

**LAND USE ORDINANCE
CLAY TOWNSHIP
HUBBARD COUNTY MINNESOTA**

An ordinance as authorized under State Statute 462 regulating any portion of the township which does not lie within a portion covered by county ordinances which has more restrictive zoning controls.

RATIONALE: The purpose of these ordinances is to:

1. Promote and protect the public health, safety and general welfare of the inhabitants of and visitors in Clay Township,
2. Protect and conserve the unique qualities and character of Clay Township.
3. Maintain and protect the environmental quality and natural beauty of the lakes and woods located in Clay Township.
4. Promote the most beneficial relation between the uses of land and buildings and to minimize the conflicts among such uses

BE IT HERE BY ORDAINED BY THE TOWNSHIP BOARD:

ARTICLE I

101 TITLE: The official title of this ordinance is the Land Use Ordinance of Clay Township.

102 EFFECTIVE DATE: This ordinance shall take effect: _____

103 DEFINITIONS: Certain words or terms that appear in this ordinance are defined in Article VI.

104 COMPLIANCE: No structure shall be located, erected, constructed, reconstructed, moved, converted or enlarged, nor shall any structure or land be used or be designed to be used, except in full compliance with all the provisions of this ordinance and after the lawful issuance of all permits required by this ordinance.

105 SEVERABILITY: If any provision of this ordinance or the application of any provision to particular circumstances is held invalid, the remainder of the ordinance or the application of such provisions to other circumstances shall not be affected.

106 REPEAL: Any resolution or ordinance or any part of any resolution or ordinance conflicting with the provisions of this ordinance is hereby repealed to the extent of such conflict.

ARTICLE II-DISTRICT REGULATION

201 LAND USE MAP: A map entitled "Clay Township Land Use Map" is hereby adopted as part of this ordinance. The land use map shall be kept on file available for examination with the township clerk.

202 LAND USE DISTRICTS: The development of Clay Township shall be controlled by means of land use districts. The following land use districts are created in order to promote the orderly development of land and all useable structures. The township is divided into the districts stated in this ordinance as shown by the district boundaries on the land use map. The districts are: R-1, Rural Residential and C1, Conservation.

203 DISTRICT BOUNDARIES: District boundaries shown within the lines of roads, streams, and the transportation rights of way shall be deemed to follow the centerlines. The vacation of roads shall not effect the location of such district boundaries. When the zoning officer cannot definitely determine the location of a district boundary by such centerlines, by the scale or dimensions stated on the land use map, or by the fact that it clearly coincides with a property line, he shall refuse action, and the board of adjustment, upon appeal, shall interpret the location of the district boundary with reference to the scale of the land use map and the purposes set forth in all relevant provision of the ordinance.

R-1 RURAL RESIDENTIAL:

PERMITTED USES

- 1. Agriculture
- 2. Single Family dwelling, including home occupations
- 3. Two family dwellings
- 4. Public & Parochial Schools
- 5. Public parks & playgrounds
- 6. Churches
- 7. Resorts & Campgrounds
- 8. Cemeteries
- 9. Essential Services
- 10. Accessory Structures

CONDITIONAL USES

- 1. Gravel Pit/Quarry

C-1 CONSERVATION DISTRICT:

- 1. Agriculture
- 2. Single family dwellings, including home occupations
- 3. Camps
- 4. Public parks & playgrounds
- 5. Hunting preserves & game lands
- 6. Cemeteries
- 7. Essential Services
- 8. Accessory Structures

CONDITIONAL USES

- 1. Communication Tower
- 2. Gravel Pit/Quarry

LOT REQUIREMENTS

20 Acres are required for R-1 Rural Residential and C-1 Conservation District

ARTICLE III- SUPPLEMENTARY REGULATIONS

301 NONCONFORMING USES: The following provisions shall apply to all non-conforming uses and structures:

301.1 Any non conforming use as of the effective date of this ordinance may be continued, but may not be extended, expanded, or changed unless to conforming use (see MN. Statute 462)

301.2 Any non-conforming structure not totally damaged by fire, flood, explosion, or any other casualty, may be reconstructed and used as before if such reconstruction is performed within 12 months of such casualty, and if the restored structure covers no greater area and contains no greater cubic content than before such casualty. If totally damaged, any new structure and its use shall conform to all requirements of this ordinance.

301.3 In the event that any non-conforming use, conducted in a structure ceases, for whatever reason, for a period of one year, such non-conforming use shall not be resumed, and any future use shall be in conformity with the provisions of this ordinance.

302 EXISTING LOTS OF RECORD: Any lot on record existing as of the effective date of this ordinance may be used for the erection of structure conforming to the use regulation of the district in which it is located, even though its dimensions are less than the minimum requirements of this ordinance.

303 TEMPORARY STRUCTURES: Temporary structures used in conjunction with construction work shall be permitted only during the period that the construction work is in progress. Permits for a temporary structure shall be issued for a six month period.

304 VEHICLE STORAGE: The presence of more than four unlicensed vehicles shall not be allowed.

"305 RESIDENTIAL DWELLINGS. The presence of (1) one residential dwelling on each conforming lot shall be allowed.. (Existing lots of less than 20 acres will be allowed the presence of one (1) residential dwelling).

- A. Dwellings must have a permanent foundation, or basement or frost footings.*
- B. Dwellings must have twenty (20) feet as the minimum length of its smallest dimension..*

305.1 SHORELAND RESIDENTIAL DWELLINGS. *In addition to the Shore-land Ordinances required by the State of Minnesota and Hubbard County, the following shall apply:*

- A. Front Footage. A minimum of 300 feet (three hundred feet) of shore is required.*
- B. Total Acreage. A minimum of 5 acres (five) is required*
- C. In no instance shall density exceed one dwelling per five (5) acre shore-land lot.*

306 SIGNS:

306.1 Signage shall be limited to two (2) off-premises signs and one (1) on-premises sign.

306.2 No sign shall exceed seventy-five (75) square feet in area.

A. No off-premises sign shall be illuminated in any way.

B. Signs shall not project over public right of way.

307 HOME OCCUPATIONS: A home occupation shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes, and shall not occupy more than 25% of the floor space of the structure(s). The following additional conditions shall be observed.

307.1 The occupation is carried on by a member of the family residing in the dwelling unit with not more than one employee outside the family and the occupation is carried on wholly within the principal structure or accessory structure and there shall be no exterior display, exterior sign other than permitted by Section 306, no exterior storage of materials and no exterior indication of the home occupation or variation from the residential character of the principal structure.

308.0 NOISE ISSUES: Follow the Minnesota Model Noise Control Ordinance, 400b, Revised: January 1996, but note the following: No person shall operate or cause to be operated on private or public property any source of continuous sound in excess of the following decibel limits:

	DAY 7:00 A.M. – 10:00 P.M.		NIGHT 10:00 P.M. – 7:00 A.M.	
	L10	L50	L10	L50
RESIDENTIAL	65	60	55	60
AGRICULTURAL	70	65	70	65

308.1 The maximum permissible sound levels in 308.0 shall not apply to any of the following sources:

- a. The emission of sound for the purpose of alerting persons to the existence of an emergency.
- b. Emergency work to provide electricity, water, or other public utilities when public health or safety are involved.
- c. Domestic power tools between sunrise and sunset.
- d. Explosives and construction operations between sunrise and sunset.
- e. Agriculture
- f. Public celebrations, periodic outdoor sports and entertainment activities approved by the township
- g. The un-amplified human voice.

309.00 Quarry, Sand Pit, Gravel Pit, or Top Soil Stripping is not allowed except as a conditional use.

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309.1 Quarry. Sand Pit. Gravel Pit. Top Soil Stripping: If a conditional use is permitted, the following will be required:

1. Site plan filed with the Township Board.
2. Residual effects must not create hazardous or otherwise adverse conditions to value and use of adjacent properties or the well being of the surrounding area and its residents.
3. The site must be reclaimed to a non-hazardous state, permitting some future use.
4. Erosion control plan must be filed with the Township Board.
5. Restoration plan, must be approved by the soil and water conservation district, and filed with the township board.

310.00 Telecommunications Towers

The purpose of the Telecommunication Towers section shall be to establish predictable and balanced regulations that protect the public health, safety, and general welfare of the township. These regulations are intended to:

- A. Facilitate the provision of telecommunications services and facilities including commercial wireless telecommunication services in Clay Township;
- B. Minimize adverse visual effects of towers through careful design and siting standards;
- C. Avoid potential damage to adjacent properties from tower or antenna failure and weather related occurrences through structural standards, careful siting, and setback requirements;
- D. Encourage the shared use of towers and buildings to accommodate commercial wireless telecommunication service antennas in order to minimize the number of towers needed to serve the township"

310.01 Permits Required

It shall be unlawful for any person, firm or corporation to erect, construct in place, place or re-erect any commercial tower, unless it shall replace a like tower, without first making application to the Township and securing a conditional use permit. A change in construction, dimension, lighting design or design type shall also require a conditional use permit. Routine maintenance of towers and related structures shall not require the issuance of a conditional use permit. The placement of antennae on previously approved towers may be administratively approved by the Township.

310.02 Tower and Antenna Design Requirements

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

A. Towers and antennas shall blend into the surrounding environment through the use of color and camouflaging architectural treatment except in instances where the color is dictated by federal or state authorities;

B. No tower shall have constructed thereon, or attached thereto, in any way, any platform, catwalk, crow's nest, or like structure, except during periods of construction or repair.

C. Towers and their antennas shall be certified by a qualified and licensed professional engineer to conform to applicable state structural building standards.

D. Towers and their antennas shall be designed to conform with accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code.

E. Metal towers shall be constructed of: or treated with, corrosive resistant material

310.03 Towers and all accessory structures or buildings shall conform to the following minimum setback requirements:

A. Towers shall be setback from all property lines an amount equal to the height of the structure;

B. Suitable protective anti-climbing fencing, with a minimum height of 6 feet, shall be provided around any tower and guy wires.

310.04 . Towers are allowed in Conservation Districts.

310.05 Co-Location requirements

All commercial wireless telecommunication towers erected, constructed, or located within the Township shall comply with the following requirements:

A. Documentation of the area to be served including maps demonstrating the size of communications cells and a search ring for the antenna location. A narrative describing a search ring for the request, with not less than one (1) mile radius clearly explaining why the site was selected, what existing structures were available and why they are not suitable as locations or co-locations.

B. Documentation that the communications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within the search ring of the service area due to one or more of the following reasons:

1. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed professional engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned 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 by a qualified and licensed professional engineer or qualified radio frequency engineer and the interference cannot be prevented at a reasonable cost;

3. Existing or approved towers and buildings within the search radius that are 60 feet or over in height that Cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer;

4. Other unforeseen reasons that make it unfeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.

C. Any proposed tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is over 100 feet in height. "Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept mounting at varying heights.

D. An agreement stating that the site will be designed for not less than three users with applicant and property owner commitment to co-location, whereby, any prohibition of additional users on a tower will be considered a violation of the permit and Township policy. The agreement shall also include a statement that any unused or abandoned tower shall be removed by the property owner and/or applicant. Said agreement shall be signed by the applicant and the property owner and shall be attached to and become a part of the permit.

310.06 TOWER LIGHTING:

Towers shall not be illuminated by artificial means and shall not have affixed or attached to it in any way except during time of repair or installation, any lights, reflectors, flashers, or other illuminating device, except as required by the Federal Aviation Administration; or the Federal Communications Commission or state agency. When incorporated into the approved design of the tower. light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower.

310.07 Abandoned or Unused Towers

Abandoned or unused towers and associated facilities shall be removed within 12 months of the cessation of operations at the site unless a time extension is approved by the Township Board. In the event that a tower is not removed within the 12 months of the cessation of operations at a site, the tower and associated facilities may be removed by the Township and the costs of removal assessed against the property.

310.08 Public Safety Telecommunications Interference

Commercial wireless telecommunications services shall not interfere with public safety telecommunications. All applications shall include adequate information that will be reviewed by the Township Board before a permit may be issued. Before the introduction of new service or changes in existing service, telecommunication providers shall notify the township at least 10 calendar days in advance of any changes and allow the township to monitor interference levels during the testing process, at the applicant's expense.

310.09 Signs and Advertising

The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.

310.10 A screening and landscaping plan

Designed to screen the base of the tower, accessory utility buildings, utility structures, ground mounted equipment, and security fencing shall be submitted. The plan shall show the location, size, quantity, and type of landscaping materials. Landscape materials shall be capable of screening all year and must be six (6) feet in height by the end of the second growing season. Gravel or other durable surface or other weed prevention measures shall be applied within the fenced area to prevent the growth of weeds. A maintenance plan for landscaped materials shall also be submitted.

310.11 Additional Submittal Requirements

In addition to the information required elsewhere, applications shall include the following information:

A. A report from a licensed professional engineer that describes the commercial wireless telecommunication service tower's capacity, including the number and type of antennas that it can accommodate;

B. A letter of intent from the commercial wireless telecommunication service tower owner committing the tower owner and successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use;

C. The location of all public and private airports within a 3 mile radius of the tower site;

D. Permittee must obtain F AA approval and/or provide documentation that F AA approval is not needed;

E. Permittee must obtain FCC licensure and approval as required for various communications applications. No interference with local television and radio reception will be allowed;

F, An intermodulation study which provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems, only if that is the basis for not co-locating;

G. The applicant must submit proof of Liability and Worker's Compensation.

H. For towers over 500 ft., an Environmental Assessment Worksheet (EA W) is required and the applicant shall be responsible to complete the EA W prior to the issuance of a permit from the township.

I. The owner of the tower shall provide the Township with an acceptable financial guarantee in an amount equal to one and one-half (1 and 1/2) times the cost to remove the tower and related infrastructure, if abandoned, including footings and other underground improvements to a depth of 36 inches below existing grade, and to restore the site. Failure to remove the structure shall be cause for the Township to remove the tower and associated equipment at the expense of the property owners.

ARTICLE IV-ADMINISTRATION AND ENFORCEMENT

401 ZONING OFFICER: The township board shall appoint the zoning officer, who shall administer the provisions of this ordinance.

402 DUTIES OF THE ZONING OFFICER: The zoning officer shall interpret and enforce all the provisions of the zoning ordinance and shall have the duties and powers as conferred by the ordinance.

402.1 The zoning officer shall receive applications for building permits and may examine or cause to be examined all structures and or land on which an application has been filed. Permits for land use shall be accompanied by a fee, the amount to be set by the town board. Inspections may be made from time to time during and at completion of the work for which a permit has been issued.

403 LAND USE PERMITS:

403.1 Land use permits shall be obtained before any person may:

403.1A Occupy or use any vacant land or

403.1B Occupy or use any structure hereafter constructed, reconstructed, moved, enlarged, or

403.1C Change the use of a structure or land to a different use, or

403.1D Change a non-conforming use

403.2 Expiration of land use permits: The permit if not used shall expire 12 months from the date of its issuance.

403.3 Records: The zoning officer shall maintain a permanent file of all permits and applications as a public record.

404 VIOLATIONS AND PENALTIES: Any person who violates any provisions of this ordinance shall upon conviction thereof, before county court of local jurisdiction, be subject to a misdemeanor. Each day that any person shall continue to violate any of the requirements of this ordinance shall be considered a separate offense.

404.1 Administrative. Whenever any construction or installation is being done contrary to the provisions of this ordinance, the work shall be stopped when written notice is served on any persons engaged in the doing or causing such work to be done or when notice is posted at the construction / installation site. The Township Board or its representative may, in writing, suspend or revoke a permit issued in error or on the basis of incorrect information supplied, or for any violation of any other provisions of this Ordinance.

404.2 CONDITIONAL USE PERMITS.

Any use listed as a Conditional Use in this Ordinance shall be permitted only upon application to the zoning Officer, review and recommendation of the Planning

Commission, and approval and issuance of a Conditional Use Permit by the Clay Township Board.

1. Application for a conditional use permit shall be accepted by the Township Zoning Officer. All applications shall be accompanied by a fee. (See fee schedule) After receipt of the application the Township Board shall schedule a published and posted public hearing at the next regularly scheduled Board meeting to consider the application. The Planning Commission shall be present. The Township Board may grant, deny or table the application by a majority vote of the Board. A conditional use permit, when not used, shall expire one year following the date of issuance, unless a written extension is granted by the Township Board.

2. In considering the granting of any conditional use permit the Planning Commission and the Township Board shall evaluate the effect of the proposed use upon:

- A. the maintenance of the public health, safety and welfare;
- B. the prevention and control of water pollution, including sedimentation and nutrient loading;
- C. existing topography and drainage features and vegetative cover on the site;
- D. the location of the site with respect to floodplains and flood ways of rivers and tributaries;
- E. the erosion potential of the site based upon the degree and direction of slope, soil type and existing vegetative cover;
- F. the location of the site with respect to existing and proposed access roads;
- G. its compatibility with adjacent land uses;
- H. the amount of liquid waste to be generated and the adequacy of the proposed sewage disposal system;
- I. adequacy of the site for water supply and on-site sewage treatment systems.

404.3. Investigations. The Township Board or its representative shall investigate all violations of this Ordinance, notify the owners of violations and direct the property owner to correct violations within a reasonable period of time, and if compliance is not obtained within a reasonable period of time, shall report such violations to the Township Attorney for appropriate action.

404.4. Civil. In the event of violation or threatened violation of this Ordinance, the Township Board, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations, and it shall be the duty of the Clay Township Attorney to institute such action.

404.5. Criminal. Any person, firm or corporation who shall violate any of the provisions herein, or who shall fail to comply with any of the provision herein, or who shall make any false statement in any document required to be submitted under such provision, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by such penalties and fines provided by law

405 METHOD OF APPEAL: Any person, township or County official aggrieved or affected by any provision of the ordinance or by a decision of the zoning officer may

appeal to the Board of Adjustment within 30 days, by filing a notice of appeal specifying the grounds thereof with the zoning officer.

ARTICLE V- BOARD OF ADJUSTMENT

501 GENERAL: In accordance with the law a Board of Adjustment shall be appointed and organized, consisting of three members. The Board shall elect a chairman and vice chairman, and appoint a secretary. The board shall, pursuant to notice, hold meetings, keep minutes and conduct hearings, take testimony under oath and render decisions in writing within 30 days after hearing, a fee of, the amount to be set by the town board, shall be charged for any appeal or proceedings filed with the board.

502 APPEALS: The board shall have the power to hear and decide appeals from any order, requirement, decision, or refusal made by the zoning officer in administration of this ordinance. An appeal shall be in writing and filed in duplicate with the zoning officer. Within 10 days after filing the appeal, the zoning office shall transmit to the board all papers involved in the proceedings. Upon receipt of this material, the board shall set a hearing and give notice by mail of the time, place and purpose, thereof to the appellant and to the zoning officer. The Board of Adjustment may reverse or affirm, wholly upon or in part, any ruling decisions of determination and may issue or direct the issuance of a permit. The decision of the board is the final administrative decision, except any aggrieved person may appeal within 30 days after receipt of notice of the decision, to the district court in the county in which the land is located on questions of law and fact.

503 Variances: The board, upon appeal, shall have the power to authorize variances from the requirements of the ordinance, and to attach such conditions to the variance as it feels necessary to assure compliance with the purpose of this ordinance. A variance shall be permitted if all the following requirements are met:

503.1 Literal enforcement of the ordinance would result in undue hardship with respect to the property.

503.2 Such necessary hardship results because of circumstances unique to the property.

503.3 The variance observes the spirit and intent of this ordinance, produces substantial justice, and is not contrary to public interest.

503.4 Or, in any other circumstances where the board feels that granting the variance will be in the best interests of the township and will not violate the spirit of this ordinance.

ARTICLE VI- DEFINITIONS

601 GENERAL: Certain words used in this ordinance are defined below:

601.1 Accessory Use: Any use, structure or facility incidental to another use, structure or facility on the same lot which, because of its nature, can reasonably be

located at or greater than normal structure setback. Examples of such structures, uses and facilities include but are not limited to detached garages and storage buildings.

601.2 Antenna -any structure or device used for the purpose of collecting or radiating electromagnetic waves including but not limited to directional antennas such as panels, microwave dishes, satellite dishes, and omni-directional antennas such as whip antennas.

601.3 Agriculture: Agriculture shall mean cultivating the soil, producing crops, and raising livestock.

601.4 Camp: Non-Profit organization offering dormitories, cottages, cabins, or similar accommodations, eating facilities, sanitary facilities, and recreational or educational facilities to its members and guests, with furtherance of its non-profit purpose.

601.5 Campground: the area or place (as a field or grove) used for a camp, camping, or for a camp meeting. Principal use is for short-term recreation by tent campers, pop-up trailers, 5th wheels, self-propelled campers, motor homes & large motor vehicles equipped as living quarters. (Specifically excluded are mobile homes & dwelling structures, built on a steel chassis and fitted with wheels that are intended to be hauled to a usually permanent site).

601.6 Commercial wireless telecommunication services: -all commercial wireless telecommunications including cellular, personal communications services, specialized mobilized radio, enhanced specialized mobilized radio, paging and similar services that are marketed to the general public.

601.7 Conditional Use: A land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that standards and criteria stated in this Ordinance will be satisfied.

601.8 Dwelling: Any structure designed or used as living quarters for one or more families.

601.9 Essential Services: The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, including poles, wires, mains, drains, sewer, pipes, conduit cables, traffic signals and other similar equipment and accessories in connection with and reasonably necessary for the furnishing of adequate services by sub-public utilities or municipal or other governmental agencies or for the public health or safety or general welfare.

601.10 Family: Any one or more persons occupying a premise and living as a single housekeeping unit, as distinguished from a group occupying a board house, lodging house, club, fraternity, or hotel.

601.11 Foundation (Permanent Foundation): an underlying base or support; especially: the whole masonry substructure of a building

601.12 Hardship: A hardship exists when the property in question cannot be put to reasonable use under the strict interpretation of the official controls; the plight of the landowner is due to circumstances unique to his and or her property and was not created by the landowner; and the variance, if granted, would not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship if a reasonable use for the property exists under the terms of the official controls.

601.13 Home Occupation: An occupation carried on in a dwelling unit which is clearly incidental and secondary to the use of the building for dwelling purposes, and which does not change the character thereof.

601.14 Non-Conforming Structure: A structure designed, converted, or adapted for a use prior to the adoption of provisions prohibiting such use in such location.

601.15 Non-conforming Use: A non-conforming use is any use or arrangement of land or structures legally existing at the time of the enactment of this ordinance or any of its amendments, which does not conform to the provisions of the ordinance.

601.16 Public Utility: persons, corporations, or governments, supplying gas, electric, transportation, water, sewer, or land line telephone services to the general public. For the purpose of the Ordinance, commercial wireless telecommunications services shall not be considered a public utility use and are defined separately. "

601.17 Quarry, Sand Pit. Gravel Pit. Top Soil Stripping: A lot of land or part thereof used for the purpose of extracting stone, minerals, gravel, or top soil for sale, as a business operation and exclusive of the process of grading a lot preparatory to the construction of a building

601.18 Resort: A business that usually provides accommodations on a short term basis for recreational purposes located on or near water.

601.19 Sign: A display (as a lettered board or a configuration of neon tubing) used to identify or advertise a place of business.

601.20 Structure: Anything constructed or erected, the use of which requires a fixed location on the ground or an attachment to something having a fixed location on the ground, including in addition to buildings, billboards, carports, porches, and other building features, but not including sidewalks, drives, fences, and patios.

601.21 Tower: - a structure situated on a site that is intended for transmitting or receiving commercial television, radio, cellular or wireless communications.

- a. Communication tower. Free-standing. self-supporting -a ground mounted tower consisting of a pole. spire, structure, or combination thereof constructed without guy wires and anchors.
- b. Communication tower. guyed -a tower that is supported in whole or part by wires and ground anchors.

- a. Communication tower. monopole -a ground mounted tower consisting of a single pole constructed without guy wire and anchor.

601.22 Tower height -determined by measuring the vertical distance from the point of contact with the ground to the highest point of the tower including all antenna or other attachments.

601.23 Variance: Relief from certain provisions of this Ordinance may be granted when, due to the particular physical surroundings, shape or topographical condition of the property, compliance would result in a hardship upon the property owner. A hardship is distinguished from a mere inconvenience or a desire to increase the value of the property. A variance shall not be used to permit a use in a district where it is not allowed under the terms of the Ordinance. Variances shall only be granted where findings of fact indicate that the granting of such variance is appropriate

ADOPTED BY THE CLAY TOWNSHIP BOARD ON THE _____ DAY OF _____, 2001

_____ Chairman

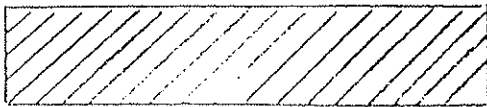
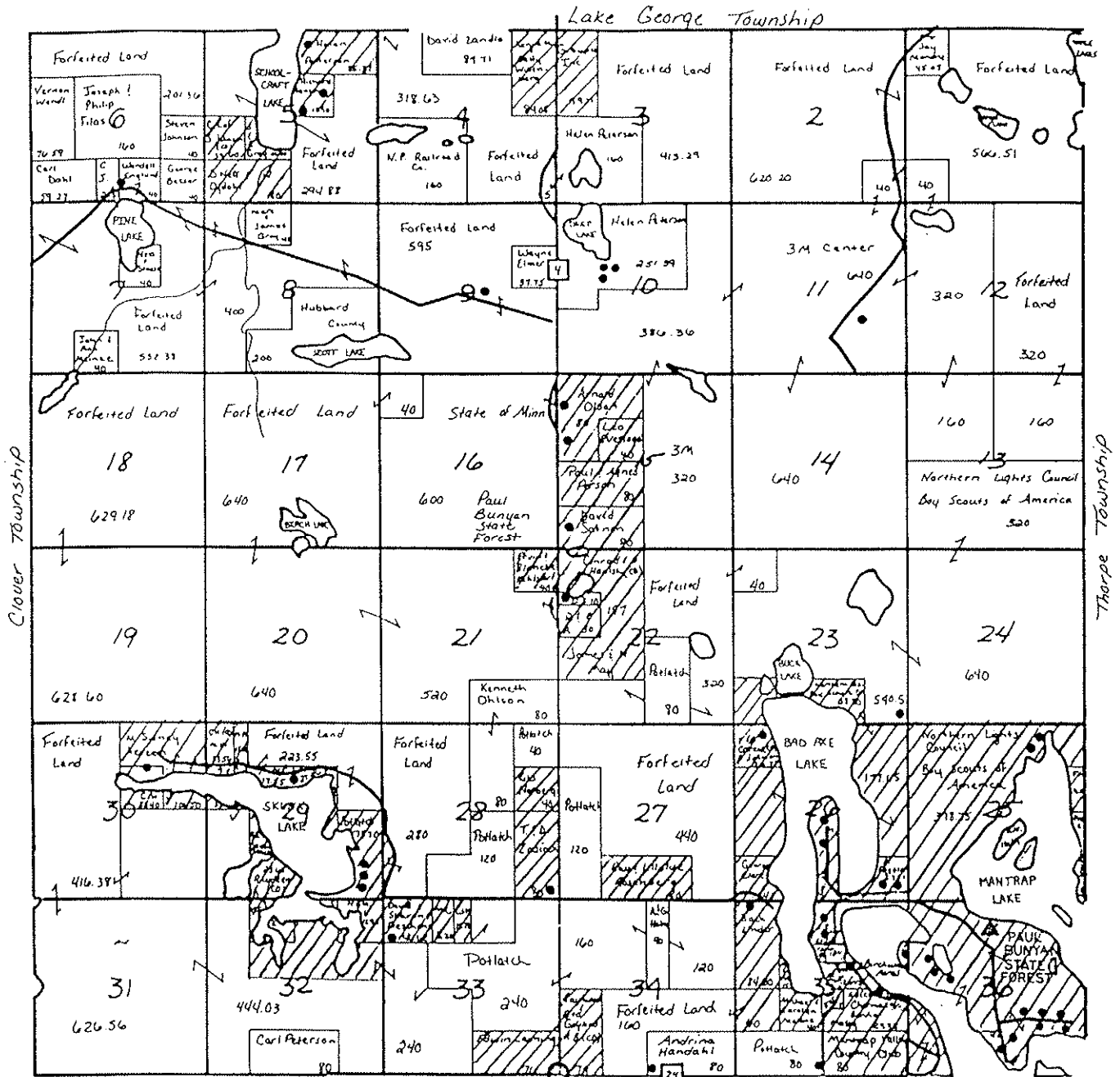
_____ Supervisor

_____ Supervisor

_____ Township Clerk

CLAY

T.142N. - R.34W.



R2 residential districts



C1 conservation districts