OSP - - Open Space Preservation Overlay District

As such, they are shown on the Official Zoning Map, which, together with all explanatory matter thereon, is adopted by reference and declared to be a part of this Ordinance.

#### 3.02 Rules for Interpretation of District Boundaries

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

3.02-1 Boundaries indicated as approximately following the centerlines of highways, streets, railroads or streams shall be construed to follow such centerlines.

3.02-2 Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

3.02-3 In unplatted property, boundaries indicated as approximately following property line, or section lines shall be construed to follow such property lines.

3.02-4 Boundaries indicated as following shore lines shall be construed to follow such shore lines.

3.02-5 Boundaries obviously not coinciding with center lines, lot lines, property lines, section lines, or other designated lines shall be determined by the scale of the Official Zoning Map.

3.02-6 Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections 3.02-1 through 3.02-4, the Board of Appeals shall interpret the district boundaries.

## ARTICLE 4-----REGULATIONS APPLYING TO ALL DISTRICTS

The regulations set by this ordinance, within each district, shall be minimum regulations and shall apply uniformly as provided:

### 4.01 Use of Land and Building Conform to Regulations

No building, structure, or land shall hereafter be used or occupied, and no building, structure or part thereof shall hereafter be erected, constructed, moved or structurally altered unless in conformity with all of the regulations herein specified for the District in which it is located.

### 4.02 Yard Area Regulations

No building or other structure shall be hereafter erected or altered to (A) accommodate or house a greater number of families; (B) to occupy a greater percentage of lot area; (C) to have narrower or smaller front yards, rear yards, or other open spaces than required for the district in which such building or other structure is located.

### 4.03 Required Yard or Lot Cannot Be Reduced

No yard or lot existing at the effective date of this Ordinance shall be reduced in dimension or area below the minimum set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements for the district in which such yards or lots are located.

### 4.04 Limitations on External Effects of Use

All uses established or placed in operation in any Zoning District after the effective date of this Ordinance shall comply forthwith with the following limitations:

#### 4.04-1 Control of Heat, Glare, Fumes, Dust, Noise and Vibration

Every use shall be so operated that it is not obnoxious or dangerous by reason of heat, glare, fumes, dust, noise or vibrations beyond any boundary line of the lot or parcel land on which the use is located.

#### 4.04-2 Outdoor Storage and Waste Disposal

- A. All outdoor storage facilities shall be enclosed by a fence or wall adequate to conceal such facilities from adjacent property.
- B. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by rodents or

insects, shall be stored outdoors only in enclosed containers and screened from the street and adjacent property.

- C. No materials or wastes shall be deposited on the premises in such a form or manner that they may be transferred by natural causes or forces.
- D. Waste materials shall not be allowed to accumulate on the premises in such manner as to be unsightly, constitute a fire hazard or contribute to unsanitary conditions.

#### 4.05 Essential Services

The erection, construction, alteration or maintenance by public or municipal departments or commissions, of overhead or underground gas, electrical, steam, or water, distribution or transmission systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, electrical substations, gas regulator stations, telephone exchange buildings, public utility buildings and other similar equipment and accessories in connection therewith, reasonable necessary for the furnishing of adequate service by such public utility or municipal department or commission or for the public health or safety or general welfare, shall be permitted as authorized or regulated by law and other ordinance of the Township of Tompkins in any use district, it being the intention hereof to except such erection, construction, alteration, and maintenance from the application of this Ordinance. Notwithstanding the preceding exceptions:

4.05-1 Electrical substations and/or gas regulator stations shall be provided with an enclosing fence or wall at least six (6) feet high and adequate to obstruct passage of persons or materials.

4.05-2 Public utility buildings when located in any RS district shall not include maintenance shops, repair garages or storage yards as a principal or accessory uses.

4.05-3 Public utility facilities in any district are required to be constructed and maintained in a neat and orderly manner and any buildings required shall conform with the general architecture of the neighborhood.

#### 4.06 Prohibited Uses

Any use in any Zoning district within Tompkins Township, unless specifically listed for the particular district, shall be considered as a prohibited use. An amendment to this Ordinance is necessary to permit such use to become a permitted use in the district.

#### 4.07 Control of Public Waters

The contamination of any public waters within Tompkins Township is expressly prohibited. The diversion or obstruction of any public waters within Tompkins Township is expressly prohibited without the written approval of the Township Board.

#### 4.08 Sewage Disposal

Where waste from septic tanks, cesspools or dry wells are disposed of, other than through a public sewage disposal system, the location of the disposal area shall be not less than 200 yards from any residence, a public or private business, public highway and public gathering place, and further, such disposal shall have the written approval of the property owner.

#### 4.09 Limitation of Number of Single and Two-Family Dwellings on a Lot

No more than two (2) single-family dwellings may be established on an individual lot. Where more than one (1) single-family dwelling is established on an individual lot, each single-family dwelling shall be located in such a manner that the lot later could be subdivided so that each single-family dwelling was on a separate lot in conformance with all minimum lot area, front yard, side yard, rear yard and other requirements of this Ordinance. Prior to issuing a Zoning Compliance Permit for more than one (1) single-family dwelling upon an individual lot, the Zoning Administrator shall be furnished with a sketch or map showing compliance with this requirement.

No more than one (1) two-family dwelling, where permitted in a zoning district, shall be allowed on an individual lot. A single-family dwelling and a two-family dwelling shall not be allowed on the same lot.

#### 4.10 Garage Sale/Yard Sale Regulations

Garage Sales, yard sales and similar activities may be held as an accessory use to a dwelling in any zoning district, subject to the following regulations:

- A. Such sales shall be held not more than two times per year per lot.
- B. Such sale shall not exceed three days in length.
- C. Only normal household personal property and residential goods owned by a resident of the lot where the sale is occurring, or by a neighbor, may be sold.
- D. Within 24 hours of the close of the sale all items not sold or being held for pickup shall be placed inside a fully enclosed building.



- E. Within 24 hours of the close of the sale the owner of the lot where the sale was located shall collect and properly store or dispose of all signs or other advertising materials relating to the sale.

#### 4.11 Building Upon Private Roads

The following standards shall apply whenever any application is received for a building permit for construction of any principal building upon an unplatted parcel of land which does not have at least 66-feet of frontage upon a public road.

- A. "Private Road" shall be defined as including a road or driveway which provides access to a dwelling or other principal structure, where the parcel upon which the structure is located does not have at least 66-feet of frontage upon a public road.
- B. No building permit shall be issued for construction of a dwelling or other principal structure upon an unplatted parcel which does not have at least 66-feet of frontage upon a public road unless the applicant shall, prior to the issuance of such building permit, comply with the following standards:
  - 1. A survey of the parcel shall be submitted, showing the required minimum frontage. Lot area, front setback line and yard requirements as provided in each zoning district shall be fully complied with.
  - 2. Evidence that the private road is located upon a right of way or a recorded easement of at least 66 -feet of width or wider, dedicated to the public or deeded to the public for purposes of ingress and egress, shall be provided. Acceptance of such an easement or dedication for this purpose by the Township or the Jackson County Road Commission shall not create an obligation of the public body to maintain the road.
  - 3. If, at the time of the application for such building permit, the private road provides the sole means of access to two or more existing principal buildings, evidence that the private road complies with all of the following minimum standards shall be submitted before a building permit is issued for construction of a dwelling or other principal structure:
    - a. The driving surface shall be a minimum of 14 -feet wide, with 6" of MDOT 22A specification aggregate upon a compacted base. Shoulders at least 4-feet wide shall be provided on each side of the driving surface.

- b. The road shall be graded to provide drainage to each side to prevent the accumulation of water upon the driving surface and shoulders. Cross culverts shall be provided where required to prevent storm water from flowing across the road.
  - c. Grades shall not exceed 7 percent at any point.
  - d. In cut or fill areas, slopes shall commence beyond the shoulders and shall not be steeper than 1 vertical to 2 horizontal. Slopes shall be seeded to prevent erosion. Granular sub-base shall be provided in all fill areas.
  - e. All tree stumps shall be removed from beneath the driving surface and shoulders. Tree stumps in fill areas may be buried.
  - f. Horizontal road curves shall have a 50-foot radius to the center line of the road and a 50-foot diameter cul-de-sac shall be provided within the right of way where a private road dead ends, surfaced with 6" of MDOT 22A specification aggregate upon a compacted base.
  - g. Evidence shall be submitted that such private road has been named, and the name of such road has been accepted by the Township, and the dwelling or principal structure for which a building permit is sought will be designated by a number so as to facilitate fire protection and other emergency services.
4. Evidence shall be provided that the structure for which a building permit is sought shall be constructed in full compliance with all of the setback requirements of the Tompkins Township Zoning Ordinance.
- C. None of the costs incurred to comply with the standards of this Section shall be borne by Tompkins Township. Every applicant for a building permit who is required to show compliance with the requirements of this section shall be required to reimburse the Township for actual costs of inspections and reviews necessary to determine compliance with these standards. The applicant shall pay such costs to the Township before a building permit is issued.
- D. These standards of construction for private roads shall not apply where a building permit is sought for construction of a principal building upon a lawful nonconforming lot of record (See Section 7.01).

- E. These standards of construction for private roads shall not apply to private roads serving a plat or site condominium development. Those private roads shall instead be subject to the standards set forth in the Tompkins Township Subdivision/Site Condominium Ordinance.

## ARTICLE 5----REGULATIONS GOVERNING NON-CONFORMING USES

### 5.01 Intent

Within the districts established by this Ordinance or amendments that may later be adopted, there exists lots, uses of land and structures which were lawful before this Ordinance was passed or amended, and such may be continued under certain conditions although such use does not conform with the provisions of this Ordinance.

### 5.02 Repair and Maintenance

On any building devoted to a non-conforming use, work may be done in any period of twelve consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, to an extent not to exceed seventy-five (75) per cent of the current replacement value of the building, provided that the cubic content of the building as it existed at the time of the passage or amendment of this Ordinance shall not be increased. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring, to a safe condition, of any building or part thereof.

### 5.03 Reconstruction of Non-conforming Buildings

Should any building devoted to a non-conforming use be damaged by any means it may be reconstructed provided that the cubic content of the building as it existed at the time of the passage or amendment of this Ordinance shall not be increased.

### 5.04 Abandonment

Whenever a non-conforming use of land or a non-conforming use of a building and premises in combination is discontinued for a period of six (6) consecutive months it shall constitute abandonment, and shall not thereafter be used except in conformance with the regulations of the district in which it is located.

### 5.05 Extension of Uses

Extension of any non-conforming use of land or throughout a building, or addition to any nonconforming building, or the extension of any non-conforming use may be granted by the Board of Appeals on written application filed with the Township Clerk. Said Board may hold a public hearing upon such application. If it shall appear that the proposed extension shall not be in accord with Article 2, then such application shall be denied.

### 5.06 Conditional Uses Not Authorized--Not Non-conforming Uses

Any use for which a conditional use authorization is granted by the Planning Commission as provided for in this Ordinance shall not be deemed in this case a non-

conforming use, but shall without further action be deemed a conforming use in such district.

## ARTICLE 6 ZONING DISTRICTS: INTENT, USES AND REGULATIONS

### 6.00 AGOS Agricultural and Open Space District

#### 6.00-1 Intent of District

This district is composed of large open land areas primarily devoted to general farming and other agricultural purposes or lying vacant because of soils which are either inappropriate or incapable of supporting development. The regulations are designed to protect, maintain, and preserve agricultural areas in the Township which are or may be exceptionally productive and to protect, maintain, and preserve areas which have soils which are unsuitable for development. It is the intent of this district to assure a low density of development in these areas.

#### 6.00-2 Permitted Uses

No land shall be used or occupied and no structure shall be designed, erected, moved, altered, used or occupied except for either one of several of the Uses by Right and Lawful Accessory Uses thereto or for one or several of the following Conditional Uses:

##### A. Uses By Right

1. Churches, community centers, schools, and cemeteries.
2. Single family dwellings.
3. Farming and the usual buildings for general or specialized types including fruit, truck gardening, poultry, dairying, forestry plantings, horse breeding, apiaries, greenhouses, nurseries, and portable saw mills.
4. Repealed.
5. Municipal buildings including storage yards and garages.
6. Public parks, fishing sites, wildlife refuges, and public conservation clubs and camps.
7. Roadside market stands offering for sale primarily the products produced or processed on the premises \*but not including commercial slaughtering. No signs shall be erected other than on the premises where such products are for sale.

B. Accessory Uses

1. Any accessory uses or structure clearly incidental to the operation of the use by right.
2. Home occupations provided such are limited to antiques, dressmaking, beauty shops, hobby-woodworking shop, furniture repair, music-art instruction and photography, and further provided,
  - (a) the operation is within the dwelling or an existing building and carried on only by the person or persons maintaining residence on the premises,
  - (b) not more than 400 square feet of the dwelling or accessory building is utilized by the occupation and
  - (c) only one non-illuminated name plate may be used to indicate external evidence of the occupation.
3. The outside storage of not more than one (1) unoccupied camp or travel trailer on the premises.
4. Permanent swimming pool, used solely for the enjoyment of the occupants, or guests of the principal user of the property, provided that it shall be not less than twenty (20) feet from the property line on which located. Such swimming pool, or the entire property on which it is located, shall be so walled, fenced and screened as to prevent uncontrolled access from the street and adjoining properties.
5. Accessory solar energy systems (Subject to Sec. 7. 11-13).

C. Conditional Uses Requiring Planning Commission Authorization

Provided all provisions of Section 7.10 governing the application for Conditional Use Permits are fully complied with, the following conditional uses will be permitted:

1. Private parks, golf clubs, hunting clubs, riding stables, camping grounds and similar recreation uses operated for gain.

2. Kennels including the boarding, breeding and training of dogs, provided any kennel runways or yards shall be at least two hundred (200) feet from all adjoining property lines.
3. Concentrated animal feeding operations.
4. Livestock and other types of auction yards and buildings, provided no yards or structures shall be less than five (500) feet from any dwelling and adequate parking space is provided.
5. Billboards (see Section 7.06).
6. The parking and use for residence of not more than two (2) mobile homes on a parcel of land in addition to the principal residence thereon, subject to the conditions that such mobile homes (1) be occupied in connection, and incidental to, the operation of a farm and (2) the mobile homes satisfy the standards for single family dwellings set forth in Section 14.09-1.
7. Removal and/or processing of sand, gravel or rock, provided any power machinery used in the removal or processing operations shall be at least four hundred (400) feet from all adjoining property lines.
8. Animal and/or bird farms other than the domesticated type, provided that any structure, pens and yards in which such animals or birds are kept shall be at least two hundred (200) feet from all adjoining property lines.
9. Nursing homes, homes for the aged and child care homes wherein there are four (4) or more persons, provided,
  - a. The principal building used therefor shall be not less than fifty (50) feet from any other premises
  - b. Floor space per person shall be not less than fifty (50) square feet and,
  - c. The outdoor activity-area for each person shall be not less than seventy-five (75) square feet with the total area required fenced and screened from adjoining property or abutting highway.
10. Private Non-Commercial Airstrips operated on residentially used property, subject to the following conditions:



- a. The private airstrip shall be located so that the center line of the airstrip is at least:
  - (1) 300 feet from the property lines of the premises upon which the airstrip is located.
  - (2) 300 feet from all public roadways, railroad tracks and dwellings other than the dwelling on the premises upon which the airstrip is located.
  - (3) 500 feet from any building or structure intended for the congregation of people.
  
- b. The ends of the private airstrip shall be located so that each end is at least:
  - (1) 300 feet from the property lines of the premises upon which the airstrip is located.
  - (2) 500 feet from all public roadways and railroad tracks.
  - (3) 600 feet from any dwelling other than the dwelling on the premises upon which the airstrip is located.
  - (4) 600 feet from any building or structure intended for the congregation of people.
  
- c. The private airstrip shall not materially adversely affect the use and enjoyment of adjoining properties or constitute a safety hazard to adjoining properties.
  
- d. The private airstrip shall be used solely for the private aircraft of the person(s) residing on the premises on which the airstrip is located.
  
- e. No commercial use shall be made of the private airstrip.
  
- f. The information provided by the applicant for a conditional use permit for a private airstrip shall include an accurate scale drawing showing the location and dimensions of the proposed airstrip and the setback distances of the proposed airstrip from (1) adjoining property lines, (2) wires and poles on the

subject property or abutting properties, and (3) all roads, railroad tracks, dwellings and other buildings intended for the congregation of people that are located within 600 feet of the proposed airstrip.

11. Large solar energy system (permitted with conditional use approval) (Subject to Sec. 7.11-4).

#### 6.00-3 Lot Area and Yard Requirements

##### A. Lot Area

The minimum lot area for any dwelling or other Use by Right building hereafter erected shall not be less than two (2) acres and the width of such lot at the required front setback line for any such structure shall be not less than two hundred fifty (250) feet.

##### B. Yards for All Principal Structures

1. Front Yard - Every lot shall be provided with a front yard of not less than fifty (50) feet in depth from the highway right-of-way line.
2. Side Yard Width - Every lot shall be provided with two (2) side yards and each side yard shall be at least fifty (50) feet in width. Detached garages or other accessory buildings when erected shall not be nearer than six (6) feet from the side lot line.
3. Rear Yard - Every lot shall be provided with a rear yard of not less than one hundred feet in depth. Detached garages or other accessory buildings, when erected, shall not be nearer than twenty-five (25) feet from the rear lot line.

#### 6.00-4 Permitted Signs

The provisions of Article 7, Section 7.06 shall be in full force and effect in this district.

#### 6.00-5 Off -Street Parking and Loading Requirements

The provisions of Article 7, Section 7.07 and 7.08 shall be in full force and effect in this district.

#### 6.00-6 General Requirements

For regulations applicable to all districts within the Township, see Article 4.

6.00-7 Supplemental Regulations

For other regulations, any exceptions or modifications applicable to this district, see Article 7.

6.00-8 Building Permits

A building permit shall be required for all dwellings, buildings, or structures incidental to the use of lands in this district.

6.00-9 Minimum Dwelling Size

The provisions of Article 14, Section 14.08 shall be in full force and effect in this district.

## 6.01 AG Agricultural

### 6.01-1 Intent of District

This district is composed of large open land areas devoted to general farming, dairying, livestock, truck crops and an increasing number of non-farm homes. The regulations are designed to retain the open character of the land and to that end the uses are limited to farming, enterprises associated with modern farming operations, rural residence, community service buildings and recreational uses.

### 6.01-2 Permitted Uses

No land shall be used or occupied and no structure shall be designed, erected, moved, altered, used or occupied except for either one or several of the following Uses by Right and Lawful Accessory Uses thereto or for one or several of the following Conditional Uses:

#### A. Uses By Right

1. Churches, community centers, schools and cemeteries
2. Dwelling: one, two and multiple family.
3. Farming and the usual buildings for general or specialized types including fruit, truck gardening, dairying, poultry, forestry plantings, horse breeding, apiaries, greenhouses, nurseries and portable sawmills, provided any building or structure used for the shelter of animals shall be located at least two hundred (200) feet from all adjoining property lines.
4. Repealed.
5. Municipal buildings including storage yards and garages.
6. Public parks, fishing sites, wildlife refuges and public conservation clubs and camps.
7. Roadside market stands offering for primarily the products produced or processed on the premises but not including commercial slaughtering. No sign shall be erected other than on the premises where such products are for sale.

#### B. Accessory Uses

1. Any accessory use or structure clearly incidental to the operation of Use by Right.

2. Home occupations customarily conducted within dwellings or accessory buildings thereto, such uses as antique sales, dress-making, beauty shop, hobby/woodworking shop, furniture repair, music instruction and photography, real estate, accountant, and insurance offices, and appropriate similar uses provided:
  - a. The home occupation shall be conducted within the dwelling or within a building accessory thereto and carried on only by the inhabitants thereof,
  - b. The primary use of the property shall be residential and any structure used for the home occupation maintain the residential character of the area, and
  - c. Not more than one (1) sign be allowed, provided that the sign maintains the residential character of the area.
3. The outside storage of not more than one (1) unoccupied camping or travel trailer upon the premises.
4. Permanent swimming pool, used solely for the enjoyment of the occupants, or guests of the principal use of the property, provided it shall not be less than twenty (20) feet from the property line of the property on which it is located. Such swimming pool or the entire property on which it is located shall be so walled, screened, or fenced as to prevent uncontrolled access from the street or adjacent properties.
5. Accessory solar energy systems. (Subject to Sec. 7.11-3).

C. Conditional Uses Requiring Planning Commission Authorization:

Provided all provisions of Section 7.10 governing application for Conditional Use Permits are fully complied with, the following conditional uses will be permitted:

1. Private parks, golf clubs, hunting clubs, riding stables camping grounds and similar recreational uses operated for gain.
2. Kennels including the boarding, breeding and training of dogs, provided any kennel runways or yards shall be at least two hundred (200) feet from all adjoining property lines.

3. Junkyards used in whole or part for commercial purposes, provided that all storage and operations are conducted within an area either (1) at least 1500 feet from any public or private road or neighboring residential dwelling, or (2) fully screened from the view of persons standing on adjoining roads and the ground level of adjoining properties by natural objects, plantings, fences, or other appropriate means. A plan showing the type and location of such screening shall be approved by the Planning Commission as being in compliance with this screening requirement.
4. Contractor's equipment yards and offices.
5. Livestock and other types of auction yards and buildings, provided, no yards or structures shall be less than five hundred (500) feet from any dwellings or adjacent property lines and that adequate parking is provided for off the road.
6. Billboards (see Section 7.06).
7. The parking and use for residence of not more than two (2) mobile homes on a parcel of land in addition to the principal residence thereon, subject to the conditions that such mobile homes (1) be on a farm and occupied in connection with the farm's operation and (2) the mobile homes satisfy the standards for single family dwellings set forth in Section 15.09-1.
8. Removal and/or processing of sand, gravel or rock, provided any power machinery used in the removal of processing operations shall be at least four hundred (400) feet from all adjoining property lines.
9. Sanitary land fill and/or dumps may be operated, provided all wastes shall be deposited and covered in a form or manner which will not cause obnoxious odors, dust or materials to be transferred off the premises by natural causes or forces.
10. Animal and/or bird farms other than the domesticated type, provided that structures, pens and yards in which such animals and birds are kept shall be at least two hundred (200) feet from all adjoining property lines.
11. Radio and TV broadcasting towers and equipment.

12. Home occupations conducted within dwellings or accessory buildings thereto, including uses not described in Section 6.01-2B.2, provided:
  - a. The home occupation shall be conducted within the dwelling or within a building accessory thereto and carried on only by the inhabitants thereof,
  - b. The primary use of the property shall be residential and any structure used for the home occupation maintain the residential character of the area, and
  - c. Not more than one (1) sign, provided that the sign maintains the residential character of the area.
13. Nursing homes, homes for the aged and child care homes wherein there are four (4) or more persons, provided,
  - a. The principal building used therefor shall be not less than fifty (50) feet from any other premises;
  - b. Floor space per person shall be not less than fifty (50) square feet; and,
  - c. The outdoor activity area for each person shall be not less than seventy-five (75) square feet with the total area required fenced and screened from adjoining property or abutting highway.
14. Private Non-Commercial Airstrips operated on residentially used property, subject to the following conditions:
  - a. The private airstrip shall be located so that the center line of the airstrip is at least:
    - (1) 300 feet from the property lines of the premises upon which the airstrip is located.
    - (2) 300 feet from all public roadways, railroad tracks and dwellings other than the dwelling on the premises upon which the airstrip is located.
    - (3) 500 feet from any building or structure intended for the congregation of people.

- b. The ends of the private airstrip shall be located so that each end is at least:
    - (1) 300 feet from the property lines of the premises upon which the airstrip is located.
    - (2) 500 feet from all public roadways and railroad tracks.
    - (3) 600 feet from any dwelling other than the dwelling on the premises upon which the airstrip is located.
    - (4) 600 feet from any building or structure intended for the congregation of people.
  - c. The private airstrip shall not materially adversely affect the use and enjoyment of adjoining properties or constitute a safety hazard to adjoining properties.
  - d. The private airstrip shall be used solely for the private aircraft of the person(s) residing on the premises on which the airstrip is located.
  - e. No commercial use shall be made of the private airstrip.
  - f. The information provided by the applicant for a conditional use permit for a private airstrip shall include an accurate scale drawing showing the location and dimensions of the proposed airstrip and the setback distances of the proposed airstrip from (1) adjoining property lines, (2) wires and poles on the subject property or abutting properties, and (3) all roads, railroad tracks, dwellings and other buildings intended for the congregation of people that are located within 600 feet of the proposed airstrip.
15. Large solar energy system (permitted with conditional use approval) (Subject to Sec. 7.11-4).

### 6.01-3 Lot Area and Yard Requirements

#### A. Lot Area



The minimum lot area for any dwelling or other Use by Right building hereafter erected shall be not less than thirty thousand (30,000) square feet and the width of such lot at the required front setback line for any such structure shall be not less than one hundred fifty (150) feet.

B. Yards For All Principal Structures

1. Front Yard  
Every Lot shall be provided with a front yard of not less than fifty (50) feet in depth from the highway right-of-way line.
2. Side Yard Widths  
Every lot shall be provided with two (2) side yards and each shall be at least thirty (30) feet in width. On corner lots the side yard abutting the highway shall be at least fifty (50) feet. Detached garages or other accessory buildings when erected shall not be nearer than six (6) feet from the side lot line.
3. Rear Yard  
Every lot shall be provided with a rear yard of not less than fifty (50) feet in depth. Detached garages or other accessory buildings when erected shall not be nearer than six (6) feet from the rear lot line.

6.01-4 Permitted Signs

The provisions of Article 7, Section 7.06 shall be in full force and effect in this district.

6.01-5 Off-Street Parking and Loading Requirements

The provisions of Article 7, Section 7.07 & 7.08 shall be in full force and effect in this district.

6.01-6 General Requirements

For regulations applicable to all districts within the Township, see Article 4.

6.01-7 Supplemental Requirements

For other regulations any exceptions or modifications applicable to this district, see Article 7.

6.01-8 Building Permits

A building permit shall be required for all dwellings, buildings or structures incidental to the use of lands in this district.

## 6.02 RS--Residential Suburban District

### 6.02-1 Intent of District

This district is composed of lands suitable for suburban or rural residences, schools, churches and farming. Although large areas of this district are in farms and open areas the uses permitted and the regulations thereof are designed to encourage further residential growth and associated home or farm areas.

### 6.02-2 Permitted Uses

No land shall be used or occupied and no structure shall be designed, erected, moved or altered, used or occupied except for either one or several of the following Uses by Right and Lawful Accessory Uses thereto or for one or several of the following Conditional Uses:

#### A. Uses by Right

1. Churches, community centers, schools and cemeteries.
2. Dwellings; one, two and multiple family.
3. Farming and the usual buildings for general or specialized types, provided any building or structure used for the shelter of animals shall be located at least two hundred (200) feet from all adjoining property lines.
4. Municipal buildings including storage yards, providing the premises are fenced or screened by plantings from adjoining properties.
5. Public parks, fishing sites, public recreation areas including organized group camps.
6. Roadside market stands for sale of products produced on the premises. No sign shall be erected other than on the premises where such products are for sale.
7. Green houses, nurseries and tree farms.

#### B. Accessory Uses

1. Any accessory use or structure clearly incidental to the operation of the Use By Right.

2. Home occupations customarily conducted within dwellings or accessory buildings thereto, including such uses as antique sales, dress making, beauty shops, hobby/woodworking shop, furniture repair, music/art instruction and photography, real estate, accountant and insurance offices, and appropriate similar uses provided:
  - a. The home occupation shall be conducted within the dwelling or within a building accessory thereto and carried on only by the inhabitants thereof;
  - b. The primary use of the property shall be residential and any structure used for the home occupation maintain the residential character of the area, and;
  - c. Not more than one (1) sign, provided the sign maintain the residential character of the area.
3. The outside storage of not more than one (1) unoccupied camp or travel trailer upon the premises.
4. Permanent swimming pool, used solely for the enjoyment of the occupants, or guests of the principal use of the property, provided it shall be not less than twenty (20) feet from the property line of the property on which located, shall be so walled, fenced or screened as to prevent uncontrolled access from the street or adjoining properties.
5. Accessory solar energy systems (Subject to Sec. 7.11-3).

C. Conditional Uses Requiring Planning Commission Authorization

Provided all provisions of Section 7.10 governing application for Conditional Use Permits are fully complied with, the following conditional uses will be permitted:

1. Private parks, golf clubs, hunting clubs, riding stable, camp grounds and similar recreational uses operated for gain.
2. Kennels including the boarding, breeding and training of dogs, provided any kennel runways or yards shall be at least two hundred (200) feet from all adjoining property lines.
3. Nursing homes, homes for the aged and child care homes wherein there are four (4) or more persons, provided,

- a. The principal building used therefor shall be not less than fifty (50) feet from any other premises;
  - b. Floor space per person shall be not less than fifty (50) square feet; and,
  - c. The outdoor activity area for each person shall be not less than seventy-five (75) square feet with the total area required fenced and screened from the adjoining property or abutting highway.
4. Riding stables and/or dude ranches, provided,
    - a. That any structures used in connection therewith shall be located at least two hundred (200) feet from all adjoining property lines; and,
    - b. Bridle paths shall be made available on the premises, other private property or on nearby public lands.
  5. Removal of sand, gravel, or rock but not including the processing thereof, and further, provided that after such removal the land shall be restored to conditions suitable for development consistent with the Intent of District (Section 6.02-1).
  6. Veterinarian office, providing shelter, boarding or hospital care facilities or structures shall meet the same requirements as kennels in 6.02, C, 2 above.
  7. Contractors offices.
  8. Home occupations conducted within the dwelling or accessory building thereto, including uses not described in Section 6.02-2, B, 2, provided,
    - a. The home occupation shall be conducted within the dwelling or within a building accessory thereto and carried on only by the inhabitants thereof,
    - b. The primary use of the property shall be residential and any structure used for the home occupation maintain the residential character of the area, and,
    - c. Not more than one (1) sign, provided the sign maintain the residential character of the area.

9. Large solar energy system (permitted with conditional use approval) (Subject to Sec. 7.11-4).

#### 6.02-3 Lot Area and Yard Requirements

##### A. Lot Area

The minimum lot area for any one-family dwelling or other Use by Right building hereafter erected shall be not less than twenty thousand (20,000) square feet and the width of such lot at the required front setback line for any such structure shall be not less than one hundred twenty five (125) feet.

##### B. Yards For All Principal Structures

##### 1. Front Yard

1. Front Yard - Every lot shall be provided with a front yard of not less than fifty (50) feet in depth from the highway right-of-way line.

2. Side Yard Widths - Every lot shall be provided with two (2) side yards and each shall be at least fifteen (15) feet in width. On corner lots the side yard abutting the highway shall be at least fifty (50) feet. Detached garages or other accessory buildings when erected shall not be nearer than six (6) feet from the side lot line.

3. Rear Yard - Every lot shall be provided with a rear yard of not less than fifty (50) feet in depth. Detached garages or other accessory buildings when erected shall be not nearer than six (6) feet from the rear lot line.

#### 6.02-4 Permitted Signs

The provisions of Article 7, Section 7.06 shall be in full force and effect in this district.

#### 6.02-5 Off-Street Parking and Loading Requirements

The provisions of Article 7, Section 7.07 and 7.08 shall be in full force and effect in this district.

#### 6.02-6 General Requirements

For regulations applicable to all districts within the Township, see Article 4.

6.02-7 Supplemental Requirements

For other regulations, any exceptions or modifications applicable to this district, see Article 7.

6.02-8 Building Permits

A building permit shall be required for all dwellings, buildings or structures incidental to the use of lands in this district.

## 6.03 RMH - Mobile Home Park District

### 6.03-1 Intent of District

This district classification is designed to provide for well-located and properly developed areas to accommodate mobile home parks. This district classification is designed to provide for such use under appropriate standards to promote the health, safety and general welfare of the residents of such areas as well as the residents of adjoining premises. The area zoned for such purposes should be able to accommodate the increased traffic generated from such developments as well as the sanitary requirements of the same.

### 6.03-2 Permitted Uses

No land shall be used or occupied and no structure shall be designed, erected, moved, altered, used or occupied except for either one or several of the following Uses by Right and Lawful Accessory Uses thereto or for one or several of the following Conditional Uses:

#### A. Uses By Right

1. Mobile home parks, subject to the following conditions:
  - a. All mobile home parks shall comply with the requirements imposed by Michigan Public Act 96 of 1987 and any and all amendments thereto and with any and all regulations promulgated thereunder by the Michigan Mobile Home Commission and the Michigan Department of Public Health.
  - b. All mobile homes shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission.
  - c. All mobile homes shall have skirting manufactured and installed in compliance with the standards set forth in the rules and regulations of the Michigan Mobile Home Commission.
  - d. Preliminary plans for all new mobile home parks or expansions to existing mobile home parks must be submitted to and approved by the Planning Commission as being in compliance with the terms of this Ordinance and all applicable state statutes and regulations promulgated thereunder before

construction may commence. Application for preliminary plan approval shall be made by (1) filing seven copies of the preliminary plan with the Township Clerk and (2) paying a preliminary plan review fee as determined by resolution of the Township Board based upon the cost of processing the review and as shall be on file with the Township Clerk for public information.

The preliminary plan must consist of, but shall not be limited to, the following:

- i. the number and size of individual mobile home sites and the location of the streets;
  - ii. the proposed location and method of sewage treatment and disposal and appropriate supporting data;
  - iii. the source and location of the water supply and fire hydrants;
  - iv. the location of access to public roads;
  - v. drainage provisions;
  - vi. site features including all structures, outdoor recreational facilities, walkways, parking, signs, screening and street frontage;
  - e. Property which is subject to preliminary plan approval must be developed in strict compliance with the approved preliminary plan and any amendments thereto which have received the approval of the Planning Commission.
2. Farming and the usual buildings for general or specialized types, provided any building or structure used for the shelter of animals shall be located at least 200 feet from all adjoining property lines.
  3. Multiple family dwellings.
  4. Churches, community centers, schools and cemeteries.
  5. Municipal buildings including storage yards, providing the premises are fenced or screened by plantings from adjoining properties.



6. Public parks, fishing sites, wildlife refuges and public conservation clubs and camps.

B. Accessory Uses

1. Any accessory use or structure clearly incidental to the operation of the Use By Right.
2. Home occupations customarily conducted within dwellings or accessory buildings thereto, including such uses as antique sales, dress making, beauty shops, hobby/woodworking shop, furniture repair, music/art instruction and photography, real estate, accountant and insurance offices, and appropriate similar uses provided:
  - a. The home occupation shall be conducted within the dwelling or within a building accessory thereto and carried on only by the inhabitants thereof;
  - b. The primary use of the property shall be residential and any structure used for the home occupation maintain the residential character of the area, and;
  - c. Not more than one (1) sign, provided the sign maintain the residential character of the area.
3. The outside storage of not more than one (1) unoccupied camping or travel trailer upon the premises.
4. Permanent swimming pool, used solely for the enjoyment of the occupants, or guests of the principal use of the property, provided it shall be not less than 20 feet from the property line of the property on which located, shall be so walled, fenced or screened as to prevent uncontrolled access from the street or adjoining properties.
5. Accessory solar energy systems (Subject to Sec. 7.11-3).

C. Conditional Uses Requiring Planning Commission Authorization

Provided all provisions of Section 7.10 governing application for Conditional Use Permits are fully complied with, the following conditional uses will be permitted:

1. One and two family dwellings.

2. Removal of sand, gravel, or rock but not including the processing thereof, and further, provided that after such removal the land shall be restored to conditions suitable for development consistent with the Intent of District (Section 6.03-1).
3. Home occupations conducted within the dwelling or accessory building thereto, including uses not described in Section 6.03-2, B, 2, provided:
  - a. The home occupation shall be conducted within the dwelling or within a building accessory thereto and carried on only by the inhabitants thereof;
  - b. The primary use of the property shall be residential and any structure used for the home occupation maintain the residential character of the area, and;
  - c. Not more than one (1) sign, provided the sign maintain the residential character of the area.

#### 6.03-3 Lot Area and Yard Requirements

##### A. Lot Area

The minimum lot area for any one-family dwelling or other Use by Right or other Conditional Use building hereafter erected shall be not less than fifteen thousand (15,000) square feet and the width of such lot at the required front setback line for any such structure shall not be less than one hundred (100) feet. This minimum lot area requirement shall not apply to buildings in mobile home parks.

##### B. Yards For All Principal Structures (Applicable to All Uses By Right and Conditional Uses, except for Mobile Home Parks).

1. Front Yard - Every lot shall be provided with a front yard of not less than fifty (50) feet in depth from the highway right-of-way line.
2. Side Yard Widths - Every lot shall be provided with two (2) side yards and each shall be at least fifteen (15) feet in width. On corner lots the side yard abutting the highway shall be at least fifty (50) feet.
3. Rear Yard - Every lot shall be provided with a rear yard of not less than fifty (50) feet in depth. Detached garages or

other accessory buildings when erected shall be not nearer than six (6) feet from the rear lot line.

#### 6.03-4 Permitted Signs

The provisions of Article 7, Section 7.06 shall be in full force and effect in this district.

#### 6.03-5 Off Street Parking and Loading Requirements

The provisions of Article 7, Section 7.07 and 7.08 shall be in full force and effect in this district, except that they shall not apply to mobile home parks.

#### 6.03-6 General Requirements

For regulations applicable to all districts within the Township, see Article 4.

#### 6.03-7 Supplemental Requirements

For other regulations, any exceptions or modifications to this district, see Article 7. To the extent they are inconsistent with the requirements imposed by Michigan Public Act 419 of the 1976 and any and all amendments thereto and with any and all regulations promulgated thereunder by the Michigan Mobile Home Commission and the Michigan Department of Public Health, such supplemental requirements shall not be applicable to mobile home parks.

## 6.04 B4 General Business District

### 6.04-1 Intent of District

This district is composed of certain land and structures used to provide for the retailing and wholesaling of goods, to furnish services such as beauty shops, eating places and storage of goods. Under certain conditions it may provide for other uses and services including warehousing, trucking facilities and limited fabrication or processing of goods.

#### A. Uses By Right

1. Grocery store, meat market, drugstore, bakery, hardware, variety store, household furnishings, appliances, plumbing and heating shops, lumber yard, farm home equipment enterprises, and automotive sales and service.
2. Banks, barber and beauty shops, laundromat, garage, gasoline stations and gas service.
3. Restaurants, bowling alleys, cue parlors, drive-in restaurants, drive-in theaters and funeral homes.
4. Offices, motels and private clubs.
5. Municipal building, meeting halls, churches and lodges.
6. Mixing or blending of products including baked goods candy and ice cream, the canning and preserving of fruits and vegetables and the bottling and packaging of dairy products and soft drinks.
7. Clinics; medical and dental.

#### B. Accessory Uses

Any accessory use or structure clearly incidental to the operation of the Use By Right.

1. Accessory solar energy systems (Subject to Sec. 7.11-3).

#### C. Conditional Uses Requiring Planning Commission Authorization

Provided all provisions of Section 7.10 governing application for Conditional Use Permits are fully complied with, the following conditional uses will be permitted:

1. Custom butchering; wholesale and retail, provided any operation in connection therewith shall comply with the requirements of Act 228, P.A. of Michigan 1952 or any amendments thereto.
2. Billboards subject to Article 7, Section 7.06.
3. Tool and die shops, other fabrication of metals or plastics only to the extent of stamping, cutting, extruding or otherwise shaping and assembling processed materials into useful objects.
4. Removal of sand, gravel and rock and including crushing or aggregate screening operations, provided any structure housing power or power producing machinery used in the removal, crushing or screening operations shall be at least four hundred (400) feet distant from any property line.
5. Junkyards used in whole or part for commercial purposes, provided that all storage and operations are conducted within an area either (1) at least 1500 feet from any public or private road or neighboring residential dwelling, or (2) fully screened from the view of persons standing on adjoining roads and the ground level of adjoining properties by natural objects, plantings, fences, or other appropriate means. A plan showing the type and location of such screening shall be approved by the Planning Commission as being in compliance with this screening requirement.
6. Veterinary clinic or kennel for household pets only, provided;
  - a. There are no outside exercise runways or yards, and
  - b. Any structure for such purposes shall be at least two hundred (200) feet from all adjoining property lines.
7. Single family dwellings, provided,
  - a. The lot and yard requirements for dwellings as provided in the RS District are fully complied with,
  - b. Such use will not endanger the safety and welfare of the dwelling occupants,

- c. Such use will not create or threaten undue hardship or inconvenience upon the Uses By-Right in this District.
- d. Such use is applicable only to an owner of a lot or parcel of land of record prior to the adoption of this ordinance.

## 8. Adult Entertainment

It is the purpose and intent of this section to regulate the location of, but not to exclude, adult bookstores, adult motion picture theaters, adult mini-motion picture theaters and health clubs in the Township by preventing the concentration of these uses in one area. This regulation is done with the understanding that the Township recognizes that there are some uses, which because of their very nature have serious objectionable operational characteristics, particularly if several of them are concentrated under circumstances having a deleterious effect upon adjacent residential and commercial areas. The Township recognizes that regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of a surrounding residential neighborhood.

## 9. Definitions

- a. Adult Bookstore--means an establishment which has as a significant portion of its stock in trade, books, periodicals, magazines, newspapers, pamphlets, pictures, photographs, motion picture films, and/or videotapes which are distinguished or characterized by their emphasis on matter depicting, describing or relating to nudity, sado-masochistic abuse or sexual conduct.
- b. Adult Motion Picture Theater--means an establishment, whether in a completely enclosed building or not, which offers, for an admission fee, membership fee or other valuable consideration, the viewing of motion pictures, films, pictures or photographs which are distinguished or characterized by their emphasis on nudity, sado-masochistic abuse or sexual conduct.

- c. Adult Mini-Motion Picture Theater--means an enclosed building or any portion of a building which is used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual conduct, nudity or sado-masochistic abuse, by any means of display, including, without limitation, by motion picture, mechanical amusement devices, television (including videotape or closed circuit) or live performance for observation by patrons within.
- d. Nudity--means uncovered or less than opaquely covered post-pubertal human male or female genitals, pubic areas, buttocks or breasts.
- e. Offered for Sale--means offered in exchange for money, membership fee or any other valuable consideration.
- f. Sexual Conduct--means any of the following actual or simulated acts of:
  - 1. Human sexual intercourse, homosexual or heterosexual;
  - 2. Human or animal masturbation;
  - 3. Bestiality;
  - 4. Fellatio;
  - 5. Cunnilingus;
  - 6. Human excretory functions;
  - 7. Homosexuality; or
  - 8. Lesbianism.
- g. Health Club--means any establishment which offers service in the form of massages, baths, exercises or similar services, singly or in combination, to club members or to the public for a charge. The term "health club" does not include:

1. Hospitals, nursing homes, medical clinics, or the offices or quarters of a physician, surgeon, chiropractor or osteopath; or
  2. Exercise clubs exclusively for members or clientele where the services, without massage in any form, are performed by persons of the same sex as the members or clientele; and where the facilities are not utilized by members of both sexes at the same time; or
  3. Barber shops and beauty parlors.
10. Adult Bookstores, Adult motion picture theater, Adult mini-motion picture theaters; health clubs; location. No building or land and no building hereafter erected, converted, or structurally altered shall be used as an adult bookstore, adult motion picture theater, adult mini-motion picture theater or health club within three hundred (300) feet of the property line of any residence, suburban residential district, church or school, nor shall any adult bookstore, adult motion picture theater, adult mini-motion picture theater or health club be located within one thousand (1000) feet of any other establishment known as adult bookstore, adult motion picture theater, adult mini-motion picture theater or health club as herein defined.
11. Bars and taverns.
12. Power Generating Facilities.
13. Large solar energy system (permitted with conditional use approval) (Subject to Sec. 7.11-4).

#### 6.04-3 Lot Area and Yard Requirements

A. Lot Area

No minimum lot area shall be required for Uses By Right or Accessory Use structures other than that required for sanitary, parking and loading facilities.

B. Yards For All Principal Structures



1. Front Yard - Every lot shall be provided with a front yard of not less than forty (40) feet in depth from the highway right-of-way line.
2. Side Yard Widths - No minimum side yard width shall be required except when adjoining any other district or abutting a street, then not less than forty (40) feet.
3. Rear Yard - Every lot shall be provided with a rear yard of not less than twenty-five (25) feet in depth, provided, however, when such lot abuts any RS, AG, or AGOS District it shall have a rear yard of not less than forty (40) feet in depth.

#### 6.04-4 Permitted Signs

The provisions of Article 7, Section 7.06 shall be in full force and effect in this District.

#### 6.04-5 Off-Street Parking and Loading Requirements

The provisions of Article 7, Section 7.07 and 7.08 shall be in full force and effect in this District.

#### 6.04-6 General Requirements

For regulations applicable to all Districts within the Township, see Article 4.

#### 6.04-7 Supplemental Regulations

For other regulations, any exceptions or modifications applicable to this District, see Article 7.

#### 6.04-8 Building Permits

A building permit shall be required for all dwellings, buildings, or structures, incidental to the use of lands in this District.

## 6.05 "OSP" Open Space Preservation Overlay District

### 6.05-1 Intent of District

The establishment of this overlay district is to satisfy the requirements of Section 506 of the Michigan Zoning Enabling Act (2006 PA 110). It requires that qualified townships provide, at the option of the landowner, for the clustering of residential units on a portion of the property provided that fifty percent (50%) or more of the land is preserved in permanent open space. This overlay district shall be a development option for landowners within the following districts: "AGOS", "AG" and, with respect to land served by a public sewer system, "RS" and "RMH".

### 6.05-2 Permitted Uses

All permitted residential uses within the underlying district are permitted within the "OSP" Overlay District. At the landowner's option, one family dwellings and (where permitted in the underlying district) two-family dwellings shall be permitted within residential clusters subject to the following:

- A. Application Procedure.
  1. An application shall be filed identifying the landowner's desire to exercise the open space preservation development option. With the application, the landowner shall submit a comparison plan that adheres to site development requirements for one-family and/or two-family dwellings in the underlying zoning district. This can be in the form of a proposed plat establishing lots, a land division plan creating parcels or a planned unit residential development creating sites and/or units. This comparison plan shall determine the number of dwelling units that can be developed within the open space preservation plan. This comparison plan and the number of dwellings units shall be finalized by the Planning Commission during site plan review and approval.
  2. A site plan shall be submitted for review and approval by the Planning Commission. It shall be titled "Open Space Preservation Plan" and a copy of the comparison plan shall be included with the site plan. The site plan shall also contain the following additional information:
    - a. The date, north arrow, and scale. The scale shall not be less than one (1) inch equals twenty (20) feet for property under three (3) acres and at least one (1) inch equals one hundred (100) feet for those three (3) acres or more.

- b. All lot and/or property lines are to be shown and dimensioned, including building setback lines on corner lots.
- c. The location and dimension of all existing and proposed drives, sidewalks, curb openings, signs (showing sign height and, if the sign is a high-rise sign, the base elevation of the sign), exterior lighting, parking areas (show dimensions of a typical parking space), unloading areas, and recreation areas.
- d. The location and the pavement and right-of-way width of all abutting roads, streets, or alleys.
- e. The name and address of the property owner or petitioner.
- f. The location and type of drainage, sanitary sewers, storm sewers, and other utility mains and facilities including location of interior and exterior drains, dry wells, catch basins, retention/detention areas, sumps and other facilities designed to collect, store or transport storm water or wastewater.
- g. A summary schedule should be affixed, if applicable, which gives the following data:
  - (1) The number of dwelling units proposed, to include the number, size and location (by code if necessary) of one-bedroom units, two-bedroom units, mobile home sites, etc.
  - (2) The residential area of the site in acres and in square feet, including breakdowns for any subareas or staging areas (excluding all existing rights-of-way).
- h. Existing and proposed contour shall be shown on all site plans (two [2] feet intervals minimum) as may be required by the Township Engineer.
- i. The location of existing wetlands on the site, soil characteristics of the site at least to the detail provided to the U.S. Soil Conservation Service, water bodies, watercourses and floodplains.

3. The Planning Commission shall review the site plan and determine compliance with the ordinance standards for: a) requirements within the underlying zoning district; and b) requirements within this overlay district. They may approve the site plan as presented, approve subject to conditions or changes reflected in the motion to approve, table pending the submission of additional information, or deny the request based upon noncompliance with the ordinance standards.
4. The applicant shall submit a timeline for development and identify any phases that may require further Township review and approval. The Planning Commission may impose conditions on this development timeline and the required open space in each phase shall not be less than 50% of the land area for that phase.

B. Conditions for Approval.

The required conditions shall be based upon the layout and design of the dwelling units and preservation of the open space as follows:

1. Layout/Design Provisions. The layout and design of the dwelling units shall be in a manner that achieves the greatest compatibility with surrounding land use and with the intent and purpose of this overlay district and the underlying zone. It shall balance what is economically feasible for efficient cluster development with the need to preserve the character of the area. Individual parcels, lots or sites within the residential cluster shall meet the following:
  - a. (Lot) Width: The parcels, lots, or sites (units) shall have a minimum lot width of no less than fifty percent (50%) of the minimum lot width requirement within the underlying district or seventy-five (75) feet, whichever is greater.
  - b. (Lot) Area: The parcels, lots, or sites (units) shall have a minimum lot area of no less than twenty-five percent (25%) of the minimum lot area requirement within the underlying district or 7,500 square feet, whichever is greater.
  - c. (Lot) Coverage: The parcels, lots or sites (units) shall have a maximum lot coverage of twenty-five percent (25%).

d. Floor Area: The minimum floor area for the dwelling unit shall meet the minimum standard within the underlying district.

e. Yard/Setback: The dwelling units shall meet the following setback provisions:

Front: Fifty percent (50%) of the underlying district but no less than thirty (30) feet.

Side: Fifty percent (50%) of the underlying district but no less than ten (10) feet.

Rear: Fifty percent (50%) of the underlying district but no less than twenty (20) feet.

2. Open Space Provisions. The intent of this overlay district is to preserve the character of the area consistent with that of the underlying district. In order to achieve this intent, the following conditions shall apply:

a. In order to comply with the Act, the following definition shall be used to describe the nature of the open space to be preserved:

Undeveloped State: A natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to use of the public.

b. The applicant shall provide documentation of the means to preserve the open space, whether in the form of a conservation easement, deed restriction or similar method approved by the Planning Commission, and the party responsible for maintenance of the open space area. If proposed for dedication to the public, a letter of support from the public entity, indicating acceptance and responsibility for maintenance, shall be included with the application. A single entity, such as a private

association, non-profit organization or a public body, shall have responsibility for maintaining the land in permanent open space.

- c. No part of the parcels, lots or sites shall be counted toward the open space, nor any land devoted to roadways or other impervious surfaces, other than those of a recreational nature (such as bike paths, tennis or basketball courts, or for pavilions or picnic shelters).
- d. The open space, with the exception of active agricultural land use, shall be arranged in a manner so that it is contiguous and accessible by residents within the residential cluster. It shall also be arranged to connect to other open space areas on adjoining properties and/or connected to possible pedestrian or non-motorized trails.
- e. The Planning Commission may consider the preservation of those areas where protection of the highest quality of natural resource is achieved. This includes areas of mature tree stands or forested areas, habitat areas for wildlife or similar areas that could otherwise be developed.

#### 6.05-3 Conditional Uses

No conditional uses permitted within the underlying zoning district shall be allowed unless such use is processed separately under the provisions for conditional uses in Section 7.10.

#### 6.05-4 Site Development Regulations

The following regulations are based upon the relationship of the residential cluster(s) and the restricted open space to the adjoining properties, including the road right-of-way:

##### A. Cluster Setback.

The placement of any residential cluster, inclusive of lots or sites, shall be setback no less than fifty (50) feet from any abutting property line adjoining the open space preservation parcel and not less than one hundred (100) feet from any road right-of-way adjoining the open space preservation parcel. This area may be included within the calculated open space.

B. Access.

Access to the dwelling units within the residential cluster may be in the form of a public road or private road, with any private road adhering to the requirements in Section V.C. of the Tompkins Township Subdivision/Site Condominium Ordinance if the residential cluster is part of a plat or site condominium or, if the residential cluster is not part of a plat or site condominium, the requirements in Section 4.11 of the Ordinance.

## ARTICLE 7--SUPPLEMENTAL REGULATIONS FOR DISTRICTS---

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

### 7.01 Use of Existing Lots of Record

In any district where dwellings are permitted, a one family detached dwelling may be erected on any lot of official record prior to the effective date of this Ordinance regardless of its area or width, provided, however, that (a) no lot shall be deemed to be less than forty (40) feet wide for the calculation of yard requirements; (b) the sum of the side yards widths need not exceed thirty (30) per cent of the width of the lot, or if a corner lot, the side yard adjoining the side street shall be not less than eight (8) feet; and (c) the depth of the rear yard shall not be less than twenty (20) feet. In no case shall any side yard be less than six (6) feet in width.

### 7.02 Accessory Buildings

An accessory building may be erected detached from the Use By Right building or, it may be erected as an integral part of the Use By Right building. When erected as an integral part of the Use By Right building it shall comply in all respects with the requirements of the District in which it is located.

Detached accessory buildings and garages shall not occupy more than thirty (30) per cent of any required rear yard space; they shall not be nearer to the side lot line or rear lot line than six (6) feet; and they shall not exceed one (1) story in height. Accessory buildings or garages may be considered as attached to the principal building when the distance between structures is solidly covered by a breezeway, portico, covered colonnade or similar architectural device.

### 7.03 Lots in Two Districts

Where a district boundary line divides a lot in single or joint ownership of record at the time of adoption of this Ordinance, the regulations of the less restricted portion of such lot shall extend not more than thirty (30) feet into the more restricted portion, provided the lot has frontage on a street in the less restricted district.

### 7.04 Recreational, Religious and School Facilities

Plans for recreational, religious or school facilities, including buildings and the location thereof, in the district in which they are a permitted use, shall require approval by the Township Board prior to any construction or permit being issued for same.

### 7.05 District Changes For New Plats



Hereafter any parcel of land formerly described by metes and bounds, the boundaries of which have been proposed for a recorded residential plat, shall comply with all the requirements of the district in which it is located. Information concerning such plat shall be submitted to the Planning Commission for a proper zone classification change, if required, and prior to the Township Board's approval of such plat.

## 7.06 Billboards and/or Signs

### 7.06-1 Permit Required

Billboards and/or business signs as permitted only in the AG and B4 Districts shall not be constructed or erected, or attached to a building prior to the issuance of a permit by the Zoning Inspector. Any question on classification, either as to billboard or sign, shall be fixed by the Zoning Inspector or as defined in this Ordinance.

### 7.06-2 Location of Billboards

Any billboard or advertising structure, where permitted in either the AG or B4 District and when erected, shall conform to any applicable building side yard width or front yard depth requirement of the district, except, that at the intersection of any State or Federal highways, with a major or secondary street, there shall be a setback of not less than one hundred (100) feet from the established right-of-way of each such highway or street.

### 7.06-3 Location of Business Signs

Business signs or structures permitted only in the B4 District shall be set back from the established right-of-way line of any highway or street a distance equal to the front yard requirement, and shall conform to any applicable sideyard widths of the district.

### 7.06-4 Visibility For Billboards and/or Business Signs

No billboard or business sign shall be constructed or erected on a lot at any location whereby such structure partially or wholly obstructs adjoining commercial or industrial properties from enjoying equal opportunity for advertising.

### 7.06-5 Real Estate Signs

Such signs are permitted in all districts but shall not exceed twelve (12) square feet for each lot or parcel of land, and in no case shall the aggregate area advertised have a sign exceeding two hundred forty (240) square feet in area.

### 7.06-6 Identifying Signs

In any district identifying signs are permitted, but shall not exceed twelve (12) square feet in area.

#### 7.06-7 Name Plates

Name plates permitted in all districts shall not exceed one (1) square foot in area except wherein there is need for a directory or other listing of tenants at the entrance of a building.

#### 7.06-8 Illumination

Any billboard and/or business sign may be illuminated provided the source of light is not visible. Real estate and identifying signs shall not be illuminated when located in any RS District. Name plates when used in any district shall not be illuminated.

### 7.07 Office-Street parking Requirements

#### 7.07-1 General

In all districts there shall be provided at the time any building is erected or is enlarged or increased in capacity, off-street parking spaces for automobiles. Each required off-street automobile parking space shall have an area of not less than one hundred eighty (180) square feet, exclusive of access aisles or drives.

#### 7.07-2 Separate or Combined Parking Area

A separate off-street parking area shall be provided for each use, or the parking area required for two (2) or more uses may be combined and used jointly, provided the total of such off-street parking area supplied collectively shall not be less than the sum of the requirements for the several uses computed separately.

#### 7.07-3

In all districts in connection with every residential, business, industrial, institutional, recreational, and similar uses, space for off-street parking shall be provided in accordance with the following schedule:

#### USE NUMBER OF SPACES

- A. Dwellings
  - One and two family -- each dwelling unit 1
  - Multiple-family -- each dwelling unit 1
  
- B. Places of Public Assembly
  - Churches -- for each four seats 1

Community Centers -each 50 sq. ft./floor area 1  
 Schools-----for each four students 1  
 Stadium or athletic parks--each, four seats 1  
 Bowling Alleys-----each alley 8  
 Municipal and Civic Buildings--each 50 sq. ft. of floor area  
 1

- C. Clubs, lodges, camps and other recreational buildings -- for each sq. ft. of floor area 1
- D. Hospitals, institutions, and clinics for each patient bed 1  
 Clinic or office--for each doctor 6
- E. Offices, all types except doctors and dentists for each 200 sq. ft. of floor area 2
- F. General business and any service establishments for each 100 sq. ft. of ground floor area (loading or unloading space not included in parking space) 300 sq. ft./parking space
- G. Restaurant or bar (food, soft drinks, and alcoholic beverages served on the premises) each 2 seats 1
- H. Manufacturing, processing and/or fabrication, warehouse and storage building and experimental laboratories -- for each 3 employees on maximum shift 1

7.07-4 Parking Areas---Development and Maintenance

Every parcel of land hereafter established as an off-street public or private parking area for more than five (5) vehicles, including a municipal parking lot, commercial parking lot, automotive sales and/or service lot, and accessory parking area for multiple dwellings, business, industries, public assembly and institutional shall be developed with the following requirements:

- A. It shall be effectively screened on each side which adjoins or faces premises situated in any RS District by a fence of acceptable design, wall or compact evergreen hedge. Such fence, wall, or hedge shall be not less than four (4) feet or more than six (6) feet in height and shall be maintained in good condition.
- B. It shall be properly graded for drainage, surfaced as required by the Township Board and maintained in good condition, free of dust, trash and debris.

- C. It shall not be used for repair, dismantling or servicing of any vehicles.
- D. It shall be provided with entrances and exits so located as to minimize traffic congestion.
- E. Lighting facilities shall be so arranged as to reflect the light away from adjoining properties.

7.07-5 Parking Areas--Required Set Back From Street

No part of any public or private parking area regardless of the number of spaces provided shall be closer than five (5) feet to the public street right-of-way line.

7.08 Off-Street Loading Requirements

7.08-1 Location of Off-Street Loading Space Required

Off street loading space may occupy any part of any required side or rear yard space but shall not occupy the front yard space in any district.

7.08-2 Amount of Off-Street Loading Space Required

At least the following amounts of off-street loading space shall be provided, plus an area of means adequate for maneuvering, ingress and egress:

- A. For structures containing less than twenty thousand (20,000) square feet of gross floor area, one (1) loading space shall be provided.
- B. For structures containing twenty thousand (20,000) or more square feet of gross floor area, the number of berths specified in the following table:

<u>Square Feet of Required Number of Berths</u>	<u>Gross Floor Area</u>
20,000 up to and including 40,000	1
40,001 up to and including 100,000	2
For each additional 90,000	1

Each such berth shall be not less than ten (10) feet in width, thirty-five (35) feet in length and fourteen (14) feet in height.

- C. The design and construction of entrances and exits to any public highway shall be approved by the Township Building Inspector.

## 7.09 Telecommunication Facility/Communication Tower

A Telecommunication Facility/Communication Tower shall be permissible as a conditional use in the "AG", "AGOS" and "B4" zoning districts, subject to the terms and conditions set forth in this section.

7.09-1 Definitions For purposes of this section, the following terms shall be defined as set forth below:

- A. Telecommunication Facility/Communication Tower: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice, guyed towers, and monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and also includes any supporting apparatus; provided that for purposes of the Zoning Ordinance this term shall not include any tower/antenna under 50' in height that is owned and operated by a federally licensed amateur radio station operator or that is used exclusively for receive-only antennas.
- B. Applicant: The applicant for a permit to erect a Telecommunication Facility/Communication Tower as defined above.
- C. Application: The application is a written request by the applicant for the permits and approvals necessary for a Telecommunication Facility/Communication Tower.

## 7.09-2 Application Process

- A. Before any Telecommunication Facility/Communication Tower is constructed within the Township, the application (with required permit fees) shall be filed with the Township Clerk by the applicant. Such application shall, at a minimum, contain the following information, as well as any other information subsequently determined to be necessary by the Planning Commission.
  - 1. A statement by the applicant describing engineering criteria which will permit co-location of additional antennas, if the tower is 75 feet or more in height.
  - 2. A site survey to scale, showing all structures within 1,000 feet, and including a legal description of the real estate.

3. A detailed statement as to the intended buffering of the property to minimize its visibility to surrounding uses. Such buffering shall include but not be limited to the planting of evergreen or similar trees, which will provide year-round screening, a fence no less than six feet tall, and the material out of which said fence shall be erected.
4. The proposed height of the Telecommunication Facility/Communication Tower.
5. The location and size of all accessory buildings.
6. The type of construction of the Telecommunication Facility/Communication Tower.
7. Each application shall be accompanied by a report prepared by a Michigan licensed professional engineer describing the Telecommunication Facility/ Communication Tower height and design, including a cross-section of the structure. The report shall demonstrate the tower's compliance with applicable sub-structural standards and describe the tower's load design. The report shall certify that the Telecommunication Facility/Communication Tower will be in compliance with all applicable federal, state and local codes, regulations and ordinances. The report shall also include a certificate by the engineer that the structure, if built according to the plans submitted, will comply with Section 7.09-3 hereinafter set forth.
8. The applicant in the application must demonstrate that the proposed site is the most appropriate site within the immediate area for the location of the Telecommunication Facility/Communication Tower. Such demonstration shall be evidenced by a study comparing at least two other potential host sites. Reasons for excluding a site include, but are not limited to:
  - (1) Unwillingness of a land owner to allow a Telecommunication Facility/Communication Tower on his/her property.
  - (2) Topographical limitations of the site.
  - (3) Adjacent impediments that would obstruct adequate telecommunication transmissions.

- (4) Physical site constraints that would preclude the construction of a Telecommunication Facility/Communication Tower.
  - (5) Technical limitations of the telecommunication system.
  - (6) Lack of legal description of the property.
9. Minimum spacing between self-supporting Telecommunication Facilities/Communication Towers 75 feet and above in height shall be three miles in order to prevent a concentration of such structures in one area. The Planning Commission shall have authority to waive all or part of this requirement if it finds that, given the nature of the tower, the subject property and/or neighboring properties, such separation is unnecessary to satisfy the standards for the granting of a conditional use permit hereunder.
  10. The application shall contain information which will demonstrate that there is an existing need for the structure in question.

#### 7.09-3 Minimum Standards

- A. All communication towers shall be inspected annually by a competent and licensed inspector to ensure the structural integrity of the tower, appurtenances added to the tower, and fixtures added to the tower. A report of the results of the inspection shall be provided to the Township Clerk on or before August 1 of each year. Such report shall be at the expense of the structure owner. If the owner fails to provide such a report, the Township may obtain such from a qualified individual of its choice and recover its costs from the owner. If the owner fails to pay such amount within 30 days after written notification from the Township to pay such, the Township shall collect such using any lawful method.
- B. All Telecommunication Facilities/Communication Towers shall be harmonious with and in accordance with the general objectives, intent and purposes of the Tompkins Township Zoning Ordinance and not be hazardous or disturbing to the existing or future neighboring uses.
- C. Telecommunication Facilities/Communication Towers shall not be artificially lighted unless otherwise required by the FAA or other federal, state or local authority. If such lighting is required, it shall



be oriented and designed so as to minimize disturbance to surrounding properties.

- D. There shall be vegetative screening through the use of evergreen shrubs or trees capable of forming a continuous hedge at least eight feet in height within two years of planting and a row of trees at least six feet in height at the time of placement with ten foot centers and a minimum mature height of 35 feet.
- E. Minimum property line setbacks shall be 50 feet plus the height of the self-supporting telecommunication facility, plus 10% of the height of the tower, or 120 feet, whichever is greater, in Agricultural, Agriculture Open Space and Commercial Districts. No tower shall be located closer than 400 feet from the property line when the adjacent property is residential; providing, further that where a proposed tower will be located on a parcel of land surrounded on all four sides by commercially, agriculturally, and/or industrially zoned property, the Planning Commission may, in its discretion, reduce the minimum sideline setback requirements of this Ordinance upon evidence that a satisfactory fall zone for the tower will be less than the required setback in this Ordinance, but in no event shall the setback be less than that required for structures erected in the zoning district in which the tower is located. The setback distance shall be measured from the base of the tower to the lot line.
- F. The Telecommunication Facility/Communication Tower shall conform to the ANSI standards for RF exposure. The Telecommunication Facility/Communication Tower shall be upgraded to meet any change in the ANSI standards. The owner or applicant shall immediately inform the Township of any ANSI standard changes and shall provide proof of compliance with the modified ANSI standards at its cost.
- G. The total square footage of accessory buildings shall not exceed 400 square feet per user of the Telecommunication Facility/Communication Tower. Accessory structures shall blend in with the surrounding area by considering color, texture and materials, topography, and scale of buildings.
- H. Fuel tanks shall be buried or screened with landscaping, fencing or berms. Trash areas must be screened. Alternative fuel supplies shall meet applicable state law.
- I. The noise impacts of cooling and other types of equipment shall be minimized through location and screening. Noise may not exceed state or local noise standards and shall conform to

recommended decibel standards adopted by the appropriate local, state or federal agency.

- J. Metal towers shall be constructed of, or treated with, corrosive resistant material.
- K. Antenna and metal towers shall be grounded for protection against direct strike by lightning and shall comply as to the electrical wiring and connections with all applicable local statutes, regulations, standards and codes.
- L. There shall not displayed any advertising or identification of any kind intended to be visible from the ground or other structure on any tower, except such identification as may be required for emergency purposes.
- M. All parking and drive areas must be paved. However, the Planning Commission in its sole discretion, may allow an alternative type of finished surface for the parking and drive areas.
- N. All telecommunication devices added to existing facilities or towers must meet the requirements of this Ordinance.

#### 7.09-4 Abandonment

In the event the use of any Telecommunication Facility/ Communication Tower has been discontinued for a period of 180 days, the Telecommunication Facility/Communication Tower shall be deemed to be abandoned. Upon abandonment, the owner/operator of the Telecommunication Facility/Communication Tower shall have an additional 180 days within which to reactivate the Telecommunication Facility/Communication Tower or dismantle and remove the Telecommunication Facility/Communication Tower.

#### 7.09-5 Federal, State and Local Regulations

The owner or applicant of commercial telecommunication antennas, satellite dishes, cellular towers, microwave dishes, paging and other wireless types of communication towers or antennas shall be required to adhere to all federal, state and local rules, regulations, statutes and ordinance. A violation of any of the foregoing shall constitute reasonable grounds for the Planning Commission to revoke a conditional use permit granted hereunder.

#### 7.09-6 Tower Space and Tower Rights

The applicant shall provide to Tompkins Township, tower space and tower use rights for public safety, communication and other municipal communications at

no cost to the municipality if space is requested prior to construction of the tower or space is available at the time of the request by the Township.

#### 7.09-7 Site Plan Review and Approval

Planning Commission approval of the site application documents for the proposed Telecommunication Facility/Communication Tower shall be deemed to constitute site plan approval as provided for at MCL 125.3501.

#### 7.09-8 Bonds

The owner of the Telecommunication Facility/Communication Tower shall post a bond with the Township in an amount to cover the reasonably estimated costs and expense of dismantling the Telecommunication Facility/Communication Tower in the event the same is abandoned and the owner fails to dismantle and/or remove the same within 180 days. The amount of the bond shall be established by the Planning Commission and may be adjusted by it on a five year basis to reflect increased costs of dismantling and removal due to inflation.

#### 7.09-9 Transfer of Ownership

These regulations and standards shall apply to successor owner(s) of the Telecommunication Facility/Communication Tower if title or ownership of Telecommunication Facility/Communication Tower is transferred to another person, partnership, corporation or other entity. The Tompkins Township Clerk shall be notified if ownership is transferred.

#### 7.09-10 False Statements in Application

Any application containing a materially false statement shall be deemed null and void.

#### 7.09-11 Stealth Design Requirements

The Planning Commission may require camouflage or innovative design for a Telecommunication Facility/Communication Tower. Such design requirements may include, but are not limited to, camouflaging the facility/tower, requiring a specific paint color and/or paint scheme, or requiring the facility/tower to be so designed as to blend into the existing environs and background of the facility/tower.

#### 7.09-12 Co-Location Requirements

All Telecommunication Facilities/Communication Towers erected, constructed or located within the Township shall comply with the following requirements.

- A. The proposal for a new Telecommunication Facility/Communication Tower shall not be approved unless the Planning Commission finds that the telecommunication equipment planned for the proposed tower cannot be accommodated on an existing tower or building within a one mile search radius of the proposed tower due to one or more of the following reasons:
1. The planned equipment would exceed the structural capacity of the existing or approved tower or building as documented by a qualified and licensed Michigan professional engineer, and the existing or approved tower or building cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
  2. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented and certified by a qualified and licensed Michigan professional engineer and the interference cannot be prevented at a reasonable cost.
  3. Existing or approved towers or building within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed Michigan professional engineer.
  4. Other unforeseen reasons that make it unfeasible to locate the planned telecommunications equipment upon an existing or approved tower or building. Any proposed Telecommunication Facility/Communication Tower shall be designed structurally, electrically, and in all respects to accommodate both the applicant's antennas and comparable antennas for a minimum of two users if the tower is over 100 feet in height, or for at least one additional user if the tower is over 75 feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower to accept antennas mounted at varying heights.
  5. No communication tower shall be constructed unless there is proof that co-location on an existing tower cannot meet the needs of the applicant.
  6. An applicant shall furnish a written agreement providing that the applicant shall not prevent or deny space on the communication tower for other users and shall make the

tower available at a fair market rate as determined by customary industry standards.

## 7.10 Regulations Concerning Conditional Uses in all Districts

The uses listed as Conditional Uses of this ordinance have been declared uses which under certain circumstances may be in conflict with the objectives of the general zoning plan. In light of this possible conflict, the uses herein will be permitted only on the granting of a Conditional Use Permit after application to the Planning Commission.

### 7.10-1

The application for a Conditional Use Permit must contain the following information, and no application shall be heard which does not contain this information:

- A. Name and address of applicant.
- B. Statement of ownership of the questioned property executed by the owner or his agent, under penalty of perjury.
- C. Description of the property, including legal description and address, and common means of identification.
- D. Map of the boundaries of the parcel and each separate lot or parcel within three hundred (300) feet of the exterior boundaries thereof; together with a list of the names and addresses of the last known owners of public record of each parcel.
- E. A statement indicating the precise manner of compliance with each of the applicable provisions of this ordinance together with any other information pertinent to the granting of a use permit, prescribed.
- F. An accurate scale drawing of the site showing the contours and locations of any existing and proposed streets, property lines, uses, structures, driveways, pedestrian walks, off-street parking and off-street loading facilities and landscaped areas.
- G. Such other information, plans, maps, diagrams and information that may be necessary to assure full presentation or pertinent facts for the record and to assist the Planning Commission in making a determination.

### 7.10-2

The application must be accompanied by a receipt showing that the application fee has been paid.

### 7.10-3

The Planning Commission shall hold a public hearing after acceptance of the application. Notice of the time and place and purpose of such public hearing shall be given according to State statutes.

### 7.10-4

The Planning Commission shall receive, investigate, hear and decide every application for a use permit which meets the qualifications of Paragraphs 1 and 2 above.

### 7.10-5

The Planning Commission may grant the use permit provided that it is established by evidence presented to the board that the proposed use is in accordance with the provisions of the general plan and this Ordinance, and further that the following qualifications have been met:

- A. The location of the proposed use is compatible to other land uses in the general neighborhood area and does not place an undue burden on existing transportation, utilities and service facilities in the vicinity.
- B. The site is of sufficient size to accommodate the proposed use together with all yards, open spaces, walls and fences, parking and loading facilities, landscaping and such other provisions required by this Ordinance.
- C. The site will be served by streets of sufficient capacity to carry the traffic generated by the proposed use.
- D. The proposed use, if it complies with all conditions on which approval is made contingent, will not adversely affect other property in the vicinity or the general welfare of the Township.
- E. The proposed use would not pollute, impair or destroy significant natural resources, create a hazard to public health or safety or result in public or private nuisance.

### 7.10-6

The Planning Commission may deny the application for a use permit.

### 7.10-7

In approving any application for a use permit, the Planning Commission may require higher standards of site development than listed for such use in this Ordinance and may make approval contingent on the acceptance and observance by the applicant of specified conditions relating to, but not limited to, the following considerations:

- A. Conformity to plans and drawings submitted with the application;
- B. The provision of open spaces, buffer strips, screen walls, fences, hedges and landscaping;
- C. The volume of traffic generated, vehicular movements within the site, and points of vehicular ingress and egress;
- D. Performance characteristics related to the emission of noise, vibration, smell and other potentially dangerous or objectionable elements;
- E. Limits on the time of day for the conduct of specified activities;
- F. Guarantees or bonds as to the compliance with the terms of the approval.

#### 7.10-8

Within twenty (20) days following the date of a decision of the Planning Commission on a use permit application, the decision may be appealed to the Zoning Board of Appeals by the applicant or by any other interested party. An appeal must be in a form prescribed by the board and shall be filed with the secretary of that commission. The appeal shall state specifically the error or abuse of discretion claimed to have been committed by the Planning Commission or shall state the reasons that appellant considers the ruling not supported by the evidence.

#### 7.10-9

The Zoning Board of Appeals may affirm, reverse or modify the original decision on the application, provided that if the decision is to reverse a denial of the application, or to modify a granting of the application, the Board must make findings pursuant to Paragraphs 5 and 7 herein.

#### 7.10-10

The use permit granted shall become effective thirty (30) days after its granting, or affirmation or modification by the Zoning Board of Appeals.



#### 7.10-11

Unless a renewal of the use permit is requested, it shall lapse one hundred eighty (180) days after its issuance unless construction is commenced and diligently pursued. A request for a renewal must be accompanied by a statement under penalty of perjury by the applicant or his authorized agent stating the reason no building permit has been issued and/or no construction has been commenced.

#### 7.10-12

On violation of any of the provisions of this or any other applicable ordinances by a holder of a use permit or on failure of the holder to comply with conditions of a use permit granted on conditions, the use permit shall be suspended automatically. A hearing shall be called within sixty (60) days, and at the hearing the Zoning Board of Appeals must be satisfied that either violation has been discontinued or the conditions met; otherwise the permit will be revoked.

## 7.11 Solar Energy Systems

### 7.11-1 Purpose and Intent

Tompkins Township determines that it is in the public interest to encourage the use and development of renewable energy systems that enhance energy conservation efforts in a safe and efficient manner that is subject to reasonable conditions that will limit adverse impact on nearby properties, environment, and rural character of the region. The Township resolves that the following regulation and standards shall be adopted to ensure that solar energy systems can be constructed within Tompkins Township while protecting public health, safety, and natural resources.

### 7.11-2 Definitions

- A. Accessory Solar Energy System: A small solar energy system which is roof, or building mounted, or architecturally-integrated, or ground mounted panels which are located on a lot or parcel with a principal use such as residence or business designed to supply energy for onsite residential or business use; excess energy produced may be sold back to the grid through net metering or commercial use to generate energy to offset utility costs or as an additional revenue stream. A small solar energy system generates up to but not exceeding 20kW and can occupy, in total, no more than 5% of the property or five (5) acres, whichever is less.
- B. Community Solar Energy System (CSES) (also called "Solar Garden"): A large scale facility that converts sunlight into electricity by photovoltaics (PV) array, for the primary purpose of providing retail electric power (or financial proxy for retail power) to multiple community members or businesses residing or located off-site from the location of the solar energy system. Roof or ground-mounted CSES or Solar Gardens are designed to supply energy for off-site users on the distribution grid. A large scale CSES or Solar Garden system exceeds 20kW, and can occupy, in total, more than five (5) acres.
- C. Solar Farm: A large scale facility that converts sunlight into electricity by photovoltaics (PV) array, for the primary purpose of wholesale sales of generated electricity to the electric transmission grid. A roof or ground-mounted solar farm is the primary land use for the parcel on which it is located. A large scale solar energy system exceeds 20kW, and can occupy, in total, more than five (5) acres.
- D. Solar Collection Panels: Panels and tiles comprised of semiconductor devices and typically referred to as photovoltaic cells, which collect and convert solar energy directly into electricity or solar thermal panels that convert solar energy indirectly to heat a fluid, and can also power solar cooling systems.

### 7.11-3 Permitted Use Standards

Accessory Solar Energy Systems are a small solar energy system designed and used as an accessory use to serve the needs of a home, farm, or small business. Accessory Solar Energy Systems are Accessory Uses in all zoning districts, shall be reviewed by the Zoning Administrator, and are subject to the following standards:

- A. Property Set-Backs: Projects shall follow the district's applicable setbacks of the property's principal use. Ground mounted panel systems shall not be located within a FEMA floodplain or designated wetlands, within forty (40) feet of a riparian shoreline, and/or within three hundred (300) feet of governmental and/or nongovernmental wildlife management areas and scenic trail corridors.
- B. Construction Standards: The owner(s) and/or operator(s) shall submit a site plan and obtain all necessary permits from the Township, and other applicable government agencies.
  - 1) An Accessory Solar Energy System may not occupy more than five (5%) percent of the property or up to five (5) acres whichever is less.
  - 2) All electrical interconnection and distribution lines within the project boundary shall be underground, unless determined otherwise by the planning commission because of severe environmental constraints (e.g. wetlands, hard bedrock), except for wiring between panels in a single solar array, and except for power lines that leave the project or are within the substation. All electrical interconnections and distribution components must comply with all applicable codes and public utility requirements.
- C. Height of ground mounted panels shall not exceed fourteen (14) feet.
- D. Nuisances: Accessory Solar Energy Systems shall not produce glare that is a nuisance to occupants of neighboring properties, or persons traveling neighboring roads, or air routes. Noise produced from Solar Energy Systems shall not exceed above 5dBA (DeciBels Adjusted) of ambient sound levels as measured at the property line. Adequate setbacks shall be provided to comply with these limitations.
- E. Solar Access: Disclaimer- No guarantee of solar easements or solar access are made.

#### 7.11-4 Conditional Use Standards

Community Solar Energy System (CSES) (also called Solar Garden), or Solar Farm are large solar energy systems, designed with the primary use of generating electricity to the electric transmission grid.

The Township Board may adopt an escrow policy by resolution to require that a conditional use applicant or any applicant seeking land use approval be required to pay an escrow deposit to cover the Township's cost in hiring legal, engineering, planning or other professional assistance in reviewing the application.

Community Solar Energy System (CSES) (also called Solar Garden), or Solar Farm will be permitted with conditional use approval in all agricultural, residential (except RMH), commercial, and industrial zoning districts, reviewed by the planning commission, and subject to the following standards:

- A. Large solar energy system projects shall require prior to construction approval, a site assessment study conducted by a private company independent of the project applicant(s) and/ or property owner to determine feasibility including the project's description identifying the size, rated power output, project life, development phases, likely market for the generated energy; visual impact using renditions or photos; analysis of onsite traffic; environmental analysis including soils, wetlands, surface water, woodlots, historical features, review of potential impacts on wildlife, corridor preservation at the site, and mitigation measures.
- B. Nuisances: Large solar energy system projects shall not produce glare that is a nuisance to occupants of neighboring properties or persons traveling neighboring roads or air routes.
- C. Noise produced from large solar energy systems shall not exceed above 5 dBA (DeciBels Adjusted) of ambient sound levels as measured at the property line. Adequate setbacks shall be provided to comply with these limitations.
- D. Property Set-Backs shall follow the district's applicable setbacks of the property's principal use. Ground mounted panel systems shall not be located within a FEMA floodplain or designated wetlands, within forty (40) feet of a riparian shoreline, within fifty (50) of a residential district, and/or within three hundred (300) feet of governmental and/or nongovernmental wildlife management areas, parks, and scenic trail corridors.
- E. Construction Standards: project applicant(s) shall submit a site plan, and obtain all pertinent permits from the Township and other applicable government agencies.
  - 1) The maximum property coverage restrictions shall not apply to photovoltaic solar panels. Any other regulated structures on the property are subject to the maximum lot coverage restrictions of the district.

2) All electrical interconnection and distribution lines within the project boundary shall be underground, unless determined otherwise by the Planning Commission because of severe environmental constraints (e.g. wetlands, hard bedrock), except for wiring between panels in a single solar array, and except for power lines that leave the project or are within the substation. All electrical interconnections and distribution components must comply with all applicable codes and public utility requirements.

3) Lighting at the facility must be shielded to prevent atmospheric light pollution. Light pole(s) shall not exceed eighteen (18) feet.

F. Height of ground mounted photovoltaic solar panel arrays shall not exceed fourteen (14) feet.

G. Landscaping: Ground mounted photovoltaic solar panel arrays shall be screened from view with one (1) row, perimeter planting of native evergreen trees – one eight (8) foot tree every twenty-five (25) feet along road and property lines. The Planning Commission may alter the landscaping requirement depending upon the location and existing plant material on the site.

H. Safety/Access: Perimeter security fencing is required around the Solar Energy facility and all electrical equipment (height and material to be established through the conditional use permit process). Keys or code access shall be provided for emergency personnel.

1) Owner(s) and/or operator(s) shall identify emergency and normal shutdown procedures.

2) Owner(s) and/or operator(s) shall identify potential hazards including solid and hazardous waste, generated by the project to adjacent properties, roadways, and to the community in general, and shall control or eliminate said hazards.

I. Telecommunications Interference: Owner(s) and/or operator(s) shall identify electromagnetic fields and communications interference generated by the project. Adequate setbacks shall be provided to mitigate the interference, at any time the system is in operation.

J. Utilities Interconnection: No grid-connected photovoltaic system shall be installed until the owner(s) and/or operator(s) submit a completed interconnection agreement with the electric utility in whose service territory the large solar energy system is located.

- K. Project Life and Final Reclamation: The owner(s) and/or operator(s) shall submit a decommissioning plan for ground-mounted photovoltaic systems to ensure that the owner(s) and/or operator(s) properly remove the equipment and facilities upon the end of the project life or in the event they are not in use for twelve (12) consecutive months. The plan shall include provisions for the removal of all structures and foundations, the removal of all electrical transmission components, the restoration of soil and vegetation and a soundly-based plan ensuring financial resources will be available to fully decommission the site. The Township may consult with the Township engineer and/or another third party to verify the applicant's estimated decommissioning costs. The Township may require the owner(s) and/or operator(s) to post a bond, letter of credit or other financial guarantee and/or establish an escrow account to ensure proper decommissioning.
- L. Solar Access: Disclaimer - No guarantee of solar easements or solar access are made.

## ARTICLE 8--ADMINISTRATION AND ENFORCEMENT

The provisions of this Ordinance shall be administered and enforced by the Tompkins Township Zoning Administrator and/or such other officers as the Township Board shall designate. These duties shall be performed in accordance with any guidelines established by the Tompkins Township Board.

### 8.01 Zoning Compliance Permits

It shall be unlawful for any person to commence excavation for any building or structure (including a mobile home) or to commence the erection, addition or structural alteration of any building or structure (including a mobile home) or to move any building or structure (including a mobile home) onto a lot or to commence a new land use until a zoning compliance permit for such activity has been obtained from the Zoning Administrator. No such zoning compliance permit shall be issued where the construction, addition, moving, alteration or use would be in violation of any of the provisions of this Ordinance.

Each zoning compliance permit shall become null and void within one (1) year following the issuing of the permit unless the provisions of the permit have been utilized or unless re-application is made and approved by the Zoning Administrator.

A zoning compliance permit shall not be required for alterations and ordinary maintenance repairs on any building or structure that does not affect the external dimension of the building or structure.

### 8.02 Zoning Compliance Permit Application

Application for a zoning compliance permit shall be filed in writing on an application form approved by the Township Board. The application shall include the following:

- A. A statement as to the nature and purpose of the proposed building(s), structure(s) and/or use(s) requested to be established on the subject property.
- B. A diagram drawn to scale showing:
  - (1) a North arrow.
  - (2) the property lines and their exact dimensions.
  - (3) the location upon the subject lot of all existing and proposed buildings and structures, including the setback of each such building and structure from the property boundary lines.

- C. A zoning compliance permit application fee in such amount as shall be established by resolution of the Township Board.
- D. Such other information as may be required by the Zoning Administrator to determine compliance with the Zoning Ordinance.

The Zoning Administrator shall review the application and accompanying documents and fee and approve the application if it complies with this Ordinance and deny the application if it does not. If the application is denied, the Zoning Administrator shall state in writing the reason(s) for such denial.

#### 8.03 Compliance with Approved Zoning Compliance Permit

The zoning compliance permit application as approved shall become part of the record of approval and subsequent actions relating to the activity authorized shall be consistent with the approved application and permit.

#### 8.04 Permit Does Not Waive Compliance

Issuance of a zoning compliance permit shall in no case be construed as waiving any provision of this Ordinance. The Zoning Administrator is not granted authority to make changes to this Ordinance or to vary the terms of this Ordinance in carrying out his/her duties.



## ARTICLE 9--BOARD OF APPEALS

### 9.01 Appointment

There shall be a Board of Appeals which shall consist of five (5) members. The first member shall be a member of the Township Planning Commission, a second member shall be a member of the Township Board but this member may not serve as chairperson of the Board of Appeals, and the remaining members shall be selected by the Township Board from the electors of the Township. An employee or contractor of the Township Board may not serve as a member of the Board of Appeals. Terms of office shall be for three (3) years, except for members serving because of their membership on the Township Board or Planning Commission, whose term shall be limited to the time they are members of those bodies.

### 9.02 Proceedings of the Board of Appeals

The Board of Appeals shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this Ordinance. Meetings shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman or, in his absence, the Acting Chairman may administer oaths and the Board may compel the attendance of witnesses. All meetings shall be open to the public.

The Board of Appeals shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall be a public record and be available in the office of the Township Clerk. Three (3) members of the Board shall constitute a quorum and the concurring vote of three (3) members of the Board shall be necessary to reverse any order or determination of the Zoning Administrator or to decide in favor of the applicant in any matter over which the Board has original jurisdiction under this Ordinance or to grant any variance from the requirements stipulated in this Ordinance.

### 9.03 Appeals, Hearings, and Notice

#### 9.03-1

The Zoning Board of Appeals shall hear and decide appeals from and review any order, requirement, decision or determination made by the Zoning Administrator. The appeal may be taken by any person aggrieved or by any officer or board of the Township. Such appeals shall be taken within twenty (20) days after the decision by filing with the Zoning Administrator and the Board of Appeals a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board of Appeals all papers constituting the record upon which the action appealed from was taken.

#### 9.03-2

The Board of Appeals shall fix a reasonable time for the hearing of an appeal, give notice thereof as required by applicable statute and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or by attorney. The Board of Appeals shall state the grounds for any determination made by it.

#### 9.04 Stay of Proceedings

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator from whom the appeal is taken certifies to the Board after notice of appeal is filed with him, that by reasons of fact stated in the certificate, a stay would, in his opinion, cause imminent peril to life and/or property. In such case, proceedings shall not be stayed other than by restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the Zoning Administrator.

#### 9.05 Board of Appeals: Powers and Duties

##### 9.05-1 Interpretation of Zoning Map

Where the boundaries of zoning districts as shown on the Official zoning Map are in question as to exact location or otherwise as referred to in Section 3.02-6 the Board of Appeals shall interpret such map in a manner which will carry out the intent and purpose of this Ordinance and the area in question.

##### 9.05-2 Variance—Conditions Governing Application: Procedures

Where there are practical difficulties in the way of carrying out the strict letter of the Zoning Ordinance, the Board of Appeals shall have authority to grant a nonuse variance so that the spirit of the Ordinance is observed, public safety secured and substantial justice done. A variance from the terms of this Ordinance shall not be granted by the Board of Appeals unless and until:

- A. A written application for a variance is submitted demonstrating:
  - 1. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;
  - 2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance.

3. That the special conditions and circumstances do not result from the actions of the applicant;
  4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same zoning district;
  5. No non-conforming use of neighboring lands, structures or buildings in the same zoning district and no permitted use of lands, structures or buildings in other zoning districts shall be considered grounds for the issuance of a variance.
- B. Notice of the public hearing shall be given in accordance with applicable statutory requirements.
- C. The public hearing shall be held. Any party may appear in person or by agent or by attorney.
- D. The Board of Appeals shall determine that the requirements of 9.05-2:A have been met by the applicant for the variance.
- E. The Board of Appeals shall further make findings that the reasons set forth in the application justify the granting of the variance; that the variance is the minimum variance that will make possible the reasonable use of land, structure or building; and that it will be in harmony with the general purpose and intent of this Ordinance and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

Reasonable conditions may be required with the approval of a variance. The conditions of a variance may include conditions necessary to insure that public services and facilities affected by a proposed variance will be capable of accommodating increased service and facility loads caused by the variance, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:

1. Be designed to protect natural resources, the health, safety and welfare and the social and economic well being of those who will use the land or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity and the community as a whole.
2. Be related to the valid exercise of the police power and purpose which are affected by the proposed use or activity.

3. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the use or activity under consideration, and be necessary to insure compliance with those standards. The conditions imposed with respect to the approval of a variance shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the Board of Appeals and the applicant. Under no circumstances shall the Board of appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the zoning district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district. The Board of Appeals cannot grant use variances at all or use its variance authority to accomplish what would, in effect, be rezoning.

#### 9.05-3 Hear and Make Determinations: Public Utility Buildings

The Board of Appeals shall have the power to hear and make determinations regarding applications for the erection and use of a building, or an addition to an existing building, of a public service corporation or for public utility purposes, as described in Section 4.05 in any zoning district to a greater height or of larger area than the district requirements herein established, and permit the location in any use district of a public utility building or structure reasonably necessary for the public convenience and service.

#### 9.05-4 Finality of Decision of Zoning Board of Appeals

The decision of the Zoning Board of Appeals is final. A party aggrieved by a decision of the Board of Appeals may appeal to the Circuit Court.

## ARTICLE 10--AMENDMENT AND DISTRICT CHANGES: PROCEDURES

Whenever the public necessity, convenience, general welfare or good zoning practice require, the regulations, restrictions and district boundaries set forth in this Ordinance may from time to time be amended, supplemented, changed, or repealed, provided, however, that no action may be taken until a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. An amendment, supplement or change may be initiated by the Township Board or the Township Planning Commission, on a motion by either of these bodies, or by a verified application of one (1) or more of the owners or lessees of property within the area proposed to be changed or affected by this Ordinance.

### 10.01-1 Procedure For Change

Application for amendments and district changes shall be submitted to the Township Planning Commission upon forms carefully filled out with such data and information as to assure the fullest practicable presentation of facts for the permanent record.

### 10.01-2

Before submitting its recommendation on a proposed amendment of the text or a district change, the Planning Commission shall hold at least one public hearing on the same, which public hearing shall be noticed in accordance with applicable statutory requirements.

### 10.01-3

The public hearing shall be held.

### 10.01-4

Following such hearing, or hearings, the Planning Commission shall submit the proposed amendment to the County Coordinating Zoning Committee for review and recommendation. The County Coordinating Zoning Committee shall be deemed to have waived its right for review and recommendation if its recommendation has not been received by the Township within 30 days from the date the proposed text amendment and/or district change was received by the Coordinating Committee.

### 10.01-5

The Township Planning Commission shall transmit a summary of comments received at the public hearing and its proposed zoning text amendments and/or district change to the Township Board. The Township Board may hold a public hearing if it considers it necessary or as otherwise may be required by law. The

Township Board shall grant a hearing on a proposed zoning text amendment and/or district change to a property owner who requests a hearing by certified mail, addressed to the Township Clerk. The notice of any such public hearing shall be given in accordance with applicable statutory requirements. The Township Board may adopt, by majority vote of its membership, a Zoning Ordinance amendment and may give the Zoning Ordinance amendment effect not less than seven days after publication as provided by applicable statute. The Ordinance containing the Zoning Ordinance amendment shall be published pursuant to the provisions of the Michigan Zoning Enabling Act.

#### 10.02 Re-Hearing on Changes

Whenever a proposed amendment or district change has not been adopted by the Township Board, the Planning Commission shall refuse to hold another public hearing on same for at least six (6) months unless it is conclusively proven that new conditions and circumstances exist.

## ARTICLE 11--SCHEDULE OF FEES

### 11.01 Establishment of Fee Schedule

The Township Board shall by resolution establish a schedule of fees for the various types of permits, appeals, and applications pertaining to this Ordinance. The schedule of fees shall be kept on file with the Tompkins Township Clerk and posted at the Township Hall and may be amended from time to time by resolution of the Township Board.

### 11.02 Payment of Fees

Until all applicable fees have been paid in full, no action shall be taken on the application or appeal to which such fee pertains.

## ARTICLE 12--SANCTIONS FOR VIOLATIONS

Violation of any of the provisions of this Ordinance or failure to comply with any of its requirements shall be deemed a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine of not more than \$500, along with costs which may include all expenses, direct and indirect, to which Tompkins Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9 nor more than \$500 be ordered. A violator of this Ordinance shall also be subject to such additional sanctions and judicial orders as are authorized under Michigan law. Each day that a violation of this Ordinance continues to exist shall constitute a separate violation of this Ordinance. Nothing herein contained shall prevent the Tompkins Township Board or a public official or private citizen from taking such additional lawful action as is necessary to restrain or prevent any violation of this Ordinance.

## ARTICLE 13---REPORT TO GOVERNING BODY

Following the enactment of this Ordinance the Township Planning Commission shall from time to time prepare and file with the Township Board, a report on the operation of said Ordinance, including recommendations as to amendments, supplements or changes thereto. A reasonable time interval should be at least one each year.

## ARTICLE 14---DEFINITIONS

For the purpose of this Ordinance, certain terms or words used herein shall be interpreted as follows: The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual. Words used in the present tense include the future tense. The singular includes the plural. The word "shall" is mandatory, the word "may" is permissive. The word "used" or "occupied" includes the words "intended, designed or arranged to be used or occupied."

### 14.01 Accessory Use or Structures

A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

### 14.02 Alteration, Structural

Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

### 14.03 Automobile Trailer

(See mobile home definitions, Section 15.17)

### 14.04 Billboards, and/or Signs

#### 14.04-1 Billboards, Advertising Device or Structure

Any structure or portion thereof situated on private and leased premises on which lettered, figured or pictorial matter is displayed for advertising purposes.

#### 14.04-2 Business Sign

Any structure or portion thereof situated on private and leased premises on which lettered, figured or pictorial matter is displayed for advertising purposes, with the name and occupation of the user of the premises, or the nature of the business conducted thereon, or the products primarily sold or manufactured, processed or fabricated thereon.

#### 14.04-3 Real Estate Sign

Any structure or portion thereof used only to advertise with pertinent information the sale, rental, or leasing of the premises upon which it is located.

#### 14.04-4 Identifying Sign

The term "identifying sign" shall mean a sign on the premises which serves only to tell the name or use of any public or semi-public building or recreation space,



club, lodge, church or institution, or which serves only to tell the name or address of an apartment house, hotel or motel, or which serves only to inform the public as to the use of a lawful parking lot.

#### 14.04-5 Name Plate

The term "name plate" shall mean a sign affixed flat against the wall of the building which serves solely to designate the name or the name and professional or business occupation of person or persons occupying the building.

#### 14.05 Building

Any structure intended for the shelter, housing or enclosure of person, animals or chattel.

#### 14.06 Building, Habitable

The term "habitable building" shall mean any structure where persons reside, are employed or congregate.

#### 14.07 Concentrated Animal Feeding Operation

A concentrated feeding operation means an animal feeding operation where the following conditions are met:

- A. Animals (other than aquatic animals) have been, are, or can be stabled or confined and fed or maintained for a total of forty-five (45) days or more in any twelve (12) month period, and;
- B. Crops, vegetation, forage growth or post harvest residues are not sustained in the normal growing season over any portion of the lot or facility.
- C. More than the number of animals specified in any of the following categories are confined;
  - 1. 1,000 slaughter or feeder cattle
  - 2. 700 mature dairy cattle (whether in milk or dry)
  - 3. 2,500 swine
  - 4. 500 horses
  - 5. 10,000 sheep or lambs

6. 55,000 turkeys
7. 100,000 laying hens or broilers
8. 5,000 ducks
9. 1,000 animal units

#### 14.08 District Zoning

A part or parts of the unincorporated area of Tompkins Township for which zoning regulations are prescribed.

#### 14.09 Dwelling

Any building or portion thereof, which is occupied in whole or in part as a home, residence or sleeping place, either permanently or temporarily by one or more families.

##### 14.09-1 Dwelling, Single Family

A detached residence designed for and occupied by one family only with housekeeping and cooking facilities, complying with the following standards:

- a. It shall have a living area of not less than 925 sq. feet and shall be no less than 14 feet in its shortest dimension. Garage space, whether in an attached or detached garage, shall not be considered part of the living area of a dwelling.
- b. It is firmly attached to a permanent foundation constructed on the site in accordance with the township building code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall, in addition thereto, be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission.
- c. In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.
- d. The dwelling shall contain no additions or rooms or other areas which are not constructed with similar quality workmanship as the

original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.

The dwelling shall comply with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.

- e. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by State or Federal law or otherwise specifically required in the ordinances of the Township pertaining to such parks.

#### 14.09-2 Dwelling, Two-family

A residence designed for or occupied by two families only, with separate housekeeping and cooking facilities for each and minimum size, per family, as defined in Section 15.09-1

#### 14.09-3 Dwelling, Multiple Family

A residence designed for or occupied by three or more families, with separate housekeeping and cooking facilities for each and minimum size, per family, as defined in Section 15.09-1.

#### 14.10 Camp or Travel Trailer

Any portable or mobile vehicle designed as a temporary dwelling unit and used for such purpose by the owner or lessee when traveling.

#### 14.11 Erected

It shall mean built, constructed, reconstructed, moved upon or any physical operations on the land required for the building or structure.

#### 14.12 Fabrication

Fabrication means the stamping, cutting, or otherwise shaping and assembling the processed materials into useful objects.

#### 14.13 Farm

Any parcel of land containing not less than three (3) acres which is used for gain in the raising of agricultural products, livestock, poultry and bees. It includes the necessary farm structures, and the storage of equipment used.

#### 14.14 Home Occupation

"Occupation" in this Ordinance refers to designated incidental economic enterprises which may be permitted (in specified districts) provided the limitations set forth are observed.

#### 14.15 Junk Yard

A place where junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including motor vehicles, used building materials, structural steel materials and equipment and other manufactured goods that are so worn, deteriorated, or obsolete as to make them unusable in their existing condition.

#### 14.16 Kennel

A kennel shall be construed as an establishment wherein or whereon three (3) or more dogs are confined and kept for sale, boarding, breeding or training purposes, for remuneration, or kept as domestic pets or as a hobby.

#### 14.17 Lot

A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such building and accessory thereto, together with such open spaces as required by this Ordinance, and having frontage on a public street.

##### 14.17-1 Corner Lot

Defined as a lot located at the intersection of two or more improved public streets.

##### 14.17-2 Lot Frontage

The front of a lot shall be construed to be the portion nearest the street, except in case of lots bordering a lake the portion abutting the lake shall be considered the front of a lot.

##### 14.17-3 Lot of Record

A lot which is part of a subdivision recorded in the office of the County Register of Deeds or a lot or parcel described by metes and bounds, the description of which has been so recorded.

#### 14.18 Mobile Homes

A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. Mobile home does not include a recreational vehicle.

#### 14.18a Mobile Home Park

A parcel or tract of land under the control of a person upon which three or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home and which is not intended for use as a temporary trailer park.

#### 14.19 Non-Conforming Use

A structure or land lawfully occupied by a use that does not conform to the regulation of the District in which it is situated.

#### 14.20 Parking Spaces

The area required for parking one (1) automotive vehicle, which in this Ordinance is held to be an area ten (10) feet wide and eighteen (18) feet long, not including passageways.

#### 14.21 Premise

The term "premise" shall mean any tract of land containing an habitable building.

#### 14.21.a Recreational Vehicle

A vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle. This term includes motor homes and travel trailers.

#### 14.22 Right-of-Way Line, Highways

A line which is the joint boundary between a lot and the street or highway. A four (4) rod right-of-way shall be used for computing width of streets or highways, unless an otherwise width has been established.

#### 14.23 Roadside Market Stand

A structure (whether enclosed or otherwise), placed or designed for the sale of those products primarily produced on the premises on which the structure is located. Such structure may be used for the selling of products produced elsewhere, provided such type of use does not become the principal use.

#### 14.24 Sewage

Sewage shall mean the liquid wastes from habitable buildings, and shall include human excreta and wastes from sinks, lavatory, bathtub, shower and laundry, and any other water carrying wastes of organic or inorganic nature excluding roof, footing and storm drainage, either singly or any combination thereof.

#### 14.25 Structure

Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, signs, and billboards and swimming pools.

#### 14.26 Use, Conditional

A use, permitted in certain zoning districts, of such a nature that the public and the Planning Commission has reserved the right to approve its exact location, subject to conditions stated in the Ordinance and to any special conditions imposed by the planning Commission to protect the Use by Right of other properties in the neighborhood or the district in which it may be located.

#### 14.27 Variance

A variance is defined as a modification of the terms of this Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance is authorized only for area and size of structure or size of yards or open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or adjoining zoning districts.

#### 14.28 Yard

A required open space unoccupied and unobstructed by any structure or portion thereof, provided however, that fences, walls, garages, parking and loading space may be permitted subject to limitations as indicated in Articles 4 and 7.

#### 14.28-1 Yard, Front

An open space extending the full width of the lot between the front part of the building and the front lot line.

#### 14.28-2 Yard, Side

An open space except as hereinafter specified extending from the rear lot line of the required front yard to the rear lot line between the building and side lot line

#### 14.28-3 Yard, Rear

An open space, except as hereinafter specified, extending across the rear of the lot between the inner side yard lines and between the building and the rear lot line.

#### 14.29 Certificate of Compliance

A written form issued by the Building Inspector authorizing buildings, structures, or uses consistent with the requirements of the zoning district in which they may be located.

## ARTICLE 15--REPEAL OF CONFLICTING ORDINANCES

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

## ARTICLE 16--EFFECTIVE DATE

This Ordinance was adopted at a regular meeting of the Township Board of the Township of Tompkins, Jackson County, Michigan duly called and held on the day of February 6, 1990, and was given immediate effect from and after March 8, 1990. This Ordinance was adopted and is enforced pursuant to the authority of Michigan Public Act No. 184 of 1943, as amended, and its successor Act, being Michigan Public Act 110 of 2006, as it may from time to time be amended.