

# **WHEATLAND TOWNSHIP ZONING ORDINANCE**

Effective Date: February 20, 2000

Revision Date:

# WHEATLAND TOWNSHIP ZONING ORDINANCE

Adopted by:

Wheatland Township  
Board of Trustees

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# WHEATLAND TOWNSHIP ZONING ORDINANCE

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**ARTICLE I**  
**TITLE, PURPOSES, AND LEGAL CLAUSES**

**SECTION 1.01 - Title**

This Ordinance shall be known and may be cited as:

“The Zoning Ordinance of Wheatland Township”

**SECTION 1.02 - Repeal of Ordinance**

This Zoning Ordinance of Wheatland Township is the first zoning ordinance ever adopted. Thus, no prior zoning ordinance was repealed with the adoption of this new ordinance in the year 2000.

**SECTION 1.03 - Purposes**

- A. Promoting and protecting the public health, safety and general welfare.
- B. Protecting the character and the stability of the agricultural, recreational, residential, commercial and other areas within the Township and promoting the orderly and beneficial development of such areas.
- C. Regulating the intensity of use of land and lot areas and determining the area of open spaces surrounding the buildings and structures necessary to provide adequate light and air to protect the public health and convenience of access to property.
- D. Lessening and avoiding congestion on the public highways and streets.
- E. Providing for the needs of agriculture, recreation, residence, commerce and other land uses in future growth.
- F. Fixing reasonable standards to which buildings and structures shall conform.
- G. Prohibiting uses, buildings or structures which are incompatible with the character of development or the uses, buildings or structures permitted within specified zoning districts.
- H. Preventing such additions to or alterations or remodeling of existing buildings or structures in such a way as to avoid the regulations and limitations imposed hereunder.
- I. Protecting against fire, explosion, noxious fumes and odors, dust, smoke, glare, noise and other nuisances and hazards in the interest of the public health, safety and general welfare.
- J. Preventing the overcrowding of land and undue concentration of buildings and structures so far as is possible and appropriate in each zoning district by regulating the use and bulk of buildings in relation to the land surrounding them.
- K. Conserving the taxable value of land, buildings and structure throughout the Township.

- L. Providing for the completion, extension, substitution or elimination of nonconforming uses.
- M. Creating a Board of Appeals and defining the powers and duties thereof.
- N. Designating and defining the powers and duties of the official or officials in charge of the administration and enforcement of this Ordinance.
- O. Providing for the payment of fees for building permits.
- P. Providing penalties or the violation of this Ordinance.

**SECTION 1.04 – Validity and Severalty Clause**

If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not effect any other provisions of this Ordinance not specifically included in said ruling.

If any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular land, parcel, lot, district, use, building or structure, such ruling shall not effect the application of said provision to any other land parcel, lot, district, use, building or structure not specifically included in said ruling.

**SECTION 1.05 – Conflict With Other Laws**

- A. Where any condition imposed by any provision of this Ordinance upon the use of any lot, building or structure is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this Ordinance or by the provision of any Ordinance adopted under any other law, the provision which is more restrictive or which imposes a higher standard or requirement shall govern.
- B. The Ordinance is not intended to abrogate or annul any easement, covenant or other private agreement provided that where any provisions of this Ordinance is more restrictive or imposes a higher standard or requirement, that such easement, covenant or other private agreement, the provision of this Ordinance shall govern.

**SECTION 1.06 – Period of Effectiveness**

This Ordinance shall remain in full force and affect henceforth unless repealed.

**SECTION 1.07 – Effective Date**

This Ordinance was adopted by the Township Board of the Township of Wheatland, Hillsdale County, Michigan and became effective on February 20, 2000. The action of adoption of this Ordinance and subsequent amendments has been created pursuant to the requirements of the Township Zoning Act (PA 184 of 1943) and administered under the requirements of the Michigan Zoning Enabling Act (PA 110 of 2006, MCL 125.3101 *et seq.*), as may be amended.

Dawn Johnson  
Wheatland Township Clerk

**ARTICLE II**  
**ADMINISTRATION AND ENFORCEMENT**

**SECTION 2.01 – Administration**

The provisions of this Ordinance was adopted under the authority of the Township Zoning Act (PA 184 of 1943) and shall be administered in accordance with the Michigan Zoning Enabling Act (PA 110 of 2006, MCL 125.3101 et seq.), as may be amended.

The Township Board shall appoint a Zoning Administrator to act as its officer to effect proper administration of this Ordinance. The individual selected, the terms of employment and the rate of compensation shall be established by the Township Board. For the purpose of this Ordinance the Zoning Administrator shall have the powers of a police officer. The Township Board may appoint such assistants to the Zoning Administrator as may be necessary to aid the Zoning Administrator in the performance of his duties hereunder.

In the absence of a Zoning Administrator, the Township Board shall designate a qualified Zoning Administrator from another governmental unit who shall assume all the powers and duties of the Zoning Administrator.

**SECTION 2.02 – Duties of the Zoning Administrator**

The Zoning Administrator shall:

- A. Coordinate with the Hillsdale County Building Inspector in the review of all applications for Building Permits in order to approve or disapprove such application based upon compliance with the provisions of this Ordinance and other codes and ordinances adopted by the Township Board.
- B. Receive all applications for conditional use permits: conduct field inspections, surveys and investigations, prepare maps, charts and other pictorial materials when necessary or desirable, and otherwise process applications so as to formulate recommendations: and notify the applicant in writing of any decision of the Planning Commission.
- C. Receive all applications for appeals, variance, or other matters which the Zoning Board of Appeals is required to decide under this Ordinance: conduct field inspections, surveys and investigations, prepare maps, charts and other pictorial materials when necessary or desirable and otherwise process applications to the Zoning Board of Appeals for determination.
- D. Receive all applications for amendments to this Ordinance: conduct field inspections, survey and investigations, prepare maps, charts and other pictorial materials when necessary or desirable, and other applications so as to formulate recommendations; report to the Planning Commission all such applications together with recommendations.
- E. Coordinate the updating of changes to the Official Zoning Map of Wheatland Township.
- F. Maintain written records of all actions taken by the Zoning Administrator.

- G. Be responsible for providing forms necessary for the various applications to the Zoning Administrator, Planning Commission, Township Board or Zoning Board of Appeals as required by this Ordinance and shall be responsible for what information is necessary on such forms for the effective administration of this Ordinance, subject to the general policies of the Township Board, Planning Commission and Zoning Board of Appeals.

**SECTION 2.03 – Duties of the Building Inspector/Building Permits**

The Building Inspector referred to in this Ordinance is and shall be the Building Inspector appointed by the Township Board pursuant to the provisions of the Stille-DeRossett-Hale Single State Construction Code Act (PA 230 of 1972, MCL 125.1501 *et seq.*), as amended, and the Building Inspector shall have and perform duties as therein set forth. Wheatland Township has contracted with Hillsdale County to perform the duties as set forth under the Building Inspector function in this Ordinance.

A building permit is required for and shall be obtained from the Building Inspector prior to the construction, enlargement, alteration, conversion or moving of any building or structure or any part thereof, except for those buildings and structures exempted by the Stille-DeRossett-Hale Single State Construction Code Act (PA 230 of 1972, MCL 125.1501 *et seq.*), as may be amended.

**SECTION 2.04 – Fees, Charges and Expenses**

The Township Board shall establish a schedule of fees, charges and expenses, and a collection procedure for conditional use permits, the review of site plans, ordinance amendments, variances and other matters pertaining to the Ordinance. The schedule of fees shall be posted in the Office of the Zoning Administrator and may be altered or amended by the Township Board only. No permit, certificate, conditional use approval or variance shall be issued until such costs, charges, fees or expenses have been paid in full, nor shall any action be taken on proceedings before the Board of Appeals, until preliminary charges and fees have been paid in full.

**SECTION 2.05 – Violations – nuisances per se**

Any building or structure, including tents and mobile homes, which are erected, constructed, reconstructed, altered, converted, maintained or used, or any use of land or premises which is begun, maintained or changed in violation of any provision of this Ordinance are hereby declared to be a nuisance per se.

**SECTION 2.06- Penalties**

Any person who shall violate any provision of this Ordinance or shall fail to comply with any of its requirements, or who erect, construct, alter, or repair a structure in violation of an approved plan or directive of the Zoning Administrator, or of a certificate or permit issued under this chapter, shall be guilty of a civil infraction, which is detailed in [Ordinance X]. Each day a violation occurs shall be deemed a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this chapter. A person found to be in violation shall also be subject to



such additional sanctions and judicial orders as are authorized under state law. The term PERSON shall be deemed to include partnerships, limited liability companies, corporations, and other legal entities.

**SECTION 2.07 – Enforcement of Zoning by Township Board**

In addition to all other remedies provided herein, the Township Board, in the event they determine a structure, including tents and mobile homes, which are erected, constructed, re-constructed, altered, converted, maintained or used, or any use of land or premises which is begun, maintained, changed or abandoned in violation of any provisions of this Ordinance, may undertake the responsibility to correct the violation and to assess the land or premises for the cost thereof, which said assessment shall become a lien upon said land and shall be collected in the same manner as Township taxes in accordance with the law in such case made and provided.

**SECTION 2.08 – Compliance Bond**

In authorizing any variance, the erection of any sign, the issuance of any permit, the Township Board or the Zoning Board of Appeals, as the case may be, may require that a bond be furnished in favor of the Township to ensure compliance with the requirements, specifications, condition, regulations and provision of the variance or permit as the case may be.

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**ARTICLE III**  
**ZONING BOARD OF APPEALS**

**SECTION 3.01 – Board of Appeals Established**

There is hereby established, under the authority of the Township Zoning Act (PA 184 of 1943), a Board of Appeals which shall perform its duties and exercise its powers as provided for under the Michigan Zoning Enabling Act (PA 110 of 2006, MCL 125.3101 et seq.), as may be amended, in such a way that the objectives of this Ordinance shall be enforced, the public health and safety secured and substantial justice done.

**SECTION 3.02 – Membership, Terms of Office**

- A. The Board of Appeals shall consist of three regular members and an alternate member. The first regular member of the Board of Appeals shall be a member of the Township Planning Commission. The remaining regular members of the Board of Appeals and the alternate member shall be selected from the electors of the Township. Regular and alternate members shall be representative of the population distribution and of the various interests present in the Township. One regular or alternate member may be a member of the Township Board. However, an elected officer of the Township shall not serve as chairperson of the Board of Appeals. Nor may an employee or contractor of the Township Board serve as a member of the Board of Appeals.
- B. A member of the Board of Appeals who is also a member of the Planning Commission or Township Board body 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 or the Township Board. However, the member may consider and vote on other unrelated matters involving the same property.
- C. An alternate member may be called to serve as a member of the Board of Appeals in the absence of a regular member if the regular member will be unable to attend one or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which a regular member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. An alternate member serving on the Board of Appeals has the same voting rights as a regular member.
- D. The total amount allowed a member of the Board of Appeals in any one year as per diem, or as expenses actually incurred in the discharge of their duties, shall not exceed the reasonable sum which shall be appropriated annually in advance by the Township Board. Members of the Board of Appeals may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disquali-

fy himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

- E. Terms shall be for 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 the initial members are first appointed, the appointments may be for less than 3 years in order to provide for staggered terms. A successor shall be appointed not more than 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.
- F. The Board of Appeals shall not conduct business unless a majority of the regular members of the Board are present.

### **SECTION 3.03 – Rules of Procedure, Majority Vote**

The Board shall adopt its own rules of procedure as may be necessary to properly conduct its meetings. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the administrative official or to decide in favor of the applicant any matter upon which they are required to pass under this Ordinance or to effect any variation in this Ordinance.

### **SECTION 3.04 – Meetings**

Meetings of the Board of Appeals shall be held at the call of the chairperson and at other times as the Board in its rules of procedure may specify. All meetings of the Board of Appeals shall be open to the public. Minutes shall be recorded of all proceedings which shall contain evidence and date relevant to every case considered together with vote and signature of each member and the final disposition of each case. The grounds of every determination shall be stated in writing with reference to such determination for which the appeal is taken. Such minutes shall accompany and be attached to the standard forms required of persons appealing as part of the Zoning Board of Appeals' permanent records. Such minutes shall be filed in the office of the Township Clerk and shall be sent promptly to the applicant or appellant and to the Zoning Administrator. The Township Clerk may act as secretary to the Zoning Board of Appeals. The Township Attorney shall act as legal counsel for the Board and shall be present at all meetings upon the request of the Board. Other knowledgeable persons may also be utilized in an advisory capacity.

### **SECTION 3.05 – Powers and Duties**

The Board of Appeals shall have powers to interpret the provisions of this Ordinance or consider an appeal of an administrative decision based upon the Ordinance and to grant nonuse variances relating to the construction, structural changes, or alteration of buildings or structures related to dimensional requirements of this Ordinance or to any other nonuse-related standard in this Ordinance. The Board of Appeals does not have the authority to grant a use variance.

**SECTION 3.06 – Nonuse Variance**

A nonuse variance from the terms of this Ordinance shall not be granted by the Board of Appeals unless there are practical difficulties in the way of carrying out the strict letter of the Ordinance and the spirit of the Ordinance will be observed, the public safety secured, and substantial justice be done. A nonuse variance from the terms of this Ordinance shall not be granted by the Board of Appeals unless and until:

- A. A written application for a variance is submitted, demonstrating:
  - 1. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in same district.
  - 2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
  - 3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
  - 4. That no non-conforming use of neighboring lands, structures or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.
  - 5. That not granting the variance will cause the applicant practical difficulty.
- B. The Board of Appeals shall make findings that the requirements of the Ordinance have been met by the applicant for a variance.
- C. The Board of Appeals shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
- D. The Board of Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
- E. In granting any variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under SECTION 2.06 of this Ordinance.
- F. Under no circumstances shall the Board of Appeals grant a variance to allow a use not permissible under the terms of the Ordinance in said district.

**SECTION 3.07 – Voiding of and Reapplication for Variance**

The following provisions shall apply:

- A. Each variance granted under the provisions of this Ordinance shall become null and void unless the construction authorized by such variance or permit has been commenced within ninety (90) days after the granting of such variance and pursued diligently to completion.
- B. No application for a variance which has been denied wholly or in part by the Board of Appeals shall be resubmitted for a period of three hundred and sixty five (365) days from such denial, except on grounds of new evidence or proof of changed conditions found by the Board of Appeals to be valid.

**SECTION 3.08 – Procedure for Appealing to the Board of Appeals**

The following provisions shall apply:

- A. APPEALS, HOW TAKEN – Appeals from the ruling of the Township Zoning Administrator may be made to the Board of Appeals in the following manner:
  - 1. The person, firm or agent thereof making the appeal, shall file in writing to the Zoning Administrator, a letter stating what the specific appeal is and the reasons for said appeal.
  - 2. The Zoning Administrator submits the written appeal, along with all papers constituting the records from which the action appealed was taken, to the Zoning Board of Appeals.
- B. WHO MAY APPEAL – Appeals to the Board of Appeals may be taken by any person aggrieved or by an officer, department, board, agency or bureau of the Township, County or State.
- C. FEE FOR APPEAL – A fee prescribed by the Township Board shall be submitted to the Zoning administrator at the time of filing the letter of appeals. The appeals fee shall immediately be placed in the Township General Fund.
- D. EFFECT OF APPEAL – Restraining Order – An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Township Board of Appeals, after the notice of appeals shall have been filed with him, that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by the Circuit Court, on application, on notice to the officer from whom the appeal is taken and on due cause shown.
- E. HEARING BY THE BOARD OF APPEALS– When a request for appeal has been filed in proper form with the Township Clerk the Board of Appeals will set a public hearing and it shall be notified in accordance with Section 4.03 of this Ordinance.
- F. REPRESENTATION AT HEARING – Upon the hearing, any party or parties may appear in person or by agent or by attorney.

- G. DECISION OF THE BOARD OF APPEALS AND APPEALS TO THE CIRCUIT COURT – The Board of Appeals shall decide upon all appeals within a reasonable time and reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises and to that and shall have all the powers of the Zoning Administrator from who the appeal is taken. The Board of Appeals’ decision of such appeals shall be in the form of a resolution containing a full record of the findings and determination of the Board of Appeals affixed thereon. Any persons having an interest affected by such resolution shall have the right to appeal to the Circuit Court on questions of law and fact.

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**ARTICLE IV**  
**AMENDMENT PROCEDURE**

**SECTION 4.01 – Initiating Amendments and Fees**

The Township Board may, from time to time, on recommendation from the Planning Commission, amend, modify, supplement or revise the district boundaries or the provisions and regulations herein established whenever the public necessity and convenience and the general welfare require such amendment. Said amendment may be initiated by resolution of the Township Board, the Planning Commission or by petition of one or more owners of property to be affected by the proposed amendment. Except for the Township Board, or the Planning Commission, the petitioner or petitioners requesting an amendment shall at the time of application pay the fee in accordance with requirements specified in SECTION 2.04. No part of which shall be returnable to the petitioner.

**SECTION 4.02 – Amendment Procedure**

- A. The procedure for making amendments to this Ordinance shall be as follows:
1. The Planning Commission shall initiate proposed changes in language (i.e., text amendment) based upon the need to enhance the Ordinance in terms of its interpretation, applicability to other legislation, and the administration and enforcement of its regulation. Recommendations for changes to the text may be received from the Township Board, the Zoning Administrator, the Zoning Board of Appeals, or by petition from one or more property owners within the Township.
  2. The Planning Commission shall conduct at least one public hearing, with notice of the time, place, and purpose for the hearing, in compliance with the requirements of Section 4.03 of this Ordinance.
  3. Following completion of the public hearing, the Planning Commission shall take action to recommend approval or denial of the proposed amendment to the text of the Zoning Ordinance. It shall then be forwarded to the Hillsdale County Planning Commission, unless waived by the Hillsdale County Board of Commissioners, for their action, and then submitted to the Township Board for final approval or denial.
  4. The adopted amendment shall then be published in a newspaper of general circulation, either in its entirety or with a synopsis of its intent.
- B. The procedure for making an amendment to the Official Zoning Map (i.e., rezoning) shall be as follows:
1. Each request for amendment to the Official Zoning Map shall be initiated by petition of the property owner or shall be submitted on behalf of the Township by its Board of Trustees or its Planning Commission.

2. After deliberation on any proposal, the Township Planning Commission shall conduct at least one (1) hearing, notice of the time and place of which shall comply with Section 4.03 of this Ordinance-
3. After receiving the proposed amendment, the Township Board may adopt the amendment with or without changes in accordance with the provisions and procedures of *Act 110 of 2006, as may be amended.*
4. The Official Zoning Map of Wheatland Township will then be amended to reflect this change in zoning district.

**SECTION 4.03 – Public Notice Procedure**

- A. **Public Notification:** 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.
  - a. **Responsibility:** When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the Zoning Administrator and/or Township Clerk shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in Wheatland Township and mailed or delivered as provided in this Section.
  - b. **Content:** All mail, personal and newspaper notices for public hearings shall:
    - a. **Describe nature of the request:** Identify whether the request is for a rezoning, text amendment, special land use, planned unit development, variance, appeal, ordinance interpretation or other purpose.
    - b. **Location:** Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number, identifying the nearest cross street, or including a map showing the location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.
    - 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. **Handicap access:** Information concerning how handicap access will be accommodated if the meeting facility is not handicap 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 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; to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of Wheatland 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 B, Registration to Receive Notice by Mail.
  - (4) Other governmental units or infrastructure agencies within one mile.
- b. Notice by mail/affidavit: Notice shall be deemed mailed by its deposit in the United States mail, first class, properly addressed, postage paid. The Zoning Administrator or Clerk shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.
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 shall be provided as follows:
- For a public hearing on an application for a rezoning, text amendment, conditional use permit, planned unit development, variance, appeal, or ordinance interpretation: not less than fifteen (15) days before the date the application will be considered for approval. This means it must be published in a newspaper of general circulation and for those receiving personal notice, received by mail or personal notice not less than 15 days before the hearing.
- B. Registration to Receive Notice by Mail:
1. General: Any neighborhood organization, public utility company, railroad or any other person may register with the Zoning Administrator or Clerk to receive written notice of all applications for development approval pursuant to Section A.1.c., Personal and Mailed Notice, or written notice of all applications for development approval within the zoning district in which they are located. The Zoning Administrator or Clerk shall be responsible for providing this notification. Fees may be assessed for the provision of this notice, as established by the legislative body.

2. Requirements: The requesting party must provide the Zoning Administrator or Clerk information on an official form to ensure notification can be made. All registered persons must re-register bi-annually (i.e., every two years) to continue to receive notification pursuant to this Section.

**ARTICLE V**  
**GENERAL PROVISION**

**SECTION 5.01 – Establishment of Districts**

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

OC – OPEN SPACE WATERBODY CONSERVATION DISTRICT

AA – AGRICULTURAL DISTRICT

RA – LOW DENSITY RESIDENTIAL DISTRICT

RB – MEDIUM DENSITY RESIDENTIAL DISTRICT

MHP – MANUFACTURED/MOBILE HOME PARK DISTRICT

HS – HIGHWAY SERVICE COMMERCIAL DISTRICT

LI – LIGHT INDUSTRIAL DISTRICT

**SECTION 5.02 – Provision for Official Zoning Map**

These districts, so established, are bounded and defined as shown on the map entitled:

**“THE OFFICIAL ZONING MAP OF WHEATLAND TOWNSHIP”**

adopted by the Township Board, and which, with all notations, references and other information appearing thereon, is hereby declared to be a part of this Ordinance and of the same force and effect as if the Districts shown thereon were fully set forth by metes and bounds therein.

**SECTION 5.03 – Changes to Official Zoning Map**

If, in accordance with the procedures of this Ordinance and of the Michigan Zoning Enabling Act (PA 110 of 2006, MCL 125.3101 *et seq.*), as amended, a change is made in a zoning district boundary such change shall be made by the Zoning Administrator promptly after the Ordinance authorizing such change shall have been adopted and published by the Township Board. The Zoning Board of Appeals may authorize that dimensions be indicated on the Official Zoning map when they have been required to make an official interpretation.

**SECTION 5.04 – Authority of Official Zoning Map**

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

### **SECTION 5.05 – Replacement of Official Zoning Map**

In the event that the Official Zoning map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes made thereto, the Township Board may by ordinance adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions on the prior official Zoning Map, but no such correction shall have the effect of amending the Zoning Ordinance or the prior official Zoning Map. The new Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bear the seal of the Township under the following words:

“This is to certify that this is the Official Zoning Map referred to in the Zoning Ordinance of Wheatland Township”, which became effective on February 20, 2000.

### **SECTION 5.06 – Interpretation of Zoning Districts**

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

- A. A boundary indicated as approximately following the centerline of a highway, street, alley, railroad or easement shall be construed as following such centerline.
- B. A boundary indicated as approximately following a recorded lot line, bounding a parcel, section line, quarter section line, or other survey line shall be construed as following such line.
- C. A boundary indicated as approximately following the corporate boundary line of the Township shall be construed as following such line.
- D. A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of change in a shoreline shall be construed as following the actual shoreline.
- E. A boundary indicated as following the centerline of a stream, river canal, lake or other body of water shall be construed as following such centerline.
- F. A boundary indicated as parallel or an extension of a feature indicated in paragraphs A through E above shall be so construed.
- G. A distance not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

### **SECTION 5.07 – Application of Regulations**

The regulations established by this Ordinance within each zoning district shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare and shall be uniform for each class of land or building, dwellings and structures throughout each district. Where there are practical difficulties due to the interpretation or regulation of

this Ordinance, the Zoning Board of Appeals shall have the power to interpret its provisions or grant a variance from dimensional requirements as specified in the Zoning Ordinance.

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## **ARTICLE VI**

### **OC – OPEN SPACE AND WATERBODY CONSERVATION DISTRICT**

#### **SECTION 6.01 – Purpose**

It is recognized by this Ordinance that the principal use of certain open areas within the Township is and ought to be the development, management and utilization of the natural resource base possessed by these areas. In order that this value may be maintained and this use encouraged, this Ordinance has established, based upon a well considered plan, a zoning district designed to regulate the location of buildings and structures and the use of parcels, and lots in order to protect the natural resources, natural habitats of wildlife, waterways and water bodies, agricultural capabilities, public and private recreation areas, and the public health, safety and welfare by reducing the hardships and burdens imposed upon the people of the Township by the wanton destruction of resources, the improper and wasteful use of open land, wooded areas and the periodic flooding and overflow of creeks and streams. In addition, this district will help protect human life, prevent or minimize material losses, and reduce the cost to the public of rescue and relief efforts occasioned by unwise occupancy or construction of buildings in areas subject to periodic inundation, such areas being shown as flood plan by soil types as compiled by the U.S. Soil Conservation Service.

#### **SECTION 6.02 – Permitted Uses**

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted in this district:

- A. Public and private conservation areas for the development, protection and conservation of open space, watersheds, water, soil, forest, and wildlife resources.
- B. A lot may be used for general and specialized farming and agricultural activities including the raising or growing of crops, livestock, poultry and other farm animals, products and foodstuffs—in accordance with the Michigan Right to Farm Act (PA 93 of 1981, MCL 286.471 et seq.), as amended, and the Generally Accepted Agricultural Management Practices (GAAMPs) developed under the authority of the Act—and provided that any lot that is kept as idle cropland shall be so treated as to prevent soil erosion by wind or water.
- C. Home Occupations: Customary home occupations such as the home instruction of the arts, hairdressing, millinery, dressmaking, bookkeeping and accounting services, real estate and insurance sales, professional offices for not more than one (1) physician, surgeon, dentist, attorney, architect, engineer, or similar professional practitioner in accordance with Section 12.18.
- D. Drives and parking areas.
- E. A sign only in accordance with the regulations specified in ARTICLE XIV.

- F. Adult Foster Care Family Homes, Adult Foster Care Small Group Homes (serving six (6) or less adults), Child Foster Family Homes, and Child Foster Family Group Homes in single-family dwellings subject to Section 12.19.
- G. Adult Family Day-Care Homes and Child Family Day-Care Homes, in single family homes and in accordance with Section 12.20.

**SECTION 6.03 – Conditional Uses**

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted in this district, subject to obtaining a conditional use permit as provided in ARTICLE XVI:

- A. Public or private forest preserve, game refuge, golf course, park, camping grounds, playgrounds, or other recreation purpose.
- B. The growing, stripping and removal of sod, provided that said lot or portion thereof shall be seeded after stripping by fall of the same year in which it was stripped as to reduce the actual or potential erosion of soil by water or wind.
- C. Country clubhouse, swimming pool, bath house and the sale of food, beverage and recreation equipment which is incidental and accessory to a recreation use.
- D. Single family dwelling.
- E. All buildings and structures accessory and incidental to permitted uses in this district.
- F. Essential Services.
- G. Adult Foster Care Small Group Homes and Adult Foster Care Large Group Homes in single-family homes and in accordance with Section 12.19.
- H. Adult Group Day Care Homes and Child Group Day Care Homes single family homes and in accordance with Section 12.20.
- I. Extraction and Mining in accordance with Section 16.13.
- J. Expanded Home Occupations in accordance with Section 16.24.

**SECTION 6.04 – Regulations**

The following regulations shall apply in all OC – Open Space and Waterbody Conservation Districts.

- A. LOT AREA: No building or structure shall be established on any lot less than ten (10) acres in area.
- B. LOT WIDTH: The minimum lot width shall be three hundred and thirty (330) feet.
- C. LOT COVERAGE: The maximum lot coverage shall not exceed ten (10) percent.
- D. YARD AND SETBACK REQUIREMENTS:

1. Front Yard: Not less than sixty (60) feet from the right-of-way line, as verified by the Hillsdale County Road Commission, if necessary.
  2. Side Yards: Least width of either side yard shall not be less than thirty (30) feet, except in the case of a corner lot where the side yard on the road or street side shall not be less than sixty (60) feet.
  3. Rear Yard: Not less than fifty (50) feet.
  4. The above requirements shall apply to every lot, building or structure.
- E. HEIGHT: The following height requirements shall apply in this district.
1. For dwellings and non-farm buildings and structures: No dwelling or non-farm building or structure shall exceed a height of two and one half (2½) stories or thirty-five (35) feet.
- F. REQUIRED OFF-STREET PARKING: As required in ARTICLE XV.
- G. PRESERVATION OR ENVIRONMENTAL QUALITY: As required in ARTICLE XII, and in the flood plain as indicated by soil types, the construction or location of bridges, outdoor equipment, bleachers, and similar outdoor equipment or appurtenances, storage of materials and equipment is prohibited unless such elements would not cause any significant obstruction to the flow, or reduction in the impoundment capacity of the flood plain.

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**ARTICLE VII**  
**AA - AGRICULTURAL DISTRICT**

**SECTION 7.01 - Purpose**

The purpose of this district is to protect and stabilize the essential character of agricultural areas within the Township, and to ensure proper maintenance of conditions for healthful and economically productive agriculture by preserving those areas which are predominately agricultural in nature, and which are most appropriate for present and future agricultural developments. The requirements of this district are designed so as not to impede necessary urban expansion, but to prevent unwarranted premature urban development from encroaching upon legitimate agricultural areas, thus disrupting the agricultural resources, environment and economy, including the tax base. It is essential that development in areas which are predominately agricultural be based on sound principles which realize the importance of such activities to the economy and welfare of the township.

**SECTION 7.02 – Permitted Uses**

The following buildings and structures and uses of parcels, lots, buildings and structures are permitted in this district:

- A. Single family dwellings.
- B. A parcel may be used for general and specialized farming and agricultural activities, including, but not limited to, the raising or growing of crops, livestock, poultry and other farm animals, products and foodstuffs in accordance with the Michigan Right to Farm Act (PA 93 of 1981, MCL 286.471 et seq.), as amended, and the Generally Accepted Agricultural Management Practices (GAAMPs) developed under the authority of the Act. Any building or structure may be located thereon and used for the day to day operation of such activities for the quartering, storage and preservation of said crops, livestock, poultry or other animals, products and foodstuffs raised on said lot or in said structure.
- C. Public and private conservation areas and structures for the development, protection and conservation of open space, water, soil, forest and wildlife resources.
- D. Home Occupations: Customary home occupations such as the home instruction of the arts, hairdressing, millinery, dressmaking, bookkeeping and accounting services, real estate and insurance sales, professional offices for not more than one (1) physician, surgeon, dentist, attorney, architect, engineer, or similar professional practitioner in accordance with Section 12.18.
- E. Outdoor storage of not more than one (1) motor home and two (2) non-residential type recreational vehicles (boats, snowmobiles, etc.) provided that such units shall be completely within the side and rear yards and meet the setback requirements for those yards.
- F. A sign only in accordance with the regulations specified in ARTICLE XIV.

- G. An accessory use, building or structure.
- H. Adult Foster Care Family Homes, Adult Foster Care Small Group Homes (serving six (6) or less adults), Child Foster Family Homes, and Child Foster Family Group Homes subject to Section 12.19
- I. Adult Family Day-Care Homes and Child Family Day-Care Homes, in accordance with Section 12.20

**SECTION 7.03 – Conditional Uses**

The following buildings and structures and uses of parcels, lots, buildings, and structures are permitted in this district subject to obtaining a conditional use permit as provided in ARTICLE XVI.

- A. The removal of soil, sand, gravel, and other minerals.
- B. Community and governmental buildings.
- C. Airport
- D. Public and private nursery, primary and secondary schools, business school, college and university.
- E. Hospital, nursing home, sanitarium, medical and food-processing research laboratories.
- F. - Churches, other houses of worship, and public buildings.
- G. Temporary residence during construction of a dwelling.
- H. Roadside stand, provided all of the nursery stock or other agricultural products are raised on the premises where situated on or vicinity area of the same township.
- I. Veterinarian, animal clinic or kennels.
- J. Agribusiness per Section 16.19:

Provided that such use be permitted as a conditional use only in the Agricultural District. An Agri-business and buildings, structures, lots, parcels or parts thereof which provide services, goods, storage, transportation or other activities directly related to the production of agricultural commodities. An Agri-business may include but is not limited to:

- 1. Farm machinery, sales, service, rental and repair.
- 2. Bulk feed and fertilizer outlets and distribution centers.
- 3. Grain elevators for storage, drying and sales.
- 4. Seed dealership outlets and distribution centers.
- 5. Grain and livestock trucking and cartage facilities.
- 6. Auctions for livestock.
- 7. Dairy products production and processing operations.

- K. Essential Services
- L. Telecommunication Towers
- M. Expanded Home Occupations
- N. Adult Foster Care Small Group Homes and Adult Foster Care Large Group Homes in accordance with Section 12.19.
- O. Adult Group Day Care Homes and Child Group Day Care Homes in accordance with Section 12.20.
- P. Extraction and Mining in accordance with Section 16.13.
- Q. Expanded Home Occupations in accordance with Section 16.24.

**SECTION 7.04 – Regulations**

- A. LOT AREA: No building or structure shall be established on any lot less than two (2) acres in area.
- B. LOT WIDTH AND DEPTH: The minimum lot width shall be not less than two hundred (200) feet.
- C. LOT COVERAGE: The maximum lot coverage shall not exceed fifteen (15) percent.
- D. MINIMUM FIRST FLOOR AREA: The minimum first floor area for a one (1) story dwelling shall be seven hundred twenty (720) square feet. The minimum first floor area for a two (2) story dwelling shall be six hundred (600) square feet.
- E. YARD AND SETBACK REQUIREMENTS:
  - 1. Front Yard: Not less than fifty (50) feet from the right-of-way line as verified by the Hillsdale County Road Commission, if necessary.
  - 2. Side Yards: Least width or either yard shall not be less than thirty (30) feet, except in the case of a corner lot where the side yard on the road or street side shall not be less than fifty (50) feet from the right-of-way line, as verified by the Hillsdale County Road Commission, if necessary.
  - 3. Rear Yard: Not less than fifty (50) feet.
  - 4. The above requirements shall apply to every lot, building or structure.
- F. HEIGHT: The following height requirements shall apply in this district:
  - 1. For dwelling and non-farm buildings and structures: No dwelling or non-farm building or structure shall exceed a height of two and one half (2½) stories or thirty-five (35) feet.
- G. Required Off-Street Parking: As required in ARTICLE XV.

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## **ARTICLE VIII**

### **RA – LOW DENSITY RESIDENTIAL DISTRICT**

#### **SECTION 8.01 – Purpose**

The purpose of this district is to provide for outlying residential development on lots of sufficient size to accommodate the safe and healthful on-site water supply and liquid waste water disposal, since these areas will likely remain unserved by public water-sewer services for an extended period of time. It is also the purpose of this district to protect and stabilize the essential characteristics of the areas, in order to promote and encourage suitable environments for low density family life until such time as it may be in the public interest to promote development of greater intensity requiring higher levels of public services and utilities.

#### **SECTION 8.02 – Permitted Uses**

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted in this district:

- A. One or two family dwellings and any use, building or structure accessory, thereto.
- B. A parcel may be used for general and specialized farming and agricultural activities, including, but not limited to, the raising or growing of crops, livestock, poultry and other farm animals, products and foodstuffs in accordance with the Michigan Right to Farm Act (PA 93 of 1981, MCL 286.471 et seq.), as amended, and the Generally Accepted Agricultural Management Practices (GAAMPs) developed under the authority of the Act. Any building or structure may be located thereon and used for the day to day operation of such activities for the quartering, storage and preservation of said crops, livestock, poultry or other animals, products and foodstuffs raised on said lot or in said structure. A sign, only in accordance with the regulations specified in ARTICLE XIV.
- C. Adult Foster Care Family Homes, Adult Foster Care Small Group Homes (serving six (6) or less adults), Child Foster Family Homes, and Child Foster Family Group Homes subject to Section 12.19
- D. Adult Family Day-Care Homes and Child Family Day-Care Homes, in accordance with Section 12.20
- E. Home Occupations: Customary home occupations such as the home instruction of the arts, hairdressing, millinery, dressmaking, bookkeeping and accounting services, real estate and insurance sales, professional offices for not more than one (1) physician, surgeon, dentist, attorney, architect, engineer, or similar professional practitioner in accordance with Section 12.18.

#### **SECTION 8.03 – Conditional Uses**

The following buildings and structures and uses of parcels, lots, buildings and structures are permitted in this district subject to obtaining a conditional use permit as provided in ARTICLE XVI.

- A. Churches, other houses of worship, and public buildings.
- B. Public and private nursery, primary and secondary school.
- C. Home occupations: As prescribed in SECTION 7.02 (f).
- D. A planned unit residential development only in accordance with the procedures and regulations specified in ARTICLE XVI.
- E. Essential Services.
- F. Adult Foster Care Small Group Homes and Adult Foster Care Large Group Homes in accordance with Section 12.19.
- G. Adult Group Day Care Homes and Child Group Day Care Homes in accordance with Section 12.20.
- H. Extraction and Mining in accordance with Section 16.13.
- I. Expanded Home Occupations in accordance with Section 16.24.

#### **SECTION 8.04 – Regulations**

The following regulations shall apply in all RA – Low Density Residential Districts.

- A. LOT AREA: No building or structure shall be established in this district on any lot less than thirty thousand (30,000) square feet.
- B. LOT WIDTH: The minimum lot width shall be one hundred fifty (150) feet.
- C. LOT COVERAGE: The maximum lot coverage shall not exceed twenty (20) percent.
- D. MINIMUM FIRST FLOOR AREA: The minimum first floor area shall not be less than seven hundred twenty (720) square feet. The minimum first floor area for a two (2) story dwelling shall be not less than six hundred (600) square feet.
- E. YARD REQUIREMENTS:
  - 1. Front Yard: not less than fifty (50) feet from the right-of-way line, as verified by the Hillsdale County Road Commission, if necessary.
  - 2. Side Yards: least width of either yard shall not be less than thirty (30) feet.
  - 3. Rear Yards: not less than fifty (50) feet, except when the rear yard abuts a water-body, then not less than one hundred fifty (150) feet.
  - 4. The above requirements shall apply to every lot, building or structure.
- F. HEIGHT:

1. For Buildings and Structures: no building and no structure shall exceed a height of two and one half (2 ½) stories or thirty five (35) feet.
  2. For Detached Accessory Buildings: no detached accessory building shall exceed a height of twenty five (25) feet.
- G. REQUIRED OFF-STREET PARKING: as required in ARTICLE XV.

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## **ARTICLE IX**

### **RB – MEDIUM DENSITY RESIDENTIAL DISTRICT**

#### **SECTION 9.01 – Purpose**

The purposed of this district is to provide environment for medium to high density residential areas with suitable open space. This district shall generally be located on the fringe or urban-type development. The district allows flexibility of lot size dependent upon the availability of public sewer and water services.

#### **SECTION 9.02 – Permitted Uses**

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted in this district:

- A. Single family dwelling and any use, building or structure accessory thereto.
- B. Two family dwelling and any use, building or structure accessory thereto.
- C. Adult Foster Care Family Homes, Adult Foster Care Small Group Homes (serving six (6) or less adults), Child Foster Family Homes, and Child Foster Family Group Homes subject to Section 12.19
- D. Adult Family Day-Care Homes and Child Family Day-Care Homes, in accordance with Section 12.20
- E. Home Occupations: Customary home occupations such as the home instruction of the arts, hairdressing, millinery, dressmaking, bookkeeping and accounting services, real estate and insurance sales, professional offices for not more than one (1) physician, surgeon, dentist, attorney, architect, engineer, or similar professional practitioner in accordance with Section 12.18.
- F. A sign, only in accordance with the regulations specified in ARTICLE XIV.

#### **SECTION 9.03 – Conditional Uses**

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted subject to obtaining a conditional use permit as provided in ARTICLE XVI.

- A. Golf course.
- B. Country club, public swimming pool, and recreation club, private and public park and playground.
- C. Churches, other houses of worship, and public buildings.
- D. Public and private nursery, primary and secondary school.
- E. Home occupation, as described in Section 7.02 (f).
- F. A planned unit residential development, only in accordance with the procedures and regulations specified in ARTICLE XVI.

- G. Adult Foster Care Small Group Homes and Adult Foster Care Large Group Homes in accordance with Section 12.19.
- H. Adult Group Day Care Homes and Child Group Day Care Homes in accordance with Section 12.20.
- I. Essential Services.
- J. Extraction and Mining in accordance with Section 16.13.
- K. Expanded Home Occupations in accordance with Section 16.24.

**SECTION 9.04 – Regulations**

The following regulations shall apply in all RB – Medium High Density Residential Districts:

- A. LOT AREA: Where a lot is served with a public water supply system and a central sanitary sewerage system, there shall be provided a minimum of ten thousand (10,000) square feet of lot area for each single-family dwelling unit and fifteen thousand (15,000) square feet of lot area for each two-family dwelling unit. Where a lot is not so derived, there shall be provided a minimum of fifteen thousand (15,000) square feet of lot area for each single-family dwelling unit and thirty thousand (30,000) square feet of lot area for each two-family dwelling unit. The minimum lot area for all other buildings and structures shall be two (2) acres.
- B. LOT WIDTH: The minimum lot width for lots served with a central water supply system and central sanitary sewerage system shall be seventy (70) feet. Where a lot is not so served, the minimum lot width shall be ninety (90) feet.
- C. LOT COVERAGE: The maximum lot coverage shall not exceed thirty (30) per cent.
- D. MINIMUM FIRST FLOOR AREA: The minimum first floor area for a one (1) story dwelling is seven hundred twenty (720) square feet. The minimum first floor area for a two (2) story dwelling is six hundred (600) square feet.
- E. YARD REQUIREMENTS:
  - 1. Front Yard: Not less than twenty-five (25) feet from the right-of-way line as verified by the Hillsdale County Road Commission, if necessary.
  - 2. Side yards: least width of either yard shall not be less than eight (8) feet, but the sum of the two side yards shall not be less than twenty (20) feet: except in the case where the side yard on the road or street side shall not be less than twenty five (25) feet.
  - 3. Rear yards: not less than thirty (30) feet.
  - 4. The above requirements shall apply to every lot, building or structure.
- F. HEIGHT: The following height requirements shall apply in this district:

1. For Buildings and Structures: no building and no structure shall exceed a height of two and one half (2 ½) stories, but not exceeding thirty five (35) feet.
  2. For Detached Accessory Buildings: no detached accessory building shall exceed a height of twenty five (25) feet.
- G. REQUIRED OFF-STREET PARKING: As required in ARTICLE XV.

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## **ARTICLE IXA**

### **MHP – MANUFACTURED/MOBILE HOME PARK DISTRICT**

#### **SECTION 9A.01 – Purpose**

The purpose of this district is to provide an area or areas within the Township where manufactured housing and mobile home park development can occur consistent with the standards established by the State of Michigan Mobile Home Commission/Manufactured Housing Division. Such areas shall be consistent with areas in the Wheatland Township Master Plan designated for Medium Density Residential development. Access to a public sanitary sewerage system would be required unless a private centralized waste water system can be developed with the approval of the Hillsdale County Health Department.

#### **SECTION 9A.02 – Permitted Uses**

The following uses of parcels, lots, building and structures are permitted in this district:

- A. Mobile Home Park: subject to the requirements of the State of Michigan.
- B. Manufactured Housing Community: subject to the requirements of the State of Michigan.
- C. Adult Foster Care Family Homes, Adult Foster Care Small Group Homes (serving six (6) or less adults), Child Foster Family Homes, and Child Foster Family Group Homes subject to Section 12.19
- D. Adult Family Day-Care Homes and Child Family Day-Care Homes, in accordance with Section 12.20
- E. Home Occupations: Customary home occupations such as the home instruction of the arts, hairdressing, millinery, dressmaking, bookkeeping and accounting services, real estate and insurance sales, professional offices for not more than one (1) physician, surgeon, dentist, attorney, architect, engineer, or similar professional practitioner in accordance with Section 12.18.
- F. Accessory Buildings and uses, including clubhouse facilities.

#### **SECTION 9A.03 – Conditional Uses**

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted subject to obtaining a conditional use permit as provided in ARTICLE XVI.

- A. Adult Foster Care Small Group Homes and Adult Foster Care Large Group Homes in accordance with Section 12.19.
- B. Adult Group Day Care Homes and Child Group Day Care Homes in accordance with Section 12.20.
- C. Extraction and Mining in accordance with Section 16.13.
- D. Expanded Home Occupations in accordance with Section 16.24.

#### **SECTION 9A.04 – Regulations**

The following regulations are intended to define the overall parcel size and maintenance of the perimeter of the site in order to protect and preserve the intended use and buffer such use from the surrounding land use:

- A. PARCEL AREA: The minimum parcel area shall be twenty (20) acres.
- B. PARCEL WIDTH: The minimum width of the parcel fronting on a public street or road shall be three hundred and thirty (330) feet.
- C. SETBACK OF BUILDINGS: No buildings or structures shall be located within fifty (50) feet of an adjoining property line, with such area landscaped or screened to preserve the integrity of both uses.

## **ARTICLE X**

### **HS – HIGHWAY SERVICE COMMERCIAL DISTRICT**

#### **SECTION 10.01 – Purpose**

The District is established for the accommodation of those various retail and service activities which cater primarily to the traveling public. The provisions of this District are designed to permit and encourage the development of service centers which are typically located along major highways, near the intersections of major routes, and adjacent to highway interchanges, and which provide the necessary goods and services for the private and commercial traffic along such routes; and at the same time to discourage the dispersion of such activities on individual sites throughout the Township. These areas will typically not be served by public water service utilities; thus large lot areas and yard will be required in order to provide for on-site water and sewerage facilities, to maintain the open character of such areas, to keep interference with through traffic at a minimum, and to allow for increased future traffic volumes and possible future expansion of such routes. Connection to a public sewer system shall be required unless a private system is determined more feasible and meets all of the requirements of the Hillsdale County Health Department.

#### **SECTION 10.02 – Permitted Uses**

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted in this district:

- A. Retail establishments selling principally new merchandise or foodstuffs.
- B. Personal and business services.
- C. Banks
- D. Drive-in and automobile oriented establishments similar in character to drive-in restaurants, cafes and banks, but not including auto-washes and drive-in theaters.
- E. Souvenir and gift shops
- F. Tourist information centers
- G. Food and garden stores, nursery stock sales and greenhouses.
- H. Motels, hotels or bed & breakfast facilities.
- I. Essential Services.

#### **SECTION 10.03 – Conditional Uses**

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted subject to obtaining a conditional use permit as provided in ARTICLE XVI.

- A. Commercial recreation facilities: Bowling alleys, theaters, dance halls, skating rinks, miniature golf courses, trampoline or similar public amusement facilities, including taverns, bars and liquor establishments.

- B. Regional shopping centers.
- C. Mini storage-warehouse facility.
- D. Gasoline Service Stations
- E. Wholesale Service Center
- F. Telecommunications Towers
- G. Extraction and Mining in accordance with Section 16.13.
- H. Churches, other houses of worship, and public buildings.

All commercial and service activities shall be conducted entirely within an enclosed building, except as otherwise provided herein.

**SECTION 10.04 – Regulations**

The following regulations shall apply in all HS – Highway Service Commercial District:

- A. LOT AREA: In this district every building hereafter constructed or structurally altered shall be located on a lot of not less than one (1) acre in area.
- B. LOT WIDTH: All interior and corner lots shall have a minimum width of two hundred (200) feet along the street upon which such lot principally fronts.
- C. LOT COVERAGE: All buildings, including accessory buildings, shall not cover more than twenty five (25) percent of the total lot area, except as otherwise specified herein.
- D. YARD REQUIREMENTS:
  - 1. Front Yard: Not less than forty (40) feet from the right-of-way line, as verified by the Hillsdale County Road Commission, if necessary.
  - 2. Side yards: The minimum side yard on each side of a building shall be twenty five (25) feet. Street side yards (corner lots) shall comply with the minimum front yard dimensions.
  - 3. Rear Yard: not less than thirty (30) feet.
  - 4. Side and rear yards may be used for parking, provided that an opaque wall or fence not less than four (4) feet nor greater than eight (8) feet shall be constructed on the perimeter of such parking area.
- E. HEIGHT: No building or structure shall exceed twenty five (25) feet in height unless each required yard (front, side and rear) is increased one (1) foot for each additional one (1) foot in height above twenty five (25) feet, with the overall height not exceeding thirty-five (35) feet.
- F. LIGHTING: All lighting shall be accomplished in a manner such that no illumination source is visible beyond the property lines of the lot upon which it may be located.

- G. VEHICULAR APPROACH: No establishment in the HS – Highway Service Commercial District shall have more than two (2) driveways, each of which shall; not exceed twenty five (25) feet in width, except as otherwise provided herein. No driveway shall be located closer than fifty (50) feet from an intersection and shall meet the requirements of the Hillsdale County Road Commission.
- H. OFF-STREET PARKING: As required in ARTICLE XV.

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**ARTICLE XI**  
**LI – LIGHT INDUSTRIAL DISTRICT**

**SECTION 11.01 – Purpose**

This District is composed of those areas of the Township whose principal use is or ought to be light manufacturing and other limited industrial uses. These uses generate a minimum of noise, glare, odor, dust, vibration, air and water pollutants, and other harmful or obnoxious matter. This district has been located within the Township to permit the development of these industrial uses to protect adjacent agricultural, residential and commercial areas against the encroachment of incompatible uses, and to lesson congestion on public streets and highways. To these ends, certain uses which would function more effectively in other districts wand would interfere with the operation of these industrial activities and the purpose of this district, have been excluded. Connection to a public sewer system shall be required unless a private system is determined more feasible and meets all requirements of the Hillsdale County Health Department.

**SECTION 11.02 – Permitted Uses**

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted in this district:

- A. Research oriented and light industrial park use.
- B. Assembly of merchandise such as electrical appliances, electronic or precision instruments and articles of similar nature.
- C. Packaging of previously prepared materials, but not including the bailing of discards, old iron and other metal, wood lumber, glass, paper, rags, cloth or other similar materials.
- D. Printing, lithographic, blueprinting and similar uses.
- E. Wholesale warehousing and material distribution centers, provided all products and materials are enclosed within a building.
- F. Light manufacturing industrial use which by nature of the materials, equipment and process utilized are to a considerable extent clean, quiet and free from objectionable or dangerous nuisance or hazard including any of the following goods and materials:  
???
- G. An accessory use, building or structure.
- H. A sign only in accordance with the regulations in ARTICLE XIV.
- I. Essential service structures and buildings.
- J. Mini storage warehouse facility.

**SECTION 11.03 – Conditional Uses**

The following buildings and structures and uses of parcels, lots, buildings and structures are permitted subject to obtaining a conditional use permit as provided in ARTICLE XVI.

- A. Restaurants and cafeteria facilities for employees.
- B. Bus, truck, taxi and rail terminals.
- C. Open air display areas for the sale of manufactured products, such as or similar to garden furniture, earthenware, hardware items and nursery stock, or the rental of manufactured products or equipment, small tools, pneumatic tired two- and four-wheeled utility trailers, such as household equipment, pneumatic transit cement mixers, wheelbarrows, rollers and similar products or equipment.
- D. Airport
- E. Gasoline service station.
- F. Banks
- G. Temporary building or trailer office
- H. Junk yards
- I. Telecommunication Towers
- J. Extraction and Mining in accordance with Section 16.13.

#### **SECTION 11.04 – Regulations**

The following regulations shall apply in all LI – Light Industrial Districts.

- A. LOT AREA: No building or structure shall be established on any lot less than one (1) acre in area.
- B. LOT WIDTH: The minimum lot width shall be two hundred (200) feet.
- C. LOT COVERAGE: The maximum lot coverage shall not exceed twenty five (25) percent.
- D. YARD REQUIREMENTS:
  - 1. Front Yard: Not less than seventy (70) feet from the right-of-way line, as verified by the Hillsdale County Road Commission, if necessary.
  - 2. Side Yard: Least width or either yard shall not be less than twenty (20) feet, except in the case of a corner lot or parcel where the side yard on the road or street shall not be less than thirty five (35) feet.
  - 3. Rear Yard: Not less than thirty five (35) feet.
  - 4. The above requirements shall apply to every lot, building or structure.
- E. HEIGHT: Except as is otherwise provided in this Ordinance, no building or structure should exceed a height of forty five (45) feet.
- F. Required off-street parking: As required in ARTICLE XV.



**ARTICLE XII**  
**SUPPLEMENTAL REGULATIONS**

**SECTION 12.01 – Purpose**

There are certain conditions concerning land uses that warrant specific regulations and standards in addition to the requirements of the zoning districts in which they are located.

**SECTION 12.02 – Accessory Building**

- A. Where an accessory building is attached to the side or front of a principal building it shall be considered part of the principal building for purposes of determining required yard dimensions. But if such accessory building is attached to the rear of the principal building in such a manner that it is completely to the rear of all portions of said building, it may be considered a detached accessory building for purposes of determining required rear yard dimensions.
- B. No detached accessory building shall be located nearer to a side lot line than the permitted distance for the principal building on the same lot, unless such accessory building shall be completely to the rear of all portions of the principal building, in which case it may be located no nearer than five (5) feet to any side lot line.
- C. No detached accessory building shall be located nearer than five (5) feet to any rear lot line, except that when such accessory building shall be a garage which is entered at right angles to any alley, it shall be located no nearer than twelve (12) feet to said rear lot line.
- D. No accessory building shall project into any front yard setback.
- E. No accessory building shall occupy more than thirty (30) percent of the area of any rear yard.
- F. Where a corner lot adjoins a side boundary of a lot in any Residential District, no accessory building shall be located nearer to the side street lot line than the side yard setback of the principal building on said lot.

**SECTION 12.03 – Lot Building Relationship**

Hereafter, every building erected, altered, or moved shall be located on a lot of record as defined herein, and except in the case of an approved multiple dwelling development, there shall be no more than one (1) principal building and its permitted accessory structures located on each lot in a Residential District.

**SECTION 12.04 – Accessory Building as Dwelling**

No accessory building on the same lot as a principal building shall be used for dwelling purposes.

### **SECTION 12.05 – Basement**

No basement structure shall be used for occupancy unless, within two years, a completed story is situated immediately above the basement structure and that the story is used as a dwelling.

### **SECTION 12.06 – Required Water Supply and Sanitary Sewerage Facilities**

Requirements for water supply systems and sanitary sewerage facilities shall be established by the Hillsdale County Health Department. The following site development and use requirements shall apply.

- A. No structure for human occupancy or use shall hereafter be erected, altered or moved unless it shall be provided with a safe, sanitary and potable waste supply and a safe effective means of collection, treatment and disposal of wastes.

### **SECTION 12.07 – Greenbelt Buffer**

Prior to the commencement of construction of any structure or building in a Commercial District or Industrial District where such property abuts, adjoins or is adjacent to a residential zone, a greenbelt shall be established. However, where permitted elsewhere in this Ordinance, an opaque wall or fence may be built in lieu of a greenbelt. A greenbelt shall have a minimum width of fifty (50) feet and shall be completed within six (6) months from the date of final inspection and shall thereafter be maintained, so as not to create a nuisance, with any combination of the following plant materials: grass, evergreens, deciduous trees, shrubs and bushes.

### **SECTION 12.08 – Access to a Street**

Any lot of record created prior to the effective date of this Ordinance without any frontage on a public street or way shall not be occupied except where access to a public street or way is provided by a public or private easement or other right-of-way no less than twenty (20) feet in width. Public access to commercial, industrial or recreational uses shall not be designed so as to pass through the residential neighborhoods. A Private road which serves more than one separately held parcel, or more than one dwelling unit or more than one commercial or industrial activity shall be constructed to Hillsdale County Road Commission standards provided, that while such road remains private, hard surfacing will not be required.

### **SECTION 12.09 – Visibility at Intersections**

No fence, wall, hedge, screen, sign, structure, vegetation or planting shall be higher than three (3) feet above street grade or any corner lot or parcel within the triangular area formed by the intersecting street right-of-way line at points which are thirty (30) feet distant from the point of intersection, measured along the street right-of way lines. This provision shall apply in all residential, commercial and industrial zoning districts.

### **SECTION 12.10 – Street Closures**

Whenever any street, alley or other public way is vacated by official action the zoning district adjoining each side of such public way shall automatically be extended to the center of

such vacation, and all area included therein shall henceforth be subject to all appropriate regulations of that district within which such are is located.

**SECTION 12.11 – Height Regulations**

The height requirements established by this Ordinance shall apply uniformly in each zoning district to every building and structure except that the following structures and appurtenances shall be exempt from the height requirements of this Ordinance; spires, belfries, penthouses and domes not used for human occupancy: chimneys, ventilators, skylights, water tanks, bulkheads, utility poles, power lines, radio and television broadcasting and other receiving antennae, silos, parapets; and other necessary mechanical appurtenances; provided their location shall conform where applicable to the requirements of the Federal Communications Commission, the Civil Aeronautics Administration and other public authorities having jurisdiction.

**SECTION 12.12 – Fences, Walls and Screens**

Within the limits of a side or front yard space, no wall other than necessary retaining wall or other screening structure shall be higher than five (5) feet within residential districts or six (6) feet within commercial or industrial districts, subject to Section 23.09. No such fence or wall located within a rear yard shall exceed eight (8) feet in height.

**SECTION 12.13 – Shoreline Excavation, Dredging, and Soil Erosion**

No persons shall alter, change, transform or otherwise vary the edge, bank or shore of any lake, river or stream except in conformance with the Inland Lakes and Streams Act, Act 346 of the Public Acts of 1973 as amended, and in accordance with the requirements of the Michigan Department of Natural Resources. Soil erosion and sedimentation is regulated by local permits pursuant to the Soil Erosion and Sedimentation Control Act, Act 347 or 1972 as amended.

**SECTION 12.14 – Essential Services**

For purposes of this Ordinance the following provisions shall apply:

- A. The surface of land used for pipe line right-of-ways shall be restored and maintained as near as possible to its original condition as prior to the construction of the pipe line.
- B. Essential services shall meet the requirements for the district in which they are located.
- C. Telecommunication towers or other structures used for competitive private business services shall not be considered essential services.

**SECTION 12.15 – Swimming Pools**

All swimming pools shall conform to the requirements of Public Act 230 or 1972. The State Construction Code Act., as amended. No less than a four (4) foot high fence shall be installed around the perimeter of the swimming pool area.

**SECTION 12.16 – Continued Conformance with Regulations**

The maintenance of yards, open spaces, lot areas, height and bulk limitations, fences, walls, clear vision area, parking and loading spaces, and all other requirements for a building or use

specified within this Ordinance shall be a continuing obligation of the owner of such building or property on which such building or use is located.

### **Section 12.17 Parking and Storage of Recreational Vehicles**

The parking and storage of recreational vehicles (including, but not limited to, motor homes, snowmobiles, all-terrain vehicles, boats and their related trailers) shall not be permitted within the front yard or visible side yard for any period beyond thirty(30) days within any calendar year. Such temporary parking (of 30 days or less) shall be on an existing driveway or improved surface (pavement or gravel) and shall not obstruct the visibility of the residence from the road or create a traffic hazard. Parking or storage within an enclosed building, non-visible side yard or within the rear yard is permissible, provided it does not encroach on required setback areas for accessory buildings. Where the parcel is vacant land, the parking of such recreational vehicles shall not be closer than 100 feet to the right-of-way line or 50 feet to any other adjoining property line and shall be limited to 30 days with a calendar year.

### **SECTION 12.18 – Home Occupations**

- A. Home Occupations: Customary home occupations such as home instruction of the arts, hairdressing, millinery, dressmaking, bookkeeping and accounting services, real estate and insurance sales, professional offices for not more than one (1) physician, surgeon, dentist, attorney, architect, engineer, or similar professional practitioner provided that such home occupation shall satisfy the following conditions:
1. The non-residential use shall be only incidental to the primary residential use of the property.
  2. The home occupation shall be limited to the principal structure only and utilize no more than forty (40) percent of the total floor area.
  3. There shall be no more than one (1) employee other than members of the immediate family residing on the premises.
  4. All activities shall be conducted indoors.
  5. There shall be no external evidence of such occupation except a small announcement sign as specified herein.
  6. No home occupation shall be permitted which is injurious to the general character of the agricultural district and which creates a hazardous or unhealthy condition.
  7. For the purposes of this provision, principal and accessory farm operations shall not be considered home occupations.
  8. No structural alterations or additions, either interior or exterior, shall be permitted in order to accommodate a home occupation.

## SECTION 12.19 – Adult and Child Day-Care Facilities

Please see Article II for definitions of the various day-care facilities included in this section.

- A. Adult Family Day-Care Homes and Child Family Day-Care Homes shall be considered a residential use of property and a permitted use in Agricultural (AG), Agricultural and Residential (AR), Mobile Home Residential (MH), and Village Residential (VR) Districts. The family day-care homes shall receive children and adults for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children or adults related to an adult member of the family by blood, marriage, or adoption. Such facilities also include homes that give care to an unrelated child or adult for more than four (4) weeks during a calendar year.
- B. Adult Group Day-Care Homes are a Special Land Use in the Agricultural (AG), Agricultural and Residential (AR), Mobile Home Residential (MH), and Village Residential (VR) Districts subject to the following:
  1. The proposed use of the residence for group day-care shall not change the essential character of the surrounding residential area, and shall not create a nuisance in fact or law relating to vehicular parking, noise, or additional congestion in excess of residential uses in the district.
  2. Where outdoor areas are provided, they shall be enclosed by a fence that is at least four (4) feet in height, but no higher than six (6) feet.
  3. The hours of operation do not exceed sixteen (16) hours within a twenty-four (24) hour period. Activity between the hours of 10:00 PM and 6:00 AM shall be limited so that the drop-off and pick-up is not disruptive to neighboring residents.
  4. Appropriate license with the State of Michigan shall be maintained.
- C. Adult Day-Care Centers are a Special Land Use in the Office (O) and Commercial (C) Districts subject to the following conditions:
  1. The property is maintained in a manner that is consistent with the character of the neighborhood.
  2. A separate drop-off and pick-up area shall be provided adjacent to the main building entrance, located off a public street and the parking access lane, and shall be of sufficient size so as to not create congestion on the site or within a public roadway.
  3. Where outdoor activity areas are provided, they shall be enclosed by a fence that is at least four (4) feet in height but no higher than six (6) feet.
- D. Child Group Day-Care Homes are a Special Land Use in the Agricultural (AG), Agricultural and Residential (AR), Mobile Home Residential (MH) and Village Residential (VR) Districts subject to the following conditions:
  1. Is located not closer than 1,500 feet to any of the following:
    - a. Another licensed group child care home.

- b. An adult foster care small group home or large group home licensed under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737.
  - c. A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed under article 6 of the public health code, 1978 PA 368, MCL 333.6101 to 333.6523.
  - 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 appropriate fencing for the safety of the children in the group child care home as determined by the local unit of government.
  3. Maintains the property consistent with the visible characteristics of the neighborhood.
  4. Does not exceed 16 hours of operation during a 24-hour period. The local unit of government may limit but not prohibit the operation of a group child care home between the hours of 10 p.m. and 6 a.m.
  5. Meets regulations, if any, governing signs used by a group child care home to identify itself.
  6. Meets regulations, if any, requiring a group child care home operator to provide off-street parking accommodations for his or her employees.
- E. Child Day-Care Centers are a Special Land Use in the Office (O) and Commercial (C) Districts subject to the following conditions:
1. The property is maintained in a manner that is consistent with the character of the area.
  2. A separate drop-off and pick-up area shall be provided adjacent to the main building entrance, located off a public street and the parking access lane, and shall be of sufficient size so as to not create congestion on the site or within a public roadway.
  3. There shall be an on-site outdoor play area of the greater of one thousand five hundred (1,500) square feet or seventy-five (75) square feet for each child. Said play area shall not be located within the front yard. This requirement may be waived by the Planning Commission if a public play area is available within five hundred (500) feet from the subject parcel.
  4. All outdoor play areas shall be enclosed by a fence that is designed to discourage climbing and is at least four (4) feet in height, but no higher than six (6) feet.
  5. For each child, a center shall indoor activity space for use by, and accessible to, the child, exclusive of all of the following: hallways, storage areas and cloakrooms, kitchens and reception and office areas.
  6. Appropriate licenses with the State of Michigan shall be maintained.

**SECTION 12.20 – Adult and Child Foster Care Facilities**

- A. Adult Foster Care Family Homes and Adult Foster Care Small Group Homes (serving six (6) persons or less) shall be considered a residential use of property and a permitted use in

the Agricultural (AG), Agricultural and Residential (AR), Mobile Home Residential (MH), and Village Residential (VR) Districts.

- B. Adult Foster Care Small Group Homes (serving between seven (7) and twelve (12) adults) and Adult Foster Care Large Group Homes shall be considered as a Special Land Use in the Agricultural (AG), Agricultural and Residential (AR), Mobile Home Residential (MH), and Village Residential (VR) Districts, subject to the following standards:
  - 1. The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located
  - 2. The property is maintained in a manner that is consistent with the character of the neighborhood.
  - 3. Appropriate licenses with the State of Michigan shall be maintained.
  
- C. Child Foster Care Facilities shall be considered as a Special Land Use in the Agricultural (AG), Agricultural and Residential (AR), Mobile Home Residential (MH), and Village Residential (VR) Districts, subject to the following standards:
  - 1. Child Foster Family Homes shall be considered a residential use of property and a permitted use in the Agricultural (AG), Agricultural and Residential (AR), Mobile Home Residential (MH), and Village Residential (VR) Districts, subject to the following standards:
    - a. Such facilities shall provide no less than forty (40) square feet of sleeping room per child with all other requirements provided in accordance with the applicable State standards.
  - 2. Child Foster Family Group Homes shall be considered as a Special Land Use subject to the following standards:
    - a. The proposed use of the residence for foster family care shall not change the essential character of the surrounding residential area, and shall not create a nuisance of the surrounding residential area, and shall not create a nuisance relating to vehicular parking, noise, or additional congestion in excess of residential uses in the district.
    - b. There shall be an outdoor play area of at least one thousand (1,000) square feet provided on the premises. Said play area shall not be located within the front yard. This requirement may be waived by the Planning Commission if a public play area is available within five hundred (500) feet from the subject parcel.
    - c. All outdoor play areas shall be enclosed by a fence that is designed to discourage climbing, and is at least four (4) feet in height, but no higher than six (6) feet.
    - d. Appropriate licenses with the State of Michigan shall be maintained.

## **SECTION 12.21 – Biofuel Production Facilities**

In accordance with Section 513 of the Michigan Zoning Enabling Act (PA 110 of 2006, MCL 125.3513), Wheatland Township provides that biofuel production facilities may be developed as follows.

- A. Permitted principal use. A biofuel production facility with an annual production capacity of not more than 100,000 gallons of biofuel is a permitted principal use if it is:
  - 1. Located on a farm;
  - 2. Located at least 100 feet from the boundary of any contiguous property under different ownership;
  - 3. Meets all applicable setback requirements of the underlying zoning district; and
  - 4. At least 75% of the feedstock for the facility is produced on the farm.
- B. Permitted as a Conditional Land Use.
  - 1. A biofuel production facility is permitted as a Special Land Use if it:
    - a. Meets the standards set in Subsections 8.53(A)(1 thru 3), but not Subsection 8.52(A)(4);  
or
    - b. Has an annual production capacity of more than 100,000 gallons, but not more than 500,000 gallons, and meets the standards set in Subsections 8.53(A)(1 thru 3).
  - 2. A Site Plan, as required in Article VII, must be submitted with an application for special approval, along with the information specified in Sec. 513(3) of the Michigan Zoning Enabling Act (MCL 125.3513(3)).
  - 3. The standards upon which special approval is based are limited to those specified in Sec. 513(5) of the Michigan Zoning Enabling Act (MCL 125.3513(5)).



## **ARTICLE XIII**

### **NONCONFORMING BUILDINGS AND USES**

#### **SECTION 13.01 – Continuation of Nonconforming Building and Uses**

Buildings, structures and uses of buildings and structures and uses of land which were lawful prior to the adoption of the Wheatland Township Zoning Ordinance, as amended, may be continued, although such structure, building or use does not conform to the provisions and regulations of this Ordinance, subject to the limitations, conditions and the requirements set forth herein.

#### **SECTION 13.02 – Structural Changes**

No building, structure or land or the use thereof shall be structurally changed, altered, enlarged or increased or moved in whole or in part unless the change, alteration, enlargement or expansion does not increase the nonconformity and complies with all use and site development regulations for the district in which it is located.

#### **SECTION 13.03 – Abandonment**

Whenever a nonconforming use of land shall be abandoned or a period of more than one hundred and eight (180) consecutive days, it shall not thereafter be re-established or continued in any manner unless such use conforms to the provisions of this Ordinance applicable to the district in which it is located.

#### **SECTION 13.04 – Reversion of Nonconforming Use Building or Structure**

If a nonconforming building or structure, a nonconforming use of a building or structure or land is changed or altered in any manner so as to bring it into compliance with the provisions of this Ordinance applicable to the district in which it is located, such building or structure, use of building or structure or use of land shall not thereafter be changed back to a nonconforming use, building or structure.

#### **SECTION 13.05 – Improvements**

Nothing in this Ordinance shall prohibit the improvement or modernizing of a lawful nonconforming building or structure, provided that such improvement modernizing does not increase the height, area, bulk or use of such building or structure.

#### **WHERE IS 13.06??**

#### **SECTION 13.07 – Repairs**

Any lawful nonconforming building or structure may be repaired during its normal useful life to correct deterioration, obsolescence, depreciation and normal wear and tear, provided that such repair does not exceed an aggregate cost of fifty (50) percent of the assessed value of the building or structure.

**SECTION 13.08 – Restoration of Damage**

Any lawful nonconforming use damaged by fire, explosion, flood or other act of God, may be restored or rebuilt that such restoration or rebuilding meets applicable building code, is commenced within one hundred and eight (180) days after the date the damage occurs, is completed within one (1) year after the date the damage occurs, and does not add to the non-conformity of the structure.

**SECTION 13.09 – Prior Construction Approval**

When on the effective date of this Ordinance or any amendment thereto, a building permit has been issued for the construction or erection of a nonconforming building or structure, such building or structure may be completed in accordance with the building permit and shall thereafter become a conforming building or structure provided that construction is commenced within ninety (90) days after the issuance of the building permit and that construction is carried on diligently and in accordance with the building permit and completed within two (2) years after the issuance of the building permit.

**SECTION 13.10 – District Changes**

Whenever the boundaries of a district shall be changed by amendment to this Ordinance so as to transfer land from one district to another or a different classification or having different regulations, lawful buildings and structures and lawful uses of buildings, structures, and lands existing on the effective date of such amendment shall become nonconforming buildings or structures or uses of buildings or structures or uses of land as a result of the boundary change.

**SECTION 13.11 – Elimination of Illegal Buildings, Structures and Uses**

In accordance with Act 272 of the Public Acts of Michigan of 1947, as amended, the Township Board may acquire by condemnation or other means, properties on which illegal buildings or structure or uses are located and may remove such uses, buildings or structures or may be used by the Township for a public use. The cost and expenses of such acquisition may be assessed against the real property, or may be paid from other sources of revenue.

Only persons aggrieved can take a nonconforming issue to circuit court.

## **ARTICLE XIV**

### **SIGN REGULATIONS**

#### **SECTION 14.01 – General Sign Regulations**

No sign shall be erected at any location, where by reason of the position, size, shape, color, movement or illumination, it may interfere with, obstruct the view of, be confused with any authorized traffic sign, signal or device so as to interfere with, mislead, or confuse traffic. Consideration of traffic visibility and injurious effects on adjacent properties is essential. All signs shall be designed, constructed, and maintained so as not to change the essential character of such area. When determined necessary upon recommendation from the Planning Commission, the Township Board shall require the applicant to post a bond for compliance with the Township Clerk: the amount of said bond to be determined by the Township Board to ensure that all provisions of this Ordinance are complied with.

#### **SECTION 14.02 – Permitted Signs in “AA”, “OC”, “RA”, and “RB” Districts**

In the “AA” Agricultural, “OC” – Open Space, “RA” and “RB” Residential Districts, only one (1) sign on each of the following types shall be permitted on each lot or parcel unless otherwise specified herein. The following signs are permitted:

- A. A non-illuminated sign advertising the sale or rental of the building or premises not exceeding six (6) square feet in area and placed no nearer to the street line than *ten (10) feet from the right-of-way* ~~one half the required front yard setback~~.
- B. Non-illuminated trespassing, safety directional, caution or announcement sign each not exceeding two (2) square feet in area.
- C. A sign or bulletin board identifying a church, park or other authorized use not to exceed twenty-four (24) square feet in area and placed no nearer to the street line than *ten (10) feet from the right-of-way* ~~one half the required front yard setback~~. Such sign may be illuminated by a non-flashing reflective light and the source of illumination shall not be visible.

#### **SECTION 14.03 – Permitted Signs in “HS” Commercial and “LI” Industrial Districts**

A sign in any Commercial or Industrial District is permitted only where it advertises a business occupying the same lot of land upon which the sign is erected. Signs shall conform to the building set-back and height requirements, except for, and in addition to, the requirements provided below:

- A. In any Commercial or Industrial District a sign may be affixed flat against the wall of the building, or may project therefrom not more than forty eight (48) inches, provided that such signs do not project over a sidewalk or public right-of-way. Projecting signs shall be at least twelve (12) feet above finished grade. The total sign area shall not exceed one (1) square foot for each foot in length or height of the wall, whichever is greater, to

which it is affixed. No such sign shall extend more than four (4) feet in height above the building to which is affixed.

- B. One free-standing identification sign may be erected for each separate commercial or industrial use or for a shopping center or other integrated group of stores or commercial buildings. The area for said sign shall be based on one (1) square foot for each foot of building frontage, however, it shall not exceed two hundred (200) square feet in area, not be closer to the street line than ten (10) feet from the right-of-way to the front, side or rear property line than one third (1/3) the distance of the required building set back.
- C. All signs may be illuminated internally or by reflected light, provided the source of light is not directly visible and is so arranged to reflect away from the adjoining premises and provided that such illumination shall not be so placed as to cause confusion or hazard to traffic or conflict with traffic control signs or lights. No illumination involving movement by reason of the lighting arrangement or other devices shall be permitted.
- D. All commercial and industrial uses shall adhere to the requirements for site plan review under Section 16.04, with location and type of signage indicated on the plan.

#### **SECTION 14.04 – Outdoor Advertising Signs**

Outdoor advertising signs located along an Interstate or State Primary Highway shall be regulated by the provisions specified in Act 106, Public Acts of 1972 as amended.

Outdoor advertising signs (billboards) are not allowed along any County roads within the Township. Any commercial sign located off-premises from the use or business advertised is considered a billboard.

#### **SECTION 14.05 – Elimination of Nonconforming Signs**

All signs and billboards erected after the effective date of this Ordinance shall conform to the regulations as set forth in this Ordinance and its amendments. Any existing sign or billboard not conforming to the terms of this Ordinance may be maintained and repaired, yet may not be replaced unless conforming to the terms of this Ordinance.

**ARTICLE XV**  
**PARKING AND LOADING REQUIREMENTS**

**SECTION 15.01 – General Off-Street Parking Requirements**

- A. In all districts, except Agricultural, there shall be provided at the time any building is erected, or uses established, enlarged or increased in capacity, off-street parking space for automobiles with the requirements as specified.
- B. No parking area or parking space which exists at the time this Ordinance becomes effective or which subsequent thereto is provided for the purpose of complying with the provisions of the Ordinance shall thereafter be relinquished or reduced in any manner below the requirements established by this Ordinance, unless additional parking area or space is provided sufficient for the purpose of complying with the provisions of this Ordinance and the distance requirements as specified in this section.
- C. Plans and specifications showing required off-street parking spaces, including the means of access and interior circulation, shall be submitted to the Building Inspector for review at the time of applications for a building permit.
- D. Required off-street parking facilities shall be located on the same lot as the principal building or on a lot within three hundred (300) feet for single family and two-family dwellings. This distance specified shall not exceed one hundred fifty (150) feet for single family and two-family dwellings. This distance specified shall be measured from the nearest point of the lot occupied by the building or use that such facility is required to serve.
- E. Each residential unit shall be provided with at least two (2) parking spaces.
- F. Each commercial and industrial use shall provide for parking on their site plan, with the approval based upon the overall site plan approval by the planning commission.

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## **ARTICLE XVI**

### **CONDITIONAL USES**

#### **SECTION 16.01 – Purpose**

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

#### **SECTION 16.02 – Authority to Grant Permits**

The Township Board with recommendations from the Township Planning Commission shall have the authority to grant conditional use permits, subject to such conditions of design and operation, safeguards and time limitations as it may determine for all conditional uses specified in the various district provisions of this Ordinance.

#### **SECTION 16.03 – Application and Fee**

Application for any conditional use permit permissible under the provisions of this Ordinance shall be made to the Township Board by filling in the official conditional use permit form, submitting site plans as described in Section 16.04, and depositing a fee in accordance with the requirements of Section 2.04. An application for a conditional use permit shall contain the applicant's name and address in full, a notarized statement that the applicant is the owner involved or is acting on the owner's behalf, and the address of the property involved.

#### **SECTION 16.04 – Site Plan Review**

An application for a conditional use permit shall be accompanied by a detailed site plan to be reviewed by the Township prior to the granting of the permit. In addition, all other multiple family, commercial, or industrial uses shall comply with the requirements for site plan review, with the Township Planning Commission providing the final approval for such site plans. The request for site plan review shall be made by filing with the Township the following:

- A. Fee: A review fee, the schedule of which shall be determined by the Township Board based upon the depth of review and the possible need for professional assistance.
- B. Site Plan: Eight (8) prints of the site plan shall be submitted to the Township. Each print shall contain the following data:
  1. It shall be of a scale not greater than one (1) inch equals twenty (20) feet nor less than one (1) inch equals two hundred (200) feet and of such accuracy that the Planning Commission and Township Board can readily interpret the plan.

2. It shall show an appropriate legend, north arrow, scale, etc.
  3. A small vicinity map shall be included showing the location of the site in relation to the surrounding street system.
  4. It shall identify the site by lot lines corresponding to the legal description of the property.
  5. It shall show general topography and drainage and such natural features as wood-lots, streams, rivers, ponds, etc.
  6. It shall show existing man-made features on, and within one hundred (100) feet of the site, such as buildings, structures, power lines, pipelines, or utility easements.
  7. It shall show the location, proposed floor area and grade of proposed buildings, their relation to one another and to other existing structures on the site. This shall also include height and square footage dimensions.
  8. It shall show the proposed streets, driveways, sidewalks and other vehicular and pedestrian circulation patterns within and adjacent to the site. This shall also include the location, size, and number of parking spaces or unloading areas for non-single family residential uses.
  9. It shall show the proposed location, use, and size of open spaces and the location of landscaping, screening, fencing, or walls on the site. Any proposed alterations to the topography and other natural features shall be indicated.
  10. Any other information deemed necessary by the Township to adequately assess the impact of the development.
- C. Review: The Township shall submit the completed application and site plan to the Planning Commission for the review and action, with this following a public hearing as required under Section 16.05 for conditional uses. The applicant shall receive a written notice stating the date, time, and place that the application will be reviewed.
- D. Upon approval of the site plan and the granting of the conditional use permit, the applicant must develop the subject property in complete conformity with the approved plan unless approved by the Township Board following submission of an amended site plan.

**SECTION 16.05 – Public Notice Procedure**

Please see Section 4.03

**SECTION 16.06 – Findings by the Township Planning Commission**

The Township Planning Commission following the public hearing called for above, shall review the particular circumstances and facts of each application, shall record adequate date, information and evidence, based upon the data, exhibits and information supplied by the applicant, with respect to each item set forth in the general standards, outlined in Section 16.06(a), and the specific standards for those uses outlined in Section 16.17(b), applicable to the Condi-



tional Use for which application has been made and shall submit its report thereof to the Township Board together with its recommendation for the issuance or denial of a Conditional Use Permit and if a recommendation of the issuance of a Conditional Use Permit is made, the specific terms and conditions which must be complied with by the owner of the property.

No Conditional Use Permit shall be issued unless based upon the written statement or report supplied by the Planning Commission. The Township Board shall determine that:

- A. The parcel will, according to the plans and specifications, data, exhibits and information supplied to the Planning Commission by the applicant, meet the specific requirements and regulations as set forth in the Ordinance applicable to said Conditional Use in the zoning district in which said use is to located and shall be lawful under all Federal, State and Local Laws, Ordinances and Regulations applicable thereto.
- B. The property will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures and refuse disposal, or that the persons who will own or operate the property shall be able to adequately provide any service on a non-public basis. In this regard, the plans and specifications for all public, industrial and commercial buildings for which a Conditional Use Permit has been applied shall be submitted by the Township Planning Commission to the Township police and fire department and to the Hillsdale County Health Department with a request for a written determination that the building will comply with applicable thereto.
- C. The parcel will not be hazardous or disturbing to existing or future neighborhood use.
- D. The property will not create excessive additional requirements at public cost or public facilities and services.
- E. The property will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such conditional use will not change the essential character of the general vicinity.
- F. The property will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such conditional use will not change the essential character of the general vicinity.
- G. The property will be a substantial improvement to property in the immediate vicinity and to the community as a whole.
- H. The property will not involve uses, activities, processes, materials, and equipment and conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive traffic, noise, smoke, fumes, glare or odors.

**SECTION 16.07 – Compliance with Conditions, Limitations, and Requirements - Grounds for Revocation**

In issuing a Conditional Use Permit, the Township Board may require a surety or cash bond to be furnished by the owner to ensure compliance with the provisions of this Ordinance applicable thereto and with the specific terms, conditions or limitations of the conditional use permit issued by the Township Board. The amount of said bond shall be determined by the Township Board.

**SECTION 16.07A – Conditions, Limitations, Requirements and Safeguards**

The Township Planning Commission may recommend and the Township Board may impose such additional conditions, limitations, requirements and safeguards deemed necessary for the protection of the general welfare of the Township and for the protection of the individual property owners in the vicinity and to insure that the intent and objectives of this Ordinance will be observed.

The issuance of a Conditional Use Permit by the Township board shall entitle the owner to continue to operate the conditional use so long as he remains in compliance with the terms and conditions of this Ordinance and the terms, conditions, limitations, requirements and safeguards set forth in the Conditional Use Permit if such a Conditional Use Permit is granted, does expressly grant to the Township for the enforcement of this Ordinance, the power and authority to enter upon the premises at any reasonable time for the purpose of inspection and enforcement of the terms of this Ordinance or of the terms of the Conditional Use Permit. In the event the owner or occupant of the property for which a Conditional Use Permit has been issued, shall violate any provision of this Ordinance or any term, condition, limitation, regulation or safeguard contained in the Conditional Use Permit, the Conditional Use Permit shall be and become null and void and the owner or occupant shall be deemed to be in violation of this Ordinance and the Township may proceed to enforce the provisions of this Ordinance and the terms, conditions, limitations, and safeguards of the Conditional Use Permit as provided in this Ordinance, in addition to all other remedies provided herein, in the event that such Conditional Use Permit shall be and become null and void, the compliance bond, if any, given by the owner under the provisions of this Ordinance shall be forfeited.

**SECTION 16.07B – SPECIFIC STANDARDS FOR CONDITIONAL USES**

In addition to the general standards outlined in Section 16.06(a), each conditional use shall comply with the sign regulations established within Article XIV and the parking regulations established in Article XV.

**SECTION 16.08 – Junk Yard**

In addition to and as an integral part of development, the following provisions shall apply:

- A. Junk yards shall be established and maintained in accordance with applicable State of Michigan statutes.
- B. It is recognized by this Ordinance that the location in the open of such materials included in the Ordinance’s definition of “Junk Yard” will cause the reduction of the value of adjoining property. To the end that the character of the district shall be maintained and

property values conserved, an opaque fence or wall at least seven (7) feet in height, and not less in height than the materials located on the lot on which a junk yard shall be operated, shall be located on said lot no closer to the lot lines than the yard requirements for buildings permitted in this district. All gates, doors and access ways through said fence or wall shall be of solid, unpierced material. In no event shall any materials included in this Ordinance's definition of "Junk Yard" be located on the lot on which a junk yard shall be operated in the area between the lines of said lot and the opaque fence or wall located on said lot.

1. In addition to the foregoing requirements, the Planning Commission may require a greenbelt in accordance with the provisions of ARTICLE XII.
- C. All traffic ingress or egress shall be on major streets, and there shall be not more than one (1) entrance way to the lot on which a junk yard shall be operated from each public road on which said lot abuts.
- D. On the lot on which a junk yard shall be operated, all roads, driveways, parking lots, and loading and unloading areas within any yard shall be paved, or chemically treated so as to limit on adjoining lots and public roads the nuisance caused by windborne dust.

#### **SECTION 16.09 – Reserved**

#### **SECTION 16.10 – Drive-in Theaters and temporary Transient Amusement Enterprises**

In addition to and as an integral part of development, the following provisions shall apply:

- A. Drive-in Theaters shall be enclosed for their full periphery with an opaque fence at least seven (7) feet in height. Fences shall be of sound construction painted or otherwise finished neatly and inconspicuously.
- B. All fenced-in areas shall be set back at least one hundred (100) feet from any front street or property line. In addition, the Planning Commission may require a greenbelt in accordance with the provisions of ARTICLE XII.
- C. All traffic ingress or egress shall be on major streets and all local traffic movement shall be accommodated within the site so that entering and exiting vehicles will make normal and uncomplicated movements into or out of the public thoroughfares. All points of entrance or exit for motor vehicles shall be located no closer than two hundred (200) feet from the intersection of any two (2) streets or highways.

#### **SECTION 16.11 – Gasoline Service Stations**

Any gasoline service station or filling station in any district shall conform at least to the following regulations. Where the intensity regulations for any district in which a gasoline service station is located are more restrictive than the regulations contained hereinafter, all gasoline service stations or filling stations shall conform to the more restrictive dimensional requirements.

- A. **Frontage and Area:** Every gasoline service station shall have a minimum frontage of one hundred and twenty (120) feet and a minimum of twelve thousand (12,000) square feet.
- B. **Setback:** Every structure erected for use as a gasoline service station shall have a minimum setback from the street right-of way of thirty five (35) feet and a minimum setback from all property lines of twenty five (25) feet. A greenbelt area in accordance with the regulations specified in Section 12.07 may be required by the Township Board. No part of the setback or greenbelt area shall be used for the storage of dismantled vehicles or junk.
- C. **Construction Standards:** All vehicles service areas shall be constructed to conform to the following standards:
  - 1. Suitable separation shall be made between the pedestrian sidewalk and vehicular parking or moving area with the use of appropriate bumper, wheel guards or traffic islands. Where the portion of the property used or vehicular traffic abuts a street, said portion shall be separated from the street line by a curb at least six (6) inches high.
  - 2. The entire area used for vehicle service shall be paved, except for such unpaved area as is landscaped and protected from vehicle use by a low barrier.
  - 3. Hydraulic hoist, lubricating, greasing, automobile body repair and painting, washing, and repair equipment shall be entirely within a building. Tire and battery service and minor automobile repairs may be carried on outside of the building.
  - 4. The maximum widths of all driveways at the sidewalk shall be no more than thirty (30) feet.
  - 5. Minimum angle of driveway intersection with the street from the curb line to lot line shall be no less than sixty (60) degrees.
  - 6. The minimum distance between curb cuts shall be no less than forty (40) feet.
- D. **Lighting:** All lighting shall be accomplished in a manner such that no illumination source causes nuisance to adjacent properties.

#### **SECTION 16.12 – Telecommunication Towers**

A telecommunication tower, or any other structure in excess of fifty (50) feet designed for supporting antennas, shall be subject to the following standards and specific condition for approval:

- A. In order to contain falling ice or debris from tower failure on site, and to minimize conflict with adjacent properties, the base of the freestanding (monopole) or guy-wired (lattice tower) shall be setback at least two hundred (200) feet or three hundred percent (300%) of the tower height from any existing residence, whichever is greater. From any other streets, roads or public right-of ways, the (fall zone) setback shall equal the height of the tower. Guy-wires must be setback seventy-five feet from any property line and

must be located on the same parcel as the tower. For leased sited, there shall be a legally described parcel that accomplished the same as for lots that are acquired.

- B. The tower base shall be enclosed by a security fence, consisting of six foot (6') chain link fence topped with three strands of barb wire or an eight (8') chain link fence. A six foot (6') tall landscape screen shall be provided around the exterior perimeter of this fenced area. A description of the appearance and color of the tower shall be provided, with the intent to camouflage the tower to the extent possible.
- C. The separation distance between towers shall be no less than four (4) miles as measured from the tower base.
- D. Abandoned or unused towers or portion of towers and associated facilities shall be removed within twelve (12) months of cessation of operations at the site unless a time extension is approved by the Wheatland Township Zoning Board of Appeals. A copy of the relevant documents (including a signed copy of the lease, deed or land contract provisions) which required the applicant to remove the tower and associated facilities shall be submitted at the time of application. In the event that the tower is not removed within the twelve-month period, the tower and associated facilities may be removed by Wheatland Township and the cost of the removal assessed against the real property. The Wheatland Township Clerk shall be notified of any change in the status of the tower, including a change in ownership, terms of the lease or removal of a carrier co-locating on the tower. The Township may also require a compliance or performance bond at the time of the application to cover the cost of removal of the tower.
- E. Antennas or towers may be located on property owned, leased or otherwise controlled by Wheatland Township provided a license or lease authorizing such antenna or tower has been approved by the Township.
- F. Any proposed tower shall be designed to accommodate (co-locate) both the applicant's equipment (antennas) and that of at least two other users.
- G. The applicant must document their investigation of all towers within Wheatland Township and within one-mile of the township boundary. They must show that every effort has been made to co-locate their antennas on any existing or proposed tower and provide information related to the implementation of their grid within the township and surrounding area.
- H. Any application for a telecommunication tower, or for co-location on an existing tower or structure, must first submit an application for a conditional use permit and include a site plan as required in Article 16. Upon planning commission and township board approval of both the conditional use permit and the site plan, the applicant may apply for a building permit. If the existing tower has an approved site plan, which identifies its co-location capacity, and provides a "pad" for construction of a maintenance building within the enclosed fenced area, co-location may occur through approval of a building permit application.

- I. Once constructed, the tower shall adhere to the requirements of the FAA in terms of lighting and any other federal or state regulatory agency. In no event shall the tower be used for signage of any kind or type.
- J. Wireless communications equipment is a permitted use of property and is not subject to special land use approval or any other approval if all of the following requirements are met:
  1. The wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing equipment compound.
  2. The existing wireless communications support structure or existing equipment compound is in compliance with the local unit of government's zoning ordinance or was approved by the appropriate zoning body or official for the local unit of government.
  3. The proposed collocation will not do any of the following:
    4. Increase the overall height of the wireless communications support structure by more than 20 feet or 10% of its original height, whichever is greater.
    5. Increase the width of the wireless communications support structure by more than the minimum necessary to permit collocation.
    6. Increase the area of the existing equipment compound to greater than 2,500 square feet.
  7. The proposed collocation complies with the terms and conditions of any previous final approval of the wireless communications support structure or equipment compound by the appropriate zoning body or official of the local unit of government.

### **SECTION 16.13 – Extraction and Mining**

Including extraction of sand, gravel, fill dirt, topsoil; provided that such activity shall be permitted as a conditional use in all zoning districts and shall comply with the following provisions:

- A. A profit can be made and there are no significant impacts on surrounding properties
- B. Pits and quarries shall be completely enclosed by a fence four (4) or more feet in height for the safety of the general public. Said fence shall be placed no closer than ten (10) feet to the outside perimeter of the pit or quarry. Said fence shall conform with the minimum setback requirements of the district in which it is located.
- C. No slope shall exceed an angle with the horizontal or more than thirty (30) degrees for the first 12 feet along the horizontal, after which the slope shall not exceed an angle with the horizontal of more than forty five (45) degrees.
- D. All areas so used shall be rehabilitated progressively as they are worked out or abandoned to a condition entirely free from hazards and blending with the surrounding natural grounds. All slopes and banks shall be reasonably graded to prevent excessive erosion.
- E. The Planning Commission, upon recommendation from the Hillsdale County Road Commission, shall establish routes of ingress and egress or truck movement in order to

minimize the wear on public roads and to prevent hazards to traffic. All interior roadways shall be chemically treated to reduce dust.

#### **SECTION 16.14 – Specific Conditions & Requirements – Campgrounds**

Requirement for license: Private and semi-private campgrounds for active and passive recreational uses may be constructed provided that such activities shall be permitted as a conditional use only in the OC – Open Space and Water Conservation district and shall comply with the following provisions and Act 363 of the Public Acts of 1978, as amended.

##### A. Development Standards

1. A campground shall not be located where it will be detrimental to public health, safety and welfare.
2. A campground shall not be located on top of an abandoned landfill which has been used within the past five (5) years for disposal of garbage and refuse.
3. Development of campgrounds require a construction permit.
4. Criteria required for the issuance of a construction permit shall include but not be limited to the following: (a) Health permit from the Hillsdale County Health Department: (b) A sketch drawn to scale showing the plot plan and general layout of facilities: (c) Where it is proposed to extend water and sewer lines to site or where the sewage disposal system includes a treatment process other than a septic tank with a oil absorption system, the plans for the sanitary facilities shall be prepared by an engineer registered in Michigan: (d) A plan for the proposed method of garbage and reuse storage and disposal must be submitted: (e) Upon receipt of their Stat of Michigan Campground License, the owner shall apply to the Township for annual Township permit: (f) The organization owning or operating the camping and recreation areas shall be subject to revocation of license if restriction herein stated shall be violated.

##### B. Types of:

Campground facilities shall be one of three types of any combination thereof: **Modern, Primitive and Temporary or Rally.**

1. A **Modern Campground** means a tract of land where Recreational units are accommodated and water flush toilets and water under pressure are available at a service building or a water outlet. Sewer connections are available at each site.
2. A **Primitive Campground** means a tract of land where recreational units are accommodated wand water if furnished from a hand pump well and sewage is disposed of by means of portable sanitary privy.
3. A **Temporary or Rally Campground** means a tract of land where recreational units are accommodated on a temporary or short time bases, two (2) weeks maximum, and sewage is disposed of by means of portable sanitary privy.

C. Site Use and Arrangement:

1. A site in a campground unless designated on an approved plan as a walk in site shall abut on a roadway and shall be of such size and so arranged as to provide for a recreational unit and shall have at least fifteen (15) feet of road frontage width and twelve hundred (1200) square feet of area for each camping unit.
2. A road right-of way shall be provided having a minimum width of twenty (20) feet. This right –of-way shall be free of obstruction to provide free and easy access to abutting sites. The traveled portion of the right-of-way shall be maintained in a passable and dust free condition when the campground is in operation, in a Modern Campground the road surface shall be paved.

D. Uses Permitted – No building or structure or part thereof shall be erected, altered and no land shall be used, except for the following:

1. Public and private park and recreational area, of at least twenty-five (25) acres in area, including a picnic area and/or picnic pavilion, softball and baseball diamonds: Golf course (not lighted): driving range (not lighted): swimming, boating, and ice sports facilities: amusement and other outdoor recreational sports activities, not including games of chance: camping sites for tents campers and travel trailers not exceeding forty five (45) feet in length. The proprietor of the parkland recreational facilities shall be deemed to have violated these provisions if any other person shall part any tent, camper, or travel trailer in violation hereof: both houses, lodges and other accessories or incidental local commercial buildings as delineated on the approved site plan, or uses which are incidental to the above uses, but not including the sale of beer and wine or spirits are permitted.
2. All modern camping sites for tents, campers, and travel trailers shall have a central water supply system with portable water under pressure piped to within three hundred (300) feet of each trailer, tent or camper site, and with fire hydrants available within one thousand (1,000) feet of each campsite. If a public water supply system is available within five hundred (500) feet of any portion of the land, then the water supply shall be connected thereto.
3. In a Modern Campsite, an enclosed toilet and sewage facility approved by the Michigan State and County Health Departments, with hot and cold running water available therein shall be provided for every trailer, tent or campsite, not further than five hundred (500) feet from every trailer site within the park. In public sewer shall be available within five hundred (500) feet of any portion of the land, the park system shall be connected thereto. No vehicle, tent, camper or travel trailer will be allowed within the park except on an approved campsite. The proprietor of any park shall not permit any person who is not properly parked and registered upon an approved campsite within the park to use any facilities of such park.



4. No trailer, tent, camper vehicle or building, other than a single family residence, will be placed, parked or erected within one hundred (100) feet of any property line of park or recreational facility.
5. All campfire areas, firepits, grills or fireplaces designed for cookouts or campfires shall be inspected by the local Fire Official and must meet all applicable safety standards. No fires, campfires, or cooking fires will be permitted except in these designated areas.
6. No games of chance or sale of alcoholic beverages shall be permitted anywhere upon the camping and recreational area.

#### **SECTION 16.15 – Planned Unit Residential Developments**

The owner or owners of any tract of land in the RA, **MHP** or RB district comprising an area of not less than five (5) acres may submit to the Township Planning Commission a site plan for the use and development of the tract as a Planned Unit Residential Development (PURD).

A. Required standards for approval:

1. The maximum number of dwelling units permitted shall be determined by dividing the net development area by the minimum lot area per dwelling unit required by the underlying district or districts in which the PURD site is located. Net development area is determined by subtracting water, much and peat areas, and areas set aside for churches, schools and similar facilities and the area proposed for streets from the gross development area. ***Any dispute relating to the calculation of net development area may require the applicant to submit a comparison plan showing how many residential units the site would support through traditional development under land division, subdivision (platting), or as a site condominium project.*** The area of land set aside for common land, open space or recreation, except as above indicated, shall be included as a part of the net development area.
2. The proposed development will be served adequately by essential public facilities and service, such as highways, streets, police and fire protection, drainage structures, refuse disposal: or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service. Public water and sewer systems shall serve the development whenever deemed feasible by the township.
3. The proposed unit is of such size, composition and arrangement that its construction and marketing operation is a complete unit, without dependence on any subsequent unit of development.
4. The common open space, any other common properties, individual properties and all other elements of the planned unit residential development are so planned that they will achieve a unified environmental scheme, with open spaces, and all other elements in appropriate locations, suitably related to each other, the site, and sur-

rounding land. ***Open space shall be preserved within the parcel or contiguous to the parcel proposed for such development.***

5. In view of the “conditional use” nature of the PURD amendment procedure, deed restrictions and covenants entered into or proposed to be contracted for by the developer become an appropriate consideration of the Township Planning Commission.

The Planning Commission shall consider the manner in which the lawful contractual techniques in attaining the objectives of the PURD amendment and may make its recommendations conditional upon the contractual relations between private parties, or may recommend procedures whereby the Township becomes a party to such contractual relations.

- B. Required provisions in site plan: The plan shall contain such proposed covenants, easements, and other provisions relating to the bulk, location, and density of residential units, accessory uses, thereto, and public facilities as may be necessary for the welfare of the Planned Unit Residential Development and not inconsistent with the best interest of the entire Township.

The applicant may be required to dedicate land for street or parking purposes and, by appropriate covenants, to restrict areas perpetually (or for the duration of the PURD) as open space for common use. The development as authorized shall be subject to all conditions of this Ordinance only to the extent specified in the authorization.

- C. Tentative Township Board Approval: The Township Board, upon the receipt of the Planning Commission’s report on the proposed plan, may then give tentative approval to such plans, incorporating with the approval such conditions as the Board deems appropriate and in harmony with the general spirit of this Ordinance to promote the public health, safety, morals, convenience and general welfare.

The applicant shall then review his application and plan in final approved form and sign a statement that the planned unit residential development plan in its final form shall be binding on the applicant, his heirs, successors, and assignees.

When the Township Board gives final approval, conditional use permit shall be issued for the PURD even though the size of lots, the depth of yards and the required distance between grouped buildings and the building height, may not conform in all respects to the regulations of the district in which the project is to be located.

**SECTION 16.16 – Planned Neighborhood Shopping Centers**

Such centers shall be permitted as a conditional use in the HS District and shall comply with the following provisions:

- A. Uses Permitted: Any use permitted in the HS District
- B. Site Development:

1. Such development shall occupy a site of not less than three (3) acres, with not less than three hundred (300) feet of street frontage.
  2. No building shall be located nearer to the neighborhood center than a distance equal to twice the height of said building.
  3. No building shall exceed the height limitation specified in the zoning district in which it is located.
- C. Screening: When such development is located in or adjacent to a Residential District or when located adjacent to a public institution or open space, a greenbelt shall be required in accordance with the regulations specified in SECTION 12.07.
- D. Lighting: All lighting shall be accomplished in a manner such that no illumination source causes a nuisance to adjacent properties.
- E. Vehicular Approach: Driveways and approaches to the property shall be so designed and located as to create minimum interference with traffic on the surrounding public streets. No more than two (2) driveways shall be located as far from street intersections as practicable, but in no case less than fifty (50) feet.
- F. Parking and Circulation: There shall be provided no less than four (4) square feet of parking and circulation space for every one (1) square foot of leasable floor area within the center. On site circulation facilities shall be designed so that there shall be no backing up of traffic into public streets. All areas accessible to traffic shall be paved and maintained so as to provide a smooth, dustless, and well drained surface. Such areas shall be lighted for those hours of darkness during which establishments within the center are open for business.

**SECTION 16.17 – Planned Community and Regional Shopping Centers**

Such centers shall be permitted as a conditional use in the HS District only and shall comply with the following provisions:

- A. Uses Permitted: Any use permitted in the HS District, with the addition of the following:
1. Temporary exhibitions and special civic events, provided that they shall be conducted in spaces designed for such purposes, and that they shall not be operated for profit.
  2. Recreational facilities incidental to the principal operation of the center and operation of the center and of the nature normally out-of-doors, provided that there shall be no admission charge for such activities.
- B. Site Development:
1. Such development shall occupy a site of not less than ten (10) acres, with a minimum street frontage of one thousand (1000) feet.

2. No building shall be located nearer to any property line of the center than a distance equal to twice the height of said building, provided that no building shall be located nearer to any street or highway right-of-way line than fifty (50) feet.
- C. Screening and transition: When such development is located in or adjacent to a Residential District, or when located adjacent to a school, hospital, church or other public institution or open space, a landscaped strip of land not less than two hundred (200) feet in width shall be provided and maintained on all sides of the site. This strip shall serve as a transition between the shopping center and adjacent properties, and no part of which shall be utilized for any functions of the shopping center, except that no more than one hundred (100) feet of said strip width on the interior side of the shopping center property may be used for parking. Such strip shall be occupied by plant materials and/or approved fences or masonry wall not exceeding six (6) feet in height. The plans and specifications for the development shall include the proposed design of said transition strip.
  - D. Lighting: All lighting shall be accomplished in a manner such that no illumination source causes a nuisance to adjacent properties.
  - E. Sign: All signs shall conform to the provisions of ARTICLE XIV with the addition of one (1) sign located on each street frontage and not exceeding one hundred (100) square feet in area identifying the shopping center. Such sign may be illuminated but not be an intermittent source.
  - F. Vehicular Approach: Driveways and approaches shall be so designed and located as to create minimum interference with traffic on the surrounding public streets. No more than two (2) driveways each not to exceed thirty (30) feet in width at the property line shall be permitted on each street frontage of the property, such access shall be provided from major streets and highways which are fully capable of accommodating the maximum traffic anticipated to be generated by the center without undue interference with through traffic on such streets or highways. Drive-ways shall be located as far from street intersections as practicable, but in no case less than one hundred (100) feet.
  - G. Parking and Circulation.
    1. There shall be provided no less than four (4) square feet of parking and circulation space for every one (1) square foot of leasable floor area within the center.
    2. Any individual parking space in the center shall be accessible by clearly demarcated pedestrian walks from the shopping area, which shall not intersect a vehicular way more than once.
    3. Automobile and truck service traffic shall be separate from one another to the fullest possible extent.
    4. On-site circulation facilities shall be designed so that there shall be no backing of traffic into public streets.

5. All areas accessible to vehicles shall be paved and maintained so as to provide a smooth, dustless and well drained surface.
6. Parking areas shall be lighted for those hours of darkness during which establishments within the center are open for business.

**SECTION 16.18 – Essential Service Buildings**

In every zoning district, except industrial, the following essential service buildings shall be required to have a conditional use permit prior to their construction: high voltage transmission towers, transformer substation, pumping stations, communications relay stations, gas and steam regulating valves and stations and buildings of similar function. Telecommunication towers shall not be considered essential services.

No building shall be used for residential purposes. An opaque fence or greenbelt may be required by the Township Board when deemed necessary.

**SECTION 16.19 – Agri Business**

- A. Provided that such use be permitted as a conditional use only in the Agricultural District.
- B. An Agri-Business and buildings, structures, lots, parcels or parts thereof which provided services, good, storage, transportation or other activities directly related to the production of agricultural commodities. An Agri-Business may include but is not limited to:
  1. Farm machinery, sales, service, rental and repair
  2. Grain elevators for storage, drying, and sales
  3. Bulk feed and fertilizer outlets and distribution centers
  4. Seed dealership outlets and distribution centers
  5. Grain and livestock trucking and cartage facilities
  6. Auctions for livestock
  7. Dairy products production and processing operations.

**SECTION 16.20 – Reserved**

**SECTION 16.21 – Reserved**

**SECTION 16.22 – Wholesale Service Center**

The following conditions shall apply for the granting of a conditional use permit for development of a wholesale service center:

- A. No assembly of products shall occur on the premises.
- B. The use shall be limited to distribution and redistribution of goods of a wholesale nature, with transportation of such goods along state highways and/or county primary roads.

C. Hours of operation shall be limited from 7:00 a.m. to 7:00 p.m.

**SECTION 16.23 – Reserved**

**SECTION 16.24 – Expanded Home Occupations**

Any home occupation that does not fall within the scope of professional office or personal service listed within the permitted home occupation shall be required to obtain a conditional use permit. The following conditions shall apply for the granting of a conditional use permit for establishment of expanded home occupations:

- A. The expanded home occupation shall reflect a use that is consistent with a permitted or an accessory agricultural use, including the packaging, assembly or distribution of products that are traditionally harvested (such as food, wood or tannery) or as a resource associated with the land.
- B. The location of the expanded home occupation may be completely within the accessory building and all materials associated with the business shall be stored within the building or effectively screened from all other adjoining properties. Accessory buildings or screened storage areas utilized for the expanded home occupation shall not be located within 50 feet of any adjoining property line.
- C. There shall be no more than two (2) non-resident employees, although temporary or seasonal employees may be utilized based upon the nature of the business, subject to review and approval by the Township Board.
- D. A small announcement sign shall be permitted not exceeding twelve (12) square feet in area and placed no closer than ten (10) feet to the road right-of-way or adjoining property line.

**SECTION 16.25 – Wind Energy Conversion Systems (WECS)**

- A. **Purpose:** The regulation of wind energy conversion systems, including the height, minimum lot area and required setbacks for such systems, is intended to provide for an alternative source of power generation while protecting the health, safety and welfare of Township residents.
- B. **Definitions:**
  - 1. **Decibel:** A unit used to express the magnitude of sound pressure and sound intensity.
  - 2. **Nacelle:** The body/shell casing of a propeller-type wind turbine. Covering the gearbox, generator, blade hub, and other parts.
  - 3. **Rotor:** That part of the wind energy conversion system that acts as a multi-bladed airfoil assembly which, through rotation, produces kinetic energy from the wind.

4. **Wind Energy Conversion Systems:** A system which converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blades, and tower as well as related equipment. A "small turbine/on-site" system is intended to primarily serve the needs of the customer, with a single tower that that may, or may not, be connected to the utility grid. A "large turbine/utility grid system" is designed to generate electricity from one or more towers (within an array) and is intended to serve institutions, residential communities or larger cooperatives.
- C. **Conditional use:** Due to the concerns related to health, safety and welfare, such systems shall be regulated as conditional uses within all zoning districts unless such systems are either: (1) roof-mounted and the combined system and roof height does not exceed the maximum height regulation within the underlying zoning district, does not exceed the maximum noise level of 55 decibels and is setback not less than 110% of the height from any adjoining property line or road right-of-way; or (1) a tower mounted system that does not exceed a maximum height (tower +blade) of 60 feet, does not exceed the maximum noise level of 55 decibels and is setback not less than 110% of the height from any adjoining property line or road right-of-way. These exempted systems shall be subject to all other permits as required for buildings or structures as determined by the Building Official.

The following requirements shall be met by all conditional use applications and the Planning Commission may recommend and the Township Board may impose additional conditions if the Township Board determines in its sole reasonable discretion that the imposition of such condition(s) is needed to assure compliance with the general standards for conditional use permit approval set forth in Section 16.06 of this Ordinance:

1. In addition to the requirements for site plan review under Section 16.04, the site plan of the property shall show the location of overhead electrical transmission or distribution lines, whether utilized or not, and the location of the WECS with its specific dimensions, including the entire area through which the rotor(s) may pass, the location of any guy wires or other support devices and the location of all dwelling units within one thousand (1,000) feet of the WECS.
2. Each conditional use permit application shall be accompanied by a complete set (either the original or an accurately reproduced copy) of the manufacturer's instructions which shall, at a minimum, include the following: A standard foundation and anchor design or specifications for normal soil conditions; Detailed instructions for operation and maintenance of the WECS on site; A copy of all warnings anti/or documents provided by the manufacturer of the WECS; Grounding and lightning procedures protection which follow the National Electrical Code, Articles 250 (Grounding) and 280 (Lightning Arresters). In addition, the Underwriters Label shall be attached to the base of the tower and any subsystem, such as the

nacelle or generator. The following information shall also be included with the application: The name, address, and telephone number of the owner of the tower/subsystem; Manufacturer's name and address; Model number; Emergency and normal shutdown procedures; The survival wind speed in miles per hour and meters per second for the tower and the maximum power output for the generator.

Following installation, the Name of installer; Name of person responsible for maintenance; Emergency telephone number in force for the installer and the person responsible for maintenance shall be attached to the base of the tower.

3. **Electromagnetic Interference:** The entire WECS (including turbines, alternators, generators, and interconnect systems) shall be filtered anti/or shielded to prevent the emission of generated radio frequency energy which would cause any interference with radio, and/or television broadcasting or reception, and shall comply with Federal Communication Commission Rules.
4. **Noise:** Shall not exceed a maximum of 55 decibels measured from any existing residence on a non-participating parcel unless such residence is more than 1,000 feet from the tower base.

D. **Site development:** The following site development requirements shall apply:

1. **Lot Area/Setbacks:** No "small turbine/on-site" WECS shall be erected on any lot or parcel less than two (2) acres in area and no "large turbine/utility grid" WECS shall be erected on any parcel less than twenty (20) acres in area. The tower(s) shall be situated on the lot or parcel (or parcels if joint participation on the application) so that no portion of the tower or turbine is closer to above-ground utility lines and/or non-participating adjoining property lines than 150% of the height of the tower as defined in (b) below. Such tower location shall be no closer than 110% of the height of the tower from any public road right-of-way.
2. **Height:** The maximum allowable height for any "small turbine/on-site" WECS, based upon the combined tower and rotor blade length, shall be eighty (80) feet for parcels of two (2) to less than five (5) acres, one hundred (100) feet for parcels of five (5) to less than ten (10) acres and up to one hundred and twenty (120) feet for parcels of ten (10) acres or more. The maximum allowable height for any "large turbine/utility grid" WECS, based upon the combined tower and rotor blade length, shall be four hundred and fifty (450) feet. The Planning Commission may recommend and/or the Township Board may impose a waiver of this parcel size or height requirement where in its sole reasonable discretion it determines that such height and location would not negatively impact adjoining properties. Ground clearance: For both horizontal and vertical axis turbines, the WECS rotor shall be located on the tower or support such that the blade clearance above ground level is not less than 20 feet.



3. **Design:** The tower shall be of monopole design. The tower shall be of a color and finish to minimize visibility and shall not be lighted unless required by the FAA. The Planning Commission may recommend and/or the Township Board may impose a waiver of these design requirements if it determines that such alternative design is consistent with the intent of this regulation.
  4. **Accessibility:** Towers shall be designed and constructed in such a manner that climbing devices are only accessible with a separate ladder to a height of 12 feet or provided for a secured access.
  5. **Connection to power grid:** In the case of a WECS to be interconnected with the power grid of the local electric utility, the applicant shall provide proof of written notice to the utility of the proposed interconnection and the utility's response thereto.
  6. **Additional studies:** The applicant may offer and submit, or the Planning Commission and/or the Township Board may require that the applicant submit, studies related to noise, vibration, or similar issues that may be considered a nuisance. In addition, studies may be required to address avian and wildlife impact, visual impacts, shadow flicker (changes in light intensity caused by the moving blade) or similar issues related to the compatibility of the proposed use in the requested location.
- E. **Plan for WECS Removal:** The applicant shall submit with its application a plan that indicates the design life of the WECS, the estimated cost for the removal of the WECS and the manner in which the WECS shall be removed and the site reclaimed once the WECS is no longer in operation. The owner of the WECS shall, within twelve (12) months after the WECS ceases to be in operation either: (1) remove the WECS in accordance with the removal plan submitted hereunder or (2) repair or replace the deficient WECS component(s) and resume operation of the WECS. All replacement components shall conform in all material respects to the components they replace, (e.g., height, setback, noise, vibration, shadow flicker, wildlife impact, other impacts on the surrounding area) or receive amended conditional use permit approval from the Planning Commission and Township Board. The Township Board shall have authority, if it deems it necessary to assure satisfaction of the general standards for conditional use permit approval, to require the applicant to file and maintain with the Township a financial guaranty in an adequate amount to cover the cost of the proper removal of the WECS. The financial guaranty shall be in the form of cash, certified check or an irrevocable bank letter of credit in a form acceptable to the Township and shall give the Township the right, but not the obligation, to use such funds to cause the removal of the WECS if the owner fails to do so within the time frame prescribed herein.

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**ARTICLE XVII**  
**CONSTRUCTION OF LANGUAGE AND DEFINITIONS**

**SECTION 17.01 – Rules Applying to Text**

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

- A. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
- B. Words used in the present tense shall include the future: and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- C. The word “building” includes the word “structure”.
- D. A “building” or “structure” includes any part thereof.
- E. The word “person” includes a corporation as well as an individual.
- F. The word “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged, or designed to be used or occupied”.
- G. Any word or term not defined herein shall be used with a meaning of common or standard utilization.

**SECTION 17.02 – Construction of Language (Definitions)**

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

**SECTION 17.02a – “A” Definitions**

**ACCESSORY BUILDING:** A subordinate building, the use of which is clearly incidental to that of the principle building or to the use of the land and which is attached securely to a permanent masonry foundation or similar permanent footings. An accessory building may not be constructed prior to the construction of the principal building and use.

**ACCESSORY USE:** A use subordinate to the principle use on a lot and used for the purpose clearly incidental to those of the main use.

**Adult Day-Care Facility.** Includes all of the following:

- A. Adult Family Day-Care Home. A private home in which six (6) or less adults eighteen (18) years of age or older, receive care for periods of less than twenty-four (24) hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an ongoing basis. An adult day care home does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day care center.

- B. **Adult Group Day-Care Home.** A private home in which more than six (6) but not more than twelve (12) adults eighteen (18) years of age or older, receive care for periods of less than twenty-four (24) hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an ongoing basis. An adult day care home does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day care center.
  
- C. **Adult Day-Care Center.** A facility, other than a private residence, receiving one or more persons, eighteen (18) years of age or older, receiving care for periods of less than twenty-four (24) hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled or physically handicapped that require supervision on an ongoing basis. An adult day care center does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day care center. Maximum number of 20 (twenty).

**Adult Foster Care Facility.** A state-licensed establishment that provides foster care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include convalescent or nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation center, residential centers for persons released from or assigned to a correctional facility, or any other facilities which have been exempted from the definition of adult foster care facility by the Adult Foster Care Facility Licensing Act, (PA 218 of 1979, MCL 400.701 *et seq.*), as amended. The following additional definitions shall apply in the application of this Ordinance:

- A. **Adult Foster Care Family Home.** A private residence with the approved capacity to receive six (6) or fewer adults to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours a day, five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care facility home licensee must be a member of the household and an occupant of the residence.
  
- B. **Adult Foster Care Small Group Home.** An owner-occupied facility with the approved capacity to receive twelve (12) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) days a week, and for two (2) or more consecutive weeks.
  
- C. **Adult Foster Care Large Group Home.** A facility with approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided supervision, personal care, and protection in addition to room and board, twenty-four(24) hours a day, five (5) days a week, and for two (2) or more consecutive weeks.

**AGRICULTURAL:** Includes purposes related to agriculture, farming, dairying pasturage, horticulture, floriculture, and animal and poultry husbandry.

**ALLEY:** A public or legally established private thoroughfare, other than a street, which affords a secondary means of access to abutting property.

**ALTERATIONS:** Any change, addition or modification in construction, 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”.

**ANIMATED SIGNS:** Any sign having a conspicuous and intermittent variation in the illumination of the physical position of any part of the sign.

**APARTMENT:** (see dwelling, Multiple Family)

**AREA, NET SITE:** The total area within the property lines of a project excluding external streets.

**AUTOMOTIVE OR TRAILER SALES AREA:** Any space used for display, sale, or rental of motor vehicles or trailers, in new or used and operable condition.

**AUTOMOTIVE REPAIR:** General repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service such as body, frame or fender straightening and repair, overall painting and undercoating of automobiles when carried on in a completely enclosed room or building.

#### **SECTION 17.02b – “B” Definitions**

**BASEMENT:** That portion of a building which is below the first story, the ceiling of which is less than five (5) feet above the surrounding ground elevation at all points and where more than one-half of the height of the story is below the ground line.

**BILLBOARD:** Any construction or portion thereof upon which a sign or advertisement used as an outdoor display for the purpose of making anything known of the general public is affixed. This definition does not include any bulletin boards used to display official court or public office notices.

**BUILDING:** Any structure, either temporary or permanent, erected on site, a mobile home or mobile structure, above or below ground, having a roof and used or built for the shelter or enclosure of persons, animals, chattels, or property of any kind.

**BUILDING COVERAGE:** That percentage and of the plot or lot area covered by the building area.

**BUILDING HEIGHT:** The vertical distance measured from the established sidewalk grade 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 roof. Where a building is set back from the street line, the height of the building may be measured from the average elevation of the finished grade along the front of the building, provided such average elevation shall not exceed the established sidewalk grade at the center of the front of the building by more than one (1) inch for each front foot that building sets back from the front line.

**BUILDING PERMIT:** A permit for commencing construction issued in accordance with a plan for construction that complies with all the provisions of this Zoning Ordinance.

**BUILDING, PRINCIPAL:** One building in which is conducted the principal use of the lot in which it is situated.

**SECTION 17.02c – “C” Definitions**

**Child Day Care Facilities.** The following definitions shall apply in the construction and application of this Ordinance:

- A. Child Family Day-Care Home. A private residence in which one (1) but not more than six (6) minor children are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year.
- B. Child Group Day-Care Home. A private residence in which seven (7) but not more than twelve (12) children are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year.
- C. Child Day-Care Center. A facility, other than a private residence, receiving more than one (1) but less than thirty (30) children for care and supervision for periods less than twenty-four (24) hours, and where the parents or guardians are not immediately available to the child.

**Child Foster Family Facilities.** Means the following:

- A. Child Foster Family Home. A private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage, or who are not placed in the household pursuant to the adoption code, Chapter X of Act. No. 288 of the Public Acts of 1939, being sections 710.21 to 710.70 of the Michigan Compiled Laws, are given care and supervision for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
- B. Child Foster Family Group Home. A private home in which more than four (4) but fewer than seven (7) minor children, who are not related to an adult member of the household by blood, marriage, or who are not placed in the household pursuant to Chapter X of Act. No. 288 of the Public Acts of 1939, are provided care and supervision for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

**CHURCH:** A building wherein people regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together

with all accessory buildings and uses customarily associated with such principal purpose. A church is a permitted use in all zoning districts subject to the following conditions:

- A. The church building(s) and any parking areas shall be setback no less than fifty (50) feet from the front and rear property lines and no less than twenty-five (25) feet from any side property lines. Screening, in the form of an opaque fence or landscaping, shall be required along any side or rear property line that abuts a residential zone or where a residential dwelling is within fifty (50) feet of the property line.
- B. Schools, day care facilities, reception halls or similar uses operated on the site shall be subject to conditional use approval if operated for profit and where hours of operation exceed that of the primary church usage.

**CLUB OR LODGE, PRIVATE:** A non-profit association of persons who are members paying annual dues, which owns, hires or leases a building or portion therein, the use of such premises being restricted to members and their guests. The affairs and management of such “private club or lodge” are conducted by a board of directors, executive committee or similar body chosen by the members at a meeting. It shall be permissible to serve food and meats on such premises provided adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed provided it is secondary and incidental to the promotion of some other common objective by the organization and further provided that such sale of the alcoholic beverage is in compliance with the applicable Federal, State and Municipal laws.

**COMMERCIAL FARM:** A farming operation requiring the full time of the owner manager or renter and a hired employee.

**CONDITIONAL USE:** A use which is subject to conditional approval by the Township Board. A conditional use may be granted when specified by this Ordinance and for those uses not specifically mentioned. A permitted conditional use is not considered to be a non-conforming use.

**COURT:** An unoccupied open space, other than a yard, on the same lot with a building, which is bounded on two or more sides by the walls of such buildings.

**COURT, OUTER:** A court enclosed on not more than three(3) sides by exterior walls of a building or by exterior walls and lot lines on which walls are allowable, with one (1) side or end open to a street, driveway, alley or yard.

#### **SECTION 17.02d – “D” Definitions**

**DISTRICT:** A portion of the incorporated part of the township within which certain regulations and requirements or various combinations thereof apply under the provision of this Ordinance.

**DRIVE-IN:** An establishment of the “drive-in” type is one which accommodates the patron’s automobiles in the off-street parking area accessory to the business from which the occupants may receive in the vehicle on the same premises.

**DWELLING UNIT:** A building or portion thereof, designed for occupancy by one (1) family for residential purposes and having cooking facilities.

**DWELLING – SINGLE FAMILY:** A building containing not more than one (1) dwelling unit designed for residential use, complying with the following standards:

- A. It complies with the minimum square footage requirements of this Ordinance for the zone in which it is located.
- B. It has a minimum width across any front, side or rear elevation of twelve (12) feet and complies in all respects with the Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under the provisions of 1972 PA 230, as amended, including minimum heights for habitable room. Where a dwelling is required by law to comply with federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the Michigan State Construction, then and in that event such federal or state standards or regulations shall apply.
- C. It is firmly attached to a permanent foundation constructed on the site in accordance with the Michigan State Construction Code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall, in addition thereto, be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or devise complying with the rules and regulations of the Michigan Mobile Home Commission.
- D. In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, under carriage or chassis
- E. The dwelling is connected to a public sewer and water supply or to such private facilities approved by the local health department.
- F. The dwelling contains a storage capacity area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 10 percent of the square footage of the dwelling or 100 square feet, whichever shall be less.
- G. The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity with either a roof overhang of not less than six inches on all sides, or alternatively with window sills and roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; has not less than two exterior doors with second one being in either the rear or side of the dwelling; and contains permanently attached steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation required the same.



The compatibility of design and appearance shall be determined in the first instance by the Township Zoning Administrator upon review of the plans submitted for a particular dwelling subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of fifteen days from the receipt of notice of said Zoning Administrator's decision. Any determination of compatibility shall be based upon the standards set forth in this definition of "dwelling" as well as the character design and appearance of one or more residential dwellings located outside of mobile home parks within two thousand (2,000) feet of the subject dwelling where such area is developed with dwellings to the extent of not less than 20 percent of the lots situated within said area; or, where said area is not so developed by the character, design and appearance of one or more residential dwellings located outside of mobile home parks throughout the Township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy view, unique land contour, or relief from the common or standard designed home.

- H. The dwelling contains no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
- I. The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within the connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
- J. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in the ordinance of the Township pertaining to such parks.
- K. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable Michigan State Construction Code provisions and requirements.

**DWELLING, TWO-FAMILY:** A building containing not more than two separate dwelling units designed for residential use and conforming in all other respects to the standards set forth in this Ordinance.

**DWELLING, MULTI-FAMILY:** A building containing three or more dwelling units designed for residential use and conforming in all other respects to the standards set forth in this Ordinance.

**SECTION 17.02e – "E" Definitions**

**ESSENTIAL SERVICES:** The phrase "essential Services" means the erection, construction, alteration or maintenance by public utilities or municipal department or commissions of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection,

communications, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in the connection therewith, but not including buildings, reasonable necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or safety or general welfare. Telecommunication towers and similar facilities developed for private enterprise shall not be considered essential services.

#### **SECTION 17.02f – “F” Definitions**

**FAMILY:** One person, or group of two more persons living together who may or may not be inter-related by bonds of consanguinity, marriage, or legal adoption, occupying the whole or part of a dwelling as separate housekeeping unit with a common and a single set of culinary facilities. The persons thus constituting a family may also include foster children and domestic servants. This definition does not include the occupants of a rooming or boarding house as a family unit.

**FARM:** All of the contiguous neighboring or associated land operated as a single unit on which agriculture is carried on directly by the owner-operator, manager or tenant farmer, by his own labor or with the assistance of members of his household or hired employees; provided however, that land be considered a farm hereunder shall include a continuous parcel of ten acres (10) or more in area.

**FLOOD PLAIN:** That portion of land adjacent to a water body or water course which is subject to periodic inundation.

**FLOOR AREA:** The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings. The “floor area” of a building shall include the area of any floor when more than one-half (1/2) of the room height is above the established curb level, or above the finished lot grade level where curb levels have not been established. “Floor area” shall include elevator shafts and stairwells at each floor, floor space used for mechanical equipment (except equipment, open or enclosed located on the roof), penthouses, attic space having headroom of seven (7) feet, six (6) inches or more, interior balconies and mezzanines. Any space devoted to off-street parking or loading shall not be included in “floor area”.

**FRONTAGE:** All the property fronting one (1) side of the street between intersecting or intercepting streets, or between a street intersecting or intercepting streets, or between a street and a right-a-way, waterway, end of dead-end street, or political subdivision boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage of the side of the street which it intercepts.

#### **SECTION 17.02g – “G” Definitions**

**GARAGE, COMMERCIAL:** Any garage, other than a private garage available to the public, operated for gain, and used for storage, repair, rental, greasing, washing, sales, servicing, adjusting, or equipment of automobiles or other motor vehicles.

**GARAGE, PRIVATE:** An accessory building not over one (1) story or fifteen (15) feet in height used for parking or storage of vehicles as may be required in connection with the permitted use of the principal building.

**GASOLINE SERVICE STATION:** Any building, or premises used for the dispensation, sale or offering for sale at retail of any motor fuels, oils or lubricants. When the dispensing, sale or offering for sale is incidental to the conduct of a public garage, the premises are classified as a public garage.

**GRADE:** The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

**GREENBELT BUFFER:** A strip or parcel of land privately restricted or publicly dedicated as open space, located between land uses or the purpose of protecting the character of adjacent residential or other uses. Said greenbelt buffer shall include, but not be limited to the following materials: open space with maintained grass cover, evergreens, deciduous trees, shrubs, bushes.

**GROUP HOUSING:** Two or more multiple dwellings on a parcel of land under single ownership.

#### **SECTION 17.02h – “H” Definitions**

**HIGHWAY:** (See “Street Major”)

**HOME OCCUPATION:** An occupation that is secondary to the principal residential use. (see Section 16.21)

**HOSPITAL:** An institution providing health services, primarily for in-patients, and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities, central services facilities and staff offices.

**HOTEL/MOTEL:** A building containing primarily rooming units with the number of dwelling units being not greater than ten percent (10%) of the total number of rooming units, and with the exception of the unit occupied by the management staff, used only for the accommodation of transients.

#### **SECTION 17.02i – “I” Definitions**

**INDUSTRIAL PARK:** A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors.

#### **SECTION 17.02j – “J” Definitions**

**JUNK YARD:** Any land or buildings where waste, used or second hand materials are bought and sold, exchanged, stored, baled, parked, disassembled or handled including, but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. A “junk yard” includes automotive wrecking yards and includes any area of more than five hundred (500) square feet for

storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

### **SECTION 17.02k – “K” Definitions**

**RESERVED**

### **SECTION 17.02l – “L” Definitions**

**LIVING SPACE:** That area within a structure intended, designed, erected or used for human occupancy: that is, the sum of the gross horizontal area of the floor in question of the building used for occupancy, measured from the exterior faces of the exterior walls, from the center line of walls separating two buildings, from the center lines of interior walls, excluding porches, garages, breezeways not usable the year round.

**LOADING SPACE:** An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

**LOT:** A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including one (1) principal building together with its accessory buildings, and providing the open spaces, parking and loading spaces required by this Ordinance. Said parcel of land may consist of one or more lots of record according to any recorded plat, but for the purpose of this Ordinance shall be deemed one parcel or lot if title to the property is held under one deed.

**LOT, CORNER:** A lot where the interior angle of two adjacent sides at the intersection of the two streets is less than one hundred thirty five (135) degrees. A lot abutting upon a curved street, or streets, shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve at the two points where the lot lines meet the curve or the straight street line extended from an interior angle of less than one hundred thirty five (135) degrees.

**LOT, INTERIOR:** Any lot other than a corner lot.

**LOT LINES:** The lines bounding for as defined herein.

- A. **Front Lot Line:** In the case of an interior lot, the line separating said lot from the street, in the case of a corner lot or double frontage lot, the line separating said lot from that street which is designated as the front street in the plot and the request for zoning compliance permit. In the case of lots bordering on a lake, river, or canal: the established water or shore line shall be designated as the rear of such lots.
- B. **Rear Lot Line:** The lot line opposite the front lot line. In the case of a lot irregularly shaped 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 lying farthest from the front lot line and wholly within the lot.
- C. **Side Lot Line:** Any lot lines other than the front lot lines or the rear lot lines.

**LOT AREA:** The total horizontal area within the lot lines of a lot.

**LOT COVERAGE:** That part or percent of the lot occupied by buildings or structures including accessory buildings or structures.

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

**LOT OF RECORD:** A lot or parcel existing prior to the adoption of this Ordinance and recorded in the office of the County Register of Deeds. For the purposes of this Ordinance, land contracts and purchase options not recorded in the County Register of Deeds Office, but dated and executed prior to the effective date of this Ordinance shall also constitute a lot of record.

**LOT WIDTH:** The horizontal distance between the side lot lines, measured at the frontage of the lot at the road right-of-way.

**SECTION 17.02m – “M” Definitions**

**MASTER DEED:** The condominium document recording the condominium project as approved by Wheatland Township which is attached as exhibits and incorporated by reference in the approved bylaws for the project.

**MASTER PLAN:** The statement of policy by the Township Planning Commission relative to the agreed upon desirable physical pattern of future community development. Consists of a series of maps, charts and written material representing in summary form the soundest conception to the community as to how it should grow in order to bring about the very best community living conditions.

**MINI STORAGE WAREHOUSE FACILITY:** A building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual compartmentalized and controlled access stalls or lockers for the dead storage of customers goods or wares with provision that all such goods and wares are enclosed within a building.

**MOBILE HOME:** A vehicular, portable structure built on a chassis and designed to be used without a permanent foundation as a dwelling when connected to required utilities and which is, or is intended to be attached to the ground, or another structure, or to a utility system on the same premises for more than thirty (30) consecutive days. Mobile homes which do not conform to the standards of this Ordinance shall not be used for dwelling purposes with the township unless located within a mobile home park or a mobile home plat zoned for such uses, or unless for temporary residence purposes as hereinafter provided.

**MOBILE HOME PARK:** Any subdivision of land for purposes of locating three (3) or more mobile homes, pursuant to the requirements of meeting the State of Michigan Mobile Home Commission Rules.

**NON-CONFORMING BUILDING:** A building or portion thereof, existing at the effective date of this Ordinance, or amendments thereto, and which does not conform to the provisions of the Ordinance not to the use regulations of the district.

**MODULAR HOUSING UNIT:** A unit constructed solely within the factory in various sized modules, which are then transported by flatbed, or other means, to the site where they are assembled on permanent foundations, to form single family dwellings which are either attached (in rows or clusters) stacked or detached.

**SECTION 17.02n – “N” Definitions**

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

**NURSING OR CONVALESCENT HOME:** A structure with sleeping rooms where persons are housed or lodged and furnished meals and nursing care for hire.

**SECTION 17.02o – “O” Definitions**

**OFF-STREET PARKING LOT:** A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of more than two (2) automobiles.

**OPEN SPACE:** Any space suitable for recreation, gardens or household service activities such as clothes drying. Such space must be at least seventy five (75) percent open to the sky, free of automotive traffic, parking and undue hazard, and readily accessible by all those for whom it is required.

**SECTION 17.02p – “P” Definitions**

**PARKING SPACE:** A land area of not less than ten (10) by twenty (20) feet, exclusive of driveways and aisles, and so prepared as to be usable for the parking of a motor vehicle and so located as to be readily accessible to a public street or alley.

**PLANNED UNIT DEVELOPMENT:** This is a tract of land which includes two (2) or more principal buildings, developed under single ownership or control: the development of which is unique and of a substantially different character than that of surrounding area, and where the specific requirements of a given district may be modified and where the minimum area is fixed. Such development shall be based on a plan which allows for flexibility of design not available under normal zoning district requirements.

**PRINCIPAL USE:** The main use to which the premises are devoted and the main purpose for which the premises exist.

**PUBLIC PARK:** Any park, playground, beach, outdoor swimming pool, parkway within the jurisdiction and control of a governmental agency authorized by State statutes to own and maintain parks.

**PUBLIC SEWER SYSTEM:** A public sewer system shall be defined as a central or community sanitary sewage and collection system of pipes and structures including pipes, conduits, manholes, pumping station, sewage and waste water treatment works, diversion and regulatory devices, and outfall structures, collectively or singularly, actually used or intended for use by the

general public or a segment thereof, for the purpose of collection, conveying transporting, treating or otherwise handling sanitary sewage or industrial liquid wastes of such a nature as to be capable of adversely affecting the public health; operated and maintained by the general public.

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

#### **SECTION 17.02q – “Q” Definitions**

**RESERVED**

#### **SECTION 17.02r – “R” Definitions**

**RECREATION AREA, PRIVATE:** All lands and structures which are owned and operated by private individuals, a business or corporation, which are predominately intended to accommodate recreational vehicles and provide for outdoor recreational activities.

**RECREATION VEHICLE:** All those small mobile units principally designed for recreation pastime such as motor homes, camper trailers, pick-up campers, pop-up campers, pop-up tent trailers, and similar camping type vehicles or trailers.

**RETAIL & RENTAL STORE:** Any building or structure in which goods, wares or merchandise are sold to the ultimate consumer for direct consumption and not for resale.

**RIGHT-OF-WAY:** A road, street, or other public easement permanently established for passage of persons or vehicles

**ROAD:** A public right-of-way of sixty-six (66) feet or more which has been dedicated for the purposes of providing access to abutting private lots of land including space for pavement and sidewalks.

**ROADSIDE STAND:** A permanent structure which is used seasonally for the sale of produce. The use of the roadside stand shall not constitute a commercial district.

**ROOMING HOUSE:** A building, or part thereof, other than a hotel, where sleeping accommodations are provided for hire and where meals may be regularly furnished.

**ROOMING UNIT:** Any room or group of rooms, forming a single habitable unit used for living and sleeping, but which does not contain cooking or eating facilities.

**ROWHOUSE (TOWN HOUSE):** An attached house in a row or group, each house containing not more than two dwelling units and each house separate from adjoining houses in the same row or group by common fire walls or fire separations.

#### **SECTION 17.02s – “S” Definitions**

**SETBACK:** The minimum horizontal distance between the street, rear or side lines of the lot and the front, rear or side lines of the building. When two or more lots under one ownership are used, the exterior property lines so grouped shall be used in determining offsets.

**SCHOOL:** A building used for the purpose of elementary or secondary education which meets all requirements of compulsory education laws of the State of Michigan, and not providing residential accommodations.

**SHOPPING CENTER:** A group of commercial establishments, planned, developed, owned and managed as a unit, with off-street parking provided on the property, and related in its location, size and type of shops to the trade area which the unit serves.

**SIGNS:** Any words, numbers, figures, devices, or trademarks by which anything is made known, other than billboards, such as are used to show an individual firm, professional business and are visible from the exterior of the structure.

**SITE CONDOMINIUM PROJECT:** A plan or project consisting of not less than **three (3) single family residential units**, or **two (2) commercial units**, and established in conformance with the Michigan Condominium Act (PA 59 of 1978, MCL 559.101), as amended.

**STORY:** That part of a building, including 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.

**STREET:** A thoroughfare which affords the principal means of access to abutting properties.

**STREET, MAJOR:** A public way, the principal use of which is to provide an arterial route for through traffic and has as its secondary use the provision of access to abutting properties.

**STREET, MINOR:** A public way, the principal use of which is to give access to abutting properties.

**STRUCTURE:** see building

**STRUCTURAL ALTERATION:** The erection, strengthening, removal or other change of the supporting elements of a building, such as footings, bearing walls, beams, columns, and the like.

**SWIMMING POOL:** Any artificially constructed, portable or non-portable pool capable of being used for swimming or bathing, having a depth of three (3) feet or more at any point.

#### **SECTION 17.02t – “T” Definitions**

**TELECOMMUNICATION TOWER:** Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio, or similar communication purposes. Such structures may be freestanding, such as self-supporting lattice or guyed towers or monopole towers, or attached to an existing structure, such as other towers, steeples, light or utility poles or similar alternative design mounting structures that may camouflage or minimize the appearance of the antennas or towers.

**TEMPORARY RESIDENCE DURING CONSTRUCTION OF A DWELLING:** A mobile home or a recreational vehicle may be used as a temporary residence within the “AA” Agricultural District during



the construction of a dwelling through the approval of a conditional use permit. The application shall meet the standards for approval of any conditional use under Article 16 as well as the following conditions: (1) The applicant shall apply for zoning review and for a building permit, identifying the location of the proposed dwelling and the location of the placement of, or parking area for, the mobile home or recreational vehicle as a temporary residence, (2) The applicant shall apply to the Hillsdale County Health Department for approval of private well and septic permits and indicate whether the approval would include connection to the temporary residence, (3) The applicant shall apply to the Hillsdale County Road Commission for a driveway permit and this shall serve as the only access to the parcel for both temporary and permanent residential use, and (4) The conditional use permit shall be granted for a period of no more than 6 months and the Township Board shall be limited to no more than two (2) 6-month extensions provided progress has been made toward completion. The applicant shall remove the temporary residence within 30 days of obtaining an occupancy permit for use of the permanent residence as a dwelling.

**TRAILER COACH:** Same as Mobile Home.

**TRAILER COACH PARK:** Same as Mobile Home Park

**UNDEVELOPABLE LAND:** Land which has soil types or a high water condition which presents severe limitations on septic tank and tile fields.

**SECTION 17.02u – “U” Definitions**

**USABLE FLOOR AREA:** The area for the purpose of computing parking and off-street loading and unloading space, is that area used for or intended to be used for the sale of merchandise or services or for use to serve patrons, clients or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise or utilities shall be excluded from this computation of “usable floor area”. Measurement of floor area shall be the sum of the gross horizontal areas of the several floors of the building measured from the interior faces of the exterior walls.

**USE:** The purpose for which land or premises of a building thereon is designed, arranged or intended, or for which it is occupied or maintained, let or leased.

**SECTION 17.02v – “V” Definitions**

**VARIANCE:** A modification of the literal provisions of this Ordinance which the Zoning Board of Appeals is permitted to grant when strict enforcement of said provisions would cause undue hardship owing to circumstances unique to the individual property on which the variance is sought.

**SECTION 17.02w – “W” Definitions**

**RESERVED**

**SECTION 17.02x – “X” Definitions**

**RESERVED**

### **SECTION 17.02y – “Y” Definitions**

**YARD:** An open space on the same lot with the main building, unoccupied and unobstructed from the ground upward except as otherwise provided in the Ordinance.

- A. **Front Yard:** A yard extending across 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.
- B. **Rear Yard:** A yard extending across 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.
- C. **Side Yard:** A yard between the main building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line to the nearest point of the main building.

### **SECTION 17.02z – “Z” Definitions**

**ZONING DISTRICT:** (see district)