


# Wilson Township

Alpena County, Michigan

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## Zoning Ordinance

Wilson Township Hall  
3746 King Settlement Road  
Herron, MI 49744



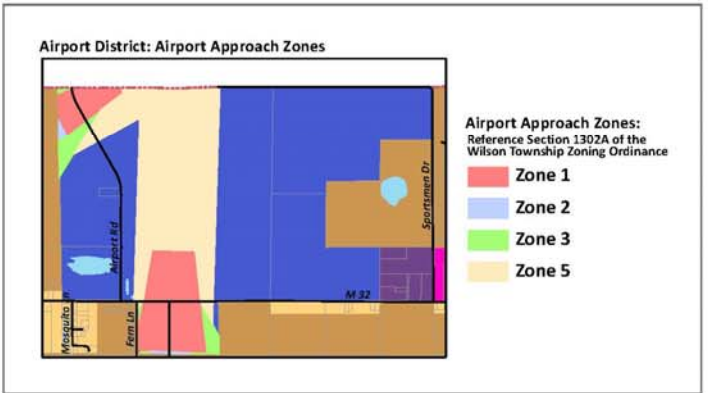
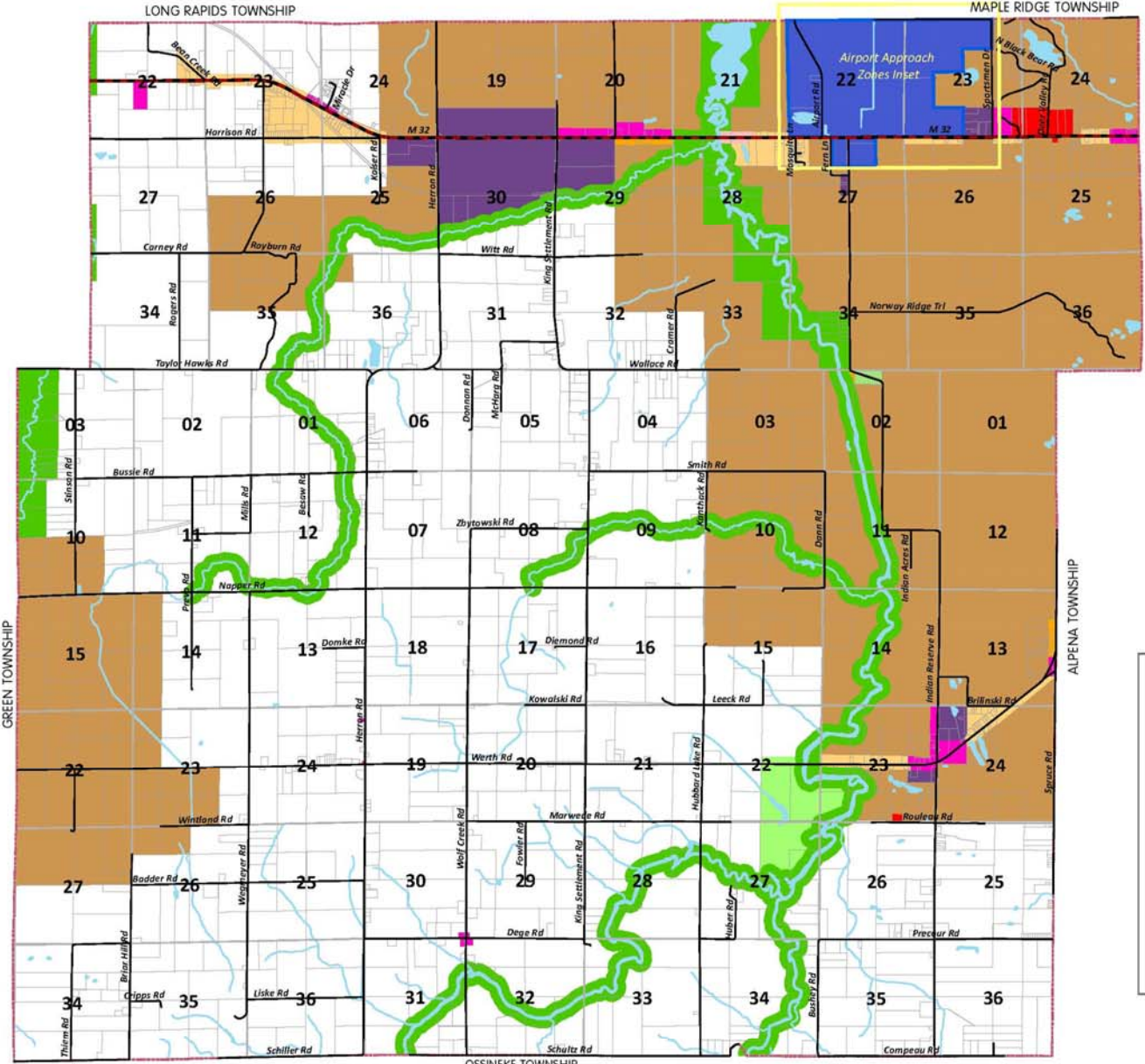
# ZONING MAP WILSON TOWNSHIP

ALPENA COUNTY, MICHIGAN



### Zoning Districts

- R-1: One-Family Residential
- R-2: Agricultural
- R-3: General Residential
- RR: Recreation Residential
- CR: Conservation & Resources
- FF: Farm & Forest
- B-1: Local Tourist Business
- B-2: General Business
- B-3: Business/Light Manufacturing
- A: Airport District
- I: Industrial
- Township Boundary
- Parcels
- State Hwys
- Roads



Map amended 5-12-10 to create airport district

Map created by the Northeast Michigan Council of Governments



**TABLE OF CONTENTS**

TITLE ..... 1-1

PREAMBLE ..... 1-1

ENACTING CLAUSE ..... 1-1

ARTICLE 1 - SHORT TITLE ..... 1-1  
    Section 100. Short Title ..... 1-1

ARTICLE 2 - DEFINITIONS ..... 2-1

ARTICLE 3 - ZONING DISTRICTS AND MAP ..... 3-1  
    Section 300. Districts ..... 3-1  
    Section 301. Boundaries ..... 3-1  
    Section 302. Zoning of Vacated Areas ..... 3-2  
    Section 303. Zoning of Fill Areas ..... 3-2  
    Section 304. Effect of Zoning District Changes ..... 3-2  
    Section 305. District Requirements ..... 3-2  
    Section 306. Area and Bulk Requirements for All Districts ..... 3-2  
    Section 307. Accessory Uses Assumed ..... 3-2

ARTICLE 4 - R1 ONE-FAMILY RESIDENTIAL DISTRICT ..... 4-1  
    Preamble ..... 4-1  
    Section 400. Uses Permitted By Right & Special Land Uses ..... 4-1

ARTICLE 5 - R-2 AGRICULTURE DISTRICT ..... 5-1  
    Preamble ..... 5-1  
    Section 500. Uses Permitted By Right & Special Land Uses ..... 5-1

ARTICLE 6 - R-3 GENERAL RESIDENTIAL DISTRICT ..... 6-1  
    Preamble ..... 6-1  
    Section 600. Uses Permitted By Right & Special Land Uses ..... 6-1

ARTICLE 7 - RR-RECREATION RESIDENTIAL DISTRICT ..... 7-1  
    Preamble ..... 7-1  
    Section 700. Uses Permitted By Right & Special Land Uses ..... 7-1

ARTICLE 8 - CR CONSERVATION AND RESOURCES DISTRICT ..... 8-1  
    Preamble ..... 8-1  
    Section 800. CR District Boundaries ..... 8-1  
    Section 801. Required Conditions ..... 8-1  
    Section 802. Uses Permitted By Right & Special Land Uses ..... 8-1

ARTICLE 9 - FF FARM AND FOREST DISTRICTS .....	9-1
Preamble .....	9-1
Section 900. Uses Permitted By Right & Special Land Uses.....	9-1
ARTICLE 10 - B-1 LOCAL AND TOURIST BUSINESS DISTRICT .....	10-1
Preamble .....	10-1
Section 1000. Uses Permitted By Right & Special Land Uses.....	10-1
ARTICLE 11 - B-2 GENERAL BUSINESS DISTRICT .....	11-1
Preamble .....	11-1
Section 1100. Uses Permitted By Right & Special Land Uses.....	11-1
ARTICLE 12 - B-3 BUSINESS, LIGHT MANUFACTURING .....	12-1
Preamble .....	12-1
Section 1200. Uses Permitted By Right & Special Land Uses.....	12-1
ARTICLE 13 - I INDUSTRIAL DISTRICT .....	13-1
Preamble .....	13-1
Section 1300. Required Conditions.....	13-1
Section 1301. Uses Permitted By Right & Special Land Uses.....	13-1
ARTICLE 13A: AIRPORT DISTRICT .....	
Preamble .....	13-A1
Section 1300A. Uses Permitted By Right & Special Land Uses .....	13-A1
Section 1301A. Development Standards .....	13-A3
Section 1302A. Airport Approach Zones Overlay.....	13-A4
ARTICLE 14 - SCHEDULE OF REGULATIONS .....	14-1
Section 1400. Limiting Height, Bulk, Density and Area by Zoning District .....	14-1
ARTICLE 15 – USES PERMITTED BY RIGHT & SPECIAL LAND USES .....	15-1
Section 1500. Uses Permitted By Right .....	15-1
Section 1501. Special Land Uses .....	15-1
Section 1502. Table of Uses Permitted By Right & Special Land Uses.....	15-2
ARTICLE 16 - GENERAL PROVISIONS .....	16-1
Section 1600. General.....	16-1
Section 1601. Accessory Buildings .....	16-2
Section 1602. Parking Requirements.....	16-3
Section 1603. Off-Street Loading and Unloading .....	16-6
Section 1604. Special Land Uses .....	16-7
Section 1605. <i>Reserved</i> .....	16-9
Section 1606. Plot Plans & Site Plan Review (All Districts) .....	16-10
Section 1607. Fences (General) .....	16-18
Section 1608. Protective and Screening .....	16-19
Section 1609. Outdoor Lighting.....	16-21
Section 1610. Outdoor Speakers and Sound Devices .....	16-22
Section 1611. Sanitary Provisions - Sewerage and Water Facilities.....	16-23
Section 1612. <i>Reserved</i> .....	16-23
Section 1613. Signs .....	16-23
Section 1614. Unlisted Property Uses.....	16-34

Section 1615. Essential Services .....	16-34
Section 1616. Required Area or Space .....	16-34
Section 1617. Lot Proportion .....	16-34
Section 1618. Subdivision of Land .....	16-34
Section 1619. Manufactured Homes on Individual Lots .....	16-34
Section 1620. Manufactured Housing Developments .....	16-35
Section 1621. Temporary Uses of Recreational Vehicles as Dwellings .....	16-35
Section 1622. Temporary Occupancy of a Dwelling Not Meeting the Building Code During the Construction of a Permanent Dwelling .....	16-36
Section 1623. Hazardous Substances .....	16-37
Section 1624. Groundwater Protection .....	16-37
Section 1625. Garage or Yard Sales .....	16-37
Section 1626. Gas and Oil Processing Facilities .....	16-37
Section 1627. Nonconformities .....	16-38
Section 1628. Limitations on Dwellings Per Lot .....	16-40
Section 1629. Site Condominiums .....	16-41
Section 1630. General Exceptions .....	16-43
 ARTICLE 17 – SUPPLEMENTAL DEVELOPMENT STANDARDS .....	 17-1
Section 1700 . .....	17-1
Section 1701 Amateur Radio Antenna .....	17-1
Section 1702 Animal Shelters, Kennels, & Veterinary Clinics, Pets & Other Animals. ....	17-1
Section 1703 Assisted Living Homes; Nursing Homes; Convalescent Homes.	17-2
Section 1704 Automobile Service Stations/Automobile Repair .....	17-2
Section 1705 Bed & Breakfasts .....	17-3
Section 1706 Car Wash Facilities. ....	17-5
Section 1707 Child Car Homes (Group)/Child Care Center .....	17-5
Section 1708 (Commercial) Outdoor Recreational Facilities: Amusement Parks, Tumbling Facilities, Miniature Golf Courses, Golf Driving Ranges .....	17-5
Section 1709 Commercial Use in a Residential District (Other than Home-Based Business or Cottage Industry. ....	17-6
Section 1710 Drive-Through Businesses .....	17-7
Section 1711 Home-Based Businesses & Cottage Industries. ....	17-8
Section 1712 Junkyards, Auto Wrecking Yards, & Salvage Yards. ....	17-10
Section 1713 Manufacturing Uses: Miscellaneous .....	17-10
Section 1714 Outdoor Sales: Vehicles, Watercraft, Manufactured Homes, Recreational Vehicles, Snowmobiles & Trailers .....	17-11
Section 1715 Planned Unit Developments .....	17-11
Section 1716 Race Tracks. ....	17-18
Section 1717 Riding Arenas or Stables .....	17-18
Section 1718 Recreation Clubs/Camps, Recreation Lodges, & Resorts. ....	17-18
Section 1719 Rooming/Boarding Houses. ....	17-19
Section 1720 Sawmills/Temporary Forest Industry Uses .....	17-19
Section 1721 Secondary Dwelling Units. ....	17-20
Section 1722 Sexually-Oriented Businesses. ....	17-20
Section 1723 Soil, Sand, Clay, Gravel, Stone or Similar Materials: Removal, Filling (including mines, quarries & gravel pits) .....	17-22
Section 1724 Storage of Equipment .....	17-23

Section 1725 Telecommunications Towers and Antennae Facilities/Alternative Tower Structures.....	17-23
Section 1726 Wind Energy Systems: Small On-Site.....	17-28
Section 1727 Wind Energy Systems: Commercial.....	17-29
ARTICLE 18 - ADMINISTRATION AND ENFORCEMENT.....	18-1
Section 1800. Enforcement/Violations .....	18-1
Section 1801. Duties of Zoning Administrator .....	18-3
Section 1802. <i>Reserved</i> .....	18-3
Section 1803. Zoning Permit.....	18-3
Section 1804. Fees .....	18-4
Section 1805. Interpretation .....	18-6
Section 1806. Planning Commission Approval .....	18-6
Section 1807. Changes and Amendments.....	18-7
Section 1808. Conditions .....	18-7
Section 1809. Performance Guarantee.....	18-7
Section 1810. Public Notification.....	18-8
Section 1811. Rehearing Process.....	18-10
ARTICLE 19 - ZONING BOARD OF APPEALS.....	19-1
Section 1900. Creation and Membership.....	19-1
Section 1901. Meetings.....	19-2
Section 1902. Jurisdiction .....	19-2
Section 1903. Appeal Procedures.....	19-3
Section 1904. Variance Standards.....	19-5
Section 1905. Appeal to Circuit Court .....	19-5
ARTICLE 20 – ADOPTION & AMENDMENTS .....	20-1
Section 2000. Amendment to this Ordinance.....	20-1
Section 2001. Amendment Procedures.....	20-1
Section 2002. Rezoning Standards.....	20-2
Section 2003. Severability.....	20-3
Section 2004. Vested Right.....	20-3
Section 2005. Conflicting Resolutions and Repeal of Prior and Inconsistent Ordinances .....	20-3
Section 2006. Effective Date .....	20-4

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**TITLE**

AN ORDINANCE enacted under Act 184, Public Acts of 1943, as amended, governing the unincorporated portions of the Township of Wilson, Alpena County, Michigan; to regulate and restrict the locations and use of buildings, structures and land for trade, industry, residence and for public and semipublic or other specified uses; to regulate and limit the height and bulk of buildings, and other structures; to regulate and to determine the size of yards, courts, and open spaces; to regulate and limit the density of population; and for said purposes to divide the Township into districts and establish the boundaries thereof; to provide for changes in regulations, restrictions and boundaries of such districts; to define certain terms used herein; to provide for enforcement; to establish a Board of Appeals; and to impose penalties for the violation of this Ordinance.

The continued administration of this Ordinance, amendments to this Ordinance, and all other matters concerning operation of this Ordinance shall be done pursuant to P.A. 110 of 2006, as amended (the Michigan Zoning Enabling Act, M.C.L. 125.3101 through 125.3702).

**PREAMBLE**

Pursuant to the authority conferred by the Public Acts of the State of Michigan in such case, made and provided and for the purpose of promoting and protecting the public health, safety, peace, morals, comfort, convenience, and general welfare of the inhabitants of the Township by protecting and conserving the character and social and economic stability of the residential, commercial, industrial and other use areas; by securing the most appropriate use of land; prevent overcrowding the land and undue congestion of population, providing adequate light, air, and reasonable access; and facilitating adequate and economical provision of transportation, water, sewers, schools, recreation, and other public means; and to provide for proper solutions to land use problems including regulation of land development and the establishment of regulations to assist in the elimination of damage from flooding and erosion control, all in accordance with a comprehensive plan; now, therefore:

**ENACTING CLAUSE**

The Township of Wilson ordains:

**ARTICLE 1 - SHORT TITLE**

**SECTION 100. SHORT TITLE**

This Ordinance shall be known and may be cited as the Township of Wilson Zoning Ordinance.

## ARTICLE 2 - DEFINITIONS

For the purposes of this Ordinance, certain terms, or words used herein shall be interpreted as follows:

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; and the word "building" includes the word "structure," and the word "dwelling" includes "residence"; the word "person" includes "corporation," "partnership," "association," as well as an "individual"; the word "shall" is mandatory and the word "may" is permissive; the word "lot" includes the words "plot" or "parcel"; the words "used" or "occupied" includes the words "intended," "designed," or "arranged to be used or occupied."

Terms not herein defined shall have the meaning customarily assigned to them.

**Abutting:** Having property or district line in common; e.g., two lots are abutting if they have property lines in common.<sup>†</sup>

**Accessory Building or Accessory Structure:** A supplemental building or structure devoted to an accessory use and located on the same lot or parcel of land as the main building, or buildings. An accessory structure attached to a main structure shall be considered part of the main structure.<sup>†</sup>

**Accessory Building or Accessory Structure, Temporary:** An accessory structure with no permanent footings or foundations.<sup>†</sup>

**Accessory Use:** A use which is clearly incidental to, customarily found in connection with and located on the same zoning lot as the principal use to which it is related.

**Access:** A way of approaching or entering a property. For purposes of this Ordinance, all lots of record shall have access to a public street or highway or to a private street meeting public standards.<sup>†</sup>

**Adult Foster Care Facility:** A governmental or private facility for adults who are aged, emotionally disturbed, developmentally disabled, or physically disabled and who require 24-hour supervision, but not continuous nursing care. Such facility shall obtain license under state law.

**Agriculture:** The art and science of cultivating the ground for the purpose of raising and harvesting trees, fruit or field crops, or animal husbandry for economic gain.<sup>†</sup>

*The following definitions A-J are related to agricultural tourism:<sup>†</sup>*

1. **Agricultural Tourism:** The practice of visiting an agribusiness, horticultural, or agricultural operation, including, but not limited to, a farm, orchard, winery, greenhouse, hunting preserve, a companion animal or livestock show, for the purpose of recreation, education, or active involvement in the operation, other than as a contractor or employee of the operation.
2. **Value-Added Agricultural Product:** The enhancement or improvement of the overall value of an agricultural commodity or of an animal or plant product to a higher value. The enhancement or improvement includes, but is not limited to marketing, agricultural processing, transforming, or packaging, education presentation, activities and tours.



3. **Agricultural Products:** Includes, but is not limited to, crops (corn, wheat, hay, potatoes); fruit (apples, peaches, grapes, cherries, berries, etc.); cider; vegetables (sweet corn, pumpkins, tomatoes, etc.); floriculture; herbs; forestry; husbandry; livestock and livestock products (cattle, sheep, hogs, horses, poultry, ostriches, emus, farmed deer, farmed buffalo, milk, eggs, and fur, etc.); aquaculture products (fish, fish products, water plants and shellfish); horticultural specialties (nursery stock, ornamental shrubs, flowers and Christmas trees); maple sap, etc
4. **Agriculturally Related Products:** Items sold at a farm market to attract customers and promote the sale of agricultural products. Such items include, but are not limited to all agricultural and horticultural products, animal feed, baked goods, ice cream and ice cream based desserts and beverages, jams, honey, gift items, food stuffs, clothing and value-added agricultural products and production on site.
5. **Non-Agriculturally Related Products:** Those items not connected to farming or the farm operation, such as novelty t-shirts or other clothing, crafts and knick-knacks imported from other states or countries, etc.
6. **Agriculturally Related Uses:** Those activities that predominantly use agricultural products, buildings or equipment, such as pony rides, corn mazes, pumpkin rolling, barn dances, sleigh/hay rides, and educational events, such as farming and food preserving classes, etc.
7. **Non-Agriculturally Related Uses:** Activities that are part of an agricultural tourism operation's total offerings but not tied to farming or the farm's buildings, equipment, fields, etc. Such non-agriculturally related uses include amusement rides, concerts, etc., and are subject to special use permit.
8. **Farm Market/On-Farm Market/Roadside Stand:** The sale of agricultural products or value-added agricultural products, directly to the consumer from a site on a working farm or any agricultural, horticultural or agribusiness operation or agricultural land.
9. **Seasonal:** A recurrent period characterized by certain occurrences, festivities, or crops; harvest, when crops are ready; not all year round.
10. **Seasonal Sign:** A sign erected for a limited period of time during the year when retailing activities for a particular farm product is available to the public.

**Alley:** Any dedicated public way affording a secondary or service means of access to abutting property, and not intended for general traffic circulation.

**Alterations:** Any change, addition or modification to a structure 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. †

**Apartment:** A dwelling unit in a multiple dwelling building or mixed use building intended for residence by one family or group of individuals living together as a single housekeeping unit.

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

**Auto or Vehicle Repair Garage:** A place where the following activities may be carried out on vehicles such as passenger cars, pickup trucks, passenger vans and the like: vehicle body repair, engine rebuilding or repair, undercoating, painting, tire recapping, upholstery work and auto glass work.

**Automobile Service Station:** A place where gasoline or any other automobile engine fuel, kerosene or motor oil and lubricants or grease (for operation of motor vehicles) are retailed directly to the public on premises; including sale and service of minor accessories and service for automobiles. †

**Basement:** That portion of a building which is partly, or wholly below grade, but so located that the vertical distance from average grade to the floor is greater than the vertical distance from average grade to the ceiling. If the vertical distance from the grade to the ceiling is more than five (5) feet, such basement shall be rated as a first story.

**Bed and Breakfast Facility:** A single-family dwelling unit, which may be used for the purpose of renting sleeping rooms to transient guests, provided certain zoning requirements are met. May also be referred to as a tourist home.

**Billboard:** A billboard shall mean any structure or portion thereof designed or intended to be used for posting, painting, or otherwise affixing any advertising sign, which advertising sign does not pertain to the premises or to the use of premises on which the billboard is located or to goods sold or services rendered or activities conducted on such premises.

**Buffer Strip:** A strip of land of definite width and location reserved for the planting of shrubs and/or trees to serve as an obscuring screen or noise buffer in carrying out the requirements of this Ordinance.

**Building:** A structure of more or less permanent construction having a roof and intended to be used for sheltering people, animals, property or business activity. Temporary structures such as tents are not buildings, but houses, garages, factories, barns, etc., are.

**Building Height:** The vertical distance measured from the established grade of the center of the front of the building to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs, and to the average height between eaves and ridge for gable, hip, and gambrel roofs; and the average height between the lowest point and the highest point on a shed roof. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

**Building Line:** Is a line formed by the face of the building, and for the purposes of this Ordinance, is the same as a front setback line.

**Building Site:** A lot or a two-dimensional condominium unit of land (i.e. envelope, footprint) with or without limited common element designed for construction of a principal structure or a series of principal structures plus accessory building. All building sites shall have access to public or private roads. †

**Campground:** Any parcel or tract of land, under the control of any person where sites are

offered for use by the public or members of an organization, either free of charge or for a fee for the establishment of temporary living quarters for three (3) or more recreational vehicle units.

**Child Care Facility:** A facility for the care of children (persons under 18 years of age), as licensed and regulated by the state under Act 116 of the Public Acts of 1973, being M.C.L.A. §§ 722.111 through 722.128 as amended, and the associated rules promulgated by the State Department of Human Services. Such organizations shall be further defined as follows:<sup>†</sup>

1. **Family Child Care Home:** A private home operated by a Michigan licensed day care operator in which at least one (1) but less than (7) seven children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent and/or legal guardian, not including children related to an adult member of the resident family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.
2. **Group Day Child Care Home:** A private home operated by a Michigan licensed day care operator in which more than six (6) but not more than twelve (12) children are given care and supervision for periods less than twenty-four (24) hours a day, unattended by a parent and/or legal guardian, not including children related to an adult member of the resident family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.
3. **Child Care Center:** A facility, other than a private residence, receiving one (1) or more preschool or school-age children for care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center.
4. **Private Home:** A private residence in which the registered facility operator permanently resides as a member of the household.

**Church or Place of Worship:** An institution that people regularly attend to participate in or hold religious services, meetings and other activities. The term “church” shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held.

**Club:** A nonprofit organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics or the like.

**Commercial Use:** A commercial use relates to the use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise or personal services or the maintenance of offices or recreational or amusement enterprises.<sup>†</sup>

**Condominium:** A development containing individually-owned dwelling units and jointly-owned and shared areas and facilities. The development may contain either detached or attached units.<sup>†</sup>

**Condominium, Site:** A condominium development with single-family detached housing instead of two (2) or more housing units in one (1) structure.<sup>†</sup>

**Condominium Unit:** That portion of the 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, business, recreational, or any other type of use. Any “condominium unit” consisting of vacant land shall be equivalent to the term “lot” for the purposes of determining compliance of a condominium subdivision project with the provisions of this ordinance pertaining to minimum lot size, minimum lot width, and maximum lot coverage.<sup>†</sup>

**Construction:** The building, erection, alteration, repair, renovation (or demolition or removal) of any building, structure or structural foundation.<sup>†</sup>

**Convalescent or Nursing Home:** A home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders and who require continuous nursing care and supervision. Said home shall conform and qualify for license under state law.

**Cottage Industry:** A home-based business of which the sale of goods or products on the premises is a significant portion.<sup>†</sup>

**Deck:** A structure used for outdoor living purposes that may or may not be attached to a building and which protrudes more than eight (8) inches above finished grade.<sup>†</sup>

**Drive-In:** A business establishment primarily developed so its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles, so as to serve patrons while in the motor vehicle.

**Dwelling:** A house or building, or portion thereof, either site-built or pre-manufactured, which has sleeping, living, cooking and sanitary facilities and is occupied wholly as the home, residence, or sleeping place by one (1) or more human beings, either permanently or transiently, but in no case shall a trailer coach, automobile chassis, tent, or portable building be considered as a dwelling. In the case of buildings which are occupied in part, the portion occupied shall be considered a dwelling unit, provided it is in conformance with the criteria for dwellings.<sup>†</sup>

**Dwelling, One-Family:** A building designed exclusively for and occupied by one (1) family.

**Dwelling, Two-Family:** A building designed for and occupied by two (2) families living exclusively of each other.

**Dwelling, Multiple-Family:** A building, or portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other.

**Erected:** Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises required for construction, reconstruction, alteration, excavation, fill, drainage, installation of utilities and the like.

**Essential Services:** The erection, construction, alteration or maintenance by public utilities or municipal department of underground, surface or overhead gas, electrical, steam, fuel, or water transmission or distribution systems, collection, communication, supply or disposal systems, including towers, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith, but not including buildings, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, or welfare. Telecommunication

towers or facilities, alternative tower structures, wireless communication antenna, and wind turbine generators are not included within this definition.<sup>†</sup>

**Excavating:** The removal of sand, stone, gravel, soil or similar materials.

**Family:** One or two persons or parents, with their direct lineal descendants and adopted children (and including the domestic employees thereof), together with not more than two persons not so related, living together as a single housekeeping unit. Every additional group of two or fewer persons in a dwelling unit shall be considered a separate family.

**Farm:** The land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.<sup>†</sup>

**Feedlot:** Any tract of land or structure, pen or corral, wherein cattle, horses, sheep, goats, swine or poultry are maintained in close quarters for the purpose of fattening such livestock for final shipment to market. For the purpose of this Ordinance, location of such large-scale operations may be limited for the protection of water quality and for odor control.

**Fence:** A man-made structure constructed for the purpose of or to have the effect of enclosing the area it is constructed upon.<sup>†</sup>

**Floor Area, Ground:** For the purpose of computing the minimum dwelling size, the square footage of the main floor measured from exterior to exterior wall or from the centerline of walls separating two dwellings. The ground floor area measurement is exclusive of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches or decks.

**Floor Area, Usable (For the purposes of computing parking):** All floor area used for the sale of merchandise or services or for use to serve patrons, clients or customers. Floor area used principally for the storage or processing of merchandise, hallways or for utilities, shall be excluded for the computation of "Usable Floor Area." For uses not enclosed within a building, the area used for the sale of merchandise, display of merchandise, and/or area used to serve patrons shall be measured to determine necessary parking spaces.

**Gas and Oil Processing Facilities:** Any facility and/or structure used for, or in connection with, the production, processing or transmitting of natural gas, oil, or allied products or substances, and the injection of same into the ground for storage or disposal, not under the exclusive jurisdiction or control of the Geological Survey Division, Department of Environmental Quality or Public Service Commission; not including industrial facilities such as cracking plants, large oil storage facilities and heavy industrial operations and facilities.

**Glare:** The sensation produced by a bright source within the visual field that is sufficiently brighter than the level to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility.<sup>†</sup>

**Grade:** To regulate the height of structures, grade shall be the level of the ground adjacent to the walls of the building. If the ground is not level, the grade shall be determined by averaging the elevation of the ground along each wall.

**Greenbelt:** A strip seventy (70) feet wide parallel to the bank of a stream or lake maintained in trees and shrubs or in its natural state to carry out the requirements of the Conservation and

Resources District. For other districts, a greenbelt shall mean a planting of trees and shrubs to serve as a screening device between abutting land uses or along water bodies to screen and control erosion. †

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

**Home-Based Business:** An occupation or profession customarily carried on by an occupant of a dwelling unit as a secondary use which is clearly subservient to the use of the dwelling for residential purposes, and in no way operates in conflict with adjacent premises in terms of noise, traffic, displays, signs and the like. †

**Hotel or Motel:** A facility offering transient lodging accommodations on a daily rate to the general public, which may also provide additional services, such as restaurants, meeting rooms and recreational facilities.

**Impervious Surface:** Any material that substantially reduces or prevents the infiltration of storm water, including conventionally surfaced streets, roofs, sidewalks, parking lots, and compacted gravel driveways.

**Junk:** All rubbish, refuse, and debris including, but not limited to, the following: nonputrescible solid waste, ashes, glass, cans, bottles, discarded or abandoned machinery, household appliances, industrial wastes, discarded, inoperative, dismantled or partially dismantled motorized vehicles or parts thereof. This shall not preclude home or farm composting for on-site use. †

**Junk Yard:** An open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. A "junk yard" includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

**Kennel, Commercial:** Any lot or premises on which three (3) or more adult domestic animals of any one specie are either permanently or temporarily kept or boarded. †

**Kennel, Large-Scale:** Any facility, lot, or premises on which more than twenty (20) dogs six (6) months of age or older are kept temporarily or permanently. †

**Kennel, Small-Scale:** Any facility, lot, or premises on which the following number of dogs six (6) months of age or older are kept temporarily or permanently:

- R-1 District: more than three (3) dogs
- All other districts: between seven (7) and twenty (20) dogs. †

**Landscaping:** Some combination of planted trees, vines, ground cover, flowers or turf. In addition, the combination or design may include rock ground cover, earth mounds, and such structural features as fountains, ponds, art works, screens, walls, fences, benches, walks, paths, steps, terraces, garden structures, etc. †

**Loading Space:** An off-street space for temporary parking of a commercial vehicle while

loading and unloading merchandise or materials.

**Lot:** A parcel of land occupied, or intended to be occupied, used or intended to be used. A lot may or may not be specifically designated as such on public records.

**Lot, Corner:** A lot located at the intersection of two (2) streets or a lot bordered on two (2) sides by a curving street, any two (2) sides of which form an angle of one hundred thirty-five (135) degrees or less.

**Lot, Double Frontage:** Any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lot adjacent to streets shall be considered frontage, and front yards shall be provided as required (also termed a through lot).

**Lot, Interior:** Any lot other than a corner lot with only one (1) line fronting on a street.

**Lot Area:** The total horizontal area within the lot lines of the lot.

**Lot Coverage:** The part or percent of the lot occupied by main and/or accessory buildings.

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

**Lot Lines:** The lines bounding a lot as defined herein:

1. **Front Lot Line:** In the case of an interior lot, the front lot line is the line separating said lot from the street. In the case of a corner lot, the front lot line is the line separating said lot from the street which is designated as the front street on the plat and in the application for a building permit or zoning occupancy permit. In the case of a double frontage lot, both lot lines abutting on streets shall be treated as front lot lines. The ordinary high water mark on a waterfront lot shall be treated as the front lot line.
2. **Rear Lot Line:** The 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 and lying within the side lot lines.
3. **Side Lot Line:** Any lot lines other than the front lot line or rear lot line.

**Lot of Record:** A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by Township or County Officials, and which actually exists as so shown, or any part of such parcel held in record ownership separate from that of the remainder thereof.

**Lot Width:** The horizontal distance between the side lot lines measured at the two points where the building line, or front setback, intersects the side lot lines.

**Manufactured Home:** Factory-built single-family structure that is manufactured under the authority of 42 U.S.C., Sections 5401 to 5426 (National Manufactured Home Construction and Safety Standards Act of 1974), is transportable in one or more sections, is built on a permanent chassis and does not have hitch, axles or wheels permanently attached to the body frame, commonly referred to as a single-wide, double-wide or modular home.

**Manufactured Housing Community:** A parcel or tract of land under the control of a person upon which three (3) or more manufactured homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home. †

**Manufactured Housing Community Homesite:** The designated parcel of land within a manufactured housing community upon which one (1) single-family manufactured home and accessory buildings, if any, are placed. †

**Master Plan or Comprehensive Plan:** The statement of policy by the Township Planning Commission relative to the agreed-upon desirable physical pattern of future community development. It consists of a series of maps, charts, and written material representing in summary form the community's conception of how it should grow in order to bring about the best community living conditions.

**Nonconforming Building:** Any building that does not meet the limitations on building size or location on a lot, for the district in which such building is located, for the use to which such building is being put.

**Nonconforming Lot:** The area, width or other characteristic of a lot which fails to meet requirements of the district in which it is located.

**Nonconforming Use:** A use which lawfully occupied a building or land at the time this Ordinance, or amendments thereto, became effective, that does not conform to the use regulations of the district in which it is located.

**Off-Street Parking Lot:** A parking area off the street for the required parking of three (3) or more vehicles, and which lot may require maneuvering aisles.

**Ordinary High Water Mark:** Is defined as in the Michigan Inland Lakes and Streams Act to mean the line between upland and bottom land which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the soil and the vegetation. On an inland lake which has had a level established by law, it means the high established level. On a river or stream, the ordinary high water mark shall be the ten-year flood limit line.

**Parking Space:** An area of definite length and width exclusive of drives, aisles or entrances giving access thereto, and fully accessible for the storage or parking of permitted vehicles.

**Patio:** A paved open space, used for outdoor living purposes and constructed of any materials providing a hard, durable surface, which does not protrude more than eight (8) inches above the finished grade of the property. †

**Permitted Use:** A use by right which is specifically authorized in a particular zoning district, as contrasted with Special Land Uses which are authorized only if certain requirements are met and after review and approval. †

**Pets, Domestic:** Mammals, rodents, birds, and reptiles that are partially or totally dependent on humans; live inside a residence in close proximity with humans; form bonds with humans; and interact with human companion. †



**Pets, Exotic:** Breeds of animals that are uncommonly found as either pets or livestock. These breeds are often not indigenous, are undomesticated, unusual in appearance, poisonous, and can be potentially dangerous if they escape. Examples include monkeys, apes, chimps, most snakes and reptiles, large birds, spiders and other insects. †

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

**Public Service:** Public service facilities within the context of this Ordinance shall include such uses and services as voting booths, pumping stations, fire halls, police stations, temporary quarters for welfare agencies, public health activities and similar uses including essential services.

**Public Utility:** Any person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under Federal, State or municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water.

**Recreational Vehicle:** A vehicle designed to be used primarily for recreational purposes, including temporary sleeping quarters and/or cooking facilities, or a unit designed to be attached to a vehicle and used for such purposes, including self-propelled motor homes, pickup campers, fifth wheel trailers, travel trailers and tent or pop-up trailers.

**Recycling Center:** Machinery, equipment, structures, or any parts or accessories of machinery, equipment, or structures, installed or acquired for the primary purpose of recovering materials or energy from the waste stream. †

**Resort:** A recreational lodge, camp or facility operated for gain, and which provides overnight lodging and one or more of the following activities: golf, skiing, dude ranching, recreational farming, snowmobiling, pack trains, bike trails, boating and related. A resort shall have a minimum site of ten (10) acres.

**Setback:** The distance required to obtain front, side or rear yard open space provisions of this Ordinance.

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

1. **Adult Arcade:** Any place to which the public is permitted or invited wherein coin-operated or slug-operated electronically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by depicting or describing of Specified Sexual Activities or Specified Anatomical Areas. †
2. **Adult Bookstore or Adult Video Store:** A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration one or

more of the following: †

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

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

- 3. **Adult Cabaret:** A nightclub, bar, restaurant, or similar commercial establishment that features any of the following: †
  - A. Persons who appear in a state of nudity;
  - B. Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities;
  - C. Films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas; or
  - D. Persons who engage in lewd, lascivious, or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.
- 4. **Adult Motel:** A hotel, motel or similar commercial establishment that: †
  - A. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas and has a sign visible from the public right of way that advertises the availability of any of the above;
  - B. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
  - C. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.
- 5. **Adult Motion Picture Theater:** A commercial establishment which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, or other photographic reproductions or visual media that are characterized by depiction or description of Specified Sexual Activities or Specified Anatomical Areas. †

6. **Adult Theater**: A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of Specified Anatomical Areas or by Specified Sexual Activities.<sup>†</sup>
7. **Nude Model Studio**: Any place where a person who displays Specified Anatomical Areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include an educational institution funded, chartered, or recognized by the State of Michigan.<sup>†</sup>
8. **Nudity or a State of Nudity**: Knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:<sup>†</sup>
- A. A woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
  - B. Material as defined in section 2 of Act No. 343 of the Public Acts of 1984, being section 752.362 of the Michigan Compiled Laws.
  - C. Sexually explicit visual material as defined in section 3 of Act No. 33 of Public Acts of 1978, being section 722.673 of the Michigan Compiled Laws.
9. **Specified Anatomical Areas**: Means and includes any of the following:<sup>†</sup>
- A. Less than completely and opaquely covered:
    - 1. Human genitals;
    - 2. Pubic region;
    - 3. Buttocks
    - 4. Female breast below a point immediately above the top of the areola.
  - B. Human male genitals in a discernible turgid state even if completely or opaquely covered.
10. **Specified Sexual Activities**: Means and includes any of the following:<sup>†</sup>
- A. Human genitals in a state of sexual arousal;
  - B. Acts of or simulated acts of human masturbation, sexual intercourse, sodomy, bestiality, fellatio or cunnilingus; or
  - C. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.
  - D. Excretory functions as part of or in connection with any of the activities set forth in A - C above.

**Sign:** For the purpose of this ordinance, the term "sign" shall mean and include any announcement, declaration, display, illustration or insignia used to advertise or promote the interests of any person or product when the same is placed out-of-doors in view of the general public.<sup>†</sup>

**Sign Area:** The entire area which encloses the extreme limits of writing, representation, emblem, logo, or any other figure or similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign.<sup>†</sup>

Where a sign consists solely of writing, representation, emblems, logos, or any other figure of similar character which is painted or mounted on a wall or fence, without a distinguishing border the area of such sign shall be computed as if it were framed by a border consisting of horizontal and vertical lines extending not more than six (6) inches from such sign elements.

**Sign Height:** The vertical distance measured from the ground immediately beneath the sign to the highest point of the sign or its projecting structure.<sup>†</sup>

**Sign Types:** The following definitions are related to signs:<sup>†</sup>

1. **Abandoned Sign:** A sign, which no longer advertises or identifies a business, lessor, owner, or activity conducted upon or product available on the premises where such sign is displayed.<sup>†</sup>
2. **A-Frame Sign:** Self-supporting temporary sign consisting of two panels hinged at the top providing advertising on each panel and can be readily moved within a property or to another property.<sup>†</sup>
3. **Animated or Moving Sign:** A sign that uses movement, lighting, or special materials to depict action or create a special effect to imitate movement.<sup>†</sup>
4. **Awning Sign:** A sign painted on, printed on, or attached flat against the surface of an awning.<sup>†</sup>
5. **Banner:** A sign made of natural or synthetic material used to call attention to a land use or product, service, or activity; however, not including pennants or flags.<sup>†</sup>
6. **Business Center Sign:** An on-premises sign which identifies a business complex or group of contiguous stores which may contain the names of the individual stores, businesses, institutions, or other organizations located within the complex or group.
7. **Canopy Sign:** A sign affixed or applied to the exterior facing surface or surfaces of a building or freestanding canopy.<sup>†</sup>
8. **Construction Sign:** A sign listing the names of the project developers, contractors, engineers, and architects on the site being developed.<sup>†</sup>
9. **Electronic Message Board:** A sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means.<sup>†</sup>

10. **Freestanding Sign**: A pylon sign or monument sign. †
11. **Informational Sign**: A non-advertising sign used to identify architectural features of a land use such as building entrances, drop boxes, restrooms, handicapped ramps, fuel pump information and similar features. †
12. **Ingress-Egress Sign**: A directional sign located adjacent to the entrance or exit drives of a development to identify the points of vehicular ingress and egress. †
13. **Marquee Sign**: Any sign attached to or supported by a marquee structure. †
14. **Message Board, Static**: A sign with a changeable display/message consisting of alphabetic, pictographic, or symbolic informational content that must be changed manually by non-electronic means. †
15. **Message Board, Electronic**: A sign with a changeable display/message consisting of alphabetic, pictographic, or symbolic informational content that is composed of a series of lights that may be changed through electronic means. †
16. **Monument Sign**: Any sign attached directly to the ground by a solid base and foundation constructed of masonry, brick, stone, decorative metal, wood or other durable material. †
17. **Off-Premise Directional Sign**: A sign which provides directions to a commercial or industrial establishment which is not located on a primary street within the Township. †
18. **Off-Premise Sign (Billboard)**: An outdoor sign advertising services or products, activities, persons, or events which are not made, produced, assembled, stored, distributed, leased, sold, or conducted upon the premises upon which the billboard is located. †
19. **Off-Premise Sign, Digital (Digital Billboard)**: A billboard displaying static images controlled by electronic communications. †
20. **Political Sign**: A sign relating to the election of a person to public office or relating to a political party or to a matter to be voted at a general election called by a public body. †
21. **Portable Sign**: Any sign not permanently attached to the ground or a building and is designed to be transported by trailer or wheels including such signs with wheels removed or with chassis or support constructed without wheels. †
22. **Projecting Sign**: A sign which is affixed to any building or structure, other than a marquee, where the face of the sign is generally perpendicular to the face of the building or structure. †
23. **Pylon Sign**: A sign which is an elevated sign supported by one (1) or more bearing columns, the sign portion of which is not less than ten (10) feet from the surface of the ground. †
24. **Roof Sign**: A display sign which is erected, constructed, and maintained above the roof of the building. †
25. **Temporary Sign**: A display sign, banner, or other advertising device constructed of cloth, canvas, fabric, plastic, or other light temporary material, with or without a structural frame, or any other sign intended for a limited period of display, but not including decorative displays

for holidays or public demonstration. A temporary sign shall not be used as a substitute for a permanent on-premise advertising sign, except as permitted within this ordinance. †

26. **Wall Sign:** A display sign which is painted on or attached directly to the building wall. †

**Site Plan:** The drawings and documents depicting and explaining all salient features of a proposed development so that it may be evaluated according to the procedures set forth in this Ordinance, to determine if the proposed development meets the requirements of this Zoning Ordinance. †

**Small Scale Craft Making:** The production and sale of hand-made items including furniture, clothing, art, jewelry, toys, candles, collectibles and similar items on a scale that does not require a manufacturing plant and a large amount of specialized equipment and chemicals. No more than 50% of the structure is devoted to making crafts. †

**Special Land Use:** A use permitted only after review of an application by the Planning Commission; such review being necessary because the provisions of the Ordinance covering conditions, precedent or subsequent, are not precise enough on all applications. The "special condition" differs from the "variance" in several respects. A special condition use does not require "undue hardship" in order to be allowable. The special conditions that are found in this Ordinance appear under each zoning district as conditional uses authorized by special permit and review by the Planning Commission. †

**State Licensed Residential Facility:** A structure constructed for residential purposes that is licensed by the State pursuant to Act No. 218 of the Public Acts of 1979 (Adult Foster Care Licensing Act), as amended, being Sections 400.701 to 400.737 of the Michigan Compiled Laws, or Act No. 116 of the Public Acts of 1973 (Child Care Organizations), as amended, being Sections 722.111 to 722.128 of the Michigan Compiled Laws, which provides resident services or care for six (6) or fewer individuals under twenty-four (24) hour supervision for persons in need of that supervision or care. Also known as "adult foster care facility". †

**Story:** That part of a building included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above.

**Story, Half:** An uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven feet six inches (7'). For the purposes of this Ordinance, the usable floor area is only that area having at least five (5) feet clear height between floor and ceiling. †

**Street:** A public thoroughfare which affords the principal means of access to abutting property, but not an alley.

**Structure:** Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground except driveways and pavement.

**Telecommunication Towers and Facilities:** 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. †

**Temporary Building or Use:** A structure or use permitted by the Planning Commission to exist during periods of construction of the main building or use, or for special events.

**Thoroughfares:**

1. **Major:** An arterial road or street which is intended to serve as a large volume trafficway for both the immediate Township area and the region beyond, and may be designated as a major thoroughfare, parkway, freeway, expressway, or equivalent term.
2. **Secondary:** An arterial street which is intended to serve as a trafficway serving primarily the immediate Township area and serving to connect with major thoroughfares.

**Use:** The purpose for which land or a building is designed, arranged, or intended to be used, or for which land or building is or may be occupied.

**Variance:** A modification of literal provisions of this Ordinance which the Zoning Board of Appeals is permitted to grant when strict enforcement of said provision would cause practical difficulty or unnecessary hardship as defined in Article 19 of this Ordinance. †

**Variance, Dimensional:** A variance granted to provide relief from a specific standard in this Zoning Ordinance which usually relates to an area, dimension, or construction requirement/limitation. †

**Wind Energy Definitions:**

1. **Ambient:** Ambient is defined as the sound pressure level exceeded ninety (90) percent of the time.
2. **Anemometer:** A device used to measure wind speed.
3. **dB(A):** The sound pressure levels in decibels. Refers to the “a” weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.
4. **Decibel:** The unit of measure used to express the magnitude of sound pressure and sound intensity.
5. **Hub Height:** The distance measured from the ground level to the center of the turbine hub.
6. **Small On-Site Wind Energy Systems:** A wind energy conversion system consisting of a wind turbine (horizontal or vertical axis), a tower, and associated control or conversion electronics which has a rated capacity of not more than one hundred (100) kW and which is intended to primarily reduce on-site consumption of utility power.
7. **Shadow Flicker:** Alternating changes in light intensity caused by the moving blade of a wind turbine casting shadows on the ground and stationary objects, such as window of a dwelling.

8. **Sound Pressure:** Average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.
9. **Sound Pressure Level:** The sound pressure mapped to a logarithmic scale and reported in decibels (dB).
10. **Wind Energy Facility:** A power generating facility consisting of one or more wind turbines under common ownership or operation control, and includes substations, MET towers, cables/wires, and other buildings accessory to such facility, whose main purpose is to supply electricity to off-site customers.
11. **Wind Turbine Generator:** A wind energy conversion system which converts wind energy into power. Includes a tower, pylon, or other structure, including all accessory facilities, upon which any, all, or some combination of the following are mounted:
  - A. 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.
  - B. A shaft, gear, belt, or coupling device used to connect the rotor to a generator, alternator, or other electrical or mechanical energy-producing device.
  - C. A generator, alternator, or other device used to convert the energy created by the rotation of the rotor into electrical or mechanical energy.

**12. Wind Turbine Generator Total Height:**

- A. **Horizontal Axis Wind Turbine Rotors:** The distance between the ground and the highest point of the wind turbine generator, plus the length by which the rotor wind vanes or blades mounted on a horizontal axis wind turbine rotor exceeds the height of the wind turbine generator.
- B. **Vertical Axis Wind Turbine:** The distance between the ground and the highest point of the wind turbine generator including the top of the blade in its vertical position.

**Yards:** The open space on the same lot with a main building or main use, unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance and as defined herein:

1. **Front Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building.
2. **Rear Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building. In the case of a corner lot the rear yard may be opposite either street frontage.
3. **Side Yard:** An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point to the side lot line to the nearest point of the main building.

**Zoning Administrator:** The person retained by Wilson Township to administer and enforce this Zoning Ordinance. †



**Zoning Appeal**: An entreaty or demand for a hearing and/or review of facts and/or actions by the Zoning Board of Appeals. †

**Zoning Board of Appeals**: As used in this Ordinance, the term "Board of Appeals" or "ZBA" means the Zoning Board of Appeals. †

**Zoning District**: A portion of Wilson Township within which certain regulations and requirements, or various combinations thereof, apply under the provisions of this Ordinance. †

**Zoning Permit**: A standard form issued by the Zoning Administrator upon application and declaration by the owner or his duly authorized agent regarding proposed construction and use of land, building and structures thereon granting approval for the construction or use applied for.  
†

## ARTICLE 3 - ZONING DISTRICTS AND MAP

### SECTION 300. DISTRICTS

For the purpose of this Ordinance, the Township of Wilson is hereby divided into the following districts:

R-1	One-Family Residential
R-2	Agricultural
R-3	General Residential
RR	Recreation Residential
CR	Conservation and Resources
FF	Farm and Forest
B-1	Local and Tourist Business
B-2	General Business
B-3	Business-Light Manufacturing
I	Industrial
A	Airport

### SECTION 301. BOUNDARIES

The boundaries of those districts are hereby established as shown on the Wilson Township Zoning Map, which accompanies this Ordinance and which map with all notations, reference, and other information shown thereon shall be as much a part of this Ordinance as if fully described herein. If there are any questions as to the interpretation of District Boundaries, the Board of Appeals shall determine same.

Where uncertainty exists as to the exact district boundaries, the following shall prevail:

1. Where boundary lines are indicated as approximately following streets, alleys or highways, the center lines of said streets, alleys or highways shall be considered to be exact boundary lines.
2. Boundaries indicated as approximately following lot lines shall be considered to follow said lot lines.
3. Boundaries indicated as following section lines shall be considered to follow the section line.
4. Boundaries indicated as following the shorelines of lakes shall be considered as following such shoreline. In the case of streams, such boundaries shall be considered to follow the center line of the stream. Where shorelines of lakes have changed, the boundary line shall be construed as following the contour of the new shoreline and in the case of changes in the course of a stream, the boundary shall be considered as the center line of the new course.
5. Where the application of the aforementioned rules leave a reasonable doubt as to the exact location of a district boundary, the provisions of the more restrictive district shall govern the entire parcel in question, unless determined otherwise by the Zoning Board

of Appeals.

### **SECTION 302. ZONING OF VACATED AREAS**

Whenever any street, alley, highway or public right-of-way within the Township shall have been abandoned by official government action and when such right-of-way lands attach to and become part of the land adjoining said right-of-way, such right-of-way property shall automatically acquire and be subject to the provisions of the Zoning District of the abutting property. In the case of an abandoned right-of-way which also serves as a district boundary, the center line of such abandoned right-of-way shall remain the boundary line and the lands on either side of said center line shall become attached to their respective adjoining properties.

### **SECTION 303. ZONING OF FILL AREAS**

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

### **SECTION 304. EFFECT OF ZONING DISTRICT CHANGES**

When district boundaries change, any non-conforming use may be continued subject to all other applicable provisions of this Ordinance.

### **SECTION 305. DISTRICT REQUIREMENTS**

All buildings and uses in any district shall be subject to the provisions of General Provisions and General Exceptions.

### **SECTION 306. AREA AND BULK REQUIREMENTS FOR ALL DISTRICTS**

For each District in this Ordinance, see also ARTICLE 14 - SCHEDULE OF REGULATIONS, limiting the height and bulk of buildings, the minimum size of lot permitted, the maximum density permitted and minimum yard requirements (setbacks).

### **SECTION 307. ACCESSORY USES ASSUMED**

For each District established in this Ordinance, it shall be assumed that customary accessory buildings and uses which are incidental to Principal Uses or Special Land Uses, are permissible as part of the main use.

## ARTICLE 4 - R-1 ONE-FAMILY RESIDENTIAL DISTRICT

### PREAMBLE

This residence district is designed to provide for one-family dwelling sites and residentially related uses. The uses permitted by right and on special approval are intended to promote a compatible arrangement of land uses for homes, keeping neighborhoods relatively quiet and free of unrelated traffic influences.

### SECTION 400: USES PERMITTED BY RIGHT & SPECIAL LAND USES<sup>†</sup>

Permitted uses in the R-1 District shall be limited to the uses denoted by an “R” and Special Land Uses shall be limited to the uses denoted by an “S” in Section 1502: Table of Uses Permitted by Right and Special Land Uses and in the tables below.

Designated Special Land Uses shall be permitted under such conditions as the Planning Commission, after hearing in accord with Section 1604, may establish and as herein imposed for each use and subject further to the review standards of Section 1604.

R = Permitted by right    S = Special Land Use † Uses with Supplemental Regulations * Indicates access shall be on a major thoroughfare	R1
<b>ACCOMODATION AND FOOD SERVICES</b>	
<i>Bed &amp; Breakfasts</i>	S <sup>†</sup>
<b>ARTS, ENTERTAINMENT, AND RECREATION</b>	
<i>Docks, Launch Ramps, &amp; Accessory Facilities (provided they are located at least 50' from a residential use).</i>	S
<i>Golf Courses and Country Clubs*</i>	S
<i>Recreation Areas (private, nonprofit)</i>	S
<i>Parks and Playgrounds (public)</i>	R
<b>COMMERCIAL/BUSINESS/SERVICE</b>	
<i>Cemeteries</i>	S
<i>Commercial Use in a Residential District (Neighborhood Business)</i>	S <sup>†</sup>
<b>COMMUNICATIONS/ ENERGY/UTILITIES</b>	
<i>Amateur Radio Antennae</i>	R <sup>†</sup>
<i>Gas &amp; Oil Processing Facilities (section 1626)</i>	S <sup>†</sup>
<i>Public utility facilities (without storage yards)</i>	S
<i>Wind Energy Systems over 100' (Small On-Site)</i>	S <sup>†</sup>
<i>Wind Energy Systems up to 100' (Small On-Site)</i>	S <sup>†</sup>

R = Permitted by right    S = Special Land Use † Uses with Supplemental Regulations * Indicates access shall be on a major thoroughfare	R1
<b>EDUCATIONAL SERVICES/RELIGION</b>	
<i>Private instructional facilities*</i>	S
<i>Public or private schools*</i>	S
<i>Public or private colleges*</i>	S
<i>Religious Institutions*</i>	S
<b>HUMAN CARE &amp; SOCIAL ASSISTANCE</b>	
<i>Child Care Services (see following)</i>	
<i>Family Child Care Home (6 or less)</i>	R
<i>Group Child Care Home (7 -12)</i>	S <sup>†</sup>
<i>Child Care Center or Day Care Center/Nursery School</i>	S <sup>†</sup>
<i>State-Licensed Residential Facilities (Adult Foster Care - 6 or less adults)</i>	R
<b>PUBLIC/GOVERNMENTAL FACILITIES</b>	
<i>Public Parks, Playgrounds, and Recreation Areas</i>	R
<b>RESIDENTIAL USES</b>	
<i>Cottage Industries</i>	S <sup>†</sup>
<i>Home Occupations</i>	R <sup>†</sup>
<i>One-Family Dwelling (year round &amp; seasonal)</i>	R
<i>Planned Unit Development</i>	S <sup>†</sup>
<i>Secondary Dwelling Units</i>	S <sup>†</sup>

## ARTICLE 5 - R-2 AGRICULTURAL DISTRICT

### PREAMBLE

The R-2 District is designed to serve farm and agricultural uses in areas which are rural and farm in character.

### SECTION 500: USES PERMITTED BY RIGHT AND SPECIAL LAND USES<sup>†</sup>

Permitted uses in the R-2 District shall be limited to the uses denoted by an “R” and Special Land Uses shall be limited to the uses denoted by an “S” in Section 1502: Table of Uses Permitted by Right and Special Land Uses and in the tables below.

Designated Special Land Uses shall be permitted under such conditions as the Planning Commission, after hearing in accord with Section 1604, may establish and as herein imposed for each use and subject further to the review standards of Section 1604.

R = Permitted by right    S = Special Land Use <sup>†</sup> Uses with Supplemental Regulations *Indicates access shall be on a major thoroughfare	<b>R2</b>
<b>AGRICULTURE, FORESTRY, FISHING, HUNTING</b>	
<i>Agricultural business related to the sale of field crops, forest products, and livestock raised or cultivated on the property</i>	<b>R</b>
<i>Agricultural Equipment Dealers</i>	<b>S</b>
<i>Agricultural products processing, and storage</i>	<b>S</b>
<i>Animal Shelter, Kennels, Veterinary Clinics</i>	<b>S<sup>†</sup></b>
<i>Bulk seed, feed, fertilizer and nursery stock outlet and distribution centers</i>	<b>S</b>
<i>Cider mills</i>	<b>R</b>
<i>Farms and agricultural operations</i>	<b>R</b>
<i>Farm Markets (including Roadside Stands)</i>	<b>R</b>
<i>Feedlots (large-scale commercial)</i>	<b>S</b>
<i>Forest products processing including sawmills, planing mills, veneer mills and related operations</i>	<b>R<sup>†</sup></b>
<i>Forestry/forest management (including timber harvesting)</i>	<b>R</b>
<i>Game preserves (where game is hunted)</i>	<b>S</b>
<i>Greenhouse, nursery, landscaping and floriculture</i>	<b>R</b>
<i>Lumber yards</i>	<b>S</b>

R = Permitted by right    S = Special Land Use <sup>†</sup> Uses with Supplemental Regulations *Indicates access shall be on a major thoroughfare	<b>R2</b>
<i>Riding arenas or boarding stables</i>	<b>R<sup>†</sup></b>
<i>Seasonal “U-Pick” fruits and vegetables operations</i>	<b>R</b>
<i>Ancillary uses related to agricultural tourism (see following):</i>	
<i>    Bakeries selling goods grown primarily on-site</i>	<b>R</b>
<i>    Educational tours, classes, lectures, and seminars</i>	<b>R</b>
<i>    Family-oriented animated barns (haunted houses)</i>	<b>R</b>
<i>    Gift shops for agriculturally-related products, crafts</i>	<b>R</b>
<i>    Historical agricultural exhibits</i>	<b>R</b>
<i>    Organized meeting space (weddings, birthdays, corporate picnics)</i>	<b>S</b>
<i>    Petting farms, animal display, and pony rides</i>	<b>R</b>
<i>    Picnic areas (including rest rooms)</i>	<b>R</b>
<i>    Playgrounds, wagon/sleigh rides, nature trails</i>	<b>R</b>
<i>    Restaurants related to the agricultural use of the site</i>	<b>S</b>
<i>    Seasonal Outdoor Mazes of agricultural origin</i>	<b>R</b>
<i>    Small-scale entertainment (concert, car show, art fair)</i>	<b>S</b>

<b>R = Permitted by right S = Special Land Use</b> † Uses with Supplemental Regulations * Indicates access shall be on a major thoroughfare	<b>R2</b>
<b>ACCOMODATION AND FOOD SERVICES</b>	
<i>Bed &amp; Breakfasts</i>	<b>S</b> <sup>†</sup>
<i>Resorts</i>	<b>S</b> <sup>†</sup>
<i>Rooming &amp; Boarding Houses</i>	<b>S</b> <sup>†</sup>
<i>Wineries, distilleries &amp; breweries</i>	<b>S</b>
<b>ARTS, ENTERTAINMENT, AND RECREATION</b>	
<i>Campgrounds and RV Parks</i>	<b>S</b>
<i>Docks, Launch Ramps, &amp; Accessory Facilities (provided they are located at least 50' from a residential use).</i>	<b>S</b>
<i>Golf Courses and Country Clubs*</i>	<b>S</b>
<i>Historical restoration/ renovation facilities including historic communities, archeological excavations, and displays of historical artifacts related to the premises</i>	<b>R</b>
<i>Recreation Areas (private, nonprofit)</i>	<b>S</b>
<i>Recreation Clubs/Camps; Lodges (private for profit)</i>	<b>R</b> <sup>†</sup>
<i>Parks and Playgrounds (public)</i>	<b>R</b>
<i>Sportsmen's Clubs*</i>	<b>R</b>
<i>Wildlife and Nature Preserves</i>	<b>R</b>
<b>COMMERCIAL/BUSINESS/SERVICE</b>	
<i>Cemeteries</i>	<b>S</b>
<i>Commercial Use in a Residential District (Neighborhood Business)</i>	<b>S</b> <sup>†</sup>
<i>Pet Care (except Veterinary and Animal Shelters)</i>	<b>R</b>
<b>COMMUNICATIONS/ ENERGY/UTILITIES</b>	
<i>Amateur Radio Antennae</i>	<b>R</b> <sup>†</sup>
<i>Gas &amp; Oil Processing Facilities (section 1626)</i>	<b>S</b> <sup>†</sup>
<i>Electrical Transformer Stations &amp; Substations</i>	<b>R</b>
<i>Public utility facilities (without storage yards)</i>	<b>S</b>
<i>Telecommunications Towers &amp; Facilities &amp; Alternative</i>	<b>S</b> <sup>†</sup>
<i>Wind Energy Facilities and Anemometer Towers</i>	<b>S</b> <sup>†</sup>
<i>Wind Energy Systems over 100' (Small On-Site)</i>	<b>S</b> <sup>†</sup>
<i>Wind Energy Systems up to 100' (Small On-Site)</i>	<b>R</b> <sup>†</sup>

<b>R = Permitted by right S = Special Land Use</b> † Uses with Supplemental Regulations * Indicates access shall be on a major thoroughfare	<b>R2</b>
<b>EDUCATIONAL SERVICES/RELIGION</b>	
<i>Private instructional facilities*</i>	<b>S</b>
<i>Public or private schools*</i>	<b>S</b>
<i>Public or private colleges*</i>	<b>S</b>
<i>Religious Institutions*</i>	<b>R</b>
<b>HUMAN CARE &amp; SOCIAL ASSISTANCE</b>	
<i>Child Care Services (see following)</i>	
<i>Family Child Care Home (6 or less)</i>	<b>R</b>
<i>Group Child Care Home (7 -12)</i>	<b>S</b> <sup>†</sup>
<i>Child Care Center or Day Care Center/Nursery School</i>	<b>S</b> <sup>†</sup>
<i>State-Licensed Residential Facilities (Adult Foster Care - 6 or less adults)</i>	<b>R</b>
<b>MINING</b>	
<i>Mines, quarries, and gravel pits</i>	<b>S</b> <sup>†</sup>
<b>PUBLIC/GOVERNMENTAL FACILITIES</b>	
<i>Community Centers*</i>	<b>R</b>
<i>General Government Administration Facilities*</i>	<b>R</b>
<i>Police/Fire Stations*</i>	<b>R</b>
<i>Public Parks, Playgrounds, and Recreation Areas</i>	<b>R</b>
<b>RESIDENTIAL USES</b>	
<i>Cottage Industries</i>	<b>S</b> <sup>†</sup>
<i>Home Occupations</i>	<b>R</b> <sup>†</sup>
<i>One-Family Dwelling (year round &amp; seasonal)</i>	<b>R</b>
<i>Planned Unit Development</i>	<b>S</b> <sup>†</sup>
<i>Secondary Dwelling Units</i>	<b>S</b> <sup>†</sup>

## ARTICLE 6 - R-3 GENERAL RESIDENTIAL DISTRICT

### PREAMBLE

The R-3 General Residential District is designed to provide for multiple-family structures which may be necessary to meet the needs of apartment dwellers. This District is further intended to be a transition use district.

### SECTION 600: USES PERMITTED BY RIGHT AND SPECIAL LAND USES<sup>†</sup>

Permitted uses in the R-3 District shall be limited to the uses denoted by an “R” and Special Land Uses shall be limited to the uses denoted by an “S” in Section 1502: Table of Uses Permitted by Right and Special Land Uses and in the tables below.

Designated Special Land Uses shall be permitted under such conditions as the Planning Commission, after hearing in accord with Section 1604, may establish and as herein imposed for each use and subject further to the review standards of Section 1604.

R = Permitted by right    S = Special Land Use † Uses with Supplemental Regulations * Indicates access shall be on a major thoroughfare	R3
<b>ACCOMODATION AND FOOD SERVICES</b>	
<i>Bed &amp; Breakfasts</i>	S <sup>†</sup>
<i>Resorts</i>	S <sup>†</sup>
<i>Rooming &amp; Boarding Houses</i>	S <sup>†</sup>
<b>ARTS, ENTERTAINMENT, AND RECREATION</b>	
<i>Docks, Launch Ramps, &amp; Accessory Facilities (provided they are located at least 50' from a residential use).</i>	S
<i>Golf Courses and Country Clubs*</i>	S
<i>Recreation Areas (private, nonprofit)</i>	S
<i>Parks and Playgrounds (public)</i>	R
<b>COMMERCIAL/BUSINESS/SERVICE</b>	
<i>Cemeteries</i>	S
<i>Commercial Use in a Residential District (Neighborhood Business)</i>	S <sup>†</sup>
<i>Personal Services* (barber/beauty shops, tailoring, massage)*</i>	S
<i>Professional Offices*</i>	S
<b>COMMUNICATIONS/ ENERGY/UTILITIES</b>	
<i>Amateur Radio Antennae</i>	R <sup>†</sup>
<i>Gas &amp; Oil Processing Facilities (section 1626)</i>	S <sup>†</sup>
<i>Public utility facilities (without storage yards)</i>	S
<i>Wind Energy Systems over 100' (Small On-Site)</i>	S <sup>†</sup>
<i>Wind Energy Systems up to 100' (Small On-Site)</i>	R <sup>†</sup>

R = Permitted by right    S = Special Land Use † Uses with Supplemental Regulations * Indicates access shall be on a major thoroughfare	R3
<b>EDUCATIONAL SERVICES/RELIGION</b>	
<i>Private instructional facilities*</i>	S
<i>Public or private schools*</i>	S
<i>Public or private colleges*</i>	S
<i>Religious Institutions*</i>	S
<b>HUMAN CARE &amp; SOCIAL ASSISTANCE</b>	
<i>Family Child Care Home (6 or less)</i>	R
<i>Group Child Care Home (7 -12)</i>	S <sup>†</sup>
<i>Child Care Center or Day Care Center/Nursery School</i>	S <sup>†</sup>
<i>Health Care Clinics/Dental Clinics*</i>	S
<i>State-Licensed Residential Facilities (Adult Foster Care - 6 or less adults)</i>	R
<i>Nursing/Convalescent Home/Assisted Living Home</i>	S <sup>†</sup>
<i>Other Residential Care Facilities (Homeless shelter, substance abuse, correctional)</i>	S
<b>PUBLIC/GOVERNMENTAL FACILITIES</b>	
<i>Public Parks, Playgrounds, and Recreation Areas</i>	R
<b>RESIDENTIAL USES</b>	
<i>Cottage Industries</i>	S <sup>†</sup>
<i>Home Occupations</i>	R <sup>†</sup>
<i>Manufactured Housing Community</i>	S
<i>Multiple-Family Dwelling</i>	R
<i>One-Family Dwelling (year round &amp; seasonal)</i>	R
<i>Planned Unit Development</i>	S <sup>†</sup>
<i>Secondary Dwelling Units</i>	S <sup>†</sup>
<i>Two-Family Dwelling</i>	R

## ARTICLE 7 - RR-RECREATION RESIDENTIAL DISTRICT

### PREAMBLE

The Recreation Residential District is designed to accommodate cottage and seasonal home developments. It is intended that the seasonal home areas be reasonably homogeneous by discouraging the mixing of recreation home areas with commercial resorts, business services, and major institutional or community services.

### SECTION 700: USES PERMITTED BY RIGHT AND SPECIAL LAND USES<sup>†</sup>

Permitted uses in the RR District shall be limited to the uses denoted by an "R" and Special Land Uses shall be limited to the uses denoted by an "S" in Section 1502: Table of Uses Permitted by Right and Special Land Uses and in the tables below.

Designated Special Land Uses shall be permitted under such conditions as the Planning Commission, after hearing in accord with Section 1604, may establish and as herein imposed for each use and subject further to the review standards of Section 1604.

R = Permitted by right    S = Special Land Use † Uses with Supplemental Regulations *Indicates access shall be on a major thoroughfare	RR
<b>ACCOMODATION AND FOOD SERVICES</b>	
<i>Bed &amp; Breakfasts</i>	S <sup>†</sup>
<i>Resorts</i>	S <sup>†</sup>
<b>ARTS, ENTERTAINMENT, AND RECREATION</b>	
<i>Docks, Launch Ramps, &amp; Accessory Facilities (provided they are at least 50' from residential use).</i>	S
<i>Golf Courses and Country Clubs*</i>	S
<i>Historical restoration/ renovation facilities including historic communities, archeological excavations, and displays of historical artifacts related to the premises</i>	R
<i>Recreation Areas (private, nonprofit)</i>	S
<i>Recreation Clubs/Camps; Lodges (private for profit)</i>	S <sup>†</sup>
<i>Parks and Playgrounds (public)</i>	R
<i>Wildlife and Nature Preserves</i>	R
<b>COMMERCIAL/BUSINESS/SERVICE</b>	
<i>Commercial Use in a Residential District (Neighborhood Business)</i>	S <sup>†</sup>
<b>COMMUNICATIONS/ ENERGY/UTILITIES</b>	
<i>Amateur Radio Antennae</i>	R <sup>†</sup>
<i>Gas &amp; Oil Processing Facilities (section 1626)</i>	S <sup>†</sup>
<i>Public utility facilities (without storage yards)</i>	S
<i>Wind Energy Systems over 100' (Small On-Site)</i>	S <sup>†</sup>
<i>Wind Energy Systems up to 100' (Small On-Site)</i>	R <sup>†</sup>
<b>HUMAN CARE &amp; SOCIAL ASSISTANCE</b>	
<i>Family Child Care Home (6 or less)</i>	R
<i>Group Child Care Home (7 -12)</i>	S <sup>†</sup>
<i>State-Licensed Residential Facilities (Adult Foster Care - 6 or less adults)</i>	R

R = Permitted by right    S = Special Land Use † Uses with Supplemental Regulations *Indicates access shall be on a major thoroughfare	RR
<b>AGRICULTURE, FORESTRY, FISHING, HUNTING</b>	
<i>Farms and agricultural operations</i>	R
<i>Farm Markets (including Roadside Stands)</i>	R
<i>Riding arenas or boarding stables</i>	S <sup>†</sup>
<i>Seasonal "U-Pick" fruits and vegetables operations</i>	R
<i>Ancillary uses related to agricultural tourism (see following):</i>	
<i>    Bakeries selling goods grown primarily on-site</i>	R
<i>    Educational tours, classes, lectures, and seminars</i>	R
<i>    Gift shops for agriculturally-related products, crafts</i>	R
<i>    Historical agricultural exhibits</i>	R
<i>    Petting farms, animal display, and pony rides</i>	R
<i>    Picnic areas (including rest rooms)</i>	R
<i>    Playgrounds, wagon/sleigh rides, nature trails</i>	R
<i>    Restaurants related to the agricultural use of the site</i>	S
<i>    Seasonal Outdoor Mazes of agricultural origin</i>	R
<i>    Small-scale entertainment (concert, car show, art fair)</i>	S
<b>PUBLIC/GOVERNMENTAL FACILITIES</b>	
<i>Public Parks, Playgrounds, and Recreation Areas</i>	R
<b>RESIDENTIAL USES</b>	
<i>Cottage Industries</i>	S <sup>†</sup>
<i>Home Occupations</i>	R <sup>†</sup>
<i>One-Family Dwelling (year round &amp; seasonal)</i>	R
<i>Planned Unit Development</i>	S <sup>†</sup>
<i>Secondary Dwelling Units</i>	S <sup>†</sup>



## **ARTICLE 8 - CR CONSERVATION AND RESOURCES DISTRICT**

### **PREAMBLE**

Because there exists in the Township, certain natural and scenic resources that should be protected and conserved to promote environmental quality and community character, this CR District is intended to apply to stream and river corridors, lake shores, impoundment waters, and/or scenic highways, as deemed appropriate.

### **SECTION 800. CR DISTRICT BOUNDARIES**

Unless otherwise illustrated on the Zoning Map, the CR District boundaries shall be deemed to extend landward radially or at right angles from the ordinary high water line of rivers, streams, lakes, or impoundment waters appearing on the Zoning Map, to a depth of four hundred (400) feet and to a depth of four hundred (400) feet from the right-of-way line of any scenic highway or scenic trail, path or road as designated on the Zoning Map. The Zoning Administrator may interpret the exact boundary to be four hundred (400) feet in depth, or the property line, section line, survey line, or natural boundary, whichever is most logical in a specific case.

### **SECTION 801. REQUIRED CONDITIONS**

Every use in the CR Districts shall establish and maintain a seventy (70) foot wide natural yard area on the water side, or fifty (50) feet on the roadside if a scenic highway. Said yard or strip shall be maintained in its natural tree and shrub condition. Trees and shrubs may be trimmed and/or pruned through the greenbelt for a view of the fronting waters and for access to a boat dock and/or a driveway entrance.

Nothing in these requirements shall be interpreted to prohibit selective tree cutting in the native strip space to remove dangerous trees (windthrow hazard) or other trees and shrubs that may prevent the native strip area from being retained in a healthful growth condition. Similar cutting shall be permissible where necessary for traffic safety reasons (air, rail or highway).

All excavating, filling, grading or other on-site construction activity shall insure that no silting will impact adjacent waters and that all banks, slopes, and hillsides are stabilized to prevent soil erosion.

Nothing in these requirements shall be interpreted to require the planting of shrubs or trees on agricultural lands or other parcels where a natural tree stand does not exist or cannot be grown.

### **SECTION 802: USES PERMITTED BY RIGHT AND SPECIAL LAND USES<sup>†</sup>**

Permitted uses in the CR District shall be limited to the uses denoted by an "R" and Special Land Uses shall be limited to the uses denoted by an "S" in Section 1502: Table of Uses Permitted by Right and Special Land Uses and in the following tables.

Designated Special Land Uses shall be permitted under such conditions as the Planning Commission, after hearing in accord with Section 1604, may establish and as herein imposed for each use and subject further to the review standards of Section 1604.

R = Permitted by right S = Special Land Use	<b>CR</b>
<sup>†</sup> Uses with Supplemental Regulations	
*Indicates access shall be on a major thoroughfare	
<b>ACCOMODATION AND FOOD SERVICES</b>	
Bed & Breakfasts	<b>S<sup>†</sup></b>
Resorts	<b>S<sup>†</sup></b>
<b>ARTS, ENTERTAINMENT, AND RECREATION</b>	
Docks, Launch Ramps, & Accessory Facilities (provided they are located at least 50' from a residential use).	<b>S</b>
Golf Courses and Country Clubs*	<b>S</b>
Historical restoration/ renovation facilities including historic communities, archeological excavations, and displays of historical artifacts related to the premises	<b>R</b>
Recreation Areas (private, nonprofit)	<b>S</b>
Recreation Clubs/Camps; Lodges (private for profit)	<b>S<sup>†</sup></b>
Parks and Playgrounds (public)	<b>R</b>
Wildlife and Nature Preserves	<b>R</b>
<b>COMMERCIAL/BUSINESS/SERVICE</b>	
Commercial Use in a Residential District (Neighborhood Business)	<b>S<sup>†</sup></b>
<b>COMMUNICATIONS/ ENERGY/UTILITIES</b>	
Amateur Radio Antennae	<b>R<sup>†</sup></b>
Gas & Oil Processing Facilities (section 1626)	<b>S<sup>†</sup></b>
Public utility facilities (without storage yards)	<b>S</b>
Wind Energy Systems over 100' (Small On-Site)	<b>S<sup>†</sup></b>
Wind Energy Systems up to 100' (Small On-Site)	<b>R<sup>†</sup></b>
<b>HUMAN CARE &amp; SOCIAL ASSISTANCE</b>	
Family Child Care Home (6 or less)	<b>R</b>
Group Child Care Home (7 -12)	<b>S<sup>†</sup></b>
State-Licensed Residential Facilities (Adult Foster Care - 6 or less adults)	<b>R</b>

R = Permitted by right S = Special Land Use	<b>CR</b>
<sup>†</sup> Uses with Supplemental Regulations	
*Indicates access shall be on a major thoroughfare	
<b>AGRICULTURE, FORESTRY, FISHING, HUNTING</b>	
Farms and agricultural operations	<b>R</b>
Farm Markets (including Roadside Stands)	<b>R</b>
Riding arenas or boarding stables	<b>S<sup>†</sup></b>
Seasonal "U-Pick" fruits and vegetables operations	<b>R</b>
Ancillary uses related to agricultural tourism (see following):	
Bakeries selling goods grown primarily on-site	<b>R</b>
Educational tours, classes, lectures, and seminars	<b>R</b>
Gift shops for agriculturally-related products, crafts	<b>R</b>
Historical agricultural exhibits	<b>R</b>
Petting farms, animal display, and pony rides	<b>R</b>
Picnic areas (including rest rooms)	<b>R</b>
Playgrounds, wagon/sleigh rides, nature trails	<b>R</b>
Restaurants related to the agricultural use of the site	<b>S</b>
Seasonal Outdoor Mazes of agricultural origin	<b>R</b>
Small-scale entertainment (concert, car show, art fair)	<b>S</b>
<b>PUBLIC/GOVERNMENTAL FACILITIES</b>	
Public Parks, Playgrounds, and Recreation Areas	<b>R</b>
<b>RESIDENTIAL USES</b>	
Cottage Industries	<b>S<sup>†</sup></b>
Home Occupations	<b>R<sup>†</sup></b>
One-Family Dwelling (year round & seasonal)	<b>R</b>
Planned Unit Development	<b>S<sup>†</sup></b>
Secondary Dwelling Units	<b>S<sup>†</sup></b>

## ARTICLE 9 - FF FARM AND FOREST DISTRICTS

### PREAMBLE

The FF-Farm and Forest District is designed to promote the use of wooded and rural areas in a manner that will retain the basic attractiveness of natural resources, and provide enjoyment for both visitors, and the community at large. The intent of the District is to hold rural areas for resource purposes, and to allow some multiple uses of marginal farm-forest lands.

### SECTION 900: USES PERMITTED BY RIGHT AND SPECIAL LAND USES<sup>†</sup>

Permitted uses in the FF District shall be limited to the uses denoted by an “R” and Special Land Uses shall be limited to the uses denoted by an “S” in Section 1502: Table of Uses Permitted by Right and Special Land Uses and in the following tables.

Designated Special Land Uses shall be permitted under such conditions as the Planning Commission, after hearing in accord with Section 1604, may establish and as herein imposed for each use and subject further to the review standards of Section 1604.

R = Permitted by right    S = Special Land Use † Uses with Supplemental Regulations *Indicates access shall be on a major thoroughfare	<b>FF</b>
<b>AGRICULTURE, FORESTRY, FISHING, HUNTING</b>	
<i>Agricultural business related to sale of field crops, forest products, &amp; livestock raised or cultivated on the property</i>	<b>R</b>
<i>Agricultural Equipment Dealers</i>	<b>S</b>
<i>Agricultural products processing, and storage</i>	<b>S</b>
<i>Animal Shelter, Kennels, Veterinary Clinics</i>	<b>S<sup>†</sup></b>
<i>Bulk seed, feed, fertilizer and nursery stock outlet and distribution centers</i>	<b>S</b>
<i>Cider mills</i>	<b>R</b>
<i>Farms and agricultural operations</i>	<b>R</b>
<i>Farm Markets (including Roadside Stands)</i>	<b>R</b>
<i>Feedlots (large-scale commercial)</i>	<b>S</b>
<i>Forest products processing including sawmills, planing mills, veneer mills and related operations</i>	<b>S<sup>†</sup></b>
<i>Forestry/forest management (including timber harvesting)</i>	<b>R</b>

<i>Game preserves (where game is hunted)</i>	<b>S</b>
<i>Greenhouse, nursery, landscaping and floriculture</i>	<b>R</b>
<i>Lumber yards</i>	<b>S</b>
<i>Riding arenas or boarding stables</i>	<b>R<sup>†</sup></b>
<i>Seasonal “U-Pick” fruits and vegetables operations</i>	<b>R</b>
<i>Ancillary uses related to agricultural tourism (see following):</i>	
<i>    Bakeries selling goods grown primarily on-site</i>	<b>R</b>
<i>    Educational tours, classes, lectures, and seminars</i>	<b>R</b>
<i>    Family-oriented animated barns (haunted houses)</i>	<b>R</b>
<i>    Gift shops for agriculturally-related products, crafts</i>	<b>R</b>
<i>    Historical agricultural exhibits</i>	<b>R</b>
<i>    Organized meeting space (weddings, birthdays, corporate picnics)</i>	<b>S</b>
<i>    Petting farms, animal display, and pony rides</i>	<b>R</b>
<i>    Picnic areas (including rest rooms)</i>	<b>R</b>
<i>    Playgrounds, wagon/sleigh rides, nature trails</i>	<b>R</b>
<i>    Restaurants related to the agricultural use of the site</i>	<b>S</b>
<i>    Seasonal Outdoor Mazes of agricultural origin</i>	<b>R</b>
<i>    Small-scale entertainment (concert, car show, art fair)</i>	<b>S</b>

<b>R = Permitted by right S = Special Land Use</b>	<b>FF</b>
<b>† Uses with Supplemental Regulations</b>	
<b>* Indicates access shall be on a major thoroughfare</b>	
<b>ACCOMODATION AND FOOD SERVICES</b>	
<i>Bed &amp; Breakfasts</i>	<b>S<sup>†</sup></b>
<i>Hotels &amp; Motels*</i>	<b>S</b>
<i>Resorts</i>	<b>S<sup>†</sup></b>
<i>Rooming &amp; Boarding Houses</i>	<b>S<sup>†</sup></b>
<i>Wineries, distilleries &amp; breweries</i>	<b>S</b>
<b>ARTS, ENTERTAINMENT, AND RECREATION</b>	
<i>Campgrounds and RV Parks</i>	<b>S</b>
<i>Docks, Launch Ramps, &amp; Accessory Facilities (provided they are located at least 50' from a residential use).</i>	<b>S</b>
<i>Golf Courses and Country Clubs*</i>	<b>R</b>
<i>Historical restoration/ renovation facilities including historic communities, archeological excavations, and displays of historical artifacts related to the premises</i>	<b>R</b>
<i>Recreation Areas (private, nonprofit)</i>	<b>S</b>
<i>Recreation Clubs/Camps; Lodges (private for profit)</i>	<b>R<sup>†</sup></b>
<i>Parks and Playgrounds (public)</i>	<b>R</b>
<i>Shooting Range (in a completely enclosed building)</i>	<b>S</b>
<i>Sportsmen's Clubs*</i>	<b>R</b>
<i>Wildlife and Nature Preserves</i>	<b>R</b>
<b>COMMERCIAL/BUSINESS/SERVICE</b>	
<i>Cemeteries</i>	<b>S</b>
<i>Commercial Use in a Residential District (Neighborhood Business)</i>	<b>S<sup>†</sup></b>
<i>Pet Care (except Veterinary and Animal Shelters)</i>	<b>R</b>
<b>COMMUNICATIONS/ ENERGY/UTILITIES</b>	
<i>Amateur Radio Antennae</i>	<b>R<sup>†</sup></b>
<i>Electrical Transformer Stations &amp; Substations</i>	<b>R</b>
<i>Gas &amp; Oil Processing Facilities (section 1626)</i>	<b>S<sup>†</sup></b>
<i>Public utility facilities (without storage yards)</i>	<b>S</b>
<i>Telecommunications Towers &amp; Facilities &amp; Alternative Tower Structures</i>	<b>S<sup>†</sup></b>
<i>Wind Energy Facilities and Anemometer Towers (Commercial)</i>	<b>S<sup>†</sup></b>
<i>Wind Energy Systems over 100' (Small On-Site)</i>	<b>S<sup>†</sup></b>
<i>Wind Energy Systems up to 100' (Small On-Site)</i>	<b>R<sup>†</sup></b>

<b>R = Permitted by right S = Special Land Use</b>	<b>FF</b>
<b>† Uses with Supplemental Regulations</b>	
<b>* Indicates access shall be on a major thoroughfare</b>	
<b>EDUCATIONAL SERVICES/RELIGION</b>	
<i>Private instructional facilities*</i>	<b>R</b>
<i>Public or private schools*</i>	<b>R</b>
<i>Public or private colleges*</i>	<b>R</b>
<i>Religious Institutions*</i>	<b>R</b>
<b>HUMAN CARE &amp; SOCIAL ASSISTANCE</b>	
<i>Child Care Services (see following)</i>	
<i>Family Child Care Home (6 or less)</i>	<b>R</b>
<i>Group Child Care Home (7 -12)</i>	<b>S<sup>†</sup></b>
<i>Child Care Center or Day Care Center/Nursery School</i>	<b>S<sup>†</sup></b>
<i>State-Licensed Residential Facilities (Adult Foster Care - 6 or less adults)</i>	<b>R</b>
<b>MINING/MANUFACTURING</b>	
<i>Mines, quarries, and gravel pits</i>	<b>S<sup>†</sup></b>
<i>Wood Product Mfg</i>	<b>S</b>
<b>PUBLIC/GOVERNMENTAL FACILITIES</b>	
<i>Community Centers*</i>	<b>R</b>
<i>General Government Administration Facilities*</i>	<b>R</b>
<i>Libraries*</i>	<b>R</b>
<i>Police/Fire Stations*</i>	<b>R</b>
<i>Public Parks, Playgrounds, and Recreation Areas</i>	<b>R</b>
<b>RESIDENTIAL USES</b>	
<i>Cottage Industries</i>	<b>S<sup>†</sup></b>
<i>Home Occupations</i>	<b>R<sup>†</sup></b>
<i>One-Family Dwelling (year round &amp; seasonal)</i>	<b>R</b>
<i>Planned Unit Development</i>	<b>S<sup>†</sup></b>
<i>Secondary Dwelling Units</i>	<b>S<sup>†</sup></b>

## ARTICLE 10 - B-1 LOCAL AND TOURIST BUSINESS DISTRICT

### PREAMBLE

The B-1 Local and Tourist Business District establishes a Business District that is more selective than a General Business District. It provides for the establishment of neighborhood shopping areas, personal services, and professional office areas that are compatible with, and of service to, residential uses. Tourist services are included as being in character with the District.

### SECTION 1000: USES PERMITTED BY RIGHT AND SPECIAL LAND USES<sup>†</sup>

Permitted uses in the B-1 District shall be limited to the uses denoted by an “R” and Special Land Uses shall be limited to the uses denoted by an “S” in Section 1502: Table of Uses Permitted by Right and Special Land Uses and in the following tables.

Special Land Uses shall be permitted under such conditions as the Planning Commission, after hearing in accord with Section 1604, may establish and as herein imposed for each use and subject further to the review standards of Section 1604.

R = Permitted by right    S = Special Land Use † Supplemental Regulations *Indicates access shall be on a major thoroughfare	<b>B1</b>
<b>ACCOMODATION AND FOOD SERVICES</b>	
<i>Bakeries (goods produced and sold on-site)</i>	<b>R</b>
<i>Coffee Shops</i>	<b>R</b>
<i>Drinking Establishments</i>	<b>R</b>
<i>Hotels &amp; Motels*</i>	<b>R</b>
<i>Resorts</i>	<b>S<sup>†</sup></b>
<i>Restaurants without Drive-Through</i>	<b>R</b>
<b>ARTS, ENTERTAINMENT, AND RECREATION</b>	
<i>Docks, Launch Ramps, &amp; Accessory Facilities (provided they are located at least 50' from a residential use).</i>	<b>S</b>
<i>Fitness &amp; Recreational Sports Centers*</i>	<b>R</b>
<i>Museums &amp; Art Galleries/Studios</i>	<b>R</b>
<i>Recreation Areas (private, nonprofit)</i>	<b>R</b>
<i>Performing Arts Companies</i>	<b>R</b>
<b>COMMERCIAL/BUSINESS/SERVICE</b>	
<i>Automobile Service Stations (ex: gas station)</i>	<b>S<sup>†</sup></b>
<i>Dry Cleaning &amp; Laundry Services</i>	<b>R</b>
<i>Financial Institutions</i>	<b>R</b>
<i>Interior Designers/Showrooms</i>	<b>R</b>
<i>Personal &amp; Household Goods Repair &amp; Maintenance</i>	<b>R</b>
<i>Personal Services* (barber/beauty shops, tailoring,)*</i>	<b>R</b>
<i>Pet Care (except Veterinary and Animal Shelters)</i>	<b>R</b>
<i>Photofinishing/Photographers</i>	<b>R</b>
<i>Professional Offices*</i>	<b>R</b>

R = Permitted by right    S = Special Land Use † Supplemental Regulations *Indicates access shall be on a major thoroughfare	<b>B1</b>
<b>COMMUNICATIONS/ ENERGY/UTILITIES</b>	
<i>Amateur Radio Antennae</i>	<b>R<sup>†</sup></b>
<i>Gas &amp; Oil Processing Facilities (section 1626)</i>	<b>S<sup>†</sup></b>
<i>Public utility facilities (without storage yards)</i>	<b>R</b>
<i>Wind Energy Systems over 100' (Small On-Site)</i>	<b>S<sup>†</sup></b>
<i>Wind Energy Systems up to 100' (Small On-Site)</i>	<b>R<sup>†</sup></b>
<b>EDUCATIONAL SERVICES/RELIGION</b>	
<i>Private instructional facilities*</i>	<b>R</b>
<i>Public or private schools*</i>	<b>R</b>
<i>Public or private colleges*</i>	<b>R</b>
<i>Religious Institutions*</i>	<b>R</b>
<b>HUMAN CARE &amp; SOCIAL ASSISTANCE</b>	
<i>Child Care Center or Day Care Center/Nursery School</i>	<b>R<sup>†</sup></b>
<i>Health Care Clinics/Dental Clinics*</i>	<b>R</b>
<i>State-Licensed Residential Care Facility providing care to 7 or more persons (multiple facilities on one parcel)</i>	<b>S</b>
<i>Nursing/Convalescent Home/Assisted Living Home</i>	<b>S<sup>†</sup></b>
<b>PUBLIC/GOVERNMENTAL FACILITIES</b>	
<i>Community Centers*</i>	<b>R</b>
<i>General Government Administration Facilities*</i>	<b>R</b>
<i>Libraries*</i>	<b>R</b>
<i>Police/Fire Stations*</i>	<b>R</b>
<i>Public Parks, Playgrounds, and Recreation Areas</i>	<b>R</b>

<b>R</b> = Permitted by right <b>S</b> = Special Land Use † Supplemental Regulations *Indicates access shall be on a major thoroughfare	<b>B1</b>
<b>RESIDENTIAL USES</b>	
<i>Cottage Industries</i>	<b>S</b> <sup>†</sup>
<i>Dwelling Units in Support of Commercial Establishment*</i>	<b>R</b>
<i>Home Occupations</i>	<b>R</b> <sup>†</sup>
<i>Planned Unit Development</i>	<b>S</b> <sup>†</sup>
<b>RETAIL TRADE</b>	
<i>Bicycle Shops</i>	<b>R</b>
<i>Clothing &amp; Clothing Accessories Stores</i>	<b>R</b>
<i>Convenience Stores</i>	<b>R</b>
<i>Florists</i>	<b>R</b>
<i>Food &amp; Beverage Stores</i>	<b>R</b>
<i>Furniture &amp; Home Furnishings Stores</i>	<b>R</b>
<i>General Merchandise Stores</i>	<b>R</b>
<i>Hardware Stores</i>	<b>R</b>
<i>Health &amp; Personal Care Stores</i>	<b>R</b>
<i>Movie Rental Stores</i>	<b>R</b>
<i>Office Supply Stores</i>	<b>R</b>
<i>Outdoor sales facilities (open air sales)</i>	<b>R</b>
<i>Pet Stores</i>	<b>R</b>
<i>Pharmacies/Medical &amp; Optical Supplies</i>	<b>R</b>
<i>Small-Scale Craft Making</i>	<b>R</b>
<i>Sporting Goods, Hobby, Book &amp; Music Stores</i>	<b>R</b>

## ARTICLE 11 - B-2 GENERAL BUSINESS DISTRICT

### PREAMBLE

The B-2 General Business District is designed to provide sites for more diversified business types which are often located to serve passerby traffic. Tourist services are included as being in character with the District.

### SECTION 1100: USES PERMITTED BY RIGHT AND SPECIAL LAND USES<sup>†</sup>

Permitted uses in the B-2 District shall be limited to the uses denoted by an “R” and Special Land Uses shall be limited to the uses denoted by an “S” in Section 1502: Table of Uses Permitted by Right and Special Land Uses and in the following tables.

Designated Special Land Uses shall be permitted under such conditions as the Planning Commission, after hearing in accord with Section 1604, may establish and as herein imposed for each use and subject further to the review standards of Section 1604.

R = Permitted by right    S = Special Use Permit † Uses with Supplemental Regulations * Indicates access shall be on a major thoroughfare	<b>B2</b>
<b>ACCOMODATION AND FOOD SERVICES</b>	
<i>Bakeries (goods produced and sold on-site)</i>	R
<i>Caterers/Food Service Contractors</i>	R
<i>Coffee Shops</i>	R
<i>Drinking Establishments</i>	R
<i>Hotels &amp; Motels*</i>	R
<i>Resorts</i>	S <sup>†</sup>
<i>Restaurants without Drive-Through</i>	R
<i>Restaurants with Drive-Through</i>	R <sup>†</sup>
<b>ARTS, ENTERTAINMENT, AND RECREATION</b>	
<i>Amusement Arcades</i>	R
<i>Bowling Centers/Billiard Clubs</i>	R
<i>Docks, Launch Ramps, and Accessory Facilities (provided they are located a at least fifty (50) feet from a residential use.</i>	S
<i>Fitness &amp; Recreational Sports Centers*</i>	R
<i>Museums &amp; Art Galleries/Studios</i>	R
<i>Outdoor Recreational Facilities (- ex: go-karts, mini-golf)</i>	S <sup>†</sup>
<i>Race Tracks</i>	S <sup>†</sup>
<i>Recreation Areas (private, nonprofit)</i>	R
<i>Recreation Clubs/Camps; Lodges (for profit)</i>	R <sup>†</sup>
<i>Performing Arts Companies</i>	R
<i>Shooting Range (in a completely enclosed building)</i>	S
<i>Spectator Sports Arenas</i>	S
<i>Theaters (and Assembly Halls)*</i>	R

R = Permitted by right    S = Special Use Permit † Uses with Supplemental Regulations * Indicates access shall be on a major thoroughfare	<b>B2</b>
<b>AGRICULTURE, FORESTRY, FISHING, HUNTING</b>	
<i>Agricultural Equipment Dealers</i>	R
<i>Animal Shelter, Kennels, Veterinary Clinics</i>	S <sup>†</sup>
<i>Bulk seed, feed, fertilizer and nursery stock outlet and distribution centers</i>	R
<i>Greenhouse, nursery, landscaping and floriculture</i>	R
<i>Lumber yards</i>	S
<i>Riding arenas or boarding stables</i>	R <sup>†</sup>
<b>COMMUNICATIONS/ ENERGY/UTILITIES</b>	
<i>Amateur Radio Antennae</i>	R <sup>†</sup>
<i>Gas &amp; Oil Processing Facilities (section 1626)</i>	S <sup>†</sup>
<i>Public utility facilities (without storage yards)</i>	R
<i>Public utility facilities (with storage yards)</i>	R
<i>Telecommunications Towers &amp; Facilities &amp; Alternative Tower Structures</i>	S <sup>†</sup>
<i>Wind Energy Systems over 100' (Small On-Site)</i>	S <sup>†</sup>
<i>Wind Energy Systems up to 100' (Small On-Site)</i>	R <sup>†</sup>
<b>CONSTRUCTION</b>	
<i>General &amp; Special Trade Contractors (ex: electrical, plumbing)</i>	R
<b>EDUCATIONAL SERVICES/RELIGION</b>	
<i>Private instructional facilities*</i>	R
<i>Public or private schools*</i>	R
<i>Public or private colleges*</i>	R
<i>Religious Institutions*</i>	R

R = Permitted by right S = Special Use Permit † Uses with Supplemental Regulations * Indicates access shall be on a major thoroughfare	B2
<b>HUMAN CARE &amp; SOCIAL ASSISTANCE</b>	
Child Care Center /Day Care Center/Nursery School	R <sup>†</sup>
Community/Emergency & Other Relief Services	R
Health Care Clinics/Dental Clinics*	R
Hospitals*	R
Individual & Family Services	R
State-Licensed Residential Care Facility providing care to 7 or more persons (multiple facilities on one parcel)	S
Nursing/Convalescent Home/Assisted Living Home	S <sup>†</sup>
Other Residential Care Facilities (Homeless shelter, substance abuse, correctional)	S
Vocational Rehabilitation Services	R
<b>PUBLIC/GOVERNMENTAL FACILITIES</b>	
Community Centers*	R
General Government Administration Facilities*	R
Libraries*	R
Police/Fire Stations*	R
Public Parks, Playgrounds, and Recreation Areas	R
<b>RESIDENTIAL USES</b>	
Cottage Industries	S <sup>†</sup>
Dwelling Units in Support of Commercial Establishment*	R
Home Occupations	R <sup>†</sup>
Planned Unit Development	S <sup>†</sup>
<b>TRANSPORTATION SERVICES, WAREHOUSING &amp; STORAGE</b>	
Couriers/Parcel Packing/Delivery Establishments	R
Scenic/Sightseeing, Passenger Transportation	R
<b>COMMERCIAL/BUSINESS/SERVICE</b>	
Automotive Body/Paint/Interior & Glass Repair	S <sup>†</sup>
Automobile Service Stations (ex: gas station)	S <sup>†</sup>
Automotive Equipment Rental & Leasing	S
Automotive Mechanical & Electrical Repair & Maintenance	S <sup>†</sup>
Automotive Oil Change & Lubrication Shops	S <sup>†</sup>
Boat Repair & Storage	S
Business, Labor, Political & Like Organizations	R
Carwashes	R <sup>†</sup>
Commercial/Industrial Equipment Rental & Leasing	R
Commercial Equipment Repair & Maintenance	R
Dry Cleaning & Laundry Services	R
Electronic & Precision Equipment Repair & Maintenance	R
Extermination & Pest Control Services	R
Financial Institutions	R
Funeral Homes & Mortuaries	R
General Rental Centers	R

R = Permitted by right S = Special Use Permit † Uses with Supplemental Regulations * Indicates access shall be on a major thoroughfare	B2
<b>COMMERCIAL/BUSINESS/SERVICE (CONT.)</b>	
Interior Designers/Showrooms	R
Personal & Household Goods Repair & Maintenance	R
Personal Services* (barber/beauty shops, tailoring, massage)*	R
Pet Care (except Veterinary and Animal Shelters)	R
Photofinishing/Photographers	R
Printing/Binding/Publishing of Printed Materials	R
Professional Cleaning Services	R
Professional Offices*	R
<b>RETAIL TRADE</b>	
Bicycle Shops	R
Boat & Boating Accessory Sales	S <sup>†</sup>
Building & Garden Equipment & Supplies Dealers	S
Clothing & Clothing Accessories Stores	R
Convenience Stores	R
Drive-Through Establishments (ex: pharmacy)	R <sup>†</sup>
Electronics & Appliance Stores	R
Florists	R
Food & Beverage Stores	R
Furniture & Home Furnishings Stores	R
General Merchandise Stores	R
Hardware Stores	R
Health & Personal Care Stores	R
Home Improvement Centers	S
Manufactured Home Dealers	S <sup>†</sup>
Medical Equipment Sales	R
Movie Rental Stores	R
Office Supply Stores	R
Outdoor sales facilities (open air sales)	R
Pawn Shops/Resale Shops	R
Pet Stores	R
Pharmacies/Medical & Optical Supplies	R
Small-Scale Craft Making	R
Sporting Goods, Hobby, Book & Music Stores	R
Vehicle Dealers	S <sup>†</sup>



## ARTICLE 12 - B-3 BUSINESS, LIGHT MANUFACTURING

### PREAMBLE

The B-3 District is designed to provide sites for light manufacturing and wholesale storage and as a distribution area to retail stores or industrial users. These sites do not necessarily have to abut or be adjacent to a primary or secondary County road but must have access to these roads without passing through a residential district, provided that the entrance and exit are approved in written form by the County Road Commission.

### SECTION 1200: USES PERMITTED BY RIGHT AND SPECIAL LAND USES<sup>†</sup>

Permitted uses in the B-3 District shall be limited to the uses denoted by an “R” and Special Land Uses shall be limited to the uses denoted by an “S” in Section 1502: Table of Uses Permitted by Right and Special Land Uses and in the following tables.

Designated Special Land Uses shall be permitted under such conditions as the Planning Commission, after hearing in accord with Section 1604, may establish and as herein imposed for each use and subject further to the review standards of Section 1604.

<b>R</b> = Permitted by right <b>S</b> = Special Use Permit <sup>†</sup> Uses with Supplemental Regulations *Indicates access shall be on a major thoroughfare	<b>B3</b>
<b>ACCOMODATION AND FOOD SERVICES</b>	
<i>Caterers/Food Service Contractors</i>	<b>R</b>
<i>Wineries, distilleries &amp; breweries</i>	<b>S</b>
<b>ARTS, ENTERTAINMENT, AND RECREATION</b>	
<i>Shooting Range (in a completely enclosed building)</i>	<b>S</b>
<b>AGRICULTURE, FORESTRY, FISHING, HUNTING</b>	
<i>Agricultural Equipment Dealers</i>	<b>R</b>
<i>Animal Shelter, Kennels, Veterinary Clinics</i>	<b>S<sup>†</sup></b>
<i>Bulk seed, feed, fertilizer and nursery stock outlet and distribution centers</i>	<b>R</b>
<i>Greenhouse, nursery, landscaping and floriculture</i>	<b>R</b>
<i>Lumber yards</i>	<b>S</b>
<i>Riding arenas or boarding stables</i>	<b>R<sup>†</sup></b>
<i>Slaughter Houses/Meat Packing Houses</i>	<b>S</b>
<b>COMMUNICATIONS/ ENERGY/UTILITIES</b>	
<i>Amateur Radio Antennae</i>	<b>R<sup>†</sup></b>
<i>Gas &amp; Oil Processing Facilities (section 1626)</i>	<b>S<sup>†</sup></b>
<i>Public utility facilities (without storage yards)</i>	<b>R</b>
<i>Public utility facilities (with storage yards)</i>	<b>R</b>
<i>Telecommunications Towers &amp; Facilities &amp; Alternative Tower Structures</i>	<b>S<sup>†</sup></b>
<i>Wind Energy Systems over 100' (Small On-Site)</i>	<b>S<sup>†</sup></b>
<i>Wind Energy Systems up to 100' (Small On-Site)</i>	<b>R<sup>†</sup></b>

<b>R</b> = Permitted by right <b>S</b> = Special Land Use <sup>†</sup> Uses with Supplemental Regulations *Indicates access shall be on a major thoroughfare	<b>B3</b>
<b>CONSTRUCTION</b>	
<i>General &amp; Special Trade Contractors (ex: electrical, plumbing)</i>	<b>R</b>
<i>Storage Facilities for Building Materials/Contractor's Equipment*</i>	<b>R<sup>†</sup></b>
<b>HUMAN CARE &amp; SOCIAL ASSISTANCE</b>	
<i>Community/Emergency &amp; Other Relief Services</i>	<b>R</b>
<i>Health Care Clinics/Dental Clinics*</i>	<b>R</b>
<i>Hospitals*</i>	<b>R</b>
<i>Individual &amp; Family Services</i>	<b>R</b>
<i>Vocational Rehabilitation Services</i>	<b>R</b>
<b>RESIDENTIAL USES/MISC</b>	
<i>Planned Unit Development</i>	<b>S<sup>†</sup></b>
<b>RETAIL TRADE</b>	
<i>Building &amp; Garden Equipment &amp; Supplies Dealers</i>	<b>R</b>
<i>Truck and heavy equipment sales/service establishments</i>	<b>R<sup>†</sup></b>
<i>Vehicle Dealers</i>	<b>R<sup>†</sup></b>
<b>PUBLIC/GOVERNMENTAL FACILITIES</b>	
<i>General Government Administration Facilities*</i>	<b>R</b>
<i>Police/Fire Stations*</i>	<b>R</b>

<b>R</b> = Permitted by right <b>S</b> = Special Use Permit † Uses with Supplemental Development Regulations * Indicates access shall be on a major thoroughfare	<b>B3</b>
<b>COMMERCIAL/BUSINESS/SERVICE</b>	
<i>Automotive Body/Paint/Interior &amp; Glass Repair</i>	<b>R<sup>†</sup></b>
<i>Automobile Service Stations (ex: gas station)</i>	<b>R<sup>†</sup></b>
<i>Automotive Equipment Rental &amp; Leasing</i>	<b>R<sup>†</sup></b>
<i>Automotive Mechanical &amp; Electrical Repair &amp; Maintenance</i>	<b>R<sup>†</sup></b>
<i>Automotive Oil Change &amp; Lubrication Shops</i>	<b>R<sup>†</sup></b>
<i>Boat Repair &amp; Storage</i>	<b>R</b>
<i>Business, Labor, Political &amp; Like Organizations</i>	<b>R</b>
<i>Carwashes</i>	<b>R<sup>†</sup></b>
<i>Commercial/Industrial Equipment Rental &amp; Leasing</i>	<b>R</b>
<i>Commercial Equipment Repair &amp; Maintenance</i>	<b>R</b>
<i>Dry Cleaning &amp; Laundry Services</i>	<b>R</b>
<i>Electronic &amp; Precision Equipment Repair &amp; Maintenance</i>	<b>R</b>
<i>Extermination &amp; Pest Control Services</i>	<b>R</b>
<i>Financial Institutions</i>	<b>R</b>
<i>General Rental Centers</i>	<b>R</b>
<i>Interior Designers/Showrooms</i>	<b>R</b>
<i>Medical Laboratories</i>	<b>R</b>
<i>Personal &amp; Household Goods Repair &amp; Maintenance</i>	<b>R</b>
<i>Personal Services* (barber/beauty shops, tailoring, massage)*</i>	<b>R</b>
<i>Pet Care (except Veterinary and Animal Shelters)</i>	<b>R</b>
<i>Photofinishing/Photographers</i>	<b>R</b>
<i>Printing/Binding/Publishing of Printed Materials</i>	<b>R</b>
<i>Professional Cleaning Services</i>	<b>R</b>
<i>Professional Offices*</i>	<b>R</b>
<i>Sexually Oriented Businesses</i>	<b>S<sup>†</sup></b>
<i>Tattoo/Piercing Parlor</i>	<b>S</b>
<b>MANUFACTURING/INDUSTRIAL/ WHOLESALE TRADE/WASTE MANAGEMENT/MINING</b>	
<i>Food/beverage processing and packaging</i>	<b>R</b>
<i>Laboratories (research &amp; experimental)</i>	<b>R</b>
<i>Prefabrication Shops for residential, commercial &amp; industrial equipment</i>	<b>R</b>
<i>Research/Design/Experimental Product Development (within a completely enclosed building)</i>	<b>R</b>
<i>Wood Product Mfg</i>	<b>R</b>
<b>TRANSPORTATION SERVICES, WAREHOUSING &amp; STORAGE</b>	
<i>Couriers/Parcel Packing/Delivery Establishments</i>	<b>R</b>
<i>Scenic/Sightseeing, Passenger Transportation</i>	<b>R</b>
<i>Truck Washes</i>	<b>R<sup>†</sup></b>
<i>Warehousing &amp; Storage</i>	<b>R</b>
<i>Wholesale Trade</i>	<b>R</b>

## ARTICLE 13 - I INDUSTRIAL DISTRICT

### PREAMBLE:

The Industrial District is designed to accommodate wholesale activities, warehouses, major repair operations, manufacturing and other industrial operations, subject to certain performance requirements relative to their impact on the community and adjacent non-industrial districts.

### SECTION 1300. REQUIRED CONDITIONS

Whenever any use permitted in this Article faces an R-1, R-2, R-3, RR, CR or FF District by sharing a common fronting street, the industrial use shall provide and maintain a front yard no less than forty (40) feet deep and/or buffer strip or obscuring fence, as may be required by the Township Planning Commission, depending on the character of the industrial use and specific site conditions. The required front yard shall not be used for employee parking lot purposes but guest and/or visitor parking may be permitted.

Whenever an industrial use permitted in this article requires the use of a storage area or operational activity, which is not within the confines of an enclosed building, adequate buffer strip, screening devices, fences or walls may be required by the Planning Commission, whenever said storage area or operational activity abuts a residential district boundary, or a public street, that extends beyond or through the industrial use area to serve nonindustrial community areas.

The height of industrial structures and uses shall be controlled by the land area. Therefore, the minimum yard setbacks shall be increased by one (1) foot for each foot of building height beyond twenty (20) feet when adjacent to nonindustrial districts.

Any industrial activity that produces glare, noise, vibration, smoke, dust, odors and similar or related nuisances, shall confine these nuisances to the industrial district and must conform to State and Federal environmental regulations. Industrial operations involving the manufacture, processing, or packaging of materials which are inherently dangerous or hazardous due to flammability, toxicity, radioactivity, or explosiveness, shall require special approval by the Planning Commission after a hearing, and approval shall be contingent upon a showing by the applicant industry that no dangerous, noxious or nuisance conditions will impact any adjacent non-industrial premises.

### SECTION 1301: USES PERMITTED BY RIGHT AND SPECIAL LAND USES<sup>†</sup>

Permitted uses in the I District shall be limited to the uses denoted by an "R" and Special Land Uses shall be limited to the uses denoted by an "S" in Section 1502: Table of Uses Permitted by Right and Special Land Uses and in the following tables.

Designated Special Land Uses shall be permitted under such conditions as the Planning Commission, after hearing in accord with Section 1604, may establish and as herein imposed for each use and subject further to the review standards of Section 1604.

<b>R = Permitted by right S = Special Land Use</b>	
<b>† Uses with Supplemental Regulations</b>	
<b>* Indicates access shall be on a major thoroughfare</b>	
<b>ARTS, ENTERTAINMENT, AND RECREATION</b>	<b>I</b>
<i>Race Tracks</i>	<b>S<sup>†</sup></b>
<i>Shooting Range (in a completely enclosed building)</i>	<b>S</b>
<b>AGRICULTURE, FORESTRY, FISHING, HUNTING</b>	
<i>Agricultural Equipment Dealers</i>	<b>R</b>
<i>Animal Shelter, Kennels, Veterinary Clinics</i>	<b>S<sup>†</sup></b>
<i>Bulk seed, feed, fertilizer and nursery stock outlet and distribution centers</i>	<b>R</b>
<i>Forest products processing including sawmills, planning mills, veneer mills and related operations</i>	<b>S<sup>†</sup></b>
<i>Lumber yards</i>	<b>R</b>
<i>Riding arenas or boarding stables</i>	<b>R<sup>†</sup></b>
<i>Slaughter Houses/Meat Packing Houses</i>	<b>S</b>
<b>COMMERCIAL/BUSINESS/SERVICE</b>	
<i>Carwashes</i>	<b>R<sup>†</sup></b>
<b>COMMUNICATIONS/ ENERGY/UTILITIES</b>	
<i>Amateur Radio Antennae</i>	<b>R<sup>†</sup></b>
<i>Electrical Transformer Stations &amp; Substations</i>	<b>R</b>
<i>Gas &amp; Oil Processing Facilities (section 1626)</i>	<b>S<sup>†</sup></b>
<i>Public utility facilities (without storage yards)</i>	<b>R</b>
<i>Public utility facilities (with storage yards)</i>	<b>R</b>
<i>Telecommunications Towers &amp; Facilities &amp; Alternative Tower Structures</i>	<b>S<sup>†</sup></b>
<i>Wind Energy Systems over 100' (Small On-Site)</i>	<b>S<sup>†</sup></b>
<i>Wind Energy Systems up to 100' (Small On-Site)</i>	<b>R<sup>†</sup></b>
<b>CONSTRUCTION</b>	
<i>General &amp; Special Trade Contractors (ex: electrical, plumbing)</i>	<b>R</b>
<i>Storage Facilities for Building Materials/Contractor's Equipment*</i>	<b>R<sup>†</sup></b>
<b>RESIDENTIAL USES/MISC</b>	
<i>Planned Unit Development</i>	<b>S<sup>†</sup></b>
<b>RETAIL TRADE</b>	
<i>Building &amp; Garden Equipment &amp; Supplies Dealers</i>	<b>R</b>
<i>Truck and heavy equipment sales/service establishments</i>	<b>R<sup>†</sup></b>
<b>PUBLIC/GOVERNMENTAL FACILITIES</b>	
<i>General Government Administration Facilities*</i>	<b>R</b>
<i>Police/Fire Stations*</i>	<b>R</b>

<b>R = Permitted by right S = Special Land Use</b>	
<b>† Uses with Supplemental Regulations</b>	
<b>* Indicates access shall be on a major thoroughfare</b>	
<b>MANUFACTURING/INDUSTRIAL/ WHOLESALE TRADE/WASTE MANAGEMENT/MINING</b>	<b>I</b>
<i>Bulk storage, distribution, and service facilities for petroleum and gas products, paint and chemicals</i>	<b>S</b>
<i>Computer, Electronic, &amp; Appliance Product Mfg</i>	<b>R</b>
<i>Concrete, Cement, Gypsum, Plaster of Paris Manufacturing</i>	<b>S</b>
<i>Dry bulk blending plants</i>	<b>R</b>
<i>Food/beverage processing and packaging</i>	<b>R</b>
<i>Furniture &amp; Related Product Mfg</i>	<b>R</b>
<i>Junkyards/salvage yards/scrap yards</i>	<b>S<sup>†</sup></b>
<i>Laboratories (research &amp; experimental)</i>	<b>R</b>
<i>Leather &amp; Allied Product Mfg</i>	<b>R</b>
<i>Machine Shops</i>	<b>R</b>
<i>Metal Plating/Buffering/Polishing/Etc</i>	<b>S<sup>†</sup></b>
<i>Mines, quarries, and gravel pits</i>	<b>S<sup>†</sup></b>
<i>Miscellaneous Mfg (from previously prepared materials including agricultural, building, natural, synthetic, biological, and ceramic materials)</i>	<b>R</b>
<i>Oil and gas processing facilities</i>	<b>S</b>
<i>Prefabrication Shops for residential, commercial &amp; industrial equipment</i>	<b>R</b>
<i>Printing &amp; Related Support Activities (large-scale)</i>	<b>R</b>
<i>Recycling facilities/Resource Recovery Facilities/Transfer Stations/Waste Collection</i>	<b>R</b>
<i>Research/Design/Experimental Product Development (within a completely enclosed building)</i>	<b>R</b>
<i>Textile &amp; Apparel Mfg</i>	<b>R</b>
<i>Tool &amp; Die Shops</i>	<b>R</b>
<i>Waste Collection Services</i>	<b>R</b>
<i>Wood Product Mfg</i>	<b>R</b>
<b>TRANSPORTATION SERVICES, WAREHOUSING &amp; STORAGE</b>	
<i>Couriers/Parcel Packing/Delivery Establishments</i>	<b>R</b>
<i>Freight Terminals/Trucking Facilities</i>	<b>R</b>
<i>Rail yards</i>	<b>R</b>
<i>Scenic/Sightseeing, Passenger Transportation</i>	<b>R</b>
<i>Truck Washes</i>	<b>R</b>
<i>Warehousing &amp; Storage</i>	<b>R</b>
<i>Wholesale Trade</i>	<b>R</b>

## ARTICLE 13A – “A” AIRPORT DISTRICT

### PREAMBLE

The Airport District is designed so as to primarily accommodate airport activities, logistical activities, wholesale activities, warehouses, military operations, animal care, human care and social assistance facilities, limited forest products and agricultural activities, public facilities, commercial and office activities, and limited manufacturing operations whose external, physical effects are restricted to the area of the district and in no manner affect in a detrimental way any of the surrounding districts.

### SECTION 1300A: USES PERMITTED BY RIGHT AND SPECIAL LAND USES

Permitted uses in the A District shall be limited to the uses denoted by an “R” and Special Land Uses shall be limited to the uses denoted by an “S” in Section 1502: Table of Uses Permitted by Right and Special Land Uses and in the following tables. Designated Special Land Uses shall be permitted under such conditions as the Planning Commission, after hearing in accord with Section 1604, may establish and as herein imposed for each use and subject further to the review standards of Section 1604.

<b>R = Permitted by right    S = Special Land Use</b> † Uses with Supplemental Regulations * Indicates access shall be on a major thoroughfare	<b>A</b>
<b>ACCOMODATION AND FOOD SERVICES</b>	
<i>Caterers/Food Service Contractors</i>	<b>R</b>
<i>Restaurants with or without Drive-Through</i>	<b>R</b> <sup>†</sup>
<i>Wineries/Distilleries/Breweries</i>	<b>R</b>
<b>AGRICULTURE/FOREST PRODUCTS</b>	
<i>Animal Shelter/Kennels/ Veterinary Services</i>	<b>S</b> <sup>†</sup>
<i>Bulk seed, feed, fertilizer and nursery stock outlet and distribution centers</i>	<b>R</b>
<i>Lumber Yards</i>	<b>R</b>
<b>COMMERCIAL/BUSINESS/SERVICE</b>	
<i>Automotive Body/Paint/Interior &amp; Glass Repair</i>	<b>R</b> <sup>†</sup>
<i>Automotive Equipment Rental/Leasing</i>	<b>R</b>
<i>Automotive Mechanical &amp; Electrical Repair &amp; Maintenance</i>	<b>R</b> <sup>†</sup>
<i>Business, Labor, Political &amp; Like Organizations</i>	<b>R</b>
<i>Carwashes</i>	<b>R</b> <sup>†</sup>
<i>Commercial/Industrial Equipment Rental &amp; Leasing</i>	<b>R</b>
<i>Commercial Equipment Repair &amp; Maintenance</i>	<b>R</b>
<i>Electronic &amp; Equipment Repair &amp; Maintenance</i>	<b>R</b>
<i>Extermination &amp; Pest Control Services</i>	<b>R</b>
<i>Financial Institutions</i>	<b>R</b>
<i>General Rental Centers</i>	<b>R</b>
<i>Interior Designers/Showrooms</i>	<b>R</b>
<i>Personal &amp; Household Goods Repair &amp; Maintenance</i>	<b>R</b>
<i>Medical Laboratories</i>	<b>R</b>
<i>Printing/Binding/Publishing of Printed Materials</i>	<b>R</b>
<i>Professional Cleaning Services</i>	<b>R</b>
<i>Professional Offices*</i>	<b>R</b>

<b>R = Permitted by right    S = Special Land Use</b> † Uses with Supplemental Regulations * Indicates access shall be on a major thoroughfare	<b>A</b>
<b>CONSTRUCTION</b>	
<i>General and special trade contractors (ex: electrical, plumbing, heating – indoor storage of materials/equipment)</i>	<b>R</b>
<i>Storage Facilities for Building Materials/Contractor’s Equipment*</i>	<b>S</b> <sup>†</sup>
<b>HUMAN CARE &amp; SOCIAL ASSISTANCE</b>	
<i>Community/Emergency &amp; Other Relief Services</i>	<b>R</b>
<i>Health Care Clinics/Dental Clinics*</i>	<b>R</b>
<i>Hospitals*</i>	<b>S</b>
<i>Individual &amp; Family Services</i>	<b>R</b>
<i>State-Licensed Residential Care Facility providing care to 7 or more persons (multiple facilities on one parcel)</i>	<b>S</b>
<i>Vocational Rehabilitation Services</i>	<b>R</b>
<b>PUBLIC/GOVERNMENTAL FACILITIES</b>	
<i>Government Offices*</i>	<b>R</b>
<i>Military Bases and Associated Activities</i>	<b>R</b>
<i>Police/Fire Stations*</i>	<b>R</b>
<i>Public Works Facilities with Outdoor Storage*</i>	<b>R</b>

R = Permitted by right S = Special Land Use † Uses with Supplemental Regulations * Indicates access shall be on a major thoroughfare	<b>A</b>
<b>MANUFACTURING/INDUSTRIAL</b>	
<i>Computer, Electronic, &amp; Appliance Product Mfg</i>	<b>S</b>
<i>Dry bulk blending plants</i>	<b>S</b>
<i>Food/beverage processing and packaging</i>	<b>S</b>
<i>Furniture &amp; Related Product Mfg</i>	<b>S</b>
<i>Laboratories</i>	<b>S</b>
<i>Machine Shops</i>	<b>S</b>
<i>Metal Plating/Buffing/Polishing/Cutting/ Slitting/Shearing</i>	<b>S<sup>†</sup></b>
<i>Miscellaneous Mfg (from previously prepared materials including agricultural, building, natural, synthetic, biological, and ceramic materials)</i>	<b>S</b>
<i>Research/Design/Experimental Product Development (within a completely enclosed building)</i>	<b>S</b>
<i>Textile &amp; Apparel Mfg</i>	<b>S</b>
<i>Tool &amp; Die Shops</i>	<b>S</b>
<i>Wood Product Mfg</i>	<b>S</b>
<b>RETAIL</b>	
<i>Building Material &amp; Garden Equipment &amp; Supplies Dealers</i>	<b>R</b>
<i>Home Improvement Centers (lumber stored in enclosed structure)</i>	<b>R</b>
<i>Truck and heavy equipment sales/service establishments</i>	<b>R<sup>†</sup></b>
<i>Vehicle Dealers</i>	<b>R<sup>†</sup></b>
<b>TRANSPORTATION SERVICES/WAREHOUSING/WHOLE- SALE TRADE/ STORAGE/SHIPPING</b>	
<i>Airports, Landing Fields, Heliports, Aviation Support, Aviation Development, &amp; other functions related to aviation.</i>	<b>R</b>
<i>Couriers/Parcel Packing/Shipping/ Delivery Establishments</i>	<b>R</b>
<i>Freight Terminals/Trucking Facilities</i>	<b>R</b>
<i>Scenic &amp; Sightseeing Transportation/Ground Passenger Transportation</i>	<b>R</b>
<i>Truck Washes</i>	<b>R<sup>†</sup></b>
<i>Warehousing &amp; Storage</i>	<b>R</b>
<i>Wholesale Trade</i>	<b>R</b>
<b>COMMUNICATIONS/ENERGY/ UTILITIES</b>	
<i>Amateur Radio Antennae (roof- or ground- mounted)</i>	<b>R<sup>†</sup></b>
<i>Electrical Transformer Stations &amp; Substations</i>	<b>R</b>
<i>Gas &amp; Oil Processing Facilities (section 1626)</i>	<b>S<sup>†</sup></b>
<i>Public Utility Facilities (with or without storage yards)</i>	<b>R</b>
<i>Waste &amp; Wastewater Treatment Plants</i>	<b>R</b>

## SECTION 1301A: DEVELOPMENT STANDARDS

1. Minimum Lot Area: 1 acre
2. Minimum Lot Width: 150 feet
3. Maximum Building Height: 25 feet or per FAA regulations, whichever is less.
4. Setbacks:
  - a. **Minimum Front Yard: 40 feet**

An off-street parking lot for visitors, over and above the number of spaced required may be permitted within the required front yard provided that such off-street parking is not located within twenty (20) feet of the front lot line. Screening consisting of decorative fencing, decorative walls, or landscaping shall be located between the off-street parking area and the nearest right-of-way line.
  - b. **Minimum Rear Yard: 20 feet**
  - c. **Minimum Side Yard: 20 feet**
5. **Parcels Abutting Other Districts:** No building shall be located closer than fifty (50) feet to the outer perimeter (property line) of such district when said property line abuts any residential district or use. Whenever any use permitted in this Article abuts residential district or use, there shall be provided and maintained a buffer strip or obscuring fence, as may be required by the Township Planning Commission, depending on the character of the use and specific site conditions.
6. **Outdoor Storage:** Whenever a use permitted in this article requires the use of an outdoor storage area or outdoor operational activity, adequate buffer strip, screening devices, fences or walls may be required by the Planning Commission, whenever said storage area or operational activity abuts a residential district boundary, or a is visible from a public street.
7. **Industrial Uses:** Any industrial activity that produces glare, noise, vibration, smoke, dust, odors and similar or related nuisances, shall confine these nuisances to the airport district and must conform to State and Federal environmental regulations. Industrial operations involving the manufacture, processing, or packaging of materials which are inherently dangerous or hazardous due to flammability, toxicity, radioactivity, or explosiveness, shall require special approval by the Planning Commission after a hearing, and approval shall be contingent upon a showing by the applicant industry that no dangerous, noxious or nuisance conditions will impact any adjacent non-industrial premises.
8. **Other Regulations:** All development with the Airport District shall comply with all applicable FAA regulations.

**SECTION 1302A. AIRPORT APPROACH ZONES OVERLAY:** The following regulations shall apply to those parcels or portions thereof located within zones 1 through 5 of the Airport Approach Plan and which are located within the Airport Zoning District. The following regulations do NOT apply to parcels located outside of the Airport Zoning District.

<b>AIRPORT APPROACH ZONES 1, 2, 3, and 5</b>	
	The following table imposes additional standards for property located within Zones 1, 2, 3, and 5 of the Airport Approach Plan in addition to those standards which apply to the underlying districts.
<b>DENSITY</b> Density is based on the number of people present on the lot on a daily basis.	ZONES 1, 2, and 5: Maximum 5 people per acre
	ZONE 3: Maximum 25 people per acre
<b>LAND USES</b>	Prohibited: Land uses which involve the storage of large quantities of hazardous or flammable material (fueling provisions for aircraft are allowed).
	Prohibited: Land uses which generate smoke or steam or create large areas of standing water.
	Prohibited land uses: <ul style="list-style-type: none"> <li>• Assisted Living Home Nursing/Convalescent Home</li> <li>• Colleges/Universities/Other Institutions of Higher/Specialized Learning (public and private)</li> <li>• Convention Centers/Conference Centers/Banquet Halls</li> <li>• Hotels &amp; Motels &amp; Resorts</li> <li>• Petroleum Products, Gas Products, Paint &amp; Chemical Bulk Storage &amp; Distribution</li> <li>• Public parks, playgrounds, or recreation areas.</li> <li>• Religious Institutions</li> <li>• Residential Treatment Facility</li> <li>• Hospitals</li> <li>• Residential uses</li> <li>• Telecommunications Towers &amp; Facilities &amp; Alternative Tower Structures</li> <li>• Wind Energy Facilities and Anemometer Towers (Commercial)</li> <li>• Wind Energy Systems (small on-site)</li> </ul>
<b>ADDITIONAL REGULATIONS</b>	Structures shall be located at least 500' from the runway centerline
	Low vegetation required (i.e. shrubs and ground cover)
	Lighting shall be no greater in height than the maximum allowable height of the building and shall be shaded downward.
	Utilities shall be placed underground.



<b>AIRPORT APPROACH ZONE 4</b>	
	The following table imposes additional standards for property located within Zone 4 of the Airport Approach Plan in addition to those standards which apply to the underlying districts.
<b>DENSITY</b> Density is based on the number of people present on the lot on a daily basis.	Maximum: 40 people per acre inside of buildings
	Maximum: 75 people per acre outside of buildings
<b>LAND USES</b>	Prohibited: Land uses which involve the storage of large quantities of hazardous or flammable material (fueling provisions for aircraft are allowed).
	Prohibited: Land uses which generate smoke or steam or create large areas of standing water.
	Prohibited land uses: <ul style="list-style-type: none"> <li>• Colleges/Universities/Other Institutions of Higher/Specialized Learning (public and private)</li> <li>• Manufactured Housing Communities</li> <li>• Multiple-Family Dwelling Units</li> <li>• Petroleum Products, Gas Products, Paint &amp; Chemical Bulk Storage &amp; Distribution</li> <li>• Public or private schools</li> <li>• Public parks, playgrounds, or recreation areas.</li> <li>• Religious Institutions</li> <li>• Residential Treatment Facility</li> <li>• Hospitals</li> <li>• Telecommunications Towers &amp; Facilities &amp; Alternative Tower Structures</li> <li>• Wind Energy Facilities and Anemometer Towers (Commercial)</li> <li>• Wind Energy Systems (small on-site)</li> </ul>
<b>ADDITIONAL REGULATIONS</b>	Low vegetation required (i.e. shrubs and ground cover)
	Lighting shall be shaded downward.
	Overhead utilities shall not exceed the height limitations set by the FAA.

**ARTICLE 14 - SCHEDULE OF REGULATIONS  
SECTION 1400. LIMITING HEIGHT, BULK, DENSITY AND AREA BY ZONING DISTRICT**

Use District	Minimum Lot Size		Maximum Height of Structure (2)		Minimum Yard Setback per Lot in Feet				Maximum Lot Coverage (3)	Minimum Ground Floor Area in sq.ft. (1)
	Area in sq.ft.	Width in Feet	In Stories	In Feet	Front	Least one side	Total of two sides	Rear		
R-1	20,000 (a)	100	2	30	30 (g)	10 (b)	20	25	30%	900
R-2	40,000 (a)	100	2	30	40 (g)	10 (b)	20	35	30%	720
R-3	20,000 (a)(c)(d)	100 (c)(d)	2	30	40 (g)	20 (b)(d)	40 (c)	35	35%	720
RR	40,000 (a)	100	2	30	40 (g)	10 (b)	20	35	30%	720
CR	40,000 (a)	150	2	30	40 (g)	10 (b)	20	35	30%	720
FF	40,000 (a)	150	2	30	40 (g)	20 (b)	40	35	35%	720
B-1			2	30	40 (f)(g)	5 (e)	10 (e)	20		
B-2			2	30	40 (f)(g)	5 (e)	10 (e)	20		
B-3			2	30	40 (f)(g)	5 (e)	10 (e)	20		
A	1 acre	150		25 or per FAA regulations	40 (h)	20	20	20		
I				30	30 (g)	10 (e)	20 (e)	20		

### FOOTNOTES TO HEADINGS

1. For permanent dwelling units and not cottages, cabins, motels, or similar uses.
2. Buildings and structures which exceed the maximum height limits up to fifty (50) percent, shall increase front and side yards by one (1) foot for each additional one (1) foot of height above the maximum stated. Other height variance may be granted by the Board of Appeals upon a showing that such increase is reasonable and if granted would not be detrimental to adjacent premises.
3. These provisions shall not apply to structures four (4) feet in height or less.

### FOOTNOTES TO SCHEDULE OF REGULATIONS:

- a. Unless approved central domestic water and sewage facilities serve the development, minimum residential lot requirements shall be as stated in the "SCHEDULE OF REGULATIONS." If community water and/or sewerage serve the development, the minimum lot requirements may be reduced to twelve thousand (12,000) square feet (100 x 120) in R-1 and R-3 Districts and twenty-two thousand 22,000 square feet in other Districts.
- b. In the case of a rear yard abutting a side yard of an adjacent lot, the side yard abutting a street shall not be less than the required front yard of that district.
- c. For the purpose of applying yard regulations, multiple dwelling developments shall be considered as one (1) building occupying one (1) lot. When more than one (1) multiple dwelling building occupies one (1) lot, the two or more structures must be separated by at least twenty (20) feet when end-to-end and fifty (50) feet when face-to-face or back-to-back for structures up to two (2) stories. These isolation distances shall be increased by eight (8) feet for each story above the first two (2) stories.
- d. Multiple-family dwellings may be erected on a minimum lot size of twelve thousand (12,000) square feet, provided the development complies with the County Health Code. The net density (not including street right-of-way) shall be limited to not more than twelve (12) dwelling units per acre.
- e. Side yards may be omitted if walls abutting a side yard are of fireproof construction and wholly without openings or as otherwise specified in an applicable code. On the exterior side yard which borders on a residential district, there shall be provided a setback of not less than twenty (20) feet on the side abutting the Residential District.
- f. Parking may be permitted in the front yard provided there is at least a ten (10) foot landscaped buffer strip between the road right-of-way and the off-street parking lot. If parking and loading spaces are confined to a rear and side yard, the required front yard setback may be reduced to twenty (20) feet, provided a reasonable sense of consistency is established with abutting properties.
- g. On waterfront lots, the front yard setback shall be seventy (70) feet from the ordinary high water mark.

- h. An off-street parking lot for visitors, over and above the number of spaced required may be permitted within the required front yard provided that such off-street parking is not located within twenty (20) feet of the front lot line. Screening consisting of decorative fencing, decorative walls, or landscaping shall be located between the off-street parking area and the nearest right-of-way line.<sup>†</sup>

## ARTICLE 15 – USES PERMITTED BY RIGHT & SPECIAL LAND USES<sup>†</sup>

### SECTION 1500: USES PERMITTED BY RIGHT

Permitted uses in all districts shall be limited to the uses denoted by an “R” in Section 1502: Table of Uses Permitted by Right and Special Land Uses.

### SECTION 1501: SPECIAL LAND USES

Special Land Uses in all districts shall be limited to the uses in denoted by an “S” in Section 1502: Table of Uses Permitted by Right and Special Land Uses. Designated Special Land Uses shall be permitted under such conditions as the Planning Commission, after hearing in accord with Section 1604 Procedures, may establish and as herein imposed for each use and subject further to the review standards of Section 1604 Standards for Review.

DISTRICT NAME REFERENCE TABLE:	
R1	One-Family Residential District
R2	Agricultural District
R3	General Residential District
RR	Recreational Residential District
CR	Conservation and Resources District
FF	Farm and Forest District
B1	Local and Tourist Businesses District
B2	General Business District
B3	Business, Light Manufacturing District
I	Industrial District
A	Airport District

## SECTION 1502. TABLE OF USES PERMITTED BY RIGHT & SPECIAL LAND USES

<b>TABLE OF USES PERMITTED BY RIGHT &amp; SPECIAL LAND USES</b>											
R = Permitted by right S = Permitted with a Special Use Permit † indicates supplemental regulations apply * indicates that access shall be on major thoroughfare	R1	R2	R3	RR	CR	FF	B1	B2	B3	I	A
<b>ACCOMODATION AND FOOD SERVICES</b>											
<i>Bakeries (goods produced and sold on-site)</i>							R	R			
<i>Bed &amp; Breakfasts</i>	S <sup>†</sup>	S <sup>†</sup>	S <sup>†</sup>	S <sup>†</sup>	S <sup>†</sup>	S <sup>†</sup>					
<i>Caterers/Food Service Contractors</i>								R	R		R
<i>Coffee Shops</i>							R	R			
<i>Drinking Establishments</i>							R	R			
<i>Hotels &amp; Motels*</i>						S	R	R			
<i>Resorts</i>		S <sup>†</sup>	S <sup>†</sup>	S <sup>†</sup>	S <sup>†</sup>	S <sup>†</sup>	S <sup>†</sup>	S <sup>†</sup>			
<i>Restaurants without Drive-Through</i>							R	R			R
<i>Restaurants with Drive-Through</i>								R <sup>†</sup>			R
<i>Rooming &amp; Boarding Houses</i>		S <sup>†</sup>	S <sup>†</sup>			S <sup>†</sup>					
<i>Wineries, distilleries &amp; breweries</i>		S				S			S		R
<b>ARTS, ENTERTAINMENT, AND RECREATION</b>											
<i>Amusement Arcades</i>								R			
<i>Bowling Centers/Billiard Clubs</i>								R			
<i>Campgrounds and RV Parks</i>		S				S					
<i>Docks, Launch Ramps, and Accessory Facilities (provided they are located a at least fifty (50) feet from a residential use.</i>	S	S	S	S	S	S	S	S			
<i>Fitness &amp; Recreational Sports Centers*</i>							R	R			
<i>Golf Courses and Country Clubs*</i>	S	S	S	S	S	R					
<i>Historical restoration/ renovation facilities including historic communities, archeological excavations, and displays of historical artifacts related to the premises</i>		R		R	R	R					
<i>Museums &amp; Art Galleries/Studios</i>							R	R			
<i>Outdoor Recreational Facilities (- ex: go-karts, mini-golf)</i>								S <sup>†</sup>			
<i>Race Tracks</i>								S <sup>†</sup>		S <sup>†</sup>	
<i>Recreation Areas (private, nonprofit)</i>	S	S	S	S	S	S	R	R			
<i>Recreation Clubs/Camps; Lodges (private for profit)</i>		R <sup>†</sup>		S <sup>†</sup>	S <sup>†</sup>	R <sup>†</sup>		R <sup>†</sup>			
<i>Parks and Playgrounds (public)</i>	R	R	R	R	R	R					
<i>Performing Arts Companies</i>							R	R			
<i>Shooting Range (in a completely enclosed building)</i>						S		S	S	S	
<i>Spectator Sports Arenas</i>								S			
<i>Sportsmen's Clubs*</i>		R				R					
<i>Theaters (and Assembly Halls)*</i>								R			
<i>Wildlife and Nature Preserves</i>		R		R	R	R					

**TABLE OF USES PERMITTED BY RIGHT & SPECIAL LAND USES**

R = Permitted by right

S = Permitted with a Special Land Use Permit

<sup>+</sup> indicates supplemental regulations apply

\* indicates that access shall be on major thoroughfare

R1	R2	R3	RR	CR	FF	B1	B2	B3	I	A
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**AGRICULTURE, FORESTRY, FISHING AND HUNTING**

<i>Agricultural business related to the sale of field crops, forest products, and livestock raised or cultivated on the property</i>		R			R					
<i>Agricultural Equipment Dealers</i>		S			S		R	R	R	
<i>Agricultural products processing, and storage</i>		S			S					
<i>Animal Shelter, Kennels, Veterinary Clinics</i>		S <sup>+</sup>			S <sup>+</sup>		S <sup>+</sup>	S <sup>+</sup>	S <sup>+</sup>	S <sup>+</sup>
<i>Bulk seed, feed, fertilizer and nursery stock outlet and distribution centers</i>		S			S		R	R	R	R
<i>Cider mills</i>		R			R					
<i>Farms and agricultural operations</i>		R		R	R					
<i>Farm Markets (including Roadside Stands)</i>		R		R	R					
<i>Feedlots (large-scale commercial)</i>		S			S					
<i>Forest products processing including sawmills, planing mills, veneer mills and related operations</i>		R <sup>+</sup>			S <sup>+</sup>				S <sup>+</sup>	
<i>Forestry/forest management (including timber harvesting)</i>		R			R					
<i>Game preserves (where game is hunted)</i>		S			S					
<i>Greenhouse, nursery, landscaping and floriculture</i>		R			R		R	R		
<i>Lumber yards</i>		S			S		S	S	R	R
<i>Riding arenas or boarding stables</i>		R <sup>+</sup>		S <sup>+</sup>	S <sup>+</sup>	R <sup>+</sup>	R <sup>+</sup>	R <sup>+</sup>	R <sup>+</sup>	
<i>Seasonal "U-Pick" fruits and vegetables operations</i>		R		R	R					
<i>Slaughter Houses/Meat Packing Houses</i>								S	S	
<i>Ancillary uses related to agricultural tourism (see following):</i>										
<i>Bakeries selling goods grown primarily on-site</i>		R		R	R					
<i>Educational tours, classes, lectures, and seminars</i>		R		R	R					
<i>Family-oriented animated barns (haunted houses)</i>		R			R					
<i>Gift shops for agriculturally-related products, crafts</i>		R		R	R					
<i>Historical agricultural exhibits</i>		R		R	R					
<i>Organized meeting space (weddings, birthdays, corporate picnics)</i>		S			S					
<i>Petting farms, animal display, and pony rides</i>		R		R	R					
<i>Picnic areas (including rest rooms)</i>		R		R	R					
<i>Playgrounds, wagon/sleigh rides, nature trails</i>		R		R	R					
<i>Restaurants related to the agricultural use of the site</i>		S		S	S					
<i>Seasonal Outdoor Mazes of agricultural origin</i>		R		R	R					
<i>Small-scale entertainment (concert, car show, art fair)</i>		S		S	S					

**TABLE OF USES PERMITTED BY RIGHT & SPECIAL LAND USES**

R = Permitted by right S = Permitted with a Special Use Permit † indicates supplemental regulations apply * indicates that access shall be on major thoroughfare	R1	R2	R3	RR	CR	FF	B1	B2	B3	I	A
<b>COMMERCIAL/BUSINESS/SERVICE</b>											
Automotive Body/Paint/Interior & Glass Repair								S <sup>†</sup>	R <sup>†</sup>		R <sup>†</sup>
Automobile Service Stations (ex: gas station)							S <sup>†</sup>	S <sup>†</sup>	R <sup>†</sup>		
Automotive Equipment Rental & Leasing								S	R		R
Automotive Mechanical & Electrical Repair & Maintenance								S <sup>†</sup>	R <sup>†</sup>		R <sup>†</sup>
Automotive Oil Change & Lubrication Shops								S <sup>†</sup>	R <sup>†</sup>		
Boat Repair & Storage								S	R		
Business, Labor, Political & Like Organizations								R	R		R
Carwashes								R <sup>†</sup>	R <sup>†</sup>	R <sup>†</sup>	R <sup>†</sup>
Cemeteries	S	S	S			S					
Commercial/Industrial Equipment Rental & Leasing								R	R		R
Commercial Equipment Repair & Maintenance								R	R		R
Commercial Use in a Residential District (neighborhood business)	S <sup>†</sup>	S <sup>†</sup>	S <sup>†</sup>	S <sup>†</sup>	S <sup>†</sup>	S <sup>†</sup>					
Dry Cleaning & Laundry Services							R	R	R		
Electronic & Precision Equipment Repair & Maintenance								R	R		R
Extermination & Pest Control Services								R	R		R
Financial Institutions							R	R	R		R
Funeral Homes & Mortuaries								R			
General Rental Centers								R	R		R
Interior Designers/Showrooms							R	R	R		R
Medical Laboratories									R		R
Personal & Household Goods Repair & Maintenance							R	R	R		R
Personal Services* (barber/beauty shops, tailoring, massage)*			S				R	R	R		
Pet Care (except Veterinary and Animal Shelters)		R				R	R	R	R		
Photofinishing/Photographers							R	R	R		
Printing/Binding/Publishing of Printed Materials								R	R		R
Professional Cleaning Services								R	R		R
Professional Offices*			S				R	R	R		R
Sexually Oriented Businesses									S <sup>†</sup>		
Tattoo/Piercing Parlor									S		



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R1	R2	R3	RR	CR	FF	B1	B2	B3	I	A
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**COMMUNICATIONS/ENERGY/UTILITIES**

<i>Amateur Radio Antennae (roof- or ground-mounted)</i>	R <sup>†</sup>	R <sup>†</sup>	R <sup>†</sup>	R <sup>†</sup>	R <sup>†</sup>	R <sup>†</sup>	R <sup>†</sup>	R <sup>†</sup>	R <sup>†</sup>	R <sup>†</sup>	R <sup>†</sup>
<i>Electrical Transformer Stations &amp; Substations</i>		R			R				R	R	
<i>Gas &amp; Oil Processing Facilities (Section 1626)</i>	S <sup>†</sup>	S <sup>†</sup>	S <sup>†</sup>	S <sup>†</sup>	S <sup>†</sup>	S <sup>†</sup>	S <sup>†</sup>	S <sup>†</sup>	S <sup>†</sup>	S <sup>†</sup>	S <sup>†</sup>
<i>Public utility facilities (without storage yards)</i>	S	S	S	S	S	S	R	R	R	R	R
<i>Public utility facilities (with storage yards)</i>								R	R	R	R
<i>Telecommunications Towers &amp; Facilities &amp; Alternative Tower Structures</i>		S <sup>†</sup>			S <sup>†</sup>			S <sup>†</sup>	S <sup>†</sup>	S <sup>†</sup>	
<i>Wind Energy Facilities and Anemometer Towers (Commercial)</i>		S <sup>†</sup>			S <sup>†</sup>						
<i>Wind Energy Systems over 100' in height (Small On-Site)</i>	S <sup>†</sup>	S <sup>†</sup>	S <sup>†</sup>	S <sup>†</sup>	S <sup>†</sup>	S <sup>†</sup>	S <sup>†</sup>	S <sup>†</sup>	S <sup>†</sup>	S <sup>†</sup>	
<i>Wind Energy Systems up to 100' in height (Small On-Site)</i>	S <sup>†</sup>	R <sup>†</sup>	R <sup>†</sup>	R <sup>†</sup>	R <sup>†</sup>	R <sup>†</sup>	R <sup>†</sup>	R <sup>†</sup>	R <sup>†</sup>	R <sup>†</sup>	
<i>Water &amp; Wastewater Treatment Plants</i>											R

**CONSTRUCTION**

<i>General &amp; Special Trade Contractors (ex: electrical, plumbing)</i>							R	R	R	R	
<i>Storage Facilities for Building Materials/Contractor's Equipment*</i>								R <sup>†</sup>	R <sup>†</sup>	S <sup>†</sup>	

**EDUCATIONAL SERVICES/RELIGION**

<i>Private instructional facilities*</i>	S	S	S		R	R	R				
<i>Public or private schools*</i>	S	S	S		R	R	R				
<i>Public or private colleges*</i>	S	S	S		R	R	R				
<i>Religious Institutions*</i>	S	R	S		R	R	R				

**HUMAN CARE AND SOCIAL ASSISTANCE**

<i>Child Day Care Services (see following)</i>											
<i>Family Child Care Home</i>	R	R	R	R	R	R					
<i>Group Child Care Home</i>	S <sup>†</sup>	S <sup>†</sup>	S <sup>†</sup>	S <sup>†</sup>	S <sup>†</sup>	S <sup>†</sup>					
<i>Child Care Center or Day Care Center</i>	S <sup>†</sup>	S <sup>†</sup>	S <sup>†</sup>		S <sup>†</sup>	S <sup>†</sup>	R <sup>†</sup>	R <sup>†</sup>			
<i>Community/Emergency &amp; Other Relief Services</i>								R	R		R
<i>Health Care Clinics/Dental Clinics*</i>			S				R	R	R		R
<i>Hospitals*</i>								R	R		S
<i>Individual &amp; Family Services</i>								R	R		R
<i>Nursing &amp; Residential Care Facilities (see following)</i>											
<i>State-Licensed Residential Facilities (6 or less adults)</i>	R	R	R	R	R	R					
<i>State-Licensed Residential Care Facility providing care to 7 or more persons (multiple facilities on one parcel)</i>							S	S			S
<i>Nursing/Convalescent Home/Assisted Living Home</i>			S <sup>†</sup>				S <sup>†</sup>	S <sup>†</sup>			
<i>Other Residential Care Facilities (Homeless shelter, substance abuse, correctional)</i>			S					S			
<i>Vocational Rehabilitation Services</i>								R	R		R

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<sup>1</sup> indicates supplemental regulations apply

\* indicates that access shall be on major thoroughfare

	R1	R2	R3	RR	CR	FF	B1	B2	B3	I	A
<b>MANUFACTURING/INDUSTRIAL/ WHOLESALE TRADE/WASTE MANAGEMENT/MINING</b>											
Bulk storage, distribution, and service facilities for petroleum and gas products, paint and chemicals										S	
Computer, Electronic, & Appliance Product Mfg										R	S
Concrete, Cement, Gypsum, Plaster of Paris Manufacturing										S	
Dry bulk blending plants										R	S
Food/beverage processing and packaging									R	R	S
Furniture & Related Product Mfg										R	S
Junkyards/salvage yards/scrap yards										S <sup>+</sup>	
Laboratories (research & experimental)									R	R	S
Leather & Allied Product Mfg										R	
Machine Shops										R	S
Metal Plating/Buffering/Polishing/Etc										S <sup>+</sup>	S <sup>+</sup>
Mines, quarries, and gravel pits		S <sup>+</sup>				S <sup>+</sup>				S <sup>+</sup>	
Miscellaneous Mfg (from previously prepared materials including agricultural, building, natural, synthetic, biological, and ceramic materials)										R	S
Prefabrication Shops for residential, commercial & industrial equipment									R	R	
Printing & Related Support Activities (large-scale)										R	
Recycling facilities/Resource Recovery Facilities/Transfer Stations/Waste Collection										R	
Research/Design/Experimental Product Development (within a completely enclosed building)									R	R	S
Textile & Apparel Mfg										R	S
Tool & Die Shops										R	S
Waste Collection Services										R	
Wood Product Mfg						S			R	R	S
<b>PUBLIC/GOVERNMENTAL FACILITIES</b>											
Community Centers*		R				R	R	R			
General Government Administration Facilities*		R				R	R	R	R	R	R
Libraries*						R	R	R			
Military Bases and Associated Activities											R
Police/Fire Stations*		R				R	R	R	R	R	R
Public Parks, Playgrounds, and Recreation Areas	R	R	R	R	R	R	R	R			
Public Works Facilities with outdoor storage*											R

**TABLE OF USES PERMITTED BY RIGHT & SPECIAL LAND USES**

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 S = Permitted with a Special Use Permit  
 † indicates supplemental regulations apply  
 \* indicates that access shall be on major thoroughfare

R1	R2	R3	RR	CR	FF	B1	B2	B3	I	A
----	----	----	----	----	----	----	----	----	---	---

**RESIDENTIAL USES/MISC**

<i>Cottage Industries</i>	S <sup>†</sup>	S <sup>†</sup>	S <sup>†</sup>	S <sup>†</sup>	S <sup>†</sup>	S <sup>†</sup>	S <sup>†</sup>			
<i>Dwelling Units in Support of Commercial Establishment*</i>						R	R			
<i>Home Occupations</i>	R <sup>†</sup>	R <sup>†</sup>	R <sup>†</sup>	R <sup>†</sup>	R <sup>†</sup>	R <sup>†</sup>	R <sup>†</sup>			
<i>Manufactured Housing Community</i>			S							
<i>Multiple-Family Dwelling</i>			R							
<i>One-Family Dwelling (year round &amp; seasonal)</i>	R	R	R	R	R	R				
<i>Planned Unit Development</i>	S <sup>†</sup>	S <sup>†</sup>	S <sup>†</sup>	S <sup>†</sup>	S <sup>†</sup>	S <sup>†</sup>	S <sup>†</sup>	S <sup>†</sup>	S <sup>†</sup>	
<i>Secondary Dwelling Units</i>	S <sup>†</sup>	S <sup>†</sup>	S <sup>†</sup>	S <sup>†</sup>	S <sup>†</sup>	S <sup>†</sup>				
<i>Two-Family Dwelling</i>			R							

**RETAIL TRADE**

<i>Bicycle Shops</i>						R	R			
<i>Boat &amp; Boating Accessory Sales</i>							S <sup>†</sup>			
<i>Building &amp; Garden Equipment &amp; Supplies Dealers</i>							S	R	R	
<i>Clothing &amp; Clothing Accessories Stores</i>						R	R			
<i>Convenience Stores</i>						R	R			
<i>Drive-Through Establishments (ex: pharmacy)</i>							R <sup>†</sup>			
<i>Electronics &amp; Appliance Stores</i>							R			
<i>Florists</i>						R	R			
<i>Food &amp; Beverage Stores</i>						R	R			
<i>Furniture &amp; Home Furnishings Stores</i>						R	R			
<i>General Merchandise Stores</i>						R	R			
<i>Hardware Stores</i>						R	R			
<i>Health &amp; Personal Care Stores</i>						R	R			
<i>Home Improvement Centers</i>							S			
<i>Manufactured Home Dealers</i>							S <sup>†</sup>			
<i>Medical Equipment Sales</i>							R			
<i>Movie Rental Stores</i>						R	R			
<i>Office Supply Stores</i>						R	R			
<i>Outdoor sales facilities (open air sales)</i>						R	R			
<i>Pawn Shops/Resale Shops</i>							R			
<i>Pet Stores</i>						R	R			
<i>Pharmacies/Medical &amp; Optical Supplies</i>						R	R			
<i>Small-Scale Craft Making</i>						R	R			
<i>Sporting Goods, Hobby, Book &amp; Music Stores</i>						R	R			
<i>Truck and heavy equipment sales/service establishments</i>								R <sup>†</sup>	R <sup>†</sup>	
<i>Vehicle Dealers</i>							S <sup>†</sup>	R <sup>†</sup>		

**TABLE OF USES PERMITTED BY RIGHT & SPECIAL LAND USES**

R = Permitted by right S = Permitted with a Special Land Use Permit † indicates supplemental regulations apply * indicates that access shall be on major thoroughfare	R1	R2	R3	RR	CR	FF	B1	B2	B3	I	A
<b>TRANSPORTATION SERVICES, WAREHOUSING &amp; STORAGE</b>											
<i>Airports, Landing Fields, Heliports, Aviation Support, Aviation Development, &amp; other functions related to aviation.</i>											R
<i>Couriers/Parcel Packing/Delivery Establishments</i>								R	R	R	R
<i>Freight Terminals/Trucking Facilities</i>										R	R
<i>Rail yards</i>										R	
<i>Scenic/Sightseeing, Passenger Transportation</i>								R	R	R	R
<i>Truck Washes</i>									R†	R†	R†
<i>Warehousing &amp; Storage</i>									R	R	R
<i>Wholesale Trade</i>									R	R	R

## ARTICLE 16 - GENERAL PROVISIONS

### SECTION 1600. GENERAL

#### 1. Effects Of Zoning<sup>†</sup>

- A. **Purpose:** It is the purpose of this Article to provide regulations that apply in all zoning districts to all permitted and special land uses.
- B. Zoning affects every structure and use and extends vertically. The provisions of this Article shall apply to all districts, except as noted herein. Except as hereinafter specified, each building, structure or premises shall hereafter be used or occupied, and each building or part thereof or other structure shall be erected, moved, placed, reconstructed, extended, enlarged, or altered, in conformity with the regulations herein specified for the zoning district in which it is located. The applicable zoning permit or building permit shall be obtained. In the event that any lawful use, activity, building or structure which exists or is under construction at the time of the adoption of this Ordinance and is not in conformance with the provisions of the Zoning District in which it is located, such use, activity, building or structure shall be considered a legal nonconforming use and shall be allowed to remain as such, including the completion of construction, providing said construction does not require more than one (1) year from the effective date of this Ordinance for completion.
- C. In case any building or part thereof is used, erected, altered or occupied contrary to law or to the provisions of this Ordinance, such building shall be declared a nuisance and may be required to be vacated, torn down, or abated by any legal means and shall not be used or occupied until it has been brought into conformance.
- D. If construction on a building is lawfully begun prior to adoption of this Ordinance, nothing in this Ordinance shall be deemed to require any change in the planned or designed use of any such building provided that actual construction is being diligently carried on, and further provided that such building shall be entirely completed for its planned or designed use within one (1) year from the effective date of this Ordinance, or affecting amendment.

#### 2. Application Of Regulations<sup>†</sup>

- A. All buildings, structures or land may hereafter be used, constructed, altered or occupied, only when in conformity with all of the regulations herein specified for the district in which it is located.
- B. No building or other structure shall hereafter be altered:
  - (1) To accommodate or house a greater number of persons or families than permitted by the Zoning District or to provide less space per dwelling unit than is specified for the Zoning District in which such building is located.

- (2) To have narrower or smaller rear yards, front yards, or other side yards, other than permitted.
  - (3) To exceed the height limitations or to occupy a greater percentage of lot area than is specified for the Zoning District in which such building is located.
- C. No yard, lot, parking area, or other required space existing at the time of passage of this Ordinance shall be subdivided or reduced in dimension or area below the minimum requirements set forth herein except where such reduction has been brought about by expansion or acquisition of public rights-of-way for streets, roads or highways. If a required area is already less than the minimum required under this Ordinance, said area or dimension shall not be further divided or reduced. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
3. **Permit Required:** No structure shall hereafter be erected, relocated or altered in its exterior dimension or interior use, and no excavation for any structure shall be begun until a zoning permit from the Township has been issued. With respect to this Zoning Ordinance, eligibility for a zoning permit shall be established upon conformance with the provisions contained herein. The relocation of a building to a different site shall be considered the same as erection of a new building. All provisions, regulations or requirements relative to the erection of a new building shall be applicable to a structure that is relocated.<sup>†</sup>
  4. **Restoration of Unsafe Buildings/Barrier-Free Modification:** Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Building Inspector or the Health Department. Nothing in this Ordinance shall prevent the unlimited modification of a building only as may be necessary to comply with barrier-free requirements and the Americans with Disabilities Act.<sup>†</sup>
  5. **Access:** Every principal structure hereafter erected or moved after the effective date of this Ordinance, shall be located on a lot adjacent to a public road, easement which provides access to a public road, or with access to an approved private road, and all structures shall be located on lots as to provide safe and convenient access for servicing fire protection, and required off-street parking.<sup>†</sup>

## SECTION 1601. ACCESSORY BUILDINGS

1. Accessory buildings, except as may otherwise be regulated in this Ordinance, shall be subject to the yard and setback requirements applicable to main buildings; but need not be farther than ten (10) feet from property lines in the rear and side yards.
2. **Attached Accessory Structures:** Where any accessory structure is attached to a principal building by a common wall, such accessory structure shall be considered part of the principal building for purposes of determining yard dimensions, regardless of whether the accessory building was constructed as a detached building and then

attached. †

3. **Accessory Buildings as Storage:** Truck bodies, school bus bodies, mobile/manufactured homes, travel trailers or other items built and intended for other uses shall not be used as permanent accessory buildings. Semi trailers may be used as temporary storage for commercial, industrial, or agricultural establishments for periods of one (1) year or less, but is not intended for permanent storage. †
4. **Accessory Building as a Dwelling:** No detached accessory building or structure (including boathouses) shall be used for dwelling purposes unless otherwise allowed in this ordinance. †

## **SECTION 1602. PARKING REQUIREMENTS**

There shall be provided in all districts at the time of erection or enlargement of any main building or structure or use, automobile off-street parking space with adequate access to all spaces.

1. Off-street parking for other than residential uses shall be either on the same lot or within four hundred (400) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. A minimum of one hundred sixty-two (162) square feet, or nine (9) feet by eighteen (18) feet, shall comprise one (1) vehicular space.
2. Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere.
3. **Parking Lot Deferment:** Where the property owner can demonstrate that the required amount of parking is excessive or where there will be a dual function of parking spaces between two uses where operating hours do not overlap, the Planning Commission may approve a smaller parking area. Area of sufficient size to meet the parking space requirements of this Article shall be retained as open space, and the owner shall agree to construct the additional parking if needed at the direction of the Planning Commission based on observed usage within six (6) months of being informed of such request in writing by the Zoning Administrator. The site plan shall note the area where parking is being deferred, including dimensions and a dotted parking lot layout. Any required landscaping placed in this area shall be relocated when the parking area is expanded. †
4. The storage of merchandise, motor vehicles for sale, trucks or the repair of vehicles, is prohibited on required off-street parking lots.
5. Residential off-street parking spaces shall consist of a driveway, parking strip, parking bay, garage, carport or combination thereof.
6. For the purpose of computing the number of parking spaces required, the definition of **USABLE FLOOR AREA** shall govern.
7. For those uses not specifically mentioned in the Schedule of Parking, requirements for off-street parking facilities shall be in accord with a use which the Planning Commission

considers as being similar in type.

8. Adequate area shall be provided for snow piling. Handicap parking shall be provided as required by State and Federal regulations. Designation of parking area shall be clearly identifiable for use by the public.
9. Excessive Parking Space: In order to minimize excessive areas of pavement, which are unsightly and contribute to high rates of stormwater runoff, exceeding the minimum parking space requirements by greater than ten percent (10%) shall not be allowed, except as approved by the Planning Commission. In granting such additional space, the Planning Commission shall determine that such parking will be required, based on documented evidence, to accommodate the use on a typical day.<sup>†</sup>
10. Off-Street Parking Schedule:  
The minimum number of off-street parking spaces required by use shall be in accordance with the following Schedule:

Land Use	Minimum Parking Space Required per Unit of Measure
<b>Residential:</b>	
Dwelling	2 per dwelling
Elderly Housing	3 per 2 units
Rooming House	1 per bed of capacity
Fraternity or Sorority	1 per 2 beds or 1 per 5 active members, whichever is greater
Mobile Home Park or Manufactured Housing Development	2 per unit, plus 1 per 5 units for guests
Adult Foster Care Home	1 per bed of capacity
<b>Institutional and Public:</b>	
Church or Temple	1 per 3 seats or each 6 feet of pew
Hospital	1-1/2 per bed of capacity
Nursing Home	1 per bed of capacity
Nursery, Elementary, or Junior High School	1-1/2 per employee
Senior High School	1 per employee, plus 1 per 5 students
Membership Clubs	1 per 3 persons of legal capacity
Golf, Swim or Tennis Club	1 per 2 member families
Public Golf Courses	6 per green or golf hole, plus 1 per employee
Par 3 and/or Mini Golf	3 per hole or green
Sport Arena or Stadium	1 per 2 seats or 1 per 6 feet of bench



Theater or Auditorium	1 per 2 seats or 1 per 3 persons of legal capacity
<b>Commercial:</b>	
Planned Shopping Center	1 per 100 square feet of floor area
Auto Wash-Automatic	1 per employee plus 2 per 20 feet of wash line
Auto Wash-Self Service	5 per wash stall
Barber	2 per service chair
Beauty Shop	2 per service chair
Dance Hall, Rinks or Assembly Building (no fixed seats)	1 per 3 persons of legal capacity
Banks	1 per 100 square feet of floor area
Doctor or Dentist Office	1 per 50 square feet of waiting room, plus 1 per service chair or examining room
Business Offices	1 per 200 square feet
Billiard Hall	2 per game table
Tavern	1 per 50 square feet of floor area
Restaurants	1 per 3 persons of seating capacity, plus auto stalls if drive-in type
Furniture, Appliances	1 per 800 square feet of floor area, plus 1 per employee
Plumbers, Electricians, Minor Repair Services	1 per employee, plus 1 per 300 square feet of floor area
Gasoline Station (full-service), Auto Repair	2 per service stall plus 1 per employee
Gasoline Station (self-service)	1-1/2 for each fuel nozzle
Laundromat	1 per 3 machines for washing or dry-cleaning machine
Funeral Home/Mortuary	1 per 50 square feet of parlor or chapel area
Hotel or Motel	1 per rental unit, plus 1 per employee
Vehicle Sales	1 per 200 square feet of showroom floor area, plus 1 per employee
Retail Grocery Stores	1 per 100 square feet of floor area
Other Retail Stores	1 per 150 square feet of floor area
<b>Industrial:</b>	
Welding Shop	2 per employee
Industrial Office or Research	1-1/2 spaces per employee
Warehouse & Wholesale	1 per employee

**NOTES:**

1. Square feet refers to square feet of "Usable" floor area.
2. 1 per unit of measure shall be interpreted to mean 1 per each unit, as 1 per "each" 3 persons.
3. Space requirements are cumulative; hence, a country club may require parking for the golf use as well as restaurant or bar use.
4. Employees refer to all permanent staff and part-time equivalents on the shift of maximum employment.
5. Legal capacity is the occupancy load as permitted by design, fire, or health standards.

**SECTION 1603. OFF-STREET LOADING AND UNLOADING**

On the same premises with every building, structure or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot, space for standing, loading and unloading in order to avoid undue interference with public use of dedicated streets or alleys. Plot and site plans shall show off-street loading areas.

## SECTION 1604. SPECIAL LAND USES<sup>†</sup>

Special Land Use Permits are required for proposed activities, which are essentially compatible with other permitted uses in a zoning district, but which possess characteristics or locational qualities which require individual review. The purpose of this individual review is to ensure compatibility with the character of the surrounding area, with public services and facilities, with adjacent properties, and to ensure conformance with standards set forth in this Ordinance. Special Land Uses are listed in this Ordinance in Section 1502.

### 1. PROCEDURES:

A. Application shall be submitted through the office of the Zoning Administrator, to the Planning Commission, on a special form provided for that purpose, and shall include the following:

- (1) Name and address of owner and applicant, if different, of the premises.
- (2) Legal description of the premises.
- (3) Description of proposed use, including parking facilities, if required, and any exceptional traffic situation the use may occasion.
- (4) Site plan drawn to scale showing the development plan of the total property, and proposed structures, types of buildings and their uses, per Section 1606.
- (5) Sewage and waste disposal facilities and water supply, existing and/or proposed for installation.
- (6) Use of existing premises and zoning district designation of all adjacent properties.
- (7) A statement by applicant appraising the effect on the neighborhood.
- (8) An application fee, established by the Township Board, shall accompany the application.

B. After a public hearing and review, the Planning Commission shall:

- (1) Approve the Special Land Use application and site plan. The Zoning Administrator shall then be directed to issue the Special Land Use permit, or;
- (2) Approve the Special Land Use application and site plan subject to conditions which are imposed in order to insure the Special Land Use complies with standards stated in this Ordinance. The Zoning Administrator shall then be directed to issue the Special Land Use permit, or;
- (3) Disapprove the Special Land Use application and site plan.

C. The decision on a Special Land Use shall be incorporated into a written statement of findings and conclusions relative to the Special Land Use which specifies the basis for the decision and any condition(s) imposed.

D. If the Zoning Administrator finds that the conditions and stipulations of a Special Land Use permit are not being adhered to, the Zoning Administrator shall give notice of the violation to the applicant by registered mail or personal delivery. The applicant shall have fifteen (15) days to notify the Zoning Administrator of the intent to rectify the violation. If the violation has not been rectified within forty-five (45) days from receipt of original notice, then the applicant shall be subject to all fines pursuant to **Article 18** of this Ordinance.

## 2. STANDARDS FOR REVIEW

Special Land Use permits shall be subject to the following requirements, in addition to the requirements and standards of the zoning district where located in order to prevent conflict with or impairment of the principal permitted uses of the zoning district.

- A. Compatibility with Adjacent Uses: The proposed Special Land Use shall be designed, constructed, operated and maintained to be compatible and appropriate in appearance with existing or planned uses and the intended character of the area and the surrounding land. In determining whether a Special Land Use will be compatible and not create a significant detrimental impact, as compared to the impacts of permitted uses, consideration shall be given to the degree of impact the Special Land Use may have on adjacent property, as compared with the expected value to the community. The following types of impacts shall be considered:
  - (1) Use activities, processes, materials, equipment, or conditions of operation;
  - (2) Vehicular circulation and parking areas;
  - (3) Outdoor activity, storage and work areas;
  - (4) Hours of operation;
  - (5) Production of traffic, noise, vibration, smoke, fumes, odors, dust, glare, and light;
  - (6) Impacts on adjacent property values; and
  - (7) The relative ease by which the impacts above will be mitigated.
- B. Site size to accommodate the use, customary accessory uses, and on-site services (sewage disposal and water supply).
- C. Impact of the proposed use on the quality and quantity of water resources, domestic water supplies; and capacity to absorb the anticipated sewage disposal demand.
- D. Entrance drives to the use of off-street parking areas shall be no less than twenty-five (25) feet from a street intersection (measured from the road right-of-way) or from the boundary of a different Zoning District.
- E. The use shall not diminish the value of land, buildings, or structures in the neighborhood, or increase hazards from fire or other dangers to either the property or adjacent properties.
- F. Suitability of access to the use, assuring that minor residential streets are not used to serve uses that have larger area-wide patronage.
- G. Allowance is made for vehicles to enter and exit the use safely and no visibility impediments to drivers are created by signs, buildings, land uses, plantings, etc.
- H. Economic Well-Being of the Community: The proposed Special Land Use shall not be detrimental to the economic well-being of the surrounding residents, businesses, landowners, and the community as a whole.

- I. **Non-Detrimental Standards:** The proposed Special Land Use shall not involve uses, activities, processes, materials, equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of noxious or offensive production of noise, smoke, fumes, glare, vibration, odor or traffic.

**NOTE:** Special Land Uses which also require a site plan shall also be subject to the site plan review requirements contained in **Section 1606**.

- C. **Amendment of Approved Special Land Use:** Amendment of an approved Special Land Use shall be permitted only under the following circumstances:

- A. The owner of property for which a Special Land Use has been approved shall notify the Zoning Administrator of any desired change to the approved Special Land Use. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design and character of the Special Land Use, nor violate any of the specified conditions imposed as part of the original approval. Minor changes shall include the following:

- (1) Reduction of the size of any building and/or sign.
- (2) Movement of buildings and/or signs by no more than ten (10) feet.
- (3) Landscaping approved in the Special Land Use that is replaced by similar landscaping to an equal or greater extent.
- (4) Changes in floor plans that do not exceed five (5%) percent of the total floor area and which do not alter the character of the use or increase the amount of required parking.
- (5) Internal re-arrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
- (6) Changes which are required or requested by Wilson Township, Alpena County, or other state or federal regulatory agencies in order to conform with other laws or regulations; provided the extent of such changes does not alter the basic design and character of the Special Land Use, nor violate any of the specified conditions imposed as part of the original approval.
- (7) All amendments to a Special Land Use approved by the Zoning Administrator shall be in writing. After approval by the Zoning Administrator, the Applicant shall prepare a revised site plan showing the approved amendment. The revised site plan shall contain a list of all approved amendments and a place for the zoning administrator to sign and date all approved amendments.

- B. An amendment to an approved Special Land Use that cannot be processed by the zoning administrator under subsection 7 above shall be processed in the same manner as an original Special Land Use application.

**SECTION 1605. Reserved**

## SECTION 1606. PLOT PLANS & SITE PLAN REVIEW (ALL DISTRICTS)

1. **Plot Plans:** Plot plans are approved by the Zoning Administrator. All applications for Zoning Permits which do not require a site plan shall be accompanied by a Plot Plan, drawn to scale, showing the following:<sup>†</sup>
  - A. The shape, location and dimensions of the lot, drawn to scale. The scale shall be of such size as deemed adequate by the Zoning Administrator to make a judgment that the application meets the requirements of this Ordinance. When deemed necessary by the Zoning Administrator, a survey may be required.
  - B. Name and address of the property owner(s), developer(s), and designer(s), and their interest in said properties.
  - C. The scale and north arrow.
  - D. Location of required setbacks of the zoning district.
  - E. The location, shape, dimensions, and height of all structures or impervious surfaces to be erected, altered or moved onto the lot and of any building or other structure already on the lot, drawn to scale. In addition, an elevation drawing of the proposed building(s) may be required by the Zoning Administrator in order to measure the height of the proposed structures.
  - F. The location and configuration of the lot access and driveway, drawn to scale.
  - G. The location and width of all abutting rights-of-way, easements, and public open spaces within or bordering the subject project.
  - H. Location of existing or proposed septic system and water well.
  - I. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
  - J. Natural features such as forests, water bodies, wetlands, high risk erosion areas, slopes over 10%, drainage and other similar features, if determined by the Zoning Administrator to be applicable.
  - K. Other information concerning the lot or adjoining lots that may be essential for determining whether the provisions of this Ordinance are being observed.
2. **Site Plans:** Site plans give the Planning Commission an opportunity to review development proposals in a concise, consistent manner. The use of a plan insures that physical changes in the property meet with local approval and that building actually occurs as it was promised by the developer.
3. **Circumstances Requiring a Site Plan:** Site plans are subject to review for the

following:

- A. All new uses except one-family and two-family residential units and accessory structures.<sup>†</sup>
  - B. Expansion or renovation of an existing use, other than a one-family and two-family residential use, which increases the existing floor space more than twenty-five percent (25%).
  - C. Changes of use for an existing structure, other than to one-family and two-family residential units, except when such change would not result in an increase in impervious surface, additional off-street parking, access or other external site characteristics, or create a violation of this Ordinance.<sup>†</sup>
  - D. Establishment of a plat, a site condominium, subdivision, or other form of real estate development provided the plat, site condominium, subdivision plan or other real estate development establishes either (a) more than two residential units or (b) any other use requiring a site plan under this Ordinance.<sup>†</sup>
4. **Site Plan Data Required:** Each site plan submitted shall contain the following information, unless specifically waived, in whole or in part, by the Township Planning Commission.
- A. The date, north arrow, scale and name of individual or firm responsible for preparing said plan. The scale must be at least one (1) inch = fifty (50) feet for parcels under three (3) acres and not less than one (1) inch = one hundred (100) feet for parcels three (3) acres or more.
  - B. The boundary lines of the property, to include all dimensions and legal description.
  - C. The location of all existing and proposed structures on the site, including proposed drives, walkways, signs, exterior lighting, parking (showing the dimensions of a typical parking area), loading and unloading areas, common use areas and recreational areas and facilities.
  - D. The location and width of all abutting right-of-ways.
  - E. The location of existing environmental features, such as streams, wetlands, shorelands, mature specimen trees, wooded areas or any other unusual environmental features.
  - F. The location and identification of all existing structures within a two hundred (200) foot radius of the site.
  - G. The name and address of the property owner(s), developer(s), and designer(s) and their interest in said property.
  - H. The existing zoning district in which the site is located and the zoning of adjacent parcels. In the case of a request for a zoning change, the classification of the

proposed new district must be shown.

- I. The location of all existing and proposed landscaping as well as all existing and proposed fences or walls.
- J. A locational sketch of the proposed use or structure(s).
- K. The type, location and size of all existing and proposed utilities.
- L. The location, size and slope of all surface and subsurface drainage facilities.
- M. Summary tables, cross-sections and/or floor plans should be included with site plans for proposed structures, giving the following information:
  - (1) The number of units proposed, by type, including a typical floor plan for each type of unit.
  - (2) The area of the proposed units in square feet, as well as area dimensions of driveways and staging areas.
  - (3) Typical elevation drawings of the front and rear of each building.
- N. The topography of the existing and finished site shall be shown by contours or spot elevations. Where the existing slope on any part of the site is ten percent (10%) or greater, contours shall be shown at height intervals of two (2) feet or less.
- O. Anticipated hours of operation for the proposed use. The Planning Commission may impose reasonable limits to hours of operation as a condition of site plan approval when warranted to assure compatibility with surrounding land uses.
- P. The area of the property to be covered by structures.<sup>†</sup>
- Q. The location and description of any existing or proposed outdoor storage facilities (above-ground and below-ground storage).<sup>†</sup>

5. **Site Plan Submittal and Approval Procedures:**

- A. Nine copies of the proposed site plan, including all required additional or related information, shall be presented to the Zoning Administrator's Office by the petitioner or property owner or his designated agent at least thirty (30) days prior to the Planning Commission meeting where the site plan will be considered. The Zoning Administrator shall cause the submittal to be placed on the agenda of the next regular Planning Commission meeting. Notice of said meeting shall be in conformance with **Section 1810**.<sup>†</sup>
- B. The Planning Commission may distribute the site plan to the following agencies or any other agency deemed appropriate for comment prior to consideration for approval.<sup>†</sup>



- (1) The Alpena County Soil Erosion and Sedimentation Control Officer;
  - (2) The Alpena County Drain Commissioner;
  - (3) The Alpena County Road Commission and, if appropriate, the Michigan Department of Transportation;
  - (4) District Health Department;
  - (5) Local fire and ambulance service providers.
- C. The applicant or his/her representative shall be present at the scheduled review. If the applicant fails to provide representation, the review will be addressed at the next scheduled Planning Commission meeting. †
- D. The Planning Commission may request the assistance of a qualified professional planner, engineer, attorney, or other professional in the site plan review process if deemed necessary or advisable. †
- E. **Administrative Fees:** Any Site Plan application shall be accompanied by a fee, in an amount to be determined by the Township Board. Such fee shall be for the purpose of payment for the administrative costs and services expended by the Township in the implementation of this Section and the processing of the application. Such fee may be used to reimburse another party retained by the Township to provide expert consultation and advice regarding the application. The Township may return any unused portion of the fee to the applicant. Any costs of special meetings called to review site plans shall be borne by the applicant.
- F. **Standards for Granting Site Plan Approval:** The Planning Commission shall approve, or approve with conditions, an application only upon a finding that the proposed site plan complies with all applicable provisions of this Ordinance and the standards listed below unless the Planning Commission waives a particular standard upon a finding that the standard is not applicable to the proposed development under consideration and the waiver of that standard will not be significantly detrimental to surrounding property or to the intent of the Ordinance. The Planning Commission's decision shall be in writing and shall include findings of fact, based on evidence presented on each standard. †
- (1) **Public Welfare and Adjoining Properties:** The uses proposed will not adversely affect the public health, safety, or welfare. Uses and structures located on the site shall take into account the size of the property, uses on the adjoining property and the relationship and size of buildings to the site. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
  - (2) **Topography and Natural Landscape:** All elements of the site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of elements that

respect existing features of the site in relation to topography. 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 smooth natural appearing slopes as opposed to abrupt changes in grade between the project and adjacent areas.

- (3) **Drainage**: On-site drainage shall be required. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties. Provisions shall be made to accommodate stormwater and to prevent erosion and the formation of dust. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create puddles in paved areas. Catch basins may be required to contain oil filters or traps to prevent contaminants from being discharged to the natural drainage system.
- (4) **Privacy**: The site plan shall provide reasonable visual and sound privacy for all dwelling units located therein. Fences, walls, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
- (5) **Emergency Vehicle Access**: All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides.
- (6) **Vehicular and Pedestrian Circulation**: Safe, convenient, uncontested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. The pedestrian circulation system shall be as insulated as completely as reasonably possible from the vehicular circulation system. Drives, streets and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry. Where possible, shared commercial access drives shall be encouraged.
- (7) **Access**: Every structure or dwelling unit shall have access to a public street, private road, walkway or other area dedicated to common use.
- (8) **Outdoor Storage**: All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public thoroughfares, shall be screened, by a vertical screen consisting of structural or plant materials of sufficient height to obscure the direct view from adjacent first floor elevations.

- (9) **Exterior Lighting:** Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not interfere with the vision of motorists along adjacent streets. Lighting of building or structures shall be minimized to reduce light pollution.
- (10) **Compliance with other Statutes and Regulations:** Site plans shall conform to all applicable requirements of state and federal statutes, and approval may be conditioned on the applicant receiving necessary state and federal permits before the actual Zoning Permit is granted.

The following standards relate to groundwater protection:

- (11) The project and related improvements shall be designed to protect land and water resources from pollution, including pollution of soils, groundwater, rivers, streams, lakes, ponds, and wetlands.
- (12) Storm water detention, retention, transport, and drainage facilities shall be designed to use or enhance the natural storm water system on site, including the storage or filtering capacity of wetlands, watercourses, and water bodies, and/or the infiltration capability of the natural landscape. Storm water facilities shall not cause flooding or the potential for pollution of surface or groundwater, on-site or off-site.
- (13) General purpose floor drains shall be connected to an on-site holding tank (not a septic system) in accordance with state and county requirements, unless a groundwater discharge permit has been obtained from the appropriate governing entity. General purpose floor drains, which discharge to groundwater, are prohibited.
- (14) Sites at which hazardous substances, hazardous wastes, or potentially polluting materials are stored, used, or generated shall be designed to prevent spills and discharges of such materials to the air, surface of the ground, groundwater, lakes, streams, rivers or wetlands.
- (15) Secondary containment facilities shall be provided for aboveground storage or hazardous substances, hazardous wastes, or potentially polluting materials in accordance with state and federal requirements. Aboveground secondary containment facilities shall be designed and constructed so that the potentially polluting material cannot escape from the unit by gravity through drains or other means directly or indirectly into groundwater.
- (16) Underground storage tanks shall be registered, installed, operated, maintained, closed and removed in accordance with regulations of the appropriate governing entity.
- (17) Out-of-service or abandoned underground storage tanks shall be closed and removed in accordance with regulations of the appropriate governing entity.

- (18) Aboveground storage tanks shall be certified, installed, operated, maintained, closed or removed in accordance with regulations of the appropriate governing entity.
- (19) Bulk storage facilities for pesticides and fertilizers shall be in compliance with requirements of the appropriate governing entity.
- (20) Abandoned water wells (wells that are no longer in use or are in disrepair), abandoned monitoring wells, and cisterns shall be plugged in accordance with regulations and procedures of the appropriate governing entity and the District Health Department.
- (21) State and federal requirements for storage, spill prevention, record-keeping, emergency response, transport and disposal of hazardous substances, hazardous wastes, liquid industrial waste or potentially polluting materials shall be met. No discharge to surface water or groundwater, including direct or indirect discharges of waste, waste effluent, wastewater, pollutants, or cooling water, shall be allowed without approval from state, county and local agencies.

Any conditions or modifications desired by the Planning Commission shall be recorded in the minutes of the appropriate Planning Commission meeting.

When approved, at least two (2) copies of the final approved Site Plan shall be signed and dated by the Chair of the Planning Commission and the petitioner. One of these two (2) approved copies shall be kept on file by the Township Zoning Administrator and the other approved copy shall be returned to the petitioner or his designated representative. Any changes deemed necessary, after final approval, requires mutual consent of both the Planning Commission and the petitioner.

6. **Site Plan Amendments:** Amendment of an approved site plan shall be permitted only under the following circumstances:<sup>†</sup>

- A. The owner of property for which a site plan has been approved shall notify the Zoning Administrator of any desired change to the approved site plan. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design and character of the site plan, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
  - (1) Reduction of the size of any building and/or sign.
  - (2) Movement of buildings and/or signs by no more the ten (10) feet.
  - (3) Landscaping approved in the site plan that is replaced by similar landscaping to an equal or greater extent.
  - (4) Changes in floor plans that do not exceed five (5%) percent of the total floor area and which do not alter the character of the use or increase the amount of required parking.

- (5) Internal re-arrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
  - (6) Changes that will preserve the natural features of the site without changing the basic site layout.
  - (7) Changes related to item a) through f) above, required or requested by Wilson Township, Alpena County, or other state or federal regulatory agencies in order to conform with other laws or regulations; provided the extent of such changes does not alter the basic design and character of the site plan, nor any specified conditions imposed as part of the original approval.
  - (8) All amendments to a site plan approved by the Zoning Administrator shall be in writing. After approval by the Zoning Administrator, the Applicant shall prepare a revised site plan showing the approved amendment. The revised site plan shall contain a list of all approved amendments and a place for the zoning administrator to sign and date all approved amendments.
- B. An amendment to an approved site plan that cannot be processed by the Zoning Administrator under subsection A above shall be processed in the same manner as the original site plan application.
7. **Revocation:** If the Zoning Administrator finds that the approved site plan and conditions are not being adhered to, the Zoning Administrator shall give notice of the violation to the applicant by registered mail or personal delivery. The applicant shall have fifteen (15) days to notify the Zoning Administrator of the intent to rectify the violation. If the violation has not been rectified within forty-five (45) days from receipt of original notice, then the applicant shall be subject to all fines pursuant to Article 18 of this Ordinance. †
  8. **Appeal of Revocation:** The decision of the Planning Commission may be appealed by the owner to the Board of Appeals upon written request by the owner for such a hearing. Such requests must be made within sixty (60) days of the notice to the owner of such revocation action by the Planning Commission.
  9. **Expiration of Site Plan:** The site plan shall expire unless construction of an approved site plan improvement has begun within 365 days of approval. Thirty days prior to expiration of an approved final site plan, an applicant may make application to the Planning Commission for a one-year extension of the site plan at no fee. The Planning Commission shall grant the requested extension for an additional one year if it finds good cause for the extension. Any subsequent re-submittal of a site plan due to expiration which has not been granted an extension shall be processed as a new request with new fees. †

## SECTION 1607. FENCES (GENERAL): †

Fences designed to enclose property in any district shall be subject to the following conditions:

1. Fences in any platted subdivision, lot of record, or site condominium development shall not contain barbed wire or be electrified.
2. No fence shall obscure the vision of drivers of vehicles at any driveway entrance or exit, street intersection or other pedestrian or vehicle property access point.
3. All fences shall be maintained in good condition and shall not constitute a safety hazard. Any fence not maintained as required by this subsection shall be removed by the owner of the fence.
4. The portions of all fences facing property other than the property of the fence owner or facing a street right-of-way shall be finished so that, to the extent possible by the design of the fence, the fence posts and the horizontal and/or vertical fence supports are not visible from that other property or from the street right-of-way.
5. No fence shall be approved which
  - A. constitutes a fire hazard either by itself or in connection with the existing structures in the vicinity; or
  - B. interferes or will interfere with access by the Fire Department in case of fire to buildings in the vicinity; or
  - C. will constitute a hazard to street traffic or to pedestrians.
6. Unless specifically provided for by other provisions in this Ordinance, fences, walls, or hedges may be permitted on any property in any District, in accordance with the following:
  - A. R-1, R-2, R-3, RR, CR, FF, B-1, B-2, B-3 Districts:
    - (1) Maximum Height: Six (6) feet in rear and side yards and four (4) feet in front yard.
    - (2) Setback: One (1) foot in side and rear yards. Fences and walls may be located on the lot line in the side or rear yards if a prearranged agreement is signed by both abutting property owners. Said agreement shall not terminate upon sale of the property. No front setback required.
  - B. A & I Districts:
    - (1) Maximum Height: Eight (8) feet in rear and side yards and four (4) feet in front yard.
    - (2) Setback: One (1) foot in side and rear yards. Fences and walls may be located on the lot line in the side or rear yards if a prearranged agreement is signed by both abutting property owners. Said agreement shall not terminate upon sale of the property. No front setback required.
7. Fences, walls, or hedges installed, constructed, or planted in accordance with the provisions of this Ordinance shall not obstruct sight distances needed for safe vehicular traffic, nor create a hazard to traffic or pedestrians.

## SECTION 1608. PROTECTIVE SCREENING

1. For nonresidential uses, except farms, which abut a permitted residential use, or which are adjacent to a Residential District boundary, there shall be provided and maintained greenbelts, fences or walls as required below. These requirements do not apply whenever the use, storage area, etc. is more than five hundred (500) feet from an adjacent Residential District boundary or residential use. The specifications of the protective screening shall be submitted as part of the site plan. Some exceptions to these requirements applying to more intense Special Land Uses may be contained in **Article 17.**<sup>†</sup>
  - A. **Width of landscape buffers:** Landscape buffers (greenbelts) shall be at least ten (10) feet in width.
  - B. **Height of landscape buffers:** Height of landscape buffers shall be no less than eight (8) feet for trees and four (4) feet for shrubs.
  - C. **Height of protective screening (fences and walls):** Height of fences or walls shall be no less than six (6) feet.
  - D. **Plant material spacing:**
    - (1) Plant materials shall not be closer than four (4) feet from the fence line or property line.
    - (2) Where planting materials are planted in two or more rows, plantings shall be staggered in rows.
    - (3) Evergreen trees shall be planted not more than thirty (30) feet on centers.
    - (4) Narrow evergreens shall be planted not more than three (3) feet on centers.
    - (5) Deciduous trees shall be planted not more than thirty (30) feet on centers.
    - (6) Tree-like shrubs shall be planted not more than ten (10) feet on centers.
    - (7) Large deciduous shrubs shall be planted not more than four (4) feet on centers.
2. The Planning Commission shall be empowered to modify fence and wall requirements as deemed necessary by conditions affecting a particular development, or to waive requirements where no good purpose would be served by compliance with these standards.
3. Wherever in this Ordinance a buffer strip is required, it shall be planted within six (6) months from the date the use is substantially completed or occupied, and shall thereafter

be maintained with permanent plant materials to provide a screen to abutting properties. Materials equal in characteristics to the plant materials listed with the spacing as required shall be provided, and existing natural wooded areas may be approved as fulfilling the intent of this Section.

<b>Suggested Plant Material</b>
<b>Evergreen Trees:</b> Juniper, Red Cedar, White Cedar, Pines
<b>Narrow Evergreens:</b> Pyramidal Arbor-Vitea, Columnar Juniper, Irish Juniper
<b>Tree-like Shrubs:</b> Flowering Crabs, Russian Olives, Mountain Ash, Redbud, Rose of Sharon
<b>Large Deciduous Shrubs:</b> Honey Suckle, Viburnum, Mock Orange, Forsythia, Lilacs, Ninebark
<b>Large Deciduous Trees:</b> Oak, Birch, Beech, Hard Maples, Ash, Hackberry, Sycamore
<b>Trees Not Permitted:</b> Box Elder, Silver Maples, Elms, Poplars, Ailanthus (Tree of Heaven), Weeping Willow, Autumn Olive



## SECTION 1609. OUTDOOR LIGHTING<sup>†</sup>

1. **REGULATED LIGHTING.** The following types of lighting shall be regulated by this Ordinance:
  - A. Private parking lot lighting and site lighting for commercial, industrial and institutional developments.
  - B. Multiple-family development parking lot lighting and site lighting.
  - C. Privately-owned street lighting.
  - D. Building facade lighting.
  - E. Security lighting, spotlights, and floodlights.
  - F. Other forms of outdoor lighting which, in the judgment of the Zoning Administrator, is similar in character, luminosity and/or glare to the foregoing.
2. **EXEMPTED AREAS AND TYPES.** The following types of outdoor lighting shall not be covered by this Ordinance:
  - A. Residential decorative lighting such as porch or entry lights, ground level lawn and driveway lights, and special seasonal lights such as Christmas decorations.
  - B. Lights located within the public right-of-way or easement.
  - C. Temporary lighting needed for emergency services or to perform nighttime road construction on major thoroughfares.
  - D. Temporary lighting for civic activities, fairs, or carnivals provided the lighting is temporary.
  - E. Lighting required by the Federal Communications Commission, Federal Aviation Administration, Federal Occupational Safety and Health Administrations, or other applicable federal or state agencies.
3. **STANDARDS:** Lighting shall be designed and constructed as per the following requirements:
  - A. **DESIGN:** All exterior lighting shall be designed in a consistent and coordinated manner for the entire site. All lighting structures within a property or planned development shall be of uniform design and materials and shall be harmonious to the scale of the property and its surroundings. Parking lot and street lights shall also be of uniform height.
  - B. **LIGHTING CONFINED TO SITE:** Direct or directly reflected light shall be confined to the development site and pedestrian pathways and shall not

negatively affect adjoining property. All lighting shall be oriented not to direct glare or excessive illumination in a manner which may interfere with the vision of drivers or pedestrians.

- C. **LIGHTING DIRECTED DOWNWARD/SHIELDED:** Except for diffused globe-style walkway lights, lighting for sporting events, and the lighting addressed in subsection d below, the following shall apply: all outdoor lighting in all districts shall be directed toward and confined to the ground areas of lawns or parking lots. Exterior lighting shall be shielded, hooded and/or louvered to provide a glare-free area beyond the property line unless the light source is not directly visible from beyond the boundary of the site. Lighting fixtures shall have one hundred (100) percent cut off above the horizontal plane at the lowest part of the point light source. The light rays may not be emitted by the installed fixture at angles above the horizontal plane.
- D. **UPWARD DIRECTIONAL LIGHTING:** All lighting used for the external illumination of buildings and flags with lights directed in an upward direction so as to feature said buildings and flags, shall be placed and shielded so as not to interfere with the vision of persons on adjacent streets or adjacent property.
- E. **HEIGHT:** Pedestrian lighting shall be no more than sixteen (16) feet in height. Parking lot lighting and lighting for public and private streets shall be no more than twenty-five (25) feet in height. The Planning Commission may permit taller fixtures only when the Commission determines that unique conditions exist and where a waiver would: reduce the number or bulk of light fixtures; not adversely impact neighboring properties; and permit fixtures in proportion to height and bulk of nearby buildings and other fixtures.
- F. **LOCATION OF POLES:** Lighting poles and structures shall be located within landscaped areas where possible.
- G. **MOVING LIGHTS:** All illumination of any outdoor feature shall not be of a flashing, moving or intermittent type. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use. Beacon, strobe and search lights are not permitted.
- H. **INTERFERENCE WITH TRAFFIC CONTROL DEVICES:** No colored lights shall be used at any location where it may be confused with or construed as traffic control devices.
- I. **GAS STATIONS:** Ceiling lights in gas pump island canopies shall be recessed.

## **SECTION 1610. OUTDOOR SPEAKERS AND SOUND DEVICES**

Uses requiring outdoor speakers, outdoor public address systems or similar sound devices shall not operate said equipment without the written consent of the Planning Commission, who shall determine that no public nuisance will be established.

## SECTION 1611. SANITARY PROVISIONS - SEWERAGE AND WATER FACILITIES

All water supply and sanitary sewage disposal systems either public or private, for any building hereafter erected, altered or moved upon any premises shall be subject to compliance with District Health Department #4 sanitary code requirements. Plans must be submitted to and approved by the responsible agencies. The written approval of such facilities by District Health Department #4 shall be filed with application for a Zoning Permit.

## SECTION 1612. *RESERVED*

## SECTION 1613. SIGNS AND BILLBOARDS<sup>†</sup>

1. **Sign Permit Required:** No sign, except those indicated in subsection 13 (below), shall be erected, altered, replaced, or relocated until approved by the Zoning Administrator and a Zoning Permit issued. A property owner may maintain an existing conforming sign without a sign permit provided the type, size, shape and height do not change and the use remains the same. All signs within Wilson Township shall conform to the regulations herein, whether or not a permit is required.
2. **Construction and Maintenance:** The construction of any sign shall be such that it will withstand all wind and vibration forces which can be normally expected to occur in the vicinity.
3. **Signs Not To Constitute A Traffic Hazard:** No sign shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, or which makes use of the words "Stop," "Look," "Danger" or any word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic.
4. **Signs in Right-of-Way:** No sign, except those established and maintained by County, State or Federal governments, shall be erected in, nor project into, or overhang a road right-of-way.
5. **Directional Signs:** Directional signs required for the purpose of orientation, when established by County, State or Federal governments shall be permitted in all districts.
6. **Signs which are in need of repair, obsolete, not affixed, or obstructing/Signs affixed to other surfaces:** Signs, which are in need of repair, other than normal maintenance, which are not securely affixed to a substantial structure; or which are obsolete; or those that resemble official traffic signs; or obstruct official signs, are prohibited. No advertising sign shall be affixed to trees, rocks, shrubs, utility poles, or other similar objects. No sign shall be affixed to a motor vehicle or other similar object not usually used for signage and put on permanent, non-mobile display for the purpose of advertising.
7. **Illumination/Glare:** Internally and externally lighted reflective, glowing and other forms of illumination shall be permitted on all signs except where specifically prohibited. All illumination shall be concentrated on the area of the sign or landscape feature or directed or

shielded so as to not interfere with the vision of persons on the adjacent streets or adjacent property. Illumination shall not constitute a traffic hazard. No sign shall be illuminated by other than electrical means or devices, and wiring shall be installed in accordance with the National Electrical Code.

8. **Flashing/Moving Signs:** Illuminated signs shall not be of the flashing, moving or intermittent type unless elsewhere allowed in this Ordinance or approved by the Zoning Administrator, who shall find that the lighting is non-glaring and does not interfere with traffic control devices.
9. **Free-Speech/Obscene Material:** Signs which express non-commercial speech may be erected in any district. No sign shall contain statements, words, or pictures of an obscene, indecent or immoral character, such as will offend public morals or decency.
10. **Political Signs:** Temporary political signs may be located in any zoning district and shall be removed within fourteen (14) days following the election date. Other temporary signs shall be removed at the completion of the advertised event.
11. **Real Estate Signs:** Real estate signs shall be permitted only while said real estate is actually on the market for sale, rent or lease. Two (2) real estate signs shall be permitted if said property fronts two (2) roads or streets. Off-premise signs pertaining to real estate developments located in the Township and designed to promote the sale of lots or homes within a subdivision located in the Township are permitted on a temporary basis in any zoning district, but shall not be located upon subdivided land unless such land is part of the subdivision being advertised for sale.
12. **Nonconforming Signs:**
  - A. Nonconforming signs that were otherwise lawful on the effective date of this Zoning Ordinance may be continued.
  - B. No person shall increase the extent of nonconformity of a nonconforming sign. Without limiting the generality of the foregoing, no nonconforming sign may be enlarged or altered in such a manner as to aggravate the nonconforming condition. Nor may illumination be added to any nonconforming sign.
  - C. A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this section.
  - D. If a nonconforming sign is destroyed by natural causes, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all provisions of this Zoning Ordinance. The remnants of the former sign structure not usable for a new conforming sign shall be removed within one hundred eighty (180) days. For purposes of this section, a nonconforming sign is considered destroyed if it is damaged to an extent that the cost of repairing the sign to its former stature or replacing it with an equivalent sign equals or exceeds the value of the sign so damaged.
  - E. Subject to the other provisions of this section, nonconforming signs may be repaired, maintained, serviced or repainted if the framework and/or the size and/or shape of the

sign remain unchanged. If such framework is altered or removed or the size and/or shape of the sign are altered, said sign must be changed to a conforming sign.

- F. If a nonconforming sign, other than an off-premise sign, advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be deemed abandoned and shall be removed by the owner of the sign, the owner of the property where the sign is located, or the party having control over such sign within 180 days after such abandonment.
- G. If a nonconforming off-premise sign remains blank for a continuous period of 180 days, that off-premise sign shall be deemed abandoned and shall, within 30 days after such abandonment, be altered to comply with this Zoning Ordinance or be removed by the owner of the sign, the owner of the property where the sign is located, or the persons having control over such sign. For purposes of this section, a sign is “blank” if:
  - (1) It advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted;
  - (2) The advertising message it displays becomes illegible in whole or substantial part; or
  - (3) The advertising copy that either has been paid for by a party other than the sign owner or promotes an interest other than rental of the sign has been removed.

H. **Subsections F and G** above shall not apply to signs advertising seasonal businesses.

13. **Signs Allowed Without a Permit:** The following signs are allowed without a permit, provided such signs are established in a lawful manner and placed so as not to cause a nuisance or create a safety hazard:

- A. **Residential Nameplates.**
- B. **Real Estate** (Residential and Commercial).
- C. **Interior Window Signs**
- D. **Political or Opinion Signs:** Temporary, non-illuminated signs supporting a political candidate or offering an opinion on an issue or subject. Such signs shall not exceed eight (8) square feet in size.
- E. **Caution Signs:** Non-advertising signs erected to warn the public of dangerous conditions and unusual hazards.
- F. **Non-Advertisement Informational:** Informational signs not exceeding four (4) square feet in area may be utilized for additional traffic regulation, including, but not limited to, loading dock, low clearance, garage, office, warehouse, and service signs.
- G. **Directional Signs:** Three (3) signs per parking lot not exceeding three (3) square feet and six (6) feet in height identifying the business and providing driving, ingress/egress, and parking information.

- H. **Memorial/Historical Signs:** Memorial signs or tablets, names of buildings and date of erection, when cut into any masonry surface of a building or when constructed of bronze or other incombustible material affixed to a building. Also includes signs designating the building as a historical structure.
  - I. Flags bearing the design of a nation, state, municipality, educational institution, or noncommercial organization.
  - J. **Point-of-Sale Signs:** Permanent signs on vending machines, gas pumps, or ice containers indicating only the contents of such devices, cost of product, and the methods of payment.
  - K. **Noncommercial Designation Signs:** Signs not exceeding two (2) square feet each which contain only noncommercial messages including designation of restrooms, telephone location, restrictions on smoking, and door openings.
  - L. **Affiliation Signs:** Business signs not exceeding one (1) square foot containing information on credit cards and business affiliations.
  - M. **Yard/Garage Sale:** Temporary, non-illuminated signs advertising yard, rummage, garage, basement, porch, or deck sales and other such signs shall not exceed six (6) square feet in size, shall be permitted twenty-four hours prior to the event and shall be removed after a period of five (5) days.
  - N. **Temporary Sign.**
14. The Planning Commission may upon application of the property owner modify the area of sign permitted for reasons of unusual building size or bulk, large site area and/or deep building setback, or where in unusual circumstances no good or practical purpose would be served by strict compliance with the requirements of the Section.
15. **Sign Standards:**

<b>TABLE 1613A: ON-PREMISE SIGNS: RESIDENTIAL SIGN REQUIREMENTS</b>			
	<b>Single &amp; Two- Family Uses</b>	<b>Home-Based Business/ Cottage Industry/Bed &amp; Breakfast</b>	<b>Multiple Family, Subdivisions, Manufactured Housing Dev.</b>
<b>Free-Standing Signs</b>	1 Nameplate at 8 ft <sup>2</sup>	1 at 8 ft <sup>2</sup>	1 per entrance at 32 ft <sup>2</sup> Height = 6 ft Setback = 10 ft from front lot line
<b>Wall Signs</b>	1 Nameplate at 8 ft <sup>2</sup>	1 at 8 ft <sup>2</sup>	-----

**TABLE 1613B: ON-PREMISE SIGNS: AGRICULTURAL, BUSINESS & INDUSTRIAL USES**

	Number & Area	Height	Setback	Other Regulations
<b>Ground Mounted Signs (Pylon Signs and Monument Signs)</b>	1 per each road frontage  32 ft <sup>2</sup>	The top of any ground-mounted sign shall be not more than ten (10) feet above the road grade or the ground level immediately beneath the sign, whichever is higher. The bottom of any ground-mounted sign shall be no more than three (3) feet above the road grade or the ground level immediately beneath the sign, whichever is higher. <b>(See Figure A &amp; B)</b>	10 ft from front lot line	Sign mounting: The sign shall be mounted on one or more posts. Posts shall not have a diameter greater than 12 inches.
<b>Time &amp; Temperature Signs</b>	1 allowed	n/a	n/a	Must be an integral part of principle sign – size does not count toward allowable square footage of principle sign.
<b>Wall Signs</b>	1 at 25% of the mounting wall	The sign shall not project above the top edge of the roof line.	n/a	Sign shall not project from the surface upon which it is attached more than required for construction purposes and in no case more than 12 inches.
<b>Projecting Signs</b>	1 at 16 ft <sup>2</sup>	Minimum height of 8 ft	n/a	<b>Sign structure:</b> Sign supports and brackets shall be compatible with the design and scale of the sign.
<b>Awning or Canopy Signs</b>	No restriction.	No structural element of an awning or canopy shall be located less than eight (8) feet above finished grade.	n/a	n/a
<b>Cluster Signs</b>	Each sign in a cluster shall be no greater than 20 ft <sup>2</sup> in area.	20 ft	10 ft from front lot line	Cluster signs may only be allowed to advertise a group of businesses which share access to the primary road. Cluster signs must be located near the access from which each business in the cluster is located.
<b>Message Boards (Static &amp; Digital)</b>	See subsection 16 below			

Figure 1613 A

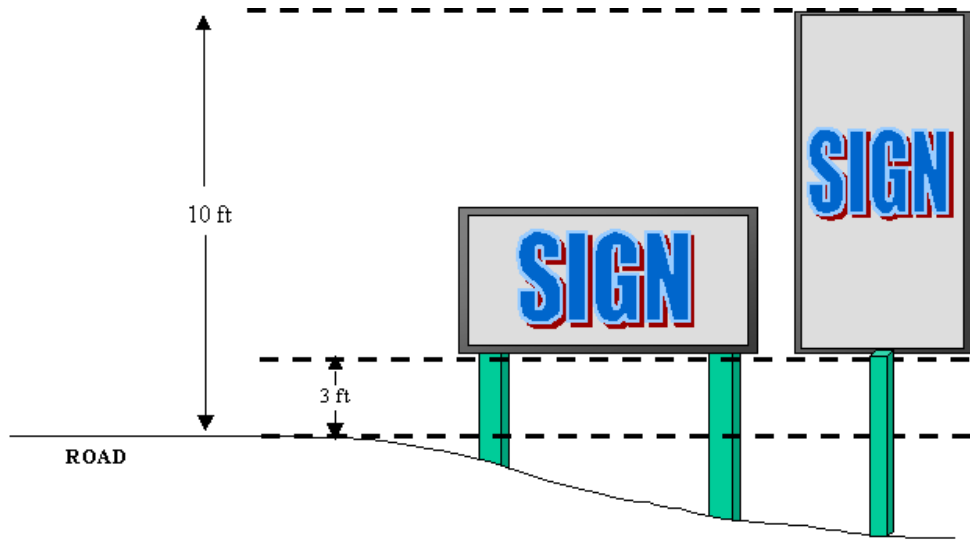
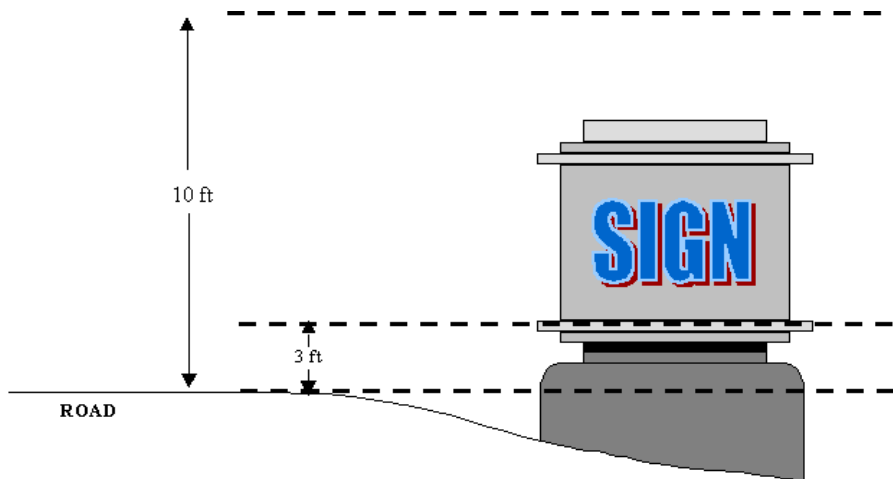


Figure 1613 B





## 16. Message Boards

- A. **Static Message Boards:** One (1) static message board shall be allowed in addition to the primary freestanding or wall sign for non-residential uses.
- (1) The static message board shall be no greater than fifty (50) percent of the area of the primary freestanding or wall sign either existing on the property or as allowed by zoning district, whichever is less.
  - (2) Static message boards shall only contain advertising for on-premise establishments or public service announcements.
  - (3) Static message boards shall be an integral part of the primary sign.
- B. **Electronic Message Boards:** One (1) electronic message board shall be allowed in addition to the primary freestanding or wall sign for nonresidential uses.
- (1) The electronic message board shall be no greater than fifty (50) percent of the area of the primary freestanding or wall sign either existing on the property or as allowed by zoning district, whichever is less.
  - (2) Electronic message boards shall be an integral part of the primary sign.
  - (3) An electronic message board shall be allowed to have changing messages, scrolling message, and animation, but shall not be allowed to contain flashing elements.
  - (4) The electronic elements shall be of an intensity that the brightness and motion shall not adversely affect surrounding or facing premises, nor adversely affect safe vision of pedestrians or operators of vehicles on public or private streets, driveways or parking areas.
  - (5) An electronic message board shall contain a default mechanism that freezes the sign in one position if a malfunction occurs.
  - (6) An electronic message board shall contain a mechanism to automatically adjust the intensity of its display according to natural ambient light conditions.
  - (7) Electronic message boards shall only contain advertising for on-premise establishments or public service announcements unless otherwise allowed in this Ordinance.
  - (8) **Number Allowed:** Only one (1) static or one (1) electronic message board shall be permitted per property.

- (9) Instruments which use technology to display or project digital messages onto windows or walls of buildings shall be considered an electronic message board and shall be subject to all provisions of this Ordinance.

**17. Off-Premise Signs (Billboards)**

The regulation of billboards is intended to enhance and protect community character and image by minimizing visual blight and pollution, to minimize traffic safety hazards due to diversion of the driver's attention and blockage of sight distances, and to place signs in such a way that scenic views are respected and visual obstructions to the natural landscape are minimized. Billboard regulations address the location, size, height and related characteristics of such signs.


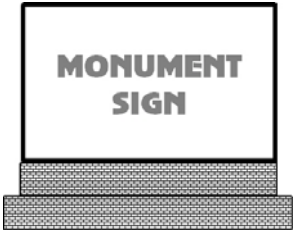
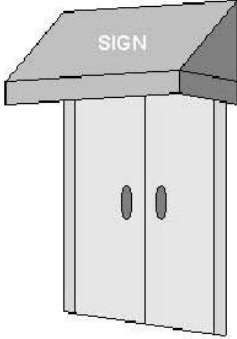
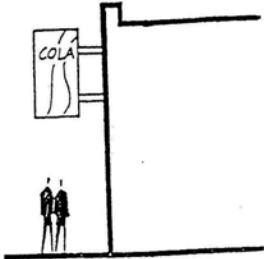


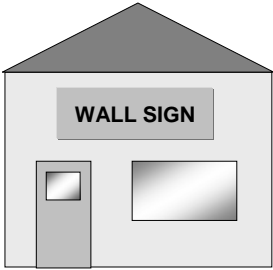
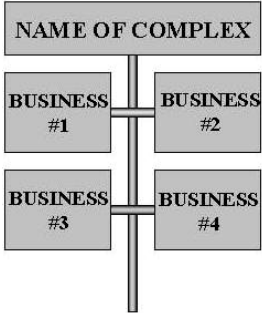

- A. Off-Premise Signs shall only be allowed in the B-2, B-3, I, and A Districts on State highways in Wilson Township. Compliance with the Michigan Department of Transportation permitting process is required.
- B. Not more than one (1) billboard may be located per three (3) linear miles of street or highway regardless of the fact that such billboards may be located on different sides of the subject street or highway. The linear mile measurement shall not be limited to the boundaries of Wilson Township where the particular street or highway extends beyond such boundaries. Double-faced billboard structures (i.e., structures having back-to-back billboard faces) and V-type billboard structures having only one face visible to traffic proceeding from any given direction on a street or highway shall be permitted. Additionally, billboard structures having tandem billboard faces (i.e., two parallel billboard faces facing the same direction and side-by-side to one another) shall be permitted and shall be considered as one (1) billboard.
- C. No billboard shall be located within two hundred (200) feet of an existing residence. If the billboard is illuminated, this required distance shall instead be three hundred (300) feet.
- D. No billboard shall be located closer than seventy-five (75) feet from a property line or public right-of-way. No billboard shall be located within ten (10) feet from any interior boundary lines of the premises on which the billboard is located.
- E. The surface display area of any side of a billboard may not exceed three hundred (300) square feet
- F. No billboard shall be installed or placed on top of, cantilevered or otherwise suspended above the roof of any building.
- G. A billboard may be illuminated, provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare or reflection onto any portion of an adjacent street or highway, into the path of on-coming vehicles, or on any adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.

- H. A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces which can normally be expected to occur in the vicinity. A billboard must be maintained so as to assure proper alignment of structure, continued structural soundness, and continued readability of message.
  - I. A billboard established within a business, commercial, or industrial area, as defined in the Highway Advertising Act of 1972 (1972 PA 106, as amended) bordering interstate highways, freeways or primary highways as defined in said Act shall in addition to complying with the above conditions, also comply with all applicable provisions of said Act and the regulations promulgated thereunder, as such may from time to time be amended.
  - J. Digital Billboards:
    - (1) Rate of Change: The rate of change between static messages or images shall not exceed more than one (1) change per six (6) seconds. Each change shall be complete in one (1) second or less.
    - (2) Luminance: The maximum daylight sign luminance level shall not exceed 62,000 candelas per meter squared at 40,000 lux illumination beginning 1/2 hour after sunrise and continuing until 1/2 hour before sunset and does not exceed 375 candelas per meter squared at 4 lux illumination at all other times.
    - (3) Digital billboards shall be configured to default to a static display in the event of mechanical failure.
18. **Combination Off-Premise & On-Premise Electronic Message Boards:** Digital signs which are used to advertise both on-premise and off-premise establishments shall comply with the following regulations:
- A. A permanent, static on-premise primary sign must be in existence.
  - B. The Combination Off-Premise/On-Premise Electronic Message Board shall adhere to the regulations contained in subsection 16 (B) above.
  - C. Over fifty (50) percent of the digital messages contained on such sign shall advertise the on-premise establishment. The balance of the messages may advertise off-premise establishments and/or public service announcements.
  - D. Each message shall remain readable for at least six (6) seconds.
  - E. Combination Off-Premise & On-Premise Electronic Message Boards shall be spaced at least one thousand (1,000) feet apart in all Districts.
  - F. Combination Off-Premise & On-Premise Electronic Message Boards shall be allowed in the FF, B-2, B-3, A, and I Districts.

19. **Private Off-Premise Directional Signs**

- A. Private off-premise directional signs which provide directions to a commercial or industrial establishment which is not located on a primary street within the Township shall be allowed on private property provided there exists a written agreement between the property owner and the business/industry. Said agreement shall be filed with Wilson Township.
- B. Off-premise directional signs shall be no greater than six (6) square feet.
- C. Off-premise directional signs must be located at intersections.
- D. Sign lettering may display the off-premise business name, address, and an arrow indicating direction.
- E. One (1) off-premise direction sign is permitted per commercial or industrial zoning lot.

20. Sign Diagrams

<p><b>Ground Mounted Sign (Freestanding)</b></p> 	<p><b>Ground Mounted Sign (Monument)</b></p> 	<p><b>Awning Sign</b></p> 
<p><b>Projecting Sign</b></p> 	<p><b>Message Board</b></p> 	<p><b>Off-Premise Sign</b></p> 
<p><b>Wall Sign</b></p> 	<p><b>Cluster Sign</b></p> 	<p><b>Temporary Sign</b></p> 

## **SECTION 1614. UNLISTED PROPERTY USES**

The Township Planning Commission shall have the power on written request of a property owner in a zoning district to classify a use not listed with a comparable permitted use in the district and grant permission for such use, giving due consideration to the provisions of purpose of this Ordinance. Petition for such classification shall be made through the office of the Township Zoning Administrator. In granting permission for any such classified use, the Planning Commission may attach such conditions and safeguards as may be deemed necessary for the protection of the public welfare, and for the proper use or development of the general neighborhood and adjacent properties. If deemed incompatible, then such use shall only be provided for by due amendment of the Ordinance.

## **SECTION 1615. ESSENTIAL SERVICES**

Essential services, as defined herein, shall be permitted as authorized and regulated by law, public policy and specific zoning regulations in any district, it being the intention otherwise to exempt such erection, construction, alteration, and maintenance from the application of this Ordinance when not in conflict with the purpose of this Ordinance. When in conflict, the Planning Commission shall have the power to determine reasonable conditions under which such facilities shall be erected. Telecommunication towers, alternative tower structures and antennas, and wind energy systems<sup>†</sup> 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 1616. REQUIRED AREA OR SPACE**

No lot nor lots in common ownership, nor yard, court, parking space or any other place shall be divided, altered, or reduced as to be less than the minimum allowable dimensions as defined in this Ordinance. If such areas are already less than the minimum allowable dimensions, they shall not be divided, altered or reduced further.

## **SECTION 1617. LOT PROPORTION**

The width of any lot, parcel, or land division created after the effective date of this Ordinance shall not be less than twenty-five percent (25%) of the lot or parcel depth.

## **SECTION 1618. SUBDIVISION OF LAND**

All plats submitted to the Township Board pursuant to Public Act 288 or 1967<sup>†</sup>, the Land Division Act, as amended, shall be given to the Planning Commission for review with instructions that it shall return the plat to the Township Board with recommendation whether the lots of said plat are consistent with the minimum lot requirements and other applicable requirements of this Ordinance and the Wilson Township Land Division Ordinance.

## **SECTION 1619. MANUFACTURED HOMES ON INDIVIDUAL LOTS<sup>†</sup>**

Manufactured homes sited on individual lots shall meet the standards for minimum lot size, yard set-backs, minimum floor area and minimum dwelling unit width for the district in which they are located and shall meet the following additional standards:

1. Manufactured homes shall be attached to an approved permanent foundation or basement and shall be anchored using a system that meets the Michigan Manufactured Housing Commission requirements.
2. Manufactured homes shall be installed according to the United States Department of Housing and Urban Development (HUD) regulations entitled "Manufactured Home Installation Standards", and the construction of the unit shall comply with the United States Department of Housing and Urban Development (HUD) regulations entitled "Manufactured Home Construction And Safety Standards", being 24 CFR part 3280, as amended.
3. The wheels, axles and towing assembly shall be removed from a manufactured home before the unit is attached to the foundation. Additionally, no manufactured home shall have any exposed undercarriage or chassis.
4. Manufactured homes shall not be used as an accessory building.
5. Manufactured homes shall not be attached to each other. Additions, new roofs and accessory buildings may be attached to a manufactured home.
6. No manufactured home shall be located or placed in Wilson Township without prior completion of site preparation to include electric, water, sewage disposal and foundation to meet the current HUD rules and regulations and District Health Department regulations.

## **SECTION 1620. MANUFACTURED HOUSING DEVELOPMENTS<sup>†</sup>**

Manufactured housing developments shall be permitted in the R-3 District. Such developments for the location of three (3) or more mobile homes or manufactured homes on the same parcel shall be developed pursuant to the requirements of the Michigan Manufactured Housing Commission, Public Act 96 of 1987 and any rules promulgated pursuant to this Act, as amended. This includes, but is not necessarily limited to, compliance with Michigan Manufactured Housing Commission regulations concerning internal roads, parking requirements, fencing, screening, unit spacing and recreational and open spaces. To the extent permitted by the Michigan Manufactured Housing Commission, this Ordinance shall require all manufactured homes in manufactured housing developments to be anchored to the ground in accordance with the standards and specifications of the manufacturer and any applicable state and federal statutes and rules.

## **SECTION 1621. TEMPORARY USE OF RECREATIONAL VEHICLES AS DWELLINGS:<sup>†</sup>**

1. Permits for temporary use shall be obtained from the Zoning Administrator. The unit shall be maintained in safe and ready running condition, has a current license, and can be towed from the premises by ordinary domestic vehicle.
2. Recreational Vehicles may be stored on any lot in any district without a permit, provided the unit is not used for permanent/continuous dwelling purposes, is on a lot with a main

building or use, is not connected to any utility service, and is restricted to the rear yard. A side yard may be used in cases where the rear yard is inaccessible.

3. Overnight camping on private property on which no dwelling unit is located shall be permitted in all districts providing that the recreational vehicle shall occupy such a parcel for not longer than 30 consecutive days and not more than a total of 45 days in a calendar year, subject to the following conditions:
  - A. Yard setback requirements for the district where the unit is located shall be met.
  - B. Water and electrical services may be connected; however, no sewage or on-site disposal allowed without Health Department approved septic system. Any such shelter, when not occupied, shall be moved off-site.

**SECTION 1622. TEMPORARY OCCUPANCY OF A DWELLING NOT MEETING THE BUILDING CODE DURING THE CONSTRUCTION OF A PERMANENT DWELLING**

For the express purpose of promoting the health, safety and general welfare of the inhabitants of the Township, and of reducing hazards to health, life and property, no basement-dwelling, cellar-dwelling, garage-house, tent, camper, travel trailer, recreational vehicle, mobile home not installed according the requirements of this Ordinance, or other substandard structure shall hereafter be erected or moved upon any premises and used for dwelling purposes except under the following applicable conditions:

1. The location shall conform to the provisions governing yard requirements of standard dwellings in the district where located.
2. The use shall be for the sole purpose of providing dwelling facilities for the owner of the premises during the period in which a dwelling conforming to the provisions of this Ordinance is in process of erection and completion, but not to exceed twelve (12) months. One (1) additional twelve (12) month extension may be obtained from the Zoning Administrator. The substandard dwelling shall be removed upon completion of construction of a dwelling complying with the requirements of this Ordinance.
3. Installation of septic system and water well shall be constructed and maintained in accordance with the standards of materials and installation recommended by District Health Department #4, and shall precede occupancy of the substandard dwelling.
4. Application for the erection and use of a substandard dwelling shall be made at the time of zoning permit application for the permanent dwelling. On approval and delivery of the zoning permit, the applicant shall certify in a space allotted for that purpose, and on the copy retained for filing by the Township, that he has full knowledge of the limitations of the permit and the penalty pertaining thereto. No such permit shall be transferable to any other person.
5. No annexes or additions shall be added to temporary substandard dwellings.



## **SECTION 1623. HAZARDOUS SUBSTANCES**

All business or industries that store, use or generate hazardous substances as defined in this Ordinance, in quantities greater than twenty-five (25) gallons or two hundred twenty (220) pounds per month, whichever is less, shall meet all state and federal requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of said hazardous substances. No discharge to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.

## **SECTION 1624. GROUNDWATER PROTECTION**

These provisions apply to uses that use, generate or store hazardous substances in quantities greater than twenty-five (25) gallons or two hundred twenty (220) pounds per month.

1. Sites at which hazardous substances and polluting material are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, surface water and wetlands.
2. Secondary containment for above-ground areas where hazardous substances and polluting materials are stored or used shall be provided and maintained. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
3. General purpose floor drains shall be allowed only if they are connected to a public sewer system, an on-site holding tank, or a system authorized through a state groundwater discharge permit.
4. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.
5. The Planning Commission may require a performance bond or similar assurance for safeguards prior to approval. The Planning Commission may require site plan review at five-year intervals.

## **SECTION 1625. GARAGE OR YARD SALES <sup>†</sup>**

Not more than two (2) garage, yard sales, or auctions shall be conducted by a resident of Wilson Township during a calendar year. Said garage or yard sale shall not exceed four (4) days duration. No sale merchandise shall be brought onto the premises for the sale. Temporary signs for the sale shall be removed at the end of the sale. Garage/yard sales or auctions that occur on a residential property more than two (2) times in a calendar year shall be considered a home-based business and shall comply with the regulations therein.

## **SECTION 1626. GAS AND OIL PROCESSING FACILITIES**

The purpose of the provisions of this subsection is to preserve the desirable character and personality of Wilson Township, as well as to recognize the desirability of developing the gas

and oil resources lying beneath the Township, the rights of those owning and developing such resources, and the rights of other residents to be as free as possible of an unpleasant or less than desirable atmosphere which may occur should standards not be enacted and applied to the facilities used in the development of the resource. Therefore, the location of all gas and oil processing facilities shall be subject to the following provisions:

1. The facility shall comply with all federal, state and local building, environmental and health codes and regulations.
2. The applicant shall provide copies of the application for permit to drill, permit to drill, survey record of well location, and plat, as provided to the Supervisor of Wells, Department of Environmental Quality, as part of the permit process for the location and erection of oil and gas processing facilities.
3. The Planning Commission may impose reasonable conditions in order to comply with the Zoning Ordinance standards.
4. The facility may incorporate surface land owned or leased by the oil and/or gas company. If leased, the lease documents shall be submitted to the Planning Commission, and the Township Board shall be informed of the length of the lease.
5. Because the subject facilities are industrial in nature, the required site plan shall also show adequate visual and sound privacy from adjacent property and public roads. Forested greenbelt, berms, attractive fence screen, landscaping, mufflers, insulation, or other contrivances may be used to insure compliance with visual and sound privacy of the adjacent properties.
6. In the event the facility is no longer required or is not used for two (2) years, the existing facility shall be removed and the area restored to its original state. Further, the area shall be checked by the Department of Environmental Quality to insure it is clear of pollutants.
7. The sound level of the facility shall not exceed sixty (60) decibels as measured four hundred and fifty (450) feet in any direction from the facility.
8. The facility shall be built no closer than four hundred and fifty (450) feet from an existing dwelling.
9. The facility shall be built no closer than one hundred (100) feet from any public road.

### **SECTION 1627. NONCONFORMITIES**

1. Intent

It is recognized that there may exist within the districts established by this Ordinance or by amendments, lots, structures, and uses of land, which were lawful before this Ordinance was passed or amended, which would be prohibited, or restricted under the terms of this Ordinance or future amendments.

It is the intent of this Ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival.

2. Expansion of Nonconformities<sup>†</sup>

Although it is the intent of this Ordinance to restrict the expansion and perpetuation of nonconforming uses of land and/or buildings, the Zoning Administrator, after obtaining consensus from the Township Supervisor and Building Official, may allow an expansion or enlargement, provided that it is conclusively shown that such extension or enlargement:

- a. Will not further reduce the value or otherwise limit the lawful use of adjacent premises.
- b. Will essentially retain the character and environment of abutting premises.
- c. Will not materially increase or perpetuate the nuisance aspects of the use upon adjacent uses (noise, glare, traffic congestion, land overcrowding and related).
- d. Will not increase the nonconformity.

If a proposal does not meet a-d above, the Zoning Administrator shall refer the matter to the Planning Commission subject to a public hearing according to the provisions of **Section 1604**. Cost of the public hearing shall be paid by the applicant.

3. Nonconforming Lots

A permitted single-family dwelling and customary accessory building may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance, even though such lot may fail to meet the district requirements for area or width, or both. Yard dimensions and other requirements not involving area or width, or both, shall conform to the regulations of the district in which such lot is located. If needed, variance to yard requirements may be obtained through the Zoning Board of Appeals.

If any non-conforming lot or lots are of continuous frontage with other such non-conforming lots under the same ownership, the owner shall be required to combine such lots to provide parcels which shall meet at least the minimum requirements for the district in which they are located.

4. Nonconforming Use of Land and/or Structures<sup>†</sup>

- a. Excepting subsection 2 (above), no nonconforming use of land shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
- b. Excepting subsection 2 (above), no such nonconforming use of land or building shall be moved in whole or in part to any other portion of the lot or parcel occupied, other than to correct or lessen nonconforming conditions.
- c. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity.
- d. Should such structure be destroyed by any accidental means to an extent of

more than eighty (80) percent of the usable cubic space or floor area of the principal structure, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

- e. Any nonconforming use may be carried on throughout any parts of a building which were manifestly arranged or designed for such use, but no such use shall be extended to occupy any land outside such building.
- f. Any nonconforming use of a structure, land, or structure and land, may be changed to another nonconforming use provided that the other use is equally or more appropriate to the district than the existing nonconforming use.
- g. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed. Change in tenancy and ownership of nonconforming premises is permissible.
- h. When a nonconforming use of land, structure, or structure and land in combination, is discontinued or ceases to exist for twelve (12) consecutive months, the use, structure, or structure and use in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. The Zoning Administrator may grant an extension of this time period up to an addition twelve (12) months.
- i. Willful removal or destruction of the use and/or structure shall eliminate the nonconforming status.

#### 5. Repairs and Maintenance

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

#### 6. Special Land Uses

Any permitted Special Land Use, as provided in this Ordinance, shall not be deemed a nonconforming use, but shall without further action be deemed a conforming use in such district.

### **SECTION 1628. LIMITATIONS ON DWELLINGS PER LOT<sup>†</sup>**

Except where otherwise provided for in this Ordinance, where single-family dwelling units are permitted, only one single-family dwelling unit shall be erected on a lot or parcel unless otherwise allowed by this Ordinance, except in the Agricultural District (R-2), where two (2) single-family dwelling units are permitted on a single parcel used for agriculture, provided the required dimensions as set forth in the Schedule of Regulations and other applicable provisions

of this Ordinance are met. Any second single-family dwelling unit shall meet all height and floor area requirements pertaining to single-family dwellings, and shall have adequate yard space to allow for a future lot split. Each dwelling unit shall have individual septic systems meeting District Health Department #4 requirements.

## **SECTION 1629. SITE CONDOMINIUMS<sup>†</sup>**

### **1. INTENT**

The purpose of this section is to regulate the creation and use of site condominiums within the Township and to promote and protect the health, safety, and general welfare of the public. These regulations and controls shall in no way repeal, annul, or in any way interfere with the provisions and standards of any other state and federal laws and regulations.

### **GENERAL REQUIREMENTS**

A. **Compliance with Federal, State and Local Laws.** All site condominium projects, including manufactured home condominium developments, shall comply with all applicable federal, state, and local laws and ordinances.

B. **Zoning Requirements.** All site condominium projects shall be located within the zoning district that permits the proposed use, and shall comply with all zoning requirements of this Ordinance.

(1) For the purposes of these regulations, each condominium unit in a site condominium shall be considered as a single zoning lot, and shall comply with all regulations of the zoning district in which it is located.

(2) In a site condominium containing single-family detached dwelling units, not more than one (1) dwelling unit shall be located on a single site condominium unit nor shall a dwelling unit be located on a site condominium unit with any other principal structure or use.

(3) Required yards shall be measured from the boundaries of the site condominium unit.

C. **Site Plan Review.** Prior to recording a plat or master deed, site condominiums shall undergo site plan review and approval by the Planning Commission in accordance with Section 1606 of this Ordinance. Approval under this Ordinance shall be required as a condition to the right to construct, expand, or convert a site condominium project in the Township.

#### **(1) Application**

a. An application for site plan approval shall be filed for review as per the requirements of Section 1606 of this Ordinance. All procedures and standards of Section 1606 shall apply to site condominium projects.

- b. All condominium site plans shall include the information required in Section 66 of the Condominium Act.
- c. The application for site plan review shall also include a copy of the proposed deed restrictions and/or master deed and by-laws to be recorded with the County Register of Deeds for review and approval by the Planning Commission.
- d. In the case of single-family detached dwelling units, the location and dimensions of site condominium common elements, limited common elements and building envelopes, rather than individual buildings and required yards, shall be shown on the site plan.

(2) **Deed Restrictions, Master Deed, By-Laws.**

- a. The deed restrictions and/or master deed and by-laws shall be reviewed with respect to all matters subject to regulation by the Township, including but not limited to preservation and maintenance of drainage, retention ponds, wetlands and other natural areas, and maintenance of landscaping in common areas in the project.
- b. Also, the deed restrictions and/or master deed and by-laws shall provide for the means by which any private road rights-of-way may be dedicated to the public entity having jurisdiction in the future should such dedication be later deemed appropriate.

(3) **Performance Guarantees**

As a condition of approval of the site plan, the Planning Commission shall require performance guarantees by the developer in accordance with the provisions of Section 1809, to ensure completion of improvements shown upon the site plan. Upon fulfillment of all requirements, the developer shall apply to the Township for release of any remaining performance guarantees.

D. **Easements for Utilities**

Road rights-of-way shall be parcels separate from individual residential units or lots. The rights-of-way shall be for roadway purposes, and for the maintaining, repairing, altering, replacing, and/or removing of pipelines, wires, poles, mains, conduits, and other installations of a similar character, hereinafter collectively called "public structures" for the purpose of providing public utilities including electric, communications, water, drainage and sewers, and subject to easements to be dedicated to the Township.

E. **Additional Filings Required**

Subsequent to the recording of the deed restrictions and/or master deed and by-laws, and subsequent to the construction of improvements, the developer shall file the following information with the Township Clerk:

- (1) Three (3) copies of the as-built site condominium plans.
- (2) Two (2) copies of the recorded deed restrictions and/or master deed and by-laws with all pertinent attachments.
- (3) Certification from the developer's engineer that improvements have been installed in conformance with the approved construction drawings and monuments.

## **SECTION 1630. GENERAL EXCEPTIONS**

The regulations in this Ordinance shall be subject to the following interpretations and exceptions:

### **1. Essential Services**

Essential services shall be permitted as authorized and regulated by law and other ordinances. It is the intent to exempt such essential services from the application of this Ordinance.

### **2. Voting Place**

This Ordinance shall not be construed to interfere with the temporary use of any property as a voting place in connection with a public election.

### **3. Height Limit**

Height limitations shall not apply to farm silos, chimneys, church spires, flag poles, or public monuments, provided, however, that a height limit for any structure permitted as a conditional or special approval use may be set by the Planning Commission.

### **4. Yard Regulations**

When yard regulations cannot reasonably be complied with, as in the case of a planned multiple-family development, or where their application cannot be determined on lots existing and of record at the time this Ordinance became effective, and on lots of peculiar shape, topography, or due to architectural or site arrangements, such regulations may be modified as determined by the Board of Appeals.

### **5. Projections into Required Open Spaces**

- a. Outside stairways, fire escapes, vestibules, balconies, bay windows and similar projections from the face of a building extending more than four (4) feet above the established grade shall be considered part of the building and shall not extend into any required yard or open space.
- b. Architectural features such as, but not limited to, window sills, cornices, eaves, and bay windows may extend or project into a required yard not more than four (4) inches for each one (1) foot of width of such yard.

- c. Unenclosed paved areas, patios and other surfaced areas may occupy a required yard.
- 6. Farm accessory buildings shall be exempt from the provisions of this Ordinance, except setback requirements shall be adhered to for the district where located.



## ARTICLE 17 – SUPPLEMENTAL DEVELOPMENT STANDARDS

### SECTION 1700.

The uses listed in this Article shall be subject to the requirements of this Article along with provisions listed elsewhere in this Ordinance. All uses marked with an “†” in the Table of Permitted and Special Land Uses are included in this Article. †

#### Section 1701. Amateur Radio Antenna

Amateur radio antenna shall be so constructed and placed that there is no danger of structure falling on adjacent properties, public streets, or off-premises electric power lines.

#### Section 1702. Animal Shelters, Kennels, and Veterinary Clinics, Pets and Other Animals†

##### 1. Large-Scale Kennels and Veterinary Clinics/Animal Hospitals

- A. All large-scale kennels shall be operated in conformance with County and State regulations and shall be on sites of at least five (5) acres. Veterinary clinics or animal hospitals shall be located on sites of at least one (1) acre in size.
- B. Animals shall be confined within a building or in a fenced area to preclude their approaching nearer than five hundred (500) feet to any dwelling on adjacent premises or nearer than two-hundred (200) feet from any R-1, RR, or CR District boundary line or residential property or nearer than fifty (50) feet from the property line, whichever is greater.
- C. Outdoor animal enclosures shall be screened from adjacent properties and/or roads with an opaque fence or a vegetated evergreen buffer at least six (6) feet in height.
- D. The facility shall be so constructed and maintained that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining premises as determined by the Zoning Administrator.
- E. Animals shall be kept in an enclosed building between the hours of 10 p.m. and 6 a.m.
- F. All principal use activities shall occur within an enclosed main building.

##### 2. Small Scale Kennels and Animal Hospitals/Veterinary Clinics

- A. Animals shall be confined within a building or a fenced area.
- B. Animals shall be confined within a building or in a fenced area to preclude their approaching nearer than two hundred (200) feet to any dwelling on adjacent premises.
- C. Outdoor animal enclosures which are within five hundred (500) feet of a dwelling on another property shall be screened from adjacent properties and/or roads with an opaque fence or vegetated evergreen buffer at least six (6) feet in height. The enclosure shall be so

constructed and maintained that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining premises as determined by the Zoning Administrator.

D. If, in the Zoning Administrator's determination, the kennel presents a nuisance to neighboring properties regardless of distance, he/she may require the screening elements in subsection (C) above to be constructed.

3. **Farm Animals:** The keeping of farm animals for domestic noncommercial purposes on residential lots shall be subject to Planning Commission review, who shall consider the character of the surrounding area, the lot size, and the design and placement of animal housing structures on the premises. †
4. **Pets:** Domestic household pets, not including poisonous or dangerous reptiles or wild or dangerous animals, may be kept as an accessory residential use on any premises without a permit, provided not more than two (2) adult dogs are so kept in the R-1 District and not more than six (6) adult dogs are so kept in all other districts and provided that reasonable control is maintained to prevent nuisances to adjoining residentially used properties. The keeping of more than the above number of dogs shall be interpreted to be a kennel; except on active farms, in which case the number of domestic animals shall not be restricted.

### **Section 1703. Assisted Living Homes; Nursing Homes; Convalescent Homes<sup>†</sup>**

1. The use is established on a site no less than five (5) acres in area, and access is from a street other than a minor residential or recreation street or road.
2. The use shall be compatible with the overall character of the immediate vicinity and will not constitute a nuisance to surrounding uses.
3. All dwellings shall consist of at least two hundred twenty (220) square feet per unit (not including kitchen and sanitary facilities).
4. Service uses such as a dry cleaning pick-up station, beauty shop, barber shop, food service establishment, lounge area, recreational area, workshops or similar use for the exclusive service to residents of a building may be allowed within a single building or a contiguous group of buildings owned and operated by the same party.
5. **Assisted Living Homes only:** There shall be provided on the site not less than one thousand (1,000) square feet of open space for each bed in the home. The one thousand (1,000) square feet of land area shall provide for landscape setting, off-street parking, service drives, loading space, yard requirement and accessory uses, but shall not include the area covered by main or accessory buildings.

### **Section 1704. Automobile Service Stations/Automobile Repair<sup>†</sup>**

1. Access to such use shall be directly to a major or collector street or shall be to a minor street which has direct access to an abutting major or collector street. Entrances shall be no less than twenty-five feet (25') from a street intersection (measured from the road right-of-way) or from adjacent residential districts.

2. Outdoor storage of parts or materials shall be within a fenced and obscured area in the side or rear yard which meets all setback requirements. Outside storage or parking of disabled, wrecked or partially dismantled vehicles shall be allowed for a period not to exceed fifteen (15) days.
3. All lubrication equipment, hydraulic hoists and pits shall be completely enclosed within a building. All gasoline pumps shall be located not less than twenty-five (25) feet from any lot line and shall be arranged so that motor vehicles are provided easy egress and ingress to and from the adjoining road, and so that no portion of the vehicle while it is stopped for service, shall overhang onto a sidewalk, curb, road or public right-of-way.
4. All buildings shall be set back not less than forty (40') feet from all existing or proposed street right-of-way lines, whichever is greater.
5. Areas utilized for off-street parking and vehicular storage shall be paved.
6. All vehicle servicing or repair shall be conducted within a building.

#### **Section 1705. Bed & Breakfasts<sup>†</sup>**

1. The Bed & Breakfast establishment shall be located in a single-family residence.
2. The owner(s) or resident manager(s) of the Bed & Breakfast shall reside at the residence. Sufficient sleeping rooms and bathrooms shall be retained for use by the owner(s) or resident manager(s) and their immediate family members residing at the residence. The minimum size for manager/owner living quarters shall be four-hundred eighty (480) sq. ft.
3. Any number of dwelling residents may assist with the Bed and Breakfast operation, but not more than one (1) non-resident full-time equivalent employee may be hired.
4. The use shall be compatible with the neighborhood in which it is located and other allowed uses in the vicinity.
5. Guests may rent sleeping rooms for a period not to exceed thirty (30) consecutive days.
6. A smoke detector in proper working order shall be provided in every sleeping room and in additional locations within the structure. A fire extinguisher in proper working order shall be located on every floor in the immediate vicinity of the sleeping rooms.
7. The structure shall have at least two (2) exit doors to the outside.
8. The use shall be located in the principal structure on the property. The rooms utilized for sleeping shall be part of the primary use and not specifically constructed for rental purposes. The Planning Commission may grant permission for accessory dwellings or structures in existence as of the effective date of this section and located on the same

parcel as the principal structure containing the Bed and Breakfast to be used as additional sleeping rooms.

9. Rental sleeping rooms shall have a minimum of 100 square feet for one (1) or two (2) occupants with an additional thirty (30) square feet for each occupant to a maximum of four (4) occupants per room.
10. Lavatories and bathing facilities shall be provided for guests at the Bed and Breakfast at a ratio of one (1) per floor, and shall be designated for the exclusive use of guests of the Bed & Breakfast.
11. A common room or area for guest relaxation is required.
12. There shall be no separate cooking facilities for the Bed & Breakfast establishment other than those which serve the principal residence. Food and beverages for compensation may be served only to guests staying on the premises and shall be in compliance with State law.
13. A site plan shall be provided including a floor plan of the structure, drawn to scale not less than 1/8" = 1', providing the following information:
  - a. Owner/ resident manager and guest on-site parking
  - b. Guest entrance to the structure
  - c. Outdoor areas for use by guests
  - d. All rooms of the structure clearly indicating guest and owner/resident manager sleeping rooms, and all other portions of the residence available for use by guests
  - e. Additional information as may be deemed necessary by the Zoning Officer or Planning Commission.
14. All on-site parking shall be constructed in accordance with the parking requirements of this Ordinance.
15. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto adjoining property used or zoned for residential purposes, or onto public rights-of-way.
16. The use of outdoor yard areas, open decks, pools, and the like available for use by guests shall not result in the production of excessive off-site noise, odor, and other external disturbances. Approval of the Bed & Breakfast operation may be conditioned on the installation of fencing, plantings, and/or other such installations and conditions necessary to ensure compatibility with the surrounding neighborhood.
17. Rental of snowmobiles, ATV's, or similar vehicles, boats and other marine equipment to guests may be permitted as part of the Special Permitted Use approval by the Planning Commission. Such requests will be evaluated by the Planning Commission on a case by case basis based on information provided by the applicant.
18. All requirements and conditions imposed upon the Special Permitted Use approval shall be implemented prior to the Bed & Breakfast establishment becoming operational.

### **Section 1706. Car Wash Facilities**

1. Layout: All washing activities shall be carried on within an enclosed building. Entrances and exits shall not face abutting residentially used property if an existing residence is located within two hundred (200) feet of the car wash facility.
2. Vacuuming activities shall be at least fifty (50) feet from any adjoining residential use.
3. Entrances and Exits: Sufficient space shall be provided on the lot so that vehicles do not enter or exit the wash building directly from an adjacent street or alley. All maneuvering areas, stacking lanes, and exit aprons shall be located on the car wash parcel itself. Streets and alleys shall not be used for maneuvering or parking by vehicles to be serviced by the automobile wash.

### **Section 1707. Child Care Homes (Group)/Child Care Center<sup>†</sup>**

A Special Land Use Permit in the case of a Group Child Care home and a standard Zoning Permit in the case of a Child Care Center will be issued if the group day care home or child care center meets all of the following conditions:

1. Is not located closer than fifteen hundred 1,500 feet to any of the following:
  - a. Another licensed group day care home.
  - b. An adult foster care home or large group home licensed under the adult foster care facility licensing act, 1979 PA 218.
  - c. A facility offering substance abuse treatment and rehabilitation service or seven (7) or more people licensed under Article 6 of the public health code, 1978 PA 368.
  - d. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.
2. Has at least four hundred (400) square feet of fenced outdoor space.
3. Maintains the property consistent with the visible characteristics of the neighborhood.
4. Does not exceed sixteen (16) hours of operation during a twenty-four (24)-hour period.

### **Section 1708. (Commercial) Outdoor Recreational Facilities: Amusement Parks, Tumbling Facilities, Miniature Golf Courses, Golf Driving Ranges<sup>†</sup>**

1. Amusement facilities must be fenced on all sides with a minimum four feet and six inch (4'6") protective wall or fence.
2. All manufacturers' specifications for safety are complied with as well as any additional

safety measures that may be prescribed by the Planning Commission.

3. When discontinued or abandoned, the site shall be left in a reusable condition, and free of hazards, related to dangerous structures, pits, pools, excavations, electric circuits, and similar features.

**Section 1709 Commercial Use in a Residential District (Other than Home-Based Business or Cottage Industry) †**

1. **PURPOSE:** To permit neighborhood retail/service commercial and office uses in residential districts.

**2. USES**

- A. Any generally recognized retail business which supplies new commodities on the premises primarily for persons residing in Wilson Township such as: groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, and notions or hardware. Businesses selling previously-used items (antique and resale shops) shall also be permitted.
- B. Any service establishment which performs services on the premises primarily for persons residing in Wilson Township, such as: shoe repair, drop-off dry cleaning shops (for off-site processing), tailor shops, beauty parlors, barber shops, dressmaker, tailor, pharmacist, or an establishment doing radio, television, or home appliance repair, and similar establishments that require a retail character no more objectionable than the aforementioned.
- C. Any professional office use such as: architect, engineer, attorney, accountant, therapist/counselor, and similar professions that have no greater impact than the aforementioned.
- D. Prohibited uses: Any activity which may become a nuisance due to noise, unsightliness or odor; and any activity which may adversely affect surrounding property.

**3. CONDITIONS**

- A. All such businesses shall have no more than three (3) persons working on the premises at any time.
- B. Outdoor storage shall be screened from public view.
- C. The total area devoted to approved uses shall not exceed two thousand (2,000) square feet for new buildings or additions. The square footage of uses in existing commercial buildings shall be limited to the size of the building. If the building is less than two thousand (2,000) square feet, an addition may be constructed so that the total square footage does not exceed two thousand (2,000) square feet, the addition matches the existing structure, and all developmental standards of the district are met or appropriate variances obtained.

- D. All business activity shall be conducted within a completely enclosed building, or in an area specifically approved by the Planning Commission.
- E. Parking shall be accommodated on-site, if possible. Otherwise the Planning Commission may permit the use of on-street parking.
- F. Hours of operation may be limited by the Planning Commission.
- G. Signs must comply with those set forth for the residential zoning district.
- H. The Planning Commission may allow a use to sell alcohol, however the Commission may limit the type of license applied for or obtained for the sale of alcohol, hours of operation, and any other restrictions intended to stabilize, protect, and encourage the residential character of the area. The use must gain approval from the Michigan Liquor Control Commission before alcohol may be sold.

**Section 1710. Drive-Through Businesses<sup>†</sup>**

- 1. These standards are designed to provide adequate vehicle stacking space on business properties that offer drive-in or drive-through services in order to avoid congestion on adjacent streets and to require site designs that address on-site circulation patterns, recognizing potential pedestrian conflicts with vehicles entering/exiting the property, vehicles using parking lots and vehicles using drive-through service lanes.
- 2. Businesses which provide a drive-in or drive-through service (not including Automobile Service Stations) may be permitted, as regulated in their respective Zoning Districts, subject to the review of the Planning Commission and the following conditions:
- 3. Ingress and egress shall be provided so as not to conflict with adjacent uses or adversely affect traffic flow on adjacent thoroughfares.
- 4. Vehicular access drives shall be located at least sixty (60) feet from the nearest right-of-way line of all intersecting streets.
- 5. Drive-through/drive-in service windows and order areas shall only be located in the side or rear yard of the property.
- 6. Site design shall show compatibility between pedestrians and parking areas, stacking lanes, access lanes to parking spaces, and drive-through lanes.
- 7. If deemed appropriate by the Planning Commission to achieve compatibility with adjacent uses, planted greenbelts, berms, and/or fencing/walls may be required on the sides abutting or adjacent to a residential use.
- 8. Stacking space for drive-up windows or service facilities shall be provided at a rate of:
  - A. Restaurants: Eight (8) car spaces for each service window or facility in addition to the space at the service window or facility.

- B. Uses other than restaurants: Four (4) car spaces for each service window or facility in addition to the space at the service window or facility.

### **Section 1711. Home-Based Businesses & Cottage Industries<sup>†</sup>**

1. Intent: While Wilson Township recognizes that many residents feel the necessity to work at home, the Township also recognizes the rights of all residents to be free from actual or potential nuisance conditions which may be caused by non-residential activities conducted in a residential zone. The intent of this section is to provide standards to ensure home occupations and cottage industries are compatible with other allowed uses in residential districts, and thus maintain and preserve the residential character of the neighborhood.
2. Home-Based Businesses are permitted in all zoning districts in which single-family dwellings are permitted as a matter of right. No zoning permit is required.
3. In cases where a significant portion of a home occupation is to produce and sell goods or products on the premises, the use is considered a Cottage Industry. Cottage Industries are permitted as a Special Land Use in any Zoning District in which single-family dwellings are allowed, subject to review and approval by the Planning Commission as a Special Land Use. Cottage Industries shall be allowed on the basis of individual merit. A periodic review of each Cottage Industry shall be performed to ensure the conditions of approval are adhered to. If the premises is sold, leased, or rented to a party other than the applicant, the permit shall be reviewed by the Zoning Administrator for compliance with the original permit. If any changes are necessary, the request will be reheard by the Planning Commission.
4. All work in connection with any family business shall be conducted solely within the residence, accessory building or yard.
5. **Home-Based Businesses or Cottage Industries in the Primary Dwelling:** No more than twenty-five percent (25%) of the dwelling's ground floor area shall be devoted to the Home-Based Business or Cottage Industry.
6. **Home-Based Businesses or Cottage Industries in an Attached Garage or Detached Accessory Building:** Home Occupations or Cottage Industries located within attached or detached residential garages or other accessory buildings may utilize the entire floor area for said Home-Based Business or Cottage Industry.
7. Home-Based Businesses or Cottage Industries shall be conducted by the person or persons occupying the premises as their principal residence. Not more than two (2) nonresident persons shall be employed at the place of the Home-Based Business or Cottage Industry.
8. Home-Based Businesses or Cottage Industries shall be incidental and subordinate to the principal use of the dwelling for residential purposes and shall not detract from the residential character of the premises or the neighborhood.
9. Home-Based Businesses or Cottage Industries shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners, nor to the



Township as a whole. Any machinery, mechanical devices, or equipment employed in the conduct of a Home-Based Business or Cottage Industry shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other conditions not typically associated with the use of the dwelling for residential purposes. Furthermore, the Home-Based Business or Cottage Industry shall not create an electrical interference with the transmission of television, cellular, wireless service, or radio in the area which exceeds that which is normally produced by a residential dwelling unit in the district.

10. Traffic and delivery or pickup of goods shall not exceed that normally created by residential uses.
11. No such Home-Based Business shall require the delivery of goods or the visit of customers before 6:00 a.m. and after 9:00 p.m.
12. There shall be no parking permitted within any setback areas. No Home-Based Business or Cottage Industry shall require parking for customers that cannot be accommodated on the site and/or not exceeding one (1) parking space on the street. To ensure that a Cottage Industry is compatible with surrounding residential use, the Planning Commission may limit the number of vehicles that may be parked on the Cottage Industry premises during business operations.
13. No process, chemicals, or materials shall be used which are contrary to all applicable state or federal laws.
14. The outdoor storage of goods and/or materials of any kind is prohibited unless screened (by a tight-board wood fence, landscaped buffer, landscaped berm, or similar method) from view from neighboring property and bordering road rights-of-way. If screening is required, the type and location of the same shall be approved by Zoning Administrator.
15. Termination, Extensions, Revisions, and Inspections.
  - A. Upon written application by the owner, the Zoning Administrator or Planning Commission may, for just cause, grant a time extension for compliance with the conditions of this Section.
  - B. Any Home-Based Business or Cottage Industry shall be subject to periodic review by the Zoning Administrator.
  - C. If the Zoning Administrator has reason to believe the property owner is in violation of his or her permit or that grounds for revocation exist, written notice of alleged violation(s) shall be sent to the operator of the Home-Based Business or Cottage Industry and to the owner of the real property premises, if different from the operator of the Home-Based Business or Cottage Industry. The operator shall be afforded the opportunity to appear at a public hearing before the Planning Commission to present his or her case. The hearing notice procedures shall be the same as those for a Special Land Use.
  - D. Following the public hearing, the decision of the Planning Commission shall be made in writing and shall be based on specific findings of fact. Reasonable conditions may be imposed to prevent conflicts with other property uses or to

assure compatibility with the standards of this ordinance. The Planning Commission shall have the authority to limit the hours of operation, to impose conditions of operation or, if deemed necessary, to order the complete termination of the activity.

- E. Proposed revisions or additions to a Cottage Industry shall constitute a change of use and shall be subject to Special Land Use review and approval by the Planning Commission.

### **Section 1712. Junkyards, Auto Wrecking Yards, & Salvage Yards<sup>†</sup>**

1. All junkyards, salvage yards, and sanitary land fill operations shall comply with standards prescribed by applicable State and County Health regulations and further shall be conducted on sites located no less than one thousand (1,000) feet from any public street and be screened from sight by natural terrain, greenbelts, natural wooded areas, or finished and maintained screening fences. Junk, trash, and refuse shall not be piled higher than the top of the screening barrier.
2. All materials deposited shall be adequately covered so as not to cause a nuisance. No permit shall be issued for fill operations which involve the burning of materials or depositing of garbage, offal and similar wastes capable of producing odors, vermin and other nuisances, and erosion shall be controlled.
3. Glare from any process, such as arc welding, conducted at a junkyard, salvage yard or sanitary landfill, which emits harmful rays shall be screened so as not to constitute a hazard or nuisance to adjacent properties.
4. Operations shall be limited to between the hours of 8 am and 10 pm.
5. There shall be provided a completely obscuring wall not to be less than eight (8) feet in height as measured from the grade at the property line.
6. Junk yards, salvage yards and sanitary landfills shall not be located closer than two hundred (200) feet from the boundary of any other zoning district.
7. The Planning Commission shall have the authority to further limit the hours of operation or to impose conditions of operation to make the use more compatible with adjacent uses.
8. The Zoning Administrator may grant a permit for one-year periods upon authorized inspection and approval based upon findings that the use is operating in a reasonable manner and all harmful effects of open storage, smoke, dust, glare, noise, fire and explosive hazards are confined to the premises.

### **Section 1713. Manufacturing Uses: Miscellaneous**

1. Painting, varnishing and undercoating shops shall be set back at least seventy five (75) feet from any adjacent residential district and shall be conducted within a completely

enclosed building.

2. Metal plating, buffing and polishing shall take appropriate measures to control the type of process to prevent noxious results and/or nuisances, particularly potential acid spills and wastes from plating operations.

#### **Section 1714. Outdoor Sales: Vehicles, Watercraft, Manufactured Homes, Recreational Vehicles, Snowmobiles, and Trailers**

1. Ingress and egress to the use shall be at least sixty (60) feet from the intersection of any two streets.
2. The arrangement of vehicles stored in the open shall be uniform, following the patterns established for off-street parking lots.
3. No sales or display shall occupy any public street or road right-of-way; and further must be set back at least twenty (20) feet from the front property line.
4. The use of a display model for a business office is permissible provided it is connected to sanitary and winter facilities and approved by the County Health Department.

#### **Section 1715. Planned Unit Developments<sup>†</sup>**

##### **1. Purpose**

A Planned Unit Development (PUD) is designed to encourage quality land development and site design outside the typical zoning standards. Through the use of flexible design and use standards, developments can make more efficient and effective use of the land and infrastructure to the benefit of the entire community. Creativity is promoted and the needs of the Township can often be more effectively satisfied. While permitting greater latitude in the mix of uses and the development standards incorporated into a project, the PUD also provides the Township with increased oversight and guidance in the design process. A PUD is intended to:

- A. Provide flexibility in development regulations.
- B. Provide a maximum choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre and a reduction in lot dimensions, yards, building setbacks, and area requirements.
- C. Foster integrated development incorporating a mix of uses where appropriate – residential, commercial, industrial, institutional, etc.
- D. Encourage a development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns.

- E. Achieve a more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets.
- F. Achieve a development pattern in harmony with land use density, transportation facilities, and community facilities objectives of the Township's Master Plan.
- G. Promote efficient use of public services.
- H. Promote a more useful pattern of open space and recreation areas.
- I. Ensure compatibility with existing road networks and promote alternate modes of transportation (bicycle, pedestrian, bus, etc.).

2. **Eligibility**

- A. The entire tract being considered for PUD designation must be under single or unified ownership. Such control shall be demonstrated in the application.
- B. The site proposed for PUD approval shall be developed as a single integrated design entity even though it may be developed in phases and contain a variety of uses and facilities not normally consistent with each other.
- C. Adequate utilities – streets, septic/sewer, water, utilities, and drainage – are available to and of sufficient capacity to adequately serve the development.

3. **Development Standards:**

- A. Size: Minimum of 10 acres.
- B. **Uses:** Compatible residential, recreational, commercial, and public uses or commercial, industrial, and public uses may be combined in a PUD provided that the proposed location of the commercial or industrial uses will not adversely affect adjacent property, and/or the public health, safety, and general welfare. Proposed uses should be so designed and located as to promote appropriate interaction between uses and limit or buffer incompatibilities both with other uses within the PUD and existing uses adjacent to the PUD site.
- C. **Open Space:** A minimum of twenty (20) percent of the land developed in any planned unit development project shall be reserved for common open space and recreational facilities for the residents or users of the area being developed.
- D. **Homeowners Association:** Homeowners associations have the advantage of enabling the residents of a PUD to control, through ownership and maintenance, common open space areas and private streets, thereby eliminating or substantially decreasing maintenance costs to the local government. If the developer chooses to institute a homeowners association, the following minimum criteria must be met:
  - (1) The homeowners association must be set up before the homes are sold.

- (2) Membership must be mandatory for each home buyer and any successive buyer.
- (3) The open space restrictions must be permanent, not just for a period of years.
- (4) The association must be responsible for liability insurance, local taxes and the maintenance of recreational and other facilities.
- (5) Homeowners must pay their pro rata share of the cost; the assessment levied by the association can become a lien on the property.
- (6) The association must be able to adjust the assessment to meet changed needs.

E. **Environmental Design Requirements:** The Planning Commission shall require the following in accordance with applicable provisions of this Ordinance: The preservation of existing trees, predominant shrubbery, waterways, scenic viewing areas, historic points, flood plain preservation and the planting of vegetation or placement of protective cover on slopes of twenty percent (20%) or greater to minimize hillside erosion resulting from residential development and consequent streets and walkways.

F. **Utility Requirements:** Underground utilities, including telephone and electrical systems, are required within the limits of all planned unit developments. Appurtenances to these systems which can be effectively screened may be excepted from this requirement if the Planning Commission finds that such exemption will not violate the intent or character of the proposed planned unit development.

G. **Internal Design Standards:** A Planned Unit Development shall be designed so as to provide future users, residents, visitors, and public service personnel with adequate light, air, privacy, circulation patterns, and public services. The plan of the project shall provide for the integrated and harmonious design of buildings, adequate and properly arranged facilities for internal traffic circulation, landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding noncommercial areas.

All areas designed for future expansion or not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and orderly manner as specified by this ordinance.

H. **Traffic Circulation:** Internal circulation systems and points of ingress and egress with external traffic flow must be coordinated within the PUD and in relation to the community as a whole. These systems should promote safety, convenience, easy access, separation of vehicles from pedestrians, and enhance the overall physical design of the PUD. Vehicular circulation systems in PUDs should not be connected with external streets to encourage through traffic. Emergency access and safety standards should be adhered to. These standards apply to the location of residences relative to the community and the overall design of the PUD.

- I. **Private Streets:** Private streets in Planned Unit Developments must be designed to accommodate anticipated traffic loads including volume, vehicular weight and size, speed, emergency vehicles and turning radii. Those developments with homeowners' associations may maintain private streets within the development through agreements of indenture. All private streets may deviate from existing public street standards if, upon review and recommendation by the fire chief, sheriff, county drain commission, road commission and the Planning Commission authorizes such modifications within the PUD, and health, safety and welfare requirements are met.

Private streets may be dedicated into the public street system if the owners of these streets fully agree to accept all expenses for any required upgrading to public street standards, and agree to dedicate these streets without compensation by the local government. The following residential street standards should be adhered to, unless the Planning Commission permits modification. These standards are commensurate with traffic flow and safety standards for various densities.

TYPE OF STREET	USES SERVED	REQUIRED FOOTAGE	
		Right-of-Way	Pavement
Residential dead end or local street	1-6 dwellings	30	18
	7-20 dwellings	40	24
	21-50 dwellings	50	30
Residential Collector	51-200 dwellings	60	36
Neighborhood Collector	Over 200 dwellings or any commercial use	60	36

- J. **Parking Standards:** Parking standards are an important element of a PUD design process and should adhere to high design and safety standards. The following minimum requirements shall be adhered to:
- (1) For each dwelling unit, there shall be off-street parking spaces consisting of not less than two hundred (200) square feet each.
  - (2) Parking areas shall be screened from adjacent roads, structures and traffic arteries with hedges, dense planting, earth berms, and changes in grade or walls.
  - (3) No more than fifteen (15) parking spaces shall be permitted in a continuous row without being interrupted by landscaping.
  - (4) No more than sixty (60) parking spaces shall be accommodated in any single parking area.
  - (5) All streets and any off-street loading area shall be paved, and the design thereof approved by the Planning Commission; all areas shall be marked to provide for orderly and safe loading, parking and storage.
  - (6) All parking areas shall adequately be graded and drained to dispose of all surface water without erosion, flooding or other inconveniences.

- K. **Perimeter Treatment:** To provide adequate separation between the PUD and the surrounding community, the Planning Commission may require a buffer zone on the perimeter of the development, in which no structures are to be located and adequate screening and landscaping or protection by natural features will be established. In those cases where, because of natural topography, this screening and landscaping requirement cannot be met, and adequate privacy and separation are not possible, the Planning Commission may require structures on the perimeter to be set back in accordance with the requirements established for the zoning district in which the PUD is located. Those structures within this category should be adequately screened or landscaped.
- L. **External Effects:** A Planned Unit Development shall be designed so as not to create any significant negative impact upon adjacent properties, residents, or public facilities.
- M. **Arrangement of Commercial Uses:** When a planned unit development includes commercial uses, commercial buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations at intersections with thoroughfares. Planting screens or fences may be required on the perimeter of the commercial areas abutting residential areas.

#### 4. **Procedures**

- A. **Pre-Application Meeting:** The developer shall meet with the Township Supervisor, Zoning Administrator and Planning Commission Chair prior to the submission of the development plan. The purpose of this meeting is to discuss early and informally the purpose and effect of this Ordinance and the criteria and standards contained herein.
- B. **Submission of Preliminary Site Plan:** The developer shall submit nine (9) copies of a preliminary site plan at least thirty (30) days prior to the Planning Commission meeting at which the preliminary site plan will be reviewed. The preliminary site plan shall include:
  - (1) General footprint of proposed and existing buildings.
  - (2) Indication of proposed uses and their general locations.
  - (3) General layout of streets, drives, parking areas and pedestrian paths.
  - (4) Individual parcels, if applicable.
  - (5) Proposed setbacks for district perimeters and individual buildings within the development.
  - (6) Proposed perimeter buffer zones and screening.
  - (7) Conceptual landscape plan.

- (8) Development phases, if applicable.
- (9) Type, estimated number and density range for residential development.
- (10) Other information as may be deemed necessary by the Zoning Administrator or the Planning Commission to properly review the proposal.
- (11) Additional supporting documentation including a written narrative describing the project.

**C. Preliminary Site Plan Approval**

- (1) **Public Hearing:** The Planning Commission shall conduct a public hearing on the preliminary site plan in accordance with Section 1810 of this Ordinance.
- (2) **Preliminary Site Plan Approval/Action:** Following the public hearing, the Planning Commission shall approval, deny or approve the preliminary plan subject to specified conditions/revisions.

Once approved, the preliminary site plan shall be valid for a period of two (2) years. If a final site plan for the entire project or a phased portion thereof is not submitted within the two (2)-year time period, the PUD and preliminary site plan shall become null and void. The Planning Commission may approve one (1) extension of up to two (2) years.

**D. Final site plan approval:**

- (1) Upon approval of the preliminary site plan by the Planning Commission, the applicant shall submit nine (9) copies of a final site plan of the entire PUD or phased portion thereof and filing fee to the Planning Commission for review and approval. Submission shall occur at least thirty (30) days prior to the meeting at which Planning Commission Review will occur.
- (2) The final site plan shall include all site plan data required in Section 1606 in addition to the following:
  - a. A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streetscapes; tabulation of the number of acres in the proposed project for various uses, the number of housing units proposed by type, estimated residential population by type of housing; estimated nonresidential population; anticipated timing for each unit; height, open space, building density, parking areas, population density and public improvements proposed for each unit of the development.



- b. Preliminary building plans, including floor plans and exterior elevations.
  - c. Landscaping plans.
  - d. Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of the land and the improvements thereon, including those areas which are to be commonly owned and maintained.
- (3) The final submittal shall be prepared incorporating any changes specified as part of the preliminary approval.
- (4) The Planning Commission shall conduct a public hearing in accordance with Section 1810 of this Ordinance.
- (5) Following the public hearing, the Commission shall take action on the plan. If approved with conditions, the approval shall indicate whether review and approval of any required modifications shall be made by the Planning Commission or by the Zoning Administrator. Planning Commission approval shall be based on the development standards and purpose stated in this section and a finding that the final site plan is consistent with the preliminary site plan approved by the Planning Commission, including any conditions or required modifications. Additional criteria for Planning Commission approval are as follows:
- a. The proposed development can be initiated within two (2) years of the date of approval.
  - b. Each individual unit of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under standard district regulations.
  - c. The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the planned unit development.
  - d. Any proposed commercial development can be justified at the locations proposed.
  - e. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.

- f. The planned unit development is in general conformance with the land use plan of the Township.
  - g. The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed.
- (6) An approved final site plan shall be valid for three (3) years, during which time all permits necessary for the construction of the approved development shall be obtained. Failure to do so shall require the re-submittal of the previously approved final site plan to the Planning Commission for review and re-approval prior to the issuance of a Zoning Permit. The Planning Commission may reject or require modifications to the plan if in its opinion conditions on or off-site have changed in such a manner as to necessitate the rejection or modification.
- (7) No zoning amendment passed during the time period granted for the approved development plan shall in any way affect the terms is under which approval of the planned unit development was granted.
- E. **Amendment to an Approved PUD:** Amendments to a final approved site plan for a PUD shall follow the regulations in Section 1606(6).

#### **Section 1716. Race Tracks (including midget auto and carting tracks)**

1. All parking shall be provided as off-street parking within the boundaries of the development.
2. All access to the parking areas shall be provided from major traveled roads. Approval of ingress and egress points by the police or sheriff authority having jurisdiction.
3. All sides of the development except access points shall be provided with a twenty (20) foot wide greenbelt planting so as to screen from view all activities within the development.

#### **Section 1717. Riding Arenas or Stables**

Animal housing facilities are located at least three hundred (300) feet from any off-premises residential structure.

#### **Section 1718. Recreation Clubs/Camps, Recreation Lodges, and Resorts**

1. All outdoor activity areas, parking lots, main buildings and accessory buildings are located at least one hundred (100) feet from the property lines. The resulting one hundred (100) foot yards shall be maintained as a buffer area wherein all natural tree-shrub cover is retained in a healthful growing condition. Planting greenbelts may be required by the Planning Commission as deemed necessary.

2. The use does not locate within the confines of a platted subdivision intended for single residential occupancy, or parcels which are deemed by the Planning Commission to be a logical extension of such platted area.

### **Section 1719. Rooming/Boarding Houses<sup>†</sup>**

1. This use shall be considered as an accessory use; board or lodging shall not be furnished to more than five (5) persons in addition to the family.
2. The establishment shall be the principal dwelling unit on the property and shall be owner-occupied at all times.
3. In the case of renting rooms, such convenience shall not be furnished unless there shall be provided at least eighty (80) square feet of floor area per guest in that part of the building directly occupied by such guests for rooming purposes.
4. Boarding and the renting of rooms shall not include the operating of what is normally termed a restaurant or similar use where meals are served to transient guests. No separate cooking areas shall be allowed in guestrooms.
5. Board shall not be provided to other than those rooming in the residence.
6. Off-street parking shall be required in accord with **§1602**.
7. The establishment shall have at least two (2) exits to the outdoors.
8. The boarding house shall not alter the residential character of the building or structure.

### **Section 1720. Sawmills/Temporary Forest Industry Uses<sup>†</sup>**

1. Operating hours shall be from sun up to sun down.
2. Location of sawmills shall be such that operation will not create a nuisance to abutting agricultural operations or to dwellings in the immediate area by reason of noise, dust or pollution.
3. Residue from sawmill operations such as slab wood, saw dust, etc., shall be removed from the site or shall be stored on the site so as not to be unsightly to adjacent properties.
4. Forest industries, including sawmills, planing mills, veneer mills and related operations are subject to the following conditions:
  - A. The use is a new mill or is an extension or expansion of an existing operation, or is a temporary activity necessary to current logging operations. Temporary or portable sawmills operating for more than ten (10) days but not exceeding thirty (30) days shall require a temporary use permit from the Zoning Administrator. No temporary use permit is required for activities less than ten (10) days.

- B. There are no nuisances imposed upon tourist service facilities or outdoor recreation uses in the immediate vicinity.
- C. The site of the proposed use encompasses an area of at least five (5) acres.

**Section 1721. Secondary Dwelling Units (i.e. Garage Apartments) †**

The purpose of this section is to allow a minor amount of space within a dwelling to be rented or leased as separate living quarters for extended family or non-family members in all residential districts within the Township. The purpose of these standards is also to prevent the undesirable proliferation of permanent two-family units which would, over time, disrupt the character of single family neighborhoods. The following regulations shall apply:

- 1. One (1) secondary dwelling unit is allowed per lot.
- 2. The secondary dwelling unit shall be rented or leased so the tenants are permanent residents rather than transients.
- 3. The secondary dwelling unit shall be provided electricity, plumbing, and heat.
- 4. The secondary unit shall contain only one (1) bedroom.
- 5. The secondary unit shall be a self-contained unit and shall be:
  - A. located above a garage, or
  - B. attached to the primary dwelling or garage, or
  - C. totally within a primary dwelling
- 6. The secondary unit shall have a separate exterior entrance which shall not be visible from the front yard.
- 7. The residents of the primary structure shall maintain the secondary unit and shall ensure that no excessive noise, traffic, or blight occurs on the property.
- 8. The secondary unit shall conform to building code standards.
- 9. One additional parking space shall be provided for the secondary dwelling unit.

**Section 1722. Sexually-Oriented Businesses †**

The purpose and intent of the section of this Ordinance pertaining to the regulation of sexually oriented businesses is to regulate the location and operation of, but not to exclude, sexually oriented businesses within the Township, and to minimize their negative secondary effects. It is recognized that sexually oriented businesses, because of their very nature, have serious objectionable operational characteristics which cause negative secondary effects upon nearby residential, educational, religious, and other similar public and private uses. The regulation of sexually oriented businesses is necessary to ensure that their negative secondary effects will not contribute to the blighting and downgrading of surrounding areas and will not negatively impact the health, safety, and general welfare of Township residents. The provisions of this Ordinance are not intended to offend the guarantees of the First Amendment to the United States Constitution or to deny adults access to sexually oriented businesses and their products, or to deny sexually oriented businesses access to their intended market. Neither is it the intent

of this Ordinance to legitimize activities which are prohibited by Township Ordinances, state or federal law. If any portion of this Ordinance relating to the regulation of sexually oriented businesses or referenced in those sections is found to be invalid or unconstitutional by a court of competent jurisdiction, the Township intends said portion to be disregarded, reduced, and/or revised so as to be recognized to the fullest extent possible by law. The Township further states that it would have passed and adopted what remains of any portion of this Ordinance relating to regulation of sexually oriented businesses following the removal, reduction, or revision of any portion so found to be invalid or unconstitutional.

1. No sexually oriented business shall be established on a parcel within five hundred (500) feet of any residence.
2. No sexually-oriented business shall be permitted in a location in which any principal or accessory structure, including signs, is within one thousand (1,000) feet of any principal or accessory structure of another sexually-oriented business.
3. The proposed use shall conform to all specific density and setback regulations of the zoning district in which it is located.
4. The proposed use must meet all applicable written and duly promulgated standards of Wilson Township and other governments or governmental agencies having jurisdiction, and that to the extent required, the approval of these governments and/or governmental agencies has been obtained or is reasonably assured.
5. The outdoor storage of garbage and refuse shall be contained, screened from view and located so as not to be visible from neighboring properties or adjacent roadways.
6. Any sign or signs proposed for the sexually oriented business must comply with the provisions of this Ordinance and State law, and shall not otherwise include photographs, silhouettes, drawings, or pictorial representations of any type, or include animated or flashing illumination.
7. Entrances to the proposed sexually oriented business must be posted on both the exterior and interior walls in a location clearly visible to those entering and exiting the business, and using lettering no less than two (2) inches in height that: 1) "persons under the age of 18 are not permitted to enter the premises", and 2) "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."
8. No product or service for sale or gift, or any picture or other representation of any product or service or gift, shall be displayed so as to be visible from the nearest adjoining roadway or a neighboring property.
9. Hours of operation shall be limited to 12:00 PM (noon) to 12:00 AM. (Midnight)
10. Any booth, room, or cubicle available in any sexually oriented business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of Specified Anatomical Areas or Specified Sexual Activities:

- A. Shall be handicap accessible to the extent required by the Americans With Disabilities Act;
- B. Shall be unobstructed by any door, lock, or other entrance and exit control device;
- C. Has at least one (1) side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;
- D. Is illuminated such that a person of normal visual acuity looking into the booth, room or cubicle from its entrance adjoining the public lighted aisle can clearly determine the number of people within.
- E. Has no holes or openings in any side or rear walls not relating to utility, ventilation or temperature control services or otherwise required by any governmental building code or authority.

**Section 1723. Soil, Sand, Clay, Gravel, Stone or Similar Materials: Removal, Filling (including mines, quarries & gravel pits)**

- 1. It shall be unlawful for any person, firm, corporation, partnership, or any other organization or entity to strip any top soil, sand, clay, gravel, stone or similar material, or to use lands for filling, or expand an existing operation in the R-2, FF and I Districts without first submitting an application and procuring approval and a permit from the Planning Commission.
- 2. No permits will be required for the following:
  - A. Excavations for building construction purposes, pursuant to a duly issued building permit.
  - B. Minor or incidental grading or leveling of the above materials for the use or development provided no soil erosion conditions result.
- 3. Application:
 

A separate permit shall be required for each separate site. No such excavations shall be permitted in the R-1 Districts. Each application for a permit shall be made in writing to the Zoning Administrator, and shall contain the following information as a condition precedent to the obligation to consider such request.

  - A. Names and addresses of parties involved.
  - B. Legal description of the premises.
  - C. Description of method of operation, machinery or equipment to be used, estimated period of time that such operation will cover, and hours of operation.
  - D. Statement as to the type of material to be extracted or deposited.
  - E. Proposed method of filling an excavation and/or other means to be used to allow for the reclamation of land to a usable purpose.
  - F. Such other information as may be reasonably required by the Planning

Commission to base an opinion as to whether a permit should be issued or not.

4. The applicant shall present accurate plans, topography data, and/or other materials to clearly indicate the condition of the land prior to any excavation or fill, and how it is to appear after said excavation or fill is terminated. The intent of this requirement is to show before and after data on how the land will be made reusable or otherwise returned to a usable condition.
5. If it is determined that there is a reasonable danger involved for persons and property, adequate fencing and other measures may be required to insure the keeping of health, safety and general welfare.
6. Such excavation activities shall not occur in the floodplain of any lake, river, stream or body of water, and shall require a soil erosion and sediment control permit.
7. Permits: After reviewing all of the information submitted by the applicant and such other information as may be in the hands of the Planning Commission said Commission shall determine whether or not a permit shall be issued.

#### **Section 1724. Storage of Equipment**

Equipment such as trucks, bulldozers, grading equipment, tractors and similar operable equipment of the occupant of property in R-2 and FF Districts shall be allowed by the Planning Commission subject to the following:

1. Ownership of equipment to be stored shall be shown by the resident of the property being requested for storage use.
2. Adequate screening of stored equipment shall be provided to obscure stored equipment from residences on abutting property.
3. No outdoor repair shall be conducted other than routine machinery maintenance.
4. The use will not constitute a nuisance to the surrounding area.

#### **Section 1725. Telecommunication Towers and Antennae Facilities/Alternative Tower Structures<sup>†</sup>**

1. The purpose and intent of the Section of this Ordinance pertaining to wireless telecommunications towers, structures and antennas is to establish general guidelines for the location of wireless telecommunication towers, alternative tower structures and antennas. The Township recognizes that it is in the public interest to permit the location of wireless telecommunication towers, alternative tower structures and antennas within the Township. The Township also recognizes the need to protect the scenic beauty of Wilson Township from unnecessary and unreasonable visual interference, and that wireless telecommunication towers, alternative tower structures and antennas may have negative aesthetic impacts upon adjoining and neighboring uses. As such, this Ordinance seeks to:
  - A. Protect residential areas from potential adverse impact of towers and antennas;

- B. Encourage the location of towers in nonresidential areas;
  - C. Minimize the total number of towers throughout the community;
  - D. Encourage the joint use of new and existing tower sites rather than the construction of additional towers;
  - E. Encourage developers of towers and antennas to configure them in a way that minimizes their adverse visual impact;
  - F. Enhance the ability of providers of telecommunication services to provide such services to the community quickly, effectively, and efficiently;
  - G. Consider the public health and safety of telecommunication towers and alternative tower structures; and
  - H. Avoid potential damage to adjacent property from tower failure.
2. Antenna towers, masts, and alternative tower structures for cellular phone and other business communications services may be authorized as a Special Land Use by the Planning Commission. Antenna towers and masts erected and operated as a residential accessory use, and not more than fifty (50) feet in height as measured between the tower's base at grade and its highest point erected, are exempt from the provisions of this Section. In considering authorization of a Special Land Use for a telecommunications tower, antennae facility, or alternative tower structure, the Planning Commission shall apply the standards of Section 1604 and 1606 and the following standards:
- A. **Ownership:** The Applicant shall provide documentation to the Planning Commission that clearly establishes the legal ownership of the tower. The applicant, its agents, successors, and assigns shall report to the Planning Commission any changes in the legal ownership of the tower within thirty (30) days of the effective date of the change.
  - B. **Need:** The applicant shall provide documentation to the Planning Commission establishing the need for a new tower and analysis of alternative options, such as co-location of an existing tower or structure. The applicant shall provide evidence of feasibility of locating the antenna on an existing tower or other existing structure in the Township or in neighboring communities. The applicant must demonstrate that no existing tower or alternative tower structures can accommodate the applicant's needs. If such a tower or structure is in existence, said tower or structure shall be utilized.
  - C. **Visual Impact:** The application for special approval for the tower shall include a visual impact analysis, prepared by the applicant, which includes graphic depictions of the anticipated visual appearance of the tower from important vantage points in the surrounding area. Methods used in preparing the analysis shall be reviewed and approved by the Zoning Administrator.



D. **Size and Spacing:**

- (1) A cellular phone or other personal and business communications services antenna tower shall be exempt from building height limits established by zoning district regulations, provided that the tower height shall not exceed the minimum height necessary to serve its intended functions.
- (2) The tower and any ancillary building housing equipment needed for operation of the tower shall not exceed the floor area and height minimally necessary for such equipment, and shall be of a size, type, color, and exterior materials which are aesthetically and architecturally compatible with the surrounding area, and as minimally obtrusive as possible. Landscape screening may be required by the Planning Commission to accomplish screening of ancillary equipment buildings.

E. **Lighting:** The applicant shall provide documentation of any lighting to be installed on the tower. If tower lighting is required or proposed, the tower may not be approved unless the Planning Commission determines that it will not have a significant adverse impact on properties and residents of the surrounding area.

- (1) The color and intensity of tower lighting required by Federal Communications Commission (FCC), Federal Aviation Administration (FAA) or Michigan Aeronautics Commission (MAC) regulations shall be as unobtrusive as possible and must cause the least disturbance to the surrounding properties.
- (2) Lighting shall not be strobe lighting or other intermittent white lighting fixtures, unless expressly required by State or federal regulations. Such intermittent lighting shall be alternated with steady red lights at night if acceptable to State or federal regulations.
- (3) Lighting may consist of a red top light that does not pulsate or blink.

F. **Color:** Towers shall be painted so as to be as unobtrusive as possible. The painting of towers in alternate bands of color shall be permitted only if specifically required by Federal Communications Commission (FCC), Federal Aviation Administration (FAA) or Michigan Aeronautics Commission (MAC) regulations. If alternate band painting is required by FCC, FAA, or MAC regulations, the applicant shall provide documentation of such requirements and regulations.

G. **Height Decrease:** If the height required for the tower to serve its intended function decreases from the installed height due to technological advancement, additional tower installations at other locations, or other factors, the Township may order that the tower be lowered to such decreased minimum height.

H. **Signs:** No signs other than signs required pursuant to federal, state or local law and Ordinance shall be allowed on an antenna or tower or site.

- I. **Cable and Anchor Setbacks:** Guy cables and anchors shall comply with applicable zoning district setback regulations.
- J. **Setbacks:**
- (1) **Setback from Dwellings:** The tower and any supporting or appurtenant structures shall be no closer to any dwelling than the distance equal to one and one half (1.5) times the height of the tower measured from its base at grade to its highest point of elevation.
  - (2) **Setback from Property Line:** The tower shall be set back not less than the distance equal to the height of the tower measured from the base of the tower to all points on each property line.
  - (3) **From Property Lines and Primary Electric Transmission Lines:** Towers shall be setback a minimum distance from adjoining properties and primary electric transmission lines equal to the height of the structure including antennas.
  - (4) The Planning Commission may reduce the setbacks specified above at its discretion based on a demonstrated need by the applicant and a determination that the health and safety of the public and adjacent properties is adequately protected.
- K. **Fencing and Landscaping**
- (1) **Fencing:** A solid fence/wall 8-feet in height constructed of painted, stained or treated lumber, textured concrete block or brick shall enclose the facility, including a locking gate complementary in design and color to the fence/wall. The enclosure shall be maintained in good repair.
  - (2) **Landscaping:** There shall be a minimum 4-foot wide landscape strip along the perimeter of the fence enclosure consisting of shrubs, flowers, groundcover and/or trees. This requirement may be waived or reduced if the enclosure is deemed to be adequately screened by existing vegetation and/or structures.
- L. **FCC/FAA/Other Regulations:** The applicant shall provide documentation of conformance with any Federal Communications Commission, Federal Aviation Administration, of Michigan Aeronautics Commission regulations. The tower shall comply with the Michigan Tall Structures Act (P.A. 259 of 1959, as amended).
- M. **Use:** The owner/operator of the tower shall agree to permit use of the tower by other personal or business communications services providers, including local government agencies, on reasonable terms, so long as such use does not interfere with the owner/operator's reasonable use of the tower.
- N. **Performance Guarantee:** As a condition of approval, the Planning Commission may require an owner to deposit funds a performance guarantee to assure the

removal of towers and masts as prescribed in this Section. If required, such performance guarantee shall be in an amount equal to the estimated cost of removal of the tower at the time of approval. Such escrow deposit or bond shall be maintained by successor owners.

- O. **Cease of Operations/Abandonment:** If the tower ceases operation for its original use or is abandoned for any reason for a period of twelve (12) months, the Township may order its removal from the site by the owner of the tower within three (3) months of notification by the Township. If the cost exceeds the amount held in escrow, the current owner shall be responsible for additional costs.

If there are two or more users of a single tower, this provision shall not become effective until all providers cease to use the facility. If the owner of an abandoned tower cannot be located or is no longer in business, the requirements of this section shall be the responsibility of the landowner on whose property the tower is located.

- P. **ZBA:** The Zoning Board of Appeals shall have no jurisdiction over a decision made by the Planning Commission to approve, approve with conditions, or deny an application for Special Land Use approval to erect and maintain cellular phone and other personal and business communications antenna towers.

Q. **Antenna Co-Location on an Existing Tower or Structure**

- (1) **Co-Location Policy:** All new wireless communication facilities requiring a Special Use permit shall be engineered, designed and constructed to be capable of sharing the facility with other providers, to co-locate with other existing wireless telecommunications facilities and to accommodate the future co-location of other wireless communication facilities. A Special Use permit shall not be issued until the applicant proposing a new wireless telecommunications facility demonstrates that it has made a reasonable good faith attempt to locate its Wireless Telecommunications Facility onto an existing structure. Competitive conflict and financial burden are not deemed to be adequate reasons against co-location.

- (2) **Antenna Co-Location on an Existing Tower or Structure shall be permitted by right and require approval by the Zoning Administrator provided:**

- a. No antenna or similar sending/receiving devices appended to a tower, following its approved construction, shall be permitted if it exceeds the engineered design capacity of the tower thereby jeopardizing the tower's structural integrity.
- b. The installation and/or operation of the above mentioned, antennas or facilities shall not interfere with normal radio/television reception in the area. In the event interference occurs, it shall be the sole responsibility of the owner to rectify the situation with the parties involved.

- c. No antenna or similar sending and receiving devices appended to the tower or structure shall increase the overall height of the tower or structure by more than thirty-five (35) feet.

**Section 1726. Wind Energy Systems: Small On-Site**

1. **Small On-Site Wind Energy Systems:** A wind energy conversion system which is intended to primarily serve the needs of the property upon which it is located shall be considered an accessory structure.
2. **Small On-Site Wind Energy Systems up to one hundred (100) feet in height** shall be permitted by right in the following districts: **R2, R3, RR, CR, FF, B1, B2, B3, and I.**
3. **Small On-Site Wind Energy Systems over one hundred (100) feet in height** shall be considered a Special Land Use in all districts.
4. All small On-Site Wind Energy Systems shall be permitted as a **Special Land Use** in the **R1 District.**
5. The following site development standards shall apply to all small on-site wind energy systems in the Township:
  - A. **Blade Clearance:** There shall be a minimum vertical blade tip clearance from the ground of twenty (20) feet.
  - B. **Guy Wires:** If the small wind energy system is supported by guy wires, such wires shall be covered with a high visibility material so as to make it visible to a height of at least six (6) feet above the ground.
  - C. **Setbacks:** Each small wind energy system shall be set back from an adjoining lot line or a public or private road right-of-way a distance equal to the total height of the wind turbine generator. The Planning Commission may reduce the setback if the neighboring property is under the same ownership or based on other factors such as topography specific to the site. No part of the wind turbine generator, including guy wire anchors, may extend closer to the property line or waterfront than the required setback for the district in which the unit is located.
  - D. **Noise:** Small wind energy systems shall not cause a sound pressure level in excess of fifty-five (55) dB(A) or in excess of five (5) dBA above the background noise, whichever is greater, as measured at the nearest property line. This level may be exceeded during short-term events such as utility outages and severe wind storms.
  - E. **Vibration:** Small wind energy systems shall not cause vibrations through the ground which are perceptible beyond the property line of the parcel on which it is located.

- F. **Reception Interference:** Small wind energy systems shall not cause interference with television, microwave, navigational or radio reception to neighboring areas.
- G. **Shadow Flicker:** Small wind energy systems shall not cause shadow flicker upon any structure on a neighboring property.
- H. **Potential Ice Throw:** The potential ice throw or ice shedding for the wind turbine generator shall not cross the property lines of the site nor impinge on any right-of-way or overhead utility line.
- I. **Safety:** A small on-site wind energy system shall have an automatic system to prevent uncontrolled rotation.
- J. **Color:** Wind turbines shall be painted a non-obtrusive neutral color.
- K. **Other Regulations:** On-site use wind energy systems shall comply with all applicable State construction and electrical codes, Federal Aviation Administration requirements, Michigan Aeronautics Commission requirements, the Michigan Tall Structures Act (P.A. 259 of 1959, as amended), and the Michigan Public Service Commission and Federal Energy Regulatory Commission standards.

## **Section 1727. Wind Energy Facilities: Commercial**

**Wind Energy Facilities and Anemometer Towers:** Anemometer Towers and wind energy facilities consisting of one (1) or more wind turbines whose main purpose is to supply electricity to off-site customers shall be allowed as a Special Use and shall adhere to the following requirements in addition to the requirements contained in **Sections 1604 and 1606** of this Ordinance.

### **1. Principal or Accessory Use**

A wind energy facility or anemometer tower may be considered either a principal or an accessory use. A different existing use or an existing structure on the same parcel shall not preclude the installation of a wind energy facility or a part of such facility on such parcel. Wind energy facilities that are constructed and installed in accordance with the provisions of this Article shall not be deemed to constitute the expansion of a nonconforming use or structure.

### **2. State or Federal Requirements.**

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

**3. Sufficient Wind Resources**

The proposed site shall have documented annual wind resources sufficient for the operation of the proposed wind turbine generator; provided, however, this standard shall not apply to an anemometer tower. No wind turbine generator shall be approved without submission of a wind resource study documenting wind resources on the site. Said study shall indicate the long term commercial economic viability of the project. The Township may retain the services of an independent, recognized expert to review the results of the wind resource study prior to acting on the application for special approval.

**4. Minimum Site Area**

The minimum site area for a wind turbine generator or an anemometer tower erected prior to a wind turbine generator shall be as necessary to meet required wind energy setbacks and any other standards of this Article.

**5. Setbacks**

Each proposed wind turbine generator or anemometer tower shall meet the following applicable setback requirements:

- A. **Setback from Property Line:** Each wind turbine generator shall be set back from any adjoining lot line a distance equal to the total height of the wind turbine generator including the top of the blade in its vertical position. The Planning Commission may reduce this setback to no less than one hundred (100) feet; provided the adjoining property is owned or leased by the applicant or an easement is obtained. If the adjoining property that is owned or leased by the applicant includes more than one (1) parcel, the properties may be considered in combination in determining setback relief. The amount of setback relief approved by the Planning Commission will be based on data provided by the applicant and prepared by a qualified professional. Such data shall satisfy the Planning Commission that any potential blade and ice throw will not cross the property line and that sound levels will not exceed fifty (55) decibels on the dB (A) scale at the property line from the proposed setback. Data provided shall be specific to the proposed tower in the proposed location taking into consideration prevailing winds, topography, existing vegetation, and other relevant factors.
- B. **Setback from Road:** In addition to the above, a wind turbine generator shall, in all cases, be set back from a public or private road right-of-way a minimum distance equal to the height of the wind turbine generator total height as defined in the Ordinance.
- C. **Setback from Structures:** Each wind turbine generator shall be setback from the nearest inhabited structure a distance not less than one and one-half (1 ½) times the total height of the wind turbine generator.

- D. **Setback from Communication and Power Lines:** Each wind turbine shall be set back from the nearest above-ground public electric power line or telephone line a distance of no less than four hundred (400) feet or one and one-half (1 ½) times the total tower height, whichever is greater, determined from the existing power or communications lines.
- E. **Building Setbacks:** Setbacks for buildings accessory to a wind turbine generator shall conform to the setbacks of the district.

## 6. Height

Regarding wind turbine height, the applicant shall demonstrate compliance with the Michigan Tall Structures Act (P.A. 259 of 1959, as amended), FAA guidelines, and Michigan Aeronautics Commission guidelines as part of the approval process.

## 7. Tower Separation

Wind turbine separation distance shall be based on 1) industry standards, 2) manufacturer recommendation, and 3) the characteristics (prevailing wind, topography, etc.) of the particular site location. At a minimum, there shall be a separation between the towers of not less than three (3) times the turbine rotor diameter. Documents shall be submitted by the developer/manufacturer confirming specifications tower separation.

## 8. Minimum Ground Clearance

The lowest point of the arc created by rotating wind vanes or blades on a wind turbine generator shall be no less than twenty (20) feet.

## 9. Maximum Noise Levels

The sound pressure level generated by the wind energy system shall not exceed fifty-five (55) dB(A) measured at neighboring property lines. If the ambient sound pressure level exceeds fifty-five (55) dB(A), the standard shall be ambient plus five (5) dB(A).

## 10. Maximum Vibrations

Any proposed wind turbine generator shall not produce vibrations through the ground humanly perceptible beyond the parcel on which it is located.

## 11. Potential Ice Throw

The potential ice throw or ice shedding for the wind turbine generator shall not cross the property lines of the site nor impinge on any right-of-way or overhead utility line.

## 12. Signal Interference

No wind turbine generator shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antennas for radio, television, navigation, wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception. No wind turbine generator shall be installed in any location along the major axis of an existing microwave communications link where its operation is likely to produce electromagnetic interference with the link's operation.

**13. Visual Impact, Lighting, Power Lines:**

- A. Wind turbines shall be mounted on tubular towers, painted a non-reflective, non-obtrusive neutral color. The appearance of turbines, towers, and buildings shall be maintained throughout the life of the wind energy facility pursuant to industry standards (i.e. condition of exterior paint, signs, landscaping). A certified registered engineer and an authorized factory representative shall certify that the construction and installation of the wind energy facility meets or exceeds the manufacturer's construction and installation standards.
- B. The design of the wind energy facility's buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening, and landscaping that will blend facility components with the natural setting and the environment existing at the time of installation.
- C. Wind turbine generators shall not be artificially lighted, except to the extent required by the FAA or the MAC or other applicable authority, or otherwise necessary for the reasonable safety and security thereof. If lighting is required, the lighting alternatives and design chosen:
  - (1) Shall be the intensity required under State or federal regulations.
  - (2) Shall not be strobe lighting or other intermittent white lighting fixtures, unless expressly required by State or federal regulations. Such intermittent lighting shall be alternated with steady red lights at night if acceptable to State or federal regulations.
  - (3) May be a red top light that does not pulsate or blink.
  - (4) All tower lighting required by State or federal regulations shall be shielded to the extent possible to reduce glare and visibility from the ground.
  - (5) Wind turbines shall not be used to display any advertising except the reasonable identification of the manufacturer or operator of the wind energy facility.
  - (6) The electrical collection system shall be placed underground within the interior of each parcel at a depth designed to accommodate the existing agricultural land to the maximum extent practicable. The collection system may be placed overhead adjacent to State and County roadways, near substations or points of interconnection to the electric grid or in other areas as necessary.



**14. Shadow Flicker:**

- A. The wind turbine generator shall be designed in such a manner as to minimize shadow flicker on a roadway. The wind turbine generator shall be designed in such a manner as to prevent shadow flicker on any existing structures located off the property on which the wind turbine generator is located. If necessary to prevent shadow flicker from crossing occupied structures, the wind turbine generator may be programmed to stop rotating during times when the wind turbine generator shadow crosses these structures. The wind turbine generator operator may obtain written agreements which allow shadow flicker to cross an occupied structure.
- B. The Planning Commission may require the applicant to conduct an analysis of potential shadow flicker at occupied structures if it deems such an analysis necessary. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year. The analysis shall identify problem areas where shadow flicker may affect the occupants of the structures and describe measures that shall be taken to eliminate or mitigate the problems.

**15. Safety:**

- A. All collection system wiring shall comply with all applicable safety and stray voltage standards.
- B. Wind turbine towers shall not be climbable on the exterior.
- C. All access doors to wind turbine towers and electrical equipment shall be lockable.
- D. Appropriate warning signs shall be placed on wind turbine towers, electrical equipment, and facility entrances.
- E. All wind turbine generators shall be equipped with controls to control the rotational speed of the blades within design limits for the specific wind turbine generator.

**16. Hazard Planning.**

An application for a wind turbine generator shall be accompanied by a hazard prevention plan. Such plan shall contain:

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

- C. A listing of any hazardous fluids that may be used on site shall be provided, including Material Data Safety Sheets (MDSS).
- D. Certification that the turbine has been designed to contain any hazardous fluids shall be provided.
- E. A statement certifying that the turbine shall be routinely inspected to ensure that no fluids are released from the turbine.

## **17. Approvals**

All required approvals from other local, regional, state or federal agencies must be obtained prior to approval of a site plan. In the case where site plan approval is a requirement for other local, regional, state, or federal agency approval, evidence of such shall be submitted with the site plan.

## **18. Removal of Wind Turbine Generators**

The applicant shall submit a decommissioning plan. The plan shall include:

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

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

**19. Equipment Replacement**

Major components of the wind turbine generator may be replaced without a modification of the Special Use permit provided all regulations contained herein are adhered to.

## ARTICLE 18 - ADMINISTRATION AND ENFORCEMENT

### SECTION 1800. ENFORCEMENT/VIOLATIONS

The provision of this Ordinance shall be administered in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended. Except where otherwise stated, the provisions of this Ordinance shall be administered and enforced by the Zoning Administrator or by such deputies as the Zoning Administrator or the Township Board may delegate to enforce the provisions of this Ordinance. Said officer or officers shall have the power of police officers in the enforcement of this Ordinance.<sup>†</sup>

#### 1. Enforcement Procedures, Penalties:

##### A. Violations:<sup>†</sup>

Buildings, erected, altered, moved, raised, or converted or any use of land or premises carried on in violation of any provision of this Ordinance are declared to be a nuisance per se. Violations of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with variances and conditional uses and violations of approved site plans, shall constitute a municipal civil infraction.

##### B. Inspection of Violation:<sup>†</sup>

The Zoning Administrator shall inspect each alleged violation of this Ordinance and shall have the right to inspect any property involved in the alleged violation. The Zoning Administrator also has the right to inspect any property for which a zoning permit has been issued to ensure compliance with the plans and conditions of the zoning permit or approved site plan. Upon finding that a violation has occurred, the Zoning Administrator shall issue a first order to correct the violation to the offender within ten (10) days of his inspection. If the violation is not corrected within thirty (30) days, the Zoning Administrator shall issue a second order to correct the violation to the offender.

##### C. Stop Work Order<sup>†</sup>

(1) If construction or land uses are being undertaken contrary to a zoning permit, the Michigan Zoning Enabling Act, or this Ordinance, the Zoning Administrator or any other official authorized by the Township Board is authorized to post a stop work order on the property at a suitable location, such as at an entrance, in order to prevent the work or activity from proceeding in violation of the ordinance.

(2) A person shall not continue, or cause or allow to be continued, construction or uses in a violation of a stop work order, except with permission of the enforcing agency to abate a dangerous condition or remove the violation, or except by court order. If an order to stop work is not obeyed, the enforcing officer or agency may apply to the circuit court for an order enjoining the violation of the stop work order. This remedy is in addition to, and not in limitation of, any other remedy provided by law or

ordinance, and does not prevent civil prosecution for failure to obey the order.

D. Correction Period:<sup>†</sup>

All violations shall be corrected within a period of thirty (30) days after the second order to correct is issued. The Planning Commission may grant an extension to the correction period not to exceed six (6) months. A violation not corrected within this period shall be reported to the Zoning Administrator who shall initiate prosecution procedures.

E. Penalties:<sup>†</sup>

Every person, corporation, or firm who violates, disobeys, omits, neglects or refuses to comply with any provision of this Ordinance or any permit, license or certificate granted hereunder or any lawful order of the Zoning Administrator, the Planning Commission, the Board of Zoning Appeals, or the Township Board, issued in pursuance of this Ordinance, shall be guilty of a municipal civil infraction. Upon conviction thereof, he shall be punishable by a fine of not to exceed five-hundred dollars (\$500.00). Each day during which a violation continues shall be deemed a separate and distinct offense under the provisions of this Ordinance. Nothing in this section shall exempt the offender from compliance with provisions of this Ordinance or prohibit the Township from seeking additional and/or equitable relief from any court to ensure compliance with the provisions of this Ordinance.

2. Remedies:<sup>†</sup>

- A. 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 court. The Township Board may also designate from time to time other officials to issue municipal infraction citations on behalf of the Township in connection with alleged violations of this Ordinance.
- B. The Zoning Administrator, the Board of Zoning Appeals, the Township Board, or any interested party, may institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove any violation of this Ordinance. The rights and remedies herein provided are civil in nature.

3. Scope of Remedies:

The rights and remedies provided in this Ordinance are cumulative and are in addition to all other remedies provided by law. All monies received from penalties assessed shall be distributed in accordance with the prevailing statutes.

## **SECTION 1801. DUTIES OF ZONING ADMINISTRATOR**

1. The Zoning Administrator or assistant shall have the power to grant zoning permits and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Zoning Administrator to approve any plans or issue any permits for any excavation or construction until he has inspected such plans in detail and found them to conform with this Ordinance.
2. The Zoning Administrator shall under no circumstances be permitted to make changes to this Ordinance or to vary the terms of this Ordinance in carrying out his duties as Zoning Administrator.
3. The Zoning Administrator shall not refuse to issue a permit when the conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said permit.
4. The Zoning Administrator may make modifications to minimum dimension requirements of not greater than one (1) foot for yard and/or height where no alternative plan can be suitably developed for a property. †

## **SECTION 1802. *RESERVED***<sup>†</sup>

## **SECTION 1803. ZONING PERMIT**

The following shall apply in the issuance of any permit:

1. Permits for New Use of Land

No vacant land shall be used or an existing use of land be changed to a use of a different class or type unless a Zoning Permit is first obtained for the new or different use.

2. Permits for New Use of Buildings

No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a Zoning Permit is first obtained for the new or different use. New buildings or structures shall be finished on the outside within twelve (12) months from the date of beginning construction. Time extensions may be granted upon showing diligent progress.

3. Permits Required

No building or usable exterior parts thereof shall be erected, moved, or expanded or diminished in floor area unless a Zoning Permit is issued for such work.

4. No Zoning Permit shall be required for any lawful use of any building or structure in existence as of the adoption date of this Ordinance. Exempted from the permit requirements are exterior alterations and ordinary maintenance repairs that do not require a building, mechanical, electrical or plumbing permit.<sup>†</sup>

5. Permit Validity

The Zoning Permit will expire after twelve (12) months from the date of issuance in the event that no construction/activity has occurred. The Zoning Administrator or Planning Commission may grant an extension up to twelve (12) additional months.<sup>†</sup>

6. Zoning Permit Applications: The application shall be signed by the owner of the premises or his agent and shall certify that all provisions of this Ordinance and other applicable laws and requirements are to be complied with. Any application requiring approval from the Planning Commission must be submitted not less than thirty (30) days prior to a scheduled meeting for consideration at that Planning Commission meeting. The application shall be accompanied by:<sup>†</sup>

A. A site plan or plot plan in duplicate, in a scale sufficient to clearly detail and which contains all of the information required in **Section 1606**.

B. Properties smaller than two (2) acres in size may be required to submit a legal survey, sealed by a professional surveyor (not a mortgage survey). The Zoning Administrator shall have the authority to require such a survey in the cases where there may be encroachment on the setbacks by the proposed structures or when the exact locations of lot lines are not known.

C. Copies of permits or waivers of permits by other agencies as may be required by statute and/or by the Zoning Administrator. If copies of permits or waivers of permits cannot be obtained, then the applicant shall show evidence that all permits required by other agencies have been filed for.

D. Such other information as may be required to determine compliance with this Ordinance.

7. The location of the property boundaries and all structures shall be staked on the ground for Zoning Administrator's use prior to the issuance of the Zoning Permit.

8. Upon issuance of the Zoning permit, a copy of the permit and the application, including any drawings shall be transmitted to the Township Assessor.

**SECTION 1804. FEES<sup>†</sup>**

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, such as those fees including but not limited to the following:

- A. Zoning permits
  - B. Special Land Use permits
  - C. Ordinance interpretations by the Zoning Board of Appeals including appeals of administrative decisions or request for interpretation. Appeals and requests for interpretation initiated by the Township Board, the Planning Commission, or the Zoning Administrator shall not be subject to a zoning fee.
  - D. Requests for variances from the Zoning Board of Appeals.
  - E. 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.
  - F. Site plan reviews.
  - G. Requests by the applicant for a special meeting of the Wilson Township Planning Commission.
  - H. Any other discretionary decisions by the Planning Commission or Zoning Board of Appeals.
2. No Zoning Permit shall be valid until the required fees have been paid. No separate fee shall be required for accessory buildings or structures when application thereof is made at the same time as the principal building or structure. Applications and petitions filed pursuant to the provisions of this Ordinance shall be accompanied by the filing fees.
  3. The amount of these zoning fees shall cover the costs associated with the review of the application or appeal, including but not limited to the costs associated with conducting public hearings, publishing notices in the newspaper, sending required notices to property owners, postage, photocopying, mileage, time spent by Township staff, and per diem paid to the members of the Planning Commission and/or Zoning Board of Appeals. The basic zoning fees shall be paid before any application required under this Ordinance is processed. The basic zoning fees are non-refundable, even when an application or appeal is withdrawn by the applicant.
  4. 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 or advisable, 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 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 thereby justifying the denial of the application. 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 a final decision.

### **SECTION 1805. INTERPRETATION**

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, convenience, comforts, morals, prosperity and general welfare.

### **SECTION 1806. PLANNING COMMISSION APPROVAL<sup>†</sup>**

1. The Planning Commission is empowered to review amendments and approve site plans, Special Land Uses, site condominiums, and matters referred to it by the Zoning Administrator.
2. In cases where the Planning Commission is empowered to approve certain use of premises under the provisions of this Ordinance, the applicant shall furnish such surveys, plans or other information as may be reasonably required by said Commission for the proper consideration of the matter.
3. The Planning Commission shall investigate the circumstances of each such case and shall notify such parties who may, in its opinion, be affected thereby of the time and place of any hearing which may be held relative thereto as required under its rules of procedure.
4. Any approval given by the Planning Commission, under which premises are not used or work is not started within twelve (12) months or when such use or work has been abandoned for a period of twelve (12) months, shall lapse and cease to be in effect. The Planning Commission may grant an extension period of up to twelve (12) additional months.
5. The Planning Commission shall not have the power to change the zoning classification of any property, nor to grant variances from any terms or requirements of this Ordinance except as specifically granted in this Ordinance.

## **SECTION 1807. CHANGES AND AMENDMENTS<sup>†</sup>**

The Township Board may from time to time, on recommendation from the Planning Commission, or on petition, amend, supplement, or change the district boundaries on the Zoning Map or the regulations in this Ordinance, following the procedures established in P.A. 110 of 2006, as amended.

## **SECTION 1808. CONDITIONS<sup>†</sup>**

The Planning Commission and Zoning Board of Appeals may attach reasonable conditions on discretionary zoning decisions under its respective jurisdiction. These conditions may include those necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Any conditions imposed, however, shall meet all of the following requirements:

1. Be designed to protect natural resources, the health, safety, and welfare and social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
2. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
3. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

## **SECTION 1809. PERFORMANCE GUARANTEE<sup>†</sup>**

In connection with the construction of improvements through site plan approval, Special Land Use approval, or a PUD project, the Planning Commission may require the applicant 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 the construction of public and site improvements. Public improvements mean, by way of example and not limitation, roads, parking lots, and water and sewer systems which are located within the development or which the applicant has agreed to construct even though located outside the development. Site improvements mean landscaping, buffering, and the completion of conditions imposed by the Planning Commission which are located within the development. For purposes of this section, the costs covered by the performance guarantee shall include all of the following: (1) the purchase, construction, and/or installation of the improvements, (2) architectural and engineering design and testing fees and related professional costs, and (3) an amount for contingencies consistent with generally accepted engineering and/or planning practice. The performance guarantee shall be deposited with the Township Clerk at or before the time the Township issues the permit authorizing the

development, or if the development has been approved in phases, then the performance guarantee shall be deposited with the Township Clerk prior to the commencement of construction of a new phase. The performance guarantee shall ensure completion of the public and site improvements in accordance with the plans approved by the Planning Commission. Any cash deposit or certified funds shall be refunded for the development or each phase of a multi-phase development in the following manner:

1. One-third (1/3) of the cash deposit after completion of one-third (1/3) of the public and site improvements;
2. Another one-third (1/3) of the cash deposit after completion of two-thirds (2/3) of the public and site improvements; and
3. The balance at the completion of the public and site improvements.

Any irrevocable bank letter of credit or surety bond shall be returned to the applicant upon completion of the public improvements. If a development is to be completed in phases, then the Planning Commission may require the applicant to furnish a performance guarantee as provided in this section for each phase of the development. If an applicant has contracted with a third-party to construct the public and site improvements and the third-party has provided a bond meeting the requirements described above and the bond also names the Township as a third-party beneficiary of the bond, then the Planning Commission may accept that bond as meeting all or a portion of the performance guarantee required by this section.

## **SECTION 1810. PUBLIC NOTIFICATION<sup>†</sup>**

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

1. **Published Notice:** When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the Township Clerk shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in Wilson Township and mailed or delivered as provided in this Section.
2. **Content:** All mail, personal and newspaper notices for public hearings shall:
  - A. Describe the nature of the request: Identify whether the request is for a rezoning, text amendment, Special Land Use, planned unit development, variance, appeal, ordinance interpretation or other purpose.
  - B. Location: Indicate the property that is subject to the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number, identification of the nearest cross street, or the inclusion of a map showing the location of the property. No street addresses must be listed when eleven (11) or

more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.

- C. When and where the request will be considered: indicate the date, time and place of the public hearing(s).
- D. Written comments: include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.
- E. Disabled access: Information concerning how disabled access will be accommodated if the meeting facility is not disabled accessible.

### **3. Personal and Mailed Notice**

- A. General: When the provisions of this Ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:
  - (1) The owners of the property for which approval is being considered and the applicant, if different than the owner(s) of the property.
  - (2) Except for rezoning requests involving eleven (11) or more adjacent properties or an ordinance interpretation request that does not involve a specific property, notice shall be given 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 the occupant is located within 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.
  - (3) All neighborhood organizations, public utility companies, railroads and other persons which have requested to receive notice pursuant to subsection 5 (below).
  - (4) Other governmental units or infrastructure agencies within one (1) mile of the property involved.
- B. Notice Deemed Given: Notice shall be deemed given when personally delivered or by its deposit in the United States mail, first class, property addressed, postage paid. The Planning Commission Secretary 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.

4. **Timing of Notice:** Unless otherwise provided in the Michigan Zoning Enabling Act, PA 110 of 2006, or this Ordinance where applicable, notice of a public hearing on an application for a rezoning, text amendment, special land use, planned unit development, variance, appeal, or ordinance interpretation shall be given not less than fifteen (15) days before the date the application will be considered for approval.
5. Registration to Receive Notice by Mail
  - A. **General:** Any neighborhood organization, public utility company, railroad or any other person may register with the Township Clerk to receive written notice of all applications for development approval pursuant to subsection (3) above or written notice of all applications for development approval within the zoning district in which they are located. The Township Clerk shall be responsible for providing this notification, as established by the Township Board.
  - B. **Requirements:** The requesting party must provide the Township Clerk information on an official form to ensure notification can be made. All registered persons must register annually to continue to receive notification pursuant to this section.

#### **SECTION 1811. REHEARING PROCESS<sup>†</sup>**

1. **Final Decisions:** Except as provided in this section, a decision of the Planning Commission or Zoning Board of Appeals shall be final. 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:
  - A. 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. In this case, the applicant requesting the rehearing shall be responsible for additional costs incurred by the Township to rehear the case.
  - B. There has been a material change in circumstances regarding the Planning Commission or Zoning Board of Appeals' findings of fact, which occurred after the public hearing.
  - C. The Township attorney by written opinion states that in the attorney's professional opinion the decision made by the Planning Commission or Zoning Board of Appeals or the procedure used in the matter was clearly erroneous.
2. **Rehearing Procedure:** A rehearing may be requested by the applicant or by the Zoning Administrator, or a rehearing may be granted by the Planning Commission or Zoning Board of Appeals on its own motion.

1. 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.
2. A request for a rehearing made by the Zoning Administrator or a rehearing granted by the Planning Commission or Zoning Board of Appeals on its own motion may be granted at any time as long as the applicant has not been prejudiced by any delay.
3. Whenever the Planning Commission or Zoning Board of Appeals considers granting a rehearing, it shall provide written notice to the applicant that a rehearing will be considered. The notice may be served upon the applicant by first class mail at the applicant's last known address or may be served personally on the applicant. The notice must be served at least nine (9) days before the time set for the hearing if served by mail, or at least seven (7) days before the time set for the hearing if served by personal service. Service by mail shall be complete upon mailing. In addition to serving the above notice on the applicant, all other notice requirements for the type of decision being heard shall be completed before the Planning Commission or Zoning Board of Appeals holds a hearing at which it considers whether to grant a rehearing.
4. If the Planning Commission or Zoning Board of Appeals grants a rehearing, then the rehearing shall not be held until all notice requirements for the type of decision being reheard have been satisfied.

## ARTICLE 19 - ZONING BOARD OF APPEALS

### SECTION 1900. CREATION AND MEMBERSHIP<sup>†</sup>

There is hereby established a Zoning Board of Appeals which shall perform its duties and exercise its powers as provided in P.A. 110 of 2006, as amended, and in such a way that the objectives of this Ordinance shall be observed, public safety secured, and substantial justice done. The Board of Appeals shall consist of three (3) members appointed by the Township Board.

1. Members: The first member of the Board of Appeals shall be a member of the Township Planning Commission. The members selected shall be representative of the population distribution and of the various interests present in the Township. One member may be a member of the Township Board. An elected officer of the Township shall not serve as Chairperson on the Board of Appeals. An employee or contractor of the Township Board may not serve as a member or an employee of the Township Board of Appeals.
2. Terms: Terms shall be for three (3) years, except for members serving because of their membership on the Planning Commission or Township Board, whose terms shall be limited to the time they are members of the Planning Commission or Township Board, respectively, and the period stated in the resolution appointing them. When members are first appointed, the appointments may be for less than three (3) years to provide for staggered terms. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.
3. Alternates: The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called to sit as a regular member of the Zoning Board of Appeals in the absence of a regular member if a regular member is absent from or unable to attend one (1) or more meetings of the Zoning Board of Appeals. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.
4. Removal of Member: A member of the Zoning Board of Appeals may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.
5. Expenses: The total amount allowed any member of said Board of Appeals in any one year as per diem or as expenses actually incurred in the discharge of his duty shall not exceed a reasonable sum, which sum shall be determined annually in advance by the Township Board.

## **SECTION 1901. MEETINGS<sup>†</sup>**

1. Rules of Procedure: The Zoning Board of Appeals may adopt rules of procedure for the conduct of its meetings and the implementation of its duties.
2. Officers: The Board shall annually elect a chairperson, a vice-chairperson, and a secretary at its first annual meeting following annual filling of expired terms.
3. Meetings and Quorum: Meetings of the Zoning Board of Appeals shall be held at the call of the chairperson and at such other times as the board in its Rules of Procedure may specify. All meetings shall be open to the public. A majority of the total membership of the Board shall comprise a quorum. The Board of Appeals shall not conduct business unless a majority of those Zoning Board of Appeals members qualified to sit for a particular matter are present to constitute a quorum, regardless of whether the members are regular members or alternate members.
4. Oaths and Witnesses: The Board shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files and other evidence pertinent to the matters before it to insure a fair and proper hearing.
5. Records: The Zoning Board of Appeals shall keep a record of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating said fact. Such records shall contain the grounds for every determination made by the Board and the final ruling on each case. Such records shall be filed in the office of the Township Clerk, which shall constitute a public record.

## **SECTION 1902. JURISDICTION<sup>†</sup>**

The Zoning Board of Appeals shall perform its duties and exercise its powers as provided in Michigan Zoning Enabling Act, 110 of the PA of 2006, as amended. The Board of Appeals shall act upon all questions as they may arise in the administration of the zoning ordinance, and may fix rules and regulations to govern its procedure sitting as such a Board of Appeals. It shall hear and decide appeals from and review any order, requirements, decision or determination made by the Planning Commission, the Township Board, the Zoning Administrator or any administrative official charged with enforcement of this Ordinance. It shall also hear and decide all matters referred to it, or upon which it is required to act under the provisions of this Ordinance. Within this capacity the Board of Zoning Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of the Zoning Officer, Planning Commission or any official administering or enforcing the provisions of this Ordinance. The Zoning Board of Appeals may make such order, requirements, decision or determination as ought to be made, and to that end shall have all the powers of the official or body from whom the appeal is taken. The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor make any change in the terms or intent of this Ordinance, but does have the power to act on those matters for which this Ordinance provides. The Zoning Board of Appeals shall hear the following specified categories of appeals:



1. Administrative Review: The Board of Zoning Appeals shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Zoning Administrator or by any other official or body charged with administering or enforcing the provisions of this Ordinance.
2. Interpretation of the Ordinance: The Board of Appeals shall hear and decide upon request to:
  - A. Interpret the provisions of this Ordinance when it is alleged that certain provisions are not clear or that they could have more than one meaning. In deciding upon such request the Board of Zoning Appeals shall insure that its interpretation is consistent with the intent and purpose of the Ordinance and the article in which the language in question is contained.
  - B. Determine the precise location of the boundary lines between zoning districts when there is dissatisfaction with a decision made by the Zoning Administrator.
3. Dimensional Variance: The Board of Zoning Appeals shall have the power to authorize specific variance from site development requirements such as lot area and width regulations, building height and bulk regulations, yard width and depth regulations, off-street parking and loading space requirements, of this ordinance, upon the finding of a practical difficulty. To establish practical difficulty, the applicant must establish all of the following:

The Zoning Board of Appeals has no jurisdiction to hear appeals from Planning Commission decisions concerning Special Land Uses or Planned Unit Developments.

### **SECTION 1903. APPEAL PROCEDURES<sup>†</sup>**

1. Notice of Appeal: Appeals to the Board of Zoning Appeals may be made by any person aggrieved, or by an officer or department of the Township, by filing a written Notice of Appeal with the Zoning Administrator. Upon receipt of a Notice of Appeal, the Zoning Administrator shall promptly transmit the records concerning the appealed action to the chairperson of the ZBA. Any appeal from the ruling of the Zoning Administrator concerning the enforcement of the provisions of this Ordinance shall be filed within ten (10) days after the date of the Zoning Administrator's decision.
2. Fee: A fee as established by the Township Board shall be paid at the time the petitioner files an application with the Board. The purpose of such fee is to cover the necessary advertisements, investigations, hearing records and other expense incurred by the Board in connection with the appeal. No fee shall be charged if the Township or any official body of the Township is the moving party.
3. Documents Required: The applicant shall submit four (4) copies of surveys, plans and data or other information which is requested by the Zoning Administrator or Chairman of the ZBA and which is reasonably necessary.
4. Hearing and Public Notice: Upon receipt of a Notice of Appeal, the chairperson of the

Zoning Board of Appeals shall fix a reasonable time and date for a Public Hearing, not to exceed thirty (30) days from the date of filing of the Notice of Appeal. Upon determination of the date and time of the Public Hearing, the Township shall give public notice pursuant to Section 1810.

5. Stay: An appeal to the Zoning Board of Appeals stays all proceedings in furtherance of the action appealed. However, if the body or officer from whom the appeal is taken certifies to the Zoning Board of Appeals after the notice of appeal is filed that, by reason of facts stated in the certificate, a stay would in the opinion of the body or officer cause imminent peril to life or property, proceedings may be stayed only by a restraining order issued by the Zoning Board of Appeals or a circuit court.
6. Appearance: Upon the hearing, any party may appear in person or by agent or attorney. The Board may recess such hearing from time to time, and, if the time and place of the continued hearing are announced at the time of adjournment, no further notice shall be required.
7. Decision:
  - A. The Board of Appeals shall render its decision within thirty (30) days of filing of Notice of Appeal unless an extension of time is necessary to review new information pertinent to making the decision, and is agreed upon by the appellant and a majority of members of the ZBA present.
  - B. The concurring vote of a majority of the members of the Zoning Board of Appeals is necessary to reverse an order, requirement, decision, or determination of the administrative official or body, to decide in favor of the applicant on a matter upon which the zoning board of appeals is required to pass under the zoning ordinance, or to grant a dimensional variance in the zoning ordinance.
  - C. A member of the Zoning Board of Appeals who is also a member of the Planning Commission shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission. However, the member may consider and vote on other unrelated matters involving the same property.
  - D. Findings of Fact: In granting or denying a variance, the Board shall state in a written statement of findings of fact the grounds upon which it justifies the granting of a variance.
8. Conditions: In granting the variance, the Zoning Board of Appeals may prescribe, in writing, appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and shall automatically invalidate the permit.
9. Each variance granted under the provisions of this Ordinance shall become null and void unless:
  1. The construction authorized by such variance or permit has commenced within

six (6) months of granting of the variance.

2. The occupancy of land, premises or building has taken place within two (2) years after the granting of the variance. provided, however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a Zoning Permit for said erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.
10. Resubmittal: No application for the variance which has been denied, wholly or in part, by the Board of Zoning Appeals shall be resubmitted for a period of one (1) year from the date of the last denial, except on the grounds of newly discovered evidence or proof of changed conditions found upon inspection by the ZBA to be valid.

#### **SECTION 1904. VARIANCE STANDARDS<sup>†</sup>**

The Board of Appeals shall have the power to authorize, upon an appeal, specific variances from such requirements as lot area and width regulations, building height and bulk regulations, yard and depth regulations, and off-street parking and loading space requirements upon a finding of practical difficulty. To establish practical difficulty, the applicant must establish all of the following:

1. The need for the requested variance is due to unique circumstances or physical conditions of the property involved that do not apply generally to other properties in the surrounding area, such as narrowness, shallowness, shape, water, or topography and is not due to the applicant's personal or economic hardship;
2. Strict compliance with the regulations governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome;
3. Whether granting the requested variance would do substantial justice to the applicant as well as to other property owners in the district, or whether granting a lesser variance than requested would give substantial relief to the property owner and be more consistent with justice to other property owners;
4. The need for the requested variance is not the result of action of the property owner or previous property owners (self-created).
5. That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

#### **SECTION 1905. APPEAL TO CIRCUIT COURT<sup>†</sup>**

1. Any party aggrieved by a decision of the Zoning Board of Appeals may appeal to the circuit court for Alpena County. The circuit court shall review the record and decision to ensure that the decision meets all of the following requirements:

- A. Complies with the constitution and laws of the state.
  - B. Is based upon proper procedure.
  - C. Is supported by competent, material, and substantial evidence on the record.
  - D. Represents the reasonable exercise of discretion granted by law to the Zoning Board of Appeals.
2. If the court finds the record inadequate to make the review required by this section or finds that additional material evidence exists that with good reason was not presented, the court shall order further proceedings on conditions that the court considers proper. The Zoning Board of Appeals may modify its findings and decision as a result of the new proceedings or may affirm the original decision. The supplementary record and decision shall be filed with the court. The court may affirm, reverse, or modify the decision.
3. An appeal from a decision of a Zoning Board of Appeals shall be filed within thirty (30) days after the Zoning Board of Appeals issues its decision in writing signed by the chairperson, if there is a chairperson, or signed by the members of the Zoning Board of Appeals, if there is no chairperson, or within twenty-one (21) days after the Zoning Board of Appeals approves the minutes of its decision. The court may affirm, reverse, or modify the decision of the Zoning Board of Appeals. The court may make other orders as justice requires.

## **ARTICLE 20 – ADOPTION & AMENDMENTS<sup>†</sup>**

### **SECTION 2000. AMENDMENT TO THIS ORDINANCE**

The Township Board is authorized and empowered to cause this Ordinance to be amended, supplemented, or changed, pursuant to the authority and according to the procedures set forth in Act 110 of 2006, as amended.

1. The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the Wilson Township Zoning Map may be amended, supplemented or changed by action of the Township Board following a recommendation from the Township Planning Commission.
2. Proposals for amendments, supplements or changes may be initiated by the Township Board on its own motion, by the Township Planning Commission or by petition of one (1) or more owners of property to be affected by the proposed amendment.

### **SECTION 2001. AMENDMENT PROCEDURES**

The procedure to be followed for initiating and processing an amendment shall be as follows:

1. Each petition by one (1) or more persons for an amendment shall be submitted by application to the Zoning Administrator on a standard form provided and shall be accompanied by the fee as prescribed by the Township Board. No part of such fee shall be returnable to a petitioner if the public hearing is held.
  - A. In the case of a Zoning Ordinance text amendment, a letter shall be submitted which shall contain the requested change and the reason for such change.
  - B. In the case of a desired Zoning Map change, a petition shall be submitted which shall describe the property involved, the zone change desired, and the reason for such change.
2. The Zoning Administrator shall transmit the amendment request to the Planning Commission.
3. The Planning Commission shall hold a public hearing pursuant to the public notice procedure contained in Section 1810.
4. The Planning Commission shall consider each proposal for amendment on particular factors related to the individual proposal and in terms of the likely effect on the community's physical development. The Planning Commission may recommend any additions or modifications to the original proposal.
5. The Planning Commission shall submit a final report/recommendation to the Township Board along with a summary of the comments received at the public hearing.

6. The Township Board may hold a public hearing if it considers it necessary or if otherwise required. Notice of such hearing shall be published using the procedures in Section 1810.
7. The Township Board shall grant a hearing on a proposed Ordinance amendment to a property owner who requests a hearing by certified mail, addressed to the Township Clerk. Notice of such hearing shall be published using the procedures in Section 1810.
8. The Township Board may refer any proposed changes to the amendments back to the Planning Commission for consideration and comment. The Planning Commission shall have a reasonable time, not less than sixty (60) days, for consideration and report.
9. After any such public hearing as allowed under subsection 6 (above), the Township Board shall consider and vote upon the adoption of a Zoning Ordinance amendment. A Zoning Ordinance amendment shall be approved by a majority vote of the members of the Township Board.
10. Once adopted by the Township Board, amendments to this Ordinance shall be filed with the Township Clerk, and one (1) notice of adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption. Any amendments to this Ordinance shall take effect on the eighth day after publication or at a later date as may be specified by the Township Board at the time of adoption.
11. No application for a rezoning which has been denied by the Township shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Township Planning Commission to be valid.

## **SECTION 2002. REZONING STANDARDS**

The Planning Commission shall review and apply the following standards and factors in the consideration of any rezoning request.

1. Is the proposed rezoning consistent with the current Master Plan?
2. Are all of the allowable uses in the proposed district reasonably consistent with surrounding uses?
3. Will there be an adverse physical impact on surrounding properties?
4. Have there been changes in land use or other conditions in the immediate area or in the community in general which justify rezoning?
5. Will rezoning create a deterrent to the improvement or development of adjacent property in accord with existing regulations?
6. Will rezoning grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e. will rezoning result in spot zoning)?

7. Are there substantial reasons why the property cannot be used in accordance with its present zoning classifications?
8. Is the site served by adequate public facilities or is the petitioner able to provide them?
9. Are there sites nearby already properly zoned that can be used for the intended purposes?

### **SECTION 2003. SEVERABILITY**

This Ordinance and various parts, sections, subsections, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby. The Township Board hereby declared that it would have passed this Ordinance and each part, section, subsection, phrase, sentence and clause thereof irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

### **SECTION 2004. VESTED RIGHT**

Nothing in this Ordinance should 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 therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety and welfare.

### **SECTION 2005. CONFLICTING REGULATIONS AND REPEAL OF PRIOR AND INCONSISTENT ORDINANCES**

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

All prior Zoning Ordinances of the Township and amendments thereto, and ordinances inconsistent with the provisions of the foregoing Zoning Ordinance, are hereby repealed.

**SECTION 2006. EFFECTIVE DATE**

A synopsis of these amendments to the Township of Wilson Zoning Ordinance shall be published in the newspaper circulated within the Township of Wilson, within fifteen (15) days following the adoption thereof and will become effective upon the expiration of seven days following publication.

Made, passed, and adopted by the Township Board of Wilson, Alpena County, Michigan, this fourteenth day of September, 2011.

Wilson Township Supervisor, William Domke

Wilson Township Clerk, Pamela Walker

Ordinance Adoption Data

	<u>Adopted</u>	<u>Published</u>	<u>Effective</u>
Original	May 21, 1974	May 29, 1974	June 29, 1974
Amended	August 10, 1981	Sept. 9, 1981	Oct. 9, 1981
Amended	Nov. 21, 1984	Nov. 23, 1984	Dec. 23, 1984
Amended 1989	Feb. 13, 1989	Feb. 20, 1989	March 22,
Amended	May 6, 1992	May 26, 1992	June 25, 1992
Amended 2000	December 9, 1999	December 20, 1999	January 19,
Amended 2006	December 13, 2006	December 20, 2006	December 28,
Amended 2011	Sept. 14, 2011	Sept. 19, 2011	Sept. 26, 2011