

# Wilber Township ZONING ORDINANCE

Wilber Township  
Iosco County  
Michigan

Adopted:

Effective:

Prepared with the Assistance of:  
**Northeast Michigan Council of Governments**  
[www.discovernortheastmichigan.org](http://www.discovernortheastmichigan.org)

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<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
<b>6</b> Special Land Uses	<b>7</b> Supplemental Regulations	<b>8</b> Zoning Board of Appeals	<b>9</b> Administration & Enforcement	<b>10</b> Adoption & Amendments

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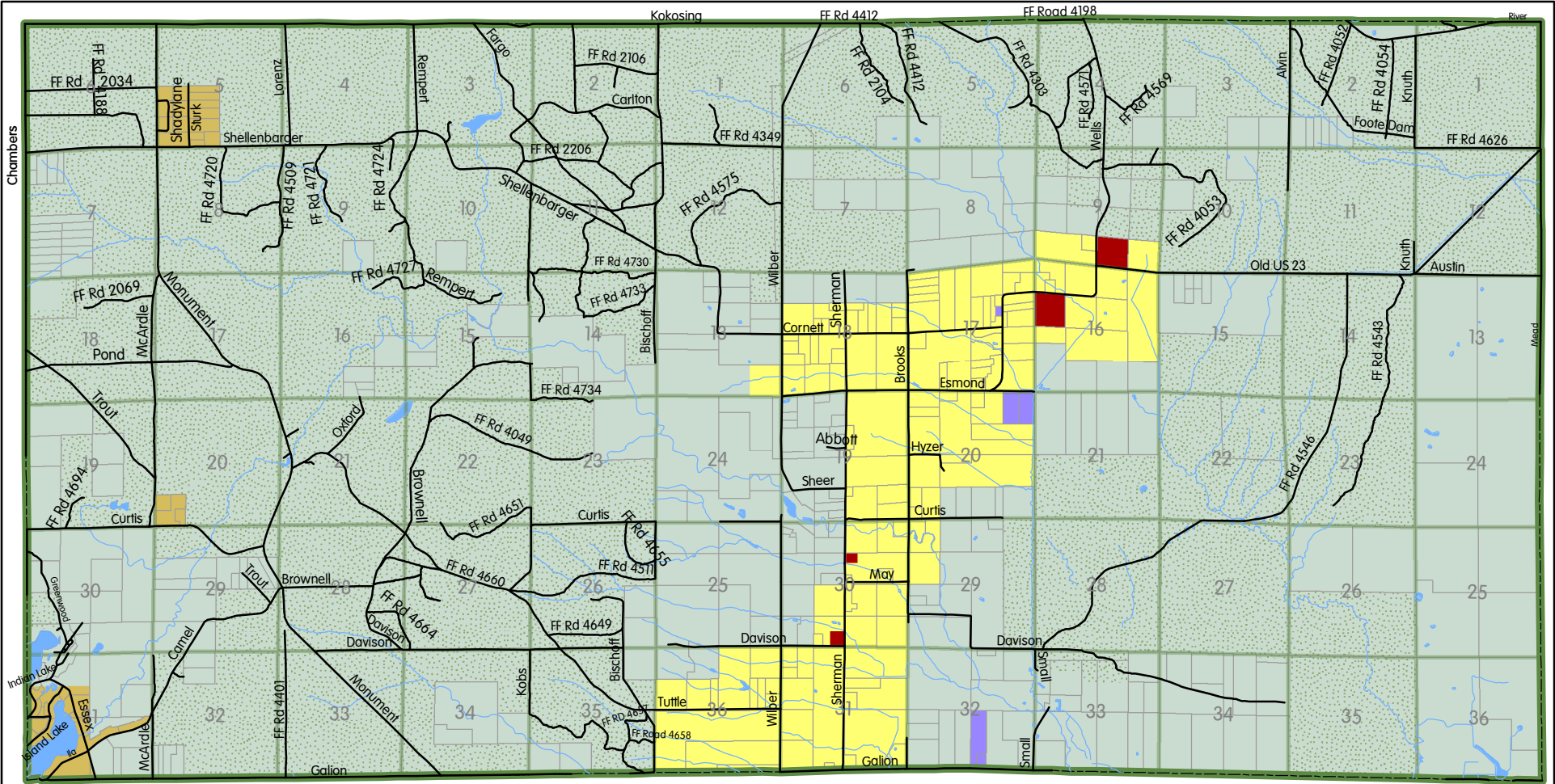
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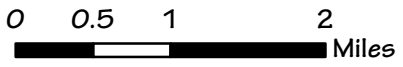
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# WILBER TOWNSHIP ZONING MAP

Iosco County, Michigan



### Zoning Districts

- MDR - Medium Density Residential
- CSC - Community Service Commercial
- I - Industrial
- AR - Agricultural Residential
- RD - Resource Development

NOTE: All Huron National Forest parcels are zoned RD

- Rivers
  - Township Boundary
  - Sections
  - Parcels
  - Water
  - Huron National Forest
  - Roads
- (FF = Federal Forest Rd)

Adopted \_\_\_\_\_  
Effective \_\_\_\_\_



Prepared with the Assistance of:  
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# Article 1

## Purpose & Authority

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### Section 1.01 Title

This Ordinance shall be known and cited as the Wilber Township Zoning Ordinance and may be referred to herein as “this Ordinance”.

### Section 1.02 Intent & Purpose

An ordinance which has the intent and purpose for the protection of the public health, safety and other aspects of the general welfare of the Township through the establishment, in the unincorporated portions of the Township, of zoning districts for the planned orderly growth and development of the Township within which the proper use of land and natural resources may be encouraged or regulated, and within which zoning district’s provisions may also be adopted designating the location of, the size of, the land and structural uses that may be permitted without or with special use conditions; the minimum open spaces, sanitary, safety, protective developmental and locational measures that shall be required for, and the maximum number of families that may be housed in dwellings; buildings and structures that may be erected or altered; to provide based upon the planned orderly growth and development of the Township, in an orderly manner and through the wise and efficient use of public utilities, facilities and services required to be provided to the residents, businesses and organizations of the Township; to provide for the conservation of the use of energy; the conservation of agricultural, forest, open space lands, wetlands, floodplains, floodways and land areas containing natural or cultural resources or features necessary to the social and economic well-being of present and future generations; to provide for a method of adoption of amendments to this Ordinance, to provide for conflicts with other state and federal laws and state and federal administrative rules and regulations and local Township and County ordinances and regulations with this Ordinance; to provide for penalties for violations of this Ordinance; to provide for the assessment, levy and collection of taxes on property zoned, developed and used in accordance with the provisions of **Michigan Zoning Enabling Act 2006 PA 110, as amended**, and this Ordinance; to provide for the collection of fees for zoning permits and other approvals required under this Ordinance; to provide for appeals for interpretation and variances of the provisions of this Ordinance.

### Section 1.03 Enabling Authority

This Ordinance is adopted pursuant to **2006 PA 110 (Michigan Zoning Enabling Act)**, as amended, and, when so far as it is applicable, **2008 PA 33 (Michigan Planning Enabling Act)** as amended. Such enabling act is hereby made a part of this Ordinance just as if said Act were repeated word for word herein.

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# Article 2 Definitions

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## Section 2.01 Rules Applying to Text

The following rules of construction apply to the text of this Ordinance.

- A. The particular shall control the general.
- B. All words used in the present tense shall include the future.
- C. All words in the singular number include the plural number. All words in the plural number include the singular number.
- D. The word “building” includes the word “structure”, and “dwelling” includes “residence”.
- E. The word “person” includes “corporation”, “co- partnership”, “association”, “firm”, “limited liability company”, or any other similar entity as well as an “individual”.
- F. The word “shall” is mandatory, directory and is not discretionary. The word "may" is permissive.
- G. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for" or "occupied for."
- H. The word "occupied" and the word "used" shall be considered to be followed by the words "or intended, arranged or designed to be used or occupied".
- I. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either . . . or," the conjunction shall be interpreted as follows:
  1. "And" indicates that all the connected items, conditions, provisions or events shall apply.

- 2. "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
- 3. "Either . . . or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- J. "Township" shall refer specifically to Wilber Township.
- K. The Zoning Board of Appeals shall define terms not herein defined within the intent and purpose of this Ordinance.

## Section 2.02 Definitions

For the purpose of this Ordinance, the following terms and words are defined as follows:

### A

**Abutting** – Means having property or district line in common; e.g., two lots are abutting if they have property lines in common.

**Access** – Means a way of approaching or entering a property.

**Accessory Building** - See "Building, Accessory."

**Accessory Dwelling Unit** – Means a dwelling unit that is secondary to the primary dwelling unit located on the property. Also known as guest houses, garage apartments, mother-in-law suites, granny flats, etc.

**Accessory Use** - See "Use, Accessory."

**Activity** - Means the active use of land for human and other purpose related to human endeavor.

**Adjacent Property** - Means property that adjoins any sides or corners of a specific parcel of land but not limited to those lands separated from the parcel by a road right-of-way, easements, or public utility rights-of-way.

**Adult Foster Care Facility** - Means a governmental or non-governmental establishment that provides foster care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care.

A. An adult foster care facility does not include the following:

- 1. A nursing home licensed under Article 17 of the **Public Health Code, 1978 PA 368**, MCL 333.20101 to 333.22260.

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2. A home for the aged licensed under Article 17 of the **Public Health Code, 1978 PA 368**, MCL 333.20101 to 333.22260.
  3. A hospital licensed under Article 17 of the **Public Health Code, 1978 PA 368**, MCL 333.20101 to 333.22260.
  4. A hospital for the mentally ill or a facility for the developmentally disabled operated by the Department of Community Health under the **Mental Health Code, 1974 PA 258**, MCL 330.1001 to 330.2106.
  5. A county infirmary operated by a county department of social services or family independence agency under Section 55 of the **Social Welfare Act, 1939 PA 280**, MCL 400.55.
  6. A child caring institution, children's camp, foster family home, or foster family group home licensed or approved under the **Child Care Organizations Act, 1973 PA 116**, MCL 722.111 to 722.128, if the number of residents who become 18 years of age while residing in the institution, camp, or home does not exceed the following:
    - a. Two, if the total number of residents is ten (10) or fewer.
    - b. Three, if the total number of residents is not less than eleven (11) and not more than fourteen (14).
    - c. Four, if the total number of residents is not less than fifteen (15) and not more than twenty (20).
    - d. Five, if the total number of residents is twenty-one (21) or more.
  7. A foster family home licensed or approved under the **Child Care Organizations Act, 1973 PA 116**, MCL 722.111 to 722.128, that has a person who is 18 years of age or older placed in the foster family home under section 5(7) of 1973 PA 116, MCL 722.115.
  8. An establishment commonly described as an alcohol or a substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house that does not provide or offer to provide foster care.
  9. A facility created by the **Michigan Veteran's Facility Act, 1885 PA 152**, MCL 36.1 to 36.12.
  10. An area excluded from the definition of adult foster care facility under Section 17(3) of the **Continuing Care Community Disclosure Act, 2014 PA 448** MCL 554.917
- B. The following additional definitions shall apply in the application of this Ordinance:
1. **Adult Commercial Day Care Facility – Large Group** - A facility receiving more than twelve (12) adults for care for periods of less than twenty four (24) hours in a day, for more than two (2) weeks in any calendar year. Care for persons related by blood or marriage to a member of the family occupying the dwelling is excluded from this definition.

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2. **Adult Commercial Day Care Facility – Small Group** - A facility in which care or supervision is provided for at least seven (7) but not more than twelve (12) adults for care of periods of less than twenty-four (24) hours in a day. Care for persons related by blood or marriage to a member of the family occupying the dwelling is excluded from this definition.
3. **Adult Foster Care Family Home** - A private residence with the approved capacity to receive six (6) or fewer adults to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours a day, five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.
4. **Adult Foster Care Small Group Home** - An adult foster care facility with the approved capacity to receive twelve (12) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks.
5. **Adult Foster Care Large Group Home** - A facility with approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks.
6. **Adult Foster Care Congregate Facility** - An adult foster care large group home with the approved capacity to receive more than twenty (20) adults to be provided with foster care.
7. **State-Licensed Residential Facility** - A structure constructed for residential purposes that is licensed by the state under the adult foster care facility licensing act, **1979 PA 218**, MCL 400.701 to 400.737, or **1973 PA 116**, MCL 722.111 to 722.128, and provides residential services for six or fewer individuals under 24-hour supervision or care. The licensee is NOT a member of the household nor is an occupant of the residence.

**Aggrieved Person** – Means a person who has suffered a substantial damage from a zoning decision not in common to other property owners similarly situated, and who has actively opposed the decision in question.

**Agricultural Land** - Means substantially undeveloped land devoted to the production of plants and animals useful to humans, including, but not limited to, forage and sod crops, grains, feed crops, field crops, dairy products, poultry and poultry products, livestock, herbs, flowers, seeds, grasses, nursery stock, fruits, vegetables, Christmas trees, and other similar uses and activities.

**Agricultural Tourism Business** - Means farms which engage in agriculturally-related tourism operations including but not limited to:

- A. Bakeries selling goods grown primarily on-site
- B. Educational tours, classes, lectures, and seminars
- C. Family-oriented animated barns (haunted houses)

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- D. Gift shops for agriculturally-related products, crafts
- E. Historical agricultural exhibits
- F. Organized meeting space (weddings, birthdays, corporate picnics)
- G. Petting farms, animal display, and pony rides
- H. Picnic areas (including rest rooms)
- I. Playgrounds, wagon/sleigh rides, nature trails
- J. Restaurants related to the agricultural use of the site
- K. Seasonal outdoor mazes of agricultural origin
- L. Entertainment (concert, car show, art fair)

**Alterations** - Means any change, addition or modification in construction or type of occupancy, any change in the structural members of a building such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as “altered” or “reconstructed.”

**Animal Shelter** - Means a building supported by a governmental unit or agency or by a nonprofit corporation where domestic pets or other animals are kept because of requirements of public health officials, loss by owner, neglect or violation of a public law or ordinance.

**Apartments** - Means the dwelling units in a multiple dwelling building.

**Appeal** - See “Zoning Appeal.”

**Appurtenance** – Means an ornamental, structural, or mechanical element that is attached to and subordinate to a building or structure, but not including fences.

**Assisted Living Home** – Means a structure providing housing and limited services such as nursing, recreation, and meals to individuals who are partially able to provide services to themselves.

**Attached** – Means connected to a main building in a substantial manner by walls, a breezeway, and/or a roof.

**Automotive Car Wash** - Means building, or portion thereof, where self-propelled automotive vehicles are washed.

**Automotive Repair** - Means place where, with or without the sale of engine fuels, the following services may be carried out: general automotive repair, automotive engine rebuilding, engine repair, rebuilding or reconditioning of automotive vehicles, collision service such as automotive body, frame or fender straightening and repair, or painting and undercoating of automotive vehicles.

**Automotive Service** - Means place where gasoline or any other automobile engine fuel (stored only in underground tanks), kerosene or motor oil, and lubricants or grease, used in the operation of motor vehicles, are retailed directly to the public on premises including sale of minor accessories and services for automotive vehicles.

**Automotive Storage, Damaged** - Means temporary storage of inoperable automotive vehicles intended to be repaired back to operable condition, but not including those damaged vehicles which

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are incident or accessory to an automotive repair garage or a licensed salvage yard used as a depository for automotive vehicles to be junked.

**Average** - For the purpose of this Ordinance, the term "average" shall be an arithmetic mean.

**B**

**Basement** - Means that portion of a building partly below grade but so located that the vertical distance from the outside ground grade level to the basement floor is greater than the vertical distance from the outside ground grade level to the basement ceiling. A basement shall not be included as a story for height measurement, nor counted as floor area, unless the room has walk-out capability. A walk-out basement shall be defined as a room with at least one wall which provides barrier free access to the exterior outside grade level of the structure and with at least fifty (50) percent of that one wall with no outside grade against any portion of its exterior above the basement floor level and which has at least two exits which can function as exterior fire escape routes.

**Bed and Breakfast Establishment** – Means a residential structure occupied by the owner(s) or resident manager with sleeping rooms available for rent by guests on a short-term basis at which the owner(s) or resident manager(s) may provide breakfast to guests at no additional cost.

**Bedroom** - Means a dwelling room used for or intended to be used safely and healthfully for sleeping purposes by human beings.

**Berm** – Means a constructed mound of earth rising to an elevation above the adjacent ground level of the site where located which contributes to the visual screening of the area behind the berm.

**Board of Appeals** - See “Zoning Board of Appeals.”

**Boarding House or Rooming House** - Means a building other than a hotel or motel where, for compensation and by pre-arrangement for definite periods, meals or lodging and meals are provided for three (3) persons or more.

**Breezeway** - Means any covered passageway with open sides which is located between and is connected to two building and/or structures.

**Buffer Area** - See “Greenbelt.”

**Building** - Means independent structure, either temporary or permanent, having a roof supported by columns or walls which includes houses, stores, offices, factories, sheds, garages, stables, greenhouses, and/or other accessory structures. A detached building is one separated on all sides from adjacent buildings by unobstructed open spaces from the ground up. When any portion of a building is completely separated and has no pedestrian access to or from any other part thereof, by solid dividing walls and without openings, doors or windows, each portion of such structure shall be deemed a separate building.

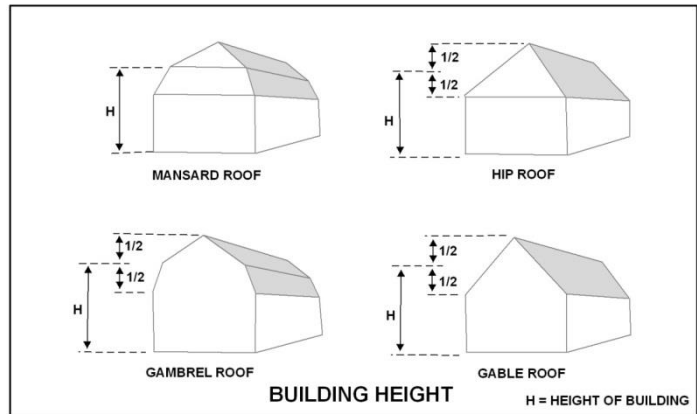
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**Building, Accessory** - Means supplemental or subordinate building or structure on the same lot or parcel of land as the main or principal use building, or buildings, or part of the main building occupied by or devoted exclusively to any accessory use(s), but such use shall not include any accessory building or structure used for dwelling, residential, lodging, or sleeping purposes for human beings unless otherwise allowed by this Ordinance. Fences and walls are not considered accessory structures.

**Buildable Area or Building Envelope** - Means space or land area remaining after the minimum open space requirements of this Ordinance, as determined by setback, yard and other open space requirements, have been met.

**Building, Farm** - Means any building or structure other than a dwelling which is maintained, used, or built on a farm which is essential and customarily used on various types of farms for the pursuit of their typical agricultural activities, including the storage or housing of farm equipment, supplies, produce and/or farm animals.

**Building Height** - Means the vertical distance of a building or structure from the established outside ground grade to the highest point of the roof surface for flat roofs, to the declinate of mansard roofs; and to the average height between eaves and ridges for gables, hip and gambrel roofs. Where a building is located on sloping terrain, the height may be measured by determining it from a point representing the average ground level of the outside finished grade existing around the foundation wall. The height of an accessory structure shall be measured from ground grade to the roof peak.



**Building Line** - Means line formed by any face of the building.

**Building, Main** - Means building or structure in which the principal use or activity on a lot or parcel takes place.

**Building Permit** - Means written authority issued by the Building Inspector in conformity with the provisions of the Construction Code Ordinance.

**Building, Principal** – See “**Building, Main.**”

**Building Setback Line** - Means the area within which no part of a building shall project or be located, except as otherwise provided for by this Ordinance.

**Building, Temporary** - See “**Temporary Use or Building.**”

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**Business or Shopping Center** – Means a group of two (2) or more stores, offices, research or manufacturing facilities which collectively have a name different than the name of any of the individual establishments and which have common off-street parking and entrance facilities.

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**Cabin** – Means a detached building which is used for seasonal occupancy as a dwelling or sleeping quarters for transients or tourists for a fee.

**Cabin Court** – Means two (2) or more cabins used for seasonal occupancy as dwellings or sleeping quarters for transients or tourists for a fee.

**Campground** - Means a parcel or tract of land under the control of a person in which sites are offered for the use of the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters for five (5) or more recreational units. Campground does not include a seasonal mobile home park licensed under the **Mobile Home Commission Act, 1987 PA 96**, MCL 125.2301 to 125.2349.

**Child Care Facility** – Means a facility for the care of children (persons under 18 years of age), as licensed and regulated by the State under **1973 PA 116**, as amended (Child Care Organizations Act, being MCL §§ 722.111 - 722.128), and the associated rules promulgated by the State Department of Human Services. Such organizations shall be further defined as follows.

- A. **Family Child Care Home** - A state-licensed, owner-occupied private residence in which one (1) but not more than six (6) minor children are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year.
- B. **Group Child Care Home** - A state-licensed, owner-occupied private residence in which seven (7) but not more than twelve (12) children are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year.
- C. **Child Care Center** - A state-licensed facility, other than a private residence, receiving one (1) or more children for care and supervision for periods less than twenty-four (24) hours, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before- or after-school program, or drop-in center.
- D. **Child Caring Institution** - A child care facility that is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a 24-hour basis, in buildings

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maintained by the child caring institution for that purpose, and operates throughout the year. An educational program may be provided, but the educational program shall not be the primary purpose of the facility. Child caring institution includes a maternity home for the care of unmarried mothers who are minors and an agency group home that is described as a small child caring institution, owned, leased, or rented by a licensed agency providing care for more than four (4) but less than thirteen (13) minor children. Child caring institution also includes institutions for developmentally disabled or emotionally disturbed minor children. Child caring institution does not include a hospital, nursing home, or home for the aged licensed under Article 17 of the **Public Health Code, 1978 PA 368**, MCL 333.20101 to 333.22260, a boarding school licensed under Section 1335 of the **Revised School Code, 1976 PA 451**, MCL 380.1335, a hospital or facility operated by the State or licensed under the **Mental Health Code, 1974 PA 258**, MCL 330.1001 to 330.2106, or an adult foster care family home or an adult foster care small group home licensed under the **Adult Foster Care Facility Licensing Act, 1979 PA 218**, MCL 400.701 to 400.737, in which a child has been placed under section 5(6).

**Church, Temple or Synagogue** – See “**Religious Institution.**”

**Clinic, Animal** - Means a building or group of buildings and/or structures where domestic animals are admitted for examination, treatment, and care by a state-licensed veterinarian and related paraprofessionals and technicians and where such animals may be provided with overnight or short term housing.

**Clinic, Human** - Means a building or group of buildings where human patients are admitted for examination and treatment as outpatients by more than one (1) professional; such as, a physician, dentist, or the like, except that such human patients are not lodged therein overnight.

**Club or Lodge** - Means organization of persons for special purposes or for the promulgation of agriculture, sports, arts, science, literature, politics, or the like, but not for profit, and open only to members and not the general public.

**College** - Means an educational facility for students seeking education beyond high school and of higher learning providing specialized facilities for teaching and research of a general, professional, technical, or religious nature, either public or private, and which is operated on a nonprofit basis.

**Commercial** - Means business operated primarily for profit, including those of retail trade and professional, personal, technical, and mechanical services.

**Commercial Area** - Means an area designated for commercial use or activity as defined herein.

**Commercial District or Center** - Means a concentration of commercial uses or activities located in a specific area planned and zoned for commercial purposes.

**Common Areas, Uses and Services** - Means land areas, improvements, facilities, and utilities, the use, enjoyment, and maintenance of which are intended to be shared by the owners and occupants of individual building units in a subdivision, condominium, or a planned unit development.

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**Condominium, Site** - A condominium development containing residential, commercial, office, industrial, or other structures or improvements for uses permitted in the zoning district in which located, in which each co-owner owns exclusive rights to a volume of space within which a structure or structures may be constructed, herein defined as a condominium unit, as described in the master deed. The following additional definitions are provided:

- A. **Condominium Act – 1978 PA 59**, as amended.
- B. **Condominium Documents** - The master deed, recorded pursuant to the **Condominium Act**, and any other instrument referred to in the master deed or bylaws which affects the rights and obligations of a co-owner in the condominium.
- C. **Condominium Lot** - The condominium unit and the contiguous limited common element surrounding the condominium unit, which shall be the counterpart of "lot" as used in connection with a project developed under the **Land Division Act, 1967 PA 288**, as amended.
- D. **Condominium Unit** - The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.
- E. **General Common Elements** - The common elements other than the limited common elements.
- F. **Limited Common Elements** - A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.
- G. **Master Deed** - The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project, and all other information required by Section 8 of the **Condominium Act**.

**Construction** - See "Erected."

**Construction Code** - Means the Michigan State Construction Code or any Code established in accordance with the provisions of the **State Construction Code Act, 1974 PA 230**, as amended.

**Conservation Easement** - Means an interest in land that provides limitation on the use of land or a body of water or requires or prohibits certain acts on or with respect to the land or body of water, whether or not the interest is stated in the form of a restriction, easement, covenant, or condition in a deed, will, or other instrument executed by or on behalf of the owner of the land or body of water or in an order of taking, which interest is appropriate to retaining or maintaining the land or body of water, including improvements on the land or body of water, predominantly in its natural, scenic, or open condition, or in an agricultural, farming, open space, or forest use, or similar use or condition.

**Convalescent or Nursing Home** - A structure licensed under the applicable Michigan law, with sleeping rooms where lodging, meals, nursing, and limited medical care are provided for persons who are dependent upon others to provide services. Such an establishment shall not contain

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equipment for or provide care in maternity cases or for psychotics or other unruly, mentally deranged persons nor for surgical or medical cases commonly treated in hospitals.

**D**

**Deck** - A structure used for outdoor living purposes that may or may not be attached to a building and which protrudes above ground level.

**Density** - The number of dwelling units on, or to be developed upon, a net acre of land.

**District** - See “Zoning District.”

**Drive-Through** - Means an establishment so developed that some portion of its retail or service character is dependent upon providing a driveway approach and staging area specifically designed for motor vehicles so as to serve patrons while in their motor vehicles, rather than within a building or structure, for carry-out and consumption or use after the vehicle is removed from the premises.

**Dwelling** - Means a building designed in accordance with the Township Construction Code or used exclusively as a living quarters for one (1) or more families but not including automobile chassis, tents or portable buildings or accessory structures, unless otherwise allowed by this Ordinance.

**Dwelling, Manufactured Home** - A factory-built, single-family structure that is transportable in one (1) or more sections upon its own or a separate wheeled chassis, is designed to be used as a dwelling with or without a permanent foundation, is designed to be used as a dwelling when connected to the required utilities, and includes the plumbing, heating, and electrical systems in the structure, but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site and which does not have wheels or axles permanently attached to its body or frame. A manufactured home is constructed according to the **National Mobile Home Construction and Safety Standards Act of 1974, as amended**. The manufactured home shall meet the minimum floor area requirements of this Zoning Ordinance and installed in accordance with all of the other requirements of this Ordinance specified for dwellings when located outside of a licensed Manufactured Housing Development. May also be referred to as “**Mobile Home**”.

**Dwelling, Multiple Family** - Means a dwelling structure, or portion thereof, designed for occupancy by three (3) or more families living independently of each other in separate dwelling units although contained in the same building.

**Dwelling, One Family** - Means a separate single dwelling structure designed exclusively for occupancy by one (1) family.

- A. **Dwelling, Single-Family Detached** - A building designed exclusively for and occupied exclusively by one (1) family that is separate and distinct from any other dwelling. A single-family dwelling that does not share a party wall with any other dwelling is a detached single-family dwelling.

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- B. **Dwelling, Single-Family Attached** - A dwelling designed for occupancy by one (1) family in a row of at least (3) three such units in which each unit has its own front and rear access to the outside, no unit is located over another, and each unit is separated from any other unit by one or more vertical common fire-resistant walls (also known as a townhouse or rowhouse).

**Dwelling, Two Family or Duplex** - Means a separate dwelling structure designed exclusively for occupancy by two (2) families independent of each other; such as, a duplex dwelling unit.

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**Easement** - The right of an owner of property, by reason of such ownership, to use the property of another for purposes of ingress, egress, utilities, drainage, and similar uses.

**Erected** - Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction.

**Essential Services** - The erection, construction, alteration, or maintenance by public utilities, municipal departments, or other governmental agencies of underground or overhead gas, electrical communication, steam or water transmission or distribution systems, or collection, supply or disposal systems; including poles, wires, main drains, sewer pipes, cables, towers, fire alarm boxes, poles or other call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith reasonably necessary for furnishing adequate service by such utilities or agencies, or for the public health or safety or general welfare; but not including offices and buildings or yards used for bulk storage, fabrication or manufacturing of materials used by such utilities or municipal departments or other governmental agencies. Telecommunication towers or facilities, alternative tower structures, and wireless communication antennas are not included within this definition.

**Excavating** - The removal of soil below the average grade of the surrounding land and/or road grade, excepting household gardening and ground care.

**Extractive Operation** - Premises from which any rock, gravel, sand, topsoil or earth in excess of fifty (50) cubic yards in any calendar year is excavated or removed for the purpose of disposition away from the premises except excavation in connection with the construction of a building or within public highway rights-of-way.

**F**

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**Family** -

- A. An individual or a group of two (2) or more persons related by blood, marriage or adoption, together with foster children and servants of the principal occupants, with not more than one (1) additional unrelated person, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit; or

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- B. A collective number of individuals domiciled together in one (1) dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single non-commercial housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period. Foster family homes and foster family group homes shall be considered a residential use of property for the purposes of zoning and shall be regulated similar to a single-family home.

**Farm, Commercial** – Means the land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.

**Farm, Domestic** – Means land intended to be used for agricultural purposes on properties other than Commercial Farms. Domestic farming includes raising crops, keeping farm animals as pets, and raising animals for educational experience. Dogs, cats, and other household pets are not regulated as a Domestic Farm.

**Farm Product** – Means those plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur, as determined by the **Michigan Commission of Agriculture and Rural Development**.

**Farm Market/On-Farm Market/Roadside Stand** - The sale of agricultural products or value-added agricultural products directly to the consumer from a site on a working farm or any agricultural, horticultural, or agribusines operation or agricultural land.

**Fence** - A permanent or temporary barrier enclosing or bordering a plot of land or portion thereof composed of suitable man-made materials for the purpose of preventing or controlling entrance or to confine within or to mark boundary.

**Filling** - Means depository or dumping of any matter into or onto the ground, except that which is a part of common household gardening and general care.

**Filling Station** - See “Automotive Service.”

**Flood Plain** - Means portion of land adjacent or connected to a water body or water course which is subject to periodic inundation in accordance with the one hundred (100) year flood cycle. The one hundred (100) year flood plains are identified on Floodway Maps produced by FEMA (Federal Emergency Management Agency).

**Floor Area, Gross (GFA)** - Means sum of all gross horizontal areas of one (1) or several floors of the

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building measured from the exterior face of the exterior walls or from the centerline of common walls separating two (2) dwelling units. The gross floor area of a building shall include the basement (see definition). Any building space or paved areas devoted to automotive parking shall not be included in the construction of gross floor area. Areas of dwelling basements, unfinished attics, utility rooms, breezeways, porches (enclosed or not enclosed), or attached garages shall also not be included in gross floor area measurements.

**Floor Area, Usable (UFA)** - Means sum of all horizontal floor area, measured from the interior face of the exterior walls, used for or intended to be used for dwelling purposes, or to provide services to the public as customers, patrons, clients, members or patients; including areas occupied by fixtures or equipment used for display or sale of goods or merchandise, but not including areas used or intended to be used principally for storage of merchandise, utility or mechanical equipment rooms, or sanitary facilities. In the case of a half story area, the usable floor area shall be considered to be only that portion having a clear height of more than ninety (90) inches of headroom as measured between the floor surface and the ceiling surface.

**Frontage, Street** - See “Road Frontage.”

**G**

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**Garage, Private** - Means accessory building used for parking, housing, and care of vehicles or storage as may be required in connection with the permitted use(s) of the main building.

**Gas Station** - See “Automotive Service.”

**Grade** - Means a ground elevation established for the purpose of regulating the number of stories and the height of the building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground grade around the perimeter of the building.

**Greenbelt** - Means a buffer area consisting of an open space, except as specifically required in certain sections of this Ordinance, which shall be either level or a berm and landscaped with trees, shrubs, vines and ground covers. When a screen buffer is required, it shall consist of a dense evergreen planting or a solid fence or wall.

**Guest House** - An accessory dwelling unit on the same lot as a main dwelling to be used as temporary lodging for the property owner’s guests and not for commercial purposes, rental, or profit. For the purpose of this Ordinance, a guest house is a residential use.

**H**

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**Hazardous Substances** - Any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental to the health of any person handling or otherwise coming into contact with such materials or substances.

**Highway** - Means any public thoroughfare dedicated and maintained for the use and operation of

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automotive vehicular traffic by the Michigan Department of Transportation (also see “Road”).

**Historical Building, Site or Area** - Means those parcels and/or uses of land and/or structures whose basic purpose is to (a) safeguard the heritage of the local community by preserving or allowing a structure or use which reflects elements of the community’s cultural, social, economic, political, or architectural history; (b) stabilize and improve property values on such sites or in such areas; (c) foster civic attractiveness; (d) strengthen the local economy; and (e) promote the use of such sites for the preservation of tradition and promote education, pleasure, and welfare of the local residents and of the general public.

**Home-Based Business** – Means a Home Occupation which, due to the nature of the investment or operation, includes one or more of the following aspects:

- A. requires regular visits by clients or customers;
- B. needs frequent delivery or shipment of goods;
- C. conducts regular operations or store materials outside of the residence;
- D. employs two or more individuals who reside off premises;
- E. and, has the potential to rapidly increase in size and intensity

**Home Occupation** – Means an occupation, profession, activity, or use that is clearly a customary, incidental, and secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood.

**Hospital** - Means an institution providing health services, primarily for inpatients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient department, training facilities, central and public access and service facilities and staff offices.

**Hotel** - Means a commercial building or part of a commercial building with a common entrance in which the dwelling units or rooming units are accessed from the interior or the building and are used primarily for transient occupancy, in which no provisions are made for cooking in any individual room, and in which one or more of the following services may be offered: maid service, furnishing of linen, telephone, secretarial, or desk service, and bellboy service. A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms or meeting rooms (also see “Motel”).

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**Impervious Surface** - Any material which prevents, impedes or slows infiltration or absorption of storm water directly into the ground at the rate of absorption of vegetation bearing soils, including building, asphalt, concrete, gravel and other surfaces. For the purpose of calculating storm water runoff, impervious surfaces shall include all roofs, slabs, pavements and gravel drives and parking lots.

**Improvements** - Means those features and actions associated with a project that are considered necessary by the body or official granting zoning approval to protect natural resources or the health, safety and welfare of the residents of a local unit of government and future users or inhabitants of

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the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, and drainage. Improvements do not include the entire project that is the subject of zoning approval.

**Industrial** - Means a business operated primarily for profit, including those of product manufacturing or conversion through assembly of new or used products or parts or through the disposal or reclamation of salvaged material, and including those businesses and service activities that are a normal integral part of an industrial manufacturing enterprise, industrial park, district or area.

**Industrial Park** - Means a special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries and providing them with all necessary facilities and services in attractive surroundings among compatible land uses and activities.

**Inn** – Means a residential structure occupied by the owner(s) or resident manager with sleeping rooms available for rent by guests on a short term basis and which offers meals to the public for compensation.

**Institutional** - Means a public, semipublic, or private organization having a social service, educational or religious purpose established by law, custom, practice or a system to serve the general or a limited public.

**J**

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**Junk** - Means all rubbish, refuse, waste material, and garbage, including, but not limited to, the following: waste composed of animal, fish, fowl, fruit, or vegetable matter, dead animals, putrescible and nonputrescible solid waste (except body wastes), ashes, glass, cans, bottles, discarded or abandoned machinery, household appliances, industrial wastes, discarded, inoperative, dismantled or partially dismantled motorized vehicles and equipment or parts thereof. This shall not preclude home or farm composting for on-site use as a permitted activity.

**Junk Yard** - Means any lot, parcel, field, area or tract of land on which there is an accumulation of junk, whether operated for either profit or nonprofit purposes. The term “junk yard” includes automobile wrecking yards and salvage areas of more than two hundred (200) square feet for the storage, keeping or abandonment of junk or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof, but does not include uses contained entirely within an enclosed building or structure.

**K**

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**Kennel** - Means any lot or premises on which four (4) or more dogs of more than six (6) months in age are kept or boarded temporarily or permanently, for the purpose of breeding, for sale, or otherwise. It shall also include any lot or premises on which other furbearing, household or domestic pets of like number are bred or sold.

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**Laboratory** - Means a building, structure, area or place where the principal use is devoted to experimental, routine, or basic study, such as testing and analytical operations.

**Lake** - Means a permanent natural or man-made body of water of at least five (5) acres of contiguous water surface, excluding swamps, bogs, drainageways and connecting streams in area.

**Landscaping** - Means any combination of existing or planted trees, shrubs, vines, ground covers, flowers, lawns, fences, fountains, pools, artworks, screens, walls, berms, benches, walks, paths, steps, terraces, and garden structures and any surface and subsurface structures, grading or excavation included on a landscape site plan.

**Large Domestic Animals** – See “Livestock.”

**Legislative Body** - Means the county board of commissioners of a county, the board of trustees of a township, or the council or other similar elected governing body of a city or village.

**Lighting, Source of** - For purposes of this Ordinance, the source of light shall refer to the light bulb or filament, which is exposed or visible through a clear material. Exposed sodium or mercury vapor lamps or neon gas lamps shall be considered a direct source of light.

**Livestock** - Cattle, sheep, goats, llamas, swine, poultry, and other animals or fowl, which are being produced primarily for commercial profit or slaughter, or home use, but excluding animals which meet this Ordinance’s definition for “wild animal.”

**Loading Space** - Means an off-street space on the same lot with a building or group of buildings, provided for the temporary parking of commercial vehicles while loading and/or unloading merchandise, materials or passengers.

**Local Unit of Government** - Means a county, township, city or village.

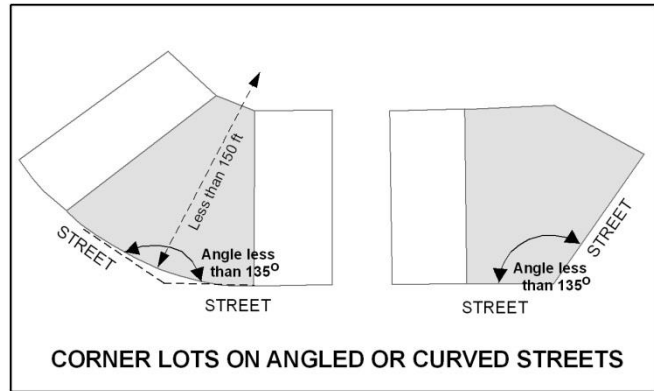
**Lot** - Means a separate parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings, or utilized for the principal use or uses accessory thereto, together with such yards and open spaces as required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records, (“Also see “Parcel” or “Plat”). A lot shall not include public or private road easements or road right- of-ways. The word “lot” shall include parcel and a unit of land within a site condominium which gives the owner exclusive rights to a building envelope of which a building is placed and limited rights to the yard area surrounding the building.

**Lot Area** - Means the total horizontal plane area contained within the boundary lot lines of a lot or parcel.

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**Lot, Corner** - Means a lot where the interior angle of two (2) adjacent sides at the intersection of two (2) roads is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved road or roads shall be considered a corner lot for the purpose of this Ordinance if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve at the two (2) points where the lot lines meet the curve or the straight road line extended, form an interior angle of less than hundred thirty-five (135) degrees.



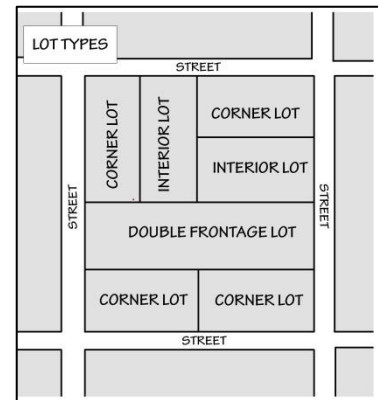
**Lot Coverage** - Means a percentage of the lot or parcel covered by all buildings and structures located in the lot or parcel, including main and accessory buildings and surface and above surface water impermeable ground covering structures.

**Lot Depth** - Means the horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

**Lot, Double Frontage** - Means any interior lot having frontages on two (2) more or less parallel roads as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lots adjacent to road shall be considered frontage and front yards shall be provided as required.

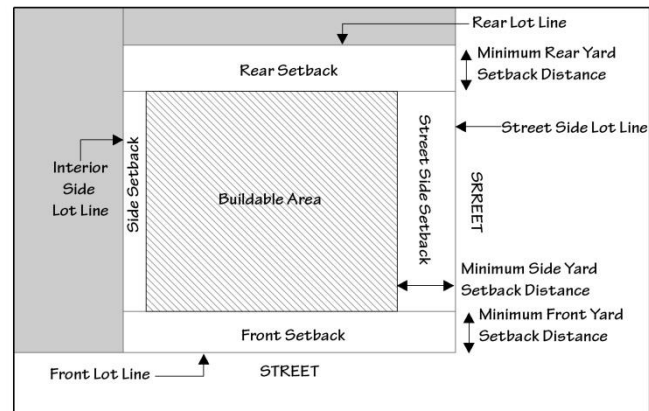
**Lot, Interior** - Means any lot other than a corner lot.

**Lot Lines** - Means the exterior perimeter boundary lines of a lot or parcel.



**Lot Line, Front** - Means in the case of an interior lot, that line separating said lot from the road. In the case of a corner lot, or double frontage lot, "front lot line" shall mean that line separating said lot from that road on which the property address is assigned.

**Lot Line, Rear** - Means lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long, located farthest from the front lot line and wholly within the lot.



**Lot Line, Side** - Means any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a road is a street side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

**Lot of Record** - Means a lot existing prior to or developed subsequent to the adoption of this Ordinance and recorded in the office of the County Register of Deeds. For the purpose of this Ordinance, land contracts and purchase options not recorded in the County Register of Deeds' Office, but dated and executed prior to the effective date of this Ordinance, shall also constitute a "Lot of Record". (Includes "Parcel of Record")

**Lot, Waterfront** - Means a lot having frontage directly upon a lake, river or other body of surface water of five (5) acres or greater. The portion adjacent to the water shall be designated as the front lot line and the portion adjacent to the road shall be designated the rear lot line. Front setbacks shall be measured from the ordinary high water line.

**Lot Width** - Means the horizontal distance between the side lot lines, measured at the two (2) points where either the building line, or front lot line intersects the side lot lines.

**M**

**Main Building** – See "Building, Main."

**Mobile Home or Manufactured Home** - See "Dwelling, Manufactured Home."

**Manufactured Housing Community**- Means, for the purpose of this Ordinance, a specifically designated parcel of land constructed and designed to accommodate three (3) or more manufactured homes for residential dwelling use on a continual, non-recreational basis and licensed by the State of Michigan.

**Manufactured Home Space or Pad** - Means specified area of ground within a manufactured housing community designed for the accommodation of one (1) manufactured home or a manufactured home site.

**Medical Marihuana** -

- A. **Medical Marihuana** - Marihuana as defined by the **Michigan Medical Marihuana Act** (MCL 333.26421 et seq.) grown, used or transferred for "medical use" as defined by the Act.
- B. **Enclosed, Locked Facility** - That term as defined in Section 3 of **Initiated Law 1 of 2008, as amended (Michigan Medical Marijuana Act)**, being MCL 333.26423.
- C. **Marihuana** - A controlled substance as defined in section 7106 of the **Public Health Code, PA 368 of 1978**, MCL 333.7106.
- D. **Medical Marihuana Primary Caregiver** - That term defined in Section 3 of **Initiated Law 1 of 2008, as amended (Michigan Medical Marijuana Act)**, being MCL 333.26423 who is at least 21

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years old and who has been registered by State Department of Licensing and Regulatory Affairs or any successor agency to assist with a Qualifying Patients' use of medical marihuana.

- E. **Medical Marihuana Primary Caregiver Facility** - A building in which the activities of a Primary Caregiver are conducted.
- F. **Qualifying Patient** - That term defined in Section 3 of **Initiated Law 1 of 2008, as amended (Michigan Medical Marijuana Act)**, being MCL 333.26423 who has been diagnosed by a physician as having a debilitating medical condition as provided by the Michigan Medical Marihuana Act and who has obtained a duly issued registry identification card from the State Department of Licensing and Regulatory Affairs or any successor agency.

**Mini-Storage** - Means groups of buildings that contain varying sizes of individual compartmentalized and controlled access stalls or lockers for a dead storage of customer's goods or wares.

**Motel** - Means a building or part of a building in which the dwelling units or rooming units are accessed from the exterior of the building and are used primarily for transient occupancy, and in which one or more of the following services may be offered: maid service, furnishing of linen, telephone, secretarial, or desk service, and bellboy service. A motel may include a restaurant or cocktail lounge and public banquet halls or meeting rooms. The term "motel" shall include motor courts, automobile courts, auto cabins, motor lodges and similar facilities within this definition, but it shall not include tourist cabins, tourist homes, rooming houses, boarding houses, multiple-family dwellings or hotels.

**Motor Court** - See "Motel."

**N**

**Nonconforming Building or Structure** - Means a building or portion thereof lawfully existing on the effective date of this Ordinance, or existing prior to any subsequent amendments thereto, and which does not conform to the provisions of the Ordinance and those specified in the zoning district in which it is located.

**Nonconforming Sign** – Means a sign lawfully existing on the effective date of this Zoning Ordinance, which does not comply with one or more of the regulations set forth in this Zoning Ordinance.

**Nonconforming Use or Activity** - Means a use or activity which lawfully occupied a building or land on the effective date of this Ordinance, or any subsequent amendments thereto, and that does not conform to the provisions of this Ordinance or the use or activity regulations of the zoning district in which it is located.

**Nuisance** - Means an offensive, annoying, unpleasant, or obnoxious use, activity, thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any of its physical characteristics of activity or use across a property line which can be perceived by or adversity affects a human being in a significantly definable manner.

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**Nuisance Per Se** - Means a nuisance, which has been determined to be a violation of this Ordinance, and is subject to remedy as a matter of law under the provisions of this Zoning Ordinance.

**Nursing Home** - See “Convalescent Home.”

**O**

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**Occupied** - Means a building, structure, or land area designed, occupied, and used for the purpose permitted under the provisions of this Ordinance.

**Office** - Means a separate enclosed area that has as its primary use, rooms for providing personal, professional, technical, or financial services to individuals, families, and organizations.

**Office Park** - Means a special or exclusive type of planned office area designed and equipped to accommodate a community or assemblage of offices and office buildings, and providing them with all of the necessary facilities and services in attractive surroundings among compatible land uses and activities.

**Off-Street Parking** - See “Park, Off-Street.”

**Off-Street Parking Lot** - See “Parking, Off-Street, Lot.”

**Off-Street Parking Space** - See “Parking, Off-Street, Space.”

**Open Air Business Uses** - For the purpose of computing parking, open air business means business uses operated for profit, substantially in the open air, usually without buildings or structures, including uses such as the following:

- A. bicycle, utility truck or trailer, motor vehicle, boat or home equipment sale, repair, or rental services.
- B. outdoor display and sales of homes, sheds, garages, motor homes, mobile homes, recreation vehicles, snowmobiles, farm implements, swimming pools and similar products.
- C. retail sale of trees, fruit, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, fill dirt, etc.
- D. tennis courts, archery courts, shuffleboard, horseshoe courts, rifle ranges, golf courses, miniature golf courses, golf driving range, children’s amusement parks or similar recreation uses (transient or permanent).

**Open Space** - Means any land area suitable for growing vegetation, recreation, gardens or household service activities, such as clothes drying, but not occupied by any buildings or surface or above surface structures.

**Open Space Uses** - Means any principal or accessory use of a lot or parcel not involving the use of

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buildings or structures that are required to meet the Construction Code.

**Open Storage** - Means land area occupied and used for outdoor storage of building materials, sand, gravel, stone, lumber, equipment, and other supplies.

**Ordinary High Water Line:** Is defined as in **Part 301 of the Natural Resources and Environmental Protection Act, 1994 PA 451**, to mean the line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the soil, and the vegetation.

**P**

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**Parcel** - See "Lot."

**Park** – Means properties and facilities owned or operated by any governmental or private agency which are open to the general public for recreational purposes.

**Parking, Off-Street** - Means vehicular parking provided on a lot or parcel but not within a highway or public or private road right-of-way.

**Parking, Off-Street, Lot** - Means a facility providing automotive vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of more than five (5) automobiles.

**Park, Off-Street, Space** - Means an area of definite length and width; said area shall be exclusive of drives, aisles, or entrances giving access thereto, and shall be fully accessible for the storage or parking of permitted automotive vehicles on lots or parcels, but not within a public highway or public or private road right-of-way.

**Parking Space** - Means a land area, exclusive of driveways and aisles, and so prepared as to be useable for the parking of a motor vehicle and so located as to be readily accessible to a public road or alley.

**Patio** – Means a paved open space, used for outdoor living purposes and constructed of any materials providing a hard, durable surface, placed directly on the ground.

**Performance Guarantee** - A cash deposit, certified check, irrevocable bank letter of credit or a performance or surety bond approved by Wilber Township.

**Person** - Means an individual, partnership, corporation, co-partnership, firm, limited liability company, association, governmental entity, or other legal entity.

**Pet, Household** - Means only such animals as may commonly be housed within domestic household living quarters, excluding livestock utilized for the production of food products and wild animals.

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**Planned Unit Development** - Means land under unified control which allows a development to be planned and built as a unit and which permits upon review and approval, variations in many of the traditional controls related to density, land use, setbacks, open space and other design elements, and the timing and sequencing of the development.

**Planning Commission** - Means the Wilber Township Planning Commission.

**Plat** - Means map or plan of the layout of the subdivision of a parcel of land, which is in conformance with all of the provisions of the **Land Division Act, 1967 PA 288**, as amended and the subdivision regulation of the Township if and when enacted.

**Plot Plan** – Means the drawings and documents depicting and explaining all salient features of a proposed development which requires a zoning permit but is not required to prepare a site plan, in order to evaluate compliance with Zoning Ordinance standards and requirements.

**Pond** - Means a small body of surface water of less than five (5) acres in area which exists in a natural state or is established by either the damming of surface water or by excavation of soil to expose groundwater.

**Porch, Enclosed** - Means a covered entrance to a building or structure which is totally enclosed and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the main building or structure to which it is attached.

**Porch, Open** - Means a covered entrance to a building or structure which is enclosed except for columns supporting the porch roof, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the main building or structure to which it is attached.

**Practical Difficulties** - Means a situation whereby a property owner cannot establish a “minimum practical” legal use of a legal lot or parcel meeting all of the dimensional standards of the zoning district within which the lot is located. Situations occurring due to the owner’s desire to establish a use greater than the “minimum practical” standard to enhance economic gain greater than associated with the minimum practical standard or created by an owner subsequent to the adoption of the Ordinance is not a Practical Difficulty. The Zoning Board of Appeals is responsible for determining “Practical Difficulty”.

**Principal Building** – See “Building, Main.”

**Private Road** - See “Road, Private.”

**Public Utility** - Means any person, organization, firm, corporation, municipal department, board, or commission duly authorized to furnishing, and furnishing under federal, state, municipal, authority or corporate regulations to the public, electricity, gas, steam, communications, telegraph, cable television, transportation, water, stormwater collection, or wastewater collection and treatment.

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**R**

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**Recreational Equipment** – Means watercraft, boat trailers, snowmobiles and snowmobile trailers, horse trailers, dune buggies, tents, and other similar equipment.

**Recreation Vehicle (RV)** - Means a motorized vehicle primarily designed and used as temporary living quarters for recreational camping or a nonmotorized vehicle mounted on or drawn by another vehicle to be used for recreation, vacation, or traveling purposes.

**Recreation Vehicle Park (RV Park)** - Means a family recreation-oriented facility for the overnight or short-term parking of RVs, travel trailers, and other recreation vehicles or tents. May also be known as a campground. All RV parks must meet the provisions of Part 125 of the **Public Health Code 1978 PA 368**, “Campgrounds” and relevant State of Michigan Administrative Rules.

**Religious Institution** - Means a building and its accessory structures and areas where persons assemble regularly for religious worship and related activities and maintained and operated by a nonprofit organized religious body.

**Resort** - A parcel of land which may contain cabins and/or rooms with or without kitchen facilities, used primarily for vacation and/or recreational activity, and which may or may not contain a small commercial facility such as sporting goods and/or a restaurant.

**Resource Recovery Facility** - Means machinery, equipment, structures, or any parts or accessories of machinery, equipment, or structures, installed or acquired for the primary purpose of recovering materials or energy from the waste stream. Also called a recycling facility or center.

**Restaurant** - Means a building in which food or beverages are cooked or prepared and offered for sale, and where consumption is permitted on the premises whether or not entertainment is offered.

**Road** - Means any public or private thoroughfare dedicated and maintained for the use and operation of automotive vehicular traffic by the County Road Commission, other public agency, or by private property owners.

**Road Frontage** – Means the legal line that separates a publicly dedicated or private road right-of-way or easement from abutting land.

**Road, Frontage Access** - Means public or private road paralleling and providing ingress and egress to adjacent lots and parcels but connected to the major highway or road only at designated intersections or interchanges.

**Road, Hard Surface** - Means a highway or road built to the concrete or asphalt surface road building specifications of the County Road Commission or the Michigan Department of Transportation.

**Road, Private** - Means a non-public road which serves at least two (2) separately owned lots or parcels and which meets the County Road Commission standards.

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**Road Right-of-Way Line** - Means the line which forms the outer limits of a road right-of-way or easement, and which forms the line from which all setbacks and front yards are measured, unless otherwise specified in this Ordinance.

**Roadside Stand** – See “Farm Market/On-Farm Market/Roadside Stand.”

**Rooming House** – See “Boarding House or Rooming House”.

**S**

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**Salvage** – See “Junk.”

**Sanitary Landfill** - Means a private or public landfill that meets all of the requirements of **Part 115 (Solid Waste Management) of the Natural Resources and Environmental Protection Act, 1994 PA 451**, as amended.

**Scrap Yard** - Means an establishment where scrap metals are collected, processed, stored, and/or sold.

**Seasonal Use Sales** - Means sales establishments which exist on a temporary basis based on seasonal events such as Christmas tree sales, seasonal produce, and fireworks.

**Setback** - Means the minimum required horizontal distance from the applicable right-of-way line, easement, waterfront, or property line of a lot within which no buildings or structures may be placed.

**Setback, Road** - Means the distance between the road right-of-way line and the nearest point of the foundation of the main building located on an abutting lot or parcel.

**Setback, Waterfront** - Means the distance between the shoreline of a surface water feature and the nearest point of the foundation of the main building located on an abutting lot or parcel.

**Sexually Oriented Business** - A business or commercial enterprise engaging in any of the following: (1) adult arcade; (2) adult bookstore or adult video store; (3) adult cabaret; (4) adult motel; (5) adult motion picture theater; (6) adult theater; (7) escort agency; and (8) nude model studio; (9) similar establishments.

A. **Adult Arcade** - Means any place to which the public is permitted or invited wherein coin-operated or slug-operated electronically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.

B. **Adult Bookstore Or Adult Video Store** - Means a commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration one or more

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of the following:

1. Books, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes or video reproductions, slides or other visual representations or media which depict or describe Specified Sexual Activities or Specified Anatomical Areas; or
2. Instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing Specified Sexual Activities or Specified Anatomical Areas and still be categorized as an Adult Bookstore or Adult Video Store. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it occupies twenty-five (25%) percent or more of the floor area or visible inventory within the establishment.

C. **Adult Cabaret** - Means a nightclub, bar, restaurant, or similar commercial establishment that regularly features any of the following:

1. Persons who appear in a state of nudity;
2. Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities;
3. Films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas; or
4. Persons who engage in lewd, lascivious, or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

D. **Adult Motel** - Means a hotel, motel or similar commercial establishment that.

1. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas and has a sign visible from the public right of way that advertises the availability of any of the above;
2. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.

E. **Adult Motion Picture Theater** - Means a commercial establishment which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, or

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other photographic reproductions or visual media that are characterized by depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

- F. **Adult Theater** - Means a theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of Specified Anatomical Areas or by Specified Sexual Activities.
- G. **Nude Model Studio** - Means any place where a person who displays Specified Anatomical Areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include an educational institution funded, chartered, or recognized by the State of Michigan.
- H. **Nudity Or A State Of Nudity** - Means knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:
1. A woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
  2. Material as defined in Section 2 of **1984 PA 343, as amended (Obscene Material, being MCL 752.362)** of the Michigan Compiled Laws.
  3. Sexually explicit visual material as defined in Section 3 of **1978 PA 33, as amended (Disseminating, Exhibiting, or Displaying Sexually Explicit Matter to Minors, being MCL 722.673)** of the Michigan Compiled Laws.
- I. **Specified Anatomical Areas** - Means and includes any of the following:
1. Less than completely and opaquely covered:
    - a. Human genitals;
    - b. Pubic region;
    - c. Buttocks
    - d. Female breast below a point immediately above the top of the areola.
  2. Human male genitals in a discernible turgid state even if completely or opaquely covered.
- J. **Specified Sexual Activities** - Means and includes any of the following:
1. Human genitals in a state of sexual arousal;
  2. Acts of or simulated acts of human masturbation, sexual intercourse, sodomy, bestiality,

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fellatio or cunnilingus; or

3. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.
4. Excretory functions as part of or in connection with any of the activities set forth in 1 – 3 above.

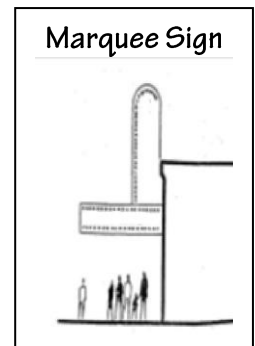
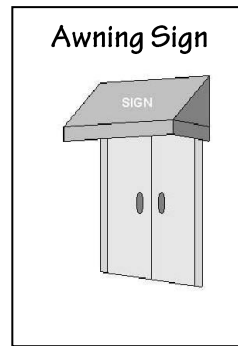
**Shipping Container** – Means a large, strong container, usually of metal, used to store goods in during shipment.

**Short Term Rental** – Means a single family dwelling, the whole of which is offered as a residential rental facility for a period of less than thirty (30) days. The owner does not reside on-site.

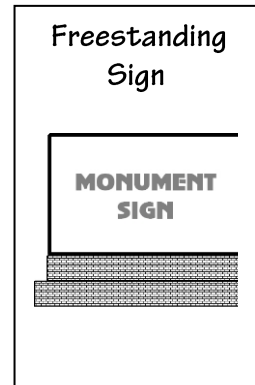
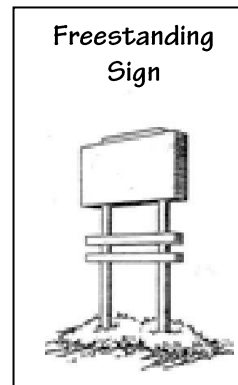
**Sign** – (alternate, simple definition) Means any structure or wall or other object used for the display of any message.

A. **Abandoned Sign** - Means a sign to which any of the following applies:

1. The sign has remained blank over a period of one (1) year.
2. The sign’s message becomes illegible in whole or substantial part.
3. A sign which has fallen into disrepair.



B. **A-Frame Sign** - Means a self-supporting temporary sign consisting of two panels hinged at the top providing advertising on each panel and can be readily moved within a property or to another property. Also called “sandwich board”.

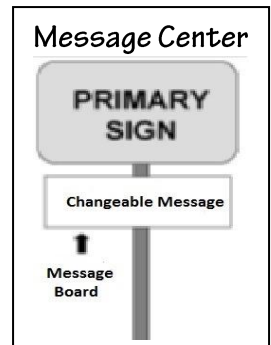


C. **Awning, Canopy or Marquee Sign** - Any sign attached to or constructed within or on an awning, canopy or marquee.

D. **Cluster Sign** - Means an on-premises sign which identifies a complex of establishments on one parcel and contains multiple signs on one structure including one for each establishment and one for the complex as a whole.

E. **Freestanding Sign** - A sign supported by a structure independent of any other structure.

F. **Message Center, Static** - Means a sign with a changeable display/message consisting of alphabetic, pictographic, or symbolic informational content

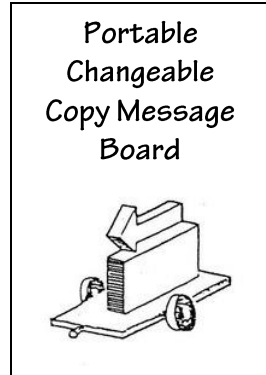


that must be changed manually by non-electronic means.

G. **Message Center, Electronic** - Means a sign with a changeable display/message consisting of alphabetic, pictographic, or symbolic informational content that is composed of a series of lights that may be changed through electronic means.

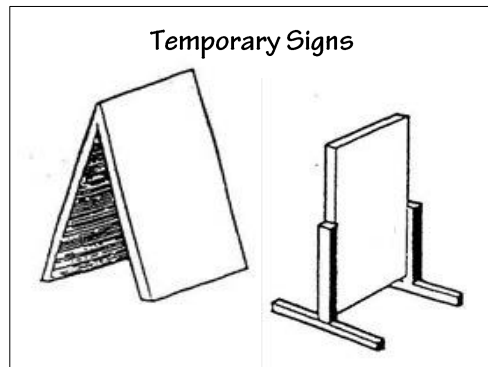
H. **Off-Premise Advertising Sign (Billboard)** - Means a sign which contains a message unrelated to a business or profession conducted or to a commodity, service, or activity sold or offered other than upon the premises where such sign is located.

I. **Projecting Sign** - Means a sign other than a wall sign, which is perpendicularly attached to, and projects from a structure or building wall not specifically designed to support the sign.

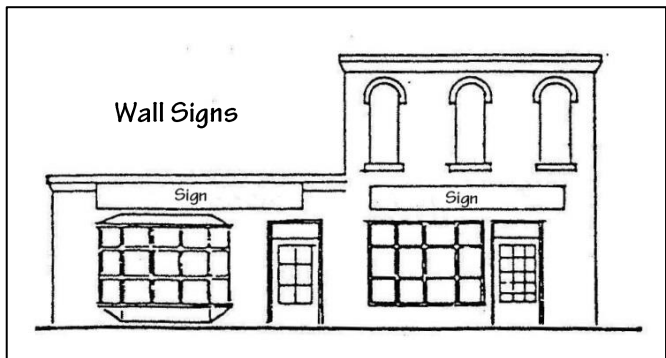


J. **Roof Sign** - Means any sign wholly erected to, constructed/or maintained on the roof structure of any building.

K. **Portable Changeable Copy Message Board** - Means any changeable copy sign not permanently attached to the ground or a building and is designed to be transported by some means such as a trailer or wheels.



L. **Temporary Sign** - Means a display sign, banner, or other advertising device constructed of cloth, canvas, fabric, plastic, or other light temporary material, with or without a structural frame, or any other sign intended for a limited period of display, but not including decorative displays for holidays or public demonstration. A temporary sign shall not be used as a substitute for a permanent on-premise advertising sign, except as permitted within this Ordinance. A temporary sign is one that is not affixed to the ground permanently and can be easily moved.



M. **Wall Sign** - Means any sign that shall be affixed parallel to the wall or printed or painted on the wall of any building; provided, however, said wall sign shall not project above the top of the wall or beyond the end of the building. For the purpose of this Ordinance, any sign display surface that is affixed flat against the sloping surface of a mansard roof shall be considered a wall sign.

N. **Window Sign** - A sign installed on or in a window for purposes of viewing from outside the premises. This term does not include merchandise located in a window.

- O. **Sign Height** - The vertical distance to the top edge of the copy area or structure, whichever is higher, as measured from the adjacent street grade.
- P. **Sign Surface** - That part of the sign upon, against, or through which the message is displayed or illustrated.

**Site Plan** - Includes the documents and drawings required by the Zoning Ordinance to ensure that a proposed land use or activity is in compliance with local ordinances and state and federal statutes.

**Small Engine Repair** – Means the maintenance and repair of small engines: low-power internal combustion engines (gasoline) or electric engines.

**Solar Energy Facility (Utility Scale)** – Means a facility designed to capture and utilize the energy of the sun to generate electrical power. A solar energy collection facility consists of an array of solar collection devices used to collect solar rays and all associated ancillary and structural devices needed to support and convert/transmit the energy collected.

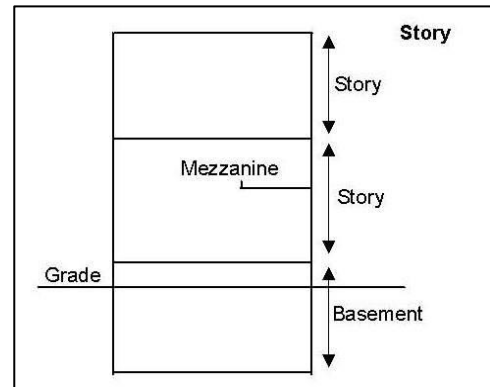
**Special Use** - Means a permitted, but specified as a special use, which is subject to approval by the Township after meeting all of the procedures and provisions of site plan review. A permitted special use is not considered to be a nonconforming use.

**Special Use Permit** - Means permission granted by the Township for permitted special land uses.

**State Licensed Residential Facility** - See “**Adult Foster Care Facility.**”

**Story** - Means that part of a building included between the surface of one (1) floor, and the surface of the next floor; or if there is no floor above, then the ceiling next above. A story is not one in which more than fifty (50) percent, by cubic content, is below the average level of the adjoining ground around a building or structure (See Basement).

**Story, Half** - Means an uppermost story lying under a sloping roof, the usable floor area of which, at a height of four (4) feet above the floor is less than two-thirds (2/3) of the floor area in the story directly below, and contains at least two hundred (200) square feet of floor space which has a ceiling height of at least seven (7) feet, six (6) inches.



**Story, Height** - Means the vertical distance from the top surface of one (1) floor to the top surface of the next above. The height of the topmost story is the distance from the top surface of the floor to the ceiling above it.

**Street** - Means a street, avenue, boulevard, highway, road, lane, alley, viaduct, or other way intended for use by automobiles.

**Structure** - See “**Building**”, and in addition, any man-made surface or above surface feature or designed earth feature other than normal finished grading for surface contour and drainage purposes including drives, parking areas, garden houses, pole barns, sheds, pergolas, decks, porches, play houses and game courts.

**Structural Alterations** - Means any change in the supporting members of a building such as bearing walls, columns, beams, or girders or any substantial changes in the alignment of the roof and exterior walls.

**Swimming Pool** - Means any permanent, non-portable structure or container located either above or below grade designed to hold water to depth greater than eighteen (18) inches, intended for swimming or bathing. A swimming pool shall be considered an accessory structure for purposes of computing lot coverage.

**T**

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**Television Satellite Dish** - Means an outdoor structure used for the purpose of receiving television signals and programs from space satellites.

**Temporary Building** - Means a building or structure permitted to exist during period of construction of the main building or use or for special events.

**Temporary Use** - See “**Use, Temporary.**”

**Tent** - Means a shelter of canvas or the like supported by poles and fastened by cords to pegs driven into the ground and shall not include those types of small tents used solely for children’s recreational purposes.

**Tiny Home** – Means a single-family dwelling that is less than the minimum required square footage of a single-family dwelling unit in the district.

**Tourist Home** - Means a dwelling furnishing overnight sleeping quarters to transient guests and containing not more than three (3) guest bedrooms.

**Township** - Means Wilber Township.

**Travel Trailer** - Means a mobile non-motorized vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for periodic overnight lodging. This term also includes folding campers and truck mounted campers but does not include mobile homes.

**U**

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**Use** - Means the lawful purpose for which land or premises or a structure or building thereon is designed, arranged, intended, or for which is occupied, maintained, let or leased for a use or activity.

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**Use, Accessory** - Means a use or activity normally and naturally incidental to, subordinate to, and related exclusively to the principal use of the land or buildings, including all structures detached from the main building above and below ground such as garages, sheds, barns, television satellite dishes, and designed surface structures and area.

**Use, Land** - Means the principal and accessory uses and activities being made of all land areas, buildings, and structures located upon a lot or parcel.

**Use, Principal** - Means the primary or dominant use or activity to which a lot or parcel is put.

**Use, Public** - Means any of the publicly owned or leased uses of land, buildings, or structures administered and operated by a public agency or official.

**Use, Temporary** - Means a use, activity, or building or structure permitted to exist during period of construction of the main building or use or for special events.

**V**

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**Variance** - See “Zoning Variance.”

**W**

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**Wild Animal** – Means any animal not domesticated by humans, or which attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals; or which a person is prohibited from possessing by law.

**Wind Energy Definitions** -

- A. **Ambient** - Means the sound pressure level exceeded ninety (90) percent of the time.
- B. **Anemometer** - Means a device used to measure wind speed.
- C. **Commercial Wind Energy Facilities** - Means a wind energy conversion system consisting of a wind turbine (horizontal or vertical axis), a tower, and associated control or conversion electronics which is intended to supply power to the utility grid.
- D. **dB(A)** - Means the sound pressure levels in decibels. Refers to the “a” weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.
- E. **Decibel** - Means the unit of measure used to express the magnitude of sound pressure and sound intensity.
- F. **On-Site Wind Energy Systems** - Means a wind energy conversion system consisting of a wind turbine (horizontal or vertical axis), a tower, and associated control or conversion electronics which is intended to primarily replace or reduce on-site consumption of utility power.

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- G. **Shadow Flicker** - Means alternating changes in light intensity caused by the moving blade of a wind turbine casting shadows on the ground and stationary objects, such as the window of a dwelling.
- H. **Sound Pressure** - Means the average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.
- I. **Sound Pressure Level** - Means the sound pressure mapped to a logarithmic scale and reported in decibels (dB).
- J. **Wind Energy Facility** - Means a power generating facility consisting of one or more wind turbines under common ownership or operation control, and includes substations, MET towers, cables/wires, and other buildings accessory to such facility, whose main purpose is to supply electricity to off-site customers.
- K. **Wind Turbine Generator** - Means a wind energy conversion system which converts wind energy into power. May include a tower, pylon, or other structure, including all accessory facilities, upon which any, all, or some combination of the following are mounted:
1. A wind vane, blade, or series of wind vanes or blades, or other devices mounted on a rotor for the purpose of converting wind into electrical or mechanical energy.
  2. A shaft, gear, belt, or coupling device used to connect the rotor to a generator, alternator, or other electrical or mechanical energy-producing device.
  3. A generator, alternator, or other device used to convert the energy created by the rotation of the rotor into electrical or mechanical energy.
- L. **Wind Turbine (Horizontal Axis)** - Means a wind energy system in which the rotor(s) rotate around a horizontal shaft.
- M. **Wind Turbine (Vertical Axis)** - Means a wind energy system in which the rotor rotates around a vertical shaft.
- N. **Wind Turbine Generator Total Height** -
1. **Horizontal Axis Wind Turbine Rotors** - Means the distance between the ground and the highest point of the wind turbine generator, plus the length by which the rotor wind vanes or blades mounted on a horizontal axis wind turbine rotor exceeds the height of the wind turbine generator.
  2. **Vertical Axis Wind Turbine** - Means the distance between the ground and the highest point of the wind turbine generator.

**Wireless Communications (Telecommunication Towers and Facilities Definitions) -**

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- A. **Alternative Tower Structure** - Means man-made trees, clock towers, bell steeples, light poles and other similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
- B. **Antenna Array** - Means one or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antenna (rod), directional antenna (panel) and parabolic antenna (disc). The Antenna Array does not include the Support Structure.
- C. **Attachment Structure** - Includes but is not limited to utility poles, signs, water towers, rooftops, towers with any accompanying pole or device which attaches the Antenna Array to the existing building or structure and associated connection cables, and an Equipment Facility which may be located either inside or outside of the Attachment Structure.
- D. **Co-Location** - Means the location by two (2) or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, with the objective of reducing the overall number of structures required to support wireless communication antennas within the community.
- E. **Height** - When referring to a Wireless Communication Facility, height shall mean the distance measured from ground level to the highest point on the Wireless Communication Facility, including the Antenna Array.
- F. **Setback** - Setback shall mean the required distance from the property line of the parcel on which the Wireless Communication Facility is located or residential district to the base of the Support Structure.
- G. **Wireless Communications** - Wireless communications shall mean television and radio towers, as well as any personal wireless service as defined in the **Telecommunications Act of 1996**, as amended, which includes FCC licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist.
- H. **Wireless Communications Equipment** - Means the set of equipment and network components used in the provision of wireless communications services, including, but not limited to antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.
- I. **Wireless Communication Facility** - A Wireless Communication Facility is any facility for the transmission and/or reception of wireless communications services, usually consisting of an Antenna Array, connection cables, an Equipment Facility and a Support Structure. A Wireless Communication Facility also includes an Antenna Array attached to an existing building or structure (Attachment Structure).

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J. **Wireless Communications Support Structure** - Means structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

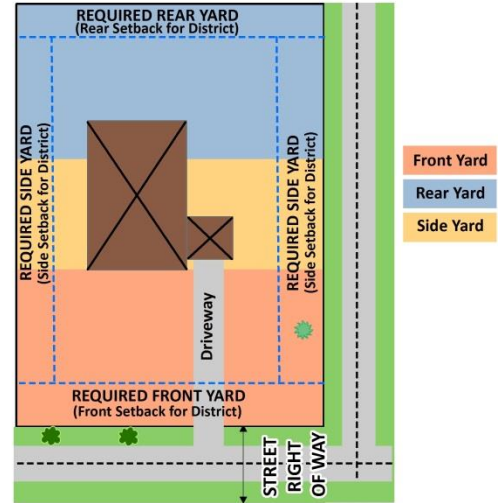
**Y**

**Yard** - Means the open spaces on the same lot with a main building unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance and as defined herein.

**Yard, Front** - Means the open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building. For waterfront lots, the front yard shall mean the waterfront yard.

**Yard, Rear** - Means the open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building.

**Yard, Side** - Means the open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot to the nearest point of the main building.



**Z**

**Zoning Administrator** - Means the public official appointed by the Township Board for the purpose of administering and enforcing the provisions of this Zoning Ordinance, including approved amendments, site plans and Zoning Board of Appeals variances.

**Zoning Appeal** - Means an entreaty or demand for a hearing and/or review by the Zoning Board of Appeals of facts and/or decisions or actions by the Zoning Administrator, Planning Commission, Township Board or any other local body or official involved in the decision making procedure in the administration and enforcement of this Zoning Ordinance.

**Zoning Board of Appeals** - Means the Township Zoning Board of Appeals or “Board of Appeals.”

**Zoning District** - Means a geographical or legally described portion of the unincorporated area of the Township within which certain regulations and requirements or various combinations thereof, apply under the provisions of this Ordinance.

**Zoning Interpretation** - Means an official act on the part of the Zoning Board of Appeals which determines the intent and purpose of this Ordinance only after review of an application requesting

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an interpretation of the provisions of this Zoning Ordinance by the Zoning Board of Appeals which may include the advice and counsel of the Planning Commission. Such review is necessary because the provisions of this Ordinance, in respect to the application of all of its provisions, may not be precise enough without interpretation and such review and decisive interpretation of the provisions of this Ordinance is therefore required.

**Zoning Jurisdiction** - Refers to the area encompassed by the legal boundaries of a city, or village or the area encompassed by the legal boundaries of a county or township outside the limits of incorporated cities and villages. The zoning jurisdiction of a county does not include the areas subject to township zoning ordinance.

**Zoning Permit** - A permit for commencing, proceeding with and completing construction or a specified use of property, issued in accordance with a site plan for construction that complies with all of the provisions of this Zoning Ordinance.

**Zoning Variance** - The term "Variance" shall mean a modification of the literal provisions of this Zoning Ordinance, which is granted when strict enforcement of the Zoning Ordinance would cause practical difficulties due to circumstances unique to the individual property on which the variance is granted. The crucial point of a variance is practical difficulties, which would preclude the same type of variance from being repetitively granted in a zoning district, but, which with a variance, would permit compatible development similar to the character of development permitted in a zoning district. The term variance shall not mean to include granting variances for substantially larger or smaller buildings or additional uses other than those sizes of buildings and types of uses specifically permitted in the respective zoning district.

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# Article 3

## General Provisions

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3.02	Existing Uses of Lands, Building and Structures	3-1	3.21	Temporary Transient Uses	3-11
3.03	Applications and Interpretation of Regulations	3-2	3.22	Building Grades & Drainage/Stormwater Management	3-11
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### Section 3.01 Purpose

The purpose of General Provisions is to establish broad fundamental rules, regulations and provisions which affects all Zoning Districts. Some of the General Provisions help explain or are required by the **Michigan Zoning Enabling Act, 2006 PA 110, as amended.**

### Section 3.02 Existing Uses of Lands, Building and Structures

The provisions of this ordinance shall not be retroactive. At the discretion of the owners, the lawful use of any dwelling, building or structure, and of any land or premises as existing and lawful at the time of enactment of this Ordinance may be continued even though such use does not conform with the provisions of this Ordinance, or in the case of an amendment, then at the time of the amendment.

If construction on a building is lawfully begun prior to adoption of this Ordinance, nothing in this Ordinance shall be deemed to require any change in the planned or designed use of any such building provided that actual construction is being diligently carried on, and further provided that such building shall be entirely completed for its planned or designed use within one (1) year from the effective date

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of this Ordinance, or affecting amendment.

**Section 3.03 Applications and Interpretation of Regulations**

The regulations established by this Ordinance within each zoning district shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare and shall be uniform for each permitted or approved use of land or building, dwelling and structure throughout each district. Where there are practical difficulties in the way of carrying out the strict letter of this Ordinance, the Zoning Board of Appeals shall have power in passing upon appeals to vary or modify any rules, regulations or provisions of this Ordinance so that the intent and purpose of this Ordinance shall be observed, public safety secured and substantial justice done, all in accordance with the provisions of **Article 8** of this Ordinance and by the **Michigan Zoning Enabling Act, 2006 PA 110, as amended**.

**Section 3.04 Scope of Regulations**

- A. Except as may otherwise be provided in **Article 8**, herein every building and structure erected, every use of any lot, building, or structure established, every structural alteration or relocation of any existing building or structure occurring, and every enlargement of, or addition to an existing use, building and structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable in the zoning district in which such use, building, or structure shall be located.
- B. All buildings and structures, unless otherwise specified in this Ordinance, shall meet all the requirements of the Construction Code whenever applicable.
- C. All uses, buildings, and structures shall conform to the area, placement, and height regulations of the district in which located, unless otherwise provided in this Ordinance.
- D. No yard or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area less than the minimum requirements set forth herein, except as provided by the Zoning Board of Appeals. Yards or lots created after the effective date of this Ordinance shall meet the minimum requirements established here.
- E. No lot, outlot or other parcel of land in a recorded plat shall be further partitioned or divided unless in conformity with this Zoning Ordinance and the **Land Division Act, 1967 PA 288, as amended**.
- F. Zoning affects every structure and use and extends vertically.
- G. All uses permitted in any district shall be located on lots or parcels of land split or subdivided in accordance with the provisions of the **Land Division Act, 1967 PA 288, as amended**, and the Subdivision Regulations of the Township adopted and in effect at the time.
- H. In conforming to land and yard requirements, no area shall be counted as accessory to more than one (1) dwelling or main building.

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**Section 3.05 Conformance to Other Public Laws, Rules and Regulations**

All uses of land, buildings or structures shall conform to all applicable local, county, State, and Federal laws, rules, and regulations that have been promulgated and administered by the respective responsible public agency or official as well as the provision of this Zoning Ordinance. Unless specifically provided for, it is not intended by this Ordinance to repeal, abrogate, annul or in any way to impair or interfere with the existing and unrepealed provision of law or ordinance or any rules, regulations, or permits previously adopted or issued pursuant to law relating to the use of building or land.

**Section 3.06 Conflicting Regulations**

**A. More Restrictive Provision Governs.**

Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions, or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern except where legally superseded by such opposing law. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such law or ordinance shall govern. Where any provision of this Ordinance differs from any other provision of this Ordinance, the more restrictive requirement shall prevail.

**B. Conflicting Graphics, Tables, and Text.**

The graphics, tables and text used throughout this Ordinance are regulatory. In case of a conflict, text shall control over tables or graphics; tables shall control over graphics.

**Section 3.07 Uses Not Specifically Listed**

It is the intent and purpose of this Zoning Ordinance to limit the permitted and special land uses and activities to those specifically included in the respective Zoning District. Any uses not listed shall be added only by the Zoning Amendment procedure as required in **Article 10**, except as otherwise provided by the Zoning Board of Appeals through its interpretation of this Ordinance and the granting of variances.

**Section 3.08 Continued Conformance with Regulations**

The maintenance of uses, activities, yards, open spaces, lot areas, height and bulk limitations, fences, walls, clear vision areas, parking and loading spaces, signs, and all other requirements for a building or use specified within this Ordinance shall be a continuing obligation of the owner of such building or property on which such building, use, or activity is located.

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**Section 3.09 Zoning Lot Occupancy**

- A. Every building erected, altered, or moved shall be located on a lot as defined herein, and there shall be no more than one (1) main building and its permitted accessory structures located on each lot with the exception of multiple-family dwellings, groups of attached single-family dwellings, offices, commercial buildings, industrial buildings, agricultural structures, or similar groups of buildings approved by the Planning Commission during site plan review.
- B. Every dwelling, cottage, cabin, occupied trailer coach or manufactured home, erected outside of a manufactured housing community or trailer coach park shall be located on a lot or site, and no more than one (1) such dwelling shall be erected on such lot or site, except as otherwise provided in this Ordinance.

**Section 3.10 Basement as a Dwelling**

No basement structure shall be used for human occupancy unless a completed story is situated immediately above the basement structure and is used as a dwelling, except underground homes designed and built in accordance with the Construction Code in effect in the Township.

**Section 3.11 Damaged Buildings and Structures**

Any building that has been partially destroyed by fire or is in such a state of disrepair as to be uninhabitable and a hazard to the public health and safety shall either be entirely removed or repaired within twelve (12) months from the date of the occurrence of the damage.

**Section 3.12 Required Water Supply and Sanitary Facilities**

Every building hereafter erected, altered or moved upon any premises and used in whole or in part as dwellings (year-round or seasonal), recreational, business, commercial or industrial purposes, including churches, schools and other buildings in which persons customarily congregate, shall be provided with a safe and sanitary water supply system and with means for collecting and disposing of all domestic, commercial, and industrial wastewater, and other wastes that may adversely affect health conditions, subject to the written approval of and following the requirements of the District Health Department.

**Section 3.13 Restoration of Unsafe Buildings/Barrier Free Modification**

- A. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the County Building Official.
- B. Nothing in this Ordinance shall prevent the modification of a non-residential building only as may be necessary to comply with barrier-free requirements and the Americans with Disabilities Act.

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Such modification shall not require a zoning permit but shall require a building permit. A variance may be required for modification as stated herein. The need for such a variance shall be determined by the Zoning Administrator. The variance may be granted by the Zoning Board of Appeals.

**Section 3.14 Moving Buildings**

Permits shall be required by the Zoning Administrator for buildings to be moved.

**Section 3.15 Access**

**A. Access Required.**

Every main building hereafter erected or moved after the effective date of this Ordinance, shall be located on a lot adjacent to a public road, easement which provides access to a public road, or with access to an approved private road, and all structures shall be located on lots as to provide safe and convenient access for emergency services and for required off-street parking, when applicable.

**B. Access through Yards.**

Access drives may be placed in the front or side yard setbacks so as to provide access to the rear yard and/or accessory or attached structures. Further, at grade driveway and walkway materials such as pavement, concrete, crushed stone, gravel and similar materials shall not be considered structures and shall be allowed in any required yard.

**Section 3.16 Frontage Access Roads**

Ingress and egress from frontage access or service roads for all uses permitted in CSC areas fronting on major local arterials, as defined and designated by the Township Planning Commission, are required in order to promote efficient use of thoroughfares and to decrease hazardous traffic conditions. The following regulations shall apply to the use of all land fronting upon these major thoroughfares, except for existing uses located upon existing lots and parcels. If isolated parcels are to be developed in undeveloped Commercial Areas and there are limited prospects for immediate development of adjacent lots or parcels, the Township Board may require the posting of an acceptable financial guarantee from the applicant equal to the amount of the estimated cost of the frontage access road. However, upon the application for development and use of an adjacent lot or parcel having the same or connecting frontage, the applicant will be required to build the frontage access road.

- A. Connecting service roads shall be required between parking areas on adjacent land uses.
- B. Owners of all property shall submit to the Township a properly executed and witnessed license agreement which gives the Township Board the authority to open and close service roads and driveways whenever necessary in order to guarantee to the satisfaction of the Township Board a safe and efficient movement to traffic. The said license shall be recorded in the office of the County

<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
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Register of Deeds. Acceptance of the said license shall in no way obligate the Township to build, repair, maintain or clear the said service roads or parking areas and no public funds may be spent by the Township Board to build, repair, maintain or close the said service roads and/or parking areas. The intent of this subsection is to promote traffic safety on the said service roads and parking areas, and otherwise facilitate the safe and efficient movement of traffic thereon.

- C. No less than two (2) driveways at least twenty (20) feet in width shall be available to such coordinated parking areas and service road systems; provided that said driveways shall be at least three hundred (300) feet apart and have appropriate designated acceleration and deceleration lanes; provided further, this requirement may be waived by the Township Planning Commission where the needs of a particular use do not require it and when traffic hazards will not be increased by such a waiver.
- D. All requirements shall apply only to the full width of the developed portion of a lot or parcel or when developed adjacent to an existing use. The purpose of this subsection is to minimize the length of service roads in relation to the actual developed area of a lot or parcel and the number of parking spaces, and to promote their construction as they are needed.
- E. Parking lots, driveways, and service roads shall at least be surfaced with processed road gravel and maintained in a usable dust free condition.
- F. Parking area layout shall follow standards prescribed in this Ordinance.
- G. Service roads and driveways shall be at least paved with processed road gravel and have a width of twenty (20) feet.
- H. At its discretion, the Planning Commission may recommend to the Township Board that, if a lot or parcel is not in need for a Frontage Access Road because it is the only lot or parcel developed or under development in a Zoning District which required such access roads or the development of a lot or parcel can function in relation to adjoining lots or parcels until such time as two (2) contiguous lots or parcels need to provide such an access road, the owners/developers of such parcels need not construct such access roads, but will be required to reserve in a sufficient setback from all roads an area capable of constructing such an access road at a later date; providing that the owner/developer provides the Township Board with an adequate financial guarantee to cover the total estimated cost of constructing such an access road at a later date, e.g. when the frontage access road in the judgment of the Planning Commission and Township Board the access road is needed.

### Section 3.17 Entranceway Structures

Driveway entrances or gateway structures, including, but not limited to, walls, columns, and gates marking driveway entrances to private or public uses may be permitted and may be located in a setback provided that such entranceway structures shall comply with all codes and ordinances of the Township and County and shall be approved by the Zoning Administrator.

<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
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## Section 3.18 Accessory Buildings

Accessory building, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

### A. Accessory Building Attached to Main Building.

Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this Ordinance applicable to the main building.

### B. Detached Accessory Buildings.

1. **Permit Required.** Accessory buildings shall require a zoning permit.
2. **Location.** An accessory building may be located in the side or rear yard.
3. **Setbacks.** No detached accessory building shall be located closer than ten (10) feet to any main building. In no instance shall an accessory building be located within a dedicated easement or right-of-way.
  - a. **MDR District.** An accessory building shall be located no closer than five (5) feet from the side lot line and ten (10) feet from the rear lot line.
  - b. **All Other Districts.** An accessory building shall be located no closer than fifteen (15) feet from the side lot line or rear lot line.
4. **Height.** No detached accessory building in the AR and MDR Districts shall exceed twenty-five (25) feet in height. Accessory buildings in all other districts may be constructed up to the permitted maximum height of structures in said districts.
5. **Accessory Buildings on Corner Lots.** When an accessory building is located on a corner lot, the side lot line which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard line required on the lot in the rear of such corner lot.
6. **Accessory Building as a Dwelling.** No building or structure on the same lot with a main building shall be used for dwelling purposes, except as specifically permitted in this Ordinance.
7. **Nontraditional Storage Facilities.** School bus bodies, manufactured homes, travel trailers, or other items built and intended for other uses shall not be used as permanent accessory structures. Semi-trailers may be used as storage for commercial and industrial uses in the commercial and industrial districts in the rear yard only.
8. **Shipping Containers.** Shipping containers shall be allowed to be used as accessory buildings for storage purposes. Shipping containers shall be either painted or covered in a siding material that would typically be utilized for a main building.

<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
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9. Accessory Building without a Main Building.

a. **MDR District.** An accessory building without a main building may be erected on the lot adjacent to the lot on which the main building is located if the adjacent lot is under the same ownership. If this occurs, then the lot containing the main building and the lot containing the accessory structure shall hereafter be considered one lot for zoning purposes and shall be combined under one tax identification number and shall not be split thereafter.

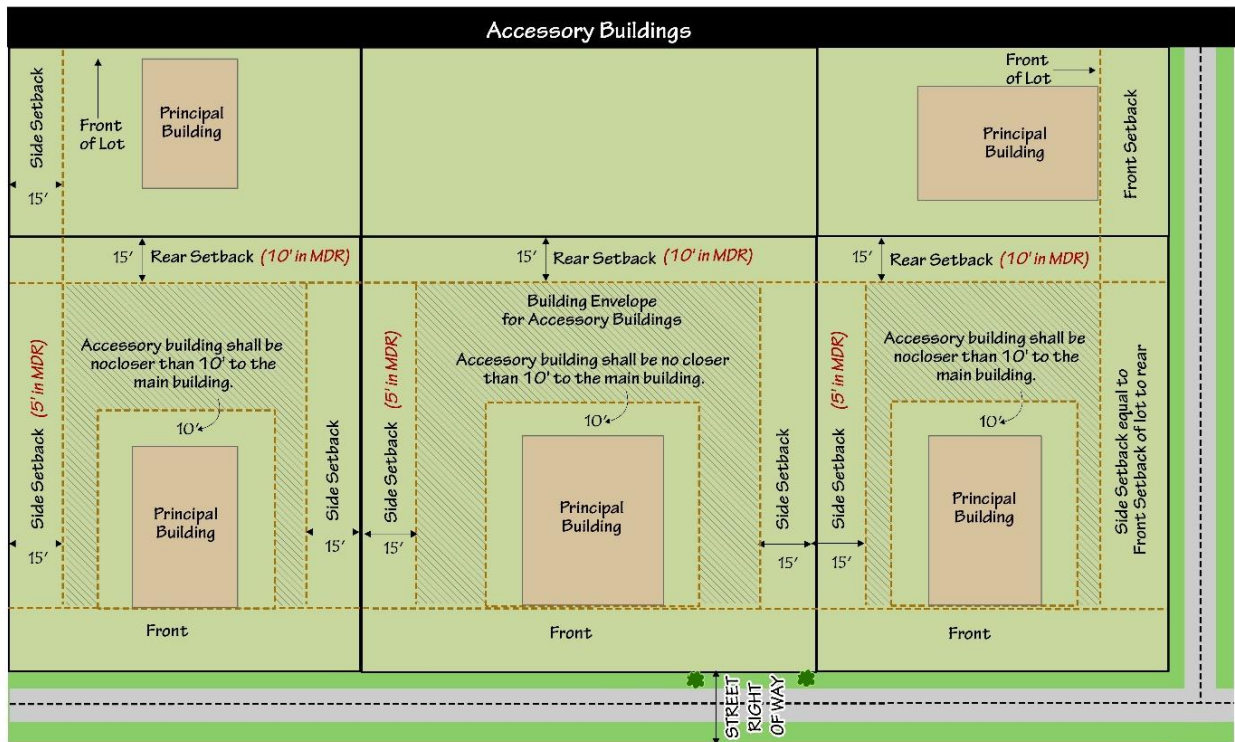
b. **All Other Districts.**

(1) Accessory buildings without a main building may be erected on a lot and shall be limited to no larger five hundred seventy-six (576) square feet (example: 24' X 24') and shall be limited to a height of seventeen (17) feet. Such accessory building shall be approved by the Zoning Administrator and shall be subject to the following setbacks:

(a) **Front.** Same as minimum setback for a main building.

(b) **Side and Rear.** Fifteen (15) feet.

(2) Accessory buildings larger than five hundred seventy-six (576) square feet and seventeen (17) feet in height may be approved by the Planning Commission. Submission of a plot plan pursuant to **Section 5.02** is required.



**Section 3.19 Accessory Uses (Pools, Parking/Storage of RV, Trucks)**

**A. Outdoor Pools (including swimming, wading, Jacuzzis, whirlpools, hot tubs and ponds).**

Private outdoor pools shall be permitted as an accessory use within the rear and side yards only, provided they meet the following requirements (no zoning permit shall be required):

1. There shall be a distance of not less than twenty (20) feet between the adjoining property line and outside of the pool wall.
2. There shall be a distance of not less than five (5) feet between the outside pool wall and any building located on the same lot.
3. No pool shall be located less than fifty (50) feet from any front lot line.
4. If electrical service drop conductors or other utility wires cross under or over a proposed pool area, the applicant shall make satisfactory arrangements with the utility involved for the relocation of wires before a permit shall be issued for the construction of a pool.
5. No pool shall be located in an easement.
6. For the protection of the public, all yards containing pools shall be completely enclosed by a fence not less than four (4) feet in height. The gate shall be of a self-closing and latching type, with the latch on the inside of the gate not readily available for children to open. Gates shall be capable of being securely locked when the pool is not in use for extended periods. Provided, however, that if the entire premises of the residence are enclosed, then this provision may be waived by the Zoning Administrator upon inspection and approval.

**B. Parking or Storage of Recreation Vehicles, Commercial Trucks and Travel Trailers on Residential Lots and Parcels in RD, AR, and MDR Zoning Districts.**

On lots with or without a main building, storage of not more than two (2) non-resident type recreational vehicles, travel trailers, or commercial trucks shall be permitted in RD, AR, and MDR Zoning Districts, and other single family dwelling lots located in all other districts provided that such units shall be completely within the side and rear yards or completely enclosed within a structure. In addition to the previous, if occupant of the main building is a school bus driver, one (1) school bus may also be permitted to be parked on the same lot or parcel in the RD, AR, and MDR Zoning Districts or on a lot or parcel of a nonconforming residential structure in any non-residential Zoning District.

**C. Use of Recreation Vehicles as Temporary Dwellings by Visitors.**

<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
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On lots with or without a main building, travel trailers, motor homes and other recreation vehicles shall be permitted upon the issuance of a “Temporary Permit” by the Zoning Administrator. The “Temporary Permit” shall be posted and visible from the nearest road providing access to the site. Application shall be made within seven (7) days after the date of arrival. The property owner or lessee shall present a written agreement to furnish the occupants of the travel trailer, motor home or recreation vehicle with sanitary facilities approved by the Township. A “Temporary Permit” may only be issued to one (1) travel trailer, motor home or recreation vehicle at a time in any one location and shall be valid for a maximum period of thirty (30) days at a time and a total of no more than ninety (90) days in any one (1) year time period. Extensions of time shall not be permitted and the travel trailer, motor home or recreation vehicle shall be removed from the property on or before the 30th day of the permit period. No fee shall be exchanged between the property owner and the occupants of the travel trailer, motor home, or recreation vehicle.

1. **Lots with a Main Building.** The recreational vehicle, travel trailer, or motor home shall be parked in the side or rear yard and shall meet applicable accessory building setbacks.
2. **Lots without a Main Building.** The recreational vehicle, travel trailer, or motor home shall meet setbacks for a principal dwelling unit.

### Section 3.20 Temporary Buildings During Construction

Temporary buildings may be utilized during construction for the storage of construction materials, for construction offices, or for temporary dwelling purposes during a construction period as permitted herein. Temporary buildings for use incidental to construction work, and all debris, shall be removed within thirty (30) days after the completion or abandonment of the work.

#### A. Temporary Construction/Contractor Offices.

Mobile homes, travel trailers, motor homes, or recreation vehicles shall be permitted for construction contractor or temporary residential purposes when located on a construction site approved by the Planning Commission. The applicant must furnish all pertinent data, including description of land to be used, number of mobile home, travel trailer, motor home or recreation vehicle units involved, and the expected length of construction time. The Zoning Administrator must verify that:

1. The location of unit(s) will be not less than one hundred (100) feet from any public highway and/or boundary of adjoining property; and
2. Adequate fresh water supply and sanitary facilities are available on site.

A “Temporary Permit” shall be issued covering the period of the specific construction job, not to exceed one (1) year; subject to an extension approved by the Planning Commission for good cause which shall not exceed one (1) year.

#### B. Dwelling as Sales Office.

<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
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The Zoning Administrator may authorize a certification for a dwelling house to be temporarily used as a sales and management office for the sale of homes within a subdivision or residential development provided all of the following requirements are complied with:

1. The house to be used as such office is built upon a lot approved as part of the approved subdivision or development and is of substantially similar design as those houses to be sold within the subdivision or development.
2. No retail sales or business other than that accessory to the management and sales of the land in the subdivision owned by the applicant shall be permitted.
3. Said dwelling house shall meet all other zoning restrictions of the zone in which it is located.

**Section 3.21 Temporary Transient Uses**

Temporary transient use of an existing land site, building, or structure may be permitted in any district upon approval of a Site Plan Review by the Planning Commission and upon finding that the location of such an activity will not adversely affect public health, safety, and general welfare in the district in which it is to be temporarily located. All temporary transient uses, if approved by the Planning Commission, shall have a reasonable time limit placed upon their use based upon the normal periods of time such uses need to exist for an expressed number of days authorized by the Planning Commission. Temporary transient uses may be granted a permit on the basis of compliance with the criteria stated in **Article 5**. Upon authorization, the Zoning Administrator shall issue a permit, which will cause compliance with this Ordinance, and any specified conditions required by the Planning Commission.

**Section 3.22 Building Grades and Drainage/Stormwater Management**

- A. The finished surface of the ground areas outside the walls of any building constructed or altered shall be so designed that surface waters shall flow away from the building walls in such a direction and collection that inconvenience or damage to adjacent properties shall not occur.
- B. No premises shall be filled or graded so as to discharge surface runoff on abutting premises in such a manner that will cause inconvenience or damage to adjacent properties. When property is developed adjacent to existing properties previously developed, existing grades shall have priority.
- C. For non-residential uses, the property owner or developer is required to retain on site all stormwater drainage in excess of natural conditions. This provision may require stormwater retention ponds where appropriate. An exception can be made for water leaving the site via an existing stormwater pipe, or through other stormwater facilities which will be developed at the same time as the proposed new use. All stormwater facilities, including detention or retention

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ponds, shall be designed at minimum to handle a storm with the projected frequency of once every ten (10) years (ten year design storm).

**Section 3.23 Nonconforming Buildings, Uses, Lots and Signs**

**A. General.**

1. **Purpose.** It is the intent of this Ordinance to permit the continuance of a lawful use of any building or land existing at the effective date of this Ordinance, although such use of land or structure may not conform with the provisions of this Ordinance. Further, it is the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended (with some exceptions for nonconforming uses in subsection C.1 below), nor used as ground for adding other structures or uses prohibited elsewhere in the same districts. The continuance of all nonconforming uses and structures within the Township shall be subject to the conditions and requirements set forth in this Section.
2. **Prior Construction Approval.** Nothing in this Ordinance shall prohibit the completion of construction and use of a nonconforming building for which a building permit has been issued prior to the effective date of this Ordinance, provided that construction is commenced within ninety (90) days after the date of issuance of the permit, that construction is carried on diligently and without interruption for a continuous period in excess of thirty (30) days; and that the entire building shall have been completed according to the plans filed with the permit application within two (2) years after the issuance of the building permit.
3. **Change in Tenancy or Ownership.** There may be a change of tenancy, ownership, or management of any existing nonconforming use or nonconforming structure which does not alter the nonconforming status.
4. **Elimination of Nonconforming Buildings or Uses.** The Township Board may acquire properties on which nonconforming buildings or uses are located, by condemnation or other means, and may remove such uses or structures. The resultant property may be leased or sold for a conforming use or may be used by the Township for a public purpose or use. The net cost of such acquisition may be assessed against a benefit district, or may be paid from other sources of revenue.

**B. Nonconforming Structures.**

1. **Alterations to Nonconforming Structures.** Alterations to a nonconforming structure are permitted, however no nonconforming structure may be enlarged or altered in a way which increases its nonconformity.
2. **Maintenance of Nonconforming Structures.** Nothing in this Ordinance shall prevent such necessary repairs, reinforcement, and incidental alterations of a nonconforming structure existing on the effective date of this Ordinance as may be necessary to secure a reasonable advantageous use thereof during its natural life nor shall any provision of this Ordinance

<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
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prevent compliance with the provisions of any Building Code in effect in Wilber Township relative to the maintenance of structures.

- 3. **Damage or Destruction of Nonconforming Structures.** Any lawful nonconforming structure damaged by fire, explosion, or an act of God or by other causes may be restored, rebuilt, or repaired to its original configuration as long as the nonconformity is not increased. However, if seventy-five (75) percent or more of the physical structure is damaged, then the structure shall conform to the provisions of this Ordinance.
- 4. **Relocation of Nonconforming Structures.** Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

C. **Nonconforming Uses.**

- 1. **Enlargement of Expansion of a Nonconforming Use.**
  - a. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance unless a Special Use Permit for such enlargement has been approved by the Planning Commission.
  - b. Any nonconforming use may be carried on throughout any parts of a building which were manifestly arranged or designed for such use, but no such use shall be extended to occupy any land outside such building.
- 2. **Restoration of Damage.** Any lawful nonconforming use damaged by fire, explosion, or an act of God or by other causes may be restored, rebuilt, or repaired to its original use and configuration.
- 3. **Change to a Permitted Use.** If a nonconforming use is changed to a use permitted in the district in which it is located, it shall not revert or be changed back to a nonconforming use.
- 4. **Displacement of a Conforming Use.** No nonconforming use shall be extended to displace a conforming use.
- 5. **Change to Another Lesser Nonconforming Use.** The Township Planning Commission may authorize a change from one nonconforming use to another nonconforming use, provided the proposed use would be more suitable to the zoning district in which it is located than the nonconforming use which it is being replaced.
- 6. **Discontinuance or Abandonment.** Whenever a nonconforming use has been discontinued for one (1) year, such discontinuance shall be considered conclusive evidence of an intention to abandon legally the nonconforming use. At the end of this period of abandonment, the nonconforming use shall not be reestablished, and any future use shall be in conformity with

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the provisions of this Ordinance. When determining the intent of the property owner to abandon a nonconforming use by the discontinuance of the use for one (1) year, the Zoning Administrator shall consider the following factors:

- a. Whether utilities such as water, gas, and electricity to the property have been disconnected.
  - b. Whether the property, buildings, and grounds have fallen into disrepair.
  - c. Whether signs or other indications of the existence of the nonconforming use have been removed.
  - d. Whether equipment or fixtures necessary for the operation of the nonconforming use have been removed.
  - e. Other information or actions that evidence an intention on the part of the property owner to abandon the nonconforming use or structure.
7. **Illegal Nonconforming Uses.** Those nonconforming uses which are created after the effective date of this Ordinance shall be declared illegal nonconforming uses and shall be discontinued. Uses, which were illegal under a prior Ordinance and which do not conform to this Ordinance, shall continue to be illegal.
8. **Changes in Zoning District.** Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district or another classification, the foregoing provisions shall also apply to any existing uses that become nonconforming as a result of the boundary changes.

**D. Nonconforming Lots and Parcels.**

Notwithstanding limitations imposed by other provisions of this Ordinance, any permitted use in a district and its customary accessory uses may be erected on any lot of record subsequent to the effective date of adoption or amendment to this Ordinance. This provision shall apply even though such lot fails to meet any of the dimensional requirements for the District in which such lot is located. It is the intent to permit only minimum variances, which may be granted by the Zoning Board of Appeals upon application by a property owner or a representative of the owner.

**E. Nonconforming Signs.**

- 1. **Continuance.** Nonconforming signs that were otherwise lawful on the effective date of this Zoning Ordinance may be continued.
- 2. **Increase of Nonconformity.** No person shall increase the extent of nonconformity of a nonconforming sign. Without limiting the generality of the foregoing, no nonconforming sign may be enlarged or altered in such a manner as to aggravate the nonconforming condition,

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nor may illumination be added to any nonconforming sign.

3. **Movement or Replacement of Sign.** A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this section.
4. **Destruction of Sign.** If a nonconforming sign is destroyed by natural causes, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all provisions of this Zoning Ordinance. The remnants of the former sign structure not usable for a new conforming sign shall be removed within one hundred eighty (180) days. For purposes of this section, a nonconforming sign is considered destroyed if it is damaged to an extent that the cost of repairing the sign to its former stature or replacing it with an equivalent sign equals or exceeds the value of the sign so damaged.
5. **Repair and Maintenance of Sign.** Subject to the other provisions of this section, nonconforming signs may be repaired, maintained, serviced or repainted if the framework and/or the size and/or shape of the sign remain unchanged. If such framework is altered or removed or the size and/or shape of the sign are altered, said sign must be changed to a conforming sign.
6. **Abandoned Signs.** If a nonconforming sign remains blank for a continuous period of one hundred eighty (180) days, that sign shall be deemed abandoned and shall, within thirty (30) days after such determination of abandonment by the Zoning Administrator, be altered to comply with this Zoning Ordinance or be removed by the owner of the sign, the owner of the property where the sign is located, or the persons having control over such sign. For purposes of this section, a sign is “blank” if any of the following occur:
  - a. It advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted;
  - b. The message it displays becomes illegible in whole or substantial part; or
  - c. The copy that either has been paid for by a party other than the sign owner or promotes an interest other than rental of the sign has been removed.
7. **Subsection 6** above shall not apply to signs that are seasonal in nature.

**Section 3.24 Fences, Walls, and Screens**

**A. General Requirements.**

The following regulations apply to fences which are intended to be constructed around the perimeter of a property.

1. **Permit Required.** The erection, construction, or alteration of any fence or other type of protective barrier shall be approved through permit by the Zoning Administrator as to their conforming to the requirements of the zoning district wherein they are required because of land use development.
2. **Fences on Farms.** Fences in a RD and AR District are exempt from the provisions of this Ordinance when required for farm operations.
3. **Nonconforming Fences.** Any existing fence not in conformance with this Ordinance shall not be altered or modified except to make it more conforming.
4. **Materials.** All fences and walls shall be properly constructed with generally accepted fencing and wall materials. Barbed wire, spikes, nails or any other sharp point or instrument of any kind on top or on the sides of any fence, electric current or charge in said fences is prohibited. Barbed wire cradles may be placed on top of fences enclosing public utility buildings or whenever deemed necessary in the interest of public safety.
5. **Location of Property Lines.** In the installation of any fence or wall, the property owner is responsible for the location of the property line, and, if necessary, should obtain a land survey to determine accurate property lines. Wilber Township shall not be held responsible for any property line or fence/wall disputes between adjacent property owners.
6. **Posts.** Fence posts shall be placed on the inside of the property line of the owner erecting the fence.
7. **Finished Side of Fence.** The portions of all fences facing a street right-of-way or facing property other than the property of the fence owner shall be finished and also constructed so that, to the extent possible by the design of the fence, the fence posts and the horizontal and/or vertical fence supports are not visible from that other property or from the street right-of-way.

**B. Height and Location.**

Fences which are not specifically required otherwise under the regulations for individual uses shall conform to the following requirements:

<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
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Fence Height and Locations <sup>1</sup>	
<b>1. Front Yard</b>	<ul style="list-style-type: none"> <li>a. Fences or walls shall not exceed four (4) feet in height within the front yard except for <b>subsection 1.b</b> below.</li> <li>b. Fences or walls shall not exceed twelve (12) feet in height on a Commercial or Industrial Site.</li> <li>c. Fences or walls may be set on the front property line.</li> </ul>
<b>2. Rear and Side Yard</b>	<ul style="list-style-type: none"> <li>a. Fences or walls shall not exceed six (6) feet in height except for <b>subsection 2.b</b> below.</li> <li>b. Fences or walls shall not exceed twelve (12) feet in height on a Commercial or Industrial Site.</li> <li>c. Fences or walls may be set on the rear or side property line.</li> </ul>
<b>3. Waterfront Lots</b>	<ul style="list-style-type: none"> <li>a. <b>Front Yard.</b> Fences or walls shall not exceed four (4) feet in height within the front yard (waterfront yard) and shall be no closer to the water than the Ordinary High Water Line. If a seawall is present, the seawall shall be considered the Ordinary High Water Line.</li> <li>b. <b>Rear and Side Yard.</b> Fences or walls shall not exceed six (6) feet in height.</li> <li>c. Fences or walls may be set on the rear or side property line.</li> </ul>
<sup>1</sup> Fences erected as part of essential services may exceed these height limits.	

**C. Required Screening**

There shall be provided and maintained, on the entire length of those sides of a non-residential use which abuts or is adjacent to a residential use of property or a residential district, an obscuring fence, wall, or greenbelt, or a combination thereof as required below (except otherwise regulated by this Ordinance or when waived by the Planning Commission).

**1. Fences or Walls.**

Side & Rear Yard Screening Requirements for uses abutting Residential Uses or District	
Use	Height of Fence or Wall
All off street parking areas	4' high solid fence or wall
Commercial District or Commercial Use	6' high solid fence or wall
Industrial District or Industrial Use	8' high solid fence or wall (Height shall provide open storage areas, loading/unloading areas, or service areas the most complete obscuring possible.)
Outdoor storage areas (commercial or industrial)	6' high solid fence or wall; 8' high fence or wall if in an industrial zone or if use is industrial
Utility buildings, stations, and substations	6' high solid fence or wall

**1. Fences and Walls.** Required fences and walls shall be located on the property line, except as otherwise approved by the Planning Commission. Such fences and walls may, upon approval by the Planning Commission, be located on the opposite side of an alley right-of-way from a nonresidential district, which abuts a residential district whenever the affected owners also so agree. When vehicles or open air displays generally exceed a five (5) foot height, said fence or wall shall be increased to a height not exceeding ten (10) feet, providing further that all such fences or walls shall be of uniform height around the premises and the design of such fence or wall is first approved by the Zoning Administrator.

Required walls shall have no openings for vehicular traffic or other purposes, except as otherwise approved by the Planning Commission. Masonry walls, however, may be constructed with small dispersed openings which do not collectively exceed twenty (20) percent of the wall surface in area. The arrangements of such openings shall be subject to approval by the Zoning Administrator.

**2. Greenbelts.** When a greenbelt is approved for such screening purposes, said greenbelt shall be a strip of land not less than twenty (20) feet in width which is planted and maintained with evergreens such as spruce, pines, or firs from five (5) to six (6) feet in height, so as to create a permanent buffer; or a hedge of evergreens not less than four (4) feet in height, so as to create a permanent buffer. These plants shall be planted and shall reach such required height within five (5) years of approval of the site plan or development by the Township. The remainder of the landscaped area which is not planted with the aforementioned stock shall be in well-kept

lawn. All landscaping shall be maintained in a healthy growing condition, neat and orderly in appearance.

- 3. Such screening for shielding off-street parking or storage areas shall not be required when such areas are located more than two hundred (200) feet from such abutting residential use or district.

**Section 3.25 Essential Services**

- A. Essential services shall be permitted by right in all districts. This shall include the erection, construction, alteration or maintenance by public utilities, municipal departments or other governmental agencies of underground or overhead gas, electrical communication, steam, or water transmission or distribution systems or collect, supply or disposal systems; including electric power stations, relay stations, gas regulator stations, pumping stations, poles, wires, mains, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, police or other call boxes, traffic signals, hydrants and other similar facilities, equipment and accessories in connection therewith reasonably necessary for furnishing adequate service by such utilities or agencies, or for the public health or safety or general welfare but not including offices and buildings or yards used for bulk storage, fabrication, or manufacture of materials used by such utilities or municipal departments or other governmental agencies. No such building constructed as a part of an essential service shall be used for human occupancy.
- B. The surface of land used for pipeline right-of-way shall be restored and maintained as near as possible to its original conditions prior to the construction of the pipeline.
- C. Essential service in all districts shall meet the requirements of the MDR Residential District for all buildings, structures and areas used for offices, power generators, power transformers, storage, and fabrication of manufacture of materials necessary to the provision of essential services.

**Section 3.26 Solid Waste Receptacle Areas**

For all uses, with the exception of single-family and two-family dwellings units, all truck-lifted or transported receptacle areas shall be enclosed by a six (6) foot high wooden or masonry wall to prevent the unsightly deposit or collection of solid waste and prevent children and pets from having access to these areas.

**Section 3.27 Exterior Lighting**

All sources of lighting for parking areas or for the external illumination of buildings or grounds or for the illumination of signs, shall be directed away from and shall be shielded from adjacent residential districts, and shall also be so arranged as to not affect driver visibility adversely on adjacent public roads and highways. Lighting of parking areas is required when the number of parking spaces is more than five (5).

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**A. Intent and Purpose.**

The purpose of exterior lighting standards is to create and maintain safe nighttime environments for both pedestrians and drivers on public roadways and right-of-ways by minimizing brightly lighted surfaces and lighting glare; to preserve the restful quality of nighttime by eliminating intrusive, artificial light and lighting that unnecessarily contributes to “sky glow”; and to reduce light pollution from lighting luminaries and light trespass onto adjacent properties. The following requirements shall be considered by the Planning Commission and Zoning Administrator in the review of all site plans submitted for approval under the terms of this Zoning Ordinance.

**B. General Standards.**

1. **Exempted Areas and Types.** The following types of outdoor lighting shall not be covered by this Ordinance:
  - a. Residential decorative lighting such as porch or entry lights, ground level lawn and driveway lights, and special seasonal lights such as Christmas decorations.
  - b. Lights located within the public right-of-way or easement.
  - c. Temporary lighting needed for emergency services or to perform nighttime road construction on major thoroughfares.
  - d. Temporary lighting for civic activities, fairs, or carnivals provided the lighting is temporary.
  - e. Lighting required by the Federal Communications Commission, Federal Aviation Administration, Federal Occupational Safety and Health Administrations, or other applicable federal or state agencies.
  - f. Lighting for school recreational facilities.
2. **Regulated Lighting.** The following types of lighting shall be regulated by this Ordinance:
  - a. Private parking lot lighting and site lighting for commercial, industrial and institutional developments when parking spaces total more than five (5).
  - b. Multiple-family development parking lot lighting and site lighting.
  - c. Privately-owned street lighting.
  - d. Building facade lighting.
  - e. Security lighting, spotlights, and floodlights.
  - f. Other forms of outdoor lighting which, in the judgment of the Zoning Administrator, are similar in character, luminosity and/or glare to the foregoing.



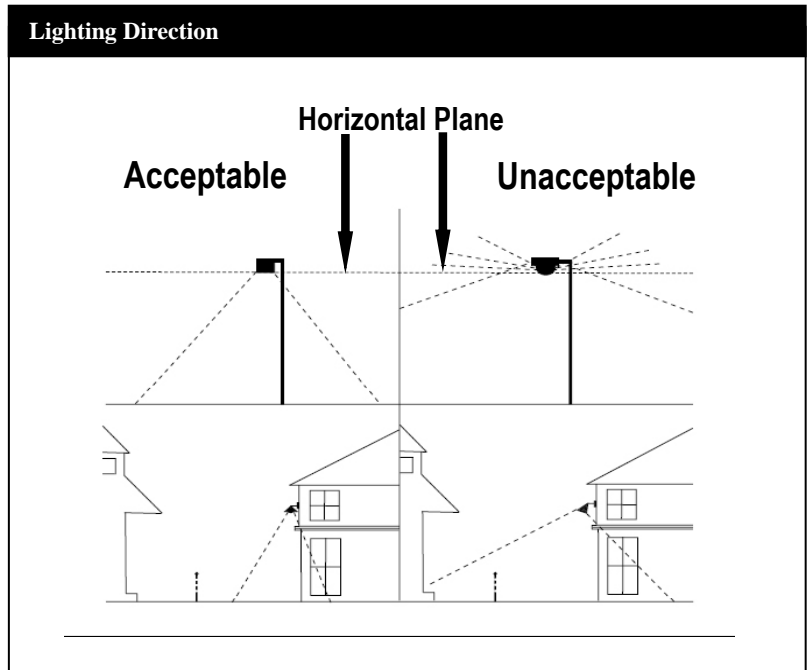
g. Standards related to the lighting of signs are contained in **Section 3.37**.

3. **Standards.** Lighting shall be designed and constructed as per the following requirements:

a. **Design.** All exterior lighting shall be designed in a consistent and coordinated manner for the entire site. All lighting structures within a property or planned development shall be of uniform design and materials and shall be harmonious to the scale of the property and its surroundings. Parking lot and street lights shall also be of uniform height.

b. **Lighting Confined To Site.** Direct or directly reflected light shall be confined to the development site and pedestrian pathways and shall not negatively affect adjoining property. All lighting shall be oriented not to direct glare or excessive illumination in a manner which may interfere with the vision of drivers or pedestrians.

c. **Lighting Directed Downward/Shielded.** Except for diffused globe-style walkway lights and the lighting addressed in **subsection d below**, the following shall apply: all outdoor lighting in all districts shall be directed toward and confined to the ground areas of lawns or parking lots. Exterior lighting shall be shielded, hooded and/or louvered to provide a glare-free area beyond the property line unless the light source is not directly visible from beyond the boundary of the site. Lighting fixtures shall have one hundred (100) percent cut off above the horizontal plane at the lowest part of the point light source. The light rays may not be emitted by the installed fixture at angles above the horizontal plane.



d. **Upward Directional Lighting.** All lighting used for the external illumination of buildings and flags with lights directed in an upward direction so as to feature said buildings and flags, shall be placed and shielded so as not to interfere with the vision of persons on adjacent streets or adjacent property.

e. **Location of Poles.** Lighting poles and structures shall be located within landscaped areas where possible.

- f. **Moving Lights.** All illumination of any outdoor feature shall not be of a flashing, moving or intermittent type. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use. Beacon, strobe and search lights are not permitted.
- g. **Interference with Traffic Control Devices.** No colored lights shall be used at any location where it may be confused with or construed as traffic control devices.
- h. **Gas Stations.** Ceiling lights in gas pump island canopies shall be recessed.

**Section 3.28 Animals**

**A. Small Domesticated Household Pets.**

Small domesticated household pets, such as dogs, cats and birds are limited to the maximum number existing in dwelling units in the Township which is generally no more than two (2); however, if more than two (2) are desired, as long as all other County, State and Federal Laws are complied with, and an additional area of land equal to one-sixth (1/6) acre per animal is provided, additional domesticated household pets will be permitted up to a maximum of four (4).

**B. Large Domestic Animals/Livestock.**

Large domestic animals/livestock, that are not part of a commercial farm operation, which are used essentially for pet, contest, riding, educational or other special purposes as individual animal-specimens are permitted at a rate of one (1) on a minimum of three (3) acres for the first animal and one (1) acre for each additional animal in RD, AR and MDR Districts, provided that all housing and pens and manure storage for such animals shall be located at least two hundred (200) feet from any dwelling, excluding the owners. Large domestic animals may be allowed on lots that cannot meet the minimum acreage requirements by a Special Use permit.

**Section 3.29 Yard or Garage Sales**

The sale of goods on a residential parcel owned by the owner or occupant of the principal dwelling, anywhere on the lot or parcel of land is permitted, provided that the duration of such sales shall not be for more than three (3) days at any one time period and such sales shall not occur more than two (2) times each calendar year.

**Section 3.30 Flood Zones**

**A. Intent and Purpose.**

Flood zones established by this Ordinance are intended to enact flood plain management measures in accordance the **National Flood Insurance Program** in order to provide for the Township’s eligibility in the program. These flood zones are not meant to alter district regulations but to add additional

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requirements where flooding is possible. Hopefully, this will prevent loss of valuable property in the future.

**B. Requirements in all zoned designated on F.I.R.M. (Flood Insurance Rate Map).**

1. Zoning Permits are required for all proposed development in any area of special flood hazard. The term “development” is defined to mean “any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.”
2. Zoning Permits will not be issued until all other necessary permits have been received from those governmental agencies from which approval is required by Federal or State Law. (Letter of approval is required from the State.)
3. New construction (including prefabricated buildings and mobile homes) will be anchored to prevent flotation and lateral movement, and be constructed with flood resistant materials and methods. **(See the National Flood Insurance Program** for anchoring standards for mobile homes).
4. All subdivision proposals and proposals for other developments, including their utilities and drainage, will be located and designed to be consistent with the need to minimize flood damage.
5. All subdivision proposals and other proposed new developments greater than fifty (50) lots or five (5) acres, whichever is less, must include base flood elevation data.
6. New water and sewer systems (including on-site systems) will be located and designed to avoid impairment.
7. In riverine situations, adjacent communities and the State Coordinating Office will be notified prior to any alteration or relocation of a watercourse and copies of such notifications will be sent to FIA. Within the altered or relocated portions of any watercourse, assure that the flood carrying capacity is maintained.

**C. Requirements in Specific Zones Designated on the F.I.R.M.**

1. In all flood zones, new construction and substantial improvements shall require that:
  - a. Residential structures have the lowest floor (including basement) elevated to at least one (1) foot above the base flood level.
  - b. Nonresidential structures have the lowest floor (including basement) elevated to at least one (1) foot above the base flood level, or be flood proofed to or above that level.\*\*

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2. In all flood zones where floodproofing\*\* is used in lieu of elevation, a registered professional engineer or architect must certify that the floodproofing methods used are adequate to withstand the forces associated with the base flood and submit such certification to the Township Zoning Administrator.
3. In all flood zones, new, substantially improved, or expanded mobile home parks or subdivisions and for mobile home placement not in existing mobile home parks or subdivisions must have stands or lots elevated to or above the base flood level, that adequate access and drainage is provided, and if pilings are used for elevation, that the construction standards for elevation on pilings are met (see **National Flood Insurance Program**.)
4. In all flood zones, until a regulatory floodway is designated, no new construction, substantial improvements, or other development when cumulatively combined with existing and proposed development, shall raise the base flood level more than one (1) foot at any point.

\*\* The term “floodproofed” is defined to mean “watertight with walls substantially impermeable to passage of water and with structural component have the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

### Section 3.31 Hazardous Waste

- A. Permanent storage and/or disposal of toxic or nuclear waste is strictly prohibited.
- B. The following provisions apply to persons, businesses or entities that use, generate or store hazardous substances in quantities greater than twenty-five (25) gallons or two hundred twenty (220) pounds per month. All storage and containment facilities shall be designed in conformance with all current USEPA and/or MDEQ standards and applicable sections of the Michigan Building Code, as adopted. Stamped engineered drawings certifying that the facilities are in compliance with those standards shall be submitted to the Township as part of the site plan review process.
  1. Sites at which hazardous substances and polluting material are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, surface water and wetlands.
  2. Secondary containment for aboveground areas where hazardous substances and polluting materials are stored or used shall be provided and maintained. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
  3. General purpose floor drains shall be allowed only if they are connected to a public sanitary sewer system, an on-site holding tank, or a system authorized through a state groundwater discharge permit.
  4. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials

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shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.

**Section 3.32 Waste**

No waste material or junk including garbage, sewage, filth, refuse, waste, trash, debris or rubbish, including cans, bottles, waste paper, cartons, boxes and crates, or other offensive or obnoxious matter, shall be kept in open containers, or piled, placed, stored or dumped on any land within the Township. Nothing contained herein shall prevent the reasonable use of garbage, compost fertilizers, manure and similar material for the improvement of land, or the reasonable use of any commercial fertilizer in any district, where such use is not carried on in an unhealthy or unsanitary manner or does not constitute a menace to the health and welfare of the public or a nuisance to the surrounding area.

Exceptions shall occur in the following circumstances:

1. When such practices are a necessary accessory use to a permitted agricultural use.
2. When such practices occur in a junk yard authorized under this Ordinance and are included in the approved site plan.
3. When such practices are a necessary accessory use to a commercial or industrial use authorized under this Ordinance and are included in the approved site plan.

**Section 3.33 Performance Standards**

**A. Smoke and Air Contaminants.**

It shall be unlawful for any person, firm, or corporation to permit the emission of any smoke or air contaminant in violation of air quality standards adopted by Federal and/or State regulatory authorities.

**B. Drifted or Blown Material.**

Property owners shall take appropriate measures to ensure the prevention of drifting of airborne particles or debris beyond their lot lines. Any such activity shall be promptly abated upon notification by the Township. During times of stockpiling or removal, excavation or grading, those measures, necessary and practical (dampening, etc.), will be taken to minimize the blowing and drifting of material.

**C. Odors.**

Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the health and welfare of the public or which interferes unreasonably with the comfort of the public shall be removed, stopped, or so modified as to remove the odor. The provisions

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of this Section are not intended to apply to farming activities.

1. For new facilities (commercial or industrial), the most recent technologies shall be utilized to reduce odors, as part of or in addition to any conditions included in State and/or Federal regulatory agency air/water quality permit(s). As part of the Zoning Permit review the applicant shall demonstrate that all measures technologically available and financially viable to mitigate the emission of noxious odors will be incorporated into the design of the facility.
2. For existing commercial and industrial facilities, odors resulting from the production process that are within the limits established by State and/or Federal regulatory agencies in approved permits shall not be considered in violation of this Ordinance. This does not exempt any business from the responsibility to take all necessary technologically feasible and financially viable measures to reduce such odors, and to comply to with any new standards required as part of a renewed or new State and/or Federal regulatory agency environmental permits.

**D. Gases.**

The escape or emission of any gas which is injurious or destructive, harmful to person or property, or explosive shall be unlawful and shall be abated.

**E. Electrical Disturbance, Electromagnetic, or Radio Frequency Interference.**

No use shall create any electrical disturbance that adversely affects any operations or equipment other than those of the creator of such disturbance, or cause, create, or contribute to the interference with electronic signals (including television and radio broadcasting transmission) to the extent that the operation of any equipment not owned by the creator of such disturbance is adversely affected.

**F. Glare and Heat.**

Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot line, except during the period of construction of the facilities to be used and occupied.

**G. Noise.**

Noise which is objectionable as determined by the Township due to volume, frequency, or beat shall be muffled, attenuated, or otherwise controlled.

In addition, objectionable sounds of an intermittent nature, or sounds characterized by high frequencies shall be so controlled so as not to become a nuisance to adjacent uses. Sirens and related apparatus used solely for public purposes are exempt from this requirement. Noise resulting from temporary construction activity shall also be exempt from this requirement.

**H. Vibration.**

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All machinery shall be so mounted and operated that vibration from sound or noise at any lot line shall not be so intrusive as to interfere with normal daily activities in adjoining land uses. Vibrations resulting from temporary construction activity shall be exempt from the requirements of this section.

**Section 3.34 Off-Street Parking and Loading**

**A. Purpose.**

It is the purpose of this Article to improve and maintain the safety of the roads and highways in the Township by requiring off-street parking, loading, and unloading spaces for all uses permitted by this Ordinance in order to provide for the proper function and safety in the use of roads and highways as trafficways which are intended to be limited to moving automotive vehicles.

In all Districts, there shall be provided at the time any building or structure is erected, or uses established, enlarged or increased in capacity, off-street parking spaces for automotive and motorized vehicles with the requirements specified as follows.

**B. Plans and Location.**

Plans and specifications showing required off-street parking spaces shall be submitted to the Zoning Administrator for review at the time of application for a Zoning Permit. Required off-street parking facilities shall be located on the same lot as the main building or on a lot within three hundred (300) feet thereof, except that this distance shall not exceed one hundred (150) feet for single-family and two-family dwellings.

**C. Non-Residential Parking Requirements.**

1. **Compliance Required.** Off-street parking and loading provisions of this section shall apply to the following:
  - a. **New Construction.** For all buildings and structures erected and all uses of land established after the effective date of this chapter.
  - b. **Enlargement.** Whenever a building is expanded resulting in an increase in the required parking.
  - c. **Change in Use.** Whenever the use of a building or portion of a building is changed to accommodate a use requiring more parking than the former use.
2. **Size.** Each off-street parking space for automobiles shall not be less than two hundred (200) square feet in area, exclusive of access drives or parking space access aisle, and shall be of usable shape and condition. There shall be provided a minimum access drive of ten (10) feet in width, and where a turning radius is necessary it will be of such an arc as to reasonably allow

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an unobstructed flow of vehicles. Parking space access aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of a parking space. The minimum width of such aisles shall be:

- a. For ninety (90) degree or perpendicular parking, the aisle shall not be less than twenty-two (22) feet in width.
- b. For sixty (60) degree parking the aisle shall not be less than eighteen (18) feet in width.
- c. For forty-five (45) degree parking the aisle shall not be less than thirteen (13) feet in width.

Required off-street parking facilities for churches located in nonresidential districts may be reduced by an equivalent number of off-street parking spaces located within three hundred (300) feet, if they are directly accessible and usable, as off-street parking spaces.

Off-street parking facilities for trucks at restaurants, service stations and other similar and related uses shall be of sufficient size to adequately serve trucks and not interfere with other vehicles that use the same facilities. Such truck spaces shall not be less than ten (10) feet in width and eight (8) feet in length.

- 3. **Setback.** All off-street parking spaces shall not be closer than ten (10) feet to any property line.
- 4. **Construction and Drainage.** All off-street parking areas shall be drained so as to prevent any increase in drainage to abutting properties and shall be constructed of graded aggregate materials that will have a dust-free surface resistant to erosion by wind and water.
- 5. **Lighting.** Any lighting fixtures used to illuminate any off-street parking area shall be so installed as to divert the light away from any adjoining premises and public roads, and no source of light shall be observable beyond the lot lines of the property upon which it is located.
- 6. **Screening.** Any off-street parking area providing space for five (5) or more vehicles shall be located at least twenty (20) feet from and be effectively screened on any side which adjoins or faces property adjoining a residential lot or institution by a wall, fence, or compact evergreen planting not less than four (4) feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property.
- 7. **Backing onto Public Road Prohibited.** All off-street parking areas that make it necessary for vehicles to back out directly onto a public road are prohibited, except for single family and duplex residential driveways.
- 8. **Collective Parking.** Combined parking facilities are allowed when two (2) or more uses occur on one property or when a building on one property contains two (2) or more uses, provided that the permanent allocation of the required number of parking spaces shall be the sum of

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the requirements for all the uses computed in accordance with this Ordinance. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use, except churches.

9. **Shared Parking.** In the instance of where different developments have different operating hours or the parking needs of individual buildings or uses occur at different days or times, the same spaces may be credited for both uses.

10. **Snow Storage.** Adequate area must be provided for snow piling.

11. **Handicap Parking.** Handicap parking shall be provided as required by State and Federal regulations.

12. **Use of Parking Areas.** No commercial repair work, servicing, or selling of any kind shall be conducted on any required parking area except that which is specifically permitted by this Ordinance. No permanent items such as plastic animals, streamers, cloth signs, children’s play areas, mechanical entertainment devices, or any other similar device shall be permitted in the required parking area. Such items may be set up temporarily in the required parking area. Such items may be set up permanently in parking areas which are in excess of the required parking area.

13. **Calculating the Number of Parking Spaces.** For the purpose of determining off-street parking requirements, the following units of measurement shall apply:

a. **Floor Area.** Unless otherwise specified, in the case of uses where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the usable floor area, as defined in this Ordinance.

b. **Places of Assembly.** In stadiums, sport arenas, churches and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities; each eighteen (18) inches of such seating facilities shall be counted as one (1) seat. In cases where a place of assembly has open assembly area, requirements shall be on the basis of one (1) seat being equal to three (3) square feet.

c. **Fractional Requirements.** When units or measurements determining number of required parking spaces result in requirement of a fractional space, any fraction shall require one (1) parking space.

14. **Off-Street Parking Space Requirements.**

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## Parking Requirements

### Residential

Bed and Breakfasts/Rooming Houses/Boarding Houses/Tourist Homes	1 for each rental room.
Group day care homes	2 in addition to the 2 required for the residence
Home Occupation or Home Based Businesses	Determined on a case by case basis.
Multiple family and Manufactured Housing Communities	2 parking spaces per dwelling unit, plus 1 additional space for each 4 dwelling units and 1 space for each employee working during maximum employment hours.
One-family and two-family dwellings	2 for each dwelling unit
State-Licensed Residential Facilities (Adult Foster Care Homes 6 or less people)	4 for each establishment

### Commercial

Auto service station and repair; Auto sales	2 spaces per service bay, plus 1 for each employee during maximum employment hours, plus 1 for each 200 square feet of usable floor area.
Auto wash; auto reconditioning; auto cleaning	1 space per employee on the largest shift plus a minimum of 5 stacking spaces.
Automobile, mobile home, truck, recreational vehicle, boat and farm implement sales and rental	1 space per 500 square feet of showroom floor area plus 1 space per 2,000 square feet of outdoor sales area
Bank	2 spaces per 200 square feet of usable floor area plus 1 per employee during maximum employment hours
Beauty parlor or barber shop	2 per chair plus 1 for each employee during maximum employment hours.
Bowling alley	5 spaces per lane plus 1 per employee during maximum employment hours
Computer sales and repair, printing, appliance service shops	1 per employee plus 1 for each 300 square feet of usable floor area
Dance Halls, Private Clubs, Nightclubs	1 for each 100 square feet of usable floor area
Drive-Through Banks, Cleaners & Similar Businesses	5 parking spaces, plus 1 parking space for each employee working during maximum employment hours.
Drive-In Restaurants (without inside seating)	10 parking spaces, plus 1 parking space for each 20 square feet of floor area and 1 parking space for each employee working during maximum employment hours.
Dry cleaners	2 for every 1000 square feet of usable floor area
Furniture and appliance sales and service, hardware, household equipment, repair shops, shoe repair, showroom of a plumber, decorator, electrician or similar trade, and other similar uses	1 space for each 400 square feet of floor area, plus 1 parking space for each employee working during maximum employment hours.
Greenhouse	1 space per 300 square feet usable floor area
Laundromats; Dry Cleaning	1 space for each 2 washing and dry cleaning machines plus 1 space for each employee working during maximum employment hours.
Motel, hotel, other commercial lodging establishments	1 for each sleeping room; plus 1 for each employee on the maximum working shift, plus spaces for any dining rooms, cocktail lounges, ballrooms, or meeting rooms, based upon maximum occupancy code.
Mini-warehouses, self-storage establishments	1 per 10 storage units, equally distributed throughout the storage area
Funeral home; mortuary	4 spaces for each slumber room or 1 space for each 50 square feet of gross floor area, whichever is greater, plus 1 space for each fleet vehicle and 1 space for each employee working during maximum employment hours
Open air business	1 for each 600 square feet of lot area
Professional offices	2 spaces per 200 square feet of usable floor area plus one (1) per employee during maximum employment hours
Research, medical or optical laboratory	1 space per 300 square feet of usable floor area
Restaurants and establishments for on premises sale and consumption of food, refreshments, and/or beverages	1 parking space for each 4 customer seats, plus 1 parking space for each employee working during maximum employment hours.
Retail sales unless otherwise specified herein	1 parking space for each 150 square feet of floor area, plus 1 space for each employee working during maximum employment hours
Studios specializing in the instruction of dance, physical exercise and musical arts	1 for each 200 square feet of floor area.
Supermarket, Self-Service Food and Discount Stores	1 space for each 400 square feet of floor area, plus 1 space for each employee working during maximum hours.

**1** Purpose & Authority

**2** Definitions

**3** General Provisions

**4** District Regulations

**5** Site Plans & Plot Plans

**6** Special Land Uses

**7** Supplemental Regulations

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**9** Administration & Enforcement

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<b>Institutional</b>	
Assisted living facility, Nursing Homes, Convalescent Homes	1 parking space for each 2 beds, plus 1 space for each employee, including nurses during maximum employment hours.
Churches, temples, or similar places of worship; theaters, auditoriums, and assembly buildings; stadiums, sports arenas, or similar places of outdoor assembly	1 space for each 3 seats or for each 3 seats permitted by the State Fire Marshall
Clinics (Human or Animal)	4 spaces for each doctor plus 1 space for each employee during maximum working hours.
High Schools; Institutions of Higher Learning	1 parking space for each employee plus 1 for each 5 students, plus the parking requirements for auditorium, a gymnasium and an athletic field if they are included.
Elementary, middle, and junior high schools	1 space for each employee working during the maximum employment hours in the building and on the grounds, plus 1 space for each 30 students of maximum enrollment capacity.
Government offices; libraries; museums; post offices	1 for each 800 square feet of floor area, plus 1 for each employee working during maximum employment hours.
Hospitals	1 space for each bed, plus one space for each employee working during maximum employment hours.
Jails	1 space for each staff member plus 1 space for every 5 cells in addition to off street loading spaces for delivery and transport vehicles.
Nursery schools, day nurseries, or child day care centers (non-residential)	1 for each employee plus 1 space for each 5 children of licensed authorized capacity or 1 space for every 10 children if adequate drop-off facilities are provided.
<b>Industrial</b>	
Industrial Establishments	1 space for each employee working during maximum employment hours.
Mineral extraction, borrow pit, top soil removal and storage	1 space per employee on the largest shift
Sanitary landfill or refuse dump; sewage, trash, garbage disposal or recycling plant	1 space per employee on the largest shift
Truck terminal	1 space per 1,000 square feet
Warehouse and/or storage building	1 space per 2,000 square feet
Water treatment or wastewater facility	1 space per employee on the largest shift
Wholesale establishments	1 space per 600 square feet plus 1 space per employee on the largest shift
<b>Misc</b>	
Athletic clubs	1 per each 3 persons allowed within the maximum occupancy load plus 1 per each employee
Boat Launch Ramps; Marinas	1 per boat slip plus 20 for launch ramps
Cemetery	1 space per employee on the largest shift
Golf Courses	4 spaces per hole plus 1 for each employee
Livestock Auction	1 parking space for each 100 square feet of building, pens, and all enclosed areas on the premises of the auction facility.
Mini Golf Courses	2 spaces per hole plus 1 for each employee
Roadside Stands	5 parking spaces, plus one (1) parking space for each 25 square feet of floor area.
Tennis or racquetball facility	2 spaces per court plus 1 space per employee on the largest shift

If a use is not specifically listed, the parking requirements of a similar or related use shall apply as determined by the Zoning Administrator.

15. **Flexibility in Application.** The Township recognizes that, due to the specific requirements of any given development, flexible application of the parking standards set forth in **subsection 14 above** may be required to prevent traffic congestion, unauthorized parking on adjacent streets or neighboring site, excessive paving and storm water runoff and misuse of space which could otherwise be left as open space.

- a. The Planning Commission, based on a recommendation from the Zoning Administrator, may permit deviations from the requirements of **subsection 14 above** and may require more or allow less parking whenever it finds that such deviations are more likely to provide a sufficient number of parking spaces to accommodate the specific characteristics of the use in question.
- b. The Planning Commission may attach conditions to the approval of a deviation from the requirement of **subsection 14 above** that bind such approval to the specific use in question. Where a deviation results in a reduction of parking, the Planning Commission may further impose conditions which ensure that adequate reserve area is set aside for future parking, as needed.

**D. Loading Space Requirements.**

In connection with every use, except single-family, two-family and multiple-family dwelling unit structures, there shall be provided on the same lot with such buildings, off-street loading and unloading spaces for permitted or special uses which customarily receive or distribute material or merchandise or provide services by vehicle as follows:

- 1. Plans and specifications showing required loading and unloading spaces, including the means of ingress and egress and interior circulation, shall be submitted to the Zoning Administrator for review at the time of application for a Zoning Permit for the establishment or enlargement of a use of land, building or structure
- 2. Each off-street loading-unloading space shall not be less than ten (10) feet in width, eighty (80) feet in length, and, if a roofed space, be not less than fifteen (15) feet in height.
- 3. A loading-unloading space may occupy all or any part of any required side or rear yard; except the side yard adjacent to a public road in the case of a corner lot. No part of a required front yard may be occupied by a loading space.
- 4. A loading-unloading space shall not be located closer than fifty (50) feet to any residential lot or parcel unless wholly within a completely enclosed building, or unless enclosed on all sides by a wall, fence or compact planting not less than six (6) feet in height.
- 5. When two (2) or more uses are located on a lot or parcel, the total requirements for off-street loading-unloading facilities shall be the sum of all the uses computed separately.
- 6. All off-street loading-unloading facilities that make it necessary to back out directly into a public road shall be prohibited.
- 7. Off-street loading space and access drives shall be paved, drained, lighted and shall have appropriate bumper or wheel guards where needed.

<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
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8. All lights used for illumination shall be so arranged as to reflect the light away from the adjoining premises and roads, and no light source shall be visible beyond the property lines of a lot or parcel upon which they are located.
9. Off-street loading-unloading requirements for motels, hospitals, mortuaries, public assembly, offices, retail, wholesale, industrial or other uses similarly involving the receipt of distribution by trucks, having over five thousand (5,000) square feet of gross floor area, shall be provided with at least one (1) off-street loading- unloading space, and for every additional twenty thousand (20,000) square feet of gross floor space or fraction thereof shall provide one (1) additional loading-unloading space.
10. If a use is not specifically listed, the requirements of a similar or related use shall apply, as determined by the Zoning Administrator.

**Section 3.35 Permitted Yard Encroachments**

The yard requirements of all districts are subject to the following permitted encroachments:

- A. A roof overhang may encroach up to three (3) feet into a setback.
- B. Any ground level structure may encroach into a setback.
- C. Ground level structures and raised decks in a waterfront yard may be built to the water’s edge.

**Section 3.36 Landscaping**

**A. Intent.**

The intent of this section is to:

1. Protect and preserve the appearance, character, and value of the community.
2. Minimize noise, air, and visual pollution.
3. Improve the overall aesthetics and appearance, divide the expanse of pavement, and define parking areas and vehicular circulation within off-street parking lots and other vehicular use areas.
4. Prevent soil erosion and soil depletion and promote sub-surface water retention.
5. Encourage an appropriate mixture of plant material, such as evergreen and deciduous trees and shrubs, to protect against insect and disease infestation and produce a more aesthetic and cohesive design.

<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
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- 6. Encourage the integration of existing woodlands in landscape plans.
- 7. Encourage flexibility and latitude in site design and the use of plant materials.

**B. Flexible Design Standards.**

It is recognized that alternative design concepts exist which, if adopted, could exceed the results envisioned using these development standards. It is intended that the requirements of this chapter be flexible and permit latitude in site design and the use of plant materials when it can be shown that variation from the requirements will provide a development substantially better than that achievable using the minimum standards of this section. The Planning Commission may waive or alter design standards contained in this Section on a case by case basis.

**C. Application of Requirements.**

These requirements shall apply to all uses for which site plan review is required under **Article 5** of this Ordinance.

**D. Landscape Plan Requirements.**

A landscape plan shall be required to be submitted as part of the site plan review. The landscape plan shall demonstrate that all requirements of this Section are met and shall include, but not necessarily be limited to, the following items:

- 1. Location of tree, shrub, and plant cover.
- 2. Typical construction details to resolve specific site conditions, such as landscape walls and tree wells used to preserve existing trees or maintain natural grades.
- 3. Identification of existing trees and vegetative cover to be preserved.
- 4. Identification of grass and other ground cover and method of planting.

**E. Landscaping Standards.**

The following minimum standards shall apply:

- 1. **Quality.** Plant materials shall be of generally acceptable varieties and species, free from insects and diseases, hardy to losco County, conform to the current minimum standard of the American Association of Nurserymen, and shall have proof of any required governmental regulations and/or inspections.

<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
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2. **Composition.** A mixture of plant material, such as evergreen trees, deciduous trees and shrubs, is recommended as a protective measure against insect and disease infestation. A limited mixture of hardy species is recommended rather than a large quantity of different species to produce a more aesthetic, cohesive design and avoid a disorderly appearing arrangement.
3. **Drainage Patterns and Visibility.** All landscape materials shall be installed in such a manner so as not to alter drainage patterns on site or adjacent properties or obstruct vision for reasons of safety, ingress or egress.
4. **Access.** All plant material shall be planted in a manner so as not to obstruct access to or view of fire hydrants or other fire connections, not interfere with utility lines (above and below ground) and public roadways. Landscape materials shall not constitute a nuisance to neighboring properties.
5. **Berms.** Berms shall be constructed with slopes not to exceed a 1:3 gradient. Berm slopes shall be protected with sod, seed, or other form of natural ground cover.
6. **Existing Trees.** The preservation and incorporation of existing trees is encouraged.
7. **Installation, Maintenance, and Completion.**
  - a. All landscaping and landscape elements shall be planted, and earth moving or grading performed, in a sound workmanlike manner, according to accepted planting and grading procedures.
  - b. The owner of property required to be landscaped by this Ordinance shall maintain such landscaping in a strong and healthy condition, free from refuse, debris and insects. All materials used to satisfy the requirements of this Ordinance which become unhealthy or dead shall be replaced within one (1) year of damage or death or the next appropriate planting period, whichever comes first. All landscaped areas shall be provided with a readily available and acceptable water supply.

**Section 3.37 Signs**

**A. Purpose.**

The purpose of this Section is to regulate signs so as to protect the public health, safety, and general welfare, to protect property values, and to protect the character of the various neighborhoods in the Township. The regulation does not restrict the content while recognizing the mass communications needs of both businesses and other parties and creating a more attractive business environment. The number and size of signs may be distracting to motorists and pedestrians and can create a traffic hazard. The number and size of signs can also reduce the effectiveness of signs needed to direct the public and may mar the appearance of the landscape. The provisions of this section are intended to apply the minimum amount of regulation in order to protect property values and neighborhood character; create a more attractive business environment; promote pedestrian and traffic safety; promote pleasing community aesthetics; and the protect the dark night sky.

**B. General Sign Regulations.**

The following regulations shall apply to all signs in the Township:

1. **Illuminated Signs.** Only indirectly illuminated signs shall be allowed, provided such sign is so shielded as to prevent direct light rays from being visible from the public right-of-way or any adjacent residential property.
2. **Measurement of Sign Area.** The area of a sign shall be computed as including the entire area within a regular geometric form or combination of such forms comprising all the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing copy of display materials shall not be included in computation of sign area. When a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back-to-back, parallel to one another, and less than twenty- four (24) inches apart, the area of the sign shall be the area of one face.
3. **Setback Requirements for Permanent Signs.** Except where specified otherwise in this Ordinance, all signs shall be setback a minimum of one-half (1/2) the required building setback or one-half (1/2) the distance of the actual building setback, whichever is less as measured from the road right-of-way line.
4. **Signs in Right-Of-Way.** No sign, except those established and maintained by Township, County, State or Federal governments, shall be erected in, nor project into, or overhang a right-of-way except as otherwise allowed in this Ordinance.
5. **Obstructions to Doors, Windows and Fire Escapes.** No sign shall be erected or maintained so as to prevent free ingress or egress from any door, window or fire escape. No sign of any kind shall be attached to a stand pipe or fire escape.

<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
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- 6. **Substitution Clause.** Any sign that can be displayed under the provisions of this Ordinance may contain a non-commercial message.

**C. Signs Permitted in All Districts.**

Subject to the other conditions of this Ordinance, the following signs shall be permitted anywhere within the Township:

- 1. **Small Off-Premise Signs.** Small off-premise signs erected by service clubs, places of worship, civic organizations and quasi-public uses may be set on road right-of-way property with written permission from the Iosco County Road Commission and the adjacent property owner. In the event the Road Commission denies permission, the sign may be placed on private property with the owner’s permission. Each sign shall be no more than nine (9) square feet in area and may not exceed a height of eight (8) feet.
- 2. **Accessory Signs Visible from Road.** Permanent accessory signs, which are accessory to the principal use of the premises and which do not exceed twelve (12) square feet in area for each sign. Horizontal signs, painted on and flush with paved areas may exceed nine (9) square feet.
- 3. One sign conducive to announcement bulletins shall be permitted on any site which contains a church regardless of the district in which located, provided said sign does not exceed fifteen (15) square feet in area and a height of six (6) feet, and is setback a minimum of ten (10) feet from the road right-of-way.
- 4. Legal postings.

**D. Prohibited Signs.**

- 1. Roof Signs.
- 2. Permanent devices such as pennants, banners, searchlights, twirling signs, sandwich board signs, sidewalk or curb signs, balloons, or other gas-filled figures are prohibited on residential properties.
- 3. **Swinging Signs.** Signs that swing or otherwise noticeably move as a result of wind pressure because of the manner or suspension or attachment is prohibited.
- 4. **Moving Signs.** Except as otherwise provided in this Article, no sign or any portion thereof which moves or assumes any motion constituting a non-stationary or non-fixed condition shall be permitted.
- 5. **Abandoned Signs.**
- 6. **Unclassified Signs.** The following signs are prohibited:

<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
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- a. Signs which imitate an official traffic sign or signal or traffic warning sign.
- b. Signs which are of a size, location, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or road sign or signal or which obstructs the view in any direction at a road intersection.
- c. Signs which contain statements, words or pictures of an obscene, pornographic or immoral character which would appeal predominantly to a prurient interest in sexual conduct, depict or describe sexual conduct in a patently offensive way, and be offensive, rude, lewd or disgusting according to accepted moral standards. .

**E. Permitted Primary Signs in RD and AR Districts.**

<b>Permitted Signs in the MDR, RD and AR Districts</b>		
	Single & Two- Family	Non-Residential Uses, Multiple Family, Subdivisions, Manufactured Housing Developments
<b>Freestanding Signs</b>	1 sign at 6 sq ft	1 sign at 25 sq ft per each public road frontage. Shall not exceed 8 ft in height.
<b>Wall Signs</b>	1 sign at 6 sq ft	Up to 25% of the area of each building wall

**F. Permitted signs in CSC and I Districts and on Industrial Sites.**

<b>Permitted Signs in the CSC and I Districts</b>		
	<b>Number Allowed &amp; Maximum Area</b>	<b>Maximum Height</b>
<b>Freestanding Signs</b>	<ol style="list-style-type: none"> <li>1. All permanent signs in combination shall total no greater than:                             <ol style="list-style-type: none"> <li>a. 80 sq ft, or</li> <li>b. 2 sq ft of sign area for each 1 linear foot of building length which faces a public road, whichever is greater.</li> </ol> </li> <li>2. The maximum area for all permanent signs in 1.b shall be 200 sq ft.</li> <li>3. No one freestanding sign shall total greater than 100 sq ft.</li> <li>4. One permanent freestanding sign per public road frontage shall be allowed.</li> <li>5. No exterior wall sign for businesses without ground floor frontage shall exceed 24 square feet in area.</li> </ol>	25 ft (excluding wall signs)
<b>Wall Signs</b>		
<b>Projecting Signs</b>		
<b>Marquee, Awning or Canopy Signs</b>		
<b>Message Boards (digital or static) (See subsection H).</b>		
<b>Cluster Signs</b>	<ol style="list-style-type: none"> <li>1. Signs representing multiple non-residential tenants on a single lot shall be permitted 1 freestanding cluster sign per public road frontage.</li> <li>2. Size: 1 square foot for each 1 linear foot of building facing one public road.</li> <li>3. Maximum Area: 200 sq ft.</li> <li>4. Tenants of the development shall not be permitted individual freestanding signs.</li> <li>5. Individual tenants with ground floor frontage shall be permitted an individual wall or projecting sign at 1 sq ft for each 1 linear foot of building frontage occupied by the tenant. All tenants without ground floor frontage shall be permitted 1 wall sign at no greater than 25 sq ft.</li> </ol>	25 ft (excluding wall signs)

**G. Digital Signs.**

1. Digital signs shall only be allowed in the CSC and I Districts.
2. An electronic message board shall be allowed to have changing messages, scrolling message, and animation, but shall not be allowed to contain flashing elements.
3. The electronic elements shall be of an intensity that the brightness and motion shall not adversely affect surrounding or facing premises, nor adversely affect safe vision of pedestrians or operators of vehicles on public or private streets, driveways or parking areas.
4. An electronic message board shall contain a default mechanism that freezes the sign in one position if a malfunction occurs.
5. An electronic message board shall contain a mechanism to automatically adjust the intensity of its display according to natural ambient light conditions.
6. Instruments which use technology to display or project digital messages onto windows or walls of buildings shall be considered an electronic message board and shall be subject to all provisions of this Ordinance.

**H. Large Off-Premise Signs (Billboards).**

1. Large Off-Premise Signs are permitted only on undeveloped and vacant unimproved lots in CSC and I Districts and Industrial sites, and shall be considered the principal use of such lots. Additional signs shall not be placed on a lot where such a sign is located.
2. Where two (2) or more Large Off-Premise Signs are located along the frontage of a road or highway, they shall be not less than one thousand (1,000) feet apart. A double-face (back-to-back) or a V-type structure shall be considered a single sign, provided the interior angle of such signs does not exceed twenty (20) degrees.
3. The total surface area, facing in the same direction or any Large Off-Premise Sign shall not exceed three hundred (300) square feet. Signs may be single or double-faced and shall contain no more than two (2) faces or panels.
4. Large Off-Premise Signs shall not exceed twenty (20) feet in height from ground level. The permitted height may be increased to forty (40) feet by the Planning Commission, if it can be shown that excessive grades, building interference, bridge obstruction, and similar conditions obstruct views of the sign.
5. Large Off-Premise Signs shall not be erected on the roof of any building nor have one sign above another.

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6. **Digital Large Off-Premise Signs.**

- a. **Rate of Change.** The rate of change between static messages or images shall not exceed more than one (1) change per six (6) seconds. Each change shall be complete in one (1) second or less.
- b. **Luminance.** The maximum daylight sign luminance level shall not exceed sixty-two thousand (62,000) candelas per meter squared at forty thousand (40,000) lux illumination beginning one-half (1/2) hour after sunrise and continuing until one-half (1/2) hour before sunset and does not exceed three hundred seventy-five (375) candelas per meter squared at four (4) lux illumination at all other times.
- c. Digital Large Off-Premise Signs shall be configured to default to a static display in the event of mechanical failure.

I. **Temporary Signs.**

- 1. **Residential.** The total square footage for all temporary signs allowed per residential zoning lot shall be, in sum, sixteen (16) square feet.
- 2. **Non-Residential.** The total square footage for all temporary signs allowed per non-residential zoning lot shall be, in sum, thirty-two (32) square feet
- 3. Temporary signs shall be limited to ninety (90) days.

J. **Exempted Signs.**

The following types of signs are exempted from all provisions of this Ordinance, except for construction or safety regulations and the following standards:

- 1. Signs erected in the public interest by an official governmental body or historic agency.
- 2. Temporary signs erected around the time of a political campaign period except as prohibited in **subsection D**.
- 3. Information that is carved into stone, concrete, metal or similar material or made of other permanent type construction and made an integral part of the structure.
- 4. Interior window signs.
- 5. Signs not readable by motorists or pedestrians on any road, alley, water body, public lands or adjacent parcels.

K. **Nonconforming Signs.**

<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
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Nonconforming signs are regulated by **Section 3.23.E**.

**L. Permits and Fees.**

1. Application for a permit to erect or replace a primary or off-premise sign shall be made by the owner of the property, or his authorized agent, to the Zoning Administrator, by submitting the required forms, fees, exhibits and information. Fees for sign permits shall be established by resolution of the Township Board.
2. An application for a sign permit shall contain the following information:
  - a. The applicant’s name and address in full, and a complete description of his relationship to the property owner.
  - b. If the applicant is other than the property owner, the signature of the property owner concurring in a submittal of said application is required.
  - c. The address of the property.
  - d. An accurate scale drawing of the property showing location of all buildings and structures and their uses, and location of the proposed signs.
  - e. A complete description and scale drawings of the sign, including all dimensions and the area in square feet.
3. All proposed sign locations or relocations shall be inspected on the site by the Township Zoning Administrator for conformance to this Ordinance prior to placement. The Zoning Administrator shall inspect foundations on the site prior to pouring of the concrete for the sign suppose structure.
4. A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of six (6) months after the date of the permit. Said sign permit may be extended for a period of thirty (30) days upon request by the applicant and approval of the Planning Commission.
5. Painting, repainting, cleaning and other normal maintenance and repair of a sign or a sign structure, unless a structural or size change is made, shall not require a sign permit.

**M. Removal of Signs.**

Signs erected or maintained in violation of this Ordinance shall be removed in accordance with the Enforcement Provisions, **Article 9**, contained in this Zoning Ordinance.

<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
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**N. Severance Clause for Signs.**

Provisions of **Section 3.37** shall be deemed to be severable, and should any section, subsection, paragraph or provision thereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Section as a whole or any other part thereof, other than the part so declared to be unconstitutional or invalid. If any court shall declare invalid the application of any provision of this Section to a particular parcel, lot use, building or structure, such ruling shall not affect the application of said provision to any other parcel, lot use, building or structure not specifically included in said ruling.

**Section 3.38 Manufactured Homes and Shipping Containers**

A. Manufactured homes to be used as a residence are allowed in all Zoning Districts where single-family residences are allowed, subject to the following restrictions:

1. All manufactured homes shall have the wheels, tongue, and axles removed and a state building code approved masonry foundation installed as skirting. This will be accomplished within one (1) year of the zoning permit issue date.
2. The manufactured home shall conform to all ordinance dimensional requirements for the district it is located in.
3. Yard and setbacks shall conform to the ordinance requirements for the district it is located in.
4. Manufactured homes shall be installed according to manufacturer's setup requirements, and the construction of the unit shall comply with the **National Manufactured Housing Construction and Safety Standards Act of 1974**, as amended (HUD Code).

B. Shipping containers may be utilized for the construction of a permanent dwelling unit. Shipping containers used as a dwelling unit shall conform to construction code and be either painted or covered in a siding material that would typically be utilized for a main building. Shipping containers used as accessory buildings are regulated by **Section 3.18**.

<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
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# Article 4

## District Regulations

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### Section 4.01 Establishment of Zoning Districts

The Township is hereby divided into the following zoning districts as shown on the Official Zoning Map, which together with all explanatory matter shown thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

- RD - Resource Development District
- AR - Agricultural Residential District
- MDR - Medium Density Residential District
- CSC - Community Service Commercial District
- I - Industrial District

### Section 4.02 Zoning Map

#### A. Establishment of Districts.

These districts, so established, are bounded and defined as shown on the map entitled “Zoning Map of Wilber Township” adopted by the Township Board, and which, with all notations, references and other information appearing thereon, is hereby declared to be a part of this Ordinance and of the same force and effect as if the districts shown thereon were fully set forth herein.

#### B. Changes to Official Zoning Map.

If, in accordance with the procedures of this Ordinance and the **Michigan Zoning Enabling, 2006 PA 110, as amended**, a change is made in a zoning district boundary, such change shall be made by the Township Clerk with the assistance of the Zoning Administrator promptly after the Ordinance authorizing such change shall have been adopted and published by the Township Board. Other changes in the Zoning Map may only be made as authorized by this Ordinance and such changes, as approved, shall also be promptly made by the Township Clerk.

#### C. Authority of Official Zoning Map.

<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
<b>6</b> Special Land Uses	<b>7</b> Supplemental Regulations	<b>8</b> Zoning Board of Appeals	<b>9</b> Administration & Enforcement	<b>10</b> Adoption & Amendments



Regardless of the existence of other copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map shall be located in the office of the Township Clerk and shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, building, or structure in the Township.

**D. Interpretation of District Boundaries.**

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

1. A boundary indicated as approximately following the centerline of a highway, road, alley, railroad, or easement shall be construed as following such centerline.
2. A boundary indicated as approximately following a recorded lot line, a boundary of a parcel, section line, quarter section line, or other survey line shall be construed as following such line.
3. A boundary indicated as approximately following the corporate boundary line of the Township shall be construed as following such line.
4. A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of change in a shoreline shall be construed as following the actual shoreline.
5. A boundary indicated as following the centerline of a stream, river, canal, lake, or other body of water shall be construed as following such centerline.
6. A boundary indicated as parallel to or an extension of a feature indicated in paragraphs 1 through 5 above shall be so construed.
7. A distance not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
8. All questions concerning the exact location of boundary lines of any zoning district not clearly shown on the Official Zoning Map shall be determined by the Zoning Board of Appeals consistent with the intent and purpose of this Ordinance.

**E. Zoning of Vacated Areas.**

Whenever any road, highway, or other public right-of-way within Wilber Township shall have been vacated by official government action and when such right-of-way lands attach to and become part of the land adjoining said right-of-way, such right-of-way property shall automatically acquire and be subject to the provisions of the zoning district of the abutting property without further governmental action. In the case of a vacated right-of-way which also served as a district boundary, the centerline of such vacated right-of-way shall remain the district boundary line and the lands on

<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
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either side of said centerline shall become attached to their respective adjoining properties without further governmental action.

**F. Zoning of Filled Areas.**

Whenever, after appropriate State permits are obtained, any fill material is placed in any lake, stream, or wetland so as to create a usable or buildable space, such fill area shall take on the Zoning District and accompanying provisions of the land abutting said fill area. No use on any lake or stream shall be allowed which does not conform to the Ordinance provisions on the property from which said property emanates. No fill material shall be placed in any lake or stream within the Township unless appropriate permits are obtained.

**G. Zoning of Annexed Areas.**

Land that is zoned previous to annexation shall be classified as being in whichever district of this Ordinance most closely conforms with the zoning that existed prior to annexation, such classification to be recommended by the Planning Commission to the Township Board and the Board shall approve same by resolution.

**Section 4.03 Application of District Regulations**

The regulations herein established within each zoning district shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare and shall be uniform for each class of land, buildings, structure, or uses throughout each district, except as modified elsewhere in this Ordinance.

No building shall hereafter be erected, altered, or moved, nor shall any building or premises hereafter be used for any purpose other than is permitted in the district in which said building or premises is located, except by appeal as herein described by this Ordinance. Except as hereinafter provided, district regulations shall be applied in the following manner.

**A. Uses in Districts.**

1. **Permitted Uses.** Permitted uses shall be permitted by right only if specifically listed as principal permitted uses in the various zoning districts or are similar to such listed uses.
2. **Special Uses.** Special uses are permitted after review and approval by the Planning Commission only if specifically listed or are similar to such listed uses and if required conditions are met.
3. **Accessory Uses.** Accessory uses are permitted as listed in the various zoning districts or if similar to such listed uses and if such uses are clearly incidental to the permitted principal uses

**B. Application of Lot Regulations.**

<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
<b>6</b> Special Land Uses	<b>7</b> Supplemental Regulations	<b>8</b> Zoning Board of Appeals	<b>9</b> Administration & Enforcement	<b>10</b> Adoption & Amendments

1. No lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area less than the minimum requirements set forth herein, except as provided by the Zoning Board of Appeals. Lots created after the effective date of this Ordinance shall meet the minimum requirements established herein.
2. No lot, outlot, or other parcel of land in a recorded plat shall be further partitioned or divided unless in conformity with this Zoning Ordinance and the **Land Division Act, 1967 PA 288**, as amended.
3. Every lot shall have frontage on and/or access to a public road as per **Section 3.15**.

**C. Application of Yard Regulations.**

1. No yard existing at the time of adoption of this Ordinance shall be reduced in dimensions or area less than the minimum requirements set forth herein, except as provided by the Zoning Board of Appeals. Yards created after the effective date of this Ordinance shall meet the minimum requirements established herein.
2. No part of a yard, or other open space, or off-street parking space or loading space required about or in connections with any use, building or structure, for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking lot or loading space similarly required for any other use, building, or structure.
3. All setbacks shall be the minimum required horizontal distance from the applicable road right-of-way, easement, waterfront, or property line of a lot within which no buildings or structures may be placed.
4. No building, structure, fence, or other permanent improvement shall be permitted to be erected or located within a public right-of-way.
5. For waterfront lots, the portion of the lot adjacent to the water shall be designated as the front yard. The front yard setback shall be measured from the Ordinary High Water Line.

**D. Application of Height Regulations.**

The height regulations established by this Ordinance shall apply uniformly in each zoning district to every building and structure except that the following structures and appurtenances shall be exempt from the height requirements of this Ordinance: spires, belfries, penthouses and domes not used for human occupancy, chimneys, ventilators, skylights, water tanks, bulkheads, utility poles, power lines, radio, television and other communication broadcasting and receiving antennae not directly lined to residential structures, silos, wind-driven electricity generators, parapets and other necessary mechanical appurtenances; provided, their location shall conform where applicable to the requirements of the Federal Communications Commission, other public authorities having jurisdiction, and any regulations established by authorized State, County and Township agencies.

**E. Location and Number of Buildings on Lot of Record.**

<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
<b>6</b> Special Land Uses	<b>7</b> Supplemental Regulations	<b>8</b> Zoning Board of Appeals	<b>9</b> Administration & Enforcement	<b>10</b> Adoption & Amendments

1. Every building erected, altered, or moved shall be located on a lot of record as defined herein.
2. Except where otherwise specified in this Ordinance, there shall be only one (1) single-family dwelling permitted per lot in the single-family zoning districts. Where there is more than one (1) single-family dwelling located on a lot of record at the time of adoption of this Ordinance, said dwelling shall not be divided from the lot except in conformity with the requirements of this Ordinance.

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<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
<b>6</b> Special Land Uses	<b>7</b> Supplemental Regulations	<b>8</b> Zoning Board of Appeals	<b>9</b> Administration & Enforcement	<b>10</b> Adoption & Amendments

**Section 4.04 Resource Development District (RD)**

**RD**

**A. Purpose.**

The purpose of this District is to provide for the arrangement of land uses that are compatible with the conservation and preservation of large tracts of land presently having a most desirable natural environment that should not be disturbed, except minimally, for natural habitat for wildlife, native flora, natural water features, including extensive wetlands and high water table soils, and other extensive land uses which retain the natural character of the area.

**B. Uses Allowed.**

Permitted and Special Land Uses shall be limited to those listed in **Table 4.04A (also in Section 4.09: Table of Permitted and Special Land Uses)** and shall be subject to all applicable provisions of **Article 5: Plot Plans & Site Plan Review, Article 6: Special Land Uses, and Article 7: Supplemental Regulations.**

<b>Table 4.04A: Table of Permitted &amp; Special Land Uses</b>	
P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations	<b>RD</b>
<b>Accommodation &amp; Food Services</b>	
<i>Bed &amp; Breakfasts &amp; Tourist Homes (See §7.12)</i>	<b>S*</b>
<i>Cabin Courts (Cottages – rental)</i>	<b>P</b>
<i>Convention Centers/Conference Centers/Banquet Halls/Wedding Venues</i>	<b>S</b>
<i>Food Trucks</i>	<b>P</b>
<i>Inns</i>	<b>S</b>
<i>Resorts, Guest Ranches, &amp; Vacation Farms</i>	<b>S</b>
<i>Rooming Houses &amp; Boarding Houses (See §7.13)</i>	<b>S*</b>
<i>Short Term Rentals</i>	<b>P</b>
<b>Agriculture/Forest Products</b>	
<i>Animal Shelter (See §7.05)</i>	<b>S*</b>
<i>Biofuel Production Facilities on Farms (See §7.22)</i>	<b>P*S*</b>
<i>Boarding/Riding Stables and Academies</i>	<b>P</b>
<i>Cider Mills</i>	<b>P</b>
<i>Farms &amp; Farm Product Processing, Commercial</i>	<b>P</b>
<i>Farms &amp; Farm Product Processing, Domestic</i>	<b>P</b>
<i>Farm Supply &amp; Feed Stores</i>	<b>P</b>
<i>Farm Market/Roadside Stand (goods produced on site) (See §7.03)</i>	<b>P*</b>
<i>Farmer’s Markets (not produced on site)/Fruit &amp; Vegetable Market</i>	<b>P</b>
<i>Firewood Sales, Commercial</i>	<b>S</b>
<i>Firewood Sales (if wood comes from the property)</i>	<b>P</b>
<i>Forest Products Processing (Saw Mills, Veneer Mills, Planing Mills &amp; related) (See §7.06)</i>	<b>S*</b>
<i>Forest Products Processing, Temporary (i.e. portable saw mills)</i>	<b>P</b>

<b>Agriculture/Forest Products (cont.)</b>	
<i>Forestry/Forest Management (including forest harvesting and temporary log storage yards)</i>	<b>P</b>
<i>Game Preserves</i>	<b>S</b>
<i>Grain Elevators</i>	<b>S</b>
<i>Grain &amp; Livestock Truck and Cartage Facilities</i>	<b>S</b>
<i>Kennels (See §7.05)</i>	<b>S*</b>
<b>Arts, Entertainment, &amp; Recreation</b>	
<i>Archeological Sites</i>	<b>P</b>
<i>Ballfields</i>	<b>P</b>
<i>Campgrounds</i>	<b>S</b>
<i>Camps (ex: summer camp)</i>	<b>S</b>
<i>Club for Swimming or Court Games</i>	<b>S</b>
<i>Country Clubs</i>	<b>S</b>
<i>Golf Courses &amp; Driving Range</i>	<b>S</b>
<i>Historic Sites</i>	<b>S</b>
<i>Hunting Preserves</i>	<b>S</b>
<i>Nature /Forest Preserve Areas</i>	<b>S</b>
<i>Private Clubs; Lodges</i>	<b>S</b>
<i>Public Parks, Playgrounds</i>	<b>P</b>
<i>RV Parks</i>	<b>S</b>
<i>Wildlife Preserves</i>	<b>S</b>
<b>Commercial/Retail/Office/Service</b>	
<i>Florists</i>	<b>P</b>
<i>Taxidermy Shops</i>	<b>P</b>
<b>Communications</b>	
<i>Wireless Communications Equipment &amp; Support Structures (towers) (See §7.20)</i>	<b>S*</b>

**RD**

<b>Construction/Contractors</b>	
Contractors Establishments (provided all products, material and equipment are stored within an enclosed building). Ex: Carpentry, Plumbing, Electrical	P
Contractor's Establishments with Storage Facilities for Building Materials - Sand, Gravel, Stone, Lumber)/Contractor's Equipment (with outdoor storage) – ex: Building Contractors, Well Drilling, Excavating, Septic Pumping, and similar.	P
<b>Educational Services/Religion</b>	
Public or private schools	P
Religious Institutions and associated structures (parish hall, school, cemetery)	S
<b>Human Care &amp; Social Assistance</b>	
Adult Foster Care Family Homes (6 or less adults)	P
Adult Foster Care Small Group Home (7-12 adults)	S
Adult Foster Care Large Group Home (13-20 adults)	S
Family Child Care Home (6 or less)	P
Group Child Care Home (7 -12) (See §7.04)	S*
Residential Facility for Battered Women and Children (in a private residence)	P
State-Licensed Residential Facilities (6 or less adults)	P
<b>Resource Extraction</b>	
Mining/Natural Resource Extraction (incl sand, gravel, rock and mineral extraction) (See §7.11)	S*

<b>Miscellaneous &amp; Mixed Uses</b>	
Accessory Buildings & Uses Incidental to Principal Permitted Uses (See §3.18)	P*
Accessory Buildings (Stand Alone) (See §3.18)	P*
Cemeteries including Columbaria/Mausoleums (human/pet)	S
Mixed Use – Residential and Commercial	S
Planned Unit Development (See §7.23)	S*
Pools (private residential) – NO ZONING PERMIT REQUIRED (See §3.19)	P*
Site Condominium Development (See §7.24)	S*
<b>Residential Uses</b>	
Accessory Dwelling Units/Guest Houses (See §7.14)	S*
Home-Based Businesses (See §7.02)	P*
Home Occupations (See §7.02)	P*
Manufactured Housing Community (See §7.09)	S*
Multiple-Family Dwelling Units (apartments)	S
Single-Family Detached Dwelling	P
Single-Family Attached Dwelling (Townhouses; Condominiums)	S
Single-Family Earth Homes (See §7.16)	P*
Temporary Dwelling During Construction (§3.20)	P
Tiny Homes (400-599 sq ft)	P
Two-Family Dwelling (duplex)	P
<b>Transportation</b>	
Airstrips (private) and accessory uses	S
<b>Utilities/Energy</b>	
Solar Panels (Accessory Use) (See §7.17)	P*
Wind Energy Systems (on-site) (See §7.19)	P*

C. Development Standards.

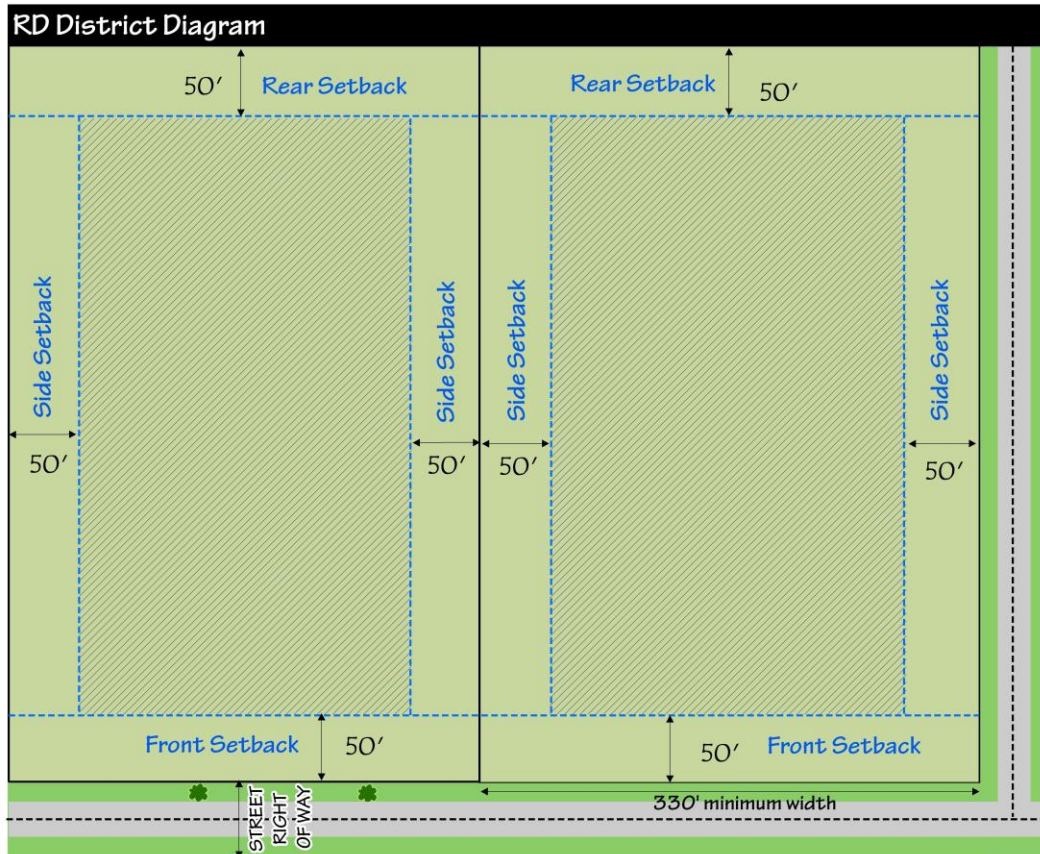
**RD**

**Lot & Structure Standards** **Table 4.04B**

<b>Lot Area (minimum)</b>	10 acres except as otherwise provided in this Ordinance
<b>Building Height (maximum)</b>	35 ft for all dwellings 25 ft for all buildings accessory to dwellings 45 ft for all agricultural buildings, except for grain elevators, silos, and windmills which shall not exceed one hundred twenty (120) feet in height.
<b>Lot Coverage (maximum)</b>	20 percent
<b>Floor Area (minimum)</b>	600 sq ft for a 1 story dwelling (ground floor). Dwellings under 600 sq ft may be approved after site plan review by the Planning Commission (400 sq ft shall be the minimum dwelling ground floor area approved by the Planning Commission).
<b>Building Dimensions</b>	<ol style="list-style-type: none"> <li>1. A minimum cross-section through at least one portion of a dwelling shall be twenty (20) feet wide.</li> <li>2. A minimum floor area in at least one portion of a dwelling shall have an area of at least twenty (20) feet by twenty (20) feet.</li> </ol>

**Setbacks**

<b>Front</b>	50 ft
<b>Rear</b>	50 ft
<b>Side</b>	50 ft
<b>Side (street side - corner lot)</b>	50 ft



**Section 4.05 Agricultural Residential District (AR)**

**AR**

**A. Purpose.**

The purpose of this district is to provide for the compatible arrangement and development of parcels of land for farming and residential purposes and specified commercial and recreational uses.

**B. Uses Allowed.**

Permitted and Special Land Uses shall be limited to those listed in **Table 4.05A (also in Section 4.09: Table of Permitted and Special Land Uses)** and shall be subject to all applicable provisions of **Article 5: Plot Plans & Site Plan Review, Article 6: Special Land Uses, and Article 7: Supplemental Regulations.**

<b>Table 4.05A: Table of Permitted and Special Land Uses</b>		<b>Agriculture/Forest Products (cont.)</b>	
<b>P</b> = Permitted by right	<b>AR</b>	Farmer’s Markets (not produced on site)/Fruit & Vegetable Market	<b>P</b>
<b>S</b> = Permitted with a Special Use Permit		Firewood Sales, Commercial	<b>S</b>
*Uses with Supplemental Regulations		Firewood Sales (if wood comes from the property)	<b>P</b>
<b>Accommodation &amp; Food Services</b>		Forest Products Processing (Saw Mills, Veneer Mills, Planing Mills & related) (See §7.06)	<b>S*</b>
Bed & Breakfasts & Tourist Homes (See §7.12)	<b>S*</b>	Forest Products Processing, Temporary (i.e. portable saw mills)	<b>P</b>
Cabin Courts (Cottages – rental)	<b>P</b>	Food Hub/Food Incubator	<b>S</b>
Convention Centers/Conference Centers/Banquet Halls/Wedding Venues	<b>S</b>	Game Preserves	<b>S</b>
Food Trucks	<b>P</b>	Grain Elevators	<b>S</b>
Inns	<b>S</b>	Grain & Livestock Truck and Cartage Facilities	<b>S</b>
Microbreweries, Distilleries, & Wineries (serving to the public)	<b>S</b>	Greenhouses/Hoophouses/Nurseries/Landscaping Establishment	<b>P</b>
Resorts, Guest Ranches, & Vacation Farms	<b>S</b>	Kennels (See §7.05)	<b>S*</b>
Rooming Houses & Boarding Houses (See §7.13)	<b>S*</b>	Veterinary (Animal) Clinic or Hospital (with indoor kennels)	<b>S*</b>
Short Term Rentals	<b>P</b>	<b>Arts, Entertainment, &amp; Recreation</b>	
<b>Agriculture/Forest Products</b>		Archeological Sites	<b>P</b>
Agricultural Equipment Dealers/Repair/Rental	<b>S</b>	Ballfields	<b>P</b>
Agricultural Products Processing & Storage (excluding Concentrated Animal Feeding Operations)	<b>S</b>	Campgrounds	<b>S</b>
Agricultural Tourism Businesses (on Farms)	<b>S</b>	Camps (ex: summer camp)	<b>S</b>
Animal Sales Yards/ Auctions for Livestock	<b>S</b>	Country Clubs	<b>S</b>
Animal Shelter (See §7.05)	<b>S*</b>	Golf Courses & Driving Range	<b>S</b>
Biofuel Production Facilities on Farms (See §7.22)	<b>P*S*</b>	Historic Sites	<b>S</b>
Boarding/Riding Stables and Academies	<b>P</b>	Hunting Preserves	<b>S</b>
Bulk seed, feed, fertilizer & nursery stock outlet & distribution centers	<b>S</b>	Nature /Forest Preserve Areas	<b>S</b>
Cider Mills	<b>P</b>	Outdoor Performance Facilities	<b>S</b>
Farms & Farm Product Processing, Commercial	<b>P</b>	Private Clubs; Lodges	<b>S</b>
Farms & Farm Product Processing, Domestic	<b>P</b>	Public Parks, Playgrounds	<b>P</b>
Farm Supply & Feed Stores	<b>P</b>	RV Parks	<b>S</b>
Farm Market/Roadside Stand (goods produced on site) (See §7.03)	<b>P*</b>	Wildlife Preserves	<b>S</b>

<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
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<b>Commercial/Retail/Office/Service</b>	
Florists	P
Taxidermy Shops	P
<b>Communications</b>	
Wireless Communications Equipment & Support Structures (towers) (See §7.20)	S*
<b>Construction/Contractors</b>	
Contractors Establishments (provided all products, material and equipment are stored within an enclosed building). Ex: Carpentry, Plumbing, Electrical	P
Contractor's Establishments with Storage Facilities for Building Materials - Sand, Gravel, Stone, Lumber/Contractor's Equipment (with outdoor storage) – ex: Building Contractors, Well Drilling, Excavating, Septic Pumping, and similar.	P
<b>Educational Services/Religion</b>	
Public or private schools (See §7.07)	P*
Religious Institutions and associated structures (parish hall, school, cemetery) (See §7.07)	S*
<b>Human Care &amp; Social Assistance</b>	
Adult Foster Care Family Homes (6 or less adults)	P
Adult Foster Care Small Group Home (7-12 adults) (See §7.07)	S*
Adult Foster Care Large Group Home (13-20 adults) (See §7.07)	S*
Family Child Care Home (6 or less)	P
Group Child Care Home (7 -12) (See §7.04)	S*
Residential Facility for Battered Women and Children (in a private residence)	P
State-Licensed Residential Facilities (6 or less adults)	P
<b>Resource Extraction</b>	
Mining/Natural Resource Extraction (incl sand, gravel, rock and mineral extraction) (See §7.11)	S*

<b>Miscellaneous &amp; Mixed Uses</b>	
Accessory Buildings & Uses Incidental to Principal Permitted Uses (See §3.18)	P*
Accessory Buildings (Stand Alone) (See §3.18)	P*
Mixed Use – Residential and Commercial	S
Planned Unit Development (See §7.23)	S*
Pools (private residential) – NO ZONING PERMIT REQUIRED (See §3.19)	P*
Site Condominium Development (See §7.24)	S*
<b>Public Facilities</b>	
Governmental Buildings	P
<b>Residential Uses</b>	
Accessory Dwelling Units/Guest Houses (See §7.14)	S*
Home-Based Businesses (See §7.02)	P*
Home Occupations (See §7.02)	P*
Manufactured Housing Community (See §7.09)	S*
Multiple-Family Dwelling Units (apartments)	S
Single-Family Detached Dwelling	P
Single-Family Attached Dwelling (Townhouses; Condominiums)	S
Single-Family Earth Homes (See §7.16)	P*
Temporary Dwelling During Construction (§3.20)	P
Tiny Homes (400-599 sq ft)	P
Two-Family Dwelling (duplex)	P
<b>Transportation</b>	
Airstrips (private) and accessory uses	S
<b>Utilities/Energy</b>	
Solar Panels (Accessory Use) (See §7.17)	P*
Wind Energy Facilities and Anemometer Towers (Commercial) (See §7.19)	S*
Wind Energy Systems (on-site) (See §7.19)	P*

**AR**

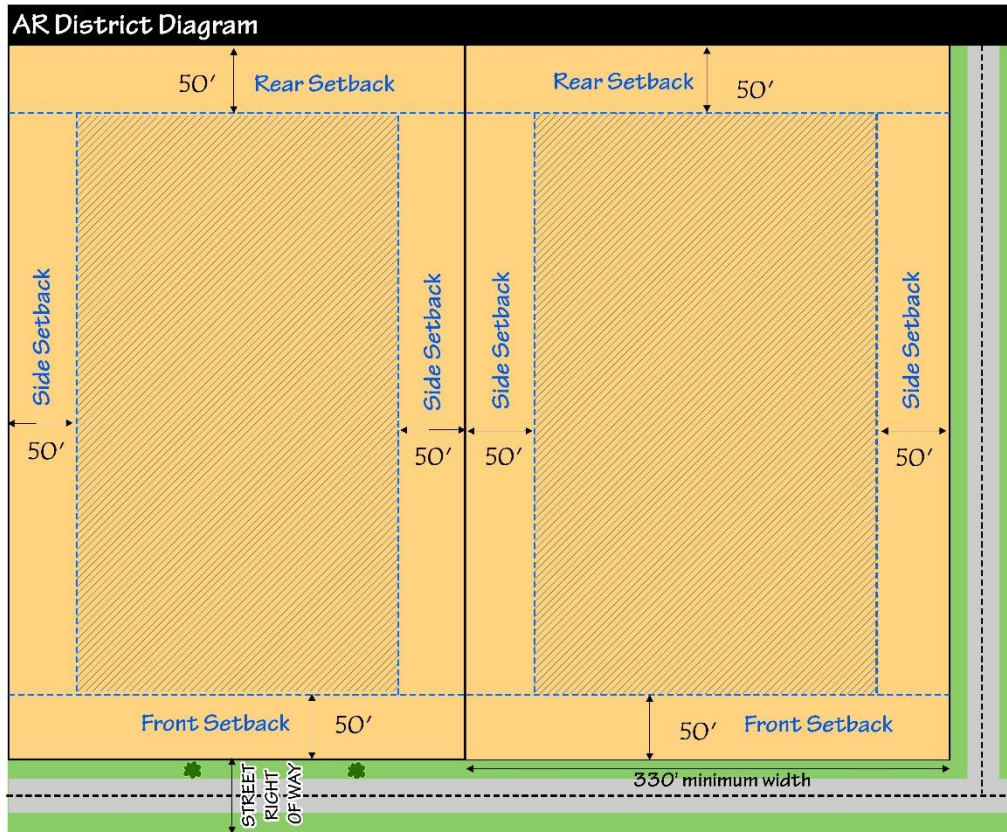
C. Development Standards.

**Lot & Structure Standards** **Table 4.05B**

<b>Lot Area (minimum)</b>	10 acres except as otherwise provided in this Ordinance
<b>Building Height (maximum)</b>	35 ft for all dwellings 25 ft for all buildings accessory to dwellings 45 ft for all agricultural buildings, except for grain elevators, silos, and windmills which shall not exceed one hundred twenty (120) feet in height.
<b>Lot Coverage (maximum)</b>	20 percent
<b>Floor Area (minimum)</b>	600 sq ft for a 1 story dwelling (ground floor). Dwellings under 600 sq ft may be approved after site plan review by the Planning Commission (400 sq ft shall be the minimum dwelling ground floor area approved by the Planning Commission).
<b>Building Dimensions</b>	1. A minimum cross-section through at least one portion of a dwelling shall be twenty (20) feet wide. 2. A minimum floor area in at least one portion of a dwelling shall have an area of at least twenty (20) feet by twenty (20) feet.

**Setbacks**

<b>Front</b>	50 ft
<b>Rear</b>	50 ft
<b>Side</b>	50 ft
<b>Side (street side - corner lot)</b>	50 ft



**Section 4.06 Medium-Density Residential District (MDR)**

**MDR**

**A. Purpose.**

The purpose of this Medium Density Residential Zoning District is to provide for single-family housing neighborhoods free from other uses, except those which are (1) normally accessory to and (2) compatible with, supportive of, and convenient to the various types and compositions of families living within such residential land use areas. The size of lots and parcels should be planned to be of such area and width so that they can sustain healthful and sanitary on-site water supply and wastewater disposal.

**B. Uses Allowed.**

Permitted and Special Land Uses shall be limited to those listed in **Table 4.06A (also in Section 4.09: Table of Permitted and Special Land Uses)** and shall be subject to all applicable provisions of **Article 5: Plot Plans & Site Plan Review, Article 6: Special Land Uses, and Article 7: Supplemental Regulations.**

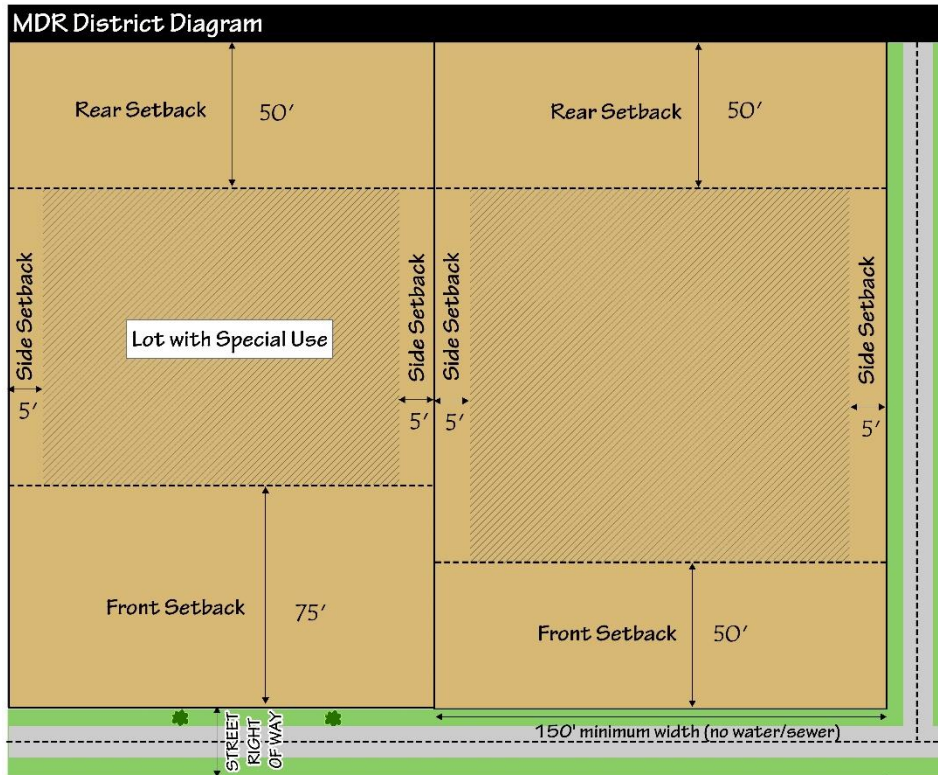
<b>Table 4.06A: Table of Permitted and Special Land Uses</b>	
P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations	<b>MDR</b>
<b>Accommodation &amp; Food Services</b>	
<i>Bed &amp; Breakfasts &amp; Tourist Homes (See §7.12)</i>	<b>S*</b>
<i>Cabin Courts (Cottages – rental)</i>	<b>P</b>
<i>Rooming Houses &amp; Boarding Houses (See §7.13)</i>	<b>S*</b>
<i>Short Term Rentals</i>	<b>P</b>
<b>Agriculture/Forest Products</b>	
<i>Farms &amp; Farm Product Processing, Domestic</i>	<b>P</b>
<b>Arts, Entertainment, &amp; Recreation</b>	
<i>Ballfields</i>	<b>P</b>
<i>Golf Courses &amp; Driving Range</i>	<b>S</b>
<i>Nature /Forest Preserve Areas</i>	<b>S</b>
<i>Public Parks, Playgrounds</i>	<b>P</b>
<b>Communications</b>	
<i>Wireless Communications Equipment &amp; Support Structures (towers) (See §7.20)</i>	<b>S*</b>
<b>Educational Services/Religion</b>	
<i>Public or private schools</i>	<b>P</b>
<i>Religious Institutions and associated structures (parish hall, school, cemetery)</i>	<b>S</b>
<b>Human Care &amp; Social Assistance</b>	
<i>Adult Foster Care Family Homes (6 or less adults)</i>	<b>P</b>
<i>Family Child Care Home (6 or less)</i>	<b>P</b>
<i>Group Child Care Home (7 -12) (See §7.04)</i>	<b>S*</b>
<i>Residential Facility for Battered Women and Children (in a private residence)</i>	<b>P</b>
<i>State-Licensed Residential Facilities (6 or less adults)</i>	<b>P</b>

<b>Resource Extraction</b>	
<i>Mining/Natural Resource Extraction (incl sand, gravel, rock and mineral extraction) (See §7.11)</i>	<b>S*</b>
<b>Miscellaneous &amp; Mixed Uses</b>	
<i>Accessory Buildings &amp; Uses Incidental to Principal Permitted Uses (See §3.18)</i>	<b>P*</b>
<i>Accessory Buildings (Stand Alone) (See §3.18)</i>	
<i>Mixed Use – Residential and Commercial</i>	<b>S</b>
<i>Planned Unit Development (See §7.23)</i>	<b>S*</b>
<i>Pools (private residential) – NO ZONING PERMIT REQUIRED (See §3.19)</i>	<b>P*</b>
<i>Site Condominium Development (See §7.24)</i>	<b>S*</b>
<b>Public Facilities</b>	
<i>Governmental Buildings</i>	<b>P</b>
<b>Residential Uses</b>	
<i>Accessory Dwelling Units/Guest Houses (See §7.14)</i>	<b>S*</b>
<i>Home-Based Businesses (See §7.02)</i>	<b>P*</b>
<i>Home Occupations (See §7.02)</i>	<b>P*</b>
<i>Multiple-Family Dwelling Units (apartments)</i>	<b>S</b>
<i>Single-Family Detached Dwelling</i>	<b>P</b>
<i>Single-Family Attached Dwelling (Townhouses; Condominiums)</i>	<b>S</b>
<i>Single-Family Earth Homes (See §7.16)</i>	<b>P*</b>
<i>Temporary Dwelling During Construction (§3.20)</i>	<b>P*</b>
<i>Tiny Homes (400-599 sq ft)</i>	<b>P</b>
<i>Two-Family Dwelling (duplex)</i>	<b>P</b>
<b>Utilities/Energy</b>	
<i>Solar Panels (Accessory Use) (See §7.17)</i>	<b>P*</b>
<i>Wind Energy Systems (on-site) (See §7.19)</i>	<b>P*</b>

<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
<b>6</b> Special Land Uses	<b>7</b> Supplemental Regulations	<b>8</b> Zoning Board of Appeals	<b>9</b> Administration & Enforcement	<b>10</b> Adoption & Amendments

**C. Development Standards.**

<b>Lot &amp; Structure Standards</b>		<b>Table 4.06B</b>
<b>Lot Area (minimum)</b>	20,000 sq ft with public or common sewer and water 1 acre, if lot or parcel does not have public sewer or water available and on-site water supply and wastewater disposal systems	
<b>Lot Width (minimum)</b>	100 ft (for lots of 20,000 sq ft in area with common sewer and water) 150 ft (for lots of one acre without common sewer and water)	
<b>Building Height (maximum)</b>	35 ft for all dwellings 25 ft for all buildings accessory to dwellings	
<b>Lot Coverage (maximum)</b>	30 percent	
<b>Floor Area (minimum)</b>	600 sq ft for a 1 story dwelling (ground floor). Dwellings under 600 sq ft may be approved after site plan review by the Planning Commission (400 sq ft shall be the minimum dwelling ground floor area approved by the Planning Commission).	
<b>Building Dimensions</b>	<ol style="list-style-type: none"> <li>1. A minimum cross-section through at least one portion of a dwelling shall be twenty (20) feet wide.</li> <li>2. A minimum floor area in at least one portion of a dwelling shall have an area of at least twenty (20) feet by twenty (20) feet.</li> </ol>	
<b>Setbacks</b>		
<b>Front &amp; Waterfront</b>	50 ft 75 ft for Special Uses (shall be landscaped in trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except required entrance drives and those walls used to screen the use from abutting residential lots and parcels)	
<b>Rear</b>	50 ft	
<b>Side</b>	5 ft	



**Section 4.07 Community Service Commercial District (CSC)**

**CSC**

**A. Purpose.**

This district has the intent of providing areas wherein retail trade and service outlets can be located.

**B. Uses Allowed.**

Permitted and Special Land Uses shall be limited to those listed in **Table 4.07A (also in Section 4.09: Table of Permitted and Special Land Uses)** and shall be subject to all applicable provisions of **Article 5: Plot Plans & Site Plan Review, Article 6: Special Land Uses, and Article 7: Supplemental Regulations.**

<b>Table 4.07A: Table of Permitted and Special Land Uses</b>		<b>Arts, Entertainment, &amp; Recreation (cont)</b>	
P = Permitted by right	<b>CSC</b>	Sportsmen's Associations/Firearms Ranges/Archery Ranges	S
S = Permitted with a Special Use Permit		Theaters/Performing Arts Facilities	P
*Uses with Supplemental Regulations		Tours (Commercial Operations)	P
<b>Accommodation &amp; Food Services</b>		Zoos and Animal Tours	S
Bakeries (goods produced & sold on-site)	P	<b>Commercial/Retail/Office/Service</b>	
Caterers/Food Service Contractors	P	Antique Stores	P
Coffee Shops	P	Automotive Body/Paint/Interior & Glass; Auto Repair	P
Convention Centers/Conference Centers/Banquet Halls/Wedding Venues	S	Automotive Oil Change	P
Drinking Establishments/Taverns/Bars	P	Automotive Service Station (See §7.10)	P*
Food Trucks	P	Automotive Car Washes	P
Microbreweries, Distilleries, & Wineries (serving to the public)	S	Automotive Equipment Rental/Leasing	P
Restaurants	P	Bait and Tackle Shops	P
<b>Agriculture/Forest Products</b>		Boat/RV/Recreational Equipment Repair & Storage	P
Agricultural Equipment Dealers/Repair/Rental	P	Building & Garden Equipment & Supplies Dealers	P
Lumber Yards (pre-planned, finished lumber)/Building Material Sales	P	Cash Advance Stores	P
<b>Arts, Entertainment, &amp; Recreation</b>		Clothing & Clothing Accessories Stores; Shoe Sales & Repair	P
Amusement Arcades	P	Commercial/Industrial Equipment Rental & Leasing	P
Amusement Parks	S	Commercial Equipment Repair & Maintenance	P
Art Studios & Galleries	P	Convenience Stores	P
Ballfields	P	Crematoriums	P
Bike Shops	P	Drive-Through Establishments (other than restaurants)	P
Bowling Centers/Billiards Halls	P	Dry Cleaning & Laundry Services (cleaning equipment is used to service only the premises at which it is located)	P
Equipment Rental (non-motorized)/Outfitter	P	Electronic & Precision Equipment Repair & Maintenance	P
Fitness & Recreational Sports Center (spas, health clubs, racquetball, karate, yoga, swim)	P	Electronics & Appliance Stores	P
Museums	P	Extermination & Pest Control Services	P
Outdoor Recreation Facilities (commercial: ex – go karts; miniature golf)	P	Farm Supply Stores	P
Race Tracks	S	Film Production Facilities including sound stages and other related activities	P
Skating Rinks (indoor or outdoor)	P	Financial Institutions	P

**CSC**

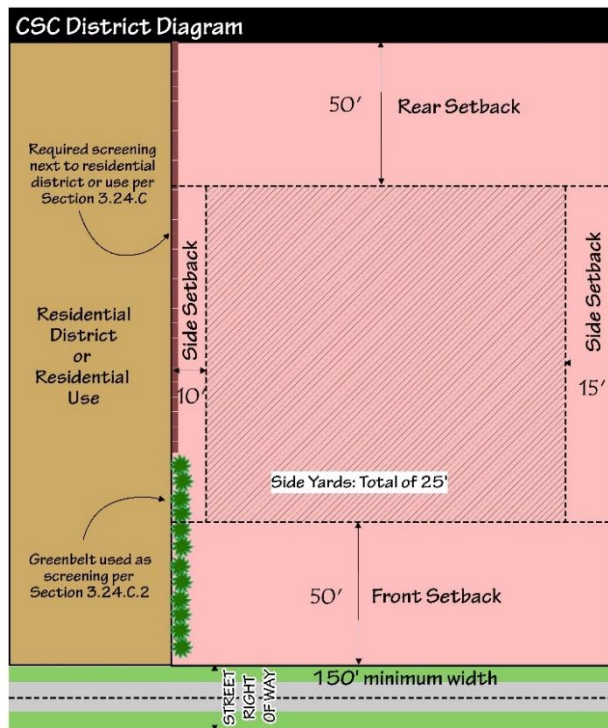
<b>Commercial/Retail/Office/Service (cont)</b>	
Flea Market	P
Florists	P
Funeral Homes & Mortuaries	P
Furniture, & Home Furnishings/Fixtures Stores	P
Furniture Restoration & Repair (refinishing/upholstery)	P
General Retail	P
General Rental Centers	P
Gift Shops	P
Grocery Stores	P
Hardware Stores	P
Health & Personal Care Stores	P
Home Improvement Centers (lumber stored in enclosed structure)	P
Interior Designers/Showrooms	P
Locksmiths	P
Manufactured Home Dealers/Repair	P
Medical Equipment Sales	P
Medical Laboratories	P
Movie Rental Stores	P
Office Supply Stores	P
Outdoor display of products/materials for retail sale or rental (accessory to a principle permitted retail use).	P
Outdoor Sales/Rental of automobiles, trucks, motorcycles, recreational equipment, marine craft, farm implements, contractor's equipment (See §7.15)	P*
Pawn Shops/Resale Shops/Thrift Store	P
Personal Services (beauty shops, tailoring, massage, spas)	P
Pet and Pet Care Stores (except Veterinary and Animal Shelters)	P
Pharmacies/Medical & Optical Supplies	P
Photofinishing/Photographers	P
Printing/Binding/Publishing of Printed Materials	P
Professional Cleaning Services	P
Professional Offices	P
Real Estate Sales	P
Real Estate Sales in conjunction with a specific development	P
Recording Studios	P
Retail Uses with Outdoor Storage	P
Seasonal Sales/Transient Sales	P
Sexually Oriented Businesses (See §7.25)	S*
Shopping Center/Business Center – Multiple Businesses	S
Small Engine Repair	P
Small-Scale Craft Making	P
Sporting Goods, Hobby, Book & Music Stores	P
Studios for dance and music	P
Taxidermy Shops	P

<b>Communications</b>	
Television/Radio Broadcasting Stations	P
<b>Construction/Contractors</b>	
Contractors Establishments (provided all products, material and equipment are stored within an enclosed building). Ex: Carpentry, Plumbing, Electrical	P
Contractor's Establishments with Storage Facilities for Building Materials - Sand, Gravel, Stone, Lumber/Contractor's Equipment (with outdoor storage) – ex: Building Contractors, Well Drilling, Excavating, Septic Pumping, and similar.	P
<b>Educational Services/Religion</b>	
Colleges/Universities/Other Institutions of Higher/Specialized Learning (public and private)	S
<b>Human Care &amp; Social Assistance</b>	
Adult Foster Care Congregate Facilities	S
Adult Commercial Day Care – Small Group (7-12 adults)	S
Adult Commercial Day Care – Large Group (greater than 12 adults)	S
Child Care Center/Nursery School(not in home)	P
Child Caring Institution	P
Clinics (Human) - Health Care/Dental/Optical Clinics	P
Hospitals & Sanitariums	S
Nursing Home/Assisted Living Home /Convalescent Home	S
Residential Human Care and Treatment Facility	S
<b>Resource Extraction</b>	
Mining/Natural Resource Extraction (incl sand, gravel, rock and mineral extraction) (See §7.11)	S*
<b>Miscellaneous &amp; Mixed Uses</b>	
Accessory Buildings & Uses Incidental to Principal Permitted Uses (See §3.18)	P*
Accessory Buildings (Stand Alone) (See §3.18)	P*
<b>Residential Uses</b>	
Dwelling Units above/attached to a Commercial Establishment	P
Temporary Dwelling During Construction (§3.20)	P
<b>Transportation</b>	
Towing Businesses	P
Vehicle Parking & Storage	S
<b>Utilities/Energy</b>	
Propane Supply Companies	P
Solar Panels (Accessory Use) (See §7.17)	P*

**C. Development Standards.**

**CSC**

Lot & Structure Standards		Table 4.07B
Lot Area (minimum)	1 acre	
Lot Width (minimum)	150 ft (for lots with on-site well water and septic tank wastewater disposal) 80 ft (for lots with public or common water supply and wastewater disposal)	
Building Height (maximum)	35 ft for all dwellings 25 ft for detached accessory structure	
Lot Coverage (maximum)	50 percent	
Floor Area (minimum)	Residential: 600 sq ft for a 1 story dwelling (ground floor). Dwellings under 600 sq ft may be approved after site plan review by the Planning Commission (400 sq ft shall be the minimum dwelling ground floor area approved by the Planning Commission). Non-Residential: None	
Setbacks		
Front	50 ft	
Rear	50 ft	
Side	10 ft for one side yard, total of 25 ft for both side yards (added together)	
Development Regulations		
Access	All uses shall only have vehicular access via a hard surface year-around paved road, including the road system which connects it to the state and federal designated highway routes by means of a frontage access road(s) except as otherwise provided in <b>Section 3.16</b> . The Planning Commission may waive the requirement of a hard surface year-around paved road.	
Storage	The storage of goods, materials, trash or garbage is not permitted outside of the main building or accessory buildings or structures unless it is screened in accordance with <b>Section 3.26</b> .	
Screening	When adjacent to or across the road from existing residential developments uses or zoning districts, an industrial use of a lot or parcel shall provide a landscaped greenbelt, wall or screen in accordance with <b>Section 3.24.C</b> .	



**Section 4.08 Industrial District (I)**

**I**

**A. Purpose.**

It is the intent of this district to provide for the development of sites for industrial plants in which the manufacture of goods in the form of finished or semi-finished products or the assembly, compounding, or treatment of product parts or ingredients in order to create finished or semi-finished goods for sale to other industrial manufacturers, or to bulk or wholesale commercial purchasers. It is the further intent of this area to permit only those industrial manufacturing uses having performance or activity characteristics which emit a minimum amount of discernible noise, vibration, smoke, dust, dirt, glare, toxic materials, offensive odors, gases, electromagnetic radiation, or any other physically adverse effect to the extent that they are abnormally discernible beyond the lot lines of the parcel or site upon which the industrial manufacturing activity is located.

**B. Uses Allowed.**

Permitted and Special Land Uses shall be limited to those listed in **Table 4.08A (also in Section 4.09: Table of Permitted and Special Land Uses)** and shall be subject to all applicable provisions of **Article 5: Plot Plans & Site Plan Review, Article 6: Special Land Uses, and Article 7: Supplemental Regulations.**

<b>Table 4.08A: Table of Permitted and Special Land Uses</b>	
P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations	<b>I</b>
<b>Accommodation &amp; Food Services</b>	
<i>Microbreweries, Distilleries, &amp; Wineries (NOT serving to the public)</i>	<b>P</b>
<b>Agriculture/Forest Products</b>	
<i>Agricultural Equipment Dealers/Repair/Rental</i>	<b>P</b>
<i>Firewood Sales, Commercial</i>	<b>P</b>
<i>Forest Products Processing (Saw Mills, Veneer Mills, Planing Mills &amp; related) (See §7.06)</i>	<b>P*</b>
<i>Grain Elevators</i>	<b>P</b>
<i>Lumber Yards (pre-planed, finished lumber)/Building Material Sales</i>	<b>P</b>
<i>Slaughter Houses</i>	<b>P</b>
<b>Arts, Entertainment, &amp; Recreation</b>	
<i>Ballfields</i>	<b>P</b>
<b>Commercial/Retail/Office/Service</b>	
<i>Antique Stores</i>	<b>P</b>
<i>Automotive Body/Paint/Interior &amp; Glass; Auto Repair</i>	<b>P</b>
<i>Automotive Oil Change</i>	<b>P</b>
<i>Automotive Service Station (See §7.10)</i>	<b>P*</b>
<i>Automotive Car Washes</i>	<b>P</b>
<i>Automotive Equipment Rental/Leasing</i>	<b>P</b>
<i>Bait and Tackle Shops</i>	<b>P</b>

<b>Commercial/Retail/Office/Service</b>	
<i>Boat/RV/Recreational Equipment Repair &amp; Storage</i>	<b>P</b>
<i>Building &amp; Garden Equipment &amp; Supplies Dealers</i>	<b>P</b>
<i>Cash Advance Stores</i>	<b>P</b>
<i>Clothing &amp; Clothing Accessories Stores; Shoe Sales &amp; Repair</i>	<b>P</b>
<i>Commercial/Industrial Equipment Rental &amp; Leasing</i>	<b>P</b>
<i>Commercial Equipment Repair &amp; Maintenance</i>	<b>P</b>
<i>Convenience Stores</i>	<b>P</b>
<i>Crematoriums</i>	<b>P</b>
<i>Drive-Through Establishments (other than restaurants)</i>	<b>P</b>
<i>Dry Cleaning &amp; Laundry Services (cleaning equipment is used to service only the premises at which it is located)</i>	<b>P</b>
<i>Electronic &amp; Precision Equipment Repair &amp; Maintenance</i>	<b>P</b>
<i>Electronics &amp; Appliance Stores</i>	<b>P</b>
<i>Extermination &amp; Pest Control Services</i>	<b>P</b>
<i>Farm Supply Stores</i>	<b>P</b>
<i>Film Production Facilities including sound stages and other related activities</i>	<b>P</b>
<i>Financial Institutions</i>	<b>P</b>
<i>Flea Market</i>	<b>P</b>
<i>Florists</i>	<b>P</b>
<i>Funeral Homes &amp; Mortuaries</i>	<b>P</b>
<i>Furniture, &amp; Home Furnishings/Fixtures Stores</i>	<b>P</b>
<i>Furniture Restoration &amp; Repair (refinishing/upholstery)</i>	<b>P</b>
<i>General Retail</i>	<b>P</b>



<b>Commercial/Retail/Office/Service (cont)</b>	
General Rental Centers	P
Gift Shops	P
Grocery Stores	P
Hardware Stores	P
Health & Personal Care Stores	P
Home Improvement Centers (lumber stored in enclosed structure)	P
Interior Designers/Showrooms	P
Locksmiths	P
Manufactured Home Dealers/Repair	P
Medical Equipment Sales	P
Medical Laboratories	P
Movie Rental Stores	P
Office Supply Stores	P
Outdoor display of products/materials for retail sale or rental (accessory to a principle permitted retail use).	P
Outdoor Sales/Rental of automobiles, trucks, motorcycles, recreational equipment, marine craft, farm implements, contractor's equipment (See §7.15)	P*
Pawn Shops/Resale Shops/Thrift Store	P
Personal Services (beauty shops, tailoring, massage, spas)	P
Pet and Pet Care Stores (except Veterinary and Animal Shelters)	P
Pharmacies/Medical & Optical Supplies	P
Photofinishing/Photographers	P
Printing/Binding/Publishing of Printed Materials	P
Professional Cleaning Services	P
Professional Offices	P
Real Estate Sales	P
Real Estate Sales in conjunction with a specific development	P
Recording Studios	P
Retail Uses with Outdoor Storage	P
Seasonal Sales/Transient Sales	P
Sexually Oriented Businesses (See §7.25)	S*
Shopping Center/Business Center – Multiple Businesses	S
Small Engine Repair	P
Small-Scale Craft Making	P
Sporting Goods, Hobby, Book & Music Stores	P
Studios for dance and music	P
Taxidermy Shops	P
<b>Communications</b>	
Wireless Communications Equipment & Support Structures (towers) (See §7.20)	P*

<b>Construction/Contractors</b>	
Contractors Establishments (provided all products, material and equipment are stored within an enclosed building). Ex: Carpentry, Plumbing, Electrical	P
Contractor's Establishments with Storage Facilities for Building Materials - Sand, Gravel, Stone, Lumber)/Contractor's Equipment (with outdoor storage) – ex: Building Contractors, Well Drilling, Excavating, Septic Pumping, and similar.	P
<b>Educational Services/Religion</b>	
Trade Schools; Vocational, Training and/or Educational Centers (designed to provide training at the business, technical and/or professional level)	P
<b>Manufacturing/Industrial/Resource Extraction/Waste Management</b>	
Accessory Uses incidental to Manufacturing (offices, foods services, caretaker buildings)	P
Appliance, Heating, and Ventilation Equipment Mfg	P
Asphalt Mfg	P
Bakeries (not dealing directly with customers)	P
Blast Furnace, Steel Furnace, Blooming or Rolling Mill	P
Central Dry Cleaning Plants (not dealing directly with customers); Commercial Laundries	P
Ceramic Products using Gas- or Electrically-Fired Kilns, Glass Products, or Stone Products	P
Computer, Electronic, & Appliance Product Mfg	P
Concrete, Cement, Gypsum, Plaster of Paris, Corrosive Acid or Alkali Mfg	P
Data Processing & Computer Centers including the servicing & maintenance of electronic data processing equipment.	P
Dry Bulk Blending Plants	P
Fertilizer, Liquid Nitrogen, & Anhydrous Ammonia Handling	P
Food/beverage processing	P
Food/beverage bottling & packaging	P
Furniture & Related Product Mfg	P
Gas & Oil Processing Facilities	P
Ice & Cold Storage Plants	P
Incinerator Plant (non-pyrolysis)	P
Incinerator Plant (pyrolysis type)/Gasification	P
Industrial Parks	P
Junk Yard (See §7.08)	P*
Laboratories	P
Leather & Allied Product Mfg	P
Light Manufacturing, Assembly, Testing & Repair of Components, Devices, Equipment & Systems of Professional Scientific and Controlling Instruments; Photographic & Optical Goods	P

**I**

<b>Manufacturing/Industrial/ Resource Extraction /Waste Management (cont)</b>	
Machine Parts Processing	P
Machine Shops/Jobbing	P
Meat Packing Plants	P
Metal Products (including Plating/Buffering/Polishing/Cutting/ Slitting/Shearing)	P
Mineral Processing Facilities & Operations	P
Mining/Natural Resource Extraction (incl sand, gravel, rock and mineral extraction) (See §7.11)	S*
Miscellaneous Mfg (from previously prepared materials including agricultural, building, natural, synthetic, biological, and ceramic materials)	P
Monument, Cut Stone & Similar Product Mfg	P
Office Uses related to manufacturing/industry	P
Petroleum Products, Gas Products, Paint & Chemical Bulk Storage & Distribution	P
Pharmaceutical Preparations, Cosmetics, and Toiletries	P
Plastics Mfg	P
Portable and temporary hot and cold mix asphalt plants, ready-mix concrete plants, and similar uses.	P
Prefabricated Buildings Mfg	P
Printing, Lithographic & Blueprinting	P
Recycling & Resource Recovery Facilities/Transfer Stations/Waste Collection	P
Refinery	P
Research/Design/Experimental Product Development	P
Salvage Yards; Wrecking Yards; Scrap Yards (See §7.08)	P*
Sign Painting & Mfg	P
Smelting Industries	P
Solar Panels and Alternative Energy Systems Mfg	P
Textile & Apparel Mfg	P
Tool & Die Shops	P
Truck (light) and care maintenance with office areas	P
Waste Material Conversion/Reduction, Disposal (not as dump or landfill)	P
Wood & Paper Product Mfg (not mills)	P
<b>Miscellaneous &amp; Mixed Uses</b>	
Accessory Buildings & Uses Incidental to Principal Permitted Uses (See §3.18)	P*
Accessory Buildings (Stand Alone) (See §3.18)	P*
<b>Residential Uses</b>	
Living Quarters for Watchman or Caretaker – Industrial Uses	P
Temporary Dwelling During Construction (§3.20)	P

<b>Transportation/ Warehousing/Wholesale Trade/ Storage/Shipping</b>	
Bus Garages	P
Couriers/Parcel Packing/Shipping/ Delivery /Mail Order Establishments	P
Drone (Unmanned Aerial) Centers	P
Scenic & Sightseeing Transportation/Ground Passenger Transportation	P
Self-Storage Facilities	P
Towing Businesses	P
Truck/Freight Terminal/Maintenance & Repair	P
Trucking & Transportation-Related Uses	P
Truck Washes	P
Vehicle Parking & Storage	S
Warehousing & Storage (including mini-storage)	P
Wholesale Trade	P
<b>Utilities/Energy</b>	
Essential Services	P
Gas Regulator Stations	P
Propane Supply Companies	P
Public Utility Facilities (without storage yards)	P
Public Utility Facilities (with storage yards)	P
Solar Energy Facility (Utility Scale) (See §7.18)	P*
Solar Panels (Accessory Use) (See §7.17)	P*
Telephone Exchange Buildings	P
Utility Transformer Stations & Substations	P

**I**

**C. Development Standards.**

**Lot & Structure Standards Table 4.08B**

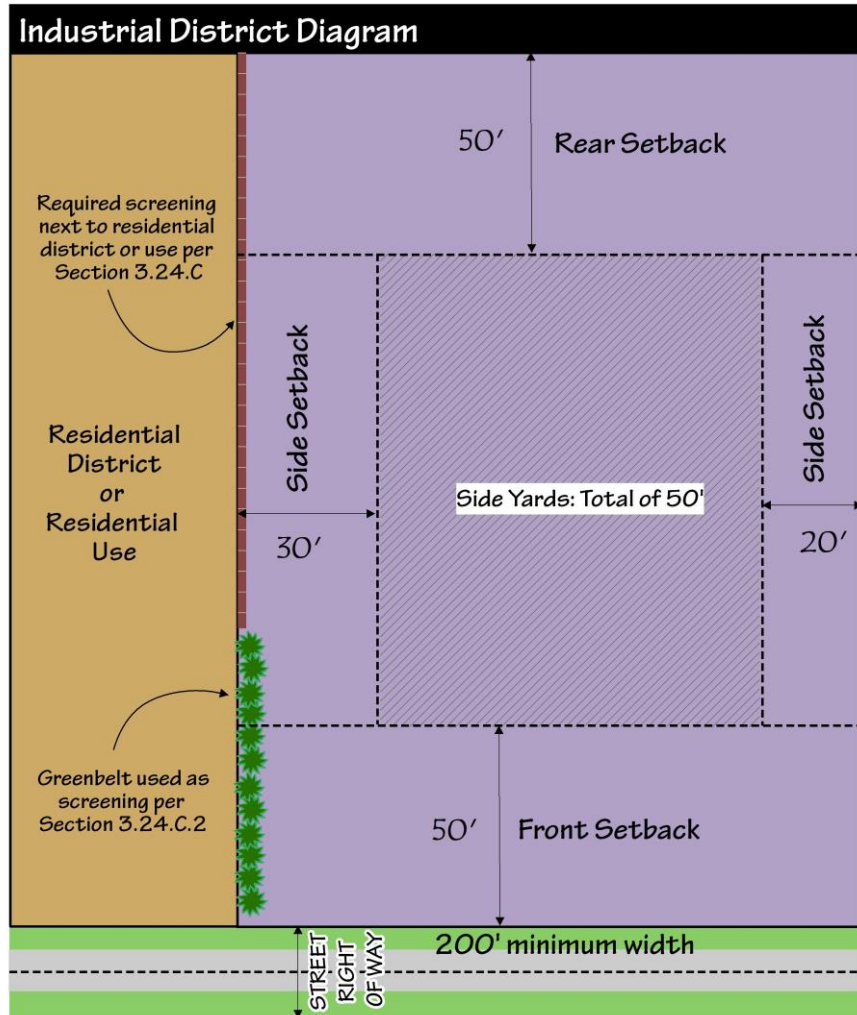
<b>Lot Area (minimum)</b>	2 acres per principal use 40,000 sq ft per principal use where a lot or parcel is served by a public or common water supply system and a public wastewater sewage and treatment system.
<b>Lot Width (minimum)</b>	200 ft (for lots with on-site well water and septic tank wastewater disposal) 120 ft (for lots with public or common water supply and wastewater disposal)
<b>Building Height (maximum)</b>	40 ft 20 ft for detached accessory structure
<b>Lot Coverage (maximum)</b>	50 percent
<b>Floor Area (minimum)</b>	Residential: 600 sq ft for a 1 story dwelling (ground floor). Dwellings under 600 sq ft may be approved after site plan review by the Planning Commission (400 sq ft shall be the minimum dwelling ground floor area approved by the Planning Commission). Non-Residential: None

**Setbacks**

<b>Front</b>	50 ft
<b>Rear</b>	50 ft
<b>Side</b>	20 ft for one side yard, total of 50 ft for both side yards (added together)

**Other Development Regulations**

<b>Access</b>	All uses shall only have vehicular access via a hard surface year-around paved road, including the road system which connects it to the state and federal designated highway routes by means of a frontage access road(s) except as otherwise provided in <b>Section 3.16</b> . . The Planning Commission may waive the requirement of a hard surface year-around paved road.
<b>Storage</b>	The storage of goods, materials, trash or garbage is not permitted outside of the main or accessory buildings or structures, unless it is screened in accordance with <b>Section 3.26</b> .
<b>Barriers</b>	All development for the permitted uses shall be physically separated from access roads by a curb and a planting strip or other suitable barrier. Such barrier shall effectively prevent unchanneled vehicle ingress or egress, except by approved accessways or driveways.
<b>Screening</b>	When adjacent to or across the road from existing residential uses or zoning districts, an industrial use of a lot or parcel shall provide a landscaped greenbelt, wall or screen in accordance with <b>Section 3.24.C</b> .
<b>Sewage Disposal</b>	Permitted industrial uses shall be served by a public sewer service or an approved packaged sanitary treatment facility, approved by the County Health Department. All packaged treatment plant facilities shall provide a minimum of secondary level treatment and shall meet all other applicable federal, state, and local standards and regulations. The effluent from same shall be disposed of in a manner and method which conforms to or exceeds the minimum standard of the State of Michigan Water Resources Commission and the County Health Department. The collection system used in conjunction with a packaged treatment facility shall be located and designed to readily connect into a future public sewer service system without the need for reconstruction of any main or lateral sewer links.
<b>Toxic Waste Disposal</b>	All toxic wastes shall be disposed of in accordance with all state or federal laws, rules and regulations governing the disposal of specific toxic substances.



**Section 4.09 Table of Permitted & Special Land Uses (full table)**

Uses permitted in Wilber Township are listed in **Table 4.09**. Uses denoted with a “P” are permitted by right with the appropriate zoning permit. Uses denoted with an “S” are Special Uses. If a use’s cell within the table is empty in a particular column, then the use is not permitted in that particular district. Uses denoted with an asterisk “\*” have supplemental regulations. The district’s columns use the same colors found on the zoning map for ease of reference (shown in the diagram below).

Wilber Township Zoning Districts	
RD	Resource Development District
AR	Agricultural Residential District
MDR	Medium-Density Residential District
CSC	Community Service Commercial District
I	Industrial District

Land Use Categories	Pg
Accommodation & Food Services	4-22
Agriculture/Forest Products	4-23
Arts, Entertainment, & Recreation	4-24
Commercial/Retail/Office/Service	4-25
Communications	4-26
Construction/Contractors	4-26
Educational Services/Religion	4-26
Human Care & Social Assistance	4-27
Manufacturing/Industrial/Mining/Waste Management	4-27
Miscellaneous & Mixed Uses	4-29
Public Facilities	4-29
Residential Uses	4-29
Transportation Services/ Warehousing/ Wholesale Trade/ Storage/Shipping	4-30
Utilities/Energy	4-30

Table of Permitted and Special Land Uses					
P = Permitted by right    S = Permitted with a Special Use Permit *Uses with Supplemental Regulations	RD	AR	MDR	CSC	I
<b>Accommodation &amp; Food Services</b>					
<i>Bakeries (goods produced &amp; sold on-site)</i>				P	
<i>Bed &amp; Breakfasts &amp; Tourist Homes (See §7.12)</i>	S*	S*	S*		
<i>Cabin Courts (Cottages – rental)</i>	P	P	P		
<i>Caterers/Food Service Contractors</i>				P	
<i>Coffee Shops</i>				P	
<i>Convention Centers/Conference Centers/Banquet Halls/Wedding Venues</i>	S	S		S	
<i>Drinking Establishments/Taverns/Bars</i>				P	
<i>Food Trucks</i>	P	P		P	
<i>Hotels &amp; Motels (attached or detached units)</i>					
<i>Inns</i>	S	S			
<i>Microbreweries, Distilleries, &amp; Wineries (serving to the public)</i>		S		S	
<i>Microbreweries, Distilleries, &amp; Wineries (NOT serving to the public)</i>					P
<i>Resorts, Guest Ranches, &amp; Vacation Farms</i>	S	S			
<i>Restaurants</i>				P	
<i>Rooming Houses &amp; Boarding Houses (See §7.13)</i>	S*	S*	S*		
<i>Short Term Rentals</i>	P	P	P		

<b>Table of Permitted and Special Land Uses</b>					
<b>P = Permitted by right    S = Permitted with a Special Use Permit</b>	<b>RD</b>	<b>AR</b>	<b>MDR</b>	<b>CSC</b>	<b>I</b>
<b>*Uses with Supplemental Regulations</b>					
<b>Agriculture/Forest Products</b>					
<i>Agricultural Equipment Dealers/Repair/Rental</i>		S		P	P
<i>Agricultural Products Processing &amp; Storage (excluding Concentrated Animal Feeding Operations)</i>		S			
<i>Agricultural Tourism Businesses (on Farms)</i>		S			
<i>Animal Sales Yards/ Auctions for Livestock</i>		S			
<i>Animal Shelter (See §7.05)</i>	S*	S*			
<i>Biofuel Production Facilities on Farms (See §7.22)</i>	P*S*	P*S*			
<i>Boarding/Riding Stables and Academies</i>	P	P			
<i>Bulk seed, feed, fertilizer &amp; nursery stock outlet &amp; distribution centers</i>		S			
<i>Cider Mills</i>	P	P			
<i>Farms &amp; Farm Product Processing, Commercial</i>	P	P			
<i>Farms &amp; Farm Product Processing, Domestic</i>	P	P	P		
<i>Farm Supply &amp; Feed Stores</i>	P	P			
<i>Farm Market/Roadside Stand (goods produced on site) (See §7.03)</i>	P*	P*			
<i>Farmer's Markets (not produced on site)/Fruit &amp; Vegetable Market</i>	P	P			
<i>Firewood Sales, Commercial</i>	S	S			P
<i>Firewood Sales (if wood comes from the property)</i>	P	P			
<i>Forest Products Processing (Saw Mills, Veneer Mills, Planing Mills &amp; related) (See §7.06)</i>	S*	S*			P*
<i>Forest Products Processing, Temporary (i.e. portable saw mills)</i>	P	P			
<i>Forestry/Forest Management (including forest harvesting and temporary log storage yards)</i>	P				
<i>Food Hub/Food Incubator</i>		S			
<i>Game Preserves</i>	S	S			
<i>Grain Elevators</i>	S	S			P
<i>Grain &amp; Livestock Truck and Cartage Facilities</i>	S	S			
<i>Greenhouses/Hoophouses/Nurseries/Landscaping Establishment</i>		P			
<i>Kennels (See §7.05)</i>	S*	S*			
<i>Lumber Yards (pre-planed, finished lumber)/Building Material Sales</i>				P	P
<i>Slaughter Houses</i>					P
<i>Veterinary (Animal) Clinic or Hospital (with indoor kennels)</i>		S			

<b>Table of Permitted and Special Land Uses</b>					
<b>P = Permitted by right    S = Permitted with a Special Use Permit</b>	<b>RD</b>	<b>AR</b>	<b>MDR</b>	<b>CSC</b>	<b>I</b>
<b>*Uses with Supplemental Regulations</b>					
<b>Arts, Entertainment, &amp; Recreation</b>					
<i>Amusement Arcades</i>				P	
<i>Amusement Parks</i>				S	
<i>Archeological Sites</i>	P	P			
<i>Art Studios &amp; Galleries</i>				P	
<i>Ballfields</i>	P	P	P	P	P
<i>Bike Shops</i>				P	
<i>Bowling Centers/Billiards Halls</i>				P	
<i>Campgrounds</i>	S	S			
<i>Camps (ex: summer camp)</i>	S	S			
<i>Club for Swimming or Court Games</i>	S				
<i>Country Clubs</i>	S	S			
<i>Equipment Rental (non-motorized)/Outfitter</i>				P	
<i>Fitness &amp; Recreational Sports Center (spas, health clubs, racquetball, karate, yoga, swim)</i>				P	
<i>Golf Courses &amp; Driving Range</i>	S	S	S		
<i>Historic Sites</i>	S	S			
<i>Hunting Preserves</i>	S	S			
<i>Museums</i>				P	
<i>Nature /Forest Preserve Areas</i>	S	S	S		
<i>Outdoor Performance Facilities</i>		S			
<i>Outdoor Recreation Facilities (commercial: ex – go karts; miniature golf)</i>				P	
<i>Private Clubs; Lodges</i>	S	S			
<i>Public Parks, Playgrounds</i>	P	P	P		
<i>Race Tracks</i>				S	
<i>RV Parks</i>	S	S			
<i>Skating Rinks (indoor or outdoor)</i>				P	
<i>Sportsmen’s Associations/Firearms Ranges/Archery Ranges</i>				S	
<i>Theaters/Performing Arts Facilities</i>				P	
<i>Tours (Commercial Operations)</i>				P	
<i>Wildlife Preserves</i>	S	S			
<i>Zoos and Animal Tours</i>				S	

<b>Table of Permitted and Special Land Uses</b>					
<b>P = Permitted by right S = Permitted with a Special Use Permit</b>	<b>RD</b>	<b>AR</b>	<b>MDR</b>	<b>CSC</b>	<b>I</b>
<b>*Uses with Supplemental Regulations</b>					
<b>Commercial/Retail/Office/Service</b>					
Antique Stores				P	P
Automotive Body/Paint/Interior & Glass; Auto Repair				P	P
Automotive Oil Change				P	P
Automotive Service Station (See §7.10)				P*	P*
Automotive Car Washes				P	P
Automotive Equipment Rental/Leasing				P	P
Bait and Tackle Shops				P	P
Boat/RV/Recreational Equipment Repair & Storage				P	P
Building & Garden Equipment & Supplies Dealers				P	P
Cash Advance Stores				P	P
Clothing & Clothing Accessories Stores; Shoe Sales & Repair				P	P
Commercial/Industrial Equipment Rental & Leasing				P	P
Commercial Equipment Repair & Maintenance				P	P
Convenience Stores				P	P
Crematoriums				P	P
Drive-Through Establishments (other than restaurants)				P	P
Dry Cleaning & Laundry Services (cleaning equipment is used to service only the premises at which it is located)				P	P
Electronic & Precision Equipment Repair & Maintenance				P	P
Electronics & Appliance Stores				P	P
Extermination & Pest Control Services				P	P
Farm Supply Stores				P	P
Film Production Facilities including sound stages and other related activities				P	P
Financial Institutions				P	P
Flea Market				P	P
Florists	P	P		P	P
Funeral Homes & Mortuaries				P	P
Furniture, & Home Furnishings/Fixtures Stores				P	P
Furniture Restoration & Repair (refinishing/upholstery)				P	P
General Retail				P	P
General Rental Centers				P	P
Gift Shops				P	P
Grocery Stores				P	P
Hardware Stores				P	P
Health & Personal Care Stores				P	P
Home Improvement Centers (lumber stored in enclosed structure)				P	P
Interior Designers/Showrooms				P	P
Locksmiths				P	P
Manufactured Home Dealers/Repair				P	P
Medical Equipment Sales				P	P



<b>Table of Permitted and Special Land Uses</b>					
P = Permitted by right    S = Permitted with a Special Use Permit *Uses with Supplemental Regulations	RD	AR	MDR	CSC	I
<b>Commercial/Retail/Office/Service</b>					
Medical Laboratories				P	P
Movie Rental Stores				P	P
Office Supply Stores				P	P
Outdoor display of products/materials for retail sale or rental (accessory to a principle permitted retail use).				P	P
Outdoor Sales/Rental of automobiles, trucks, motorcycles, recreational equipment, marine craft, farm implements, contractor's equipment (See §7.15)				P*	P*
Pawn Shops/Resale Shops/Thrift Store				P	P
Personal Services (beauty shops, tailoring, massage, spas)				P	P
Pet and Pet Care Stores (except Veterinary and Animal Shelters)				P	P
Pharmacies/Medical & Optical Supplies				P	P
Photofinishing/Photographers				P	P
Printing/Binding/Publishing of Printed Materials				P	P
Professional Cleaning Services				P	P
Professional Offices				P	P
Real Estate Sales				P	P
Real Estate Sales in conjunction with a specific development				P	P
Recording Studios				P	P
Retail Uses with Outdoor Storage				P	P
Seasonal Sales/Transient Sales				P	P
Sexually Oriented Businesses (See §7.25)				S*	S*
Shopping Center/Business Center – Multiple Businesses				S	P
Small Engine Repair				P	P
Small-Scale Craft Making				P	P
Sporting Goods, Hobby, Book & Music Stores				P	P
Studios for dance and music				P	P
Taxidermy Shops	P	P		P	P
<b>Communications</b>					
Television/Radio Broadcasting Stations				P	
Wireless Communications Equipment & Support Structures (towers) (See §7.20)	S*	S*	S*		P*
<b>Construction/Contractors</b>					
Contractors Establishments (provided all products, material and equipment are stored within an enclosed building). Ex: Carpentry, Plumbing, Electrical	P	P		P	P
Contractor's Establishments with Storage Facilities for Building Materials - Sand, Gravel, Stone, Lumber)/Contractor's Equipment (with outdoor storage) – ex: Building Contractors, Well Drilling, Excavating, Septic Pumping, and similar.	P	P		P	P
<b>Educational Services/Religion</b>					
Colleges/Universities/Other Institutions of Higher/Specialized Learning (public and private)				S	
Public or private schools (See §7.07)	P	P*	P		
Religious Institutions and associated structures (parish hall, school, cemetery) (See §7.07)	S	S*	S		
Trade Schools; Vocational, Training and/or Educational Centers (designed to provide training at the business, technical and/or professional level)					P

- |                              |                                   |                                  |                                       |                                  |
|------------------------------|-----------------------------------|----------------------------------|---------------------------------------|----------------------------------|
| <b>1</b> Purpose & Authority | <b>2</b> Definitions              | <b>3</b> General Provisions      | <b>4</b> District Regulations         | <b>5</b> Site Plans & Plot Plans |
| <b>6</b> Special Land Uses   | <b>7</b> Supplemental Regulations | <b>8</b> Zoning Board of Appeals | <b>9</b> Administration & Enforcement | <b>10</b> Adoption & Amendments  |

<b>Table of Permitted and Special Land Uses</b>					
<b>P</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit *Uses with Supplemental Regulations	<b>RD</b>	<b>AR</b>	<b>MDR</b>	<b>CSC</b>	<b>I</b>
<b>Human Care &amp; Social Assistance</b>					
Adult Foster Care Family Homes (6 or less adults)	<b>P</b>	<b>P</b>	<b>P</b>		
Adult Foster Care Small Group Home (7-12 adults) (See §7.07)	<b>S</b>	<b>S*</b>			
Adult Foster Care Large Group Home (13-20 adults) (See §7.07)	<b>S</b>	<b>S*</b>			
Adult Foster Care Congregate Facilities				<b>S</b>	
Adult Commercial Day Care – Small Group (7-12 adults)				<b>S</b>	
Adult Commercial Day Care – Large Group (greater than 12 adults)				<b>S</b>	
Child Care Services (see following)					
Family Child Care Home (6 or less)	<b>P</b>	<b>P</b>	<b>P</b>		
Group Child Care Home (7 -12) (See §7.04)	<b>S*</b>	<b>S*</b>	<b>S*</b>		
Child Care Center/Nursery School(not in home)				<b>P</b>	
Child Caring Institution				<b>P</b>	
Clinics (Human) - Health Care/Dental/Optical Clinics				<b>P</b>	
Hospitals & Sanitariums				<b>S</b>	
Nursing Home/Assisted Living Home /Convalescent Home				<b>S</b>	
Residential Human Care and Treatment Facility				<b>S</b>	
Residential Facility for Battered Women and Children (in a private residence)	<b>P</b>	<b>P</b>	<b>P</b>		
State-Licensed Residential Facilities (6 or less adults)	<b>P</b>	<b>P</b>	<b>P</b>		
<b>Manufacturing/Industrial/Resource Extraction/Waste Management</b>					
Accessory Uses incidental to Manufacturing (offices, foods services, caretaker buildings)					<b>P</b>
Appliance, Heating, and Ventilation Equipment Mfg					<b>P</b>
Asphalt Mfg					<b>P</b>
Bakeries (not dealing directly with customers)					<b>P</b>
Blast Furnace, Steel Furnace, Blooming or Rolling Mill					<b>P</b>
Central Dry Cleaning Plants (not dealing directly with customers); Commercial Laundries					<b>P</b>
Ceramic Products using Gas- or Electrically-Fired Kilns, Glass Products, or Stone Products					<b>P</b>
Computer, Electronic, & Appliance Product Mfg					<b>P</b>
Concrete, Cement, Gypsum, Plaster of Paris, Corrosive Acid or Alkali Mfg					<b>P</b>
Data Processing & Computer Centers including the servicing & maintenance of electronic data processing equipment.					<b>P</b>
Dry Bulk Blending Plants					<b>P</b>
Fertilizer, Liquid Nitrogen, & Anhydrous Ammonia Handling					<b>P</b>
Food/beverage processing					<b>P</b>
Food/beverage bottling & packaging					<b>P</b>
Furniture & Related Product Mfg					<b>P</b>
Gas & Oil Processing Facilities					<b>P</b>
Ice & Cold Storage Plants					<b>P</b>
Incinerator Plant (non-pyrolysis)					<b>P</b>
Incinerator Plant (pyrolysis type)/Gasification					<b>P</b>
Industrial Parks					<b>P</b>
Junk Yard (See §7.08)					<b>p*</b>

<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
<b>6</b> Special Land Uses	<b>7</b> Supplemental Regulations	<b>8</b> Zoning Board of Appeals	<b>9</b> Administration & Enforcement	<b>10</b> Adoption & Amendments

<b>Table of Permitted and Special Land Uses</b>					
<b>P</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit *Uses with Supplemental Regulations	<b>RD</b>	<b>AR</b>	<b>MDR</b>	<b>CSC</b>	<b>I</b>
<b>Manufacturing/Industrial/Resource Extraction/Waste Management</b>					
Laboratories					P
Leather & Allied Product Mfg					P
Light Manufacturing, Assembly, Testing & Repair of Components, Devices, Equipment & Systems of Professional Scientific and Controlling Instruments; Photographic & Optical Goods					P
Machine Parts Processing					P
Machine Shops/Jobbing					P
Meat Packing Plants					P
Metal Products (including Plating/Buffering/Polishing/Cutting/ Slitting/Shearing)					P
Mineral Processing Facilities & Operations					P
Mining/Natural Resource Extraction (incl sand, gravel, rock and mineral extraction) (See §7.11)	S*	S*	S*	S*	S*
Miscellaneous Mfg (from previously prepared materials including agricultural, building, natural, synthetic, biological, and ceramic materials)					P
Monument, Cut Stone & Similar Product Mfg					P
Office Uses related to manufacturing/industry					P
Petroleum Products, Gas Products, Paint & Chemical Bulk Storage & Distribution					P
Pharmaceutical Preparations, Cosmetics, and Toiletries					P
Plastics Mfg					P
Portable and temporary hot and cold mix asphalt plants, ready-mix concrete plants, and similar uses.					P
Prefabricated Buildings Mfg					P
Printing, Lithographic & Blueprinting					P
Recycling & Resource Recovery Facilities/Transfer Stations/Waste Collection					P
Refinery					P
Research/Design/Experimental Product Development					P
Salvage Yards; Wrecking Yards; Scrap Yards (See §7.08)					P*
Sign Painting & Mfg					P
Smelting Industries					P
Solar Panels and Alternative Energy Systems Mfg					P
Textile & Apparel Mfg					P
Tool & Die Shops					P
Truck (light) and care maintenance with office areas					P
Waste Material Conversion/Reduction, Disposal (not as dump or landfill)					P
Wood & Paper Product Mfg (not mills)					P

<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
<b>6</b> Special Land Uses	<b>7</b> Supplemental Regulations	<b>8</b> Zoning Board of Appeals	<b>9</b> Administration & Enforcement	<b>10</b> Adoption & Amendments

<b>Table of Permitted and Special Land Uses</b>					
P = Permitted by right    S = Permitted with a Special Use Permit *Uses with Supplemental Regulations	RD	AR	MDR	CSC	I
<b>Miscellaneous &amp; Mixed Uses</b>					
<i>Accessory Buildings &amp; Uses Incidental to Principal Permitted Uses (See §3.18)</i>	P*	P*	P*	P*	P*
<i>Accessory Buildings (Stand Alone) (See §3.18)</i>	P*	P*	P*	P*	P*
<i>Cemeteries including Columbaria and Mausoleums (human or pet)</i>	S				
<i>Mixed Use – Residential and Commercial</i>	S	S	S		
<i>Planned Unit Development (See §7.23)</i>	S*	S*	S*		
<i>Pools (private residential) – NO ZONING PERMIT REQUIRED (See §3.19)</i>	P*	P*	P*		
<i>Site Condominium Development (See §7.24)</i>	S*	S*	S*		
<b>Public Facilities</b>					
<i>Governmental Buildings</i>		P	P		
<b>Residential Uses</b>					
<i>Accessory Dwelling Units/Guest Houses (See §7.14)</i>	S*	S*	S*		
<i>Dwelling Units above/attached to a Commercial Establishment</i>				P	
<i>Home-Based Businesses (See §7.02)</i>	P*	P*	P*		
<i>Home Occupations (See §7.02)</i>	P*	P*	P*		
<i>Living Quarters for Watchman or Caretaker – Industrial Uses</i>					P
<i>Manufactured Housing Community (See §7.09)</i>	S*	S*			
<i>Multiple-Family Dwelling Units (apartments)</i>	S	S	S		
<i>Single-Family Detached Dwelling</i>	P	P	P		
<i>Single-Family Attached Dwelling (Townhouses; Condominiums)</i>	S	S	S		
<i>Single-Family Earth Homes (See §7.16)</i>	P*	P*	P*		
<i>Temporary Dwelling During Construction (§3.20)</i>	P*	P*	P*	P*	P*
<i>Tiny Homes (400-599 sq ft)</i>	P	P	P		
<i>Two-Family Dwelling (duplex)</i>	P	P	P		

<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
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<b>Table of Permitted and Special Land Uses</b>					
<b>P</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit *Uses with Supplemental Regulations	<b>RD</b>	<b>AR</b>	<b>MDR</b>	<b>CSC</b>	<b>I</b>
<b>Transportation Services/Warehousing/Wholesale Trade/Storage/Shipping</b>					
<i>Airstrips (private) and accessory uses</i>	<b>S</b>	<b>S</b>			
<i>Bus Garages</i>					<b>P</b>
<i>Couriers/Parcel Packing/Shipping/ Delivery /Mail Order Establishments</i>					<b>P</b>
<i>Drone (Unmanned Aerial) Centers</i>					<b>P</b>
<i>Scenic &amp; Sightseeing Transportation/Ground Passenger Transportation</i>					<b>P</b>
<i>Self-Storage Facilities</i>					<b>P</b>
<i>Towing Businesses</i>				<b>P</b>	<b>P</b>
<i>Truck/Freight Terminal/Maintenance &amp; Repair</i>					<b>P</b>
<i>Trucking &amp; Transportation-Related Uses</i>					<b>P</b>
<i>Truck Washes</i>					<b>P</b>
<i>Vehicle Parking &amp; Storage</i>				<b>S</b>	<b>S</b>
<i>Warehousing &amp; Storage (including mini-storage)</i>					<b>P</b>
<i>Wholesale Trade</i>					<b>P</b>
<b>Utilities/Energy</b>					
<i>Essential Services</i>					<b>P</b>
<i>Gas Regulator Stations</i>					<b>P</b>
<i>Propane Supply Companies</i>				<b>P</b>	<b>P</b>
<i>Public Utility Facilities (without storage yards)</i>					<b>P</b>
<i>Public Utility Facilities (with storage yards)</i>					<b>P</b>
<i>Solar Energy Facility (Utility Scale) (See §7.18)</i>					<b>P*</b>
<i>Solar Panels (Accessory Use) (See §7.17)</i>	<b>P*</b>	<b>P*</b>	<b>P*</b>	<b>P*</b>	<b>P*</b>
<i>Telephone Exchange Buildings</i>					<b>P</b>
<i>Utility Transformer Stations &amp; Substations</i>					<b>P</b>
<i>Wind Energy Facilities and Anemometer Towers (Commercial) (See §7.19)</i>		<b>S*</b>			
<i>Wind Energy Systems (on-site) (See §7.19)</i>	<b>P*</b>	<b>P*</b>	<b>P*</b>		

## Article 5

# Plot Plan & Site Plan Review

Sec	Name	Pg	Sec	Name	Pg
5.01	<a href="#">Purpose &amp; Approval Summary Table</a>	5-1	5.06	<a href="#">Conformity to Site Plan Required</a>	5-10
5.02	<a href="#">Plot Plans</a>	5-2	5.07	<a href="#">Amendment to Approved Site Plan</a>	5-11
5.03	<a href="#">Site Plan Submittal Req &amp; Procedures</a>	5-3	5.08	<a href="#">Inspection</a>	5-12
5.04	<a href="#">Site Plan Data Required</a>	5-6	5.09	<a href="#">Expiration of a Site Plan</a>	5-13
5.05	<a href="#">Site Plan Approval Standards</a>	5-8			

### Section 5.01 Purpose & Approval Summary Table

The purpose of this Article is to establish uniform requirements of procedure for all developments in the Township so that the provisions of this Zoning Ordinance can be equitably and fairly applied to all persons seeking to add to the existing development; so that both those developing property and the responsible Township officials can be assured that compliance with the Zoning Ordinance is both possible and correct prior to the issuance of a Zoning Permit and the starting of construction. Furthermore, its purpose is to ensure that development taking place within the Township is orderly, properly designed, safe, efficient, environmentally sound, and designed in such manner as to protect adjacent properties from substantial adverse impacts.

#### Approval Summary Table

Type of Use	Plan Required	Approving Body
1. Single-Family Detached Dwellings, Single-Family Attached Dwellings, Two-Family Dwellings (minimum 600 sq ft ground floor)	Plot Plan	Reviewed and approved ZA
2. Single-Family Detached Dwellings, Single-Family Attached Dwellings, Two-Family Dwellings (400 to 599 sq ft ground floor)	Plot Plan	Reviewed and approved by PC
3. Adult Foster Care Family Homes & State Licensed Residential Facilities (new construction only)	Plot Plan	Reviewed and approved by ZA
4. Residential Special Uses	Plot Plan	Reviewed and approved by PC
5. Special Uses (non-residential)	Site Plan	after public hearing
6. Parking Lots	Site Plan	Reviewed and approved by PC
7. Change of Use - between or within use categories (i.e. commercial to industrial or florist shop to restaurant).	Plot Plan or Site Plan <i>may</i> be required by the ZA	Reviewed and approved by ZA.
8. Accessory Structures	Plot Plan	Reviewed and approved by ZA
9. Essential Services (construction of buildings)	Site Plan	Reviewed and approved by ZA
10. Commercial, Industrial, & Institutional Structures/Uses.	Site Plan	Reviewed and approved PC
11. Multiple-family dwelling units	Site Plan	Reviewed and approved by PC
12. Planned Unit Developments, Site Condominium Projects, and Subdivisions	Site Plan	Reviewed and approved by PC after public hearing
13. Private Roads	Site Plan	Reviewed and approved by PC
14. Fences and Signs	Plot Plan	Reviewed and approved by ZA
15. Farm Dwellings and Buildings; Roadside Stands	Plot Plan	Reviewed and approved by ZA

PC = Planning Commission    ZA = Zoning Administrator

**Section 5.02 Plot Plans**

**A . Circumstances Requiring a Plot Plan.**

Before proceeding with the erection, alteration, enlargement, razing, conversion, or moving of any building or structure, a plot plan shall be submitted with all applications for Zoning Permits for the uses listed with a required plot plan in the Approval Summary Table in **Section 5.01**. The plot plan requirement shall not apply to alterations inside a building or structure if no change is made in foundations or in outside perimeter.

**B . Plot Plan Data Required for Application.**

The Plot Plan, drawn to scale shall contain the following items and shall be submitted with an application form provided by the Township. The Zoning Administrator may waive any of the plot plan requirements listed below when he/she finds that those requirements are not applicable or necessary.

Plot Plan Requirements	
<b>1. Location</b>	a. Address or legal description of the property where the proposed use will occur.
<b>2. Contact information</b>	a. Name, address, and telephone number of the property owner(s), developer(s), and designer(s), and their interest in said properties.
<b>3. Property Lines</b>	a. The shape, area, location, and dimensions of the lot and property lines, drawn to scale. The scale shall be of such size as deemed adequate by the Zoning Administrator to make a judgment that the application meets the requirements of this Ordinance. When deemed necessary by the Zoning Administrator, a survey may be required. b. The scale, north arrow, and date.
<b>4. Setbacks &amp; Open Spaces</b>	Location of required setbacks of the zoning district. Yard areas and open spaces.
<b>5. Structures</b>	a. The location, shape, dimensions, bulk and height of all structures or impervious surfaces to be erected, altered or moved onto the lot. b. All existing improvements on the lot. c. An elevation drawing of the proposed building(s) may be required by the Zoning Administrator in order to measure the height of the proposed structures.
<b>6. Accesses &amp; Parking</b>	a. The location and configuration of the lot access and driveway, drawn to scale. b. The proposed plan for off-street parking spaces and loading/unloading spaces, if applicable.
<b>7. Type of Use</b>	a. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units or sleeping rooms the building is intended to accommodate. b. The present use of any structure affected by the construction or alteration. c. Number of occupants, employees and customers, if applicable.
<b>8. Rights-of-Way and Easements</b>	a. The location and width of all abutting rights-of-way, easements, and public open spaces within or bordering the subject project.
<b>9. Natural Features</b>	a. Natural features such as forests, water bodies, wetlands, high risk erosion areas, slopes over 10%, drainage and other similar features, if determined by the Zoning Administrator to be applicable.
<b>10. Other</b>	a. Other information concerning the lot or adjoining lots that may be essential for determining whether the provisions of this Ordinance are being observed, as deemed necessary by the Zoning Administrator.

**C. Plot Plan Approval.**

Plot plans are reviewed and approved according to the table in **Section 5.01**. After a plot plan has been reviewed and has been found to be in compliance with the Zoning Ordinance, the Zoning Administrator shall issue a zoning permit upon payment of the required Zoning Permit fee and the filing of any required performance guarantee.

**Section 5.03 Site Plan Submittal Requirements & Approval Procedures**

**A. Circumstances Requiring a Site Plan.**

Before proceeding with the erection, alteration, enlargement, razing, conversion, or moving of any building or structure, a site plan shall be submitted with all applications for Zoning Permits for the uses listed with a required site plan in the Approval Summary Table in **Section 5.01**. The site plan requirement shall not apply to alterations inside a building or structure if no change is made in foundations or in outside perimeter.

No grading, removal of trees or other vegetation, land filling, or construction of improvements shall commence for any development which requires site plan approval until a final site plan is approved and is in effect, except as provided in this Article.

**B. Role of the Zoning Administrator.**

The Zoning Administrator shall not issue a Zoning Permit for construction of, or addition to, any use until a final site plan has been approved by the Planning Commission and is in effect. A use of land requiring site plan review and approval, not involving a building or structure, shall not be commenced or expanded until a final site plan has been approved by the Planning Commission and a Zoning Permit has been issued for it.

**C. Site Plan Pre-Application Conference and Preliminary Site Plan Review.**

An applicant may request a meeting with the Zoning Administrator along or in conjunction with the Planning Commission Chair or with the full Planning Commission for the purpose of reviewing and discussing a proposed preliminary site plan for the purpose of determining the feasibility of the project which the site plan represents and to assist them in understanding the site plan review process and other Ordinance requirements. If the applicant requests a meeting with the full Planning Commission, the request may be put on the agenda of a regularly scheduled meeting or on the agenda of a special meeting at the request of the applicant who shall pay the established fee for such a special meeting. Except for Planned Unit Developments, this conference is not mandatory, but is recommended for small and large projects alike. For large projects, a pre-application conference should be held several months in advance of the desired start of construction. Such an advance conference will allow the applicant/developer time to prepare the needed information for the Planning Commission to make a proper review.

<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
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**D. Number of Copies.**

Seven (7) copies of the proposed site plan, including all required additional or related information pursuant to **Section 5.04 (Site Plan Data Required)**, shall be submitted to the Zoning Administrator by the petitioner or property owner or his/her designated agent. A digital copy of the site plan may be required.

**E. Timing of Submittal.**

Site plans shall be submitted at least thirty (30) days prior to the Planning Commission meeting where the site plan will be considered. If the site plan is required as part of a Special Use Permit, the submittal procedures from **Article 6 (Special Land Uses)** shall be followed. A Special Planning Commission meeting may be held at the request of the applicant provided that the site plan is submitted at least thirty (30) days prior to the requested Special Planning Commission meeting and that any applicable special meeting fees are paid in advance by the applicant.

**F. Review for Completeness Zoning Administrator.**

The Zoning Administrator will review the materials submitted to assure all information required by the Ordinance has been provided. If the application is incomplete, the Zoning Administrator will send a notice with a detailed list of all deficiencies to the applicant. If the site plan, including all required additional or related information, is determined to be complete, it shall be placed on the agenda of the next Planning Commission meeting if the site plan was submitted at least thirty (30) days prior to the meeting. If the site plan was submitted less than thirty (30) days prior to the Planning Commission meeting, the site plan shall be placed on the agenda of the next available meeting.

**G. Coordination with Other Agencies.**

The Zoning Administrator may distribute the site plan to the following for comment or recommendation prior to consideration for approval:

1. The Iosco County Soil Erosion and Sedimentation Control Officer.
2. The Iosco County Drain Commissioner.
3. The Iosco County Road Commission and, if appropriate, the Michigan Department of Transportation.
4. District Health Department.
5. Local police, fire and ambulance service providers.
6. Planning consultant.
7. Other agencies as deemed appropriate.

<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
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**H. Application Fees.**

Application fees pursuant to currently adopted fee schedule shall be paid when the application and site plan are submitted.

**I. Site Plans Requiring ZBA Action.**

Where the applicant is dependent upon the granting of any variances by the Zoning Board of Appeals, said favorable action by the Zoning Board of Appeals shall be necessary before the site plan approval can be granted.

**J. Representation at Meeting.**

If the applicant fails to provide representation, the review may be tabled until the next scheduled Planning Commission meeting or may be acted upon without the applicant's input.

**K. Consultant and Additional Review.**

The Planning Commission may request the assistance of a qualified professional planner, engineer, attorney, or other professional in the site plan review process, if deemed necessary or advisable. The Planning Commission may require an Environmental Impact Assessment (EIA) and/or a traffic study, at the expense of the applicant, for any residential, office, commercial, or industrial development. The Planning Commission may accept an EIA prepared for another public agency.

**L. Planning Commission Action.**

1. Within sixty (60) days of the date of the Planning Commission meeting at which the site plan is first heard, the Planning Commission shall approve, approve with conditions, or deny the proposed site plan based upon the approval standards in **Section 5.05**.
2. The sixty (60) day time limit may be extended upon a written request by the applicant and approved by the Planning Commission. The Planning Commission may suggest and/or require modifications in the proposed final site plan as are needed to gain approval.
3. The decision of the Planning Commission shall be incorporated into a written statement of findings and conclusions relative to the site plan which specifies the basis for the decision and any condition(s) imposed.
4. Approval of a final site plan authorizes issuance of a zoning permit.
5. If the site plan is disapproved by the Planning Commission, notification of such disapproval including specific reasons for the denial shall be given to the applicant within ten (10) days after such Commission action by the Zoning Administrator.

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**M. Signed Copies.**

Upon approval of the site plan, two (2) copies of the site plan shall be signed and dated by the applicant and Zoning Administrator. One (1) signed and dated site plan shall be provided to the applicant, and one (1) copy shall be made part of the Planning Commission’s permanent record of proceedings on the site plan. If required by the Township, a digital copy of the final approved site plan shall be provided by the applicant.

**N. Conditions.**

The Planning Commission may impose reasonable conditions with the approval of a final site plan, pursuant to **Section 9.10** of this Ordinance.

**O. Performance Guarantee.**

1. The applicant may be required to post performance guarantees to insure completion of improvements associated with the project as per **Section 9.06**.
2. If in the judgment of the Planning Commission, during the course of review procedures, it appears prudent to permit the delay of constructing certain provisions as required in this Zoning Ordinance, the Planning Commission may grant such a delay to a specific future date provided that the applicant/owner submits a satisfactory performance guarantee to the Township. The performance guarantee shall remain in effect prior to or coincident with the issuance of the zoning permit and shall remain in effect until the requirements so delayed are fully completed and approved by the Zoning Administrator.

**Section 5.04 Site Plan Data Required**

Each site plan submitted shall be an overall plan for the entire development at such accuracy that the Planning Commission can readily interpret the site plan. Each site plan shall contain the information contained in the following table. The Zoning Administrator may waive any of the site plan requirements listed below when it finds that those requirements are not applicable to the proposed development.

<b>Table 5.04: Site Plan Requirements</b>	
<b>A. General Information</b>	
1.	Name and address of property owner and developer (including contact information).
2.	Name and address of firm preparing the site plan (including contact information).
3.	Property’s legal description.
4.	The existing zoning district in which the site is located and the zoning of adjacent parcels. In the case of a request for a zoning change, the classification of the proposed new district must be shown.
5.	Gross acreage of development and total usable floor area.
6.	Type of use and hours of operation.

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7. Impact statement addressing the demands the development will have on community services and any environmental impacts.
8. Construction timeline.

**B. Map Information**

1. Date, north arrow.
2. Scale no greater than 1" = 50' for property less than 3 acres and no greater than 1" = 100' for property 3 or more acres.
3. A vicinity map shall be submitted showing the location of the site in relation to the surrounding street system, adjacent properties and their uses.

**C. Lot Lines & Right of Way**

1. Existing and proposed boundary lines of the property to include all dimensions and legal description.
2. The location and width of all abutting right-of-ways.

**D. Development Features**

1. **Proposed Features.** The site plan shall show all building locations; proposed finished floor and grade line elevations; size of proposed main building and accessory buildings, their relation to one another and to any existing structure on the site; the height of all buildings, and square footage of floor space. The site plan shall also show proposed signs, fences, common use areas, and recreational facilities.
2. **Existing Man made Features.** The site plan shall show existing man made features, such as buildings; structures; high tension towers; pipe lines; and existing utilities, such as water and sewer lines; excavations; bridges; culverts; drains; and easements. The site plan shall further show any proposed location of connections to existing utilities and proposed extensions thereof.
3. **Vehicular and Pedestrian Circulation.** The site plan shall show the proposed streets, driveways, sidewalks, and other vehicular and pedestrian circulation features within and adjacent to the site.
4. **Parking.** The site plan shall show the location, size and number of parking spaces in the off street parking area, and the identification of service lanes and service parking.
5. **Loading and Unloading Areas.** The site plan shall show the proposed location and size of all loading and unloading areas.
6. **Landscaping.** The site plan shall show the proposed location, use and size of open spaces; and the location of any landscaping, fences, buffering, screening, or walls on the site. Any proposed alterations to the topography and other natural features shall be indicated.
7. **Waste.** The site plan shall show storage and disposal facilities for solid waste generated, including location of dumpsters.
8. **Lighting.** The site plan shall show the location of all exterior lighting, including size and type.
9. **Hazardous Materials.** The site plan shall include information on the storage and use of hazardous materials and the disposal of hazardous waste, which must be in compliance with all State and Federal regulations.
10. **Density.** Site plans for residential developments shall include a density schedule showing the number of dwelling units per net acre, including a dwelling schedule showing the unit type, unit size, and number of each unit type.
11. **Storage.** Outdoor storage areas and snow storage areas.

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12. **Existing Structures within 200 feet.** The location and identification of all existing structures within a two hundred (200) foot radius of the site.
13. **Utilities.** The type, location and size of all existing and proposed utilities.
14. **Drainage.** The location, size and slope of all surface and subsurface drainage facilities.

**E. Natural Features**

1. The location of existing environmental features, such as lakes, streams, wetlands, wooded areas, drains or any other natural or environmental features.
2. The topography of the existing and finished site shall be shown by contours or spot elevations. Where the existing slope on any part of the site is ten percent (10%) or greater, contours shall be shown at intervals of two (2) feet or less.

**F. Phased Construction**

Where phases or staged construction is contemplated for the development of a project, a separate site plan shall be submitted for each phase and must show the interrelationship of the proposed project to the future stages, including the following:

1. Relationship and identification of future structures.
2. Pedestrian and vehicular circulation.
3. Time schedule for completion of the various phases of the proposed construction.
4. Temporary facilities or construction of same as required to facilitate the stated development

**G. Other**

1. **Other Information.** Information as may be required by the Zoning Administrator or Planning Commission to assist in the consideration of the proposed development.
2. **Compliance with State/Federal Laws.** The site plan shall include an affidavit signed by the property owner that he has complied with all applicable State and Federal laws and regulations directed to the use and development of real property, including all State and Federal environmental protection legislation.

**Section 5.05 Site Plan Approval Standards**

In reviewing the site plan, the Planning Commission shall ascertain whether the proposed site plan is consistent with all regulations of this Ordinance. Further, in consideration of each site plan, the Planning Commission shall find that provisions of the zoning district in which said buildings, structures, and uses as indicated in the proposed site plan have been satisfactorily demonstrated and met by the applicant. In addition, each site plan shall conform to the standards listed below.

**A. Harmonious with Adjacent Uses.**

Proposed uses and structures shall be related harmoniously to the natural environment and to existing uses and structures in the vicinity that have a visual relationship to the proposed development.

All elements of the Site Plan shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the adjoining property and uses, and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development or improvement of

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surrounding property for uses permitted in this Ordinance.

**B. Preservation of Natural Environment.**

Existing conditions of the natural environment shall be preserved in their natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of adjacent and surrounding uses and development.

**C. Drainage.**

Special attention shall be given to proper site surface drainage so that the flow of surface waters will be impounded in on-site retention ponds so that excessive surface water will not adversely affect adjacent and surrounding properties or the public storm drainage system. If necessary, storm water shall be removed from all roofs, canopies, and paved areas and carried away in an underground piped storm drainage system. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create impounded water on the paved areas.

**D. Privacy.**

The site plan shall provide reasonable visual and sound privacy for all dwelling units located therein. Fences, walks, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.

**E. Circulation.**

1. There shall be a proper relationship between existing and proposed streets within the vicinity to assure the safety and convenience of pedestrian and vehicular traffic.
2. Circulation systems shall be designed to promote safe and efficient traffic operations within the site at ingress/egress points and at intersections.
3. Vehicular and pedestrian circulation shall be well defined.
4. There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system.
5. Pedestrian-friendly streetscape elements shall be provided, if appropriate.
6. There shall be a safe and convenient parking area provided in accordance with this Ordinance.

**F. Emergency Vehicle Access.**

All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access.

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<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
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**G. Access.**

Every structure or dwelling unit shall have access to a public street, walkway, or other area dedicated to common use. Where possible, shared commercial access drives shall be encouraged.

**H. Screening.**

Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall be subject to such setbacks, screen planting, or other screening methods as shall reasonably be required to prevent their being incongruous with the existing natural and developed environment of adjacent and surrounding properties.

**I. Lighting.**

Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets.

**J. Utilities.**

Electric power and telephone distribution lines shall be underground. Any utility installations remaining above ground shall be located so as to have a harmonious relation to adjacent properties and the site. The proposed method of sanitary sewage disposal from all buildings shall be indicated. All utility installation shall be carried out in accordance with the Standard Rules and Regulations of current adoption of the Michigan Public Service Commission.

**K. Snow Storage.**

Adequate snow handling measures shall be planned for and proper snow storage areas shall be provided.

**L. Landscaping.**

Landscaping, including grass, trees, shrubs, and other vegetation shall be provided to maintain and improve the aesthetic quality of the site and area.

**M. Compliance with Other Statutes and Regulations.**

Site plans shall conform to all applicable requirements of this Ordinance and Federal, State, and local statutes, and approval may be conditioned on the applicant receiving necessary Federal, State, and local permits before the actual zoning permit is granted.

**Section 5.06 Conformity to Site Plan Required**

A. Following approval of a site plan by the Planning Commission, the applicant shall construct the site improvements in complete conformity with the approved site plan and conditions imposed.

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Failure to do so shall be deemed a violation of this Ordinance and the Zoning Permit may be revoked by the Zoning Administrator.

- B. No construction, reconstruction, demolition, or other site work may progress in the interim between submittal and final approval of a site plan.

### Section 5.07 Amendment to an Approved Site Plan

All improvements shall conform to the approved site plan. It shall be the responsibility of the applicant to notify the Zoning Administrator of any requested changes prior to such change being made. The Zoning Administrator shall have the authority to determine if a proposed change requires an amendment to an approved site plan. A site plan may be amended upon application and in accordance with the procedure herein for a site plan. The Zoning Administrator may approve minor changes in an approved site plan, provided that a revised site plan drawing(s) be submitted showing such minor changes, for purposes of record. Even if determined to be a minor change, the Zoning Administrator may refer changes to the Planning Commission for their approval. Requested changes shall not violate the regulations contained within this Ordinance.

#### A. Determination of Minor Changes to a Site Plan.

The Zoning Administrator shall consider the following to be a minor change:

1. Changes in floor plans that do not exceed twenty-five (25) percent of the total floor area or five hundred (500) square feet, whichever is less, and which do not alter the character of the use or increase the amount of required parking.
2. Alterations to vertical elevations by up to twenty-five (25) percent.
3. Movement of a building or buildings by no more than ten (10) feet.
4. Reduction of the size of any structure and/or sign.
5. Improvements to site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc.
6. Internal re-arrangement of the parking lot which does not affect the number of parking spaces by more than ten (10) percent or alter access locations or design.
7. Relocation of sidewalks and/or refuse storage stations.
8. Changes of building materials to another of higher quality, as determined by the Zoning Administrator.
9. Landscaping approved in the site plan that is replaced by similar landscaping to an equal or greater extent.

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10. Changes that will preserve the natural features of the site without changing the basic site layout.
11. Change type and design of lighting fixtures provided an engineer or architect certifies there will be no change in the intensity of light at the property boundary.
12. Changes required or requested by the Township or other State or Federal regulatory agencies in order to conform with other laws or regulations; provided the extent of such changes does not alter the basic design and character of the site plan, nor any specified conditions imposed as part of the original approval and provided that such changes conform to the regulations contained in this Ordinance.

**B. Revised Site Plan with Minor Changes.**

After approval by the Zoning Administrator, the applicant shall prepare a revised site plan showing the approved amendment. The revised site plan shall contain a list of all approved amendments and a place for the Zoning Administrator to sign and date all approved amendments.

**C. Amendment to Site Plan – Major.**

1. For amendments to site plans that do not qualify as a minor amendment or which require Planning Commission action, the same application process and fee for site plan review shall apply.
2. If the Zoning Administrator finds that a proposed amendment to a site plan does not qualify as a minor change, he or she shall immediately notify the permit holder in writing that site plan approval has been suspended pending approval of the proposed amendment. The permit holder's notice shall be delivered by mail or in person. When the Planning Commission has approved the amendment, the Zoning Administrator shall send a written notice to the permit holder that the project's site plan has again been approved. This provision is not to be construed to prohibit phased development of a project provided that each phase is developed in accordance with an approved site plan.

**Section 5.08 Inspection**

All subgrade improvements, such as utilities, sub-base and base installations for drives and parking lots, and similar improvements shall be inspected by the Zoning Administrator and approved prior to covering. The Zoning Administrator shall be responsible for the inspection of all improvements for conformance to the approved final site plan. The applicant shall be responsible for requesting the necessary inspections. The Zoning Administrator shall notify the Planning Commission, in writing, when a development for which a final site plan was approved does not pass inspection with respect to the approved final site plan and shall advise the Board of steps taken to achieve compliance. In such case, the Zoning Administrator shall periodically notify the Planning Commission of progress towards compliance with the approved final site plan and when compliance is achieved. The fee schedule established by the Township Board shall include a special schedule of fees to cover large and costly projects so as to adequately cover the costs of the Township inspections of such projects as required

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under the provisions of this Ordinance.

### Section 5.09 Expiration of a Site Plan

Any approved site plan shall become invalid if the authorized work is not commenced within one (1) year after the zoning permit is issued or if the authorized work is suspended or abandoned for a period of one (1) year after commencing the work. Thirty (30) days prior to expiration of an approved site plan, an applicant may make application to the Planning Commission for a one (1) year extension of the site plan approval. The Planning Commission shall grant the requested extension for this additional one (1) year if it finds good cause for the extension.

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<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
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# Article 6 Special Land Uses

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## Section 6.01 Purpose

The formulation and enactment of this Zoning Ordinance is based upon the division of the Township into zoning districts, each of which include permitted uses which are mutually compatible. In addition to such permitted uses in districts, however, it is recognized that there are certain specific or unique uses, called Special Land Uses, which may be necessary or desirable to allow in definable locations in certain districts; but, which on account of their actual or potential impact on neighboring uses or public facilities, need to be carefully regulated with respect to their location for the protection of the permitted uses in a district. Such uses, on account of their peculiar locational need or in the nature of the service offered, may have to be established in a district in which they cannot be reasonably allowed as an unrestricted permitted use.

## Section 6.02 Authority to Grant Special Land Use Permits

The Planning Commission shall have the authority to grant Special Land Use Permits subject to such conditions of design and operations, safeguards, and time limitations as it may determine for all Special Land Uses conditionally allowed in the various district provisions of this Ordinance.

## Section 6.03 Special Land Use Review Procedures

### A. Application and Fee Submittal.

- 1. Application and Fee.** Application shall be submitted through to the Zoning Administrator on a special form provided for that purpose and shall be accompanied by the fee prescribed in the Schedule of Fees adopted by the Township Board, as provided.
- 2. Timing of Submittal.** Special Land Use Applications shall be submitted at least forty-five (45) days prior to the Planning Commission meeting at which the Special Land Use will be considered. A Special Planning Commission meeting may be held at the request of the applicant provided that the application is submitted at least forty-five (45) days prior to the requested Special Planning Commission meeting and that any applicable special meeting fees are paid in advance by the applicant.

3. **Plot Plan or Site Plan Required.** In addition to a complete Special Land Use application form, the applicant is required to submit a plot plan for Residential Special Land Uses in accordance with **Section 5.02** and a site plan for Non-Residential Special Land Uses prepared in accordance with **Section 5.04**. Incomplete submittals shall not be accepted by the Zoning Administrator. The Zoning Administrator may waive the requirement for a plot plan and site plan if he/she finds that the plot plan/site plan requirements are not applicable to the proposed Special Land Use.
4. **Number of Copies.** Seven (7) copies of the proposed plot plan or site plan, including all required additional or related information pursuant to **Article 5** shall be submitted to the Zoning Administrator by the petitioner or property owner or his/her designated agent. A digital copy of the plot plan or site plan may be required.

**B. Application Processing.**

1. **Review for Completeness and Scheduling of Public Hearing.** The Zoning Administrator will review the materials submitted to assure all information required by the Ordinance has been provided. If the application is incomplete, the Zoning Administrator will send a notice with a detailed list of all deficiencies to the applicant. If the application, including all required additional or related information, is determined to be complete, the Zoning Administrator shall cause the submittal to be placed on the agenda of the Planning Commission meeting as a public hearing after notice has been provided in accordance with **Section 9.08**.
2. **Coordination with Other Agencies.** The Zoning Administrator may distribute the site plan to the following for comment or recommendation prior to consideration for approval:
  - a. The Iosco County Soil Erosion and Sedimentation Control Officer.
  - b. The Iosco County Drain Commissioner.
  - c. The Iosco County Road Commission and, if appropriate, the Michigan Department of Transportation.
  - d. District Health Department.
  - e. Local police, fire and ambulance service providers.
  - f. Planning consultant.
  - g. Other agencies as deemed appropriate.
3. **Site Plans Requiring ZBA Action.** Where the applicant is dependent upon the granting of any variances by the Zoning Board of Appeals, said favorable action by the Zoning Board of Appeals shall be necessary before the Special Land Use approval can be granted.
4. **Representation at Meeting.** If the applicant fails to provide representation, the review may be tabled until the next scheduled Planning Commission meeting or may be acted upon without the applicant's input.
5. **Consultant and Additional Review.** The Planning Commission may request the assistance of a qualified professional planner, engineer, attorney, or other professional in the site plan review process, if deemed necessary or advisable. The Planning Commission may require an

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Environmental Impact Assessment (EIA) and/or a traffic study, at the expense of the applicant, for any residential, office, commercial or industrial development. The Planning Commission may accept an EIA prepared for another public agency.

**C. Action on Special Land Use Application.**

1. **Planning Commission Action.** After the required notice, required public hearing and review of approval standards pursuant to **Section 6.04**, the Planning Commission shall, within sixty (60) days of Special Land Use application submittal, act to approve, approve with modifications and/or conditions, or deny the proposed Special Land Use. The Planning Commission decision on a Special Land Use shall be incorporated into a written statement of findings and conclusions relative to the Special Land Use which specifies the basis for the decision and any condition(s) imposed.
2. **Extension of Timeframes.** The timeframes stated in **subsection C.1** above may be extended upon a written request by the applicant and approved by the Planning Commission. The Planning Commission may suggest and/or require modifications in the proposed final plot plan or site plan as are needed to gain approval.
3. **Findings of Fact.** The Planning Commission decision on a Special Land Use shall be incorporated into a written statement of findings and conclusions relative to the Special Land Use which specifies the basis for the decision and any condition(s) imposed.
4. **Conditions.** The Planning Commission may impose reasonable conditions with the approval of a final site plan, pursuant to **Section 9.10** of this Ordinance.
5. **Signed Copies.** If a plot plan or site plan is required, upon approval of the plan, two (2) copies of the plot plan or site plan shall be signed and dated by the applicant and Zoning Administrator. One (1) signed and dated plot plan or site plan shall be provided to the applicant and one (1) copy shall be made part of the Planning Commission's permanent record of proceedings on the site plan. If required by the Township, a digital copy of the final approved plot plan or site plan shall be provided by the applicant. The Zoning Administrator shall not issue a zoning permit until he/she has an approved and signed plot plan or site plan on file.
6. **Performance Guarantee.**
  - a. The applicant may be required to post performance guarantees to insure completion of improvements associated with the project as per **Section 9.06**.
  - b. If in the judgment of the Planning Commission, during the course of review procedures, it appears prudent to permit the delay of constructing certain provisions as required in this Zoning Ordinance, the Planning Commission may grant such a delay to a specific future date provided that the applicant/owner submits a satisfactory performance guarantee to the Township. The performance guarantee shall remain in effect prior to or

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coincident with the issuance of the zoning permit and shall remain in effect until the requirements so delayed are fully completed and approved by the Zoning Administrator.

### Section 6.04 Special Land Use Approval Standards

The Planning Commission shall review the particular circumstances and facts of each proposed Special Land Use in terms of the site plan review standards in **Section 5.05** and the following standards and required findings, and shall find and record adequate data, information, and evidence showing the following:

- A. The Special Land Use will be harmonious with and in accordance with the general objectives, intent, and purposes of this Ordinance.
- B. The Special Land Use will be designed, constructed, operated, maintained, and managed so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity.
- C. The Special Land Use will be served adequately by essential public facilities and services such as, highways, roads, police and fire protection, drainage structures, and refuse disposal, or that the persons or agencies responsible for the establishment of the proposed Special Land Use shall be able to provide adequately any such service.
- D. The Special Land Use will not be hazardous or disturbing to existing or future neighboring uses.
- E. The Special Land Use will not create excessive additional requirements at public cost for public facilities, utilities, and services.
- F. The location and design of the proposed Special Land Use shall minimize the negative impact on the street system in consideration of items such as vehicle trip generation (i.e. volume), types of traffic, access location and design, circulation and parking design, street and bridge capacity, traffic operations at proposed access points, and traffic operations at nearby intersections and access points.
- G. The proposed Special Land Use shall not cause traffic congestion, conflict, or movement in greater proportion to that normally prevailing for the use in the particular zoning district.
- H. The proposed Special Land Use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the Township or the natural environment as a whole. Natural features of the landscape, including but not limited to, ponds, streams, hills, and wooded areas, shall be retained where they afford a barrier or buffer from adjoining properties. The landscape shall be preserved in its natural state, as far as practical, by minimizing tree and soil removal, and any grade or slope changes shall be in keeping with the general appearances of the neighborhood.

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## Section 6.05 Amendments to an Approved Special Land Use

Minor amendments to a previously-approved Special Land Use may be approved by the Zoning Administrator with no public hearing or public hearing notice required. Minor amendments are listed in **Section 5.07**. Amendments which do not fall under **Section 5.07** shall be processed in the same manner as a new Special Land Use.

## Section 6.06 Expiration, Suspension or Revocation of a Special Land Use

### A. Expiration of Special Land Use Permit.

Any approved Special Land Use shall become invalid if the approved Special Land Use is not commenced within one (1) year after the zoning permit is issued. Thirty (30) days prior to expiration of an approved Special Land Use permit, an applicant may make application to the Planning Commission for a one-year extension of the Special Land Use permit at no fee. The Planning Commission shall grant the requested extension for this additional one year if it finds good cause for the extension.

### B. Special Land Use that has been Replaced or Superseded.

The Special Land Use permit shall expire if replaced or superseded by a subsequent permitted use (except in the case where the Special Land Use is an accessory use on the premises) or a subsequent Special Land Use permit or if the applicant requests the rescinding of the Special Land Use Permit.

### C. Abandonment of Special Land Use.

The Special Land Use permit shall expire if the Special Land Use has been abandoned for a period of one (1) year or more. When determining the intent of the property owner to abandon a Special Land Use, the Zoning Administrator shall consider the following factors:

1. Whether utilities such as water, gas, and electricity to the property have been disconnected.
2. Whether the property, buildings, and grounds have fallen into disrepair.
3. Whether signs or other indications of the existence of the Special Land Use have been removed.
4. Whether equipment or fixtures necessary for the operation of the Special Land Use have been removed.
5. Other information or actions that evidence an intention on the part of the property owner to abandon the Special Land Use.

**D. Special Land Use and Transfer or Sale of Property.**

A Special land use does not expire on transfer or sale of the property unless the use has been determined by the Zoning Administrator to have been abandoned pursuant to **subsection C**. When a change of ownership occurs on a property for which a Special Land Use permit has been granted, the change of ownership shall be registered with the Township by the party which receives ownership of the property.

**E. Special Land Use Suspension or Revocation.**

The Zoning Administrator may suspend or revoke a Special Land Use permit issued under the provisions of this Ordinance whenever the permit is issued erroneously on the basis of incorrect information supplied by the applicant or his agent and is in violation of any of the provisions of this Ordinance or of any other ordinances or regulations of the Township.

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# Article 7

## Supplemental Regulations

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### Section 7.01 Purpose

Those permitted uses and Special Land Uses enumerated in any zoning district, if included below, shall be subject to the requirements of this Article, in addition to those of the zoning district in which the use is located, along with provisions located elsewhere in this Ordinance.

### Section 7.02 Home Occupations and Home Based Businesses

A. The home occupation or home based business shall be only incidental to the primary residential use.

**B. Floor Area.**

The home occupation or home based business shall utilize no more than twenty-five (25) percent of the ground floor or basement floor area of the main building and may utilize one hundred (100) percent of the floor area of an accessory building.

**C. Equipment.**

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Only normal domestic or household equipment and equipment characteristic of small workshops, businesses and professional offices shall be used to accommodate the home occupation or home based business.

**D. Employees.**

1. The home occupation shall involve no employees on-site other than members of the immediate family.
2. A home based business may have employees.

E. Adequate parking shall be provided for employees and customers of a home-based business.

**F. Activities and Storage.**

All activities shall be carried on indoors. No outdoor activities or storage shall be permitted. If outdoor activities are conducted or outdoor storage is needed in the case of a home based business, then such use shall require a special land use permit.

G. No alterations, additions, or changes to a main building which will change the residential character of the dwelling structure shall be permitted in order to accommodate or facilitate a home occupation or home based business.

H. There shall be no external evidence of such occupations, except a sign regulated by **Section 3.37**.

I. The permission for home occupations and home based businesses as provided herein is intended to secure flexibility in the application of the requirements of this Ordinance, but such permission is not intended to allow the essential residential character of Residential District, in terms of use and appearance, to be changed by the occurrence of external visible evidence of home of occupations.

J. Retail sales are permitted as a part of a home based business provided they meet the requirements of this section.

K. Home occupations and home based businesses shall not endanger the health, safety, and welfare of any other persons residing in that area by reasons of visual nonresidential activities, noise, noxious emissions, unsanitary or unsightly conditions, fire hazards and the like, involved in or resulting from such home occupation, profession, or hobby.

L. Vehicular and pedestrian traffic generated by the home occupation or home based business shall not exceed that which would normally be expected in a residential neighborhood, and the need for parking shall be met off-street.

M. The home based business shall not be open to the public earlier than 8:00 a.m. nor later than 8:00 p.m.

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### Section 7.03 Farm Markets/Roadside Stands

The farm market/roadside stands shall be located and constructed to meet the following requirements:

- A. The structure shall not be more than one (1) story in height.
- B. The floor area shall not be more than four hundred (400) square feet.
- C. In no case shall the stand occupy any part of the road right-of-way.
- D. **Setbacks.**
  - 1. **AR and RD Districts.** The farm market/roadside stand may be located in the front, side, or rear yard and shall meet setbacks for the primary building.
  - 2. **MDR District.**
    - a. **Enclosed Farm Market/Roadside Stand (with roof and side walls).** May be located in the side or rear yard and shall not be located closer to the road than the primary building.
    - b. **Unenclosed Air Farm Market/Roadside Stand (no side walls).** May be located in the front, side or rear yard and shall meet setbacks for the primary building.
- E. A zoning permit shall be required.

### Section 7.04 Group Child Care Facilities

A group child care home shall be issued a special land use permit if the group child care home meets all of the following standards:

- A. Is located not closer than one thousand five hundred (1,500) feet to any of the following:
  - 1. Another licensed group child care home.
  - 2. An adult foster care small group home or large group home licensed under the **Adult Foster Care Facility Licensing Act, 1979 PA 218, MCL 400.701 to 400.737.**
  - 3. A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people licensed under Article 6 of the **Public Health Code, 1978 PA 368, MCL 333.6101 to 333.6523.**
  - 4. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.
- B. Has a fenced in area for outdoor play.

### Section 7.05 Dog Kennels/Animal Shelters

- A. All dog kennels shall be operated in conformance with all applicable County, State and Federal regulations.
- B. Buildings wherein dogs are kept, dog runs, and/or outside exercise areas shall not be located nearer than three hundred (300) feet from any occupied residential property line or any building on an adjacent parcel used by the public and shall not be located in any required front, rear, or side yard setback area.
- C. Such facilities shall be under the jurisdiction of the Planning Commission, and subject to other conditions and requirements of said body deemed necessary to insure against the occurrence of any possible nuisance by requiring necessary minimum distances, berms, fencing, soundproofing and sanitary requirements.
- D. Animals shall be kept in a soundproof building between the hours of 10 p.m. and 8 a.m. if within five hundred (500) feet of a residential use or district.
- E. The facility shall be so constructed and maintained that odor, dust, noise, or drainage shall not constitute a nuisance or hazard to adjoining premises.

### Section 7.06 Saw Mills

Sawmills shall be located at least three hundred (330) feet from adjacent residential structures.

### Section 7.07 Public or Private Institutions for Human Care, Religion, Education or other Human Social Purposes

A. **AR District.**

In the front, side and rear yards, facilities shall be set back at least fifty (50) feet and shall be landscaped with trees, shrubs, and grass. All such landscaping shall be maintained in a neat and healthy condition. There shall be no parking or structures permitted in setbacks, except required entrance drives, boundary fences and walls, and those walls used to screen the use from abutting residential lots and parcels.

### Section 7.08 Junk Yards; Salvage Yards; Scrap Yards; Wrecking Yards; Inoperable Vehicles

- A. Junk yards, salvage yards, scrap yards, motor vehicle impoundment, and wrecking yards shall be established and maintained in accordance with all applicable statutes of the State of Michigan, are only permitted in the "I" District, and shall be located only on sites which are completely screened from adjacent properties and public view.

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- B. Inoperative vehicles or parts of vehicles shall be considered as a junk yard and unlicensed if located in the open and not completely contained with an enclosed structure or area.
- C. Glare from any process such as arc welding, which emits harmful ultraviolet rays, shall be screened so as not to constitute a hazard or nuisance to adjacent properties.

### Section 7.09 Manufactured Housing Communities

All manufactured housing communities shall comply with the requirements of the **Trailer Coach Park Act 1959, PA 243, as amended** and **The Mobile Home Commission Act, 1987 PA 96, as amended**, and the following additional regulations. Minimum site size for a manufactured housing community shall be twenty (20) acres.

#### A. Open Space.

An open area shall be provided on each manufactured home lot to insure privacy, adequate natural light, ventilation, and a sufficient area for outdoor uses essential to each manufactured home and shall equal at least forty (40) percent of the area of each lot.

#### B. Location and Access.

Manufactured housing communities shall have frontage and direct access from a hard surfaced paved road.

#### C. Manufactured Home Lot Access.

Convenient access to each manufactured home lot apron shall be provided by means of a minimum twelve (12) foot wide access road or drive reserved for maneuvering manufactured homes into positions and kept free of trees and other immovable obstructions.

#### D. Roadways.

There shall be provided a hard surfaced and adequately drained roadway of at least thirty (30) feet in width which affords direct access to each manufactured home lot and precludes through traffic. A manufactured housing community shall provide vehicle off-street parking spaces as provided for in **Section 3.34**. A sixteen (16) foot wide open way shall be maintained at all times on all roadways for the passage of fire apparatus or other emergency vehicles. Curvilinear street patterns are encouraged. In parks containing more than thirty (30) manufactured home lots, a boulevard type entrance roadway with a planted median is required for traffic control and ingress and egress.

#### E. Canopies and Skirting.

1. The skirting shall be of no less than twenty-six (26) gauge metal and connected with a rat-proof wall or slab, so constructed and attached to the manufactured home as to make it impossible for the entrance of rodents, flies, bugs, or other insects. One access door in the skirting shall be

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permitted and a screen vent shall be installed along such skirting at intervals of twenty (20) feet so as to provide adequate cross-ventilation. Each manufactured home must be skirted within thirty (30) days after its establishment in a manufactured housing community.

2. Each manufactured home shall be jacked up in a uniform manner.
3. Canopies and awnings of the same material and character as the manufactured home construction and design may be attached to a manufactured home. No canopy or awning shall exceed ten (10) feet in width nor exceed the length or height of the manufactured home.

**F. Fences.**

If fences are constructed on each manufactured home site, they shall be uniform in design and character for all manufactured home lots. Such fences shall not exceed thirty (30) inches in height and shall be constructed in such a manner as to permit access to all sides of each manufactured home for fire-fighting purposes.

**G. Landscaping.**

1. All manufactured housing community boundary line areas shall be maintained in a clean and presentable condition at all times. A grass lawn or other suitable ground cover shall be maintained as yard surfacing on each manufactured home lot, except for those portions of the lot covered by the manufactured home, structural additions, sheds, walks, concrete pads, or planting beds.
2. The retention of existing desirable trees on a site is encouraged.

**H. Outdoor Storage.**

No outdoor storage shall be permitted, except in outdoor sheds or cabinets for the storage of tools or equipment and shall be limited to one (1) well-maintained structure located at the rear of the manufactured home lot, and not exceeding eighty (80) square feet in floor area or seven (7) feet in height. To the maximum extent possible, these facilities shall be uniform in design, location, and color throughout the mobile home park.

**I. Trash Disposal.**

Adequate facilities for the storage and disposal of trash, garbage and other waste materials shall be provided at conveniently located points within one hundred (150) feet of any given manufactured home lot. All containers shall be situated on stands and shall be fly-tight, water-tight, rodent-proof, and shall be sufficient in number and capacity to properly store all the accumulated refuse. All containers shall be enclosed in accordance with **Section 3.26**.

**J. Television Antenna.**

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If cable or other television service is provided, one (1) or more master antenna facilities shall be installed with the underground service connections to each manufactured home lot.

**K. Roadway and Yard Lights.**

Roadway and yard lights shall be provided in sufficient number and intensity to permit the safe movement of vehicles and pedestrians and effectively diverting the light source and any other unnecessary illumination from the dwelling portions of each manufactured home lot.

**L. Central Building.**

Central buildings for other than administrative or laundry facility usage are permitted. These may be used for indoor recreation, assembly halls, and for storm shelter. Such buildings should be conveniently located on the park site, may be combined structurally with the administrative and laundry facilities, and may include swimming pools or other clubhouse facilities in connection with on-site recreation facilities.

**M. Permit Requirement.**

It shall be unlawful for any person or corporation to construct, alter, or extend any manufactured housing community unless they first obtain valid licenses and permits from the Director of the Michigan Department of Health and Human Services and the Township in the name of said person or corporation. The application for permit shall be accompanied by a site plan as required by **Article 5**.

**N. License and Certificate Requirements.**

It shall be unlawful for any person or corporation to conduct or operate a manufactured housing community in the Township without a currently valid license issued by the Director of the Michigan Department of Health and Human Services and a Certificate of Occupancy and a special permit of compliance from the Township Zoning Administrator.

**O. Periodic Inspection.**

The Zoning Administrator and/or his authorized agent or agents are hereby granted the power and authority to enter upon the premises of a manufactured housing community at any time for the purpose of determining and/or enforcing compliance with any provision of this or any other Township Ordinance applicable to the construction and operation of a manufactured housing community.

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## Section 7.10 Automotive Service Stations

All automotive service stations or filling stations shall conform to the following regulations in addition to all applicable regulations in effect in the area in which they are to be located.

### A. Frontage and Area.

Every gasoline service station shall have a minimum frontage of two hundred (200) feet and a minimum lot area of thirty thousand (30,000) square feet.

### B. Setbacks.

Every structure, including gasoline pumps and other equipment, erected or installed for use as a gasoline service station shall have a minimum setback from the road right-of-way as required by the regulations in the zone in which they are to be located, and a minimum setback from all other property lines of fifty (50) feet.

### C. Construction Standards.

All vehicle service areas shall be constructed to conform to the following standards:

1. Suitable separation shall be made between the pedestrian sidewalk and vehicular parking or moving area with the use of appropriate bumper, wheel guards, or traffic islands.
2. The entire area used for vehicle service shall be paved with a hard surface, except for such unpaved area, as is landscaped and protected from vehicle use by a low barrier.
3. Hydraulic hoist, lubricating, greasing, washing, and repair equipment shall be entirely within a building. Tire and battery service and minor automobile repair, excluding automobile body repair and painting, are permitted if conducted entirely within a building.
4. The maximum widths of all driveways at the public sidewalk crossing or road like shall be no more than twenty-four (24) feet.
5. Minimum angle or driveway intersection with the roadway from the curb line to lot line shall be not less than sixty (60) degrees.
6. The minimum distance of any driveway from any property line shall be at least twenty (20) feet.
7. The minimum distance between roadway curb cuts shall be no less than forty (40) feet.

### D. Lighting.

All lighting shall be installed in a manner so that no illumination source is visible beyond all property lines.

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2 Definitions

3 General Provisions

4 District Regulations

5 Site Plans & Plot Plans

6 Special Land Uses

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## Section 7.11 Natural Resource Extraction

- A. In conformance to the **Michigan Zoning Enabling Act, 2006 PA 110, as amended**, the Township shall not prevent the extraction, by mining, of valuable natural resources from any property unless very serious consequences would result from the extraction of those natural resources.
1. Natural resources shall be considered valuable if a person, by extracting the natural resources, can receive revenue and reasonably expect to operate at a profit.
  2. In determining whether very serious consequences would result from the extraction, by mining, of natural resources, the standards set forth in *Silva v Ada Township*, 416 Mich 153 (1982), shall be applied and all of the following factors may be considered, if applicable:
    - a. The relationship of extraction and associated activities with existing land uses.
    - b. The impact on existing land uses in the vicinity of the property.
    - c. The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence.
    - d. The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.
    - e. The impact on other identifiable health, safety, and welfare interests in the local unit of government.
    - f. The overall public interest in the extraction of the specific natural resources on the property.
- B. The Planning Commission may regulate hours of operation, blasting hours, noise levels, dust control measures, and traffic, not preempted by **Part 632 of the Natural Resources And Environmental Protection Act, 1994 PA 451, MCL 324.63201 to 324.63223**. However, such regulation shall be reasonable in accommodating customary mining operations.
- C. The incidental excavation of sand and gravel for onsite use only are excluded from the regulations of this Ordinance except for the setback and yard requirements.
- D. **General Requirements.**

Natural resource extraction operations shall be carried out under the conditions of a Special Land Use Permit, issued and maintained under the following requirements.

1. Before commencement of mining operations, the operating company shall file an operational plan with the Township Planning Commission, which plan and any necessary subsequent

revisions shall be approved by the Commission, setting forth the area or areas to be mined, the location of permanent structures, the points of access upon public highways, and the highway routes to be following in the transportation of finished materials. This plan, and any approved necessary subsequent revisions, shall be filed with the Zoning Administrator by the Planning Commission.

2. The operational plan shall include a determination of the net operational areas, i.e., the area stripped of overburden, the area being mined, the area used for structures and storage piles, and worked out areas that have not been reclaimed. Performance bonds, hereinafter considered in relation to the reclamation of the area, shall be calculated on the basis of the net excavation and operational area as measured in acres.
3. Upon commencement of mining operations, perimeter controls shall be established for the mining area:
  - a. The mining area shall be enclosed within a five (5) foot high continuous wall or fence or by a screen planting or hedge fence of similar capability.
  - b. The property shall be posted against trespass, with conventional signs placed not more than one hundred (100) feet apart.
4. Sight barriers shall be provided along all boundaries adjacent to roads that lack natural vegetative or terrain conditions that provide effective screening of mining operations. Sight barriers shall consist of one (1) or more of the following:
  - a. Earth berms, which shall be constructed to a height of five (5) feet above the mean elevation of the center line of the public highway adjacent to the mining property, or five (5) feet above the general level of terrain along property lines. These berms shall have slopes not in excess of one (1) foot vertical to four (4) feet horizontal and shall be planted with grass, trees and shrubs.
  - b. Screen plantings of coniferous or other suitable species at least five (5) feet in height, in rows parallel to the boundary of the property, with the spacing of rows and the spacing of trees within rows which shall be sufficient to provide effective screening.
  - c. Masonry walls or solid fences which shall be constructed to a height of five (5) feet.
5. Noise and vibration shall be minimized in their effect on adjacent properties by the proper use of berms, walls, and screen plantings. In addition, all equipment used for the production of sand and gravel shall be constructed, maintained, and operated in such a manner as to eliminate, as far as is practicable, noises and vibrations which are injurious or substantially annoying to persons living in the vicinity.
6. Air pollution in the form of dust and dirt shall be kept at a minimum. All equipment used for production of sand and gravel shall be operated in such a manner as to minimize, insofar as is practicable, dust conditions which are injurious or substantially annoying to persons living in

the vicinity. Interior roads serving the mining operation shall be paved, treated, or watered, insofar as is practicable, to minimize dust conditions.

**E. Reclamation of Mined Areas.**

1. All natural resource extraction areas shall be reclaimed and rehabilitated as soon as may be practicable after each mining phase has been completed in accordance with the plan approved by the Planning Commission. Wherever the operational plan shall permit, reclamation shall be accomplished concurrently with phased mining operations, i.e., a mined-out phase section of the area may be undergoing rehabilitation while a second phase may be undergoing active mining, and a third phase area may be being stripped of overburden. Substantial completion of reclamation shall be effected for one phase of the three (3) permitted to be opened at any one time for extraction purposes prior to proceeding with the next approved phase. After all extraction operations are completed, the final phases of extraction shall be reclaimed in accordance with the approved final reclamation plan within one (1) year after all extraction has been completed.
2. Before commencement of mining operations, the operating company shall submit a generalized reclamation plan to the Planning Commission, setting for the intended disposition of all land and water areas, the proposed configuration of the terrain as shown on a topographic map, a plat of any proposed streets or other improvements to be made upon the property, and a general statement of the intended final utilization of the mined property. This plan, and any subsequent revisions, shall be approved by the Planning Commission and Township Board before any zoning permit is issued by the Zoning Administrator.
3. Rehabilitation and Reclamation of natural resource extraction areas shall be in accordance with the following standards:
  - a. All excavation shall have either a water depth of not less than ten (10) feet below the average summer level of water in the excavation, or shall be graded or back-filled with non-noxious, non-inflammable and non-combustible solids in accordance with the approved Reclamation Plan in order to insure:
    - (1) that the excavated area shall not collect and retain stagnant water, or
    - (2) that the surface of such area which is not permanently submerged is graded or back-filled as necessary to produce gently rolling surface that will minimize wind and water erosion, and which will be generally compatible with the adjoining land area.
  - b. The finished grade of all slopes resulting from excavations shall not be steeper than one (1) foot vertical to three (3) feet horizontal.
  - c. Topsoil of a quality equal to that occurring naturally in the surrounding area shall be replaced on all excavated areas not covered by water, except those areas where roads, beaches, or other planned improvements are planned. Topsoil shall be applied to a depth of at least four (4) inches.

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- d. Vegetation shall be restored by the appropriate planting of grass, trees, and shrubs, in order to establish a permanent vegetative cover on the land surface, and to minimize erosion.
  - e. Upon cessation of mining operations by abandonment or otherwise, the operating company, within a reasonable period of time, not to exceed twelve (12) months thereafter, shall remove all plant structures, building, stockpiles, and equipment.
4. The operating company shall post a minimum financial guarantee in the amount of \$5,000 for the first five (5) net operational acres. The financial guarantee shall be increased on the yearly anniversary date of the mining permit at the rate of \$1,000 per each additional operational acre that exceeds the first five (5) net operational acres. The guarantee shall be provided in one of the following forms: (1) cash, (2) certified check, (3) irrevocable bank letter of credit, or (4) surety bond acceptable to the Township Board. Upon rehabilitation of mined acreage and reduction of net operational area, the bond or security shall be released in accordance with the amount of security required per acre.

**F. Administration.**

- 1. The following procedures shall be followed before establishing a mining operation:
  - a. The operating company shall file an operational plan. This plan may be in the form of a written statement and maps, and shall carry evidence of review and approval, if required, by any County or State agency of competent jurisdiction, in addition to the required approval of the Planning Commission. On the basis of this plan, the operating company shall file a statement of net area to be excavated as measured in acres.
  - b. The operating company shall file a reclamation and rehabilitation plan and shall provide a financial guarantee in accordance with the requirements of **Section 9.06** of this Ordinance.
  - c. The Planning Commission shall review the Operations and Reclamation plans and make its recommendation to the Township Board.
  - d. The Township Board shall review the recommendation and accept or reject the plan. Upon acceptance of the plan, the Township Board will receive the financial guarantee of reclamation in accordance with **Section 9.06** of this Ordinance.
- 2. Before commencement of mining operations, a Special Land Use Permit shall be issued by the Zoning Administrator upon payment of an annual fee in accordance with the established "Township Fee Schedule". This fee shall defray any administrative expense rising out of the mining operation.
- 3. Inspections and Conformance

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- a. Inspections shall be made of the mining site not less often than twice in each calendar year, by the Zoning Administrator, in order to insure conformance with the requirements of the approved Special Land Use Permits.
- b. Any violations shall be reported in writing to the Township Board. The Zoning Administrator shall forward the report with a request for compliance, to the operating company.
- c. Failure on the part of the operating company to correct a reported violation within thirty (30) days after such request is made by the Zoning Administrator shall be reason for revocation of the permit. Additional time for correction of the cited violation may be allowed upon submission to the Zoning Administrator of proof of good and sufficient cause by the operating company, otherwise the operating company shall be declared to be in violation of this Ordinance and subject to the penalties of both the Ordinance and the Special Use Permit approved for the natural resource extraction operation.

### Section 7.12 Bed and Breakfasts /Tourist Homes

- A. Bed and breakfasts and tourist homes shall be located in existing residential structures with access to a public road.
- B. Residential structures proposed for bed and breakfasts or tourist homes shall require a building inspection by the Zoning Administrator prior to any approval or uses as a bed and breakfast or tourist home. Any violation(s) of State or local regulations shall be corrected prior to approval or use as a bed and breakfast operation.
- C. No structure or premise shall be utilized for a bed and breakfast or tourist home unless there are at least two (2) exits to the outdoors from such structure or premise, and rooms utilized for sleeping shall have a minimum size of one hundred (100) square feet for two (2) occupants with an additional thirty (30) square feet for each additional occupant, to a maximum of four (4) occupants per room. Each sleeping room used for the bed and breakfast or tourist home shall have a separate smoke detector alarm as required in the Building Code for the Township. Lavatories and bathing facilities shall be available to all persons using any bed and breakfast or tourist home. In no case shall there be less that one (1) lavatory and bathing facility for each four (4) sleeping rooms.
- D. One (1) additional off-street parking space per each room to be rented shall be provided. All parking spaces shall be paved.
- E. The dwelling unit in which the bed and breakfast or tourist home takes place shall be the principal residence of the operator/owner and said operator/owner or their representative shall be on the premises at all times when the bed and breakfast or tourist home is active.
- F. Dining facilities for the purpose of serving meals shall not exceed a seating capacity of two and one-half (2 ½) times the number of sleeping rooms in the bed and breakfast or tourist home.

- G. Each operator shall keep a written list of the names of all persons staying at the bed and breakfast or tourist home. Such list shall be available for inspection by Township or other appropriate officials at any time.
- H. The maximum stay for any guests/occupants of bed and breakfasts or tourist homes shall be twenty-one (21) days.
- I. Bed and breakfasts or tourist homes shall not have more than fifty (50%) percent of their total floor area being used for sleeping rooms. In no case shall the number of sleeping rooms exceed eight (8) rooms.
- J. Applicants shall submit a site plan, landscape plan, and a floor plan of the residential dwelling unit illustrating the proposed operation will comply with all of the rules and regulations which apply. In addition, site plans shall include all existing man-made and natural features on-site and all man-made and natural features for a distance of one hundred (100) feet adjacent to the site upon which the bed and breakfast or tourist home facility is located.

### Section 7.13 Rooming/Boarding Houses

- A. This use shall be considered as an accessory use; board or lodging shall not be furnished to more than five (5) persons in addition to the family.
- B. The establishment shall be the principal dwelling unit on the property and shall be owner-occupied at all times.
- C. In the case of renting rooms, such convenience shall not be furnished unless there shall be provided at least one hundred (100) square feet of floor area per guest in that part of the building directly occupied by such guests for rooming purposes.
- D. Boarding and the renting of rooms shall not include the operating of what is normally termed a restaurant or similar use where meals are served to transient guests. No separate cooking areas shall be allowed in guestrooms.
- E. Board shall not be provided to other than those rooming in the residence.
- F. Off-street parking shall be required in accordance with **Section 3.34**.
- G. The boarding house shall not alter the residential character of the building or structure.

### Section 7.14 Accessory Dwelling Units (and Guest Houses)

The purpose of this section is to allow a minor amount of space within a dwelling or upon a lot with a primary dwelling to be used, rented, or leased as separate living quarters for extended family or non-family members in residential neighborhoods within the Township. These provisions are further intended to provide reasonable control in recognition of the high percentage of owner-occupied single family homes in the Township. The purpose of these standards is also to prevent the undesirable proliferation of permanent two-family units which could, over time, disrupt the character of single-family neighborhoods. The following regulations shall apply:

- A. One (1) accessory dwelling unit is allowed per lot or parcel.
- B. The minimum dwelling size for the accessory dwelling unit is four hundred (400) square feet.
- C. The accessory dwelling unit shall not be utilized as a Tourist Home or Bed and Breakfast Facility.
- D. The accessory dwelling unit shall be provided electricity, plumbing, and heat.
- E. The accessory unit shall be a self-contained unit and shall be:
  - 1. located above an attached or detached garage, or
  - 2. attached to the primary dwelling or garage, or
  - 3. totally within a primary dwelling, or
  - 4. a freestanding, detached unit.
- F. If the accessory dwelling unit is a freestanding, detached unit, it shall be on a foundation with appropriate skirting.
- G. The accessory unit shall have a separate exterior entrance.
- H. The residents of the primary structure shall maintain the accessory unit and shall ensure that no excessive noise, traffic, or blight occurs on the property.
- I. The accessory unit shall conform to current building code standards.
- J. One additional parking space shall be provided on-site for the accessory dwelling unit.

Property owners with proposed accessory dwelling units are encouraged to contact the Township Assessor to determine property tax implications of the accessory dwelling unit.

### Section 7.15 Outdoor Sales/Rental of Automobiles, Trucks, Motorcycles, Recreational Equipment, Marine Craft, Farm Implements, Contractor's Equipment

New and used sales and service of automobiles, boats and trailers, campers, motorcycles, recreation vehicles and trailers, are permitted in CSC and I Districts only and shall conform to the following regulation, and any applicable supplemental regulation.

- A. All service activity shall be conducted within an approved building or structure.

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- B. Exterior lighting shall be in compliance with **Section 3.27**.
- C. Driveway entrances and gates shall be in compliance with **Section 3.16** (Frontage Access Roads).
- D. Frontage access roads and driveways shall be at least paved with processed road gravel and have a minimum width of twenty (20) feet.
- E. Off street parking:
  - 1. All off street parking spaces shall be no closer than ten (10) feet from any property line.
  - 2. All off street parking areas shall be drained so as to prevent any increase in drainage to abutting properties and shall be constructed of graded aggregate materials which will have a dust-free surface resistant to erosion by wind and water.
  - 3. Any off street parking area providing spaces for five (5) or more units for sale shall be located at least twenty (20) feet from and be effectively screened on any side which adjoins or faces a residential lot by a masonry wall or compact evergreen planting not less than four (4) feet in height, plantings shall be maintained in good condition.
- F. Use of parking lot shall be in compliance with **Section 3.34.D.12**.
- G. All signs must comply with the regulations set forth in **Section 3.37**.
- H. Landscaping – All boundary line areas shall be maintained in a clean and presentable condition at all times. A grass/lawn or other suitable ground covering shall be maintained as yard surfacing except for those portions of the lot covered by structural additions, sheds, walks, or approved hard surfacing.

### Section 7.16 Single Family Earth Homes

Single family earth homes are permitted in the RD, AR, and MDR Districts, as long as they meet all of the requirements of the district in which they are located and the bottom edge of the earth berms surrounding the building or structure meet the height and yard setback requirements for all yards.

### Section 7.17 Solar Panels (Accessory)

Solar panels on buildings or as accessory structures, which are designed primarily to provide power on-site, are permitted in all districts as long as the glare from exterior reflective solar panels is deflected so as not to cause glare to be transmitted to adjacent properties below the maximum height established for each district. Panels shall not result in glare onto adjoining properties or public rights of way. Setbacks and height standards shall be regulated by **Section 3.18** (Accessory Buildings).



## Section 7.18 Solar Energy Facilities (Utility-Scale)

### A. Reflection/Glare.

Attached, building-integrated or freestanding solar collection devices, or combination of devices, shall be designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard. This may be accomplished by both the placement and angle of the collection devices as well as human-made or environmental barriers. Glare intensity is considered an issue if it measures more than twenty (20%) percent of the incident sun intensity. Plans to reduce glare may be required in the initial materials submitted.

### B. Impervious Surface/Stormwater.

If more than eight thousand (8,000) square feet of impervious surface will be located on the site, the application shall include a drainage plan prepared by a registered civil engineer showing how stormwater runoff will be managed. If detergents will be used to clean solar panels, details on the type of detergent, frequency and quantity of use, and stormwater quality protection measures shall be provided. Any necessary permits from outside agencies for off-site discharge shall be provided.

### C. Screening.

Solar devices shall be screened from view from any public street or residential district by use of a masonry screen wall, evergreen vegetation, or other screening of a similar effectiveness and quality, as determined by the Planning Commission.

### D. Setbacks.

The setbacks of all solar collection devices and ancillary equipment shall be at least fifty (50) feet from all property lines.

### E. Abandonment.

Any freestanding solar collection site or device which is not used for six (6) months shall be deemed to be abandoned. The applicant/permit holder will be so notified in writing by the Township and requested to dismantle the site and return it to its original state. If there are mitigating circumstances as to why the site has not been used, the applicant/permit holder may contact the municipality and request a three (3) month extension. If a site has been deemed abandoned and no request for an extension is received, the applicant/permit holder will again be notified to dismantle the site and return it to its original state. If the applicant/permit holder does not do this, the municipality will have the removal and restoration done at the owner/applicant's expense. Removal shall include removing posts, equipment, panels, foundations and other items so that the ground is restored to its preconstruction state and is ready for development as another land use.

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## Section 7.19 Wind Energy Facilities

### A. Purpose and Goals.

The purpose of this section is to establish guidelines for siting wind energy systems and wind energy facilities. This section's goals are as follows:

1. To promote the safe, effective, and efficient use of wind turbines and wind energy systems installed to reduce on-site consumption of electricity supplied by utility companies and/or to produce power that will be directly supplied to the electric power grid system.
2. To lessen potential adverse impacts that wind turbines and wind energy facilities may have on residential areas and land uses through careful design, siting, noise limitations, and innovative camouflaging techniques.
3. To avoid potential damage to adjacent properties from turbine failure through proper siting of turbine structures.

### B. Technological Advances and Design Standards Flexibility.

The Township recognizes the accelerated pace at which the technology of wind energy generation is constantly evolving, and the impact these technological changes may have on the use and placement of wind energy systems within the Township. Consequently, in order to effectively incorporate new technology that may outpace the regulations established herein, the Planning Commission may approve wind energy systems that do not fully comply with the strict development standards of these regulations, if in the opinion of the Commission they comply with the intent of the regulations and do not create significant adverse impacts on the petitioned property, abutting properties or the immediate neighborhood.

### C. On-Site Wind Energy Systems.

A wind energy conversion system which is intended to primarily serve the needs of the property upon which it is located shall be permitted by Special Use Permit. The following site development standards shall apply:

1. **Design & Installation.** All wind turbines (ground and roof-mounted) shall comply with building code. Wind turbines shall be installed by a licensed contractor and applications shall be accompanied by engineering drawings of the wind turbine structure including the tower, base, and footings. The installation of the wind turbine shall meet manufacturer's specifications.
2. **Plot Plan Submittal.** An application for the installation of a On-Site Wind Energy System shall include a plot plan including the following information:
  - a. Location of the proposed wind turbine.

- b. Location of all structures on the property and adjacent properties and the distance from the wind turbine.
- c. Distance from other wind turbines on adjacent lots, if applicable.
3. **Height.** The maximum height shall be determined on a case by case basis dependent upon the site and manufacturer's specifications and recommendations. Wind energy system must be able to be contained on the property owner's lot in the event that it should fall.
4. **Number of Turbines (Horizontal or Vertical).** The number of turbines shall be determined by the spacing requirement of the manufacturer.
5. **Rotor Clearance.** A minimum fifteen (15) foot clearance from the ground shall be maintained for the vertical blade tip of a Horizontal Axis Wind Turbine and for the bottom of the rotating spire or helix of a Vertical Axis Wind Turbine.
6. **Guy Wires.** The use of guy wires shall be prohibited.
7. **Noise.** Small wind energy systems shall not cause a sound pressure level in excess of fifty-five (55) dB(A) or in excess of five (5) dBA above the background noise, whichever is greater, as measured at the nearest property line. This level may be exceeded during short-term events such as utility outages and severe wind storms.
8. **Vibration.** Small wind energy systems shall not cause vibrations through the ground which are perceptible beyond the property line of the parcel on which it is located.
9. **Spacing.** Minimum spacing between wind energy systems (on-site and off-site) shall be per the manufacturers specifications.
10. **Reception Interference.** Small wind energy systems shall not cause interference with television, microwave, navigational, or radio reception to neighboring areas.
11. **Shadow Flicker.** The property owner of a wind turbine shall make reasonable efforts to minimize shadow flicker to any occupied building on nearby properties.
12. **Potential Ice Throw.** Any potential ice throw or ice shedding from the wind turbine generator shall not cross the property lines of the site nor impinge on any right-of-way or overhead utility line.
13. **Visual Impact.** All visible components of a small on-site wind energy system shall be a non-reflective, non-obtrusive neutral color and maintained in good repair in accordance with industry standards.
14. **Safety.** A small on-site wind energy system shall have an automatic braking system to prevent uncontrolled rotation.

15. **Other Regulations.** On-site use of wind energy systems shall comply with all applicable State construction and electrical codes, **Federal Aviation Administration** requirements, **Michigan Aeronautics Commission** requirements, **1959 PA 259, as amended, (Michigan Tall Structures Act, being MCL 259.481 et. seq.)** and the **Michigan Public Service Commission** and **Federal Energy Regulatory Commission** standards.

16. **Roof-Mounted Wind Energy Systems.**

- a. Roof-mounted Vertical Axis Wind Turbines must be located on the rear half of the structure unless incorporated as an architectural design feature of the building.
- b. Horizontal Axis Wind Turbines shall not be roof-mounted, **except for those specifically designed for such installation.**

D. **Commercial Wind Energy Facilities and Anemometer Towers.**

Anemometer towers and wind energy facilities consisting of one (1) or more wind turbines whose main purpose is to supply electricity to off-site customers shall be allowed as a Special Land Use and shall adhere to the following requirements in addition to the requirements contained in **Articles 5** and **6**.

- 1. **Principal or Accessory Use.** A wind energy facility or anemometer tower may be considered either a principal or an accessory use. A different existing use or an existing structure on the same parcel shall not preclude the installation of a wind energy facility or a part of such facility on such parcel. Wind energy facilities that are constructed and installed in accordance with the provisions of this Article shall not be deemed to constitute the expansion of a nonconforming use or structure.
- 2. **Design & Installation.** All wind turbine generators shall comply with building code. Wind turbines shall be installed by a licensed contractor and applications shall be accompanied by engineering drawings of the wind turbine structure including the tower, base, and footings. An engineering analysis of the tower showing compliance with the currently adopted building code and certified by a licensed professional engineer shall also be submitted.

Guy wires may be utilized to support a temporary (18 months or less) anemometer tower, if demonstrated by the applicant to be necessary to maintain the safety of the structure.

- 3. **Minimum Site Area.** The minimum site area for a wind turbine generator or an anemometer tower erected prior to a wind turbine generator shall be as necessary to meet required wind energy setbacks and any other standards of this Ordinance.
- 4. **Setbacks.** Each proposed wind turbine generator or anemometer tower shall meet the following applicable setback requirements:
  - a. **Setback from Property Line.** Each wind turbine generator shall be set back from any adjoining lot line a distance equal to the total height of the wind turbine generator including the top of the blade in its vertical position. The Planning Commission may reduce this

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setback provided the adjoining property is owned or leased by the applicant or an easement is obtained. If the adjoining property owned or leased by the applicant includes more than one (1) parcel, the properties may be considered in combination in determining setback relief. The amount of setback relief approved by the Planning Commission will be based on data provided by the applicant and prepared by a qualified professional. Such data shall satisfy the Planning Commission that any potential blade and ice throw will not cross the property line and that sound levels will not exceed sixty-five (65) decibels on the dB (A) scale at the property line from the proposed setback. Data provided shall be specific to the proposed tower in the proposed location taking into consideration prevailing winds, topography, existing vegetation, and other relevant factors.

- b. **Setback from Road.** In addition to the above, a wind turbine generator shall, in all cases, be set back from a public or private road right-of-way a minimum distance equal to the height of the wind turbine generator total height as defined in the Ordinance.
- c. **Setback from Structures.** Each wind turbine generator shall be setback from the nearest inhabited structure located on property not owned or leased by the applicant a distance not less than one and one-half (1 ½) times the total height of the wind turbine generator.
- d. **Setback from Communication and Power Lines.** Each wind turbine shall be set back from the nearest above-ground public electric power line or telephone line a distance of no less than four hundred (400) feet or one and one-half (1 ½) times the total wind turbine height, whichever is greater, determined from the existing power or communications lines.
- e. **Building Setbacks.** Setbacks for buildings accessory to a wind turbine generator shall conform to the setbacks of the district.

**5. Maximum Height.**

- a. The maximum wind turbine generator or anemometer tower height shall be determined on a case by case basis dependent upon the site and manufacturer’s specifications and recommendations.
- b. The applicant shall demonstrate compliance with the **Michigan Tall Structures Act (1959 PA 259, as amended)**, **FAA** guidelines, and **Michigan Aeronautics Commission** guidelines as part of the approval process.

**6. Tower Separation.** Wind turbine separation distance shall be based on 1) industry standards and 2) manufacturer recommendation.

**7. Minimum Ground Clearance.** The lowest point of the arc created by rotating wind vanes or blades on a wind turbine generator shall be no less than fifty (50) feet.

**8. Maximum Noise Levels.** The sound pressure level generated by the wind energy system shall not exceed sixty-five (65) dB(A) measured at neighboring property lines. If the ambient sound pressure level exceeds sixty-five (65) dB(A), the standard shall be ambient plus five (5) dB(A).

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9. **Maximum Vibrations.** Any proposed wind turbine generator shall not produce vibrations through the ground humanly perceptible beyond the parcel on which it is located.
10. **Potential Ice Throw.** Any potential ice throw or ice shedding from a wind turbine generator shall not cross the property lines of the site nor impinge on any right-of-way or overhead utility line.
11. **Signal Interference.** No wind turbine generator shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antennas for radio, television, navigation, wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception. No wind turbine generator shall be installed in any location along the major axis of an existing microwave communications link where its operation is likely to produce electromagnetic interference with the link's operation.
12. **Visual Impact, Lighting, Power Lines.**
  - a. Wind turbines shall be mounted on tubular towers and shall be a non-reflective, non-obtrusive neutral color. The appearance of turbines, towers, and buildings shall be maintained throughout the life of the wind energy facility pursuant to industry standards (i.e. condition of exterior paint, signs, landscaping). A certified registered engineer and authorized factory representative shall certify that the construction and installation of the wind energy facility meets or exceeds the manufacturer's construction and installation standards.
  - b. The design of the wind energy facility's buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening, and landscaping that will blend facility components with the natural setting and the environment existing at the time of installation.
  - c. Wind turbine generators shall not be artificially lighted, except to the extent required by the FAA or the MAC or other applicable authority, or otherwise necessary for the reasonable safety and security thereof. If lighting is required, the lighting alternatives and design chosen:
    - (1) Shall be the intensity required under State or Federal regulations.
    - (2) Shall not be strobe lighting or other intermittent white lighting fixtures, unless expressly required by State or Federal regulations. Such intermittent lighting shall be alternated with steady red lights at night if acceptable to State or Federal regulations.
    - (3) All tower lighting required by State or Federal regulations shall be shielded to the extent possible to reduce glare and visibility from the ground.

- d. Wind turbines shall not be used to display any message except the reasonable identification of the manufacturer or operator of the wind energy facility.
- e. The electrical collection system shall be placed underground within the interior of each parcel at a depth designed to accommodate the existing or permitted land use to the maximum extent practicable. The collection system may be placed overhead adjacent to State and County streets upon approval of the Planning Commission, near substations or points of interconnection to the electric grid or in other areas as necessary.

13. **Safety.**

- a. All collection system wiring shall comply with all applicable safety and stray voltage standards.
- b. Wind energy facilities shall be enclosed by a fence or wall.
- c. All access doors to wind turbine towers and electrical equipment shall be locked.
- d. Appropriate warning signs shall be placed on wind turbine towers, electrical equipment, and facility entrances.
- e. All wind turbine generators shall be equipped with controls to control the rotational speed of the blades within design limits for the specific wind turbine generator.
- f. Wind turbine generators shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.

14. **Additional State, Federal, or Local Requirements.** Any proposed wind turbine generator anemometer tower shall meet or exceed any standards and regulations of **the Federal Aviation Administration (FAA), Michigan Aeronautics Commission (MAC), the Michigan Public Service Commission, National Electric Safety Code, Federal Energy Regulatory Commission**, and any other agency of the State, Federal, or local government with the authority to regulate wind turbine generators or other tall structures in effect at the time the Special Land Use application is approved.

15. **Hazard Planning.** An application for a wind turbine generator shall be accompanied by a hazard prevention plan. Such plan shall contain the following, if applicable:

- a. Certification that the electrical wiring between turbines and the utility right-of-way does not pose a fire hazard.
- b. Location of landscaping to be designed to avoid spread of fire from any source on the turbine; such preventative measures may address the types and locations of vegetation below the turbine and on the site.

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<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
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- c. A listing of any hazardous fluids that may be used on site shall be provided in an electronic format, including Material Data Safety Sheets (MDSS).
- d. Certification that the turbine has been designed to contain any hazardous fluids shall be provided.
- e. A statement certifying that the turbine shall be routinely inspected to ensure that no fluids are released from the turbine.

16. **Approvals.** All required approvals from other local, regional, State or Federal agencies must be obtained prior to approval of a site plan. In the case where site plan approval is a requirement for other local, regional, state, or federal agency approval, evidence of such shall be submitted with the site plan, and such approval of the site plan by the Planning Commission shall be conditional upon the approval of all other required permits.

**17. Removal of Wind Turbine Generators.**

- a. The applicant shall submit a decommissioning plan. The plan shall include:
  - (1) The anticipated life of the project.
  - (2) The estimated decommissioning costs in current dollars. Such costs shall not include credit for salvageable value of any materials.
  - (3) The method of ensuring that funds will be available for decommissioning and restoration.
  - (4) The anticipated manner in which the project will be decommissioned and the site restored.
- b. Any wind turbine generator or anemometer tower that is non-operational for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such wind turbine generator or anemometer tower shall remove the same within one hundred eighty (180) days of receipt of notice of abandonment from the Township. Failure to remove an abandoned wind turbine generator or anemometer tower within the one hundred eighty (180) day period provided in this subsection shall be grounds for the Township to remove the wind turbine generator or anemometer tower at the owner's expense.
- c. In addition to removing the wind turbine generator, or anemometer tower, the owner shall restore the site of the wind turbine generator or anemometer tower to its original condition prior to location of the wind turbine generator or anemometer tower, subject to reasonable wear and tear. Any foundation associated with a wind generator or anemometer tower shall be removed to a minimum depth of five (5) feet below the final grade and site vegetation shall be restored.



- d. The Planning Commission shall require the owner of the wind turbine generator to deposit a performance guarantee in an amount equal to the estimated costs associated with the removal of the wind turbine generator or anemometer tower and all associated equipment and accessory structures and restoration of the site to a reusable condition which shall include the removal of all underground structures to a depth of five (5) feet below the natural ground level at that location. The amount of the performance guarantee shall be reviewed every five (5) years. The amount of the performance guarantee shall be increased based on an inflation rate equal to the average of the previous ten (10) years Consumer Price Index.

18. **Equipment Replacement.** The wind turbine generator in its entirety or major components of the wind turbine generator may be replaced without a modification of the Special Land Use permit provided all regulations contained herein are adhered to.

## Section 7.20 Wireless Communications (Towers)

### A. Uses Allowed.

- 1. **Collocation - Permitted Use.** Pursuant to Section 3514 of **2006 PA 110, as amended (Michigan Zoning Enabling Act, being MCL 125.3101 et.seq.)**, collocation of wireless communications equipment is a permitted use of property.
- 2. **New Support Structure.**
  - a. New support structures are a Special Land Use in the RD, AR, and MDR Districts and shall be evaluated using the procedures stated in **subsection B** below and shall comply with the standards listed in **subsection C** below.
  - b. New support structures are a Permitted Land Use in the I District and shall follow the Site Plan Review Procedures in **Section 5.03** and shall comply with the standards listed in **subsection C** below.

### B. Special Land Use Approval Procedure.

An application for Special Land Use approval of wireless communications support structures shall include all information required by **Section 5.04 (Site Plan Data Required)**.

- 1. After an application for a special land use approval is filed, the Zoning Administrator shall determine whether the application is administratively complete. The application shall be considered to be administratively complete when the Zoning Administrator makes that determination or fourteen (14) business days after the Zoning Administrator receives the application, whichever is first.
- 2. If, before the expiration of the 14-day period under **subsection B.1**, the Zoning Administrator notifies the applicant that the application is not administratively complete, specifying the information necessary to make the application administratively complete, or notifies the

applicant that a fee required to accompany the application has not been paid, specifying the amount due, the running of the 14-day period under **subsection B.1** is tolled until the applicant submits to the body or official the specified information or fee amount due. The notice shall be given in writing or by electronic notification.

3. The Planning Commission shall approve or deny the application not more than ninety (90) days after the application is considered to be administratively complete. If the Planning Commission fails to timely approve or deny the application, the application shall be considered approved and the Planning Commission shall be considered to have made any determination required for approval.

**C. Site Development Standards**

The following site development standards shall apply to all new wireless support structures in the Township.

1. **Use and Zoning District Limitations.** Wireless support structures and alternative tower structures and antennas require a site plan and a decommissioning plan. Installations shall be enclosed by a six (6) foot fence to prevent unauthorized access to the site.
2. **Visual Impact.** The application for approval for the support structure shall include a visual impact analysis, prepared by the applicant, which includes graphic depictions of the anticipated visual appearance of the tower from important vantage points in the surrounding area. Methods used in preparing the analysis shall be reviewed and approved by the Zoning Administrator.
3. **Height and Construction.**
  1. A wireless support structure shall be exempt from building height limits established by zoning district regulations, provided that the tower height shall not exceed the minimum height necessary to serve its intended functions.
  2. The wireless support structure and any ancillary building housing equipment needed for operation of the tower shall not exceed the floor area and height minimally necessary for such equipment, and shall be of a size, type, color, and exterior materials which are aesthetically and architecturally compatible with the surrounding area, and as minimally obtrusive as possible. Landscape screening may be required by the Planning Commission to accomplish screening of ancillary equipment buildings.
  3. Wireless support structure shall be monopole construction with no guy wires.
4. **Lighting.**
  - a. The applicant shall provide documentation of any lighting to be installed on the wireless support structure.

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<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
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- b. The color and intensity of lighting required by **Federal Communications Commission (FCC), Federal Aviation Administration (FAA) or Michigan Aeronautics Commission (MAC)** regulations shall be as unobtrusive as possible and must cause the least disturbance to the surrounding properties.
  - c. Lighting shall not be strobe lighting or other intermittent white lighting fixtures, unless expressly required by State or Federal regulations. Such intermittent lighting shall be alternated with steady red lights at night if acceptable to State or Federal regulations.
5. **Color.** Wireless support structures shall be colored so as to be as unobtrusive as possible. The coloring of wireless support structures in alternate bands of color shall be permitted only if specifically required by **Federal Communications Commission (FCC), Federal Aviation Administration (FAA) or Michigan Aeronautics Commission (MAC)** regulations. If alternate band coloring is required by FCC, FAA, or MAC regulations, the applicant shall provide documentation of such requirements and regulations.
  6. **Signs.** No signs other than signs required pursuant to Federal, State or Township ordinance shall be allowed on an antenna or wireless support structure or site.
  7. **Setback Requirements.**
    1. The wireless support structure shall be set back not less than the distance equal to the height of the wireless support structure measured from the base to all points on each property line.
    2. The wireless support structure and any supporting or appurtenant structures shall be no closer to any building than the distance equal to the height of the wireless support structure measured from its base at grade to its highest point of elevation.
    3. The Planning Commission may reduce the required setbacks for wireless support structures that are designed to collapse onto themselves. In such a case, a sealed engineers drawing that states the minimum required setback shall be provided with the application. The Township may retain the services of an independent engineer to review the wireless support structure design and requested setback. The costs associated with an independent review shall be paid for by the applicant.
  8. **FCC/FAA/Other Regulations.** The applicant shall provide documentation of conformance with any **Federal Communications Commission, Federal Aviation Administration, or Michigan Aeronautics Commission** regulations. The wireless support structure shall comply with **1959 PA 259, as amended, (Michigan Tall Structures Act, being MCL 259.481 et. seq.)**.
  9. **Removal of Abandoned Wireless Support Structure.** Any wireless support structure that is not in use for a period of twelve (12) consecutive months shall be considered abandoned, and the owner of such wireless support structure shall remove the same within one hundred eighty (180) days of receipt of notice from the Township of such abandonment. In addition to removing the wireless support structure, the owner shall restore the site to its original

condition. Any foundation shall be removed to a minimum depth of five (5) feet below the final grade and site vegetation shall be restored. Failure to remove an abandoned wireless support structure within the one hundred eighty (180) day period provided in this subsection shall be grounds for the Township to remove the wireless support structure at the owner's expense. The Planning Commission shall require the applicant to file an irrevocable bond equal to the reasonable cost (including adjustment for inflation) of removing the wireless support structure and attendant accessory structures as a condition of a special use permit given pursuant to this section.

## Section 7.21 Medical Marihuana Primary Caregivers

### A. Purpose and Intent.

It is the purpose of this section to give effect to the intent of **Initiated Law 1 of 2008, as amended, (Michigan Medical Marihuana Act (the MMMA) being MCL 333.26421 et. seq.)** and not to establish any local program or regulation that would violate or contravene any enforced State or Federal statute. The MMMA authorizes a narrow exception to the general rule and law that the cultivation, distribution and use of marihuana amount to criminal acts. It is the purpose of this Section to establish standards for the application of that narrow exception in Wilber Township to enable the legitimate and legally-authorized practice of the Primary Caregiver activity as set forth herein. It is not the intent of this Section to broaden the strict interpretation of the MMMA to apply to activities not explicitly provided for therein nor is it the intent of this Section to encourage or sanction the cultivation, processing, refinement, distribution, transfer or use of marihuana except as permitted by a strict application of the terms of the MMMA and any rules or regulations duly promulgated there under.

### B. Findings.

This Section is based on the following findings:

1. The voters of the State of Michigan approved by initiative and referendum the use of marihuana by Qualifying Patients for certain medical conditions and established as a legitimate activity that individuals with appropriate credentials (Primary Caregivers) may assist Qualifying Patients in the use of marihuana under the provisions of the MMMA.
2. Despite the provisions of the MMMA, marihuana remains a controlled substance under Michigan and Federal law and there exists significant potential for abuse and illegal conduct that can threaten the health, safety and welfare of the residents of Wilber Township.
3. In other States where medical marihuana is similarly permitted but inadequately regulated, there are indications of significant negative secondary effects surrounding places where marihuana is dispensed, processed or used by groups of people. Such secondary negative effects tend to be exacerbated where multiple marihuana facilities are located and include sale and use of other controlled substances, robberies, assaults, break-ins, vagrancy and depressed property values.

4. Wilber Township finds that it has an obligation to residents and property owners to effectively mitigate potential secondary impacts that could result from the Primary Caregiver activity.

**C. Permitted Use.**

The activities of a registered Primary Caregiver as defined in the MMMA and further regulated in this Section and a Primary Caregiver Facility as defined in this Ordinance, shall be a permitted use in all zoning districts. No zoning permit is required. Standards contained in subsection D below shall be adhered to.

**D. Standards.**

1. **Primary Caregiver Facility.** The Primary Caregiver Facility shall be operated in compliance with **Initiated Law 1 of 2008, as amended, (Michigan Medical Marihuana Act (the MMMA) being MCL 333.26421 et. seq.)**.
2. **Combined Operations Prohibited.** No more than one Primary Caregiver shall occupy any zoning lot and combined growing, storage or transfer facilities shall be prohibited.
3. **Isolation Distance.** A Primary Caregiver facility shall be located no closer than three hundred (300) feet from any school, religious institution, day care facility, or park. For the purposes of this paragraph, such distances shall be measured in a straight line from the front door of the Primary Caregiver facility to the school, religious institution, day care facility, park or dwelling.
4. **Dispensing Medical Marihuana.** No medical marihuana shall be dispensed by the Primary Caregiver to Qualifying Patients at the Primary Caregiver facility. The Primary Caregiver shall deliver small quantities, not to exceed 2.5 ounces per Qualifying Patient, for the use of such Qualifying Patient and such delivery shall take place on private property away from public view. Any delivery vehicle used for such purposes shall be unmarked and not bear any emblem or sign that would indicate the nature of its cargo.
5. **Prohibited Activities.** All commercial medical marihuana facilities including Provisioning Centers, Growers, Processors, Secure Transporters, and Safety Compliance Facilities as defined in the **Medical Marihuana Facilities Licensing Act, 2016 PA 281, as amended**, are prohibited. All recreational marihuana establishments, as defined in the **Initiated Law 1 of 2018, the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq.**, are prohibited in Wilber Township.

**Section 7.22 Biofuel Production Facilities on Farms**

- A. In conformance to the Michigan Zoning Enabling Act, the following regulations shall apply to biofuel production facilities:

<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
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1. A biofuel production facility with an annual production capacity of not more than one hundred (100,000) gallons of biofuel is a permitted use of property and is not subject to Special Land Use approval if all of the following requirements are met:
  - a. The biofuel production facility is located on a farm.
  - b. The biofuel production facility is located not less than one hundred (100) feet from the boundary of any contiguous property under different ownership than the property on which the biofuel production facility is located and meets all applicable setback requirements of the Zoning Ordinance.
  - c. On an annual basis, not less than seventy-five (75) percent of the feedstock for the biofuel production facility is produced on the farm where the biofuel production facility is located, and not less than seventy-five (75) percent of the biofuel or another product or by-product produced by the biofuel production facility is used on that farm.
2. Each of the following requires Special Land Use approval under **subsections (3) to (5)**:
  - a. A biofuel production facility with an annual production capacity of not more than one hundred thousand (100,000) gallons of biofuel that meets the requirements of **subsection (1)(a) and (b)** but that does not meet the requirements of **subsection (1)(c)**.
  - b. A biofuel production facility with an annual production capacity of more than one hundred thousand (100,000) gallons but not more than five hundred thousand (500,000) gallons of biofuel that meets the requirements of **subsection (1)(a) and (b)**.
3. An application for Special Land Use approval for a biofuel production facility described in **subsection 2** shall include all of the following:
  - a. A site plan including a map of the property and existing and proposed buildings and other facilities.
  - b. A description of the process to be used to produce biofuel.
  - c. The number of gallons of biofuel anticipated to be produced annually.
  - d. An emergency access and fire protection plan that has been reviewed and approved by the appropriate responding police and fire departments.
  - e. For an ethanol production facility that will produce more than ten thousand (10,000) proof gallons annually, completed **United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau**, forms 5000.29 (environmental information) and 5000.30 (supplemental information on water quality considerations under 33 USC 1341(a)), or successor forms, required to implement regulations under the **National Environmental Policy Act of 1969, 42 USC 4321 to 4347**, and the **Federal Water Pollution Control Act, 33 USC 1251 to 1387**.

- f. Information that demonstrates that the biofuel production facility will comply with the requirements of **subsections (2) and (5)**.
  - g. Any additional information requested by the Planning Commission or Zoning Administrator.
4. The Township shall hold a hearing on an application for Special Land Use approval under **subsection (2)** not more than 60 days after the application is filed.
5. Special Land Use approval of a biofuel production facility described in **subsection (2)** shall be made expressly conditional on the facility's meeting all of the following requirements before the facility begins operation and no additional requirements:
- a. Buildings, facilities and equipment used in the production or storage of biofuel comply with local, State and Federal laws.
  - b. The owner or operator of the biofuel production facility provides the Township with proof that all necessary approvals have been obtained from the Department of Environmental Quality and other State and Federal agencies that are involved in permitting any of the following aspects of biofuel production:
    - (1) Air pollution emissions.
    - (2) Transportation of biofuel or additional products resulting from biofuel production.
    - (3) Use or reuse of additional products resulting from biofuel production.
    - (4) Storage of raw materials, fuel or additional products used in, or resulting from, biofuel production.
    - (5) The biofuel production facility includes sufficient storage for both of the following:
      - (a) Raw materials and fuel.
      - (b) Additional products resulting from biofuel production or the capacity to dispose of additional products through land application, livestock consumption, sale or other legal use.
6. This Section does not authorize biofuel production facilities that are not located on farms.

## Section 7.23 Planned Unit Development

### A. Purpose.

The intent of Planned Unit Developments (PUD) is to permit greater flexibility and consequently more creative design of various types of development than are possible under conventional zoning

<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
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regulations. It is the intention of this Section to allow flexible land use composition and design without sacrificing the basic principles of sound zoning practice.

**B. Permitted and Accessory Uses.**

Any use permitted in the District or any combination of such uses, or any use not normally permitted by right or special use in these Districts, and any accessory uses, are permitted. Mixed uses are encouraged.

**C. General Provisions.**

1. **Continuing Applicability of Information on Approved Site Plans.** The location of all uses and buildings, all uses and mixtures thereof, all yards and transition strips, and all other information regarding uses of properties as shown on or as part of a site plan which is approved subsequent hereto, shall have the full force and permanence of the Zoning Ordinance as though such information were specifically set forth in the Zoning Ordinance. Such information shall be the continuing obligation of any subsequent interests in a "PUD" or parts thereof and shall not be changed or altered except as approved through amendment or revision procedures as set forth in **Section 5.07**. The approved plan(s) and any conditions attached thereto shall control all subsequent planning or development.
2. **Construction.** No construction, grading, tree removal, soil stripping, or other site improvements or changes shall commence, and no permit shall be issued for a "PUD", until the requirements of this Section have been met.
3. **Performance Guarantee.** A performance guarantee will be required for all public and common improvements in developments and of all phased developments on a per phase basis. Cost levels to be used in setting performance guarantee amounts shall be based upon the findings regarding estimated cost as reported by the, Township, engineer contracted by the Township, or the appropriate Public Agency.

**D. Approval Procedures.**

1. **Pre-Application Meeting.** The developer shall meet with the Zoning Administrator, Township Supervisor, and Planning Commission Chair prior to the submission of the development plan. The purpose of the conference shall be to inform Township and other officials the concept of the proposed development and to provide the applicant with information regarding land development policies, procedures, standards, and requirements of the Township and other agencies. The applicant is encouraged to present schematic plans, site data, and other information that will explain the proposed development. Statements made in the conference shall not be legally binding commitments.
2. **Submission of Preliminary Site Plan.** The developer shall submit seven (7) copies of a preliminary site plan at least thirty (30) days prior to the Planning Commission meeting at which the preliminary site plan will be reviewed. The preliminary site plan shall include:
  - a. General footprint of proposed and existing buildings.

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<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
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- b. Indication of proposed uses and their general locations.
- c. General layout of streets, drives, parking areas, and pedestrian paths.
- d. Individual parcels, if applicable.
- e. Proposed setbacks for district perimeters and individual buildings within the development.
- f. Proposed perimeter buffer zones and screening.
- g. Conceptual landscape plan.
- h. Development phases, if applicable.
- i. Type, estimated number, and density range for residential development.
- j. Other information as may be deemed necessary by Township staff or the Planning Commission to properly review the proposal.
- k. Additional supporting documentation including a written narrative describing the project.

**3. Preliminary Site Plan Approval.**

- a. **Public Hearing.** The Planning Commission shall conduct a public hearing on the preliminary site plan in accordance with the notification requirements in **Section 9.08** of this Ordinance.
- b. **Preliminary Site Plan Approval/Action.** Following the public hearing, the Planning Commission shall approve, deny or approve the preliminary plan subject to specified conditions/revisions.

Once approved, the preliminary site plan shall be valid for a period of two (2) years. If a final site plan for the entire project or a phased portion thereof is not submitted within the two (2) year time period, the PUD and preliminary site plan shall become null and void. The Planning Commission may approve one (1) extension of up to two (2) years.

**4. Final Site Plan Approval.**

- a. Upon approval of the preliminary site plan by the Planning Commission, the applicant shall submit seven (7) copies of a final site plan of the entire PUD or phased portion thereof and filing fee to the Planning Commission for review and approval. Submission shall occur at least thirty (30) days prior to the meeting at which Planning Commission Review will occur.
- b. The final site plan shall include all site plan data required in **Section 5.04** in addition to the following:

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<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
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- (1) A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streetscapes; tabulation of the number of acres in the proposed project for various uses, the number of housing units proposed by type, estimated residential population by type of housing; estimated nonresidential population; anticipated timing for each unit; height, open space, building density, parking areas, population density and public improvements proposed for each unit of the development.
  - (2) Preliminary building plans, including floor plans and exterior elevations.
  - (3) Landscaping plans.
  - (4) Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of the land and the improvements thereon, including those areas which are to be commonly owned and maintained.
- c. The final submittal shall be prepared incorporating any changes specified as part of the preliminary approval.
  - d. The Planning Commission shall conduct a public hearing in accordance with the notification requirements in **Section 9.08** of this Ordinance.
  - e. Following the public hearing, the Commission shall take action on the plan. If approved with conditions, the approval shall indicate whether review and approval of any required modifications shall be made by the Planning Commission or by the Zoning Administrator. Planning Commission approval shall be based on the development standards and purpose stated in this section and a finding that the final site plan is consistent with the preliminary site plan approved by the Planning Commission, including any conditions or required modifications.
  - f. An approved final site plan shall be valid for three (3) years, during which time all permits necessary for the construction of the approved development shall be obtained. Failure to do so shall require the re-submittal of the previously approved final site plan to the Planning Commission for review and re-approval prior to the issuance of a Zoning Permit. The Planning Commission may reject or require modifications to the plan if in its opinion conditions on or off-site have changed in such a manner as to necessitate the rejection or modification.
  - g. No zoning amendment passed during the time period granted for the approved development plan shall in any way affect the terms under which approval of the planned unit development was granted.
5. **Amendment to an Approved PUD.** Amendments to a final approved site plan for a PUD shall follow the regulations in **Section 5.07**.

**E. Supplementary Development Standards and Regulations.**

The following requirements expand upon and/or are in addition to the requirements detailed in **Section 5.05 and 6.04.**

**1. District Location.**

All PUD's shall be restricted to sites having access to a hard surfaced roadway and accepted and maintained by the County Road Commission, except for PUD's in the MDR.

**2. External and Internal Circulation and Access.**

- a. Access points to a "PUD" development shall be located no less than five-hundred forty (540) feet apart when measured parallel to the adjoining roadway, and in no case shall any such point of ingress or egress be closer than two-hundred seventy (270) feet from either side lot line of the parcel.
- b. Each lot or main building shall have internal vehicular access from a public street or private street.
- c. Each lot or main building shall have pedestrian access from a public or private sidewalk, where deemed necessary by the Planning Commission, as part of the site plan.
- d. As property is developed as a "PUD" Planned Unit Development, a pathway system linking all principal residential, commercial, and industrial units both with on-site amenities (e.g., recreation areas, shopping, places of employment) and (unless it is demonstrated to the Planning Commission that such a system would be inappropriate or unnecessary to the development) with adjoining parcels must be provided. The pathway system shall be designed so as to be appropriate to non-motorized transport modes (e.g., bicycling, walking). The pathway shall be no less than four (4) feet in width and it shall be constructed of materials (e.g., crushed limestone) suited to walking and to non-motorized vehicular use.
- e. Standards of design and construction for public and private streets may be modified to adequately provide the service required. Right-of-way standards may also be modified, especially where the site plan provides for separating of pedestrian and vehicular traffic and adequate off-street parking facilities. Modifications of proposed public streets shall first be approved by the County Road Commission Engineer.
- f. Public and private streets shall be designed and constructed according to established standards for public streets as established by the County Road Commission.
- g. If private streets are to be dedicated to a public agency in the future, the applicant(s) shall first agree to bear the full expense of making the streets suitable for public acceptance.
- h. Standard sidewalks and/or a system of streetlights may be required of developments in the "PUD" district. Maintenance of either shall be ensured through implementation of a system

of deed restrictions providing for participation in maintenance costs by all owners of the development.

**3. Open Space Regulations.**

- a. A land, water, or land/water area constituting not less than twenty (20) percent of the total
  - (1) land area, or
  - (2) land area, plus no more than three hundred (300) feet into or no more than one-half (1/2) the width of distance across, a natural surface water area of the waterfront parcelshall be designated as permanent open space.
- b. The required open space must be set aside by the developer in the form of an irrevocable conveyance whereby the open space area must be developed according to the approved site plan and may never be changed to any other use. Further, this conveyance must provide that the open space is for the use and enjoyment of the residents, occupants, and users of the district and such open space shall be considered as an integral component of the overall Planned Unit Development. The developer shall provide for perpetual and mandatory maintenance of the open space through the use of deed restrictions which shall provide for participation in said maintenance cost by each resident (be they residential or commercial) within the Planned Unit Development.
- c. Buildings, parking lots, drives, and similar improvements may be permitted in open space areas if related and necessary to the functions of the open space. Other building and improvements shall be prohibited therein.
- d. Open space areas shall be conveniently located in relation to dwelling units and functions intended.
- e. Open space areas shall have minimum dimensions which are usable for the function intended and which will be maintainable.

**4. Site Design, Layout and Density Criteria.**

- a. In a PUD, the Planning Commission may permit variation in the standards of the district in which the PUD is proposed.
- b. All density requirements shall be completed on a total gross area basis, less water area, unless the water area is completely enclosed on the parcel.
- c. Existing natural water areas (i.e., streams, ponds, lakes and/or similar water bodies) may be included in density calculations up to three hundred (300) feet of their surface width as measured from the shoreline, or where such water areas are proposed for construction by the applicant, fifty (50) percent of the total water area to be constructed may be included

in density calculations, but in no case shall the included surface water area exceed twenty (20%) percent of the total land area of the PUD or any single or combination of phases of the PUD.

- d. Residential areas may contain several different types of dwelling units.
- e. All main buildings and all accessory buildings or structures shall be located at least one-hundred (100) feet from any exterior public roadway right-of-way line, private road, and/or area to be platted.

**5. Project Phasing.**

- a. If the proposed development is to be constructed in phases, a narrative description of that phased process that describes all work to be done in each phase shall be submitted to the Planning Commission when the site plan is submitted.
- b. A phase shall not be dependent upon subsequent phases for safe and convenient vehicular and pedestrian access, adequate utility services, and open spaces and recreation facilities.

**F. Standards for Review.**

The Planning Commission shall determine that the application, site plan, and supplementary informational materials submitted by the applicant meet the following standards:

- 1. The proposed development shall conform to the intent and all regulations and standards of a “PUD”.
- 2. The proposed development shall be adequately served by public facilities and services such as: highways, streets, sidewalks, street lights, police and fire protection, drainage courses, water and sanitary facilities, and refuse disposal; or that the persons or agencies responsible for the proposed development shall be able to properly provide such facilities and services.
- 3. Common open space, other common properties and facilities, individual properties, and all other elements of a “PUD” are so planned that they will achieve a unified open space and recreation area system, with open space and all other elements in appropriate locations suitably related to each other, the site, and surrounding lands.
- 4. The applicant shall have made provision to ensure that public and common areas will be or have been irrevocably committed for that purpose. Provisions shall have been made to provide for financing of improvements shown on the plan for open space and other common areas and facilities, and that proper maintenance of such improvements is ensured.
- 5. Traffic to, from, and within the site will not be hazardous or inconvenient to the project or to the surrounding area. In applying this standard, the Planning Commission shall consider, among other things, convenient routes for pedestrian traffic; relationship of the proposed project to

main thoroughfares and street intersections; and the general character and intensity of the existing and potential development of the surrounding area.

6. The mix of housing unit types and densities, and the mix of residential and non-residential uses shall be acceptable in terms of convenience, privacy, compatibility, and similar measures.
7. The Planning Commission shall determine, where applicable, that noise, odor, light, or other external effects which are connected with the proposed use, will not adversely affect adjacent and surrounding area lands and uses.
8. The proposed development shall create a minimum disturbance to natural features and landforms.
9. Roads shall follow topography, be properly spaced, and be located and aligned in accordance with the intended function of each road. The property shall have adequate access to public roads. The plans shall provide for logical extensions of public roads and shall provide suitable road connections to adjacent parcels, where applicable.
10. Pedestrian circulation shall be provided within the site and shall interconnect all use areas where applicable. The pedestrian system shall provide for a logical extension of pedestrian ways outside the site and to the edges of the "PUD" where applicable.

**G. Amendments to Site Plans.**

Preliminary and final site plans may be amended in accordance with the process detailed in **Section 5.07**.

**H. Extension of Time Limits.**

Time limits set forth in **subsection D** above may be extended upon showing a good cause, and by written agreement between the applicant and the Planning Commission.

**Section 7.24 Site Condominium Development**

**A. Intent.**

The purpose of this section is to regulate the creation and use of site condominiums within the Township and to promote and protect the health, safety, and general welfare of the public. These regulations and controls shall in no way repeal, annul, or in any way interfere with the provisions and standards of any other State and Federal laws and regulations.

**B. General Requirements.**

<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
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1. **Compliance with Federal, State and Local Laws.** All site condominium projects, including manufactured home condominium developments, shall comply with all applicable Federal, State, and local laws and ordinances.
2. **Zoning Requirements.** All site condominium projects shall be located within the zoning district that permits the proposed use and shall comply with all zoning requirements of this Ordinance.
  - a. For the purposes of these regulations, each condominium unit in a site condominium shall be considered as a single zoning lot and shall comply with all regulations of the zoning district in which it is located.
  - b. In a site condominium containing single-family detached dwelling units, not more than one (1) dwelling unit shall be located on a single site condominium unit nor shall a dwelling unit be located on a site condominium unit with any other main building or principal use.
  - c. Required yards shall be measured from the boundaries of the site condominium unit.
3. **Site Plan Review.** Prior to recording a plat or master deed, site condominiums shall undergo site plan review and approval by the Planning Commission in accordance with **Article 5** of this Ordinance. Approval under this Ordinance shall be required as a condition to the right to construct, expand, or convert a site condominium project in the Township.
  - a. **Application.**
    - (1) An application for site plan approval shall be filed for review as per the requirements of **Article 5** of this Ordinance. All procedures and standards of **Article 5** shall apply to site condominium projects.
    - (2) All condominium site plans shall include the information required in **Section 66 of PA 59 of 1978, as amended (Condominium Act, being MCL 559.166)**.
    - (3) The application for site plan review shall also include a copy of the proposed deed restrictions and/or master deed and by-laws to be recorded with the County Register of Deeds for review and approval by the Planning Commission.
    - (4) In the case of single-family detached dwelling units, the location and dimensions of site condominium common elements, limited common elements and building envelopes, rather than individual buildings and required yards, shall be shown on the site plan.
  - b. **Deed Restrictions, Master Deed, By-Laws.**
    - (1) The deed restrictions and/or master deed and by-laws shall be reviewed with respect to all matters subject to regulation by the Township, including but not limited to preservation and maintenance of drainage, retention ponds, wetlands and other natural areas, and maintenance of landscaping in common areas in the project.

- (2) Also, the deed restrictions and/or master deed and by-laws shall provide for the means by which any private road rights-of-way may be dedicated to the public entity having jurisdiction in the future should such dedication be later deemed appropriate.
- c. **Performance Guarantees.** As a condition of approval of the site plan, the Planning Commission may require performance guarantees by the developer in accordance with the provisions of **Section 9.06**, to ensure completion of improvements shown upon the site plan. Upon fulfillment of all requirements, the developer shall apply to the Township for release of any remaining performance guarantees.
4. **Easements for Utilities.** Road rights-of-way shall be parcels separate from individual residential units or lots. The rights-of-way shall be for roadway purposes and for the maintaining, repairing, altering, replacing, and/or removing of pipelines, wires, poles, mains, conduits, and other installations of a similar character, hereinafter collectively called “public structures” for the purpose of providing public utilities including electric, communications, water, drainage and sewers, and subject to easements to be dedicated to the Township.
5. **Additional Filings Required.** Subsequent to the recording of the deed restrictions and/or master deed and by-laws, and subsequent to the construction of improvements, the developer shall file the following information with the Township Clerk:
- a. Three (3) copies of the as-built site condominium plans.
  - b. Two (2) copies of the recorded deed restrictions and/or master deed and by-laws with all pertinent attachments.
  - c. Certification from the developer’s engineer that improvements have been installed in conformance with the approved construction drawings and monuments.

## Section 7.25 Sexually-Oriented Businesses

The purpose and intent of the section of this Ordinance pertaining to the regulation of sexually-oriented businesses is to regulate the location and operation of, but not to exclude, sexually-oriented businesses within the Township, and to minimize their negative secondary effects. It is recognized that sexually-oriented businesses, because of their very nature, have serious objectionable operational characteristics which cause negative secondary effects upon nearby residential, educational, religious, and other similar public and private uses. The regulation of sexually-oriented businesses is necessary to ensure that their negative secondary effects will not contribute to the blighting and downgrading of surrounding areas and will not negatively impact the health, safety, and general welfare of Township residents. The provisions of this Ordinance are not intended to offend the guarantees of the First Amendment to the United States Constitution or to deny adults access to sexually-oriented businesses and their products, or to deny sexually-oriented businesses access to their intended market. Neither is it the intent of this Ordinance to legitimize activities which are prohibited by Township Ordinances, State or Federal law. If any portion of this Ordinance relating to the regulation of sexually-oriented businesses or referenced in those sections is found to be invalid or unconstitutional by a court of competent jurisdiction, the Township intends said portion to be disregarded, reduced, and/or revised

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so as to be recognized to the fullest extent possible by law. The Township further states that it would have passed and adopted what remains of any portion of this Ordinance relating to regulation of sexually-oriented businesses following the removal, reduction, or revision of any portion so found to be invalid or unconstitutional.

- A. No sexually-oriented business shall be greater than five thousand (5,000) square feet.
- B. No sexually-oriented business shall be established on a parcel within five hundred (500) feet of any residence, public or private school, religious institution, public park, state-licensed child care facility, or residential zoning district.
- C. No sexually-oriented business shall be permitted in a location in which any main or accessory building, including signs, is within one thousand (1,000) feet of any main or accessory building of another sexually-oriented business.
- D. For the purpose of this section, measurements shall be made in a straight line in all directions without regard to intervening structures or objects, from the closest part of any structure, including signs and roof overhangs, used in conjunction with the sexually-oriented business to the closest point on a property boundary or right-of-way associated with any of the land use(s) or zoning district identified in **subsection B and C** above.
- E. The proposed use shall conform to all specific density and setback regulations of the zoning district in which it is located.
- F. The proposed use must meet all applicable written and duly promulgated standards of the Township and other governments or governmental agencies having jurisdiction, and that, to the extent required, the approval of these governments and/or governmental agencies has been obtained or is reasonably assured.
- G. The outdoor storage of garbage and refuse shall be contained, screened from view, and located so as not to be visible from neighboring properties or adjacent roadways.
- H. Any sign or signs proposed for the sexually-oriented business must comply with the provisions of this Ordinance, and shall not otherwise include photographs, silhouettes, drawings, or pictorial representations of any type, or include animated or flashing illumination.
- I. No product or service for sale or gift, or any picture or other representation of any product or service or gift, shall be displayed so as to be visible from the nearest adjoining sidewalk, street, or a neighboring property.
- J. Hours of operation shall be limited to 12:00 PM (noon) to 12:00 AM (Midnight).

# Article 8

## Zoning Board of Appeals

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### Section 8.01 Authority

There is hereby established a Zoning Board of Appeals, which shall perform its duties and exercise its powers as provided by the **Michigan Zoning Enabling Act, 2006 PA 110, as amended**, and as provided in this Ordinance in such a way that the objectives of this Ordinance shall be enforced, the public health and safety secured, and substantial justice done.

### Section 8.02 Membership

#### A. Regular Members.

The Zoning Board of Appeals (ZBA) shall consist of five (5) members. The first member of such Board of Appeals shall be a member of the Township Planning Commission, to be appointed by the Township Board, for the terms of his/her office; the second member shall be a member of the Township Board, appointed by the Township Board for a three year term but coincident with his term in office. The other three (3) members shall be appointed by the Township Board from among the electors residing in the unincorporated area of the Township for a term of three (3) years, except that the first three (3) elector members shall be appointed for one, two, and three year terms, respectively. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term.

#### B. Alternates.

The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called as specified to serve as a member of the Zoning Board of Appeals in the absence of a regular member, if the regular member will be unable to attend one (1) or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the Zoning Board of Appeals.

#### C. Officers.

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The Chairperson of the Zoning Board of Appeals shall be elected from among any of its members each year at the first regular meeting held at the beginning of each calendar year. The Township Board member appointed to the Zoning Board of Appeals shall not serve as Chairperson.

**D. Employees.**

An employee or contractor of the Township Board may not serve as a member of the Zoning Board of Appeals.

**E. ZBA Member who is also Planning Commission Member.**

A member of the Zoning Board of Appeals who is also a voting member of the Planning Commission shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission. However, the member may consider and vote on other unrelated matters involving the same property.

**F. Removal of ZBA Member.**

A member of the Zoning Board of Appeals may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing. A member shall ask to be disqualified from a vote in which the member has a conflict of interest. Failure of a member to ask to be disqualified from a vote in which the member has a conflict of interest constitutes malfeasance in office.

## Section 8.03 Meetings

**A. Open Meetings.**

All decisions and deliberations of the Board shall take place at a meeting open to the public in compliance with the **Open Meetings Act, 1976 PA 267, as amended**.

**B. Minutes and Official Records.**

Minutes shall be recorded of all proceedings which shall contain evidence and data relevant to every case considered, together with the record of the vote of each member (by name) of the Board and the final disposition of each case. The grounds of every determination shall be stated, in writing, and recorded as part of the official minutes and record of the Board. Such minutes shall accompany and be attached to the standard forms required of persons appealing as part of the Zoning Board of Appeals' permanent records. Such minutes shall be filed in the office of the Township Clerk and Planning Commission and shall be sent promptly to the applicant or appellant and to the Zoning Administrator. The Township Clerk shall act as the depository for all official files of the Board.

**C. Rules of Procedure and Majority Vote.**

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The Zoning Board of Appeals shall adopt its own bylaws of rules and procedures as may be necessary to properly conduct its meetings and activities. A Zoning Board of Appeals shall not conduct business unless a majority of the regular members of the Zoning Board of Appeals are present. The concurring vote of a majority of the members of the Zoning Board of Appeals is necessary to reverse an order, requirement, decision, or determination of the administrative official or body, to decide in favor of the applicant on a matter upon which the Zoning Board of Appeals is required to pass under the zoning ordinance, or to grant a variance in the zoning ordinance.

**D. Quorum.**

A majority of the full membership of the Zoning Board of Appeals shall constitute a quorum for purposes of transacting the business of the Board and the **Open Meetings Act, 1976 PA 267**, as amended. Each member of the ZBA shall have one (1) vote. The Zoning Board of Appeals shall not conduct business unless a majority of the members are present.

**E. Meeting Scheduling and Notice.**

Meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson, in response to the receipt of a Request for Appeal, and at such other times as the Board, in its rules of procedure, may specify. Public notice of the date, time, and place of a public meeting of the Board shall be given in the manner prescribed in **Section 9.08**.

**F. Oaths and Witnesses.**

The chairperson or, in his or her absence, the acting chairperson may administer oaths and compel the attendance of witnesses.

## Section 8.04 Powers and Duties

**A. Powers.**

The Zoning Board of Appeals shall hear and decide questions that arise in the administration of the Zoning Ordinance, including the interpretation of the zoning maps, and may adopt rules to govern its procedures sitting as a Zoning Board of Appeals. The Zoning Board of Appeals shall also hear and decide appeals from and review any administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcement of this Ordinance.

The Board has the power to act on matters as provided in this Ordinance and **2006 PA 110, as amended** including the following:

1. **General.** An appeal may be taken by any person aggrieved or by an officer, department, board or bureau of the County or State.
2. **Administrative Review.** The Zoning Board of Appeals shall act upon all questions as they may arise in the administration of the Zoning Ordinance. It shall hear and decide appeals from and

<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
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review any order, requirements, decision, or determination made by the Planning Commission, the Township Board, the Zoning Administrator or any administrative official charged with enforcement of this Ordinance.

3. **Interpretation.** The ZBA shall decide any question involving the interpretation of any provision of this Ordinance, including determination of the exact location of any district boundary if there is uncertainty with regard thereto. A record shall be kept by the Township of all decisions for interpretation of this Ordinance or Zoning Map and land uses which are approved under the terms of this Section. The ZBA shall request the Planning Commission to review any Ordinance amendment it deems necessary.
4. **Public Service and Public Utility Buildings.** To permit the erection and use of a building, or an addition to an existing building, of a public service corporation or for public utility purposes in any permitted district to a greater height or larger area than the requirements herein established; and permit the location in any district of a public utility building, structure or use, if the Commission shall find use, height, area, building, or structure reasonably necessary for the public convenience and service; and provided such building, structure or use is designed, erected and landscaped to conform harmoniously with the general architecture and plan for such district.
5. **Non-Use Variances.** The Zoning Board of Appeals shall have the power to grant variances from any of the regulations or provisions contained in this Ordinance in cases in which there is practical difficulty in the way of such strict application. No variance shall be granted to permit the establishment within a district of any use which is not included as a permitted use or for which a special use permit is required. The following standards shall be used to grant non-use variances:
  - a. That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district and will not impair an adequate supply of light and air to adjacent property, unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or in any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township.
  - b. The need for the requested variance is due to unique circumstances or physical conditions of the property involved that do not apply generally to other properties in the surrounding area, such as narrowness, shallowness, shape, water, or topography.
  - c. The need for the requested variance is not the result of action of the property owner or previous property owners (self-created).
  - d. The need for the requested variance is not due to the applicant's personal or economic hardship.
  - e. Strict compliance with the regulations governing area, setbacks, frontage, height, bulk or density would deprive the applicant rights commonly enjoyed by other properties in the same district or would render conformity unnecessarily burdensome.

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<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
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- f. Whether granting the requested variance would do substantial justice to the applicant as well as to other property owners in the district, or whether granting a lesser variance than requested would give substantial relief to the property owner and be more consistent with justice to other property owners.

**B. Exercise of Powers.**

In exercising the above powers, the ZBA may reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirements, decision, or determination as ought to be made, and to that end shall have all the powers of the official or body from whom the appeal is taken. The Zoning Board of Appeals shall have the power in passing upon appeals to vary or modify any of its rules, regulations, or provisions so that the spirit of this Ordinance shall be observed, public safety secured, and substantial justice be done.

**C. Special Land Use and PUD.**

The ZBA has no jurisdiction to hear appeals from decisions concerning Special Land Use approvals or Planned Unit Developments.

**D. Powers Not Granted.**

Nothing herein contained shall be construed to give or grant to the ZBA the power or authority to alter or change this Ordinance or the Zoning Map, such power and authority being reserved to the Wilber Township Board in the manner provided by law.

**Section 8.05 Procedures**

**A. Notice of Appeal.**

- 1. An appeal to the Zoning Board of Appeals may be taken by a person aggrieved or by an officer, department, board, or bureau of the Township, County or State. In addition, when acquisition of a portion of a parcel of property under **Section 4 of the Uniform Condemnation Procedures Act, 1980 PA 87, MCL 213.54** leaves a parcel in nonconformity with this Ordinance, a variance in the Zoning Ordinance may be applied for and granted.
- 2. **Appeal in Writing.** Appeals from the ruling of the Township Board, Planning Commission, or Zoning Administrator may be made to the Zoning Board of Appeals in the following manner.
  - a. The person, firm, or agent thereof making the appeal shall file, in writing, to the Township Clerk a letter stating what the specific appeal is and the reasons for said appeal.
  - b. The Township Clerk submits the written appeal, along with all papers constituting the record from which the action appealed was taken, to the Zoning Board of Appeals.

<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
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3. **Timing of Appeal.** Such appeal shall be taken within forty-five (45) days, as prescribed by the Zoning Board of Appeals by general rule, by the filing with the officer from whom the appeal is taken, of a Notice of Appeal specifying the grounds. The officer from whom the appeal is taken shall promptly transmit to the Zoning Board of Appeals, all the papers constituting the record upon which the action appealed from was taken.
4. **Stay.** An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Zoning Board of Appeals, after the Notice or Appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stated otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or by the Circuit Court, on application, on notice to the officer from whom the appeal is taken and on due cause shown.

**B. Documents Required.**

The applicant shall submit six (6) copies of surveys, plans and data, or other information which is requested by the Zoning Administrator or Chair of the ZBA and which is reasonably necessary.

**C. Fee Required.**

A fee prescribed by the Township Board shall be submitted to the Township Clerk at the time of filing the letter of appeals. The appeal fee shall immediately be placed in the Township General Fund.

**D. Hearing & Public Notice.**

1. **Date, Time & Notice.** When a request for appeal has been filed in proper form with the Zoning Board of Appeals, the Chairperson shall place, in a reasonable amount of time, the said request for appeal upon the calendar for hearing, and cause notice stating the time, place, and object of the hearing in conformity with **Section 9.08**. However, if the request does not involve a specific parcel of property, notice need only be published in the local paper and given to the person making the request.
2. **Appearance.** During a hearing, any party or parties may appear in person or by agent or by attorney. The Zoning Board of Appeals shall have the power to require the attendance of witness, administer oaths, compel testimony, and otherwise cause the production of books, papers, files, and other evidence pertaining to matters properly coming before the Board of Appeals.
3. The Board shall not decide an appeal until after a public hearing.

## Section 8.06 Decisions

### A. Voting.

1. The concurring majority vote of the full membership of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of any administrative official, or to decide in favor of the applicant any matter upon which they are required to pass under this Ordinance, or to effect any variation in the application of this Ordinance.
2. The Zoning Board of Appeals shall decide upon all appeals within a reasonable time and reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from, and shall make such order, requirement, decision or determination as, in its opinion, ought to be made in the premise and to that end shall have all the powers of the Zoning Administrator, Township Board, and Planning Commission from whom the appeal is taken. The Zoning Board of Appeals' decision of such appeals shall be in the form of a resolution or statement containing a full record of the findings and determination of the Zoning Board of Appeals affixed thereon. Any persons having an interest affected by such resolution shall have the right to appeal to the Circuit Court on questions of law and fact.
3. The Zoning Board of Appeals shall not grant variances less restrictive than requested by the petitioner. The Zoning Board of Appeals may grant variances more restrictive than requested if necessary and reasonable.
4. A decision of the Zoning Board of Appeals shall take immediate effect.
5. A decision or variance granted by the Zoning Board of Appeals runs with the land and shall be valid after transfer of property ownership.

### B. Conditions.

The Zoning Board of Appeals may specify, in writing, such conditions regarding the character, location, and other features that will in its judgement, secure the objectives and purposes of this Ordinance. Such conditions imposed shall meet all of the following requirements:

1. Be designed to protect natural resources, public health, safety, and welfare and the social and economic well-being of those who will use the land use 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 purposes 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 land use or activity under consideration, and



be necessary to insure compliance with those standards. Violations of any of these conditions shall be deemed a violation of this Ordinance, enforceable as such, and/or may be grounds for revocation or reversal of such decision.

**C. Decisions of the Board.**

1. **Findings of Fact.** All decisions of the Board shall be in writing and so far as it is practicable, in the form of a general statement or resolution reciting the conditions, facts, and findings of the Board. The applicant shall be advised of the decision after the public hearing unless the Board moves for a continuation of such hearing.
2. **Resubmittal.** No application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall be resubmitted for a period of one (1) year from such denial, except on grounds of new evidence or proof of changed conditions found by the Zoning Board of Appeals to be valid.
3. **Appeal to Circuit Court.** Upon approving, approving with conditions, or denying an appeal, the applicant or any aggrieved party shall have thirty (30) days from the date of the decision of the Zoning Board of Appeals to appeal the decision to Circuit Court in accordance with **MCL 125.3605, 125.3606, 125.3607** and in accordance with **MZEA 110 of 2006 as amended.**

**D. Voiding of an Appeal.**

Each variance granted under the provisions of this Ordinance shall become null and void unless the use and construction authorized by such variance or permit has been commenced within one year (1) after the granting of such variance.

# Article 9

## Administration & Enforcement

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### Section 9.01 Purpose

The purpose of this Article is to provide for the organization of personnel and procedures for the administration of the Ordinance, including the submittal and review of land use and development plans, issuance of land and structural use zoning permits, inspections of properties for compliance with the Zoning Map and regulations, establishment and collection of permit fees, handling of violators and enforcement of the provisions of this Ordinance and any amendments to it.

### Section 9.02 Administration

The provisions of this Ordinance shall be administered by the Township Board, the Township Planning Commission, and such personnel as designated by the Township Board in accordance with the **Michigan Zoning Enabling Act, 2006 PA 110**, as amended and this Zoning Ordinance.

The Township Board shall employ a Zoning Administrator who shall act as the officer to carry out the enforcement of this Ordinance. The person selected, the terms of employment and the rate of compensation shall be established by the Township Board.

### Section 9.03 Duties of the Zoning Administrator

#### A. Applications.

The Zoning Administrator shall receive and review all applications for Zoning Permits and approve or disapprove such applications based on compliance with the provisions of this Ordinance and shall approve issuance of the permit, if the use and the requirements of this Ordinance are met.

#### B. Administration.

The Zoning Administrator shall assist the Township Board, the Planning Commission and the Zoning Board of Appeals in the processing and administering of all site plans, zoning appeals and variances, Special Land Use permits and amendments to the Zoning Ordinance.

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**C. Zoning Map.**

The Township Clerk, with the assistance of the Zoning Administrator, shall be responsible to update the Township Zoning Map and keep it current.

**D. Report to the Planning Commission and Township Board.**

The Zoning Administrator shall prepare and submit to the Township Board and the Planning Commission a written record of all zoning permits issued during each month. The record shall state the owner's name, location of property, intended use, estimated cost of construction for each permit, and square feet of floor area to be built.

**E. Records.**

The Zoning Administrator shall maintain written records of all actions taken by the Zoning Administrator.

**F. Inspections.**

The Zoning Administrator shall conduct inspections as per **Section 9.07**.

**G. Enforcement.**

The Zoning Administrator shall administer enforcement procedures as per **Section 9.11**.

**Section 9.04 Zoning Permits**

**A. Zoning Permit Requirements.**

1. A Zoning Permit is required for and shall be obtained after the effective date of this Ordinance from the office of the Zoning Administrator or his agent by the owner or his agent for the construction, enlargement, alteration, moving, or demolition of any dwelling, building or structure or any part thereof, being used or to be used for agricultural, residential, commercial, industrial, public or semi-public purposes.
2. Repairs of a minor nature or minor alterations which do not change the use, occupancy, area, structural strength, fire hazard, fire protection, exits, light and ventilation of a building shall not require a Zoning Permit.
3. The administrative coordination of Zoning Permits issued by the Township and Building Permits by the Building Inspector shall be in accordance with **Section 3.06 (Conflicting Regulations)** of this Ordinance.
4. If the information included in and with the application is in compliance with these requirements and all other provisions of this Ordinance, the Zoning Administrator shall issue

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a Zoning Permit upon payment of the required Zoning Permit fee and the filing of any required performance guarantee.

5. Prior to the issuance of any Building Permit in the Township, it shall be necessary for any applicant, for construction under the provisions of the Construction Ordinance, to first apply for and obtain a Zoning Permit from the Zoning Administrator of the Township in accordance with the provisions of this Zoning Ordinance.

**B. Voiding of Permit.**

1. Any Zoning Permit granted under this Section shall be null and void unless the development proposed shall have its first inspection within one (1) year from the date of granting the permit. The Zoning Administrator may suspend or revoke a permit issued in error or on a basis of incorrect information supplied by the applicant or his agent or in violation of any of the Ordinances or Regulations of the Township.
2. A zoning permit may be renewed for a project on which construction is occurring. A renewal fee is required.

**Section 9.05 Fees, Charges, and Expenses**

- A. The Township Board shall establish a schedule of fees, charges, and expenses, and a collection procedure for Zoning Permits, appeals, and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the Township Office and may be altered or amended only by the Township Board.
- B. No permit, certificate, Special Land Use approval, or variance shall be issued until such costs, charges, fees, or expenses listed in this Ordinance have been paid in full, nor shall any action be taken on proceedings before the Zoning Board of Appeals, until preliminary charges and fees have been paid in full and performance guarantees have been filed with the Township Clerk.
- C. The amount of these zoning fees shall cover the costs associated with the review of the application or appeal including but not limited to the costs associated with conducting public hearings, publishing notices in the newspaper, sending required notices to property owners, postage, photocopying, mileage, time spent by Township staff, and time spent by the members of the Planning Commission and/or Zoning Board of Appeals. The basic zoning fees shall be paid before any application required under this Ordinance is processed. The basic zoning fees are non-refundable, even when the applicant withdraws an application or appeal.
- D. If the Zoning Administrator, Planning Commission, Township Board, or Zoning Board of Appeals determines that the basic zoning fees will not cover the actual costs of the application review or appeal, or if the Zoning Administrator, Planning Commission Township Board, or Zoning Board of Appeals determines that review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals is necessary, then the applicant shall deposit with the Township such additional zoning fees in an amount determined by the Zoning Administrator equal to the estimated additional costs. The

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additional zoning fees shall be held in escrow in the applicant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than ten percent (10%) of the initial escrow deposit or less than ten percent (10%) of the latest additional escrow deposit and review of the application or decision on the appeal is not completed, then the Planning Commission, Township Board, or Zoning Board of Appeals may require the applicant to deposit additional fees into escrow in an amount determined by the Zoning Administrator to be equal to the estimated costs to complete the review or decide the appeal. Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete or the appeal procedurally defective thereby justifying the denial of the application or the dismissal of the appeal. Any unexpended funds held in escrow shall be returned to the applicant following final action on the application or the final decision on the appeal. Any actual costs incurred by the Township in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the issuance of any certificate or prior to the final decision on an appeal.

### Section 9.06 Performance Guarantees

Bonds or other acceptable forms of security may be required of the applicant after a final site plan is approved and prior to issuance of a Zoning Permit for certain site improvements such as, but not limited to, roads or drives, parking lots, grading, landscaping, and buffers. A schedule for such security shall be established by resolution of the Township Board upon the recommendation of the Planning Commission, and shall be administered by the Township Treasurer and Clerk. Such security may be released in proportion to work completed and approved upon inspection as complying with the approved final site plan. In the event that the applicant shall fail to provide improvements according to the approved final site plan, the Township Board shall have the authority to have such work completed, and to reimburse itself for costs of such work by appropriating funds from the deposited security, or may require performance by the bonding company.

### Section 9.07 Inspections

The construction or usage affected by any Zoning Permit shall be subject to the following inspections by the Zoning Administrator:

- A. At time of staking out of building foundation or location of structure. The property owner is responsible for determining and marking the correct location of property lines from which setbacks are measured.
- B. Upon completion of the construction authorized by the permit.
- C. It shall be the duty of the holder of every permit to notify the Zoning Administrator when construction is ready for inspection. Upon receipt of such notification for the first inspection, the Zoning Administrator shall determine whether the location of the proposed building, as indicated by corner stakes, is in accordance with yard setbacks and other requirements of the Ordinance. The Zoning Administrator shall issue his written approval at the time of inspection if the building or proposed construction meets the requirements of this Ordinance.

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- D. Should the Zoning Administrator determine that the building or structure is not located according to the site and construction plan filed, or is in violation of any provision of this Ordinance, or any other applicable law, he shall so notify, in writing, the holder of the permit or his agent. Further construction shall be stayed until correction of the defects set forth has been accomplished and approved upon notice and request for re-inspection by the applicant and those inspections completed and compliance certified by the Zoning Administrator.
- E. Should a Zoning Permit holder fail to comply with the requirements of the Zoning Administrator at any inspection stage, the Zoning Administrator shall cause notice of such permit cancellation to be securely and conspicuously posted upon or affixed to the construction not conforming to the Ordinance requirements, and such posting shall be considered as service upon the notice to the permit holder of cancellation thereof, and no further work upon said construction shall be undertaken or permitted until such time as the requirements of this Ordinance have been met. Failure of the permit holder to make proper notification of the time for inspection shall automatically cancel the permit, requiring issuance of a new permit before construction may proceed.

## Section 9.08 Public Notification

All applications for development approval requiring a public hearing shall comply with the **Michigan Zoning Enabling Act, 2006 PA 110 as amended, MCL 125.3101 et. seq.** and the other provisions of this Section with regard to public notification.

### A. Published Notice.

When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the Township Clerk shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in Wilber Township, and mailed or delivered as provided in this Section.

### B. Content.

All mail, personal, and newspaper notices for public hearings shall:

1. **Describe the nature of the request.** Identify whether the request is for a rezoning, text amendment, Special Land Use, planned unit development, variance, appeal, Ordinance interpretation, or other purpose.
2. **Location.** Indicate the property that is subject to the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number, identification of the nearest cross street, or the inclusion of a map showing the location of the property. No street addresses must be listed when eleven (11) or more

adjacent properties are proposed for rezoning, or when the request is for an Ordinance interpretation not involving a specific property.

3. **Date, Time, and Location.** When and where the request will be considered: indicate the date, time, and place of the public hearing(s).
4. **Written comments.** Include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.
5. **Disabled access.** Information concerning how disabled access will be accommodated if the meeting facility is not disabled accessible.

**C. Notice.**

1. Except as noted in **Section 9.08 (C)(2)** and **Section 9.08 (C)(3)** below, notices for all public hearings shall be given as follows:
  - a. Notice of the hearing shall be not less than fifteen (15) days before the date of the public hearing.
  - b. Notice of the hearing shall be published in a newspaper of general circulation.
  - c. Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered and the applicant, if different than the owner(s) of the property.
  - d. Notice shall also be sent by mail to all persons to whom real property is assessed within three hundred (300) feet of the property and to the occupants of all structures within three hundred (300) feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction.
    - (1) If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.
    - (2) Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

2. Newspaper publication as required in **Section 9.08 (C)(1)** above shall be the only notice required for an amendment to the Zoning Ordinance or the zoning map that affects eleven (11) or more properties.
  3. For ordinance interpretations and appeals that do not affect a specific property, notice shall be only by newspaper publication, as required in **Section 9.08 (C)(1)** above.
  4. **Notice Deemed Given.** Notice shall be deemed given when personally delivered or by its deposit in the United States mail, first class, properly addressed, and postage paid. The Township Clerk shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.
- 5. Registration to Receive Notice by Mail.**
- a. **General.** Any neighborhood organization, public utility company, railroad or any other person may register with the Township to receive written notice of all applications for development approval or written notice of all applications for development approval within the zoning district in which they are located. The Township Clerk shall be responsible for providing this notification, as established by the Township Board.
  - b. **Requirements.** The requesting party must provide the Township Clerk information to ensure notification can be made.

## Section 9.09 Use of Consultants

From time to time, the Township Board, Planning Commission, or Zoning Board of Appeals may employ planning, engineering, legal, traffic, or other special consultants to assist in the review of Special Land Use permits, site plans, re-zonings, or other matters related to the planning and development of the Township.

## Section 9.10 Conditions

The Planning Commission and Zoning Board of Appeals may attach reasonable conditions on discretionary zoning decisions under its respective jurisdiction. These conditions may include those necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, 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. Any conditions imposed, however, shall meet all of the following requirements:

- A. Be designed to protect natural resources, the health, safety, and welfare and social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

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- B. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
- C. Protect the natural environment and conserve natural resources and energy.
- D. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

## Section 9.11 Violations and Penalties

### A. Nuisance Per Se.

The violation of any provision of this Ordinance is hereby declared to be a nuisance per se and subject to the penalties as herein provided. The Zoning Administrator and/or civil infraction enforcement officer shall administer and enforce the Zoning Ordinance.

### B. Penalties.

Any person or the agent in charge of such building or land who violates, disobeys, omits, neglects or refuses to comply with, or resists the enforcement of any provision of this Ordinance or any amendment thereof, shall be fined; upon conviction, not more than five hundred (500) dollars, together with the cost of prosecution, or shall be punished by imprisonment in the County Jail for not more than ninety (90) days for each offense, or may be both fined or imprisoned as provided herein. Each and every day during which any illegal erection, construction, reconstruction, alteration, maintenance, or use continues shall be deemed a separate offense. The Township Board, or any owner or owners of real estate within the district in which such buildings, structures, or land use is situated may institute injunction, mandamus abatement or any other appropriate action, actions or proceedings to prevent enjoin, abate, or remove any said unlawful erection, construction, maintenance or use of land, buildings or structures. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

### C. Enforcement Procedure.

In addition to the enforcement actions provided in **Section 9.07**, the following additional enforcement procedures may be applicable in the instances of violation of (1) provisions of this Zoning Ordinance, (2) approved Special Land Uses, (3) approved planned unit developments, (4) approved site plans or (5) decisions of the Zoning Board of Appeals, Planning Commission, Township Board, District Court or Circuit Court relative to a particular land use development or activity approved under the provisions of this Zoning Ordinance:

1. When a violation is initially determined by the Zoning Administrator, it shall be the Administrator's responsibility to issue a "Notice of Zoning Ordinance Violation" to the owner(s) and occupant(s) of the lot or parcel upon which the zoning violation has occurred.

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This notice shall be issued on a special form for this purpose and shall at least include the following information pertinent to the violation:

- a. Date and location of each violation observed by the Zoning Administrator.
  - b. Name(s) and address(es) of owner(s) and occupant(s).
  - c. Specific section(s) of the Zoning Ordinance which has been violated. If more than one violation, list each violation and each section violated.
  - d. Length of time allowed before further prosecution of the violation(s).
2. Failing compliance by owner(s) and occupant(s) by specified date in 1. above, the Zoning Administrator shall issue a "Second Notice of Zoning Ordinance Violation" which shall include the same information as contained in 1. above.
  3. Failure to comply with the procedures outlined in 1. and 2. above shall then, upon recommendation of the Zoning Administrator, result in the issuance of a "Notice of Show-Case Hearing" by the Township Board and the holding of a special hearing by the Board for the alleged violation and those parties interested in the violation(s).
  4. Failure to comply with the procedures of 1., 2., and 3. above shall then result in the issuance of a "Show-Cause Hearing, Finding and Order" by the Township Board. The Show-Cause Hearing, Finding and Order Form shall indicate the findings of fact about the violation(s) by the Township Board, the Board's conclusions, and its order for compliance with the Zoning Ordinance with respect to each violation.
  5. Failure to comply with the procedure outlined in 1-4 above shall then be followed by the instituting of a procedure to seek a bench warrant from the Judge of the District Court for the owner(s) and occupant(s) of the property upon which the violation(s) occurred into court to seek correction of the violation(s). The information contained in the request to District Court for a bench warrant shall be drafted by the Township Attorney, submitted to the Township Board for its approval and submitted to the District Court Judge for appropriate setting of the date and determination for correcting the violation(s)
  6. Failure to comply with either 3. and 4. or 5. above shall at the Township Board's discretion and direction authorize the Township Attorney to file for prosecution in Circuit Court for the purpose of gaining correction of the violation(s).

## Section 9.12 Rehearing Process

### A. Rehearing Performed by Planning Commission or ZBA.

The Planning Commission or Zoning Board of Appeals may grant a rehearing under exceptional circumstances for any decision made by it. A rehearing shall mean that the body which originally

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reviewed the request shall be the body which reviews the same request again. Exceptional circumstances shall mean any of the following:

1. The applicant who brought the matter before the Planning Commission or Zoning Board of Appeals made misrepresentations concerning a material issue, which was relied upon by the Planning Commission or Zoning Board of Appeals in reaching its decision.
2. There has been a material change in circumstances regarding the Planning Commission or Zoning Board of Appeals' findings of fact, which occurred after the public hearing.
3. The Township attorney, by written opinion, states that, in the attorney's professional opinion, the decision made by the Planning Commission or Zoning Board of Appeals or the procedure used in the matter was clearly erroneous.

**B. Rehearing Procedure.**

A rehearing may be requested by the applicant or by the Zoning Administrator, or a rehearing may be granted by the Planning Commission or Zoning Board of Appeals on its own motion.

1. **Time Limit.** A request for a rehearing which is made by an applicant must be made within twenty-one (21) days from the date on which the applicant receives notification regarding the decision for which the rehearing is being requested.
2. A request for a rehearing made by the Zoning Administrator or a rehearing granted by the Planning Commission or Zoning Board of Appeals on its own motion may be granted at any time as long as the applicant has not been prejudiced by any delay.
3. Whenever the Planning Commission or Zoning Board of Appeals considers granting a rehearing, it shall provide written notice to the applicant that a rehearing will be considered. The notice may be served upon the applicant by first class mail at the applicant's last known address or may be served personally on the applicant. The notice must be served at least nine (9) days before the time set for the hearing if served by mail, or at least seven (7) days before the time set for the hearing if served by personal service. Service by mail shall be complete upon mailing. In addition to serving the above notice on the applicant, all other notice requirements for the type of decision being heard shall be completed before the Planning Commission or Zoning Board of Appeals holds a hearing at which it considers whether to grant a rehearing.
4. If the Planning Commission or Zoning Board of Appeals grants a rehearing, then the rehearing shall not be held until all notice requirements for the type of decision being reheard have been satisfied.

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<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
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**Section 9.13 Action Table**

The following table is a summary of basic requirements for various administrative actions under this Zoning Ordinance. It supplements the preceding text, but is not a substitute for it.

Type of action	Parties who may initiate action	Body making decision	Public hearing required	Published notice(s)- Number of days before hearing	Mailed notice to all owners and occupants within 300 feet - Days before hearing	Body to which applicant may appeal a denial	
Plot plan approval, accessory building, sign or fence permit	Applicant	ZA	No	----	----	ZBA	
Site plan approval	Applicant	PC	No	----	----	ZBA	
Special use permit	Applicant	PC	Yes	Not less than 15 days	Not less than 15 days	Circuit Court	
Planned unit development	Applicant	PC	Yes	Not less than 15 days	Not less than 15 days	Circuit Court	
Variance	Applicant	ZBA	Yes	Not less than 15 days	Not less than 15 days	Circuit court	
Interpretation	Applicant, PC, TB, or ZA	ZBA	Yes	Not less than 15 days	Not less than 15 days	Circuit court	
Appeal from decision	Any aggrieved party	ZBA	Yes	Not less than 15 days	Not less than 15 days	Circuit court	
Amendment: Zoning ordinance text amendment or rezoning	Applicant or PC	Step 1: PC recommends to TB	Yes	Not less than 15 days	Not less than 15 days	No action until after TB decision	
		Step 2: Iosco County reviews amendment & provides comment (30 days)					
		Step 3: TB	No	----	----	----	
		Step 4: TB publishes Notice of Adoption in newspaper (within 15 days after adoption). Rezoning (map amendment) goes into effect on the 8 <sup>th</sup> day after publication.					
Zoning Ordinance Enforcement	ZA	----	----	----	----	ZBA	

ZA = Zoning Administrator    PC = Planning Commission    TB = Township Board    ZBA = Zoning Board of Appeals

# Article 10

## Adoption and Amendment

Sec	Name	Pg	Sec	Name	Pg
10.01	Amendments	10-1	10.05	Severability	10-9
10.02	Amendment Procedures	10-1	10.06	Vested Right	10-9
10.03	Standards for Amendments	10-3	10.07	Repeal & Savings Clause	10-9
10.04	Conditional Rezoning	10-5	10.08	Enactment & Effective Date	10-9

### Section 10.01 Amendments

Rezoning amendments, amendments, or supplements to this Ordinance may be adopted from time to time in the same manner as provided by the **Michigan Zoning Enabling Act 2006 PA 110, as amended, MCL 125.3101 et. seq.** Only the Township Board may amend this Ordinance with a majority vote of the members of the Township Board. Proposals for amendments or changes may be initiated by the Township Board on its own motion, by the Planning Commission, or by petition of one (1) or more owners of property who wish to propose an amendment.

### Section 10.02 Amendment Procedures

#### A. Filing of Application.

A petition, together with a completed and signed application and fees, shall be filed with the Township Clerk via certified mail. The petitioner shall submit a detailed description of the petition to the Township Clerk including the nature and effect of the proposed amendment. When the petition involves a change in the Zoning Map, the petitioner shall submit the following information.

1. A legal description of the property
2. A scaled map of the property, correlated with the legal description, and clearly showing the property's location.
3. The name and address of the petitioner.
4. The petitioner's interest in the property and, if the petitioner is not the owner, the names and addresses of all the owners.
5. Date of filing with the Township Clerk.
6. Signature(s) of petitioner(s) and owner(s) certifying the accuracy of the required information.
7. The desired change and reasons for such change.

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**B. Review of Application and Scheduling of Public Hearing.**

1. The Clerk shall review the application form and, when it is complete, transit the same to the Township Planning Commission for review and report.
2. The Clerk shall, at the same time, establish a date for a public hearing on the petition for the amendment and shall give proper notice of the hearing as provided in **Section 9.08**.
3. Public hearing requirements shall also apply to amendments initiated by the Township Board, Planning Commission, or citizens.

**C. Action by Planning Commission.**

**1. Public Hearing.**

- a. The Planning Commission shall hold the required public hearing.
- b. After providing the notice required under this section and without further notice, except that as required under the **Open Meetings Act**, the Planning Commission may adjourn from time to time a duly called public hearing by passing a motion specifying the time, date, and place of the continued public hearing.

2. **Submission to Iosco County.** Following the public hearing, the proposed Zoning Ordinance or amendment, including any zoning maps, shall be submitted for review and recommendation to the Iosco County Planning Commission if a County Planning Commission has been appointed. If there is not a County Planning Commission, the proposed Zoning Ordinance shall be submitted to the coordinating zoning committee of the County Board of Commissioners.

The County shall have thirty (30) days to review and respond to the proposed amendment. The County will have waived its right for review and recommendation of an Ordinance if the County does not respond within thirty (30) days.

3. **Transmittal to Township Board.** Following the County review, the Planning Commission shall transmit a summary of comments received at the public hearing, the results of the County review (if any), the proposed Zoning Ordinance amendment, including any zoning maps, recommendations, and reports to the Wilber Township Board.

**D. Action by Township Board.**

1. **Public Hearing.** Upon receipt of the transmittal, the Township Board shall commence final consideration of the Planning Commission's recommendation. In this regard, the Township Board may decide to hold additional hearings on the proposed amendment if, in its judgement, it deems that further hearings may be necessary. The Township Board shall have a public hearing if it is requested by the property owner by Certified Mail to the Township

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Clerk, and also may hold additional hearings if considered necessary. Notice of such additional hearing shall be published in accordance with **Section 9.08**.

2. **Modification of Amendment.** If the Township Board modifies the amendment, such shall be submitted to the Planning Commission for review and comment. Following review and comment by the Planning Commission, the Township Board shall reconsider the amendment.
3. **Decision.** Thereafter, at a regular or special meeting properly called, the Township Board may adopt the proposed amendment by a majority vote of its membership with or without amendments that have been previously considered by the Planning Commission or at a hearing.

**E. Notice of Adoption.**

Following Township Board adoption, the amendments or supplements shall be filed with the Township Clerk and one (1) notice of adoption shall be published in a newspaper of general circulation within fifteen (15) days after adoption. The notice of adoption shall include the following:

1. A summary of the regulatory effect of the amendment, including the geographic area(s) affected, or the text of the amendment as adopted.
2. The amendment shall take effect upon the expiration of seven (7) days after publication or at such later date after publication as specified by the Township Board.
3. The place and time where a copy of the amendment may be purchased or inspected.

**F. Resubmittal Procedure.**

No petition for rezoning which has been disapproved by the Township Board shall be submitted for a period of one (1) year from the date of disapproval, except as may be permitted by the Township Board after learning of new and significant facts or conditions which might result in a favorable action upon resubmittal.

**Section 10.03 Standards for Amendments**

In reviewing any petition for a zoning amendment, the Planning Commission shall identify and evaluate all factors relevant to the petition, and shall report its findings in full, along with its recommendations for disposition of the petition, to the Township Board within sixty (60) calendar days of the filing date of the petition.

**A. General Standards for Zoning Amendments.**

The facts to be considered by the Planning Commission shall include, but not be limited to, the following:

<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
<b>6</b> Special Land Uses	<b>7</b> Supplemental Regulations	<b>8</b> Zoning Board of Appeals	<b>9</b> Administration & Enforcement	<b>10</b> Adoption & Amendments

1. Whether the requested zoning change is justified by a change in conditions since the original ordinance was adopted or by an error or omission in the original ordinance.
2. The precedents, and the possible effects of such precedents, which might likely result from approval or denial of the petition.
3. The compatibility of the Township or other government agencies to provide any services, facilities, and/or programs that might be required if the petition were approved.
4. Effect of approval of the petition on adopted development policies of the Township and other government units.
5. All findings of fact shall be made a part of the public records of the meetings of the Planning Commission and Township Board. An amendment shall not be approved unless these and other identified facts be affirmatively resolved in terms of the general health, safety, welfare, comfort, and convenience of the citizens of the Township, or of other civil divisions where applicable.

**B. Standards for Map Amendments (Rezoning).**

In considering any petition for an amendment to the official zoning map (rezoning), the Planning Commission shall and the Township Board may consider the following criteria in making its findings, recommendations, and decision:

- A. Are all of the allowable uses in the proposed district reasonably consistent with surrounding uses in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure, and potential influence on property values?
- B. Will there be an adverse physical impact on surrounding properties?
- C. Will rezoning create a deterrent to the improvement or development of adjacent property in accord with existing regulations?
- D. Is the proposed rezoning consistent with the goals and objectives of the Township Master Plan, including any subarea or corridor studies? If conditions have changed since the Master Plan was adopted, is the proposed rezoning consistent with recent development trends in the area?
- E. Are the physical, geological, hydrological, and other environmental features of the site compatible with the potential uses allowed in the proposed zoning district?
- F. Is the capacity of infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety, and welfare" of Township residents?
- G. Will rezoning grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e. will rezoning result in spot zoning)?

<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
<b>6</b> Special Land Uses	<b>7</b> Supplemental Regulations	<b>8</b> Zoning Board of Appeals	<b>9</b> Administration & Enforcement	<b>10</b> Adoption & Amendments



Where a rezoning is reasonable given the above criteria, a determination shall be made that the requested zoning district is more appropriate than another district or amending the list of permitted or special land uses within a district.

## Section 10.04 Conditional Rezoning

### A. Intent.

It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with **Section 405 of the Michigan Zoning Enabling Act, 2006 PA 110, as amended**, by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

### B. Application and Offer of Conditions.

1. An owner of land may voluntarily offer, in writing, conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.
3. The owner's offer of conditions may not authorize uses or developments not permitted in the requested new zoning district.
4. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
5. Any use or development proposed as part of an offer of conditions that would require a special land use permit, variance, or site plan approval under the terms of this Ordinance may only be commenced if the special land use permit, variance, or site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
6. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
<b>6</b> Special Land Uses	<b>7</b> Supplemental Regulations	<b>8</b> Zoning Board of Appeals	<b>9</b> Administration & Enforcement	<b>10</b> Adoption & Amendments

**C. Planning Commission Review.**

The Planning Commission, after public hearing as set forth in **Section 9.08** of this Ordinance and consideration of the factors set forth in **Section 10.03 (except 10.03 (G))** of this Ordinance, may recommend approval, approval with recommended changes, or denial of rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

**D. County Planning Commission Review.**

Following the public hearing before the Township Planning Commission, the conditional rezoning application shall be submitted to Iosco County as specified in **Section 10.02.C.2** for not more than thirty (30) day review period, according to the provisions of **Section 307 of the Michigan Zoning Enabling Act, 2006 PA 110, as amended.**

**E. Township Board Review.**

After receipt of the Planning Commission’s recommendation, the Township Board shall deliberate upon the requested conditional rezoning and may approve or deny the request. Should the Township Board consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Township Board shall, in accordance with **Section 401 of the Michigan Zoning Enabling Act, 2006 PA 110, as amended**, refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board, and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

**F. Approval.**

1. If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the Ordinance adopted by the Township Board to accomplish the requested rezoning.
2. The Statement of Conditions shall:
  - a. Be in a form recordable with the Iosco County Register of Deeds, or as an alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.
  - b. Contain the legal description and tax identification number of the land to which it pertains.
  - c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.

<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
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- d. Incorporate by attachment or reference any diagram, plans, or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
  - e. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Township with the County Register of Deeds.
  - f. Contain the notarized signatures of all owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
3. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
  4. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the County Register of Deeds. The Township Board shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the timeframe within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner of the land.
  5. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

**G. Compliance with Conditions.**

1. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Ordinance and be punishable accordingly.
2. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

**H. Time Period for Establishing Development or Use.**

Unless another time period is specified in the Ordinance, the approved development and/or use of the land pursuant to building or other required permits must be commenced upon the land within twenty-four (24) months after the rezoning took effect and thereafter proceeded diligently to

<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
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completion. This time limitation may upon written request be extended by the Township Board if (1) it is demonstrated to Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion, and (2) the Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

**I. Reversion of Zoning.**

If the approved development and/or use of the rezoned land does not occur within the timeframe specified under **subsection H** above, then the land shall revert to its former zoning classification. The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall be the same as applies to all other rezoning requests.

**J. Subsequent Rezoning of Land.**

When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification, but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to **subsection I** above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Township Clerk shall record with the County Register of Deeds that the Statement of Conditions is no longer in effect.

**K. Amendment of Conditions.**

1. During the time period for commencement of an approved development and/or use specified pursuant to **subsection H** above or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.
2. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.

**L. Township Right to Rezone.**

Nothing in the Statement of Conditions or in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the **Michigan Zoning Enabling Act, 2006 PA 110, as amended**.

**M. Failure to Offer Conditions.**

The Township shall not require any owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.

<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
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### Section 10.05 Severability

Sections of this Ordinance shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holds shall not affect the validity of this Ordinance as a whole or any part hereof, other than the part so declared to be unconstitutional or invalid.

### Section 10.06 Vested Right

The fact of any portion of the written text or districting on the map of this Zoning Ordinance is a function of the lawful use of the police power and shall not be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities in this Ordinance, and are subject to possible future change, amendment, or modification as may be necessary to the present and future protection of the public health, safety, and welfare of the Township.

### Section 10.07 Repeal & Savings Clause

- A. The Zoning Ordinance of Wilber Township, presently in effect in the Township and all amendments thereto, hereby are repealed. This Ordinance supersedes, reorganizes, and amends the present Zoning Ordinance on the effective date of this Ordinance; provided, however, if this Zoning Ordinance as a whole or any subsequent amendment to it shall subsequently be defeated at a public referendum or be judicially determined to have been unlawfully adopted, such a referendum or judicial determination shall then automatically reinstate the present Township Zoning Ordinance and all of its amendments to their full effect.
- B. The repeal of any previous Zoning Ordinance, as provided, shall not affect or impair any act done, offense committed or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted, or inflicted. Said Ordinance or Ordinance sections repealed is hereby continued in force and effect after the passage, approval, and publication of this Ordinance for the purpose of such rights, fines, penalties, forfeitures, liabilities, and actions therefore.

### Section 10.08 Enactment & Effective Date

- A. The required public hearing was held before the Wilber Township Planning Commission on the day of \_\_\_\_\_, 2019, for this Zoning Ordinance of Wilber Township. The Ordinance was adopted by the Wilber Township Board of Trustees at a regular meeting held on the \_\_\_ day of \_\_\_\_\_, 2019.
- B. Notice of adoption shall be published in a newspaper having general circulation in Wilber Township within fifteen (15) days after adoption.

<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
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- C. Amendments or revision to this Ordinance or Map of Zoning Districts shall become effective on the expiration of seven (7) days or at a later date specified by the Wilber Township Board after publication of a notice of adoption of said amendments.

I hereby certify that the above Ordinance was adopted by the Wilber Township Board at a regular meeting held on \_\_\_\_\_, 2019.

\_\_\_\_\_  
Wilber Township Clerk

Published: \_\_\_\_\_ Effective Date: \_\_\_\_\_

Affidavit of Publication Required.

<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
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