

4 Zoning Regulations, Zoning Maps, Districts and Uses

4.1 Zoning Regulations

For the purpose of this zoning ordinance, the regulations contained in this chapter shall become effective from and after October 5, 2011, after their publication according to law. If any court of competent jurisdiction shall adjudge any provision of this regulation to be invalid, such judgment shall not affect any other provisions of this regulation not specifically included in said judgment. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this regulation to a particular property, building or structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.

4.2 Zoning Districts

The Township is divided into Districts. Each District has primary uses; uses allowed with a Certificate of Compliance; and uses allowed with a Conditional Use Permit as herein defined. Unless a use is specifically defined as a primary use or allowed with a Certificate of Compliance or a Conditional Use Permit, it is a prohibited use. The boundaries of the districts are as shown on the map published and made part hereof. This map is designated as the official zoning map of the Township. The district boundary lines on this map are intended to follow street right-of-way lines, street centerlines, or lot lines unless such boundary is indicated otherwise on the map. In the case of unsubdivided property or in any case where street or lot lines are not used as boundaries, the district boundary lines shall be determined by use of dimensions or the scale appearing on the map. All of the notations, references and other information shown thereon shall have the same force and effect as if fully set forth herein and are made a part of this section by reference and incorporated herein fully as if set forth herein at length. Whenever any street or public way is vacated, any zoning district line following such centerline of said vacated street or way shall not be affected by such vacation.

4.3 'A-1' Agricultural District and Uses

4.3.1 Purpose and Scope. The "A-1" District, as shown on the Zoning District map, is established to preserve agriculture as a viable long term land use and significant economic activity. Land within this District is eligible for inclusion into the Metropolitan Agricultural Preserves Program. Inclusion in this District is dependent upon landowner request.

4.3.2 Land Uses in Agricultural Districts. The primary uses within the A-1 Agricultural District are agricultural and single family residential use.

4.3.3 Uses with a Certificate of Compliance. The following uses are permitted in the "A-1" District after the issuance of a Certificate of Compliance: Accessory Apartments; Agricultural Business – Seasonal; Essential Services - Government Uses, Buildings, and Storage; Essential Services - Utility Substation; Home Occupation; Horse Training Facility, Commercial (10 horses or less), Horse Training Facility, Private (over 10 horses); Livestock and Livestock Operations (11-49 animal units); Place of Worship;

Plant Nursery; Temporary Care Facility; Temporary Dwelling Unit – Construction; Temporary Farm Dwelling.

4.3.4 Uses with a Conditional Use Permit. The following uses are permitted in the “A-1” District after the issuance of a Conditional Use Permit: Balloon Port – Commercial; Bed and Breakfast Inn; Cemeteries; Commercial Kennel; Community Residence; Golf Course; Golf Driving Range; Commercial Horse Training Facility (over 10 horses); Livestock and Livestock Operations (over 49 animal units); Mining Operations; Public Recreation Facility; Recreational Use; Passive, Resorts/Conference Facilities; Schools; Travel Trailer/ Recreational Vehicle Campground; Wireless Communication Facility; or Yard Waste Facility.

4.4 ‘SFE’ Single Family Estate District and Uses

4.4.1 Purpose and Scope. The Single Family Estate District provides residential areas in developing rural areas. The purpose of this District is to provide lots large enough to maintain a semi-rural setting. The following are primary uses in the “SFE” District: Agriculture and Single Family Residential. There are no uses with a Certificate of Compliance in this District.

4.4.2 Uses with a Conditional Use Permit. The following uses are permitted in the “SFE” District after the issuance of a Conditional Use Permit: Agricultural Business – Seasonal; Essential Services - Government Uses, Building, and Storage; Essential Services - Utility Substation; Home Occupation; Cemeteries; Day Care Facility; Golf Course; Place of Worship; Public Recreation Facility; Schools; Temporary Farm Dwelling; Horse Training Facility, Private (under 10 horses); Livestock and Livestock Operations (over 11 animal units).

4.5 NC-B’ Neighborhood Commercial/Business District and Uses

4.5.1 Purpose and Scope. The purpose of this District is to provide for individual and small groups of retail and customer service establishments serving primarily the convenience of a local neighborhood. The character, appearance, and operation of a neighborhood business area should be compatible with surrounding residential areas. The only allowed primary use in this district is agriculture. There are no uses with a Certificate of Compliance in this District.

4.5.2 Uses with a Conditional Use Permit. The following uses are permitted in the “NC-B” District after the issuance of a Conditional Use Permit: Bakeries; Banks, Savings and Loan Associations and other Financial Institutions; Barber Shops/Beauty Shops; Business Offices; Coffee Shops; Day Care Centers; Drug Stores; Essential Services - Government Buildings, Storage, and Uses; Essential Services - Utility Substations; Florists; Insurance Sales Offices; Optical Stores; Park and Ride, Transit Stops/Shelters; Places of Worship; Public Recreation Facility; Real Estate Sales; Schools (i.e. Dance, Karate); Soda Fountain and Ice Cream Stores; Small Arts and Crafts stores providing specialty products for sale; other substantially similar uses in terms of traffic volume, noise, waste generation, parking, lighting, odor, compatibility with surrounding uses and intended to primarily serve Township residents.

4.6 'HC-B' Highway Commercial/Business District and Uses

4.6.1 Purpose and Scope. The purpose of this District is to provide an area for highway oriented commercial businesses that are non-threatening to the environment or the neighborhood. There are no primary uses in Highway Commercial/Business Districts. There are no uses with a Certificate of Compliance in this District.

4.6.2 Uses with a Conditional Use Permit. The following uses are permitted in the "HC-B" District after the issuance of a Conditional Use Permit: Convenience Food Store; Essential Services - Government Buildings, Storage, and Uses; Essential Services - Utility Substations; Medical/Dental Clinics; Mining/Extraction-Related Industries; Motor Vehicle Service Stations (Automobile)/Parts; Car Wash; Physical Fitness Center; Plant Nursery/Sales; Restaurants; Drive-through Restaurants; Veterinary Clinic; Wireless Communication Facility

4.7 Conservancy District and Uses

4.7.1 Purpose and Scope. The Conservancy District is established to provide special regulatory protection for those areas that either contain a valuable natural resource or other similar resource or to foster, preserve, and promote sensitive development in these areas. Land within this District may be unsuitable for agricultural production or development due to wetlands, woodlands, steep slopes, scenic views, bedrock formations, and/or other physical features of unique natural and biological characteristics.

4.7.2 Land Uses in the Conservancy District. The following are primary uses in the Conservancy District: hiking, fishing, trapping, hunting, swimming, and boating, unless otherwise prohibited; harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of such crops and does not involve filling, flooding, draining, dredging, ditching, tiling, or excavating; silviculture, including the planting, thinning, and harvesting of timber, provided no filling, flooding, draining, dredging, ditching, tiling, or excavating is done except for temporary water level stabilization measures to alleviate abnormally wet or dry conditions which would have an adverse impact on silvicultural activities if not corrected; Construction and maintenance of fences; existing agricultural uses that do not involve extension of cultivated areas, extension of or creation of new drainage systems, and do not substantially disturb or impair the natural fauna, flora, topography, or water regimen; ditching, tiling, dredging, excavating, or filling done to maintain or repair an existing agricultural drainage system only to the extent necessary to maintain the level of drainage required to continue the existing agricultural use; or the maintenance, repair, replacement, and reconstruction of existing streets, roads, and bridges.

4.7.3 Uses with a Certificate of Compliance. The following uses are permitted in the Conservancy District after the issuance of a Certificate of Compliance: Agriculture.

4.7.4 Uses with a Conditional Use Permit. Uses with a conditional use permit include passive recreational uses.

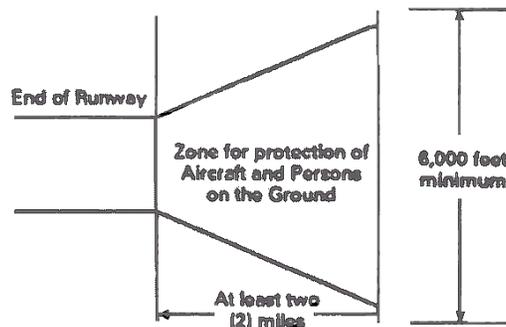
4.8 Airport Overlay District

4.8.1 Applicability. The Airport Zoning District applies to private or publicly owned and operated airfields and adjacent areas. The specific regulations in this District are in addition to, rather than in lieu of, regulations imposed by any other zoning classification for the same land.

4.8.2 Airport Zones. The following zones are hereby established within the Airport Overlay District:

4.8.2.1 Qualified Land Use Zone. Uses shall not be permitted within this zone which might result in an assembly of persons, manufacturing or storage of materials which explode on contact, and the storage of flammable liquid above ground. Land uses allowed include those primary uses, accessory uses, uses permitted with a Certificate of Compliance and uses permitted with a Conditional Use Permit in the underlying Zoning District. Prohibited uses shall include educational, institutional, amusement, and recreation. No use may be permitted in such a manner as to create electrical interference with radio communications between airport and aircraft, make it difficult for pilots to distinguish between airport and other lights, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport to otherwise endanger the landing, take-off or maneuvering of aircraft.

Fan-Shaped 2 Mile Area Starting at End of Runway



4.8.2.2 Airport Zone. Except as otherwise provided in this Zoning Ordinance, and except as required necessary and incidental to airport operations or recommended by or on accordance with the rules of the federal Aviation Agency, no structure shall be constructed, altered or maintained, and no trees shall be allowed to grow so as to project above the landing area or any of the airport's referenced imaginary surfaces described below:

4.8.2.2.1 Horizontal Surface. A circular plane, one hundred fifty (150) feet above the established airport elevation, with a radius from the airport reference point of five thousand (5,000) feet.

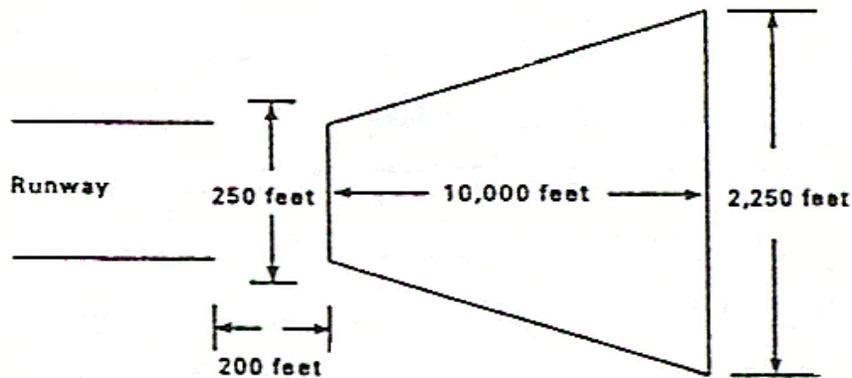
4.8.2.2.2 Conical Surface. A surface extending from the periphery of the horizontal surface outward and upward at a slope of twenty to one (20 to 1) for the horizontal distance of seven thousand (7,000) feet and to the elevation above the airport elevation of five hundred (500) feet.

4.8.2.2.3 Primary Surface. A surface longitudinally centered on a runway and extending in length two hundred (200) feet beyond each end of the runway. The elevation of any point on the longitudinal profile of a primary surface, including extensions, coincides with the elevation of the centerline of the runway, or the extensions, as appropriate. The width of a primary surface is two hundred fifty (250) feet.

4.8.2.2.4 Approach Surface. A surface longitudinally centered on the extended centerline of the runway, beginning at the end of the primary surface, with slopes and dimensions as follows: The surface begins two hundred fifty (250) feet wide at the end of the primary surface and extends outward and upward at a slope of twenty to one (20 to 1), expanding to a width of two thousand two hundred fifty (2,250) feet at a horizontal distance ten thousand (10,000) feet.

4.8.2.3 Airport landing area. The airport landing area is defined as the approach area by, width, slope, horizontal surface and conical surface.

Approach Surface Plan View



Approach Surface Elevation:

All height limitations are computed from the established airport elevation.

