

# ZONING ORDINANCE

As amended as of July 30, 2014

WILSON TOWNSHIP  
CHARLEVOIX COUNTY, MICHIGAN

Prepared by: The Wilson Township Planning Commission

**Wilson Township Zoning Ordinance  
TABLE OF CONTENTS  
ARTICLE AND SECTIONS**

Article I ..... 1-1  
 Title, Purpose Enabling Authority and Conditions of Enactment ..... 1-1  
     Section 1.01 - Title ..... 1-1  
     Section 1.02 - Intent and Purpose of this Zoning Ordinance ..... 1-1  
     Section 1.03 - State Legislation Enabling Authority ..... 1-1  
     Section 1.04 - Enactment Declaration ..... 1-2  
     Section 1.05 - Adoption and Repeal of Present Zoning Ordinance ..... 1-2  
 Article II ..... 2-1  
 Definitions ..... 2-1  
     Section 2.01 - Rules Applying to Text ..... 2-1  
     Section 2.02 - Definitions ..... 2-1  
 Article III ..... 3-1  
 General Provisions ..... 3-1  
     Section 3.01 - Purpose ..... 3-1  
     Section 3.02 - Existing Uses of Lands, Buildings and Structures ..... 3-1  
     Section 3.03 - Scope of Ordinance ..... 3-1  
     Section 3.04 - Establishment of Zoning Districts ..... 3-1  
     Section 3.05 - Provisions for Official Zoning Map ..... 3-1  
     Section 3.06 - Changes to Official Zoning Map ..... 3-3  
     Section 3.07 - Authority of Official Zoning Map ..... 3-3  
     Section 3.08 - Interpretation of Zoning Districts ..... 3-3  
     Section 3.09 - Application and Interpretation of Regulations ..... 3-4  
     Section 3.10 - Scope of Regulations ..... 3-4  
     Section 3.11 - Conformance to Other Public Laws, Rules and Regulations ..... 3-5  
     Section 3.12 - Conflicting Regulations ..... 3-5  
     Section 3.13 - Zoning - Not a Vested Right ..... 3-5  
     Section 3.14 - Site Plan Review Procedures ..... 3-5  
     Section 3.15 - Zoning Permits in Relation to Building Permits ..... 3-5  
     Section 3.16 - Permitted Zoning District Uses and Other Provision ..... 3-6  
     Section 3.17 - Uses Not Specifically Listed ..... 3-6  
     Section 3.18 - Continued Conformance with Regulations ..... 3-6  
     Section 3.19 - Conformance of Lots and Parcels to the Subdivision Control Act ..... 3-6  
     Section 3.20 - Permitted Uses ..... 3-6  
     Section 3.21 – Schedule of Regulations ..... 3-8  
     Section 3.22 – Public Notice Requirements ..... 3-10  
     Section 3.23 — Medical Use of Marijuana ..... 3-11  
 Article IV ..... 4-1

RDA Resource Development-Agricultural District . . . . .	4-1
Section 4.01 - Purpose . . . . .	4-1
Section 4.02 - Permitted Principal Uses . . . . .	4-1
Section 4.03 - Permitted Special Uses . . . . .	4-2
Section 4.04 - Permitted Accessory Uses . . . . .	4-3
Article V . . . . .	5-1
RR-1 Rural Residential District . . . . .	5-1
Section 5.01 - Purpose . . . . .	5-1
Section 5.02 - Permitted Principal Uses . . . . .	5-1
Section 5.03 - Permitted Principal Special Uses with Conditions . . . . .	5-1
Section 5.04 - Permitted Accessory Uses . . . . .	5-2
Section 5.05 - Dimensional Requirements . . . . .	5-2
Article VI . . . . .	6-1
RR-2 Rural Residential District . . . . .	6-1
Section 6.01- Purpose . . . . .	6-1
Section 6.02 - Permitted Principal Uses . . . . .	6-1
Section 6.03 - Permitted Principal Special Uses with Conditions . . . . .	6-1
Section 6.04 - Permitted Accessory Uses . . . . .	6-2
Section 6.05 - Dimensional Requirements . . . . .	6-2
Article VII . . . . .	7-1
MFR Multiple Family Residential District . . . . .	7-1
Section 7.01 - Purpose . . . . .	7-1
Section 7.02 - Permitted Principal Uses . . . . .	7-1
Section 7.03 - Permitted Principal Special Uses with Conditions . . . . .	7-1
Section 7.04 - Permitted Accessory Uses . . . . .	7-2
Section 7.05 - Permitted Accessory Uses with Conditions . . . . .	7-2
Section 7.06 - Dimensional Requirements . . . . .	7-2
Section 7.07 - Other Requirements . . . . .	7-2
Article VIII . . . . .	8-1
CSC Community Services Commercial District . . . . .	8-1
Section 8.01 - Purpose . . . . .	8-1
Section 8.03 - Permitted Special Uses . . . . .	8-1
Section 8.04 - Dimensional Requirements . . . . .	8-2
Article IX . . . . .	9-1
I Industrial District . . . . .	9-1
Section 9.01 - Purpose . . . . .	9-1
Section 9.02 - Permitted Principal Uses . . . . .	9-1
Section 9.03 - Permitted Special Uses . . . . .	9-1
Section 9.04 – Performance Standards . . . . .	9-2
Section 9.05 - Dimensional Requirements . . . . .	9-2
Article X . . . . .	10-1
Special Uses . . . . .	10-1
Section 10.01 - Purpose . . . . .	10-1

Section 10.02 – Approval Authority . . . . .	10-1
Section 10.03 - Application and Fees . . . . .	10-1
Section 10.07 - Junk Yards and Inoperative Vehicles . . . . .	10-2
Section 10.08 - Mobile Home Parks . . . . .	10-2
Section 10.09 - Temporary Transient Amusement Enterprises . . . . .	10-5
Section 10.10 - Gasoline Service Stations . . . . .	10-5
Section 10.11 - Sanitary Landfills . . . . .	10-6
Section 10.12 - Extraction of Natural Resources . . . . .	10-6
Section 10.13 - Bed and Breakfast Inns . . . . .	10-9
Section 10.14 - Telecommunication Tower or Alternative Tower Structure . . . . .	10-10
Section 10.15 - Home Based Business . . . . .	10-14
Section 10.16 Open Space Preservation Option . . . . .	10-15
Article XI . . . . .	11-1
Article XII . . . . .	12-1
DEVELOPMENT PROJECTS . . . . .	12-1
Section 12.01 - Project Requirements . . . . .	12-1
Section 12.02 - Preliminary Project Submittal Requirements . . . . .	12-1
Section 12.03 - Final Project Submittal Requirements . . . . .	12-1
Section 12.04 - Meeting scheduling and Notice of Meeting . . . . .	12-1
Section 12.05 - Standards for review and approval . . . . .	12-1
Section 12.06 - Professional Review . . . . .	12-1
Section 12.07 - Changes during Review or After Approval . . . . .	12-2
Section 12.08 - Final Submissions upon Completion . . . . .	12-2
Article XIII . . . . .	13-1
Nonconforming Uses, Lots and Structures . . . . .	13-1
Section 13.01 Purpose . . . . .	13-1
Section 13.02 Declaration and Regulation . . . . .	13-1
Section 13.03 Nonconforming Uses of Land . . . . .	13-1
Section 13.04 Nonconforming Uses of Structures . . . . .	13-2
Section 13.05 Nonconforming Structures . . . . .	13-3
Section 13.06 Nonconforming Lots or Parcels of Record . . . . .	13-3
Section 13.07 Restoration and Repair . . . . .	13-3
Article XIV . . . . .	14-1
Supplemental Regulations . . . . .	14-1
Section 14.01 - Purpose . . . . .	14-1
Section 14.02 - Area Limitations . . . . .	14-1
Section 14.03 - Dwelling Lots or Sites . . . . .	14-1
Section 14.04 - Accessory Building Provisions . . . . .	14-1
Section 14.05 - Use of Yard Space . . . . .	14-1
Section 14.06 - Lot-Building Relationship . . . . .	14-2
Section 14.07 - Accessory Building as Dwelling . . . . .	14-2
Section 14.08 - Basement as Dwelling . . . . .	14-2
Section 14.09 - Damaged Buildings and Structures . . . . .	14-2

Section 14.10 - Required Water Supply and Wastewater Disposal Facilities . . . . .	14-2
Section 14.11 - Storage Sheds on Seasonably Used Lots and Parcels . . . . .	14-2
Section 14.15 - Height Regulations . . . . .	14-2
Section 14.17 - Essential Services . . . . .	14-3
Section 14.18 - Pools, jacuzzies, whirlpools, hot tubs and ponds . . . . .	14-3
Section 14.19 - Home Occupations . . . . .	14-4
Section 14.20 - Solid Waste Receptacle Areas . . . . .	14-5
Section 14.21 - Exterior Lighting . . . . .	14-5
Section 14.24 - Parking or Storage of Mobile Homes, Recreation Vehicles . . . . .	14-5
Section 14.25 - Temporary Transient Uses . . . . .	14-5
Section 14.26 - Fences . . . . .	14-6
Section 14.27 - Fences and Protective Screening . . . . .	14-6
Section 14.28 - Use of Recreation Vehicles as Temporary Dwellings by Visitors . . .	14-7
Section 14.29 - Building Grades . . . . .	14-8
Section 14.30 - Moving Buildings . . . . .	14-8
Section 14.31 - Television Satellite Dish Antennas . . . . .	14-8
Section 14.32 - Use of Financial Guarantees . . . . .	14-8
Section 14.33 - Household Pets . . . . .	14-8
Section 14.34 - Non-commercial Domestic Animals . . . . .	14-8
Section 14.35 - Single Family Earth Homes . . . . .	14-9
Section 14.36 - Solar Buildings . . . . .	14-9
Section 14.38 - Conventional Dwelling Unit Requirements . . . . .	14-9
Section 14.39 - Yard or Garage Sales . . . . .	14-9
Section 14.42 - Standards for Private Roads . . . . .	14-9
Section 14.44 - Standards for Dead End Roads . . . . .	14-13
Section 14.45 - Public or Private Roads, Highways and Private Road Easements .	14-14
Section 14.46 - Access to a Public Road or Highway . . . . .	14-14
Section 14.47 - Frontage on Public or Private Road . . . . .	14-14
Section 14.48 - Visibility at Intersections . . . . .	14-14
Section 14.49 - Road Closures . . . . .	14-14
Section 14.50 - Driveway Entrances and Gates . . . . .	14-14
Article XV . . . . .	15-1
Environmental Conservation Provisions . . . . .	15-1
Section 15.01 - Purpose . . . . .	15-1
Section 15.02 - Natural Environment . . . . .	15-1
Section 15.03 - Natural Resources . . . . .	15-1
Section 15.04 - Lakes, Ponds, Rivers, Streams . . . . .	15-1
Section 15.05 - Flood Plains . . . . .	15-2
Section 15.06 - Wetlands . . . . .	15-2
Section 15.07 - Environmentally Sensitive Areas . . . . .	15-2
Article XVI . . . . .	16-1
Off-Road Parking, Loading and Unloading Requirements . . . . .	16-1
Section 16.01 - Purpose . . . . .	16-1

Section 16.02 - Off-Road Parking Requirements . . . . .	16-1
Section 16.03 - Use of Parking Areas . . . . .	16-3
Section 16.04 - Off-Road Parking Space Requirements . . . . .	16-3
Section 16.05 - Off-Road Loading and Unloading Requirements . . . . .	16-5
Article XVII . . . . .	17-1
Sign Regulations . . . . .	17-1
Section 17.01 – Purpose . . . . .	17-1
Section 17.02 - Prohibited Signs . . . . .	17-1
Section 17.03 - General Sign Regulations . . . . .	17-2
Section 17.05 - Permitted Signs in RDA, RR-1, RR-2 and MFR Districts . . . . .	17-3
Section 17.06 - Permitted Signs in CSC and I Industrial Districts . . . . .	17-3
Section 17.07 - Off Premise Signs . . . . .	17-4
Section 17.08 - Temporary Signs . . . . .	17-4
Section 17.09 - Exempted Signs . . . . .	17-5
Section 17.10 - Nonconforming Signs . . . . .	17-6
Section 17.11 - Permits and Fees . . . . .	17-6
Section 17.12 - Removal of Signs . . . . .	17-7
ARTICLE XVIII . . . . .	18-1
SITE PLAN REVIEW . . . . .	18-1
Section 18.0 - Purpose . . . . .	18-1
Section 18.1 - Developments that Require Site Plan Approval . . . . .	18-1
Section 18.2 - Issuance of Zoning Permits Requiring Site Plan Approval . . . . .	18-1
Section 18.3 - Preliminary Conference on Proposed Site Plans . . . . .	18-1
Section 18.4 - Application for Site Plan Review . . . . .	18-2
Section 18.5 - Site Plan Requirements . . . . .	18-2
Section 18.6 - Agency Review . . . . .	18-5
Section 18.7 - Site Plan Review and Approval . . . . .	18-5
Section 18.8 - Standards for Planning Commission Approval . . . . .	18-7
Section 18.9 - Conditional Approval . . . . .	18-9
Section 18.10 - Conformity to Approved Site Plan Required . . . . .	18-9
Section 18.11 - Performance Guarantee . . . . .	18-9
Section 18.12 - Amendments to an Approved Site Plan. . . . .	18-10
Section 18.13 - Revocation of Site Plan Approval . . . . .	18-11
Article XIX . . . . .	19-1
Administration and Enforcement . . . . .	19-1
Section 19.01 - Purpose . . . . .	19-1
Section 19.02 - Administration . . . . .	19-1
Section 19.03 - Duties of Zoning Administrator . . . . .	19-1
Section 19.04 - Zoning Permit . . . . .	19-1
Commission, or the Zoning Administrator shall not be subject to a . . . . .	19-3
Section 19.05 - Nuisance Per Se . . . . .	19-5
Section 19.06 - Enforcement . . . . .	19-5
Section 19.07 - Abatement of Nuisance . . . . .	19-5

Section 19.08 - Show Cause Hearing . . . . .	19-5
Section 19.09 - Conflicts . . . . .	19-6
Article XX . . . . .	20-1
Zoning Board of Appeals . . . . .	20-1
Section 20.03 - Rules of Procedure, Majority Vote . . . . .	20-1
Section 20.04 - Meetings . . . . .	20-1
Section 20.05 - Public Meetings and Minutes . . . . .	20-2
Section 20.06 - Powers and Duties . . . . .	20-2
Section 20.07 - Variances . . . . .	20-2
Section 20.08 - Procedure for Appealing to the Zoning Board of Appeals . . . . .	20-4
Article XXI . . . . .	21-1
Amending the Zoning Ordinance . . . . .	21-1
Section 21.01 - Changes and Amendments . . . . .	21-1
Section 21.02 - Procedures . . . . .	21-1
Section 21.03 - Notice of Hearing . . . . .	21-1
Section 21.04 - Information Required . . . . .	21-1
Section 21.05 - Steps in Making a Change . . . . .	21-2
Section 21.06 - Findings of Facts Required . . . . .	21-2
Article XXII . . . . .	22-1
Severability . . . . .	22-1
Section 22.01 - Severability . . . . .	22-1
Article XXIII . . . . .	23-1
Effective Date of Ordinance . . . . .	23-1
Section 23.01 - Effective date of Ordinance . . . . .	23-1

# **ORDINANCE 1**

## **Wilson Township Zoning Ordinance**

### **Article I**

Title, Purpose Enabling Authority and Conditions of Enactment

The Township of Wilson, Charlevoix County, Michigan, ordains:

#### **Section 1.01 - Title**

This Ordinance shall be known as the Wilson Township Zoning Ordinance.

#### **Section 1.02 - Intent and Purpose of this Zoning Ordinance**

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 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, flood plains, flood ways 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 Public Act 184 of 1943, as amended, being MCL 125.271-125.301 and this Ordinance; to provide for the collection of fees for zoning permits and other approvals required under this Ordinance; to provide for applications, petitions, public hearings and referenda in accordance with the provisions of Public Act 184 of 1943, as amended, and this Ordinance, and to provide for appeals for interpretation and variances of the provisions of this Ordinance.

#### **Section 1.03 - State Legislation Enabling Authority**

This Ordinance is adopted pursuant to Public Act 184 of 1943 (MCL 125.271-125.301) as amended, and, when so far as it is applicable, Public Act 168 of 1959 (MCL 125.321-125.333), as amended, of the



State of Michigan. Said Public Acts covering Township Planning (Act 168) and Zoning (Act 184) are hereby made a textual part of this Ordinance to the extent necessary and required.

**Section 1.04 - Enactment Declaration**

This Zoning Ordinance, and its contained provisions, are hereby declared to be necessary to the providing of a planned orderly growth and development of the Township, in the interest of providing for the public health, safety, peace, enjoyment, convenience, comfort and other aspects of the general welfare of the residents of this Township in order to provide adequately for the necessities in the pursuit of their daily living pattern. This Zoning Ordinance is hereby ordered to be given immediate effect upon its (1) passage by the Township Board of Trustees, (2) thirty (30) days after its publication in a newspaper of general distribution in the Township and (3) as required by law otherwise.

**Section 1.05 - Adoption of this Zoning Ordinance and Repeal of Present Zoning Ordinance**

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.

## Article II

### Definitions

#### Section 2.01 - Rules Applying to Text

All words used in the present tense shall include the future, all words in the singular number include the plural number, and all words in the plural number include the singular number; the word "building" includes the word "structure", and "dwelling" includes "residence"; the word "person" includes "corporation", "co-partnership", and "association" as well as an "individual"; the word "shall" is mandatory and directory. Terms not herein defined shall be defined by the Zoning Board of Appeals 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:

Accessory Building - See "Building, Accessory"

Accessory Use - See "Use, Accessory"

Activity - The active use of land for human and other purposes related to human endeavor.

Activity, Accessory - Actions or combinations of actions which are normally or commonly and naturally incidental to, subordinate to, and related exclusively to the principal use or activity on the land, in the buildings and other structures, including all structures detached from the principal structure above and below ground, and all designed surface structures and areas.

Adjacent Property - Property which adjoins any side or corner of a specific parcel of land.

Adult Foster Care Facility - A state licensed residential facility which provides housing with supervision, assistance, protection and personal care in addition to room and board to persons 18 years of age and older.

Agriculture - Farms and general farming, including horticulture, floriculture, dairying, livestock and poultry raising, farm forestry, and other similar enterprises or uses, including animals that have been raised on the premises for the use and consumption of persons residing on the premises.

Alterations - The term "Alterations" shall mean 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".

Alternative Tower Structure - 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.

Anemometer - An instrument for measuring and recording the speed of the wind.

Anemometer Tower - A structure, including all accessory facilities, temporarily erected for no more than two (2) years, on which an anemometer is mounted for the purposes of documenting whether a site has wind resources sufficient for the operation of wind generation.

Animal Hospital - A self-enclosed building wherein animals including domestic household pets and farm animals are given medical or surgical treatment and use as a boarding place for such animals limited to short time boarding incidental to hospital use. Such hospitals include only those under direction of a licensed veterinarian registered in the State of Michigan. Such animal hospitals shall be constructed in such a manner that noise and odor are not discernable beyond the property upon which it is located.

Animal Shelter - 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.

Antenna: Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

Appeal - See "Zoning Appeal"

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

Automotive Service - A place where gasoline or any other automobile engine fuel (stored only in state approved 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 or Trailer Sales Area - Any enclosed building or area or open space used for display, sales, or rental of automotive vehicles or trailers in new and for used and operable condition.

Automotive Storage, Damaged - The temporary storage of inoperable automotive vehicles intended to be repaired back to operable condition, but not including those damaged vehicles which are incident or accessory to an automotive repair garage or a licensed salvage yard used as a depository for automotive vehicles to be junked.

Basement - 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.

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

Block - The property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating), or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river or stream; or between any of the foregoing and any other barrier to the continuity of lineal development along one side of a street.

Board of Appeals - See "Zoning Board of Appeals"

Breeze way - Any covered passageway with open sides which is located between and is connected to two buildings and/or structures.

Buffer Area - See "Greenbelt."

Building - An independent structure, either temporary or permanent, having a roof supported by columns or walls which includes houses, stores, office, 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.

Building, Accessory - A supplemental 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.

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

**Building, Farm** - Any building or structure other than a dwelling, 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** - The vertical distance of a building structure from the established ground grade to the highest point of the roof surface. Where a building is located on sloping terrain, the height may be measured by determining the average ground level of the outside finished grade around the foundation wall.

**Building Inspector** - The official appointed by the County Board of Commissioners to administer and enforce the provisions of the County Building or Construction Code.

**Building, Main** - The building or structure in which the principal use or activity on a lot or parcel takes place. (See Building, Principal).

**Building Permit** - A building permit is the written authority issued by the Building Inspector in conformity with the provisions of the Construction Code Ordinance.

**Building, Principal** - A building in which the principal use(s) or activity(ies) is (are) conducted on each separate lot or parcel. (See Building, Main)

**Building Setback Line** - A line which is the minimum horizontal distance from the right-of-way line formed by the dripline of the eave with the finish grade or surface of the adjoining ground and where the lot width equals the minimum required lot width for each respective zoning district. The building setback line is generally parallel to the front lot line. In no case shall the building setback line be less than the minimum front setback for each respective zoning district.

**Building, Temporary** - See "Temporary Use or Building"

**Campground** - The uses and activities which take place on a lot or parcel of land for resort, vacation or recreation purpose in accordance with Public Act 368 of 1978, Part 125, Sections 12501-12516 and the Administrative Rules promulgated under P.A. 368 as administered by the County, District Health or State Public Health Departments.

**Child Day Care Facility** - A State licensed family or group child day care facility which meets the requirements of Public Act 116 of 1973, being MCL 722.111, Section 125.286(g) of Public Act 184 of 1943, being MCL Section 125.286(g) and the Administrative Rules and Regulations promulgated to implement these Acts and MCL's and administered by the State Department of Social Service.

**Child Foster Care Facility** - A state licensed residential facility which provides housing with supervision, assistance, protection and personal care in addition to room and board to persons under 18 years of age.

Church, Temple or Synagogue - 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.

Clinic, Human - A building or group of building where human patients are admitted for examination and treatment as out-patients 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 - An 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 - 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 - A business operated primarily for profit, including those of retail trade and professional, personal, technical and mechanical services.

Commercial District or Center - A concentration of commercial uses or activities, located on a specific area planned and zoned for commercial purposes.

Common Areas, Uses and Services - 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 development.

Common Drive - A private road to service five or less lots.

Common Elements - The portions of the condominium project other than the condominium units.

Condominium Act - Act 59 the Public Acts of 1978, as amended.

Condominium Project - A plan or project consisting of not less than two condominium units established in conformance with the Condominium Act.

Condominium Subdivision Plan - The drawings and information prepared pursuant to Section 66 of the Condominium Act, as amended, and this Zoning Ordinance, as amended.

Condominium Unit - That portion of a condominium project designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, storage, business, recreational, use as a

time share unit, or any other type of use. A condominium unit is not a lot or parcel as those terms are used elsewhere in this Ordinance.

Consolidating or Consolidated Master Deed - The final amended master deed for a contractible condominium project, an expandable condominium project, or a condominium project containing convertible land or convertible space, that fully describes the condominium project as completed.

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, Public Act 230 of 1972.

Contractible condominium - A condominium project from which any portion of the included land or buildings may be withdrawn in accordance with the Condominium Act, as amended.

Convalescent or Nursing Home - A structure with sleeping rooms where persons are housed or lodged and are furnished with meals, nursing and medical care.

Conversion condominium - A condominium project containing condominium units some or all of which were occupied before the filing of a notice of taking reservations under Section 71 of the Condominium Act, as amended.

Convertible Area - A condominium unit or portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created in accordance with the condominium act, as amended, and this zoning ordinance.

Co-owner- A person, firm, corporation, partnership, association, trust or other legal entity or any combination thereof, who owns a condominium unit within the condominium project. Co-owner may include a land contract vendee if the condominium documents or land contract so provides.

County - Means Charlevoix County, Michigan

Cul-de-Sac - A dead end road with a turn-a-round at the end of it, which shall meet the County Road Commission standards for a public road or the standards established in this Ordinance for both public and private roads, if no County Road standards for public roads are in effect. Road frontage on a cul-de-sac shall be the same as specified for the Zoning District in which it is located.

Density B The number of dwelling units per net acre of land. The density on a particular lot is established by dividing the lot's net acres by the minimum lot size standards in the zoning district in which the lot is located, with the resulting quotient

being rounded down to the next whole number. When calculating density, the net acreage shall not include public or private road easements or road rights-of-way. For example, a lot with fifteen (15) net acres in a zoning district with a minimum lot size of ten (10) acres equals a density of one (1) dwelling unit (1.5 rounded down to 1 dwelling unit)

Developer - Any person engaged in the business of developing a condominium project as provided in this Ordinance. Developer does not include a real estate broker acting as an agent for the developer in selling condominium units.

District - See "Zoning District"

Drive-in Establishment - Any establishment which offers goods and services over a take-out counter or to customers remaining in motor vehicles.

Drive-in Restaurant - A Drive-in Restaurant is any restaurant designed to permit or facilitate the serving of meals, sandwiches, ice cream, beverages, or other food served directly to or permitted to be consumed by patrons in cars or other vehicles parked on the premises, permitted to be consumed by patrons elsewhere on the site outside the main building or permitted to be taken off the premises for consumption elsewhere. Customers are not given menus by hostesses or waitresses/waiters and are not served by them at sit-down tables.

Dwelling - A building designed in accordance with the applicable 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.

Dwelling, Farm - A dwelling used to house the principal family operating a farm, and which is accessory to the operation of the farm, which is the principal use and activity of the parcel of land upon which it is located.

Dwelling, Group - (Group housing) Two (2) or more separate single or multiple family dwelling structures located on a parcel of land under single or condominium ownership.

Dwelling, Mobile Home - A dwelling unit manufactured, primarily for location in State licensed Mobile Home Parks, in one or more sections, designed for year-round dwelling purposes, capable of being transported upon its own or a separate wheeled chassis and not motorized or self-propelled, but when located outside of a State licensed Mobile Home Park, meets the minimum floor area requirements of this Zoning Ordinance and installed in accordance with all of the other requirements of this Ordinance and the Construction Code. A mobile home dwelling shall have at least 864 square feet of floor area as built by the manufacturer. When measuring the length of a mobile home for the purpose of computing the floor area except when a mobile home is located in a State licensed mobile home park, the tongue and tail lights shall not be included.

Dwelling, Multiple Family - A dwelling structure, or portion thereof, designed for



occupancy by two (2) or more families living independently of each other in separate dwelling units although contained in the same building.

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

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

Dwelling Unit - A dwelling unit is any building or portion thereof or a mobile home having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one (1) family, either permanently or temporarily. In cases of mixed use and activity occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this Ordinance and shall comply with the provisions thereof relative to a dwelling.

Easement - A grant by a property owner of the uses of an area or strip of land by the public, a corporation or a private person(s) for a specific purpose(s).

Easement, Road - An easement dedicated for use as a road and public utility purposes, and which, if dedicated and used as a public road, shall meet the requirements of Section 14.12. A driveway can be located in the easement.

Erected - The word "erected" includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for construction of the building. Grading, excavations, fill, drainage, and other similar construction, shall be considered a part of erection.

Essential Services - The erection, construction, alteration or maintenance by public utilities or commissions of underground, surface, or overhead gas, electrical, steam or water transmission or distribution systems; collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles, electrical substations, gas regulator stations, and other similar equipment, and applicable accessories reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health, safety, and general welfare. Provided, however, that telecommunication towers, alternative tower structures, antennas, wind generation and anemometer towers shall not be considered essential services.

Excavation - Any breaking of ground, including grading, excavation and tree removal, except farm use, common household gardening and ground care.

Exception - See "Zoning Exception"

Expandable Condominium -A condominium project to which additional land may be

added in accordance with the condominium act, as amended.

Family - One (1) or two (2) persons with or without their direct lineal descendants and adopted children (and including the on-site housed domestic employees thereof) and additionally not more than four (4) persons not so related, living together in the whole or part of a separate dwelling unit, comprising a single housekeeping unit shall be considered a separate family for the purpose of this Ordinance.

Farm - Real property used for agriculture or horticulture, which may contain contiguous or non-contiguous acres, all of which is operated by a single family, family corporation, individual or corporation.

Farming - See "Agriculture"

Fence - A permanent partition, structure or gate erected as a dividing marker, barrier or enclosure, and not a part of a principal building or structure or other accessory structure. An ornamental fence is one that is less than three (3) feet in height, and is normally used in setting off planting areas and gardens.

Filling - The 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 "Automobile Service"

Flood Plain - That portion of land adjacent or connected to a water body or water course which is subject to periodic inundation in accordance with the 100 year flood cycle.

Floor Area, Gross (GFA) - The sum of the gross horizontal areas of the one or several floors of the building measured from the exterior face of the exterior walls or from the centerline of common walls separating two (2) building units. Gross Floor Area shall include all enclosed areas of vertical space of 5 (five) or more feet from floor to ceiling.

Floor Area, Usable (UFA) - The measurement of usable floor area shall be that portion of 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, sanitary facilities, breeze ways, porches (enclosed or unenclosed) or garages. 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.

Foster Care Facility - A State licensed child or adult care facility which is organized for the purpose of receiving, housing and boarding of children or adults for care, maintenance, and supervision in buildings licensed for that purpose, and operated

throughout the year. Foster Care Facilities do not include a hospital licensed under Section 59 and Act. No. 269 of the Public Act No. 139 of the Public Acts of 1956, as amended, or a hospital for mentally ill licensed under Act No. 151 of the Public Acts of 1923, as amended, or nursing and convalescent care centers.

Frontage, Street - See "Road Frontage"

Garage, Commercial - Any garage, not including a nonprofit, public or private garage, available to the public, operated for profit, and used for storage, repair, rental, greasing, washing, sales, servicing, adjusting, or equipping of automobiles or other motor vehicles.

Garage, Private - An accessory building not to exceed the height of the principal structure used for parking, housing and care of vehicles or storage as may be required in connection with the permitted use(s) of the principal building.

Gas Station - See "Automobile Service"

Greenway - A contiguous or linear open space, including habitats, wildlife corridors and trails that link parks, nature reserves, cultural features, or historic sites with each other for recreation and conservation purposes.

Grade - The term "Grade" shall mean 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.

Grandfather Clause - The non-retroactive rule of zoning which allows the use of lots or parcels of record and the continuation of nonconforming uses as well as conforming uses described as the "vested right of interest rule" in relation to the zoning of property, whether conforming or legally nonconforming to the provisions of the Zoning Ordinance. This "rule" is also known as "Grand fathering" or the "Grandfather Clause".

Greenbelt - A buffer area consisting of an open space, except as otherwise 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.

Group Housing - See "Dwelling, Group"

Highway - Any public thoroughfare dedicated and maintained for the use and operation of automotive vehicular traffic by the Michigan Department of Transportation. (also see "Road")

Historical Building, Site or Area - 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** - Any activity conducted either entirely within an accessory building or, within an accessory building and a portion of a single family dwelling, excluding the exterior storage of materials or equipment related to the home-based business, located on the same property as the owner and operator and which is clearly secondary to a residential use and carried out for economic gain. Provided, however, a home-based business shall not include an adult or sexually oriented business or a business conducting retail sales on site.

**Home, Motor** - A motorized automotive vehicular unit primarily designed for family travel and/or recreational usage, which may also contain complete housing facilities for overnight lodging. This term does not include mobile homes or any other motorized or nonmotorized vehicles, including boats.

**Home Occupation** - Any activity conducted entirely within a single family dwelling, except an adult or sexually oriented business or a business conducting retail sales, not incidental to

services provided or performed on site, and which is clearly secondary to the residential use and carried out for economic gain and which meet all of the following requirements:

1. The activity is conducted using no more than one (1) nonresident employee.
2. The exterior of the dwelling in which the activity is conducted will retain its residential character.
3. The activity does not create a nuisance in fact for surrounding properties in terms of lighting, noise, fumes, odors, vibrations, traffic or electrical interference.
4. Adequate off street parking is provided for patrons, clients and the nonresident employee in addition to the standard off street parking requirement for the dwelling.
5. No more than one (1) on-site, non-illuminated sign ten (10) square feet or less in area per side is erected to direct attention to the activity. The sign may be attached to the building or located in the front yard provided it is setback from the road right-of-way at least twenty five (25) feet.

6. No more than thirty percent (30%) of the floor area of the dwelling is devoted to the home occupation.

Hospital - An institution providing health services, primarily for in-patients 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 departments, training facilities, central and public access and service facilities and staff offices.

Hotel - A building occupied or used as a more or less temporary abiding place of individuals or groups of individuals with or without meals, in which there are more than five (5) sleeping rooms, and in which no provisions are made for cooking in any individual room. (Also see "Motel").

Hunting Trailers - A short term, seasonal or vacation type of temporary or non-permanent residence in the form of a recreation vehicle, motor home, camping or other type of recreation vehicle or a mobile home which is capable of being driven or drawn behind an automotive vehicle.

Industrial - 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 - 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.

Institutional - A public, semi-public 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.

Junk - 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 non-putrescible 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 - 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 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.

**Kennel** - Any lot or premises on which four (4) or more dogs of more than 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.

**Laboratory** - 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** - A permanent natural or man-made body of surface water of at least five (5) acres of contiguous water surface, excluding swamps, bogs and other wetlands and Drainage ways and connecting streams in area.

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

**Land Use Permit** - See "Zoning Permit"

**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.

**Loading Space** - An off-road 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.

**Lot** - 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 and 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.

**Lot Area** - The total horizontal plane area contained within the boundary lot lines of a lot or parcel, exclusive of topographical undulations.

**Lot, Corner** - A lot where the interior angle of two (2) adjacent sides at the intersection of two (2) roads is less than 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 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 135 degrees.

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

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

Lot, Double Frontage - 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 abutting a road shall be considered frontage, and front setbacks shall be provided as required.

Lot, Interior - Any lot other than a corner lot.

Lot Lines - The exterior perimeter boundary lines of a lot or parcel.

Lot Line, Front - In the case of an interior and waterfront lot, that line separating said lot from the road. In the case of a corner lot the front lot line shall mean that line separating the lot from the road along the shortest road frontage. In the case of a double frontage lot, a front lot line shall mean that line separating said lot from all roads which it abuts.

Lot Line, Rear - That 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 - Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot of Record - 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. (Includes "Parcel of Record").

Lot Line, Waterfront - In the case of a waterfront lot, the lot line separating the lot from the waters edge of a lake, river or other body of surface water.

Lot Width - The distance between the side lot lines as measured at the front setback.

Major Thoroughfare - A road, street or highway designated as such in the Master Plan for "Roads and Highways."

Marginal Access Road - A public or private frontage road or driveway paralleling and adjacent to one of the major roads and arterials as designated in the Master Plan for "Roads and Highways."

Master Deed -The condominium documents 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. The master deed shall include all of the following, at a minimum:

- (A) An accurate legal description of the land involved in the project.
- (B) A statement designating the condominium units served by the limited common elements and clearly defining the rights in the limited common elements.
- (C) A statement showing the total percentage of value for the condominium project and the separate percentages of values assigned to each individual condominium unit identifying the condominium units by the numbers assigned in the condominium subdivision plan.
- (D) Identification of the local unit of government with which the detailed architectural plans and specifications for the project has been filed.

Mobile Home - See "Dwelling, Mobile Home."

Mobile Home Condominium Project -A condominium project in which mobile homes as defined section 30(a) of Act 300 of the Public Acts of 1949, as amended, are intended to be located upon separate sites which constitute individual condominium units.

Mobile Home Park - For the purpose of this Ordinance a specifically designated parcel of land constructed and designed to accommodate three (3) or more mobile homes for residential dwelling use and licensed by the State of Michigan in accordance with Public Act 419 of 1976 "The Mobile Home Commission Act."

Mobile Home Space or Pad - Specified area of ground within a mobile home park designed for the accommodation of one (1) mobile home or a mobile home site.

Motel - (also see "Hotel") - A motel or motor court is a business comprising a dwelling unit or a group of dwelling units so arranged as to furnish temporary or transient housing or lodging accommodations for the public for compensation.

Motor Court - See "Motel"

Nonconforming Building or Structure - A nonconforming building or structure is a building or structure 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 Use or Activity - A nonconforming use or activity is a use or activity



which lawfully occupied a building, structure 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 - Is 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 adversely affects a human being in a significantly definable manner.

Nuisance Per Se - Is 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"

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

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

Off-road Parking - See " Parking, Off-road"

Off-road Parking Lot - See "Parking, Off-road, lot"

Off-road Parking Space - See "Parking, Off-road, space"

Open Air Business Uses - Are 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 - 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 - Any principal or accessory use of a lot or parcel not involving the use of buildings or structures which are required to meet the Construction Code.

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

Outdoor Advertising Signs - See "Signs, Outdoor Advertising" and Article XVI "Sign Regulations."

Parcel - See "Lot"

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

Parking, Off-road, Lot - 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.

Parking, Off-road, Space - 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 - A land area of not less than nine (9) by twenty (20) feet, 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.

Pet - Shall mean only such animals as may commonly be housed within domestic household living quarters.

Planned Unit Development - A planned residential, commercial, industrial, public or semi-public land use development consisting of two or more principal uses located on a parcel of land of prescribed minimum area and approved by the Township after site plan review in conformance with Article XI, "Planned Unit Development" of this Ordinance.

Plat - A map or plan of the layout of the subdivision of a parcel of land which is in conformance with all of the provisions of Public Act 288 of 1967; The Subdivision Control Act and the Subdivision Regulations of the Township, if and when enacted.

Pond - 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 - (includes patio) - 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 principal building or structure to which it is attached.

Porch, Open - (includes patio and deck) - A covered entrance to a building or structure which is unenclosed 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 principal building or structure to which it is attached.

Practical Difficulties - See "Zoning Variance"

Private Road - See "Road, Private"

Public Utility - 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, storm water collection or Wastewater collection and treatment.

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

Recreation Vehicle Park (RV Park) - A family recreation oriented facility for the overnight or short-term parking of motor homes, travel trailers, and other recreation vehicles or tents. May also be known as a campground. All RV Parks must meet the provisions of Public Act 368 of 1978, Part 125, "Campgrounds" and the Administrative Rules of the Division of Community Environmental Health, State Department of Public Health.

Restaurant - Is a building in which food or beverages are cooked or prepared and offered for sale, and where consumption is permitted on the premises and served by waitresses and waiters to customers sitting at tables whether or not entertainment is offered.

Right-of-Way Line - The line which forms the outer limits of a right-of-way or easement.

Right-of-Way, Road - See "Road Right-of-Way", includes "Highway and Road Right-of-Way".

Road - Any public or private thoroughfare or road easement 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 Easement - See "Easement, Road"

Road Frontage - The legal line which separates a publicly dedicated or private road right-of-way or easement from abutting land, and along which road frontage is measured.

Road, Hard Surface - 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 - A non-public road is one which serves at least 2 separately owned lots or parcels and which meets the requirements specified in Section 14.42 Supplemental Regulations.

Salvage - Means the same as junk (see definition of Junk).

Sanitary Landfill - A private or public landfill that meets all of the requirements of Public Act 641 of 1978 and the rules promulgated under this Act by the Michigan Department of Natural Resources.

Setback, Front - The minimum required horizontal distance of a front yard within which no buildings or structures may be placed.

Setback, Rear - The minimum required horizontal distance from a rear lot line, within which no buildings or structures may be placed.

Setback, Side - The minimum required horizontal distance from a side lot line, within which no buildings or structures may be placed.

Setback, Waterfront - The minimal required distance from a waterfront lot line within which no buildings or structures may be placed.

Shoreline - The line which separates land from a surface water feature, which may be (a) established as a matter of record as the mean level elevation of the surface water, (b) as determined by the legal establishment of the surface water level elevation by the County or ordinary high water mark. For the purpose of this Ordinance the legally established surface water level elevation shall take precedence, if established, over the mean level elevation.

Sign - The use of any words, numerals, figures, devices, designs or trademarks by which anything is made known, such as to show an individual firm, profession, business, product or message and visible to the general public.

Sign, Additional Definitions - See Section 17.02

Sign, Lighted - Any sign having a conspicuous, continuous or intermittent variation in

the illumination of the message portion of any part of the sign.

Sign, Outdoor Advertising - (also Billboard) - Any construction or portion thereof upon which a sign or advertisement used as an outdoor display for the purpose of making anything known to the general public is affixed. The definition does not include any bulletin boards or structures used to display official court or public notices.

Site Plan - A legal plot of survey of a lot or parcel and the plan for all of the proposals to develop or change the existing character of the land area of a lot or parcel.

Special Use - 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 - Permission granted by the Township for permitted special land uses.

Storage - A place or space on land or in a structure for storing goods.

Story - 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 - 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 - 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 the same as "Road."

Structure - See Building, and in addition garden houses, pole barns, sheds, pergolas, decks, porches, play houses and including any other man made structure or surface protruding more than four (4) inches above the finished grade.

Structural Alterations - 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 - Any permanent, non-portable structure or container located either above or below grade designed to hold water to depth greater than 18 inches, intended for swimming or bathing. A swimming pool shall be considered an accessory structure

for purposes of computing lot coverage.

**Telecommunication Towers and Facilities or Tower:** All structures and accessory facilities, including Alternative Tower Structures, relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals; including, but not limited to, radio towers, television towers, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment buildings, private and commercial mobile radio service facilities, personal communication services towers (PCS), and cellular telephone towers. Not included in this definition are: citizen band radio facilities; short wave receiving facilities; radio and television broadcast reception facilities; satellite dishes; federally licensed amateur (HAM) radio facilities; and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

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

**Temporary Building -** See "Building, Temporary"

**Temporary Use -** See "Use, Temporary"

**Tent -** As used in this Ordinance, shall mean 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.

**Township -** Means Wilson Township located in Charlevoix County, Michigan.

**Travel Trailer -** 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.

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

**Unnecessary Hardship -** See "Zoning Variance"

**Use -** 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.

**Use, Accessory -** 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 principal structure above and below ground; such as garages, sheds, barns, television satellite dishes, and designed surface structures and areas.

Use, Agricultural - Any use permitted in the RDA Zone in this Ordinance.

Use, Commercial - Any use permitted in the CSC Commercial and Planned Unit Development (PUD) Industrial Zones.

Use, Industrial - Any use permitted in the I Industrial and Planned Unit Development (PUD) Industrial Zones.

Use, Institutional - Any of the public, semi-public or private organizational uses permitted in this Ordinance.

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

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

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

Use, Residential - Any of the uses permitted in the RR-1 and RR-2 Residential and Residential Planned Unit Development (PUD) zones in this Ordinance.

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

Variance - See "Zoning Variance"

Vested Right - See Grandfather Clause definition.

Warehouse - A building where goods are stored in bulk and kept in reserve or distributed to retailers or other break-of-the bulk purchasers or consumers.

Waters Edge - For the purpose of this ordinance, the water's edge is the ordinary high-water mark of the water body which is that line between upland and bottomland which persists through successive changes in water level, 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 surface of the soil and the vegetation. On an inland lake which has a level established by law, it means the high established level. When water returns to its natural level as the result of the permanent removal or abandonment of a dam, it means the natural ordinary high watermark.

Wind Generation (WG) - 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.

Wind Generation, Commercial - A WG structure that is designed and primarily used to convert wind energy into electricity or other useful energy for sale to the public.

Wind Generation, Private - A WG structure that has tower height of not more than 126 feet that is designed and used primarily to generate electricity or produce mechanical energy for use on the property where located. A private WG tower of 35 feet or less must meet the requirements of section 3.21 Schedule of Regulations, but shall not be subject to the requirements of section 14.37.

Wind Generation Tower Height

1. Overall height: The distance between the ground and the highest point of the structure on a vertical axis wind turbine and the highest point of the blade arc on a horizontal wind turbine.
2. Hub height: The distance from the ground to the center-line of the turbine rotor on a horizontal-axis wind turbine.

Yard - For the purposes of this Ordinance the term yard shall be interpreted to mean setback.

Zoning Administrator - 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 - 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 or Zoning Board, 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 - As used in this Ordinance, the term "Board of Appeals" means the Township Zoning Board of Appeals.

Zoning District - 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 Exception - See "Zoning Interpretation" and "Zoning Variance."

Zoning Interpretation - 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 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 Permit - A permit for commencing, proceeding with and completing construction, 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 unnecessary hardship or practical difficulties due to circumstances unique to the individual property on which the variance is granted. The crucial points of variance are (a) unnecessary hardship, (b) practical difficulties, (c) unique circumstances, and (d) exceptional and unusual elements, are present, 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 districts.

- A. Practical difficulties - Shall mean that quantitative or dimensional zoning requirements cannot be met for building or structural uses and activities by an existing lot or parcel because of its unique or unusual shape and size due to its narrowness, shallowness, irregular shape or natural or existing development characteristics and such lots or parcels are different in the sense of their characteristics from other more typical lots located in the same zoning district.
- B. Unnecessary hardship - Shall (1) mean that the permitted uses in a zoning district are so limiting as to result in the impossibility of developing a lot or parcel for any permitted use purpose because of the unusual or unique characteristics of the lot or parcel in relation to other more typical lots or parcels in the same zoning district or (2) mean that a permitted principal or accessory use, because of its specific limitations by normal definition, is in need of modification through combining permitted principal or accessory uses when only one such use is permitted on a lot or parcel.

C. Vested Property Right or Interest Rule - See "Grandfather Clause."

## Article III

### General Provisions

#### **Section 3.01 - Purpose**

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

#### **Section 3.02 - Existing Uses of Lands, Buildings 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.

#### **Section 3.03 - Scope of Ordinance**

Except as provided by Sections 3.02 all land and premises shall be used, and all buildings and structures shall be located, erected and used in conformance with the provisions of this Ordinance following the effective date herein.

#### **Section 3.04 - 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.

Article IV	RDA - Resource Development-Agricultural District
Article V	RR-1 - Rural Residential District
Article VI	RR-2 - Rural Residential District
Article VII	MFR - Multiple Family Residential District
Article VIII	CSC - Community Service Commercial District
Article XIX	I - Industrial District

#### **Section 3.05 - Provisions for Official Zoning Map**

These districts, so established, are bounded and defined as shown on the map entitled: "Zoning Map of Wilson 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.



**Section 3.06 - Changes to Official Zoning Map**

If, in accordance with the procedures of this Ordinance and of Public Act 184 of 1943, 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.

**Section 3.07 - Authority of Official Zoning Map**

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, which shall be located in the office of the Township Clerk, shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, building or structure in the Township.

**Section 3.08 - Interpretation of Zoning Districts**

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

- A. A boundary indicated as approximately following the centerline of a highway, road, alley, railroad or easement shall be construed as following such centerline.
- B. 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.
- C. A boundary indicated as approximately following the corporate boundary line of the township shall be construed as following such line.
- D. 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.
- E. 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.
- F. A boundary indicated as parallel to or an extension of a feature indicated in paragraphs A through E above shall be so construed.
- G. A distance not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- H. 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.

**Section 3.09 - Application 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 or unnecessary hardships 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 XI of this Ordinance and MCL 125.288-125.293 as amended.

**Section 3.10 - Scope of Regulations**

- A. Except as may otherwise be provided in Article XI, 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. Uses are permitted by right only if specifically listed as principal permitted uses in the various zoning districts or is similar to such listed uses as determined by the Zoning Board of Appeals. 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. Special uses are permitted as listed or if similar to the listed special uses as determined by the Zoning Board of Appeals, and if the required conditions are met.
- D. 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.
- E. No part of a yard, or other open space, or off-road 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-road parking lot or loading space similarly required for any other use, building or structure.
- F. 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 herein.

- G. No lot, out lot or other parcel of land in a recorded plat shall be further partitioned or divided unless in conformity with this Zoning Ordinance and the Subdivision Control Ordinance of the Township, if in effect, and the Subdivision Control Act of 1967, as amended.

### **Section 3.11 - 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 provisions of this Zoning Ordinance.

### **Section 3.12 - Conflicting Regulations**

Whenever there is a difference between minimum or maximum standards, dimensions, or other provisions in this Ordinance, or those contained in lawfully adopted county, state, federal or other governmental agency rules, regulations, ordinances or laws, the most restrictive or the one imposing the most desirable standard to the Township shall prevail.

### **Section 3.13 - Zoning - Not a 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 3.14 - Site Plan Review Procedures**

All uses permitted under the provisions or consequence of this Zoning Ordinance, applying for a zoning permit, shall follow the requirements of Article XVIII, "Site Plan Review Procedure", required by the Zoning Administrator, except that all farm dwellings, farm buildings and single family homes located on a single lot or parcel shall only be required to submit a site plan, prepared in accordance with those relative portions of Article XVIII, "Site Plan Review", and submitted with the application for a zoning permit.

### **Section 3.15 - Zoning Permits in Relation to Building Permits**

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.

**Section 3.16 - Permitted Zoning District Uses and Other Provision**

Each Zoning District and the uses it permits are designed to represent separate categories of compatible land uses. However, regulations included in other Articles in this Zoning Ordinance may also appropriately apply, including those provisions contained in Article XIV, "Supplemental Regulations;" Article XIII, "Nonconforming Land, Building and Structural Uses;" Article XV, Environmental Conservation Provisions; Article XVI, "Off-Road Parking, Loading and Unloading Requirements;" Article XVII, "Sign Regulations;" and Article XVIII, "Site Plan Review Procedures." Applicants for zoning permits should relate their requests to both the appropriate zoning district as to use and the above Articles for applicability.

**Section 3.17 - Uses Not Specifically Listed in the Permitted or Special Use Sections of the Respective Zoning Districts**

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 Districts. Any uses not listed shall be added only by the Zoning Amendment procedure as required in Article XXI, except as otherwise provided by the Zoning Board of Appeals through its interpretation of this Ordinance and the granting of variances.

**Section 3.18 - 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.

**Section 3.19 - Conformance of Lots and Parcels to the Subdivision Control Act**

All uses permitted in any district shall be located on lots or parcels of land split or subdivided in accordance with the provisions of Public Act 288 of 1967, as amended, "The Subdivision Control Act" and the Subdivision Regulations of the Township adopted and in effect at the time.

**Section 3.20 - Permitted Uses**

The following uses are specifically permitted in any zone:

- A. Telecommunication towers and alternative tower structures located on property owned, leased, or otherwise controlled by Wilson Township provided a license or lease authorizing such telecommunication tower or alternative tower structure has been approved by Wilson Township.
- B. Antenna collocated on telecommunications towers or alternative tower structures which have received a special use permit which included review of the standards set forth in Section 10.18(A)(1) of this ordinance.





**Section 3.21 – Schedule of Regulations**

Zoning District	Lot Dimensions			Setback Dimensions			Structure Dimensions		
	Minimum Lot Area	Minimum Lot Width	Minimum Lot Road frontage	Minimum Front Setback	Minimum Side Setback	Minimum Rear Setback	Maximum Building Height	Minimum Building Floor Area	Maximum Lot Coverage
RDA	10 acres	300 feet	66 feet	83 feet (a)(b)	20 feet (b)(c)	30 feet(b)	35 feet (d)	864 sq. feet (e)	20%
RR1	3 acres	300 feet	66 feet	83 feet (a)(b)	20 feet (b)(c)	30 feet(b)	35 feet (f)	864 sq. feet (e)	10%
RR2	1 acre	150 feet	66 feet	83 feet (a)(b)	15 feet (b)(c)	30 feet(b)	35 feet (g)	864 sq. feet (e)	30%
MFR	½ acre (h)	200 feet	66 feet	50 feet (a)(b)(j)	20 feet (b)	50 feet(b)	35 feet (f)	(i)	30%
CSC	20,000 square feet	100 feet	66 feet	25 feet (a)(b)(j)	10 feet (b)(k)	25 feet (b)(k)	35 feet	NA	50%
I	40,000 square feet	150 feet	66 feet	25 feet (a)(b)(j)	10 feet (b)(k)	25 feet (b)(k)	35 feet	NA	50%



## Notes:

- (a) In the RDA, RR1 and RR2 districts the front setback shall be measured from the centerline of an existing road that provides frontage to the lot. In the MFR, CSC and I districts the front setback shall be measured from the road right of way line.
- (b) Waterfront setback is 50 feet.
- (c) In cases of a corner lot, the side setback shall be equal to the front setback.
- (d) Maximum of 45 feet for agricultural buildings except grain elevators, silos and windmills which shall not exceed 120 feet. Height restrictions not applicable to telecommunication towers and alternative tower structures.
- (e) For a two story dwelling the first floor area must be at least 600 square feet on the ground floor and the total of 864 square feet for both stories.
- (f) Maximum height for accessory structures is 20 feet.
- (g) Maximum height for accessory structures is 15 feet.
- (h) The first multiple family dwelling unit shall have a minimum lot area of ½ acre. Each additional multiple family unit shall require the following additional lot area: Efficiency – 2000 square feet; One bedroom – 2,500 square feet; Two bedroom – 3,500 square feet; Three bedroom – 5,000 square feet; Four bedroom – 6,500 square feet; Each additional bedroom over four – 1,500 square feet.
- (i) Efficiency = 450 square feet; One bedroom = 600 square feet; Two bedroom = 750 square feet; Three bedroom = 900 square feet with 150 square feet for each additional bedroom.
- (j) A setback of 25 feet from private rights of way is permitted.
- (k) For side/rear yards that abut a right of way, the minimum setback shall be 50 feet from a public right of way and 25 feet from a private right of way.

**Section 3.22 – Public Notice Requirements**

All applications requiring a public hearing shall comply with the Michigan Zoning Enabling Act, PA 110 of 2006 and the provisions of this Section with regard to public notification.

- A. When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the Township shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation and mailed or delivered as provided in this Section.
- B. All mail, personal and newspaper notices for public hearings shall:
  - 1. Describe 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. Indicate the location of property that is the subject of 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, identifying the nearest cross street, or including 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. Identify when and where the request will be considered. Indicate the date, time and place of the public hearing(s).
4. 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.

C. Personal and Mailed Notice:

1. When the provisions of this Ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:
  - a. The owners of property for which approval is being considered, and the applicant, if different than the owner(s) of the property.
  - b. Except for rezoning requests involving eleven (11) or more adjacent properties or an ordinance interpretation request that does not involve a specific property; to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of the Wilson Township. If the name of the occupant is not known, the term "occupant" may be used in making notification. 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.
  - c. All neighborhood organizations, public utility companies, railroads and other persons which have requested to receive notice by mail.
2. Notice shall be deemed mailed by its deposit in the United States mail, first class, properly addressed, postage paid. The Township 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.

- D. Unless otherwise provided in the Michigan Zoning Enabling Act, PA 110 of 2006, or this Ordinance where applicable, notice of a public hearing shall be provided not less than fifteen (15) days before the date the application will be considered.

**Section 3.23 — Medical Use of Marijuana**

- A. Intent and Purpose. The purpose of this section is to implement land use regulations to address the medical use of marijuana as authorized by the enactment of the

Michigan Medical Marijuana Act (hereinafter referred to as the “MMMA”), Initiated Law I of 2008, MCL 333.26423, *et seq*, and its administrative rules, R333.101, *et seq*.

- B. Regulations for Qualifying Patients. The medical use of marijuana by a qualifying patient in that qualifying patient’s dwelling is hereby recognized as an accessory use to the principal residential use of the dwelling and can be established without a zoning permit in any zoning district, but shall be subject to the following regulations:
1. The qualifying patient must be issued and at all times must maintain a valid registry identification card by the Michigan Department of Community Health under the provisions of the MMMA.
  2. All Marijuana plants or products must be contained within the dwelling in an enclosed, locked facility that permits access only by the qualifying patient.
  3. If a room with windows within the dwelling is utilized to grow marijuana for medical use, any artificial lighting shall be shielded to prevent glare, must not be visible from neighboring properties, and must not be visible from adjacent streets or public ways.
- C. Regulations for Primary Caregivers. The medical use of marijuana by a primary caregiver is hereby authorized as a home occupation by right in any zoning district, provided that all of the following regulations are met:
1. The primary caregiver must be issued and at all times must maintain a valid registry identification card by the Michigan Department of Community Health under the provisions of the MMMA.
  2. The primary caregiver must obtain a zoning permit under Section 19.04 of this Ordinance.
  3. All marijuana plants or products must be contained within the dwelling in an enclosed, locked facility that permits access only by the primary caregiver.
  4. If a room with windows within the dwelling is utilized to grow marijuana for medical use, any artificial lighting shall be shielded to prevent glare, must not be visible from neighboring properties, and must not be visible from adjacent streets or public ways.
  5. No more than one (1) primary caregiver shall be permitted to function as a home occupation servicing qualifying patients within a dwelling.
  6. No qualifying patients under the age of 18 (eighteen) shall be permitted at any time at a dwelling in which a primary caregiver is functioning as a home occupation, except in the presence of his/her parent or guardian and except

- when the qualifying patient resides with the primary caregiver at the dwelling.
7. No marijuana for medical use shall be dispensed by the primary caregiver to qualifying patients at the dwelling in which a primary caregiver is functioning as a home occupation, except when the qualifying patient resides with the primary caregiver at the dwelling. Except as provided herein, the primary caregiver shall deliver all marijuana for the medical use of such qualifying patient, and such delivery shall take place on private property away from public view. Any such delivery vehicle shall be unmarked and not bear any emblem or sign that would indicate the nature of its cargo.
  8. No marijuana for medical use shall be consumed, smoked, or ingested by a qualifying patient by any method at a dwelling in which a primary caregiver is functioning as a home occupation, except when the qualifying patient resides with the primary caregiver at the dwelling.
  9. A dwelling in which a primary caregiver is functioning as a home occupation shall display indoors and in a manner legible and visible to his/her qualifying patients:
    - a. A notice that qualifying patients under the age of eighteen (18) are not allowed at a dwelling in which a primary caregiver is functioning as a home occupation, except in the presence of his/her parent or guardian and except when the qualifying patient resides with the primary caregiver at the dwelling, and
    - b. A notice that no dispensing or consumption of marijuana for medical use shall occur at a dwelling in which a primary caregiver is functioning as a home occupation.
  10. A dwelling in which a primary caregiver is functioning as a home occupation shall not have any outdoor signage that would indicate the nature of the primary caregiver services being conducted in the dwelling.
  11. A dwelling in which a primary caregiver is functioning as a home occupation shall not be located within 1,000 feet of any other home occupation functioning as a primary caregiver and shall not be located within 1,000 feet of any of the following uses
    - a. Any church or place of worship and its accessory structures.
    - b. Any public or private school, having a curriculum including kindergarten through twelve grade and its accessory structures.
    - c. Any preschool, child care or day care facility and its accessory structures.

- d. Any public facility, such as libraries, museums, parks, playgrounds, public beaches, community centers, and other public places where children may congregate.
  
- 12. The portion of a dwelling in which a primary caregiver is functioning as a home occupation, including any room or area utilized to grow marijuana for medical use, shall contain electrical service and wiring meeting the applicable requirements of the electrical code in effect in the Township.
  
- D. Relationship to Federal Law. Nothing within this section is intended to grant nor shall it be construed as granting immunity from federal law.



## Article IV

### RDA Resource Development-Agricultural District

#### Section 4.01 - Purpose

The purpose of this District is to provide for the arrangement of land uses that are compatible with the conservation, preservation, forestry and agricultural use of large tracts of land presently having a most desirable natural environment soil types and conditions that should not be disturbed, except minimally, for forestry and agricultural purposes, 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 pastoral, agricultural or natural character of the area.

#### Section 4.02 - Permitted Principal Uses

The following uses of buildings and land are permitted in this district.

- A. Single family dwellings.
- B. Raising and keeping of cattle, horses, ponies, sheep, goats, hogs and similar livestock but not including commercial or industrial feed lots as defined by the number of animals specified in any of the categories as defined by the number of animals specified in any of the categories as provided for by the Michigan Right to Farm Act (PA 93 if 1981 as amended).
- C. General farming and growing of field crops, fruits, vegetables, horticultural, maple sugar production, lumber, bee keeping, worm farming, and similar types of specialized farming.
- D. Greenhouses and nurseries for trees, shrubs and plants.
- E. Raising and keeping of rabbits, poultry, fowl and similar small animals but not including commercial and industrial poultry and similar high concentrations of small animals.
- F. Public and semi-public buildings for the housing of public facilities, utilities and services.
- G. State licensed adult foster care facilities not to exceed six (6) occupants.
- H. State licensed child day care facilities for family type not to exceed six (6) children and for group type not to exceed twelve (12) children.
- I. Home Occupations.
- J. Roadside farm produce stands. The stand shall be located and constructed to

meet the following requirements:

- I. The structure shall not be more than one (1) story and twelve (12) feet in height.
  2. The floor area shall not be more than 400 square feet.
  3. The stand shall be located no closer than ten (10) feet from the nearest road right-of-way and provide a safe means of parking and ingress and egress.
- K. A single storage building for non-agricultural use on otherwise vacant property, provided the following conditions are met:
1. The use shall be for the personal storage of the property owner.
  2. There shall be no commercial storage, storage condominiums, time share, or any other similar use.
  3. The maximum permitted size shall be 3,000 square feet.
  4. The storage building shall be setback two times the required front yard setback.

#### **Section 4.03 - Permitted Special Uses**

The following special uses of land, buildings and structures are permitted, subject to the provisions of Article X, "Special Uses" and Article XVIII "Site Plan Review" are met.

- A. Public and private areas for resorts, campgrounds, recreation vehicle parks, swimming pools, golf courses and ski areas.
- B. Extraction of sand, gravel, rock and minerals operated and maintained in accordance with Section 10.12.
- C. Dog kennels in accordance with section 10.19.
- D. Telecommunication towers and facilities in accordance with section 10.14.
- E. Agribusinesses which provide services, goods, storage, transportation or other goods and/or services that are directly related to the production of agricultural commodities in accordance with section 10.17.
- F. Health, educational, religious and social institutions in accordance with section 10.18.
- G. Home-based Businesses in accordance with Section 10.15.
- H. Open Space Preservation Option for residential development in accordance with Section 10.16.

- I. Uses associated with septage waste including hauling vehicles, storage structures and related onsite facilities.
  1. All uses approved under this section must comply with the rules, regulations and standards established by Federal, state and local governing bodies.
  2. A site plan sealed by a professional engineer shall be submitted and reviewed in accordance with Article 18 of this Ordinance.
  3. Above ground storage structures shall be surrounded by an engineered berm that shall be shown on the site plan. The berm shall provide visual screening and must be capable of containing the all septage waste stored in above ground containers in the event of a catastrophic failure.
  4. All structural elements shall be identified on the proposed site plan and shall provide minimum setbacks of:
    - a) 500 feet from surface water
    - b) 100 feet from all wells
- J. Commercial Wind Generation structures in accordance with Section 10.21.
- K. Accessory dwellings in accordance with Section 10.22.

**Section 4.04 - Permitted Accessory Uses**

Buildings and uses customarily accessory to permitted principal uses and approved special uses.

**Section 4.05 - Dimensional Requirements**

See Section 3.21 Schedule of Regulations

## Article V

### RR-1 Rural Residential District

#### Section 5.01 - Purpose

The purpose of this district is to provide for single family housing areas in the more rural portions of the Township and located along or directly accessible to major paved roads, in neighborhoods free from other uses, except those which are normally accessory and compatible, supportive and convenient to the residents living within such a district. The size of lots and parcels in this district should be planned to be of such area and width so that they can sustain healthful on-site water supply and liquid wastewater disposal.

#### Section 5.02 - Permitted Principal Uses

The following uses of buildings and land are permitted in this district.

- A. Single family dwellings.
- B. All types of farming presently existing in this District and their related accessory uses may continue and the same types of farming may be established on new locations within the District and shall be both governed and protected by the "Right to Farm Act", Public Act 240 of 1987, being MCL 286.472 and 286.473.
- C. Raising and keeping of horses. Parcels with less than 3 acres shall be limited to 1 animal per acre.
- D. State licensed adult foster care homes having up to six (6) occupants.
- E. State licensed child day care facilities for family type up to six (6) children and for group type up to twelve (12) children.
- F. Home Occupations.
- G. A single storage building for non-agricultural use on otherwise vacant property, provided the following conditions are met:
  - 1. The use shall be for the personal storage of the property owner.
  - 2. There shall be no commercial storage, storage condominium, time share, or any other use, similar in nature.
  - 3. There shall be a maximum sidewall of sixteen (16) feet in height.
  - 4. The maximum permitted size shall be 2,400 square feet.
  - 5. The storage building shall be setback two times the required front yard setback.

#### Section 5.03 - Permitted Principal Special Uses with Conditions

The following special uses of land, buildings and structures are permitted, subject to the provisions of Article X, "Special Uses" and Article XVIII "Site Plan Review":

- A. Public buildings.
- B. Health, educational, religious and social institutions.
- C. Golf courses and incorporated clubs.
- D. Home Based Businesses in accordance with Section 10.15.
- E. Open Space Preservation Option for residential development, in accordance with Section 10.16.
- F. Commercial Wind Generation structures in accordance with Section 10.21.
- G. Accessory dwellings in accordance with Section 10.22.

**Section 5.04 - Permitted Accessory Uses**

Buildings and uses customarily accessory to permitted principal uses and approved special uses.

**Section 5.05 - Dimensional Requirements**

See section 3.21 Schedule of Regulations.

## Article VI

### RR-2 Rural Residential District

#### Section 6.01- Purpose

The primary purpose of this district is to provide for single family housing at higher densities in areas that are efficiently served by infrastructure and services. Typical uses in this district are single family dwellings and those uses which are normally accessory and compatible, supportive and convenient to the residents living within the district.

#### Section 6.02 - Permitted Principal Uses

The following uses of buildings and land are permitted in this district.

- A. Single family dwellings.
- B. All types of farming presently existing in this District and their related accessory uses may continue and the same types of farming may be established on new locations within the District and shall be both governed and protected by the "Right to Farm Act", Public Act 240 of 1987, being MCL 286.472 and 286.473.
- C. Raising and keeping of horses. Parcels with less than 3 acres shall be limited to 1 animal per acre.
- D. State licensed adult foster care homes housing six (6) occupants.
- E. State licensed child day care facilities for family type up to six (6) children and for group type up to twelve (12) children.
- F. Home Occupations.
- G. A single storage building for non-agricultural use on otherwise vacant property, provided the following conditions are met:
  - 1. The use shall be for the personal storage of the property owner.
  - 2. There shall be no commercial storage, storage condominium, time share, or any other similar use.
  - 3. There shall be a maximum sidewall of sixteen (16) feet in height.
  - 4. The maximum permitted size shall be 1,500 square feet.
  - 5. The storage building shall be setback two times the required front yard setback.

#### Section 6.03 - Permitted Principal Special Uses with Conditions

The following special uses of land, buildings and structures are permitted, in accordance with the provisions of Article X, "Special Uses" and Article XVIII "Site Plan Review".

- A. Public buildings.

- B. Health, educational, religious and social institutions.
- C. Home Based Businesses in accordance with Section 10.15.
- D. Open Space Preservation Option for residential development in accordance Section 10.16.

**Section 6.04 - Permitted Accessory Uses**

Buildings and uses customarily accessory to permitted principal uses and approved special uses.

**Section 6.05 - Dimensional Requirements**

See section 3.21 Schedule of Regulations

## Article VII

### MFR Multiple Family Residential District

#### Section 7.01 - Purpose

The purpose of this district is to provide a relatively small and less expensive type of housing, as well as a broader range of choice of housing types to people who desire to live in the Township in condominium, owner or rental units, and their normal accessory uses which are compatible, supportive or convenient to the residents living within such a district. The buildings containing the dwelling units may be in a single or group building arrangements having group use facilities held in common to which all residents have equal access and share equally in the financing or operation and maintenance. These developments will only be allowed to develop if they can be connected to a public or common water supply system or wastewater sanitary sewer system.

#### Section 7.02 - Permitted Principal Uses

- A. Multiple family dwelling structures, including duplexes, triplexes, quadruplexes, garden apartments, townhouses, and other similar types of multi-family dwelling unit buildings.
- B. Mobile home parks.

#### Section 7.03 - Permitted Principal Special Uses with Conditions

The following special uses of land, located on at least a five (5) acre parcel, except as provided otherwise, buildings and structures are permitted subject to the provisions of Article X, "Special Uses":

- A. Special Uses:
  - 1. Public buildings.
  - 2. Recreational playgrounds.
  - 3. Non-profit recreation uses.
  - 4. Religious institutions.
  - 5. Health, educational and social institutions.
  - 6. Golf courses and incorporated clubs.
- B. Above permitted uses subject to the following requirement:
  - 1. The proposed site for any of the uses permitted herein shall have at least one (1) property line abutting an impervious hard surface paved road, and the site shall be so planned as to provide all access directly to said road by means of a frontage access road(s), except as otherwise provided in Section 14.23.
  - 2. Front, side and rear yards shall be set back at least seventy-five (75) feet and 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 single family residential lots and parcels.

#### **Section 7.04 - Permitted Accessory Uses**

- A. Normal accessory uses to multiple family dwelling units.
- B. Customary home occupations in existing single family homes, as conditioned by Section 14.19.

#### **Section 7.05 - Permitted Accessory Uses with Conditions**

- A. Private swimming pools as a part of the multiple family housing developments for use in common by all residents who will finance the operation and maintenance of such facilities in conformance with the provisions of Section 14.18.
- B. Common open space and recreation areas and facilities as a part of the multiple family housing development for use in common by all residents who will be required to finance the operation and maintenance of such facilities.
- C. Drives and off-road parking areas in accordance with Sections 16.04 and 16.05.
- D. Recreation, meeting and other group activity facilities located in buildings or as a part of a structure developed as a part of the multiple family housing project for the common use and enjoyment by all residents who will be required to operate and maintain such facilities and financed through a non-profit association representing the owners and renters.

#### **Section 7.06 - Dimensional Requirements**

See Section 3.21 Schedule of Regulations

#### **Section 7.07 - Other Requirements**

- A. All multiple family dwelling units shall be connected to the available common or public water supply system and wastewater sanitary sewer system on a permanent basis.
- B. Open spaces comprising at least 10% of the total gross area of the project shall be planned and built as a common facility to be used, operated and maintained by the developer or a nonprofit association representing the property owners and financed by means of a monthly or annual assessment.
- C. Ingress and egress shall be provided from an impervious hard surface paved road and frontage access roads in accordance with Section 14.23. Drives shall be located at least twenty (20) feet from any building.
- D. Off-road parking shall be provided in accordance with Article XVI, "Off-road

Parking" with parking spaces located within 200 feet of an entrance to the building for which the parking is designated. Each dwelling unit shall be provided with at least two (2) parking spaces.

- E. When a Multiple Family Residential lot or parcel abuts parcels other than those located in an MFR "Multiple Family Residential District", a twenty-five (25) foot wide buffer shall be provided within the MFR lot or parcel yard. The buffer area shall be bermed and landscaped with trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or other structures permitted in buffer areas, except required entrance drives and those walls, fences or plantings necessary to screen the MFR use from abutting single family residential lots and parcels.
- F. The outdoor storage of goods, materials, trash or garbage is not permitted except, as provided in Section 14.20.
- G. See Section 3.16, "Permitted Zoning District Uses and Other Provisions".

## Article VIII

### CSC Community Services Commercial District

#### Section 8.01 - Purpose

The CSC Community Services Commercial District is designed to cater to the needs of a larger consumer population and typically accommodates those retail, business and service activities that serve the whole community. These uses are primarily designed to cater to the needs of passer-by traffic and comparison shopping needs and require land and structures that generate significant volumes of vehicle traffic.

#### Section 8.02 – Permitted Uses

The following land uses shall be permitted subject to site plan approval by the Planning Commission

1. Retail business whose principal activity is the retail sale of merchandise to the general public PROVIDED the use is conducted wholly within an enclosed building(s).
2. Business offices and professional offices such as insurance brokers, stockbrokers, real estate brokers, doctors, dentists, lawyers, architects, engineers, and other similar uses.
3. Public and Private recreational and community facilities such as a bowling alley, indoor skating rink, theaters, auditoriums, concert halls, banquet halls, churches arcades, shooting ranges, clubs and fraternal organizations, and similar places of assembly PROVIDED that all uses will be conducted wholly within a completely enclosed building.
3. Service establishments that are of a workshop nature such appliance repair, printing and reproduction, small engine repair, laundromat, upholster, and similar establishments PROVIDED that all uses will be conducted wholly within a completely enclosed building.
4. Personal Service Establishments that perform services on the premises, such as barber shops, beauty shops, physical trainer and health clubs.
5. Restaurants that provide food for consumption on or off the premises, including drive-in or drive through restaurants.
6. Publicly owned and operated municipal buildings.

#### Section 8.03 - Permitted Special Uses

The following Special Land Uses may be permitted subject to review Special Use Permit approval by the Planning Commission.

1. Any permitted use that has outdoor storage and/or display or has over 20,000 square feet of gross building area.
2. Gasoline filling stations and automobile service stations.
3. Outdoor recreation facilities

**Section 8.04 - Dimensional Requirements**

See section 3.21 Schedule of Regulations

## Article IX

### I Industrial District

#### Section 9.01 - Purpose

It is the intent of this Industrial District to provide for the development of industrial uses 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 district to permit only those industrial manufacturing uses having use, 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.

#### Section 9.02 - Permitted Principal Uses

The following land uses shall be permitted subject to site plan approval by the Planning Commission and provided that the performance standards of 9.04 are met.

1. Contractor's yards or facilities.
2. Self storage units.
3. Truck or freight terminals.
4. Public facilities and buildings.
5. Wholesale distribution facilities. Facilities may have a retail component provided it is accessory to and subordinate of the principal use.
6. Storage facilities for building materials, sand, gravel, stone, lumber, and contractor's equipment.
7. Any production, processing, clearing, testing, repair, storage, and distribution of materials, goods, foodstuffs, and other semi finished or finished products from previously prepared materials.

#### Section 9.03 - Permitted Special Uses

The following Special Land Uses may be permitted subject to Special Use Permit review and approval by the Planning Commission.

1. Communication towers.
2. All permitted and special uses allowed in the CSC district.

**Section 9.04 – Performance Standards**

1. Activities in the Industrial District shall be carried on in completely enclosed buildings. Storage may be permitted outdoors, PROVIDED that outdoor storage shall not be permitted within one hundred (100) feet of any other district.
2. Noise emanating from a use in this District shall not exceed average street traffic noise.
3. The use may not emit obnoxious, toxic, or corrosive fumes or gases which are deleterious to the public health, safety or general welfare; except for those produced by internal combustion engines under designed operating conditions.
4. The use shall not emit smoke, odorous gases, or other odorous matter in such quantities as to be offensive at or beyond any boundary of the use of the parcel.
5. The use shall not discharge into the air dust or other particulate matter created by any industrial operation or emanating from any products stored prior or subsequent to processing.
6. The use shall not produce heat or glare beyond the lot boundaries of such intensity, duration, frequency or character which annoys disturbs or causes adverse physiological effects on any reasonable person of normal sensitivity.
7. The use shall not produce physical vibrations beyond the lot boundaries of such intensity, duration, frequency or character which annoys disturbs or causes adverse physiological effects on any reasonable person of normal sensitivity.
8. The use shall not discharge radioactive materials that exceed quantities established by the U.S. Bureau of Standards.
9. This District does not permit any manufacturing process, production or storage of any material designed for use as an explosive, nor in the use of any such material in production.

**Section 9.05 - Dimensional Requirements**

See section 3.21 Schedule of Regulations.

## **Article X**

### **Special Uses**

#### **Section 10.01 - Purpose**

In addition to permitted uses in districts, it is recognized that there are certain specific or unique uses which may be necessary or desirable but, which on account of their nature or potential impact on neighboring uses or public facilities, the uses need to be carefully regulated with respect to their location and operation. For the protection of adjacent properties and the permitted uses in a district, the Township shall review such uses and approve, deny or approve with conditions based on the criteria of this Article and all other applicable sections of this Ordinance.

#### **Section 10.02 – Approval Authority**

The Planning Commission shall have the authority to grant Special Use Permits, and may impose such conditions of design, operations, safeguards and time limitations as it may determine are necessary and reasonable to mitigate potential adverse impacts that are a result of the construction or operation of the approved special use.

#### **Section 10.03 - Application and Fees**

Application for any special use permit allowed under the provisions of this Ordinance shall be made to the Zoning Administrator by filling in the official special use permit application form, submitting required data, exhibits and information; and depositing the necessary fee in accordance with the Township schedule of fees with the Zoning Administrator. No fee shall be required of any governmental body or agency. No part of such fee shall be returnable to an applicant.

#### **Section 10.04 – Site Plan and Public Hearing Requirements**

- A. In addition to the requirements of this article, all Special Uses shall also submit a site plan which shall be reviewed in accordance with the procedures and requirements as specified in Article XVIII.
- B. A public hearing shall be held for all Special Use applications and notices for the hearing shall be in accordance with the procedures and requirements in Section 3.22.

#### **Section 10.05-Required Standards and Findings for Making Determinations**

In addition to any specific standards as required by this article the Planning Commission shall also review the particular circumstances and facts of each proposed special use in terms of the following general standards:

- A. Will be in accordance with the general objectives, intent and purposes of this Ordinance and not detrimental to public health, safety and welfare.
- B. 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 and not detrimental to the environment.

- C. Will not create excessive additional requirements at public cost, and will be served adequately, by essential public facilities and services; such as, highways, roads, police and fire protection, drainage structures, refuse disposal, or that the persons or agencies responsible for the establishment of the proposed special use shall be able to provide adequately any such service.
- D. Will not be hazardous or disturbing to existing or future neighboring uses.

### **Section 10.06 - Appeals, Amendments and Re-submittals**

- A. With the exception of a rehearing as provided by section 19.10, appeals of special use decisions made by the Planning Commission shall be made to Circuit Court.
- B. Approved special uses and any associated conditions shall remain unchanged except upon the mutual consent of the planning commission and the landowner.
- C. If a Special Use is disapproved by the Planning Commission there shall be a minimum period of one (1) year before the same or similar request on the same or approximately the same parcel of land may be resubmitted.

### **Section 10.07 - Junk Yards and Inoperative Vehicles**

Junk yards shall be established and maintained in accordance with all applicable Statutes of the State of Michigan, and are only permitted in the "RDA" Districts, and shall be located only in sites which are completely screened from adjacent properties and public view. Inoperative vehicles or parts of vehicles shall be considered as a junk yard if unlicensed and if located in the open and not completely contained within an enclosed structure or area.

### **Section 10.08 - Mobile Home Parks**

All mobile home parks shall comply with the requirements of Public Act 243 of 1959, "The Trailer Coach Park Act" and Public Act 419 of 1976, "The Mobile Home Park Commission Act" and the following additional regulations. Minimum site size for a mobile home park shall be fifteen (15) acres. Mobile home parks may be located in the MFR - Multiple Family Residential District.

#### **A. Minimum Mobile Home Lot Dimensions**

- 1. Lot width: As determined by width of mobile home and at least ten (10) feet spacing between mobile homes.
- 2. Lot depth: As determined by length of mobile home and at least ten (10) feet for rear yards and adequate depth of additional front yard for car parking space.



- B. Open Space - An open area shall be provided on each mobile home lot, to insure privacy, adequate natural light, ventilation, and a sufficient area for outdoor uses essential to each mobile home.
- C. Location and Access - Mobile home parks shall have frontage and direct access from a hard surfaced paved road.
- D. Roadways - There shall be provided a hard surfaced and adequately drained roadway of at least twenty (20) feet in width, which affords direct access to each mobile home lot and precludes through traffic. A mobile home park shall provide off-road parking spaces for at least two cars. Curvilinear street patterns are encouraged. In parks containing more than thirty (30) mobile home lots, a boulevard type entrance roadway with a planted median is required for traffic control and ingress and egress and shall extend into the mobile home park at least to the first street/road intersection.
- E. Canopies and Skirting
  - 1. Skirting shall meet the requirements of Rule 604 of the Michigan Mobile Home Commission, and shall be installed within 90 days of citing the mobile home.
  - 2. Each mobile home shall be jacked up in a uniform manner on a level pad; so that skirting will provide a solid barrier from the bottom of the mobile home to the pad level.
  - 3. Canopies and awnings of the same material and character as the mobile home construction and design may be attached to a mobile home. No canopy or awning shall exceed ten (10) feet in width nor exceed the length or height of the mobile home.
- F. Fences: If fences are constructed on each mobile home site, they shall be uniform in design and character for all mobile 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 mobile home for fire fighting purposes.
- G. Landscaping
  - 1. All mobile home park 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 mobile home lot, except for those portions of the lot covered by the mobile home, structural additions, sheds, walks, concrete pads, parking areas and 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 mobile home lot, and not exceeding 120 square feet in floor area or eight (8) to the highest point 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 150 feet of any given mobile 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.
- J. Television Antenna: If cable or satellite television service is provided, one (1) or more master antenna facilities shall be installed with underground service connections to each mobile 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 mobile 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 mobile home park unless they first obtain valid licenses and permits from the Director of the Michigan Department of Public Health 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 XVIII, "Site Plan Review Procedures."
- N. License and Certificate Requirements: It shall be unlawful for any person or corporation to conduct or operate a mobile home park in the Township without a currently valid license issued by the Director of the Michigan Department of Public Health and a Certificate of Occupancy and an annual 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 mobile home park 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 mobile home park.

### **Section 10.09 - Temporary Transient Amusement Enterprises**

The following provisions shall apply in addition to all applicable regulations in the district in which they are to be located:

- A. All Temporary Transient Amusement uses shall be located on sites large enough so as not to occupy or cover more than fifty (50) percent of the area of a lot or parcel upon which it is located.
- B. All fenced-in areas shall be set back at least 100 feet from any front road or property line.
- C. Side and rear yards shall be at least 100 feet in depth from all adjacent lots or parcels.
- D. All traffic ingress or egress shall be on public roads and all local traffic movements shall be accommodated within the site so that entering and exiting vehicles will make normal and uncomplicated movements onto or off from public roads. All points of entrance or exit for motor vehicles shall be located no closer than 200 feet from the intersection of any two (2) roads or highways.
- E. Temporary Transient Amusement uses are not permitted in any RR Residential District.

### **Section 10.10 - Gasoline Service Stations**

All gasoline service stations or filling stations shall conform to the following regulations in addition to all applicable regulations in effect in the CSC District.

- A. **Frontage and Area:** Every gasoline service station shall have a minimum frontage of 200 feet and a minimum area of one (1) acre.
- 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 CSC zone, and a minimum setback from all adjacent property lines of fifty (50) feet.
- C. **Construction Standards:** All vehicle service areas shall be constructed to conform to the following standards:
  - I. 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 vehicles 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 no 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.
  8. Gasoline storage tanks shall meet all State of Michigan requirements for their construction and installation.
- D. Lighting: All lighting shall be installed in a manner so that no illumination source is visible beyond all property lines.

#### **Section 10.11 - Sanitary Landfills**

Sanitary landfills shall: (1) only be located in the RDA Districts, (2) only if planned to be located in the County, in accordance with the County Plan prepared in conformance with Public Act 641 of 1978 "The Solid Waste Management Act" or under the jurisdiction of the Michigan Department of Natural Resources in conformance with Public Act 64 of 1979 "The Hazardous Waste Act" and (3) with direct access only permitted from an impervious hard surface paved all-weather year-round road as defined by the County Road Commission.

#### **Section 10.12 - Extraction of Natural Resources**

- A. The extraction of the following natural resources conformance with P.A. 303 of 1982, "Michigan Surface and Underground Mine Reclamation Act" may be permitted:
- I. The excavation or mining of sand and gravel. The incidental excavation of sand and gravel for on-site use only are excluded from the regulations of this Ordinance.
  2. The processing, storage, loading, and transportation of sand and gravel,

incidental to its marketing.

3. The mining of clay.
  4. The extraction of peat or marl.
  5. The quarrying of stone.
- B. Permitted Accessory Uses: Any use customarily incidental to the permitted Principal Special Use, but not including concrete batching plants, asphalt plants or manufacture of concrete or asphalt products.
- C. Extractive Mining Area, Bulk and Equipment Location Requirements
1. Limits of Excavation: Sufficient setback shall be provided from all property lines and public highways, to assure adequate, lateral support. Minimum allowable setback shall be fifty (50) feet from any property line and seventy-five (75) feet from any public highway or road.
  2. Placement of Processing Plants: The permanent processing plant and its accessory structures shall not be closer than 250 feet from any property line or public highway or road.
  3. Elevation of Plant Site: The permanent processing plant shall be located within the excavation area, at a point lower than the general level of the surrounding terrain, in order to reduce the noise and visual impact of the plant structure.
  4. Management of Storage Piles and Overburden: Storage piles of processed material and overburden stripped from mining areas shall not be located closer than fifty (50) feet from any property line, or one hundred (100) feet from any public highway or road.
- D. General Requirements:
1. Sight barriers shall be provided along all boundaries adjacent to roads which lack natural vegetative or terrain conditions which 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 road when adjacent to the mining property, or five (5) feet above the general level of terrain along property lines when adjacent to Residential properties existing at the time of standing mining operations. 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. If natural screening is sufficient in the judgment of the Planning Commission this requirement may be waived.
2. 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.
3. 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.
4. No mining of sand or gravel shall take place within 200 feet of any stream or waterway.

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. After all extraction operations are completed, the property shall be reclaimed in accordance with the approved final reclamation plan within one (1) year.
2. A reclamation plan shall be submitted in accordance with the following standards:
  - a. The excavated area is graded to produce gently rolling surface that will minimize wind and water erosion, and which will be generally compatible with the adjoining land area. The finished grades of all slopes resulting from excavations shall not be steeper than one (1) foot vertical to three (3) feet horizontal.
  - b. Excavated areas shall not collect and retain stagnant water.

- 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. Top soil shall be applied to a depth of at least four (4) inches.
  - 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, buildings, 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 which 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.

### **Section 10.13 - Bed and Breakfast Inns**

A single family dwelling meeting the following conditions may be used as a Bed and Breakfast Inn:

- A. Bed and Breakfast Inn establishments shall be located in existing residential structures with access directly to a maintained public road.
- B. One (1) additional off-street parking space per each room to be rented shall be provided.
- C. The dwelling unit in which the bed and breakfast inn 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 inn operation is active.
- D. Bed and breakfast inn operations 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.

- E. Signs for a bed and breakfast establishment located with direct or immediate access to a public road shall be limited to one non-illuminated sign announcing only the name and street number of the establishment, and said sign shall not exceed ten (10) square feet in surface display area per side, such sign being placed no closer than ten (10) feet from the street line.

#### **Section 10.14 - Telecommunication Tower or Alternative Tower Structure**

In addition to the standards set forth in a particular zone, telecommunication tower or alternative tower structure must meet the following additional standards:

- A. The applicant must demonstrate that no existing tower, alternative tower structure or alternative technology not requiring the use of towers or alternative tower structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Planning Commission related to the availability of suitable existing towers, other alternative towers or alternative technology. Evidence submitted to demonstrate that no existing tower, alternate tower structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:
  - 1. No existing towers or alternative tower structures are located within the geographic area which meets applicant's engineering requirements.
  - 2. Existing towers or alternative tower structures are not of sufficient height to meet applicant's engineering requirements.
  - 3. Existing towers or alternative tower structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
  - 4. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or alternative tower structures, or the antenna on the existing towers or alternative tower structures would cause interference with the applicant's proposed antenna.
  - 5. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or alternative tower structure or to adapt an existing tower or alternative tower structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
  - 6. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
  - 7. The applicant demonstrates that an alternative technology that does not require the use of towers or alternative tower structures, such as a cable



microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

- B. Setbacks. The following setback requirements shall apply to all towers for which a special use permit is required; provided, however, that the Planning Commission may reduce the standard setback requirements if the goals of this ordinance would be better served thereby:
1. Towers must be set back a distance equal to at least one hundred percent (100%) of the height of the tower from any adjoining lot line.
  2. Guys and accessory buildings must satisfy the minimum zoning district setback requirements.
- C. Security fencing. Towers and attendant accessory structures shall be enclosed by security fencing not less than six feet (6') in height and shall also be equipped with an appropriate anti-climbing device; provided however, that the Planning Commission may waive such requirements, as it deems appropriate.
- D. Landscaping. The following requirements shall govern the landscaping surrounding towers for which a special use permit is required; provided, however, that the Planning Commission may waive such requirements if the goals of this ordinance would be better served thereby.
1. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least twenty feet (20') wide outside the perimeter of the compound. The buffer must be a mixture of evergreen and deciduous species, with complete screening by the evergreen species. Tree species must be a minimum of six (6) to eight (8) feet tall.
  2. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.
  3. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.
- E. State or Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, the Michigan Aeronautics Commission (MAC), and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed,

then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

- F. Aesthetics. Towers and antennas shall meet the following requirements:
1. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA and/or the MAC, be painted a neutral color so as to reduce visual obtrusiveness.
  2. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
  3. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
  4. Where a feasible alternative exists, towers, alternative tower structures and supporting structures shall not utilize a power source which generates noise able to be heard by a person of normal aural acuity at adjoining property lines or public property; however, this section shall not be construed as limiting the use of temporary generators or similar devices used to create power during periods of interruption of the primary power source.
- G. Towers shall not be artificially lighted, unless required by the FAA, the MAC or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views. All towers equipped with lights shall be permitted to have strobe lights operating only during daytime hours between sunrise and sunset, but in lieu of strobe lights, towers are permitted to be equipped with red lights which shall be permitted to operate during nighttime hours between sunset and sunrise as well as during daytime hours between sunrise and sunset. Security lighting will be shielded so as to not shine onto adjacent properties.
- H. Compliance with Codes. Antenna and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical connections and wiring and as to structural integrity with all applicable state and local building codes and the applicable standards for towers published by the Electronic Industries Association, as amended from time to time.

- I. Interference with Residential Reception. Towers shall be located so that they do not interfere with television and radio reception to neighboring residential areas.
- J. No signs other than signs required pursuant to federal, state, or local law or ordinance shall be allowed on an antenna or tower. A sign will be placed on the fence indicating the ownership of the tower and a telephone number of who to contact in case of an emergency. The name and telephone number must be 50 point print.
- K. Towers. Towers shall be located no closer than one (1) mile from an existing telecommunication tower or alternative tower structure, as measured in a straight line between the base of the existing tower and the proposed base of the proposed tower, unless the applicant can demonstrate that coverage is not available utilizing existing towers or alternative tower structures.
- L. A telecommunication tower or alternative tower structure shall not be located within two hundred feet (200') or three hundred percent (300%) of the height of the tower, whichever is greater, of a single family or multiple family dwelling unit, church, school, or other structure normally used and actually used for the congregation of persons. Distance for the purpose of this section shall be measured from the base of the tower structure to the lot line of the single family or multiple family dwelling unit, church, school, or other structure normally used and actually used for the congregation of persons. If a single family or multiple family dwelling unit, church, school, or other structure normally used and actually used for the congregation of persons is erected within the specified two hundred (200) feet or the three hundred (300%) percent, the towers use shall not be deemed non-conforming and the proposed use is permitted.
- M. Tower Height Towers shall have a maximum height of one hundred ninety nine (199) feet, unless the applicant can demonstrate that coverage is not available utilizing a maximum tower height of one hundred ninety nine (199) feet.
- N. Removal of Abandoned Antennas and Towers. Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the Township notifying the owner of such abandonment. Along with said removal, said owner shall restore the site of said antenna or tower to its original condition prior to location of the antenna or tower subject to reasonable wear and tear. Failure to remove an abandoned antenna or tower within said ninety (90) day shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower. The Planning Commission may require the applicant to file a bond equal to the reasonable cost of removing the tower, antenna, alternative tower structure or other supporting structure(s) as a condition of a special use permit given pursuant

to this section.

### **Section 10.15 - Home Based Business**

The Planning Commission may authorize a Special Use Permit for a home-based business if it finds, based on evidence presented at a public hearing, that the proposed home-based business meets all of the following:

- A. The proposed home-based business will be conducted on property owned and occupied as their primary residents and the same property will serve as a base of operation from which to conduct the activity off-site.
- B. The proposed home-based business will be conducted in such a manner so as to retain the residential character of the property.
- C. There will be no more than three (3) on-site nonresident employees.
- D. The proposed home-based business will not create a nuisance to surrounding properties in terms of lighting, noise, fumes, odors, vibrations, traffic, dust, or electrical interference.
- E. No more than one (1) on-site, non-illuminated sign ten (10) square feet or less in area per side is erected to direct attention to the activity. The sign may be attached to the building or located in the front yard provided it is setback from the road right-of-way at least twenty five (25') feet with a maximum height of six (6) feet and using non-fluorescent permanent materials. As a condition of approval of the sign it shall be maintained in a good condition at all times. At the time the sign becomes 50% worn it shall be replaced or removed from public view regardless if the operation is still in existence.
- F. Adequate and designated off street parking shall be provided for patrons, clients and all nonresident employees. This parking shall be designed in a manner that the parking will be at a minimum, 50% screened from abutting properties and public right-of-way, with natural vegetation and berms being the most desired by the Township.
- G. Any exterior storage of materials or equipment related to the home-based business, including the temporary storage of waste and trash, shall be located in the rear of the structures and will be screened from the view of neighboring residents and from view by the general public along public rights-of-way by vegetation, natural topographic features, fencing or other constructed visual barriers as approved by the planning commission.
- H. In the event that adequate screening cannot be applied to the site to provide adequate screening of open storage, then at the discretion of the Planning Commission they may approve a structure to be occupied by the items related to

the business as well as make this a condition of approval for the special use permit.

- I. The area of the property devoted to the home-based business, including all accessory structures, exterior storage space, and any portion of the dwelling devoted to the home-based business, will be no more than three (3) times the sum of the square footage of the primary structure and all accessory structures actually used for residential purposes in RDA and RR-1 Zoning District. In RR-2 zoning district it shall not be more than one and a half (1 1/2) times the sum of the square footage of the primary structure
- J. No more than thirty percent (30%) of the floor area of the dwelling will be devoted to the home-based business.
- K. The home-based business shall not be detrimental to the surrounding area and shall be harmonious to the area. Home-based businesses will remain within the spirit and intent of the Zoning District and the Wilson Township Zoning Ordinance.

### **Section 10.16 Open Space Preservation Option**

Purpose: The purpose of the Open Space Preservation Option is to allow single-family dwellings to be developed with varied yard and setback requirements on lots which have natural assets that should be preserved or that have characteristics which would make development difficult to accomplish under the usual land development approach. The Open Space Preservation Option provision is intended to provide flexibility in the regulation of land development; encourage innovation in land use and variety in design, layout, and type of structures constructed; achieve economy and efficiency in the use of land, natural resources, energy, and preserve at least fifty percent (50%) of the lot in an undeveloped state. Since preservation of natural resources and the protection of the natural environment are important objectives, great care and much diligence must be taken when evaluating the potential development of a lot under the Open Space Preservation Option.

- A. Approval Standards: In addition to all other applicable standards of this Ordinance, a proposed development under the Open Space Preservation Option shall be approved by the Planning Commission when all of the following standards are met:
  1. The development includes only single-family dwelling units.
  2. The Open Space Preservation Option has not been exercised on the parcel of land on which the development will be located.
  3. No less than fifty percent (50%) of the original lot to be developed is designated as permanent open space to remain in an undeveloped state. The open space may consist of areas which contain physical characteristics that limit the development potential, such as steep slopes or wetlands. The required open space shall be set aside by the developer

in a conservation easement, plat dedication, provision in a condominium development master deed, or a deed restriction placed on the property, whereby the open space shall be used only in a manner consistent with the limitations specified in the definition of undeveloped state and only following site plan approval by the Planning Commission. These restrictions shall be recorded in the office of the Charlevoix County Register of Deeds.

4. The density of the development (dwelling units per acre) in the area of the original lot other than the required open space area is no more than the density otherwise allowed on the entire original lot under the regulations for the zoning district in which the property is located, plus the following applicable bonus densities:
  - a. In the RDA zoning district, one additional lot may be created for every whole ten (10) acres after the first ten (10) acres of the development.
  - b. In the RR1 and RR2 zoning districts, one additional lot may be created for every whole ten (10) acres after the first five (5) acres of the development.
5. One access road per parcel up to 660 feet of road frontage. An additional access may be granted by the Planning Commission for parcels with more than 660 feet of road frontage.
6. The minimum lot areas for the newly created lots in the development are no less than the following:
  - a. In the RDA zoning district, a minimum lot size of two (2) acres.
  - b. In the RR1 zoning district, a minimum lot size of 21,780 square feet.
  - c. In the RR2 zoning district, a minimum lot size of 14,520 square feet.
7. The minimum lot width, minimum setbacks, and maximum lot coverage standards for the lots in the development are no less than fifty percent (50%) of the corresponding regulations for the zoning district in which the property is located.
8. The proposed development meets the required off-road parking requirement within Article XVI of this Ordinance.
9. The proposed development meets all other applicable requirements of the

zoning district in which the property is located.

**Section 10.17 Agribusiness**

- A. An agribusiness shall be buildings, structures, lots, parcels, or parts thereof, which provide services, goods, storage, transportation or other activities directly related to the production of agricultural commodities and shall include the following uses:
1. Agricultural products, production and processing operations.
  2. Agricultural products storage facilities for farm products produced in the Township and surrounding areas.
  3. Auctions for livestock raised in or to be sold in the Township or surrounding area.
  4. Bulk feed and fertilizer outlets and distribution centers for agricultural use in the Township and surrounding area.
  5. Farm machinery: sales, service, rental and repair of such machinery used in the Township and surrounding area.
  6. Grain elevators for storage, drying and sales of farm products produced in the Township and surrounding area.
  7. Grain and livestock truck and cartage facilities for hauling farm products produced in or needed for agricultural purposes in the Township and surrounding area.
  8. Greenhouses and nurseries
  9. Riding stables
  10. Sawmills, permanent or mobile (temporary) if established to process timber produced in the township or the surrounding area.
  11. Seed dealership outlets and distribution centers for servicing the agricultural industry in the Township and the surrounding area.
  12. Veterinary hospitals, clinics and indoor kennels required to serve the livestock and other annual needs of the agricultural uses in the Township and surrounding area.
- B. Conditions:
1. As each different type of agribusiness may have its own unique impacts, the Planning Commission shall review each agribusiness individually and may

establish specific conditions and/or requirements that it deems necessary and reasonable to mitigate possible nuisances and/or adverse impacts of each particular use. Additional requirements may include but are not limited to; additional setback distances, landscaping, fencing, soundproofing and sanitary requirements.

#### **10.18 Public and private facilities for human care, religious, educational and social institutions.**

The proposed site for any of the uses permitted herein which would attract persons from or are intended to serve; areas beyond the immediate zoning district area shall have at least one (1) property line abutting a maintained public road.

#### **10.19 Dog Kennels**

- A. All dog kennels shall be operated in conformance with all applicable county, state and federal regulations; special permits being valid and reusable on a annual basis.
- B. For dog kennels, the minimum lot size shall be ten (10) acres for up to forty (40) dogs and an additional one-quarter (1/4) acre for each one (1) additional dog.
- C. Buildings wherein dogs are kept, dog runs, and/or exercise areas shall not be located nearer than 150 feet to any residential district.
- D. The site plans for such facilities shall be reviewed by the Planning Commission, and be subject to other conditions and requirements of said body deemed necessary to insure against the occurrence of any possible nuisance by requiring necessary additional distances, terms, fencing, soundproofing and sanitary requirements, provided such nuisances shall not be required to exceed the provisions of the Right-to-Farm Act, Public Act 240 of 1987, being MCL 286.472-286.473.

#### **10.20 Adult Businesses.**

In the preparation and enactment of this Section, it is recognized that there are some uses relating to sexual material which, because of their very nature, have serious operational characteristics that have a deleterious effect upon residential, office and commercial areas. Because certain forms of expression relating sexual material have particular functional and inherent characteristics with a high potential of being injurious to surrounding properties by depreciating the quality and value of such property, it is the intent of this section to provide a framework of reasonable regulatory standards which can be used for approving or disapproving the establishment this type of special use in a viable, accessible location where the adverse impact of their operations may be minimized.

##### **A. Regulated Adult Businesses:**

1. Adult Book Store: An establishment having a substantial portion (more than



twenty percent (20%) of its stock in trade in books, magazines and other periodicals and/or photographs, drawings, slides, films, video tapes, recording tapes and novelty items which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, (as defined herein) or an establishment with a segment or section devoted to the sale or display of such material, which segment or section exceeds ten percent (10%) of the usable floor area of the establishment.

2. Adult Cabaret.

- a) Group A Cabaret: An establishment which features nude or semi-nude entertainers, topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, nude or semi-nude waitresses or waiters or similar entertainers, or an establishment which features live entertainment distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas for observation by patrons therein.
- b) Group D Cabaret: An establishment licensed by the Michigan Liquor Control Commission, which establishment offers beer or intoxicating liquor for consumption on the premises and features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, topless waitresses or similar entertainers.

3. Adult Model Studio: Any place where models who display specified anatomical areas (as defined herein) are present to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons who pay some form of compensation or gratuity. This definition shall not apply to any accredited art school or similar educational institution.

4. Adult Motion Picture Arcade or Miniature-Motion Picture Theater: Any place where motion picture machines, projectors, or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images displayed depict, describe, or relate to specified sexual activities or specified anatomical areas (as defined herein).

5. Adult Movie Theater or Adult Live Stage Performing Theater: An enclosed building or room used for presenting motion picture films, video cassettes, cable television or any other visual media having as a dominant theme materials distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activity or specified anatomical areas (as defined herein) for observation by patrons therein. Such an establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.

6. Adult Outdoor Motion Picture Theater: A drive-in theater where a substantial

portion of the material presented is distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas (as defined herein) for observation by patrons of theater. Such establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.

7. Adult Personal Service Business: A business having as its principal activity a person, while nude or while displaying specified anatomical areas (as defined herein), providing personal services for another person. Such a business includes, but is not limited to, modeling studios, body painting studios, wrestling studios and conversation parlors. Any establishment, club, or business by whatever name designated, which offers or advertises, or is equipped or arranged to provide as part of its services, massages, body rubs, body painting, alcohol rubs, physical stimulation, baths, or other similar treatment by any person. An adult personal service establishment may include, but is not limited to, establishments commonly known as massage parlors, health spas, sauna baths, Turkish bathhouses, and steam baths. The following uses shall not be included within the definition of an adult personal service establishment:
  - a) Establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed physical therapist, a licensed practical nurse practitioner, or any other similarly licensed or certified medical professionals;
  - b) Establishments which offer massages performed by certified massage therapists;
  - c) gymnasiums, fitness centers and health clubs;
  - d) electrolysis treatment by a licensed operator of electrolysis equipment;
  - e) continuing instruction in martial or performing arts, or in organized athletic activities;
  - f) hospitals, nursing homes, medical clinics, or medical offices;
  - g) barber shops, beauty parlors, hair stylists and salons which offer massages by certified massage therapists; and
  - h) adult photography studios whose principal business does not include the taking of photographs of specified anatomical areas (as defined herein).
8. Adult Video Store: An establishment having a substantial portion of its stock-in-trade devoted to the distribution, display, storage, or on-premises viewing of films, movies, motion pictures, video cassettes, slides, or other visual representations which are distinguished or characterized by their emphasis on

matters depicting, describing, or relating to specified sexual activities or specified anatomical areas (as defined herein), or an establishment with a segment or section devoted to the sale or display of such material.

9. Sexual Paraphernalia Store: An establishment having a substantial portion of its stock-in-trade devoted to the distribution, display, or storage, of instruments, devices, or paraphernalia designed for use related to specified anatomical areas or as part of, in connection with, or related to specified sexual activities (as defined herein), or an establishment with a segment or section devoted to the sale or display of such material.

B. Special Definitions. With respect to Adult Businesses, the following terms and phrases shall have the following meanings:

1. Substantial Portion: A use of activity accounting for more than twenty percent (20%) of any one or more of the following: stock-in-trade, sales revenue, display space, floor space, viewing time, movie display time, or entertainment time measured per month.
2. Specified Anatomical Areas: Portions of the human body defined as follows:
  - a) Less than completely and opaquely covered:
    - i. Human genitalia and pubic region;
    - ii. Buttock and anus; and
    - iii. Female breast below a point immediately above the top of the areola; or
  - b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
3. Specified Sexual Activities: The explicit display of one or more of the following:
  - a) Human genitals in a state of sexual stimulation or arousal;
  - b) Fondling or other erotic touching of human genitalia, pubic region, buttocks, anus, or female breast;
  - c) Human sex acts, normal or perverted, actual or simulated including, but not limited to human masturbation, oral copulation, sexual intercourse, or sodomy;
  - d) Human excretory functions as part of, or as related to, any of the activities described above;
  - e) Physical violence, bondage, mutilation, or rape, actual or simulated, as

part of or related to, any of the activities described above.

- f) Sexual Intercourse: Fellatio, cunnilingus, anal intercourse or any other intrusion, however slight, of any part of a person's body, or of any object, into the genital or anal openings of another's body.
  - g) Sodomy: Sexual bestiality.
- 4. Massage Parlor: An establishment wherein private massage is practiced, used or made available as a principal use of the premise.
  - 5. Massage: The manipulation of body muscle or tissue, by rubbing, stroking, kneading, tapping or vibrating, through the use of a physical, mechanical or other device, of the body of another for a fee.
  - 6. Nude Modeling Studio: Any building, structure, premises or a part thereof used primarily as a place which offers as its principal activity the providing of models to display specified anatomical areas for artists and photographers for a fee.
- C. Site Location Principles. The following principles shall be utilized to evaluate the proposed location of any such use. These principles shall be applied by the Planning Commission as general guidelines to help assess the impact of such a use upon the district in which it is proposed.
- 1. No adult business shall be located within five hundred (500) feet, measured from the outer most boundaries of the lot or parcel upon which the proposed adult use will be situated, of a: residential zoning district; church, monastery, temple, or similar place of worship; school; library; public park or playground; non-commercial public assembly facility; public office building; licensed day care facility as defined in Act 116 of the Public Acts of 1973, as amended (MCLA 722.111 et seq.); or arcade.
  - 2. An adult business shall be located in the Industrial (I) District.
  - 3. No adult business shall be permitted within a one-thousand (1,000) foot radius of an existing adult business. Measurement of the one-thousand (1,000) foot radius shall be made from the outer most boundaries of the lot or parcel upon which the proposed adult business will be situated.
- D. Site Development Requirements.
- 1. The site layout, setbacks, structures, function and overall appearance shall be compatible with adjacent uses and structures.
  - 2. Windows, displays, signs, and decorative or structural elements of buildings shall not include or convey examples of a sexual nature, and are limited to one (1)

sign. All such displays and signs shall be in conformance with Article XVII of the Wilson Township Zoning Ordinance and shall be approved by the Planning Commission prior to their use. Any alterations in the above media shall and must be reviewed and approved by the Planning Commission.

3. All buildings entries, windows and other such openings shall be located, covered or screened in such a manner as to prevent a view into the interior from any public or semi-public area; and wherever else it is requested by the Planning Commission.
4. No loud speakers or sound equipment shall be used by an adult business that projects sound outside of the adult only business so that the sound can be discerned by the public from public or semi-public areas.
5. An adult business shall clearly post at the entrance to the business, or that portion of the business utilized for adult only purposes, that minors are excluded.

#### E. Use Regulations.

1. No person shall reside in or permit a person to reside in the premises of an adult business.
2. No person shall operate an adult business unless there is conspicuously placed in a room where such business is carried on, a notice indicating the process for all services performed therein. No person operating or working at such a place of business shall solicit or accept any fees except those indicated on any such notice.
3. The owners, operators or person in charge of an adult business shall not allow entrance into such building or any portion of a building used for such use, to any minors, as defined by MCL 722.51 et seq., as amended.
4. No adult business shall possess or disseminate or permit persons therein to possess or disseminate on the premises any obscene materials as defined by MCL 752.361 et seq., as amended.
5. No person shall operate an adult personal service business without obtaining a current code compliance license. Such licenses shall be issued by the zoning administrator or the zoning administrator's designee following an inspection to determine compliance with the relevant ordinances of Wilson Township. Such license shall be subject to all regulations of Federal, State, and Local Governments.
6. No person shall become the lessee or sub lessee of any property for the purpose of using said property for an adult entertainment business without the express written permission of the owner of the property for such use.

7. The provisions of this Section regarding massage parlors shall not apply to hospitals, sanitariums, nursing homes, medical clinics or the offices of a physician, surgeon, chiropractor, osteopath, psychologist, clinical social worker or family counselor who is licensed to practice his or her respective profession in the state, or who is permitted to practice temporarily under the auspices of an associate or an establishment duly licensed in the State, or to certified members of the American Massage and Therapy Association and certified members of the International Myomassethics Federation.

### **Section 10.21 Commercial Wind Generation**

- A. The purpose of this section is to establish general guidelines for the location of Commercial Wind Generation (WG), commonly known as wind turbines or windmills, and anemometer towers. The township recognizes that it is in the public interest to permit the location of wind turbine generators within the township. The township also recognizes the need to protect the scenic beauty of Wilson Township from unnecessary and unreasonable visual interference. As such, this ordinance seeks to:
  1. Protect residential areas from any potential adverse impacts of Commercial WG and anemometer towers;
  2. Encourage the location of Commercial WG and anemometer towers in nonresidential areas;
  3. Consider the public health and safety of Commercial WG and anemometer towers; and
  4. Avoid potential damage to adjacent property from the failure of Commercial WG and anemometer towers.
- B. Application Requirements. In addition to the application requirements of Article XVII Site Plan Review of this ordinance, an application for a special use permit for a Commercial WG or an anemometer tower shall include all of the following information, unless expressly indicated otherwise:
  1. A site plan meeting all of the requirements of Article XVII of this Ordinance.
  2. A detailed analysis by a qualified registered engineer describing the specific Commercial WG structure(s) or anemometer tower proposed and all phases for implementing the development, if any.
  3. A study prepared by a qualified registered engineer documenting that the site of the Commercial WG has sufficient wind resources for the proposed Commercial WG equipment.

4. A resume or other written summary of the education, experience, and other qualifications of all experts providing information concerning the Commercial WG or anemometer tower project.
5. An avian study based on U.S. Fish and Wildlife Service, "Guidelines to Avoid and Minimize Wildlife Impacts from Wind Turbines", Federal Register: July 10, 2003 (Volume 68, Number 132).
6. An inventory of endangered and/or threatened species impacted by the proposed Commercial WG or anemometer tower in the vicinity of the proposed site conducted by qualified biologist. Vicinity shall be based on the species.
7. A detailed written statement, with supporting evidence, demonstrating how the proposed Commercial WG or anemometer tower will comply with all of the standards for approval specified in this section.
8. Written documentation establishing whether the proposed Commercial WG location on the site will create shadow flicker on any existing structures located off the property on which the Commercial WG will be constructed, and if so, the extent and duration of the shadow flicker on these existing structures and the steps to be taken to minimize the shadow flicker on these existing structures.
9. Written documentation that the applicant has notified the FAA and any other applicable state and federal regulatory agencies of the proposed Commercial WG or anemometer tower.
10. Written documentation that the applicant has notified the operators of any microwave or communication link towers or similar facilities of a proposed Commercial WG when the proposed location of the Commercial WG is within the line of sight between two or more microwave or communication link towers or similar facilities.
11. Elevation drawings, computer generated photographic simulations or other images, or other visual aids that depict how the Commercial WG tower and all accessory structures or anemometer tower will appear as constructed on the proposed site from vantage points north, south, east, and west of the Commercial WG tower or anemometer tower.
12. Any additional information reasonably deemed necessary by the Planning Commission to determine compliance with the standards for Commercial WG or anemometer tower approval specified in this section and the impact of the proposed Commercial WG or anemometer tower on adjacent properties, public infrastructure, and the township as a whole. This information may take the form of, but is not limited to, traffic impact

analyses, environmental impact assessments, and/or information from officials representing federal, state, or county departments or regulatory agencies.

- C. Standards for Commercial WG and Anemometer Tower Approval. The Planning Commission shall approve, or approve with conditions, an application for Commercial WG or an anemometer tower only upon a finding that the proposed Commercial WG or anemometer tower complies with all of the following applicable standards:
1. The proposed site shall have documented annual wind resources sufficient for the operation of the proposed Commercial WG.
  2. The minimum site area for Commercial WG or an anemometer tower shall be as necessary to meet required setbacks and any other standards of this section.
  3. A Commercial WG shall produce sound levels that are no more than fifty (50) decibels as measured on the dBA scale at the property lines of the site in question.
  4. The Commercial WG shall not produce vibrations beyond the property lines of the site in question of such intensity, duration, frequency or character which annoy, disturb, or cause or tend to cause adverse psychological or physiological effects on any reasonable person of normal sensitiveness.
  5. The potential blade and ice throw for the proposed Commercial WG shall not cross the property lines of the site in question.
  6. A Commercial WG shall meet a setback from any adjoining lot line and any adjoining public or private road a distance equal to 1,500 feet. The setback shall be measured from the outermost point on the base of the Commercial WG. The Planning Commission shall reduce this setback to the shortest distance, not less than 500 feet for a Commercial WG where the proposed Commercial WG meets standards 3, 4, and 5 above. Provided, however, this standard shall not apply to an anemometer tower.
  7. An anemometer tower shall meet a setback from any adjoining lot line and any adjoining public or private road a distance equal to the height of the anemometer tower. The setback shall be measured from the outermost point on the base of the anemometer tower.
  8. The maximum Commercial WG hub height for a horizontal axis turbine shall be 275 feet. The maximum overall height of a vertical axis turbine or anemometer tower shall be 400 feet. The Planning Commission may



approve an increased hub height for a horizontal axis turbine, not to exceed 400 feet, if all of the following conditions are met. The increased height, however, shall be the smallest increase necessary to meet both of the following conditions:

- (a) The increased height is necessary for the preservation of a substantial stand of trees, existing land forms or structures that would otherwise be removed to increase wind velocity.
  - (b) The increased height is necessary to achieve a reasonable rate of return on the operation of the Commercial WG given the documented wind speeds and other site conditions. A reasonable rate of return is not equivalent to maximizing economic return to the operator. The Planning Commission shall not grant the increased height if economic return is not met due to the use of inefficient equipment that does not utilize current Commercial technologies.
9. For both horizontal and vertical axis Commercial WG turbines, the rotor shall be located on the tower such that the minimum blade clearance above the ground level is 50 feet.
  10. All Commercial WG turbines shall be equipped with controls to limit the rotational speed of the blades within design limits for the specific Commercial WG. Provided, however, this standard shall not apply to an anemometer tower.
  11. The on-site electrical transmission lines connecting the Commercial WG to a public utility electricity distribution system shall be located underground.
  12. The Commercial WG or anemometer tower shall meet or exceed any standards and regulations of the FAA, the Michigan Public Service Commission, National Electric Safety Code, and any other agency of the state or federal government with the authority to regulate Commercial WG or other tall structures in effect at the time the Commercial WG or anemometer tower approval is granted.
  13. The Commercial WG or anemometer tower shall, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness. Excessively bright or neon colors are not acceptable. The Planning Commission, however, may approve an alternate color if the Commercial WG or anemometer tower is located within an avian migratory route or if an alternate color would otherwise benefit the neighborhood.
  14. The Commercial WG or anemometer tower shall not be artificially lighted unless required by the FAA. Where the FAA requires lighting, the lighting shall be the lowest intensity allowable under FAA regulations, the fixtures

shall be shielded and directed to the greatest extent possible to minimize glare and visibility from the ground, and no strobe lighting shall be permitted, unless expressly required by the FAA. Unless the FAA requires otherwise, the lighting shall be a nonpulsating or nonblinking red light.

15. The Commercial WG or anemometer tower shall be designed and constructed in such a manner that access is limited, to the extent possible, to authorize personnel only.
16. The Commercial WG or anemometer tower shall be constructed and operated so that it does not interfere with television, radio, or microwave reception in neighboring areas. If degradation of television, radio, or microwave reception occurs as the result of the Commercial WG or anemometer tower, the developer shall pay to correct the television, radio, or microwave reception.
17. The Commercial WG shall be a monopole or monotube style construction (as distinguished from a lattice-style tower) and shall not utilize guy wires.
18. The Commercial WG or anemometer tower shall have posted on the site in a visible, easily accessible location a sign no more than four (4) square feet in area displaying an address and telephone number for emergency calls. The emergency telephone number shall allow a caller to contact a responsible individual to address emergencies at any time during or after regular business hours and on weekends or holidays.
19. The Commercial WG or anemometer tower shall have no advertising painted on or attached to the tower or any other structure of the Commercial WG.
20. The Commercial WG shall be designed and sited in such a manner to minimize shadow flicker expected to fall on a roadway and on any existing structures located off the property on which the Commercial WG is constructed. Provided, however, this standard shall not apply to an anemometer tower.
21. The Commercial WG or anemometer tower shall be sited on the property in a location that takes into consideration all of the following:
  - (a) The Commercial WG or anemometer tower will be in an area with economically viable wind resources.
  - (b) The Commercial WG or anemometer tower will be in an area that reduces the adverse aesthetic impacts from adjacent properties.

- (c) The Commercial WG or anemometer tower will not have a significant adverse impact on existing, off-site Commercial WG.
  22. The construction and operation of Commercial WG shall comply with all applicable requirements of the U.S. Fish and Wildlife Service, the Michigan Department of Natural Resources, and any other agency of the state or federal government with the authority to regulate Commercial WG.
  23. The Applicant provides a legally binding and recorded covenant running with the land on which the Commercial WG or anemometer tower will be located placing ultimate responsibility on the property owner, his or her heirs, successors, and assigns, to remove the Commercial WG or anemometer tower from the property in the event the owner of the Commercial WG or anemometer tower fails to do so as required by this ordinance.
- D. Conditions. The Planning Commission may attach reasonable conditions to the approval of a Commercial WG or anemometer tower. These conditions may include those necessary to insure that public services and facilities affected by the Commercial WG or anemometer tower will be capable of accommodating increased service and facility loads caused by the Commercial WG or anemometer tower, 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:
1. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the Commercial WG or anemometer tower under consideration, residents and landowners immediately adjacent to the proposed Commercial WG or anemometer tower, 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 Commercial WG or anemometer tower.
  3. Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the Commercial WG or anemometer tower under consideration, and be necessary to insure compliance with those standards.
- E. Ongoing Compliance. The owner of a Commercial WG shall conduct physical inspections of the Commercial WG structure(s) and associated equipment annually to ensure continuing compliance with this section and any conditions imposed with the approval of the Commercial WG. Copies of all inspection reports shall be submitted to the zoning administrator within thirty (30) days of the inspection.

- F. Performance Guarantee. In connection with the approval of a Commercial WG or anemometer tower, the Planning Commission shall require the owner of the Commercial WG to furnish the township with a performance guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the township in an amount equal to the estimated costs associated with removal of the Commercial WG or anemometer tower and all associated equipment and accessory structures and restoration of the site to a reusable condition.
- G. Removal of Commercial WG and Anemometer Towers. Commercial WG and anemometer towers that are not operated for a continuous period of twelve (12) months shall be removed by the owner of the Commercial WG or anemometer tower within 90 days of receipt of a notice from the township requiring such removal. For purposes of this section, non-operation shall be deemed to include, but shall not be limited to, the anemometer instrument(s) being removed from the anemometer tower or disconnected so that wind resources are no longer being measured, the blades of the Commercial WG remaining stationary so that wind resources are not being converted into electric or mechanical energy, or the Commercial WG is no longer connected to the public utility electricity distribution system. Any foundation associated with a Commercial WG or anemometer tower shall be removed to a minimum depth of three (3) feet below the final grade and site vegetation shall be restored.

## 10.22 ACCESSORY DWELLING UNITS

- A. Definition. An accessory dwelling unit is a structure designed and/or used for the temporary or permanent dwelling of a person or persons on the same lot with an existing primary residence.
- B. Intent and purpose.  
Accessory dwelling units are intended to accommodate the rising need of family members living upon a single parcel, but who desire separate quarters.
- C. Standards and Conditions.
1. Accessory dwelling units may only be permitted as a special use on lots of 3 acres or more in the RR1 and RDA districts.
  2. The unit shall include, at a minimum, a kitchen, bathroom, and sleeping area separate from the primary residence.
  3. No more than one accessory dwelling unit shall be permitted on a single parcel.
  4. Accessory dwelling units shall have a maximum finished floor area no greater than 1,000 square feet
  5. The property owner must occupy either the primary or accessory dwelling.
  6. Parking. One (1) on-site parking space, in addition to the required parking for the primary residence, shall be provided for an accessory dwelling unit.
  7. Attached accessory dwelling units shall have an entrance/exit separate from

that of the primary dwelling unit.

8. Deed Restrictions. Before obtaining a occupancy permit, the property owner shall file with the zoning administrator a documentation of recorded deed restrictions which incorporating the following restrictions:
  - a. The use permit for the accessory dwelling unit shall be in effect only so long as either the principal residence or the accessory dwelling unit is occupied as the homestead residence by the applicant, or the applicant's heirs
  - b. The accessory dwelling unit is restricted to the approved floor area, setbacks and height.
  - c. An accessory dwelling may be separated from the primary dwelling if each dwelling can meet all applicable regulations for a primary dwelling on a lot
  - d. The deed restrictions shall run with the land, and are binding upon any successor in ownership.
  - e. The deed restrictions shall lapse upon the removal of the accessory dwelling unit.

**Article XI**

Reserved for Future Use. (Repealed July 14, 2004).

## Article XII

### DEVELOPMENT PROJECTS

#### Section 12.01 - Project Requirements

Before creating 3 or more parcels or lots through platting, a condominium project, or by Land Division, in any zoning district within Wilson Township, the owner, and/or developer of the plat, condominium project or land divisions shall comply with all requirements of this article, and other relevant articles of the zoning ordinance.

#### Section 12.02 - Preliminary Project Submittal Requirements

Prior to submittal of a plat, condominium site plan or a land division survey, applicants are encouraged to request a meeting with the township planning commission, township zoning administrator and township planner, for the purpose of reviewing and discussing a proposed preliminary site plan to determine feasibility of the project. The request may be put on the agenda of a regularly scheduled meeting at no cost to the applicant or on the agenda of a special meeting at the request of the applicant, who shall pay the fee as established by the township board for special meetings.

#### Section 12.03 - Final Project Submittal Requirements

- A. As a complete plat, condominium project or qualifying land division application, the developer and/or proprietor shall furnish the zoning administrator with the following specific information:
1. A completed application form supplied by the township zoning administrator for the proposed project.
  2. A site plan meeting all requirements as set forth in Article 18 of the Wilson Township Zoning Ordinance.
  3. An application fee as set forth in Article 19.04(D)

#### Section 12.04 - Meeting scheduling and Notice of Meeting

Upon receipt of all the required information above the zoning administrator shall transmit the completed application to the township clerk to place on the agenda of the next planning commission meeting, for which adequate notice can be given to meet statutory requirements.

#### Section 12.05 - Standards for review and approval

- A. All plat, condominium projects or qualifying land division applications shall comply with, and approval shall be based upon:
1. All of the requirements and standards of the particular zoning district(s) in which all, or any part of the project may be located.
  2. Compliance with all site plan review standards set forth in Article 18 of the Wilson Township Zoning Ordinance.

#### Section 12.06 - Professional Review

Any additional reviews required for approval, above and beyond the normal site plan review, including but not limited to; engineer reviews, attorney reviews or other

professionals retained by the township, as needed, will be paid for by the applicant in accordance with the requirements of Section 19.04(D) of this Ordinance.

**Section 12.07 - Changes during Review or After Approval**

- A. Any changes made to a site plan during review or after approval shall conform to the criteria established in Article 18 of the Wilson Township Zoning Ordinance, and be approved pursuant to Section 18.8 and 18.9 of this Ordinance.
- B. Site plans for plats to be developed in phases or expandable or convertible or contractible condominium projects. Prior to expansion or conversion of a project, all plans for changing an approved existing project site plan shall undergo site plan review and approval pursuant to Article 18 of this Ordinance, as amended.

**Section 12.08 - Final Submissions upon Completion**

- A. Final plats, master deeds, restrictive covenants and “as built drawings” are required to be furnished. The project proprietor and/or developers upon completion of the project shall furnish the zoning administrator with the following:
  - 1. One (1) copy of the recorded plat or master deed
  - 2. One (1) copy of all restrictive covenants
- B. The final approved project site plan and all supporting documentation shall be filed with the county register of deeds, by the applicant.
- C. A set of the property association by laws



## Article XIII

### Nonconforming Uses, Lots and Structures

#### Section 13.01 Purpose

It is the intent of this Article to permit legal nonconforming lots, structures and uses to continue until they are removed or abandoned but not to encourage their survival. This general statement of intent is subject to reasonable application and in appropriate circumstances, to authorize the resumption, restoration, reconstruction, extension, or substitution of nonconforming uses as legal conditional uses after proper notification and review.

#### Section 13.02 Declaration and Regulation

- A. Any lawful lot, land use or structure existing on the passage date of this Zoning Ordinance, or on the passage date of any future amendments to this Zoning Ordinance, located in a district in which it is prohibited, regulated, or restricted, is declared to be a nonconforming lot, use, or structure not in violation of this Zoning Ordinance.
- B. Nothing in this Article shall be deemed to require a change in plans, construction or designated use of any structure in which actual construction has lawfully begun prior to the effective date of this Ordinance or future amendments, and upon which actual construction has been diligently carried on. Demolition or removal of materials shall be deemed actual construction provided that work is diligently carried on until the completion of the structure according to its original zoning permit as issued.

#### Section 13.03 Nonconforming Uses of Land

- A. A nonconforming land use shall not be enlarged, increased or extended to occupy a greater area of land than was occupied on the effective date of this Zoning Ordinance or any amendments.
- B. If a nonconforming use of land is discontinued for a period of one (1) year, it shall be presumed that the property owner intends to abandon the right to continue the nonconforming use of land and all future land uses shall conform to the regulations specified by this Zoning Ordinance for the district in which the land is located. Land that is occupied by nonconforming seasonal uses shall be considered abandoned after being discontinued for two consecutive seasons.
- C. If a property owner has an intent to abandon a nonconforming use of land and in fact abandons this nonconforming use of land for a period of one (1) year or more, then any subsequent use of the land shall conform to the requirements of this Ordinance. When determining the intent of the property owner to abandon a nonconforming use of land, the zoning administrator shall consider the following factors:

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

#### **Section 13.04 Nonconforming Uses of Structures**

- A. No structure that is being used for a nonconforming use shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- B. If no structural alterations are made a nonconforming use of a structure or structure and land, may be changed to another less nonconforming use, provided it is determined by the Planning Commission that the proposed use is equally appropriate or more conforming to the intent of the district than the existing nonconforming use. Whenever a nonconforming use is changed to a conforming permitted use, it shall not thereafter be changed to a nonconforming use.
- C. If a property owner has intent to abandon a nonconforming use of structure and in fact abandons this nonconforming use of structure for a period of one (1) year or more, then any subsequent use of the structure shall conform to the requirements of this Ordinance. When determining the intent of the property owner to abandon a nonconforming use of structure, 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 nonconforming use have been removed.
  4. Whether equipment or fixtures necessary for the operation of the nonconforming use have been removed.
  5. Other information or actions that evidence an intention on the part of the property owner to abandon the nonconforming use or structure.
- D. Should a structure that is being used for a nonconforming use be destroyed or disassembled by any means to an extent greater than fifty (50) percent of its replacement cost at time of destruction or disassembly, the nonconforming use status of the structure shall be eliminated.

**Section 13.05 Nonconforming Structures**

- A. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but a structure may be altered to decrease its nonconformity. Should a structure be altered or modified so as to eliminate, remove or lessen any or all of its nonconforming characteristics, then such nonconforming characteristics shall not be later reestablished or increased.
- B. If such structure is moved for any reason, it shall conform thereafter to the regulations for the district in which it is located.
- C. Should a structure be destroyed or disassembled by any means to an extent greater than fifty (50) percent of its replacement cost at time of destruction or disassembly, it shall not be reconstructed except in conformity with the provisions of this article.
- D. A nonconforming structure may be allowed to expand provided the expansion does not increase the nonconformity and the expansion is within a yard which is in compliance with the required setbacks. For example; a home with a nonconforming front yard setback may be expanded in the rear yard as long as the rear yard setback remains conforming.

**Section 13.06 Nonconforming Lots or Parcels of Record**

- A. Permission to use a lawful nonconforming lot shall apply even though such lot or parcel fails to meet the requirements for area or width, or both, that are generally applicable in the district. However, yard dimensions and other requirements, not involving area or width, or both, shall conform to the regulations for the district in which the lot or parcel is located.
- B. No division of any parcel(s) shall be made which leaves any lot width or area below the requirements of its Zoning District.
- C. No nonconforming lot may be altered in a way that increases its nonconformity. A lot may be altered to decrease its nonconformity. Should a lot be altered or modified so as to eliminate, remove or lessen any or all of its nonconforming characteristics, then such nonconforming characteristics shall not be reestablished later.

**Section 13.07 Restoration and Repair**

- A. This Ordinance shall not prohibit ordinary repairs or maintenance of any nonconforming structure which does not require the issuance of a Zoning Permit.
- B. If a nonconforming structure becomes physically unsafe or unlawful due to a lack of repairs and maintenance, and is declared by the Charlevoix County Building Department to be unsafe, unlawful by reason of physical condition, or if an occupancy permit cannot be obtained or is revoked, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district

in which it is located.

**Section 13.08      Repair, Remodeling, or Reconstruction of Nonconforming Structure following Environmental Cleanup**

- A. The Township finds that to protect the public health, safety and welfare of Township residents it is of paramount importance to cleanup environmental contamination within the Township. Some environmental cleanups, however may require alteration or removal of a nonconforming structure that would not otherwise be altered or removed by the property owner. Therefore, because of the overriding policy of cleaning up environmental contamination within the Township, this section is intended to relax the zoning regulations that would otherwise be applicable to the repair, remodeling, or reconstruction of that nonconforming structure.
- B. Notwithstanding any other provision of this Ordinance, if any nonconforming structure is damaged, destroyed, or removed to any extent due to the cleanup of environmental contamination required or performed by an agency of the State or Michigan, then that nonconforming structure may be repaired, remodeled or reconstructed as provided herein. If the nonconforming structure cannot reasonably be repaired, remodeled or reconstructed in greater compliance with the requirements of this Ordinance then such repair, remodeling, or reconstruction shall be completed to maximize the conformity that is reasonably possible. If the nonconforming structure cannot be reasonably be repaired, remodeled or reconstructed in greater compliance with the requirements of this Ordinance, then the nonconforming structure may be repaired, remodeled or reconstructed to its original configuration and on its original footprint.

## Article XIV

### Supplemental Regulations

#### Section 14.01 - Purpose

The intent of this Article is to recognize that there are certain conditions concerning land uses that warrant specific exceptions, regulations or standards in addition to the requirements of the Zoning District in which they are permitted to be located.

#### Section 14.02 - Area Limitations

In conforming to land and yard requirements, no area shall be counted as accessory to more than one (1) dwelling or main building.

#### Section 14.03 - Dwelling Lots or Sites

Every dwelling, cottage, cabin, occupied trailer coach or mobile home, erected outside of a mobile home 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 14.04 - Accessory Building Provisions

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

- A. 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. An accessory building not exceed thirty-five (35) feet in height.
- C. No detached accessory building shall be located closer than the minimum setbacks specified in each zoning district for principal buildings and structures.
- D. No detached accessory building in the RR-1 and RR-2 Districts and on any residential lot in any District shall exceed thirty-five (35) feet in height. Accessory buildings in all other districts may be constructed up to the permitted maximum height of structures in said districts.

#### Section 14.05 - Use of Yard Space

No required yard surrounding a dwelling, building or structure utilized for dwelling purposes, except as otherwise provided in this Ordinance, shall be used, occupied or obstructed by accessory buildings or structures, either permanently or temporarily; provided however, that a side or rear yard may be used for the parking of passenger automobiles in active service, but not for the location, parking, disposition, storage, deposit, or dismantling in whole or in part of junked vehicles, machinery, second-hand building materials, second-hand building materials, or other discarded, disused or rubbish-like materials or structures. In a front yard area between the required setback

line and the front of the principal structure no accessory structure shall be constructed above grade, except in the front yard area located between the side yard lines and the principal building line extended to a road-right-of-way line or a water body shoreline.

**Section 14.06 - Lot-Building Relationship**

Every building erected, altered, or moved shall be located on a lot as defined herein, and there shall be no more than one (1) principal building and its permitted accessory structures located on each lot.

**Section 14.07 - Accessory Building as Dwelling**

No accessory building or structure on the same lot with a principal building shall be used for permanent dwelling purposes, except as specifically permitted in this Ordinance.

**Section 14.08 - Basement as 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 14.09 - 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 14.10 - Required Water Supply and Wastewater Disposal Facilities**

Shall meet the requirements established by the Health Code of the County.

**Section 14.11 - Storage Sheds on Seasonably Used Lots and Parcels**

In order to continue the traditional outdoor living, camping and recreational seasonal use of otherwise vacant lots and parcels which do not have a principal use building on such lots and parcels, the owners and users of such lots and parcels may construct one (1) storage shed not to exceed one hundred (100) square feet in floor area and shall not exceed eight (8) feet in height at the storage sheds highest exterior point.

**Section 14.15 - Height Regulations**

The height requirements 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 linked to residential structures, telecommunication towers and facilities and alternative tower 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, country and township agencies.

#### **Section 14.17 - Essential Services**

- A. 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 collection, 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, policy 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-ways 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 RR-2 Residential District for all buildings, structures and areas used for offices, power generators, power transformers, storage, fabrication or manufacture of materials necessary to the provision of essential services.
- D. Telecommunication towers, alternative tower structures and antennas shall be regulated and permitted pursuant to this Ordinance and shall not be regulated or permitted as essential services, public utilities or private utilities

#### **Section 14.18 - Pools, Outdoor, including swimming, wading, jacuzzies, whirlpools, hot tubs and ponds, except farm ponds**

Private outdoor pools shall be permitted as an accessory use within the rear and side yards only, provided they meet the following requirements:

- A. There shall be a distance of not less than thirty (30) feet between the adjoining property line and outside of the pool wall or pond.
- B. There shall be a distance of not less than five (5) feet between the outside pool wall and pond shoreline and any building located on the same lot.
- C. No pool or pond shall be located less than fifty (50) feet from any front lot line.

- D. 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.
- E. No pool shall be located in an easement.
- F. For the protection of the public, all yards containing pools and ponds shall be completely enclosed by a fence not less than six (6) 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 or pond is not in use for extended periods. Provided, however, that if the entire premises of the residence is enclosed, then this provision may be waived by the Zoning Administrator upon inspection and approval.

#### **Section 14.19 - Home Occupations**

Home occupations shall be permitted in all detached single family residential dwellings located in any Zoning District and include such customary home occupations as: hairdressing, millinery, dressmaking, bookkeeping and accounting service, real estate and insurance sales; professional office and other similar occupations legally operating in detached single family homes at the time of adoption of this Zoning Ordinance.

- A. The non-residential use shall be only incidental to the primary residential use.
- B. Only normal domestic or household equipment and equipment characteristic of small workshops, businesses and professional offices shall be used to accommodate the home occupation.
- C. The home occupation shall involve no employees other than members of the immediate family residing in the dwelling.
- D. No alterations, additions, or changes to a principal structure which will change the residential character of the dwelling structure shall be permitted in order to accommodate or facilitate a home occupation.
- E. There shall be no overt external evidence of such occupations, except a small announcement sign not to exceed ten (10) square feet in area per side may be attached to the front exterior face of the principal building or in the front yard providing it is setback from the road right-of-way line at least ten (10) feet.
- F. The permission for home occupations 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 Districts, in terms of use and appearance, to be changed by the



occurrence of external visible evidence of home occupations.

- G. Retail sales are permitted as a home occupation provided they meet the requirements of the above. Sections A-H and the provisions of Article X, "Special Uses".

#### **Section 14.20 - Solid Waste Receptacle Areas**

Truck-lifted or transported receptacle areas: all such 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 14.21 - Exterior Lighting**

Unless required by federal or state law, 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 properties, and shall also be 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).

#### **Section 14.24 - Parking or Storage of Mobile Homes, Recreation Vehicles, Trucks and Travel Trailers on Residential Lots and Parcels in RDA, RR-1 and RR-2 Zoning Districts**

Storage of not more than one (1) mobile home and two (2) non-residential type recreational vehicles or trucks limited to a maximum of one (1) ton rated capacity and two (2) axles shall be permitted in RDA, RR-1 and RR-2 Zoning Districts and other single family dwellings located in all other Districts provided that such units shall be completely within the side and rear yards or completely enclosed within the side and rear yards or completely enclosed within a structure. In addition to the previous, if occupant of the principal structure is a school bus driver one( 1) school bus may also be permitted to be parked on the same lot or parcel in the RDA and RR Zoning Districts or on a lot or parcel of a nonconforming residential structure in any non-residential Zoning District.

#### **Section 14.25 - 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 Section XVIII, "Site Plan Review". 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 14.26 - Fences**

- A. The erection, construction, or alteration of any fence or other type of protective barrier shall meet the requirements of the zoning districts wherein they are required because of land use development.
- B. Fences in an RDA District and on farms are exempt from the provisions of this Section, except when required for specific principal or accessory uses and special uses in other parts of this Ordinance.
- C. Any existing fence not in conformance with this Ordinance shall not be altered or modified, except to make it more conforming.
- D. Fences which are not specifically required otherwise under the regulations for the individual zoning districts, shall conform to the following requirements:
  - 1. No fence shall hereafter be erected along the line dividing lots or parcels of land or located within any rear yard in excess of eight (8) feet in height above the grade of the surrounding land, except as provided in Section 13.16.
  - 2. No barbed wire, spikes, nails or any other sharp point or instrument of any kind shall be placed on top or on the sides of any fence, except that barbed wire cradles may be placed on top of fences enclosing public utility buildings or whenever deemed necessary in the interest of public safety.
  - 3. On an Industrial Site, no fence shall exceed twelve (12) feet in height.
  - 4. Fences on all lots in all Residential Districts which extend toward the front of the lot, past the side and front yard lines of the main building, shall not exceed four (4) feet in height in the required setback area.
  - 5. No fence or structure shall be erected, established or maintained on any corner lot except as provided in Section 14.15.
- E. Fence, wall and screen heights shall not exceed four (4) feet in any part of the front yard and shall not exceed eight (8) feet in any part of a side or rear yard, except that retaining walls may be whatever height necessary to carry out their engineered function. No such fence or wall located within a rear or side yard shall exceed eight (8) feet in height, except as required in Section 14.26. No fence, wall or screen shall be located so as to prohibit the safe ingress and egress of adjoining property fronting on the same road right-of-way or road easement.

**Section 14.27 - Fences and Protective Screening**

In order to provide adequate protective screening for residential areas adjacent to or near nonresidential areas, the following regulations shall apply:

- A. Where a CSC and I District abuts directly upon an RR-1, RR-2 or MFR residentially zoned district, or residentially used property in any district, a landscaped Greenbelt or wood fence, shall be provided and maintained along its entire length by the users of the said business, commercial, or industrial zoned property. A wood fence shall be at least six (6) feet in height. A 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, 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 as approved on site plan. Such landscape screening or wood fence for shielding off-road parking or storage areas shall not be required when such areas are located more than 200 feet from such abutting residential use or district.
- B. Required wood fences shall be located on the property line, except as otherwise approved by the Planning Commission. Such wood fences, 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 shall be increased to a height not exceeding ten (10) feet, providing further that all such fences shall be of uniform height around the premises and the design of such fence is first approved by the Zoning Administrator.
- C. Required fences shall have no openings for vehicular traffic or other purposes, except as otherwise approved by the Planning Commission. Wooden fences, however, may be constructed with small dispersed openings which do not collectively exceed twenty (20) percent of the fence surface in area. The arrangements of such openings shall be subject to approval by the Zoning Administrator.

#### **Section 14.28 - Use of Recreation Vehicles as Temporary Dwellings by Visitors**

Travel trailers, motor homes and other recreation vehicles shall be permitted when parked by visitors in a side or rear yard of a permitting single family dwelling owner or lessee without charge, upon application by the owner or the issuance of a "Temporary Permit" by the Zoning Administrator. Application shall be made within thirty (30) days after the date of arrival. The property owner or lessee shall present a written agreement to furnish the occupants of the mobile home, travel trailer, motor home or recreation vehicle with sanitary facilities approved by the Township. A "Temporary Permit" may

only be issued to one (1) mobile home, travel trailer, motor home or recreation vehicle at a time in any one location and shall be valid for a maximum period of ninety (90) days. Extensions of time shall not be permitted and the mobile home, travel trailer, motor home or recreation vehicle shall be removed from the property on or before the 90th day of the permit period.

#### **Section 14.29 - Building Grades**

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.

#### **Section 14.30 - Moving Buildings**

Buildings may not be relocated within or moved into the Township unless the building design and construction are compatible with the general architectural character of other structures located in the immediate area of the proposed site. Permits shall be required from the Zoning Administrator for such buildings to be moved. The moving of mobile homes which were manufactured prior to 1976 shall not be permitted in the Township, except in State Licensed Mobile Home Parks.

#### **Section 14.31 - Television Satellite Dish Antennas**

All television satellite dish antennas are designated accessory uses to the principal uses permitted on each lot or parcel in each respective zoning district, and are governed by the same requirements as any other accessory use permitted in each zoning district.

#### **Section 14.32 - Use of Financial Guarantees to Temporarily Delay Construction Requirements**

If in the judgment of the Planning Commission, during the course of Site Plan 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 financial guarantee to the Township Board. The financial 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 14.33 - Household Pets**

Small domesticated household pets, such as dogs and cats are limited to the maximum number existing in dwelling units in the Township which is generally no more than four (4); however, if more than four (4) are desired, as long as all other County, State and Federal laws are complied with, and an additional area of land equal to one-fourth (1/4) acre per animal is provided, additional domesticated household pets will be permitted up to a maximum of six (6). All animals born to on-site household pets shall not be included in this limitation until they reach the age of six (6) months.

#### **Section 14.34 - Non-commercial Domestic Animals**

Large domestic animals which are used essentially for pet, contest, riding, educational

or other special purpose as individual animal specimens are permitted at the rate of one (1) on a minimum of five (5) acres for the first animal and one (1) acre for each additional animal are permitted in RDA, RR-1 and RR-2 Districts.

#### **Section 14.35 - Single Family Earth Homes**

Single family earth homes are permitted in the RDA and RR 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 14.36 - Solar Buildings**

Solar buildings 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.

#### **Section 14.37 - Private Wind Generators**

- A. Private WG's and anemometer towers, (erected prior to a private wind generator), may be located in any district, provided the private WG or anemometer tower is setback from the property line a distance at least equal to one and one-half the total tower height.
- B. The minimum site area for a private WG or anemometer tower shall be three (3) acres.
- C. The maximum height of the tower shall not exceed one hundred twenty-six (126) feet.

#### **Section 14.38 - Conventional Dwelling Unit Requirements**

All dwelling units in order to locate in the RDA, RR-1 and RR-2 Residential Districts shall meet the following requirements:

- A. A minimum cross-section through at least one portion of a dwelling shall be fourteen (14) feet wide.
- B. A minimum floor area in at least one portion of a dwelling shall have an area of at least fourteen (14) feet by twenty (20) feet.

#### **Section 14.39 - 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 three (3) times each calendar year.

#### **Section 14.42 - Standards for Private Roads**

General Standards:

- A. All private roads constructed in Wilson Township shall be constructed in a good

and workmanlike manner upon and parallel to the centerline of a permanent right-of-way easement duly recorded with the Charlevoix County Register of Deeds. Such easements shall meet the following requirements:

1. Private road easements shall be a minimum of sixty six (66) feet wide, unless additional right-of-way is required for adequate construction.
  2. The right-of-way easement width on curved portions of private roads shall be the same as for tangent portions.
- B. All private roads constructed in Wilson Township shall be constructed so as to sufficiently control storm water runoff and permit effective storm water drainage and prevent soil erosion. Storm water retention basins shall be designed to store all Storm water runoff from a two and one half (2.5) inch in a twenty-four (24) hour period rainfall event.
- C. Soil erosion and Storm water runoff control measures shall be applied as per Charlevoix Soil & Water Conservation District standards and specifications. (Note: To minimize soil erosion, unpaved roads and access drives shall have box culverts installed and maintained. Said culverts shall constructed as per the design and be spaced according to the requirements of the Charlevoix Soil & Water Conservation District standards and specifications.
- D. Private roads shall be laid out to the greatest extent feasible to achieve the following objectives: (Listed below in order of priority, as it is recognized that some may conflict with others on any given site).
1. On soils not classified as "hydric" (wetland soils) by the USDA Soil Conservation Service.
  2. Along fence rows or the edges of the open fields adjacent to any woodlands (to reduce impact upon agriculture or forestry uses and shelter from winter winds, and to enable new construction to be visually absorbed by natural landscape features).
  3. On areas not considered prime or unique farmlands or in areas considered as prime forest land soils on a national or regional basis.
- E. All private roads shall have names approved by the Township Board and accepted by the Charlevoix County Numbering System and Charlevoix County Road Commission.
- F. Identification signs shall be required for all private roads and shall meet the standards and requirements of the Charlevoix County Road Commission and the Michigan Manual of Uniform Traffic Control Devices. In addition all private roads shall meet the following design standards:

1. Shall be manufactured from 9 inch high extruded aluminum blanks
  2. Shall be double faced and have a blue background with white lettering with diamond grade sheeting.
  3. The name of the private road shall begin with a 6 inch capital letter and be followed by 4.5 inch lower case lettering.
  4. In addition to the road name, private road signs shall also identify the road as private by either having the words "PRIVATE ROAD" or the abbreviation "PVT RD" in a minimum of four (4) inch high letters.
- G. All private roads servicing or to serve two (2) or more lots, parcels or condominium units shall have a road maintenance agreement and deed restrictions which provides for the perpetual private (non-public) maintenance of such roads and/or easements to a necessary and reasonable standard to serve the several interests involved. These documents shall contain the following provisions:
1. A method of initiating and financing of such road and/or easements in order to keep the road in a reasonably good and usable condition.
  2. A workable method of apportioning the costs of maintenance and improvements.
  3. Contain provisions that the owners of any and all of the property using the easement shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitees, tradesmen and others bound to or returning from any of the properties having a right to use the road. Provisions shall be included to allow ingress and egress of emergency and other public vehicles for whatever public services are necessary.
  4. A notice that no public funds of the Township of Wilson are to be used to build, repair or maintain the private road.
- H. Private roads and common drives shall be reviewed by the Planning Commission, according to the standards and procedures set forth in Section 18 of this Ordinance.

Specific Standards:

- I. Private roads to service five lots or less shall be a maximum of 1,000 feet in length and shall access directly onto a public road (rather than onto a private road). These shall be termed common drives for the purposes of this Ordinance. Common drives shall at a minimum meet the following design standards:

1. Have a sand and gravel base of not less than twelve (12) inches in depth of which the top six (6) inches in depth shall be at a minimum road grade gravel;
  2. Have a roadbed not less than 12 feet wide;
  3. Be constructed over adequate culverts where necessary;
  4. All common drives in excess of 500 feet in length shall have at least one 10' x 30' turnout. The exact location of the turnout shall be determined by the Planning Commission with input from the local fire department/ambulance service.
- J. A private road serving or to serve more than five but less than ten (10) lots, parcels or site condominium units shall at a minimum meet the following design standards:
1. Have a sand and gravel base of not less than twelve (12) inches in depth of which the top six (6) inches in depth shall be at a minimum road grade gravel;
  2. Have a roadbed not less than sixteen (16) feet wide;
  3. Be constructed over adequate culverts where necessary;
  4. Each road intersection shall be approximately ninety (90) degrees and each leg of the intersection shall be perpendicular for at least one hundred fifty (150) feet.
  5. Intersection sight distances shall conform with Division 4.1 G of the Charlevoix County Road Commission Requirements and Specifications for Plat Development and Road Construction.
  6. Be designed and engineered by a certified and licensed civil engineer. The plans and specifications must be signed and sealed by the same engineer.
- K. A private road serving or to serve more than ten (10) lots, parcels or site condominium units but less than sixteen (16) lots, parcels or condominium units shall at a minimum meet the following design standards:
1. Have a sand and gravel base of not less than twelve (12) inches in depth of which the top six (6) inches in depth shall be at a minimum road grade gravel;
  2. Have a roadbed not less than twenty-one (21) feet wide;



3. Have a minimum gravel base of nineteen (19) feet;
  4. Be constructed over adequate culverts where necessary;
  5. Each road intersection shall be approximately ninety (90) degrees and each leg of the intersection shall be perpendicular for at least one hundred fifty (150) feet.
  6. Intersection sight distances shall conform with Division 4.1 G of the Charlevoix County Road Commission Requirements and Specifications for Plat Development and Road Construction.
  7. Be designed and engineered by a certified and licensed civil engineer. The plans and specifications must be signed and sealed by the same engineer.
- L. A private road serving or to serve more than sixteen (16) lots, parcels or site condominium units shall meet design specifications and road construction standards as outlined in the Charlevoix County Road Commission Requirements and Specifications for Plat Development and Road Construction.
- M. No Zoning Permit shall be issued by the Zoning Administrator for the use of any legally created lot, parcel or site condominium unit served or to be served by a private road until that portion of such road leading to and servicing said lot, parcel or site condominium unit is inspected and in compliance with the approved development plan according to Section 18.

#### **Section 14.44 - Standards for Dead End Roads**

All public and private roads in the Township which are dead end or have no outlet and the end of them shall be required to provide a turn-a-round which shall have the following standards of design and construction, and all lots and parcels fronting on a cul-de-sac shall also meet the road frontage requirements as specified for the zoning district in which they are located.

1. The turn-a-round right-of-way shall be a circle of one hundred (100) feet in diameter or have a fifty (50) foot radius.
2. The paved surface, if the road is to be dedicated to the Charlevoix County Road Commission, shall have an inside radius of fifty-seven (57) feet and an outside radius of seventy-seven (77) feet. If the proposed road is to be a private road, it shall conform to the requirements set forth in Section 14.42 for road construction, except an inside radius shall be fifty-seven feet and an outside radius shall be seventy-seven (77) feet.
3. If the road is to be dedicated as a public road, the paved surface of the turn-a-

round shall meet the width, construction and drainage standards of the Charlevoix County Road Commission.

**Section 14.45 - Spacing Between New Public or Private Roads, Highways and Private Road Easements**

The minimum distance between the centerlines of public or private roads, highways and private road easements, regardless of their specific nomenclature, shall for this Ordinance all be considered to be roads and shall be at least 660 feet apart between their centerlines where they intersect with the same road.

**Section 14.46 - Access to a Public Road or Highway**

Any lot of record created prior to the effective date of this Ordinance without any frontage on a public road right-of-way shall not be occupied, except where access to a public road right-of-way is provided by a public or private easement or other right-of-way no less than sixty-six (66) feet in width.

**Section 14.47 - Frontage on Public or Private Road, Highway or Private Road Easement**

In any zoning district, every use, building or structure established after the effective date of this Ordinance shall be on a lot or parcel that fronts upon a public or private road or highway right-of-way or private road easement that meets all of the requirements for road construction as specified by the Charlevoix County Road Commission, if the road is to be accepted by the County Road Commission. If the road is to be a private road it must meet all the applicable requirements of Section 14.42 of the Wilson Township Zoning Ordinance. A private road located in any private road easement or included in any planned unit development (PUD) or other site plan approved for development in the Township shall meet all of the right-of-way and construction standards established by Section 14.42, except that the required removal of all trees within such right-of-way shall not be required by the Township, but shall be discretionary by the Township Planning Commission in its recommendation to the Township Board for approval.

**Section 14.48 - Visibility at Intersections**

No fence, wall, hedge, screen, sign, structure, vegetation or planting shall be higher than three (3) feet above road grade on any corner lot or parcel in any zoning district requiring front and side yards within the triangular area formed by the intersecting road right-of-way lines and a straight line joining the two road lines at points which are thirty (30) feet distant from the point of intersection, measured along the road right-of-way lines.

**Section 14.49 - Road Closures**

Whenever any road, alley, or other public way is vacated by official action, the zoning district adjoining each side of such public way shall automatically be extended to the center of such vacation, and all area included therein shall henceforth be subject to all appropriate regulations of that district within which such area is located.

**Section 14.50 - Driveway Entrances and Gates**

In 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 required yard, except as provided in Section 14.48 "Visibility at Intersections", 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.

### **Section 14.51 - Landscaping**

#### Landscape Plan Requirements:

- A. All new and amended developments shall submit a landscape plan to the planning commission for their review. The following is meant to be a minimum and not meant to limit the creativity of the project. The landscape plan may be submitted as a separate print, or as an overlay on the site plan. The plan should include a landscape elevation view for vertical walls that face a public right-of-way.
- B. The following standards are meant to be a guide for the development of a landscape plan to be submitted with the site plan:
  1. An overview print indicating the minimal areas of the property, which will be planted or developed under the landscape plan.
  2. On the elevation print in which the vertical wall is visible from a public right-of-way, a view of that portion which will be seen with a minimum of 30% of the width of the structure will contain planting, shrubbery, or a landscape design to accent and enhance the esthetics of the structure, and to distract from the appearance of a full solid wall.
  3. For all structures where the entrance of the business does not face the public right-of-way and which exceed twenty-four (24) feet in height, the landscape plan shall include shrubbery, trees, conifers, to screen at least 30% of the total face wall, in addition to that portion of the structure that faces the road right-of-way.
  4. There shall be an improved lawn in all front and side yards that are visible from the road right-of-way.
  5. The location of all improved lawn areas for the overall development site.
  6. A list of considered planting, trees and shrubbery and placement.

## Article XV

### Environmental Conservation Provisions

#### Section 15.01 - Purpose

The purpose of this Article is to promote in all Zoning Districts the conservation or wise use of important unrenovable natural resources and to protect the desirable qualities of the natural environment which may involve the saving of important vegetation, wildlife cover, watersheds, water recharge areas, areas which periodically flood, natural rivers and their natural environment, features controlling wind or water erosion, wetlands, and areas of topographical, archeological, geological, historical or agricultural significance for the purpose of preserving or conserving specific features and areas of these natural resources and environments for present and future generations of the Township.

#### Section 15.02 - Natural Environment

It is the general requirement of this Article to conserve and wisely use in the most careful and well-planned manner possible in accordance with the provisions of Public Act 127 of 1970, "The Michigan Environmental Protection Act" and "State Guidelines: Preparation and Review of Environmental Impact Statements", Michigan Environmental Review Board, Office of Management and Budget. Under this Article where it is the judgment of the Planning Commission and their written reasons, the Planning Commission may require the submittal of an Environmental Impact Statement in accordance with "State Guidelines: Preparation and Review of Environmental Impact Statement", Michigan Environmental Review Board, Office of Management and Budget.

#### Section 15.03 - Natural Resources

In order to properly conserve and provide future access to such natural resources as sand, gravel, oil, gas, coal, minerals and other economically important unrenovable resources, the Planning Commission may require the applicant desiring to develop such property to prepare a survey or map indicating the type, character, and location of agricultural soil types and elevation and use areas, and the method proposed to preserve future development and use of such soil types and use area. In the making of such plans and surveys an applicant desiring to develop agricultural soil types and use areas shall be encouraged to develop only those portions of a property which are the least adaptable for present and future agricultural purposes.

#### Section 15.04 - Lakes, Ponds, Rivers, Streams, Water Courses and Drainage ways

In order to conserve or wisely use the lakes, ponds, rivers, streams, water courses and drainage ways in the Township, no such feature shall be altered, changed, transformed or otherwise be varied from its present existing condition except as follows:

- A. In all Zoning Districts no river, stream, water course or drainage way, whether partly filled with water or dry in certain seasons, shall be obstructed or altered in any way at any time by any person, except when done in conformance with State and Federal laws, regulations and standards.

- B. In all Zoning Districts the edge, bank, or shore of any lake, pond, river or stream shall not be altered, changed, transformed or otherwise be varied from its present condition except in conformance with the provisions of (1) Public Act 291 of 1965, "The Inland Lakes and Stream Act", (2) Public Act 245 of 1970, "The Shore lands Protection and Management Act", (3) Public Act 347 of 1976, "Soil Erosion and Sedimentation Control Act".
- C. In accordance with the provisions of Public Act 231 of 1970, "The Natural River Act" and "State Administrative Rules and Regulations" adopted by the Michigan Department of Natural Resources are hereby made a part of this Ordinance.

#### **Section 15.05 - Flood Plains**

- A. Notwithstanding any other provisions of this Ordinance, land subject to periodic flooding, based upon the 100-year flood cycle, shall be used only for agriculture, recreation and other open land uses, provided no structures, except as otherwise provided in this Ordinance, are located within the area subject to flooding.
- B. The location and boundaries of land subject to periodic flooding shall be determined by reference to the Federal Housing Administration, U.S. Army Corps of Engineers, the U.S. Soil Conservation Service or other official U.S. or Michigan public agency responsible for defining and determining the boundaries of the 100 year flood plain areas.
- C. No building shall be located within a designated flood way. The Township Planning Commission may, upon special approval, permit bridges, dams, other public facilities, piers, wharves, or boat houses. Before any such structure is built within the flood way, it shall be shown that such structure will not form a significant obstruction or retard the movement of flood waters, except as part of a plan for flood control.

#### **Section 15.06 - Wetlands**

All areas designated as wetlands by the Michigan Department of Natural Resources are hereby declared to be "Wetlands" in the Township and are subject to the provisions of this Ordinance as follows:

All wetlands in the Township are hereby subject to the provisions of Public Act 203 of 1979, "The Wetlands Act" and State Administrative Rules and Regulations in order to encourage the proper use and development of the wetlands.

#### **Section 15.07 - Environmentally Sensitive Areas**

- A. The Township Board, following a recommendation by the Planning Commission, may designate areas within the township as environmentally sensitive areas. All such designations shall be depicted on an environmentally sensitive areas map attached to this Ordinance as an appendix. Before designating an area as an environmentally sensitive area the Planning Commission shall hold a public hearing, notice of which shall be published in a newspaper of general circulation

within the township no less than 15 days before the hearing. Following the public hearing the Planning Commission shall make a recommendation to the township board concerning whether the area should be designated as an environmentally sensitive area. The Planning Commission shall base its recommendation on whether the area is or contains one or more of the following characteristics:

1. Rare or valuable ecosystems.
2. Significant prime, unique and undeveloped agricultural, grazing and watershed areas.
3. Forests and related land which require long stability for continuing renewal.
4. Scenic or historical roads/areas, including burial grounds.
5. Such additional areas as may be determined by the Township, the Federal Government, the State of Michigan or the County.

B. General Requirements for Environmentally Sensitive Areas : All zoning permit applications in Environmentally Sensitive Areas, regardless of size, and in addition to (or as part of) any other applicable portions of this section shall demonstrate that the proposed development will not adversely affect the environment quality of the property and the surrounding area by means of the following:

1. The applicant shall provide written evidence that the proposed development of the property will conform to the provisions of such Soil Erosion and Sedimentation Control Ordinance as may be in effect in the County.
2. The applicant shall provide written evidence that a sewage treatment or disposal system has been approved by the County Health Officer or Wastewater Division of the Michigan Department of Natural Resources and is in conformance with any additional provisions set forth in this Ordinance pertaining to setbacks from water bodies, height above water level, etc.
3. The applicant shall provide evidence that the cutting and removing of trees and other native vegetation will be performed according to the following standards:
  - a. Clear cutting of woodlands and the removal of shrubbery and undergrowth shall be restricted to removal of dead, diseased or dying trees.
  - b. Selective cutting which removes not more than forty (40) percent of the trees and which leaves a well distributed stand of tree foliage shall be permitted.
  - c. More than forty (40) percent of the tree coverage may be removed only as such action is recommended by a state forester, or a private forester registered by the state and approved by the

## Planning Commission.

- d. Cutting shall be done in such a manner as to avoid erosion, to preserve rare species of trees or greenery, to preserve scenic qualities, and to preserve desirable screening.
- C. Have as a portion of the application a site plan for review by the Planning Commission, that provides such data concerning the physical development and extent of disruption to the site as may be required by the Planning Commission. The Planning Commission or Zoning Administrator may require any of the following as part of the information of the site plan: maps, description of earth changes, soil borings, soil surveys, well logs, description of vegetation changes, percolation test, description of development, topographic surveys, and other environmental impact information. The review of the site plan will be made in such a manner as to:
1. Determine whether the regulations of this Ordinance shall have been observed regarding cutting of trees and other vegetation, sewage disposal, erosion and sedimentation control, etc.
  2. Determine whether the true intent of State and Township regulations, including this Ordinance, shall be served by this development in safeguarding against adverse effects on air and water quality, the natural resources of the area, and the natural vegetation of the area. The Planning Commission shall recommend alterations as are required by existing Ordinance or Statute, or such reasonable requirements as it deems necessary to minimize such adverse effects.
- D. In special cases where in the judgment of the Township Planning Commission a development proposal, because of its extensiveness, complexity, exceptional cost of development or significant impact on both the existing development pattern and the natural environment, cannot be properly processed under the limited provisions of this Article, may be required to conform to the provisions of both this Article and those of Article XVIII "Site Plan Review".

## Article XVI

### Off-Road Parking, Loading and Unloading Requirements

#### Section 16.01 - 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-road 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 traffic way which are intended to be limited to moving automotive vehicles.

#### Section 16.02 - Off-Road Parking Requirements

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

- A. Outdoor parking of motor vehicles, in the RR-1 and RR-2 Residential Districts shall be limited to passenger vehicles, privately owned recreational vehicles, and not more than one (1) commercial vehicle of the light delivery type, not to exceed one (1) ton single front and single rear axle.
- B. Each off-road parking space for automobiles shall not be less than nine (9) feet wide and twenty (20) feet in length.
- C. 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 an unobstructed flow of vehicles.
- D. Every parcel of land hereafter used as a public or private off-road parking areas in the CSC or I district or having more than five (5) parking spaces in any district shall be developed and maintained in accordance with the following requirements:
  1. All off-road parking spaces shall not be closer than ten (10) feet to any property line.
  2. New parking areas or existing parking areas that are increased by five (5) or more spaces shall require site plan approval by the Planning Commission.
  3. All off-road parking areas shall be drained so as to prevent any increase in runoff onto abutting properties and shall have a paved or concrete surface.



4. Parking areas shall be illuminated. Any lighting fixtures used to illuminate any off-road 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.
  5. Parking area shall be 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.
  6. All off-road parking areas that make it necessary for vehicles to back out directly onto a public road are prohibited.
  7. Combined parking facilities are allowed and encouraged when two (2) or more uses occur on one property or for uses on adjacent lots. The required number of parking spaces shall be the sum of the requirements for all the uses computed in accordance with this Ordinance.
  8. The Planning Commission may require an interior connecting drive between adjoining parking areas, where it determines such a connecting drive will meet the goals of efficient access management.
  9. Required off-road parking areas shall be located on the same lot as the principal building or on a lot within 300 feet.
  10. 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 90 degree or perpendicular parking the aisle shall not be less than twenty-two (22) feet in width.
    - b. For 60 degree parking the aisle shall not be less than eighteen (18) feet in width.
    - c. For 45 degree parking the aisle shall not be less than thirteen (13) feet in width.
- E. For the purpose of determining off-road parking requirements, the following units of measurement shall apply:
- I. Floor Area: In the case of uses where floor area is the unit for determining the required number of off-road parking spaces, said unit shall mean the total floor area, except that such floor area need not include any area used for incidental service, storage installations of mechanical equipment,

housing ventilators and heating systems, and similar uses.

2. 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.

**Section 16.03 - 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.

**Section 16.04 - Off-Road Parking Space Requirements**

The minimum required off-road parking spaces are set forth as follows:

<u>Use</u>	<u>Parking Space Requirements</u>
1. Automobile or Machinery Sales and Service Garages	One (1) space for each 200 square feet of showroom floor area, plus two (2) spaces for each service bay, plus one (1) space for each employee working during maximum employment hours.
2. Banks, Business and Professional offices	Two (2) parking spaces for each 200 square feet of floor area, plus one (1) parking space for each employee during maximum employment hours.
3. Barbershops and Beauty Parlors	Two (2) spaces for each chair, plus one (1) space for each employee working during maximum employment hours.
4. Boarding, Tourist, Lodging and Bed and Breakfast Houses	One (1) parking space for the equivalent of each double bed.
5. Churches, Auditoriums, Stadiums, Sports Arenas, Theaters, Dance Halls, Assembly Hall other than schools	One (1) space for each three (3) seats, or for each three (3) permitted in such buildings as determined by the State Fire Marshall.
6. Clinics	Four (4) spaces for each doctor Plus one (1) space for each employee working during maximum employment hours.
7. Child day care facilities	One (1) space for each employee or staff member and one (1)space for each four (4)

children as determined by the maximum capacity of the facility.

8. Convalescent or Nursing Home, Orphanage or State licensed Foster Care Home One (1) parking space for each two (2) beds, plus one (1) Space for each employee, including nurses, working during maximum employment hours.
9. Drive-in Banks, Cleaner sand Similar Businesses Five (5) parking spaces, plus one (1) parking space for each employee working during maximum employment hours.
10. Drive-in Eating Establishments without inside seating Ten (10) parking spaces, plus one (1) parking space for each 20 square feet of floor area and one (1) parking space for each employee working during maximum employment hours.
11. Dwellings Two (2) parking spaces for each family dwelling unit.
12. Dwelling (Multiple Family) and Mobile Home Parks Two (2) parking spaces per dwelling unit, plus one (1) additional space for each four (4) dwelling units and one (1) space for each employee working during maximum employment hours.
13. Gasoline Filling and Service Stations One (1) parking space for each repair and service stall, plus one (1) space for each employee working during maximum employment hours.
14. Hotels and Motels One (1) space for each living unit, plus one (1) space for each employee working during maximum employment hours.
15. Manufacturing Plants, Assembling, Fabricating, Processing and similar industrial facilities One (1) space for each employee working during maximum employment hours.
16. Restaurants, Bars, Taverns, Cocktail Lounges, Night Clubs and Private Clubs One (1) parking space for each four (4) customer seats, plus one (1) parking space for each employee working during maximum employment hours.
17. Retail Stores One (1) parking space for each 150 square

- feet of floor area, plus one (1) parking space for each employee working during maximum employment hours.
18. Roadside Stands Five (5) parking spaces
  19. Schools; Private or Public Elementary and Junior High Schools One (1) space for each employee working during the maximum employment hours in the building and on the grounds, plus one (1) space for each thirty (30) students of maximum enrollment capacity.
  20. Senior High School and Institutions of Higher Learning, Private or Public One (1) parking space for each employee plus one for each five (5) students, plus the parking requirements for an auditorium, a gymnasium and an athletic field if they are included.
  21. Self-Service Laundry or Dry Cleaning Stores One (1) space for each two (2) washing and dry cleaning machines plus one (1) parking space for each employee working during maximum employment hours.
  22. The Planning Commission may alter the parking space requirements if the Commission finds evidence that the intended use of the parcel does not require the amount of parking spaces required by this section. The Planning Commission may require adequate open space be maintained to allow the development of the required parking if at later date it is determined needed.
  23. If a use is not specifically listed, the parking requirements of a similar or related use shall apply as determined by the Planning Commission.

**Section 16.05 - Off-Road Loading and Unloading 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-road loading and unloading spaces for permitted or special uses which customarily receive or distribute material or merchandise or provide services by vehicle as follows:

- A. 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.
- B. Each off-road loading-unloading space shall not be less than ten (10) feet in width, 80 feet in length, and, if a roofed space, be not less than fifteen (15) feet in

height.

- C. 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.
- D. A loading-unloading space shall not be located closer than 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.
- E. When two (2) or more uses are located on a lot or parcel, the total requirements for off-road loading-unloading facilities shall be the sum of all the uses computed separately.
- F. All off-road loading-unloading facilities that make it necessary to back out directly into a public road shall be prohibited.
- G. Off-road loading space and access drives shall be paved, drained, lighted and shall have appropriate bumper or wheel guards where needed.
- H. 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.
- I. Off-road loading-unloading requirements for motels, public assembly, offices, retail, wholesale or other uses similarly involving the receipt or distribution by trucks, having over 5,000 square feet of gross floor area, shall be provided with at least one (1) off-road loading-unloading space, and for every additional 20,000 square feet of gross floor space or fraction thereof shall provide one (1) additional loading-unloading space.
- J. If a use is not specifically listed, the requirements of a similar or related use shall apply, as determined by the Planning Commission.

## Article XVII

### Sign Regulations

#### Section 17.01 – Purpose

The purpose of this Article is to regulate signs and outdoor advertising so as to protect the health, safety and general welfare, to protect property values, and to protect the character of the various neighborhoods in the Township. The principal features are the restriction of advertising to the use of the premises on which the sign is located and the restrictions of the total sign area permissible per site. It is intended that the display of signs will be appropriate to the land, building, or use to which they are appurtenant and be adequate, but not excessive, for the intended purpose of identification or advertisement. With respect to signs advertising business uses, it is specifically intended, among other things, to avoid excessive competition and clutter among sign displays.

#### Section 17.02 - Prohibited Signs

- A. Miscellaneous Signs and Posters: Signs not specified by sections 17.04, 17.05, 17.06, 17.07, 17.08 or 17.09 which are placed on the ground or are affixed to structures, trees, poles, posts, or fences that are visible from a public way are prohibited.
- B. Banners: Pennants, banners, searchlights, twirling signs, sandwich board signs, sidewalk or curb signs, balloons, or gas-filled figures are prohibited except as permitted in section 17.08.
- C. Moving Signs: Signs that move or revolve or that have moving components are prohibited.
- D. Abandoned Signs: Signs that advertise an activity, business, product or service no longer conducted or available on the premises on which the sign is located shall be removed. The criteria as listed in section 17.10A of this ordinance shall be used to make a determination of abandonment.
- E. Unclassified Signs: The following signs are prohibited:
  1. Signs which imitate an official traffic sign or signal due to size, location, content, coloring, or manner of illumination or any sign that may be confused with or construed as a traffic control device.
  2. Any sign that obscures the view of the road, road signs or signals or in any way obstructs the view of motorist.
  3. Signs which contain statements, words or pictures of an obscene, pornographic or immoral character.

- a. Flashing or moving lights: Signs which incorporate any manner of flashing or blinking lights or animation except as provided by section 17.03.

### **Section 17.03 - General Sign Regulations**

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

- A. Lighted Signs: In CSC and I Districts lighted signs are permitted as follows:
  - F. Exterior lighting shall be provided from a downward external light source attached to the sign and directed only to the face of the sign. Sign light sources shall not exceed 1,750 lumens per sign face and shall be shielded in order to prevent visible glare to passing motorists, and shall not be directed so as to trespass or encroach in or upon neighboring properties.
  - G. Interior illumination is only permitted for individual letters, logos or lettering on a sign. Backgrounds shall be opaque. All illumination shall be steady and stationary in source and intensity.
  - H. Light Emitting Diode (LED) or Digital Signs:
    - a. The message or display may not change more frequently than once every eight seconds.
    - b. The sign shall not display any message or graphics that move, appear to move, flash, expand, contract, rotate, bounce, scroll or change in intensity during the fixed display period.
    - c. The transition time between changes in the sign face or message shall be less than one second.
    - d. The sign must have installed an ambient light monitor which shall continuously monitor and automatically adjust the brightness level of the display based on ambient light consistent with the terms of this article.
    - e. The maximum brightness levels for digital signs shall not exceed 0.2 (two tenths) foot candles over ambient light levels measured at 150 feet of the source. Certification must be provided to the Township demonstrating that the sign has been preset to automatically adjust the brightness to these levels or lower. Re-inspection and recalibration may be periodically required by the Township in its reasonable discretion at the permittee's expense to ensure that the specified brightness levels are maintained.
- B. Measurement of Sign Area: The entire area within a regular geometric form or combination of such forms comprising all the display area of the sign.
- C. Setback Requirements for Signs: Except where specified otherwise in this Ordinance, all signs shall be set back a minimum of ten (10) feet from any road right-of-way line.

**Section 17.04 - Signs Permitted in All Districts**

Subject to the other conditions of this Ordinance, the following signs are permitted:

- A. Off-premise signs which bear names, information and emblems of service clubs, places of worship, civic organizations, and quasi-public uses shall be permitted on private property with permit. Each sign shall be no more than ten (10) square feet in area, shall not exceed a height of eight (8) feet, and shall be set back a minimum of ten (10) feet from the road right-of-way line.
- B. Signs which direct traffic movement onto or within a property which do not exceed three (3) square feet in area for each sign. A directional sign shall be located on the lot or parcel behind the road right-of-way line.
- C. One church announcement bulletin shall be permitted on any site which contains a church regardless of the district in which located, provided said bulletin does not exceed ten (10) square feet in area and a height of six (6) feet, and is set back a minimum of ten (10) feet from the road right-of-way line.
- D. One identification sign shall be permitted for each public road frontage of a school, church, public building or other authorized use or lawful nonconforming use. Each sign shall not exceed ten (10) square feet in area and eight (8) feet in height.

**Section 17.05 - Permitted Signs in RDA, RR-1, RR-2 and MFR Districts**

- A. One identification sign shall be permitted for each public road frontage, for a subdivision development and mobile home park. Each sign shall not exceed ten (10) square feet in area. One additional sign advertising "For Rent" or "Vacancy" may be placed on each public road frontage of a rental residential development provided that such sign shall not exceed ten (10) square feet in area and is incorporated into the identification sign. Each sign shall be located behind the right-of-way line of any public road in accordance with a Site Plan approved by the Township.

**Section 17.06 - Permitted Signs in CSC and I Industrial Districts**

- A. Each developed lot or parcel shall be permitted one free standing sign with up to forty (40) square feet of sign area.
- B. Each principal use on a parcel is permitted (2) square feet of wall sign area each one (1) linear foot of building length which faces on a public road. The maximum total area for all wall signs shall not exceed 100 square feet.
- C. An automobile service station may have one (1) additional sign for each public road or highway frontage for a vehicle entrance, for the purpose of advertising gasoline prices. The sign shall not exceed ten (10) square feet in area.



- D. Sign Height shall not exceed 10 feet. Sign height is the vertical distance from the average finished grade level at the base of the sign to the top of the sign structure including any frame work.

**Section 17.07 - Off Premise Signs**

One off premise sign not exceeding six feet in height and (6) square feet in area may be placed on private property for the purpose of providing direction and location information of a land use no more than three (3) miles from the location of the sign.

**Section 17.08 - Temporary Signs**

On-site temporary exterior signs may be erected in accordance with the regulations of this Section.

- A. In all districts, one (1) sign for each public road frontage advertising a recorded subdivision or development for sale shall be permitted. Each sign not to exceed ten (10) square feet in area. Each sign shall be removed within one (1) year after the sale of seventy (70%) percent of all lots or units within said subdivision or development.
- B. One free standing identification sign is permitted for building contractors, design firms and lending institutions on sites under construction. The sign may have a maximum area of thirty-two (32) square feet and have a maximum height of ten (10) feet. The sign must be located on the construction site behind any road right-of-way and shall be removed within fourteen (14) days after completion.
- C. Temporary signs announcing any annual or semi-annual public, charitable, educational or religious event or function, located entirely within the premises on which the event or function is to occur, shall be permitted. Maximum sign area shall not exceed ten (10) square feet. Signs shall be allowed no more than twenty-one (21) days prior to the event or function. If building mounted, signs shall be flat wall signs and shall not exceed six (6) feet in height. Signs shall be set back in accordance with Section 17.03.C of this Ordinance.
- D. Banners, pennants, searchlights, balloons, or other gas-filled figures are permitted in CSC Districts for a period not to exceed thirty (30) consecutive days.
- E. Temporary Sign Requirements:
1. All temporary signs, pennants or banners, whether or not they display wording, advertising a sale, product or special event and are displayed in any manner shall require a zoning permit from the Zoning Administrator.
  2. Permits may be issued for up to two (2) temporary signs on a lot or parcel.

3. Temporary signs shall not exceed twenty-five (25) square feet for each face.
  4. Temporary sign permits may be issued for a period of up to a maximum of thirty (30) days.
- F. Temporary sign permits may be issued to any business or individual property owner or occupant for no more than four (4) times in a calendar year.

### **Section 17.09 - Exempted Signs**

The following types of signs do not require a permit and are exempted from all other provisions of this Ordinance.

- A. Signs of a non-commercial nature and in the public interest, erected by, or on the order of a public officer, in the performance of a public duty, such as directional signs, regulatory signs, warning signs, and informational signs.
- B. Political campaign signs announcing candidates seeking public political office and other data pertinent thereto, providing that these signs shall be removed within seven (7) days after the date of the election for which they were posted.
- C. Signs advertising the sale of farm products grown on the premises. Signs shall not exceed ten (10) square feet in area.
- E. One (1) temporary real estate "For Sale", "For Rent", or "For Lease" sign, located on the property that is for sale, rent or lease and not exceeding ten (10) square feet is permitted. If the lot or parcel has multiple road frontages, one (1) additional sign is permitted.
- F. Real estate direction signs, not exceeding three (3) square feet in area and four (4) in number, showing a directional arrow and placed back of the road right-of-way line, shall be permitted on approach routes to an open house. Signs shall not exceed three (3) feet in height.
- G. Notification and noncommercial signs on private property. Signs such as "no trespassing", "no hunting", "beware of animal," "warning" or "danger" and legal postings as required by law and signs of a non-commercial nature expressing constitutionally protected speech.
- H. Yard sale and garage sale signs on private property not exceeding six (6) square feet. Signs may be displayed no more than seven (7) days prior to the referenced sale and removed immediately after the sale is complete.

**Section 17.10 - Nonconforming Signs**

- A. Nonconforming signs shall not be reestablished after the activity, business, or usage to which it relates has been abandoned. When determining the intent of the property owner to abandon a nonconforming sign, the zoning administrator shall consider the following factors:
1. The use of which the sign is associated with has not been in operation for a period of one (1) year or more.
  2. The use which the sign is associated with has had utilities, such as water, gas and electricity disconnected.
  3. The sign has fallen into disrepair.
  4. Other signs or other indications of the existence of the use have been removed.
  5. Equipment or fixtures necessary for the operation of the use have been removed.
  6. Other information or actions that evidence an intention on the part of the property owner to abandon the use.

**Section 17.11 - Permits and Fees**

- A. Application for a permit to erect or replace a sign as allowed by section 17.04, 17.05, 17.06 or 17.07 or 17.08 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.
- B. An application for a sign permit shall contain the following information:
1. The applicant's name and address in full, and a complete description of his relationship to the property owner.
  2. If the applicant is other than the property owner, the signature of the property owner concurring in a submittal of said application is required.
  3. The address of the property.
  4. An accurate scale drawing of the property showing location of all buildings and structures and their uses, and location of the proposed sign.
  5. A complete description and scale drawings of the sign, including all dimensions and the area in square feet.
- C. 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 of the sign.
- D. 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.
- E. Painting, refacing, 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.

**Section 17.12 - Removal of Signs**

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

## ARTICLE XVIII

### SITE PLAN REVIEW

#### **Section 18.0 - Purpose**

To minimize the impact of various uses that are allowed in Wilson Township, certain types and uses in certain zoning districts are subject to a more rigorous review to ensure the health, safety and welfare of the residents of Wilson Township are protected.

#### **Section 18.1 - Developments that Require Site Plan Approval**

The following land, structures and uses require a Site Plan Approval by the Planning Commission:

- A. All commercial and industrial uses or a change in use.
- B. Any amendments or additions to existing site plans, unless otherwise noted within this Ordinance.
- C. All special uses in all Zoning Districts.
- D. All condominium developments, subdivisions, site condominiums, and any other residential development that exceed three residential sites on the same parent parcel.
- E. All purposed public and private roads, or other infrastructure development that may service more than two residential structures.

#### **Section 18.2 - Issuance of Zoning Permits Requiring Site Plan Approval**

- A. The Zoning Administrator shall not issue a Zoning Permit for any construction, addition or use, for any project that requires Township approval, until a final site plan has been approved by the Planning Commission. No use, construction, or site work which requires a site plan approval shall commence until the Planning Commission has approved the site plan and the Zoning Administrator has issued a Zoning Permit.
- B. No grading, removal of trees or other vegetation, filing, or construction of improvement shall commence for any development which requires site plan approval, until a final site plan is approved and is in effect.

#### **Section 18.3 - Preliminary Conference on Proposed Site Plans**

An applicant may request to be placed on the agenda of a regular meeting of the Planning Commission to review and discuss a proposed preliminary site plan. In addition to a conceptual review of the project, the Planning Commission may also modify the site plan requirements as provided herein. The Planning Commission may waive specific site plan requirements contained in section 18.5 if it finds that the requirement being waived is not applicable to the proposed development. In addition, the Planning Commission may require additional information not specified in section 18.5 if it finds that the additional information is necessary to determine whether the proposed development satisfies the standards for site plan approval contained in section 18.8.

**Section 18.4 - Application for Site Plan Review**

- A. An application package for a site plan review shall be submitted to the Township Planner not less than thirty (30) days prior to the public hearing. This application package shall contain twelve (12) copies of the application and full-size prints, and the review fee according to the Wilson Township fee schedule.
- B. The application shall contain the following information:
1. The applicant's name, address and telephone number.
  2. Proof of property ownership, and whether there are any options on the property.
  3. The name and address of the owner(s) of record if the applicant is not the owner of record (or firm or corporation having a legal or equitable interest in the land) and the signature of the owner(s) agent.
  4. The address, parcel number and legal description of the property for the proposed development site.
  5. Name, address and telephone number of the developer (if different from the applicant).
  6. Name, address and telephone numbers of all registered professionals involved with the proposed project including engineers, architects and surveyors. The plan shall contain the seal of at least one of the registered professionals responsible for the preparation of the site plan.
  7. Project description, including a narrative of the proposed use, the total number of structures, units, bedrooms, offices, total floor area, parking spaces, carports or garages, amount of recreation and open space, type of recreation facilities to be provided and any other related information that may otherwise be required by this Ordinance.
  8. The total acreage, percent of land use, and percent of structure coverage of the total project.
  9. The projects' proposed beginning and completion schedule (by phase if the entire project is to be divided into phases), project manager and contact information, if available.
  10. The proposed Master Deed shall be included as part of the application package if the development is proposed as a condominium project or Planned Residential Development.

**Section 18.5 - Site Plan Requirements**

- A. The site plan shall consist of scaled drawing at not more than 1"=100', showing the site and all land within 150' of the boundary site. If multiple sheets are used, each sheet shall be labeled and the preparer identified.
- B. The site plan shall depict the following information:
1. Location of the proposed and/or existing property lines, dimensions, legal descriptions, setback lines, monument locations as well as the location of current land uses, zoning classifications and existing structures on and uses of the subject parcel and adjoining parcels.
  2. Existing topographic elevations at two (2) foot intervals, proposed grades and direction of drainage flows.
  3. Location and type of significant existing vegetation to be retained as well as those proposed to be removed.
  4. Location and elevations of existing regulated water courses and water bodies, including county drains and man-made surface drainage ways, flood plains and wetlands.
  5. Location of existing and proposed buildings and intended uses thereof, as well as the length, width, and building elevations of each structure.
  6. Proposed location of any accessory structures, buildings and uses, including but not limited to all satellite dishes, antennas, flagpoles, light poles, docks, storage sheds, transformers, air conditioners, generators and similar equipment, and the method of screening, where applicable.
  7. Location and description of existing public and private easements including road and utility right-of-way on or abutting the property.
  8. Location and dimensions of any proposed streets, drives, curb cuts, access easements, as well as any acceleration, deceleration, turning lanes and passing lanes serving the development. Proposed street names shall be included.
  9. Location, design and dimensions of existing and/or proposed curbing, barrier free access, carports, parking areas, fire lanes (including type of material proposed to be used for surfacing).
  10. Location, size and characteristics of all loading and unloading areas.
  11. Location and design of sidewalks, walkways, bicycle paths and areas for public use.

12. Location of water supply lines and/or wells, including fire hydrants and shutoff valves.
  13. The location and design of storm sewers, retention or detention ponds, waste water lines, clean out locations, connection points and treatment systems, including septic systems, if applicable.
  14. Location of other private and public utilities, including but not limited to, natural gas, electric, cable TV, fiber optics, and telephone.
  15. Proposed location, dimensions and details of common open spaces and common facilities including but not limited to, community buildings or swimming pools, if applicable.
  16. Location, size and specifications of all signs.
  17. Exterior lighting locations with area of illumination illustrated, as well as the type of fixtures and downward shielding to be used.
  18. Location and type of fencing, walls, or other screening devices.
  19. A landscape plan in accordance with the requirements of section 14.51 showing the location and specifications for all proposed perimeter and internal landscaping and other buffer features. For each new landscape material, the type and size at the time of planting should be indicated. All vegetation to be retained on the site must also be indicated, as well as its general size and specific location.
  20. Location, size and specifications for screening of all trash receptacles and other solid waste disposal facilities.
  21. Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials or hazardous materials as well as any containment structures or clear zones required by government authorities.
  22. Identification of any significant amenities or unique natural features.
  23. North arrow, scale and date of original submittal and last revision.
- C. For facilities or uses where hazardous substances as defined by the Natural Resource and Environmental Protection Act are stored, used or generated, the following additional information shall be provided.
1. Location and size of interior and exterior areas and structures to be used for storage, use, loading/unloading, recycling, or disposal of hazardous



substances.

2. Location of all underground and above ground storage tanks for such uses as fuel storage, waste oil holding tanks, chemical storage, hazardous waste storage, collection of contaminated storm water or wash water, and all similar uses.
3. Location of exterior drains, dry wells, catch basins, retention/detention areas and other facilities designed to collect, store or transport storm water.
4. Delineation of areas on the site which are known or suspected to be contaminated, together with a report on the status of cleanup.
5. Copies of all required Federal/State/County permits.

#### **Section 18.6 - Agency Review**

- A. If applicable, the Township shall deliver one (1) copy of the application and site plan to the following agencies:
  1. Charlevoix County Soil Erosion Officer
  2. Charlevoix County Road Commission and/or the Michigan Department of Transportation.
  3. Northwest Michigan Community Health Agency.
  4. Charlevoix County Building Department.
  5. Fire Chief of the developments jurisdiction.
  6. Department of Environmental Quality.
  7. Other agencies or municipalities and/or utilities with jurisdiction in regard to the project.
- B. All reviewing agencies shall be given fifteen (15) days after delivery to review and make comments on any site plan.

#### **Section 18.7 - Site Plan Review and Approval**

- A. At the time the Planner receives the packet and review fee, he shall receipt the funds and begin the process of review. The application is not considered complete until both the complete packet and fee has been received.
- B. Application process:

1. The Township shall review the contents of the application for its completeness. After it is determined the application is complete, the Township shall place the proposal on the Planning Commission agenda.
2. A public hearing shall be held for all Site Plan Reviews and notices for the hearing shall be in accordance with the procedures and requirements in Section 3.22.
3. The Township planner shall review and prepare a report to the Planning Commission as to the information submitted in the application which should include at minimum, an outline of the purposed project. The summary report should also include all agency reports and their requirements and recommendations.
4. Upon completing the planner's review, the Township planner shall prepare packets for the Planning Commission which shall include a copy of the application and site plan, copies of all agency review and the planner's report.
5. A copy of all documents and the proposed site plan shall be submitted to the Township clerk.

C. Township Planning Commission Review:

1. The Planning Commission shall consider all applications at a Public Hearing. All complete applications shall be reviewed by the Planning Commission within sixty (60) days of receipt by the Township. Before approval of any site plan the petitioner shall apply for all appropriate permits as may be required and present all specifications by such agencies, or proof of such application(s) to the Planning Commission.
2. The applicant, or agent of the applicant, must be present at any meeting at which the site plan is reviewed. Should the applicant, or agent, not be present for two (2) consecutive meetings, the site plan shall be deemed withdrawn and may be rejected by the Planning Commission on that basis. The site plan may be resubmitted at a later date as a new application.
3. Only one (1) application at a time shall be considered by the Planning Commission for the same parcel. The applicant may withdraw an application and apply with a new site plan application. In this instance, the first site plan shall no longer be considered. It shall be recorded and the project identified on the records that the applicant has withdrawn the application.
4. The Planning Commission shall indicate by findings of fact, that all the

standards for approval contained in Section 18.8 have been met.

5. If during review of the application it is determined that approval of the proposed site plan is dependent upon the granting of variances, the variance issues must be resolved before the Planning Commission can grant final approval.
6. All requirements of the Township shall be included in the Master Deed, as applicable.

### **Section 18.8 - Standards for Planning Commission Approval**

The Planning Commission shall grant site plan approval if the proposed development meets all of the following general requirements and all other applicable requirements specified in the section for the proposed development:

- A. All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. The development shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
- B. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas.
- C. Special attention shall be given to proper development drainage so that removal of storm waters will not adversely affect neighboring properties. All developments shall meet the requirements of the Charlevoix County Storm water Ordinance.
- D. The site shall provide reasonable, visual and sound privacy for all abutting properties.
- E. All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access to the perimeter by all practical means.
- F. All structures and dwellings shall have access to a street, walkway or other area dedicated to common use, ingress and egress.
- G. A pedestrian circulation system shall be provided which is as isolated as possible from the vehicular circulation system.
- H. All loading and unloading areas, outside storage areas, including areas for the storage of trash, shall be screened by a vertical screen consisting of structural materials or plant materials no less than six feet in height, gated and located in the rear or side yard area of either the primary structure or the structure closest

to the road right-of-way, whichever is closest. The above is prohibited in all front yards.

- I. Exterior lighting shall be arranged so that it is downward lighting and deflected away from neighboring properties and so that the lighting element is not visible from any abutting street.
- J. All new road approaches to paved public roads shall be surfaced with bituminous asphalt, concrete or other similar dust-free material.
- K. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets. Streets which are part of an existing or planned pattern which serve adjacent developments shall be of a width appropriate to handle the traffic volumes they will carry and be in accordance with the Road Development Section of this Ordinance, or applicable permitting agencies.
- L. All proposed streets shall be shown on the site plan and shall include an engineer's signature and seal with a statement that the engineer is responsible for the design, and will oversee the construction and development of the road system. The engineer shall further document that the design of the street shall result in safe travel within the site as well as a safe interface(s) between the traffic pattern within the site and the traffic which is located off site including the ability of vehicles to stop in a safe manner.
- M. Public streets to be deeded or dedicated to the Charlevoix County Road Commission shall meet their applicable standards, and a letter attached from the County Road Commission that indicates their acceptance of the road.
- N. Private roads shall meet the standards as outlined in the Zoning Ordinance under Standards for Private Roads.
- O. All common drives or private roads servicing or to serve three (3) or more lots shall have a road maintenance agreement and deed restrictions which provide for the perpetual private (non-public) maintenance of such drives and roads.
- P. Site plans shall conform to all applicable requirements of Township, County, State and Federal statutes, and Township approval shall be conditioned on the applicant receiving all necessary permits prior to excavation or construction.
- Q. For all new and major renovations to existing structures, all overhead utilities shall be buried.
- R. All proposed signage shall be in conformance with the requirements of Article 17.
- S. The proposed site plan is in compliance with the Township Master Plan

**Section 18.9 - Conditional Approval**

The Planning Commission may attach reasonable conditions with the approval of a site plan. 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 social 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 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.
- B. Be related to the valid exercise of the police power, and purposes which are affected by the proposed uses or activity.
- C. 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 18.10 - Conformity to Approved Site Plan Required**

Following final approval of a site plan by the Planning Commission the applicant shall construct the development in complete conformity with the approval. Failure to construct the development according to the approval shall be deemed a violation to the Wilson Township Zoning Ordinance.

**Section 18.11 - Performance Guarantee**

- A. The Planning Commission may require a performance guarantee from the applicant to insure the features or actions considered necessary by the Township to protect natural resources, or the health, safety and welfare of the residents of the Township. The performance guarantee is exclusive of those improvements for site restoration that are guaranteed and deposited in accordance with the Land Division Act or other public acts, ordinances or regulations of the state, county or Wilson Township.
- B. The performance guarantee shall be in an amount determined to be sufficient to accomplish the purposes stated above.
- C. The Township may require a cash deposit, certified check, irrevocable bank letter of credit, or surety bond which shall be deposited with the Township Treasurer prior to the zoning permit being issued.
- D. The performance guarantee shall be proportionally rebated based upon the type

and amount of work completed.

**Section 18.12 - Amendments to an Approved Site Plan.**

- A. Amendments to an approved site plan may be made by the Planning Commission provided that such changes conform to the Zoning Ordinance. Changes to an approved site plan may receive a final approval by the Planning Commission provided no such change results in any of the following:
1. A change in use or significant change in the character of the development.
  2. An increase in the overall square footage of Gross Floor Area by not more than 1,000 square feet or ten percent (10%), whichever is greater.
  3. A significant increase in the intensity of use.
  4. A reduction in the approved open space.
  5. A reduction in the approved off-street parking and loading areas.
  6. A reduction in the approved pavement widths or utility pipe sizes.
  7. A significant increase in traffic on public or private streets.
  8. An increase in the burden on public or private utilities or services.
- B. Minor changes to an approved site plan which may be approved by the zoning administrator without the Planning Commission's review, shall only include the following:
1. Change in the angle of parking provided there is no reduction in the amount of required off-street parking.
  2. Moving of ingress and egress drives a distance of not more than one hundred (100) feet, only if required by the appropriate State or County road authority with jurisdiction, providing the change was not initiated or requested by the applicant without just cause for safety or environmental reasons.
  3. Substituting landscape materials or species provided a nurseryman, landscape architect, engineer or architect certifies the substituted species is similar in nature and will accomplish the same or an increased screening effect.
  4. Changes in type and design of lighting fixtures provided an engineer or architect certifies there will be no change in the intensity of light.

5. Increase perimeter yards.
6. Changing the location of an exterior building wall or location not more than ten (10) feet due to natural impediment or hazard such as bedrock or muck soils, provided that in so doing no setback requirement of the Ordinance is violated and no significant reduction in safety or in the amount of open space is thereby affected.
7. An increase in the overall square footage of Gross Floor Area by not more than 500 square feet.
8. At the discretion of the zoning administrator, any proposed site plan amendments that are classified as minor changes may be referred to the planning commission for review.

### **Section 18.13 - Revocation of Site Plan Approval**

- A. A site plan shall expire one year from the date of approval, unless the applicant has begun substantial construction on the project.
- B. The applicant may submit a request in writing to the Planning Commission prior to the expiration of the approval to request an extension of time, not to exceed six (6) months.
- C. A site plan approval may be revoked by the Planning Commission if it is found that the application or plan contained erroneous information.
- D. A site plan approval may be revoked by the Planning Commission prior to the commencement of the project if the zoning regulations applicable to the project have substantially changed prior to any substantial construction and the approved site plan no longer complies with the Zoning Ordinance.
- E. The Planning Commission shall conduct a hearing to determine if the revocation shall proceed and only after the commission makes findings of facts that the site plan is in fact in violation of zoning requirements. The applicant shall be provided notice of the time and place of the hearing and of the grounds for revocation of the site plan at least twenty-one (21) days prior to the hearing.
- F. Revocation notice of a site plan shall be communicated by the Township Clerk in writing by certified mail to the applicant. The Township shall notify the Charlevoix County Building Department that the Township's Zoning Permit has been revoked until a new site plan has been approved by the Planning Commission.
- G. Any subsequent submittal of a revoked site plan shall be processed as a new request.

## Article XIX

### Administration and Enforcement

#### Section 19.01 - 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 19.02 - 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 P.A. 168 of 1959, as amended, "Township Planning Act", P.A. 184 of 1943, as amended, "Township Zoning Act" 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 19.03 - Duties of Zoning Administrator

- A. 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. 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 use permits and amendments to the Zoning Ordinance.
- C. The Township Clerk with the assistance of the Zoning Administrator shall be responsible to update the Township Zoning Map and keep it current.
- D. 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. Maintain written records of all actions taken by the Zoning Administrator.

#### Section 19.04 - Zoning Permit



- A. Zoning Permit Requirements: 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 following conditions:
1. The administrative coordination of Zoning Permits issued by the Township and Building Permits by the Building Inspector shall be in accordance with Section 3.15 of this Ordinance.
  2. The construction, enlargement, alteration or moving 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.
  3. 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.
  4. The establishment, operation, or alteration of a home occupation.
- B. Application for a Zoning Permit: Application for a Zoning Permit shall be made in writing upon a form furnished by the Zoning Administrator, including the following information:
1. The location, shape, area and dimensions for the parcel(s), lot(s) or acreage, and all existing improvements on the lot or parcel.
  2. The location of the proposed construction, upon the parcel(s), lot(s) or acreage affected.
  3. The dimensions, height and bulk of structures.
  4. The nature of the proposed construction, alteration, or repair and the intended use.
  5. The proposed number of sleeping rooms, dwelling units, occupants, employees, customers, and other uses.
  6. The present use of any structure affected by the construction or alteration.
  7. The yard, open area and parking space dimensions, if applicable.
  8. The proposed plan and specifications of off-road parking spaces, if applicable.
  9. The proposed plan and specifications of off-road loading and unloading spaces provided, if applicable.

10. Any other information deemed necessary by the Zoning Administrator to determine and provide for the enforcement of this Ordinance.
  11. 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 a Zoning Permit upon payment of the required Zoning Permit fee and the filing of any required performance guarantee.
- C. Voiding of Permit: Any Zoning Permit granted under this Article 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 shall notify the holder of the permit at least thirty (30) days prior to the expiration of the one year (1) year period before voidance of the zoning permit is actually declared. 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.
- D. Zoning Fees:
1. To assist in defraying the costs of investigating, reviewing, and administering zoning applications, appeals, rezoning requests from individual property owners, and other types of decisions which result in extra costs to the Township, the Township Board may from time to time adopt by resolution a fee schedule establishing basic zoning fees related to the following:
    - a. Building and zoning permits.
    - b. Special use permits.
    - c. Appeals to or requests for interpretations by the Zoning Board of Appeals. Appeals and requests for interpretations initiated by the Township Board, the Planning Commission, or the Zoning Administrator shall not be subject to a zoning fee.
    - d. Classification of unlisted property uses.
    - e. Requests to change a nonconforming use to another nonconforming use.
    - f. Requests for variances from the Zoning Board of Appeals.
    - g. Requests for rezoning of property by individual property owners or amendments to the zoning ordinance text. Rezoning of property or text amendments initiated by the Township Board, the Planning Commission, or the Zoning Administrator shall not be subject to a zoning fee.
    - h. Site plan reviews.
    - i. Requests for a planned unit development (PUD).
    - j. Any other discretionary decisions by the Planning Commission or Zoning Board of Appeals.
  2. 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 zoning 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 nonrefundable, even when an application or appeal is withdrawn by the applicant.
3. If the Planning Commission 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 Planning Commission 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 Treasurer such additional zoning fees in an amount determined by the Planning Commission or Zoning Board of Appeals equal to the estimated additional costs. The 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
  4. Planning Commission or Zoning Board of Appeals may require the applicant to deposit additional fees into escrow in an amount determined by the Planning Commission or Zoning Board of Appeals 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 permit or the release of any final decision.
- E. Inspection: The construction or usage affected by any Zoning Permit shall be subject to the following inspections by the Zoning Administrator:
1. At time of staking out of building foundation or location of structure.
  2. Upon completion of the construction authorized by the permit.
  3. 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.
4. Should the Zoning Administrator determine that the building or structure is not located according to the site and construction plans 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.

#### **Section 19.05 - Nuisance Per Se**

Any land, dwellings, buildings, or structures, including tents and trailer coaches, used, erected, altered, razed, or converted in violation of this Ordinance or in violation of any regulations, conditions, permits or other rights granted, adopted or issued pursuant to this Ordinance are hereby declared to be a nuisance per se.

#### **Section 19.06 - Enforcement**

- A. Any person, partnership, corporation, or association who creates or maintains a nuisance per se, as defined in subsection A. above, or who violates or fails to comply with this Ordinance or any permit issued pursuant to this Ordinance shall be deemed to be a municipal civil infraction. Every day that such violation continues shall constitute a separate and distinct offense under the provisions of this Ordinance. Nothing in this section shall exempt the offender from compliance with the provisions of this Ordinance.
- B. The Township Zoning Administrator is hereby designated as the authorized Township Official to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in the court of jurisdiction.

#### **Section 19.07 - Abatement of Nuisance**

In addition to enforcing this Ordinance as a municipal civil infraction, the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

#### **Section 19.08 - Show Cause Hearing**

Before initiating or requesting enforcement action under this Ordinance, the Township Board, Zoning Board of Appeals, or Planning Commission may, but is not required, to issue a notice of hearing directed to the person, partnership, corporation, or association alleged to be in violation of this Ordinance. The purpose of this hearing is to grant to

the alleged violator(s) an opportunity to show cause why enforcement action should not be commenced. The notice issued pursuant to this section shall note the date, time, and location of the hearing. The notice shall be sent to the alleged violator(s) by first-class mail at the last known address as appears on the tax assessment rolls or at a different address known to the Township to be the address of the alleged violator(s). Any alleged violator served with a notice of hearing as provided in this section shall not be required to attend the hearing.

### **Section 19.09 - Conflicts**

If any provision of the Wilson Township Zoning Ordinance conflicts with this Zoning Amendment Ordinance, then the provisions of this Zoning Amendment Ordinance shall control.

### **Section 19.10 - Rehearing.**

- A. The Planning Commission or Zoning Board of Appeals may grant a rehearing under exceptional circumstances for any decision made by it. 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's or Zoning Board of Appeals' findings of fact which occurred after the public hearing.
  3. The township attorney by a 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.
  4. 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, pursuant to the following procedure:
    - a. A request for a rehearing which is made by an applicant must be made within twenty-one (21) days from the date of approval of the Planning Commission's or Zoning Board of Appeals' minutes regarding the decision for which the rehearing is being requested.
    - b. 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.

- c. 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 applicants' 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.
- d. If the Planning Commission or Zoning Board of Appeals grants a rehearing, then the rehearing on the merits shall not be held until all notice requirements for the type of decision being reheard have been satisfied.

## Article XX

### Zoning Board of Appeals

#### **Section 20.01 – Establishment of Zoning Board of Appeals**

There is hereby established a Zoning Board of Appeals, which shall perform its duties and exercise its powers as provided by Michigan Zoning Enabling Act MCL 125.3601, et seq., 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 20.02 – Membership and Terms of Office**

The Zoning Board of appeals shall consist of three (3) 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 office; the second member may be a member of the Township Board, elected by the Township Board for a three year term, but coincident with his term in office; and the other member(s) shall be selected and appointed by the Township Board from among the electors residing in the unincorporated area of the Township for a term of three (3) years, provided that no elected officer of the Township, nor any employee of the Township Board may serve simultaneously as the elector member or as an employee of the Zoning Board of Appeals. The Chairman 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 Chairman.

The Township Board may appoint not more than two (2) alternate members for the same term as regular members of the Board. An alternate member may be called to serve in the place of a regular member for the purposes of reaching a decision on a case in which the regular member is absent or has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Board.

#### **Section 20.03 - Rules of Procedure, Majority Vote**

The Board shall adopt its own bylaws of rules and procedures as may be necessary to properly conduct its meetings and activities. The concurring vote of a majority of the full membership of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator 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 this Ordinance due to practical difficulties.

#### **Section 20.04 - Meetings**

Meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such other times as the Board in its bylaws may specify.

**Section 20.05 - Public Meetings and Minutes**

All meetings of the Zoning Board of Appeals shall be open to the public. 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 the 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.

**Section 20.06 - Powers and Duties**

The Zoning Board of Appeals shall have powers to interpret the provisions of this Ordinance, to grant variances from the strict application of any provisions of this Ordinance, except as otherwise provided in this Ordinance.

- A. The Zoning Board of Appeals shall hear and decide appeals from, and review any order, requirement, decision or determination made by the Township Board, Planning Commission or Zoning Administrator in the administration of this Ordinance as hereinafter provided, and shall have power to interpret the provisions of this Ordinance; to grant variances from the strict application of any of the provisions of this Ordinance.
  1. To 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.
  2. To grant variances from any of the regulations or provisions contained in this Ordinance in cases in which there are practical difficulties. 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.
  3. 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.

**Section 20.07 - Variances**

The Zoning Board of Appeals shall have the power to authorize specific variances from the dimensional requirements of this Ordinance pursuant to the procedural



requirements of this section. Under no circumstances shall the Zoning Board of Appeals grant a variance to allow a use not permissible under the terms of this ordinance in the zoning district in which the variance is to be located.

- A. Application. A person seeking a variance shall file with the Zoning Administrator a written application on a form provided by the Zoning Administrator. The application shall provide the names and addresses of all owners of the property, the legal description of the property on which the variance is sought, set forth the specific variance being requested, and shall specify the facts the applicant believes will satisfy the standards for granting a variance contained in subparagraph C below. If the applicant fails to provide all of the information required in this subsection, then the application shall be deemed incomplete and may be denied on that basis.
- B. Notice of Hearing. A public hearing shall be held for all variance applications and notices for the hearing shall be in accordance with the procedures and requirements in Section 3.22.
- C. Standards. To ensure that the spirit of the ordinance is observed, public safety is secured and substantial justice is done, the Zoning Board of Appeals shall not grant a variance from the dimensional requirements of this Ordinance, unless it finds all of the following conditions exist:
  - 1. Requiring the owner to comply with the regulations governing area, setbacks, frontage, height, bulk, density or other non-use requirements would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity with such regulations unnecessarily burdensome.
  - 2. The variance granted is the smallest variance necessary to do substantial justice to the owner as well as to other property owners.
  - 3. The need for the variance is due to unique circumstances of the property itself, and not due to general conditions in the area or to circumstances related to the owner personally or to others residing on the property.
  - 4. The need for the variance is not self created.
- D. Rules Applicable to Variances
  - 1. In granting a variance the Zoning Board of Appeals may impose such condition in connection with the variance that will, in its judgment, secure substantially the objectives of the regulations or provisions to which such variance applies. The breach of any such condition shall automatically invalidate the variance granted and shall be deemed a violation of this Ordinance, punishable under Section 19.07 of this Ordinance.

2. 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 the date of the last denial.
3. Each variance granted shall become null and void unless the provisions of the variance have been utilized by the applicant within twelve (12) months after the variance is granted.

**Section 20.08 - Procedure for Appealing to the Zoning Board of Appeals**

- A. Appeals: A person aggrieved by a decision of the Township Board, Planning Commission or Zoning Administrator may appeal the decision to the Zoning Board of Appeals pursuant to the procedures of this Section.
  1. The person making the appeal shall file with the Township Zoning Administrator a written application on a form provided by the Zoning Administrator. The application shall state the name and address of the person filing the appeal, the decision being appealed and the reasons the applicant believes the decision should be reversed or modified. If the applicant fails to provide all the information required by this subsection, then the application shall be declared incomplete and may be denied on that basis.
  2. Once the applicant files a completed application and pays the required fee, the Township Zoning Administrator shall submit the written appeal, along with all papers constituting the record from which the action appealed was taken, to the Township Clerk who shall submit the information to the Zoning Board of Appeals.
- B. Who May Appeal: Appeals to the Zoning Board of Appeals may be taken by any person aggrieved, or by an officer, department, board or bureau of the Township, County or State.
- C. Fee for Appeal: A fee prescribed by the Township Board shall be submitted to the Township Clerk at the time of filing the letter of appeals. The appeals fee shall immediately be placed in the Township General Fund.
- D. Effect of Appeal: An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken, certifies to the Township 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 stayed 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.

- E. Notice of Hearing. A public hearing shall be held for all appeal applications and notices for the hearing shall be in accordance with the procedures and requirements in Section 3.22.
- F. Representation at Hearing: During a hearing, any party or parties may appear in person or by agent or by attorney.
- G. The Zoning Board of Appeals shall decide upon all appeals within a reasonable time. The Zoning Board of Appeals may 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 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 decision shall have the right to appeal to the Circuit Court on questions of law and fact. The Township Clerk shall send to the person who filed the appeal and to the Township Official or body from which the appeal was taken, an official notice of the Zoning Board of Appeals decision.

#### **20.09 Appeals to Circuit Court**

With the exception of the granting of a rehearing as provided by section 19.10, a decision of the Zoning Board of Appeals is final. A party aggrieved by the decision may appeal to the circuit court of Charlevoix County. An appeal from a decision of the zoning board of appeals shall be filed within 30 days after the board issues a decision in writing signed by the chairperson, if there is a chairperson, or signed by the members of the board, if there is no chairperson, or within 21 days after the board approves the minutes of its decision.

## Article XXI

### Amending the Zoning Ordinance

#### Section 21.01 - Changes and Amendments

Only the Township Board may amend this Ordinance. 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 21.02 - Procedures

The procedure for making amendments to this Ordinance shall be in accordance with Act 184 of the Public Act of 1943, as amended.

A petition, together with a completed and signed application and fees, shall be filed with the Township Clerk. The Clerk shall review the application as to form and, when it is approved, transmit same to the Township Planning Commission for review and report. The Clerk shall, at the same time, establish a date for a public hearing on the petition for the Planning Commission and shall give proper notice of the hearing as provided in Public Act 184 of 1943, as amended. The Clerk shall also, for any proposed amendment to the Zoning Map, give notice thereof, and of the public hearing, to the owner of the property in question, to all persons to whom any real property within three hundred (300) feet of the premises in question is assessed, and to the occupants of all single and two family dwellings within three hundred (300) feet. The notice shall be delivered personally or by mail to the respective owners and tenants at the address given in the last assessment roll. If the notice is delivered by mail, an affidavit of mailing shall be filed with the Planning Commission prior to the hearing. The notice shall be made at least eight (8) days prior to the hearing.

Requirements of written notice to property owners shall not apply to comprehensive revisions to the Zoning Ordinance. Public hearing requirements shall also apply to amendments initiated by the Township Board or the Township Planning Commission.

#### Section 21.03 - Notice of Hearing

A public hearing shall be held for all text amendments and map amendments to the Zoning Ordinance. Notices for the hearing shall be in accordance with the procedures and requirements in Section 3.22.

#### Section 21.04 - Information Required

The petitioner shall submit a detailed description of the petition to the Township Clerk. When the petition involves a change in the Zoning Map, the petitioner shall submit the following information:

- A. A legal description of the property.
- B. A scaled map of the property, correlated with the legal description, and clearly

showing the property's location.

- C. The name and address of the petitioner.
- D. The petitioner's interest in the property, and if the petitioner is not the owner; the names and addresses of all the owners.
- E. Date of filing with the Township Clerk.
- F. Signature(s) of petitioner(s) and owner(s) certifying the accuracy of the required information.
- G. The desired change and reasons for such change.

#### **Section 21.05 - Steps in Making a Change**

- A. Petitioner submits application and fee.
- B. Clerk transmits application to Planning Commission, sets hearing date, and publishes notices of hearing.
- C. Planning Commission holds hearing, makes a decision, transmits decision to the County Planning Commission and to the Township Board.
- D. Township Board, after reviewing action by the County Planning Commission, either enacts or rejects proposed change as an Ordinance amendment, and publishes the text of the change in the newspaper, and establishes the effective date.

#### **Section 21.06 - Findings of Facts Required**

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) days of the filing date of the petition. The facts to be considered by the Planning Commission shall include, but not be limited to, the following:

- A. Whether the requested zoning change is justified by a change in conditions since the original ordinance was adopted or by an error in the original ordinance.
- B. The precedents and the possible effects of such precedents, which might likely result from approval or denial of the petition.
- C. The compatibility of the Township or other government agencies to provide agencies which provide any services, facilities, and/or programs that might be required if the petition were approved.
- D. Effect of approval of the petition on adopted development, policies of the

Township and other government units.

- E. 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.

## **Article XXII**

### **Severability**

#### **Section 22.01 - Severability**

If any section, clause or provision of this Ordinance be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the Ordinance. The Township Board hereby declares that they would have passed this Ordinance and each part, section, subsection, phrase, sentence and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

## **Article XXIII**

### **Effective Date of Ordinance**

#### **Section 23.01 - Effective date of Ordinance**

This amended Ordinance was passed by the Township Board of the Township of Wilson, Charlevoix County, Michigan on the June 14, 1994 and became effective on August 13, 1994.