

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.