

ZONING ORDINANCE

WISNER TOWNSHIP, TUSCOLA COUNTY, MICHIGAN

Adopted August 28, 1974

Amended Through June 17, 2019

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ARTICLE I

TITLE, PREAMBLE, ENACTING CLAUSE AND SHORT TITLE

SEC. 100. TITLE

AN ORDINANCE enacted under the Michigan Zoning Enabling Act, Act 110 of the Public Acts of 2006, as amended to regulate and restrict the location and use of buildings, structures and land for trade, industry, residence and for public and quasi-public or other specified uses; and to regulate and limit the height and bulk of buildings, and other structures; to regulate and to determine the size of yards, courts, and open spaces; to regulate and limit the density of population; and for said purposes to divide the Township into districts; defining certain terms used herein; providing for enforcement; establishing a Board of Appeals; and imposing penalties for the violation of this Ordinance.

SEC. 101. PREAMBLE

Pursuant to the authority conferred by the Public Acts of the State of Michigan in such case, made and provided and for the purpose of promoting, and protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the Township of Wisner; by protecting and conserving the character and social and economic stability of the residential, commercial, industrial and other use areas; by securing the most appropriate use of land, preventing over crowding of the land, and undue congestion of population; providing adequate light, air and reasonable access; and facilitating adequate and economical provision of transportation, water, sewers, schools, recreation and other public requirements, and by other means, all in accordance with a comprehensive plan now therefore;

SEC. 102. ENACTING CLAUSE

The Township of Wisner Ordains:

SEC. 103. SHORT TITLE

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

ARTICLE II

CONSTRUCTION OF LANGUAGE AND DEFINITIONS

SEC. 200. CONSTRUCTION OF LANGUAGE

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

1. The Particular shall control the general.
2. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
3. The word "shall" is always mandatory and not discretionary, the word "may" is permissive.
4. 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.
5. A "building" or "structure" includes any part thereof.
6. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for" or "occupied for".
7. The word "person" includes individual, a corporation, a partnership, an incorporated association, or any other similar activity.
8. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and", "or", "either ... or", the conjunction shall be interpreted as follows:
 - a. "And" indicates that all the connected items conditions, provisions, or events shall apply. '
 - b. "Or" indicates that all the connected items, conditions, provisions, or events may apply singly but not in combination.
 - c. "Either. . .or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
9. Terms not herein defined shall have the meaning customarily assigned to them.

SEC. 201. DEFINITIONS

Accessory Use or Accessory: A use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading) located on the same zoning lot as, the principal use to which it is related.

When "accessory" is used in this text, it shall have the same meaning as accessory use.

An accessory use includes, but is not limited to the following:

1. Residential accommodations for servants and-or caretakers.
2. Swimming pools for the use of the occupants of a residence, or their guests.

3. Domestic or agricultural storage in a barn, shed, tool room, or similar accessory building or other structure.
4. Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.
5. Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations.
6. Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which zoning lot is located.
7. Uses clearly incidental to a main use such as, but not limited to: offices of an industrial or commercial complex located on the site of the commercial or industrial complex.
8. Accessory off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located.
9. Accessory signs, subject to the sign regulations for the district in which the zoning lot is located.

Adult Entertainment Facilities. The following definitions shall apply in the application of this Ordinance:

1. **Specified Anatomical Areas:**
 - a. The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
 - b. Less than completely and opaquely covered human genitals, pubic region, buttocks or a female breast below a point immediately above the top of the areola.
2. **Specified Sexual Activities:**
 - a. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
 - b. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or
 - c. Excretory functions as part of or in connection with any of the activities set forth in (a) through (b) above.
3. **Adult Book Store:** a use which has a display containing books, magazines, periodicals, newspapers, slides, pictures, cassettes, videotapes, videodiscs, motion picture films, or other printed, recorded, or electronic material which has as a significant portion of its content or exhibit matter or actions depicting, describing, or relating to substantial segment or section devoted to the sale or display of such material. Retail establishments which display, sell, distribute, provide, or rent such material within an enclosed area not greater than five (5) percent of the total usable retail space, which is limited to persons eighteen (18) years of age or older, shall not be included in this definition. "Usable Retail Space" is defined as 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. The portion of the floor area which is used or intended to be used

principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities shall be excluded from the computation of "Usable Retail Space."

4. **Adult Cabaret:** a nightclub, theater, or other establishment which feature live performances by one or more topless and/or bottomless dancers, "go-go" dancers, exotic dancers, strippers, or similar entertainers, wait staff, or other persons, where a significant portion of such performances show, depict, or describe "Specified Sexual Activities" or "Specified Anatomical Areas."
5. **Adult Mini-Motion Picture Theatre:** an enclosed building with a capacity for less than fifty (50) persons used for presenting motion picture films, video cassettes or tapes, cable television, or other visual display depicting, describing, or presenting "Specified Sexual Activities" or "Specified Anatomical Areas."
6. **Adult Model Studio:** any place where, for any form of consideration or gratuity, figure models who display "Specified Anatomical Areas" are provided to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by persons paying such considerations or gratuities, except that this provision shall not apply to any bona fide art school or similar educational institutions.
7. **Adult Model:** a model wherein matter, actions, or other displays are presented which contain a significant portion depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas."
8. **Adult Motion Picture Arcade:** any place to which the public is permitted or invited wherein credit card or other payment method, or coin operated or electronically or mechanically controlled still or motion picture machines, projectors, video machines, or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where a significant portion of images so displayed depict, describe, or relate to "Specified Sexual Activities" or "Specified Anatomical Areas."
9. **Adult Motion Picture Theatre:** an enclosed building with the capacity of fifty (50) or more persons used for presenting motion picture films, videotapes or cassettes, cable television, or other visual display depicting or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" for observation by patrons therein.
10. **Adult Novelty Business:** any establishment that offers for sale devices that stimulate human genitals or devices designed for sexual stimulation. In addition, any novelties that are sexual in nature or are characterized by an emphasis on depicting or describing specific sexual conduct.
11. **Adult Personal Service Establishment:** any business, agency, or service which arranges, solicits, or provides for the benefit of its customers or clients, escorts, dates, models, unlicensed therapists, companions, or entertainers, either on or off the premises, for the purpose of engaging in "Specified Sexual Activities" or displaying "Specified Anatomical Areas" as defined herein. These establishments may include, but are not limited to: escort services, exotic rubs, modeling, body painting studios, wrestling studios, baths, and theatrical performances.

12. **Adult Physical Culture Establishment:** any establishment, club, or business by whatever name designated, which provides, offers, or advertises, or is equipped or arranged so as to provide as part of its services, either on or off the premises, massages, body rubs, physical stimulation, baths, tattoos, or other similar treatment by any person. The following uses shall not be included within the definition of an adult physical culture establishment:
 - a. Establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed osteopath, a licensed or certified physical or massage therapist, a licensed practical nurse, or any other similarly licensed medical professional;
 - b. Electrolysis treatment by a licensed operator of electrolysis equipment;
 - c. Continuing instruction in martial or performing arts or in organized athletic activities;
 - d. Hospitals, nursing homes, medical clinics, or medical offices; and,
 - e. Barbershops or beauty parlors, health spas and/or salons that offer massage to the scalp, face, the neck, or shoulders only.
13. **Adult Sexual Encounter Center:** any business, agency, or person who, for any form of consideration or gratuity, provides a place where two or more persons, not all members of the same family, may congregate, assemble, or associate for the purpose of engaging in "Specified Sexual Activities" or exposing "Specified Anatomical Areas."
14. **Restricted Adult Business:** any of the defined adult entertainment uses, which are not customarily open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.

Adult Foster Care Facility: A governmental or non-governmental establishment having as its principal function the receiving of adults for foster care. It includes facilities and foster care family homes for adults who are aged, emotionally disturbed, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. Such facilities are licensed under Public Act 218 of 1979 as amended. The following additional definitions shall apply in the application of this Ordinance:

1. **Adult Foster Care Congregate Facility:** An adult foster care facility with the approved capacity to receive more than 20 adults who shall be provided foster care. Such facilities are licensed under Public Act 218 of 1979 as amended.
2. **Adult Foster Care Family Home:** A dwelling unit with the approved capacity to receive not more than six adults who shall be provided foster care for five or more days a week and for two or more consecutive weeks. The adult foster care family home licensee shall be a member of the household and an occupant of the dwelling unit. Such facilities are licensed under Public Act 218 of 1979 as amended.
3. **Adult Foster Care Large Group Home:** An adult foster care facility with the approved capacity to receive at least 13 but not more than 20 adults who shall be provided foster care. Such facilities are licensed under Public Act 218 of 1979 as amended.

4. **Adult Foster Care Small Group Home:** An adult foster care facility with the approved capacity of not more than 12 adults who shall be provided foster care. Such facilities are licensed under Public Act 218 of 1979 as amended.

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

Agritourism Enterprise: An enterprise clearly subordinate to a farm, operated for the enjoyment and education of the public that may also generate additional farm income by promoting farm products. Agritourism enterprises may include: u-pick fruits and vegetable operations; educational tours; historical agricultural exhibits; educational classes, lectures and seminars; petting farms, animal display and pony rides; outdoor mazes of agricultural origin, such as straw bales or corn; wagon, sleigh and hayrides; nature trails; outdoor picnic areas; the use or rental of farm buildings for special events; and, other similar uses. Overnight sleeping accommodations are specifically excluded from this classification.

Airport: An Airport licensed by the Michigan department of transportation, bureau of aeronautics under section 86 of the aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.86.

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

Alterations: Any change, addition, or modification in construction or type of occupancy, or 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".

Apartments: A suite of rooms or a room in a multiple-family building arranged and intended for a place of residence of a single-family or a group of individuals living together as a single housekeeping unit.

Automobile Related Dealer: A building or premises used primarily for the sale of new or used automobiles, trucks and recreational vehicles. For the purposes of this Ordinance, sales of new or used trailers, mobile homes and modular homes are also included in this definition.

Automobile Related Repair Station: General repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, trucks and recreational vehicles; collision service, such as body, frame, or fender straightening and repair, overall painting, and vehicle rustproofing.

Automobile Service Station: A place that is used or designed to be used for the retail supply of gasoline and other fuels used for the propulsion of motor vehicles, kerosene, motor oil, lubricants or grease, including sale of accessories and services, such as: polishing, washing, cleaning, greasing, undercoating, and minor repairs, but not including bumping, painting, or refinishing thereof. In addition to automobile service, convenience stores and carry-out, drive-in, drive-thru, fast-food, and standard restaurants may be included within the same building or on the same site.

Automobile Washes: A building, or portion thereof, the primary purpose of which is that of washing vehicles either by automatic or self-service means.

Basement: That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.

Biofuel: Any renewable fuel product, whether solid, liquid, or gas, that is derived from recently living organisms or their metabolic by-products and meets applicable quality standards, including, but not limited to, ethanol and biodiesel. Biofuel does not include methane or any other fuel product from an anaerobic digester.

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

Building: Any structure, either temporary or permanent, having a roof supported by columns or walls and intended for the shelter or enclosure of persons, animals, chattels or property of any kind. For the purposes of this definition, "roof" shall include an awning or other similar covering, whether or not permanent in nature.

Building Height: The vertical distance measured from the established 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 roofs.

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

Church or other Place of Religious Assembly: A building, the primary use of which is regular assembly of persons for religious worship or services together with reasonably closely related activities or uses.

Clinic, Human: An establishment where human patients who are not lodged are admitted for examination and treatment by physicians, dentists or similar professionals.

Clinic, Veterinary: An establishment for the care, observation or treatment of domestic animals.

Club: An organization of persons for the special purposes or for the promotion of sports, arts, sciences, literature, politics, or the like, but not operated for profit.

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

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

1. **Family Day Care Home:** A state-licensed, owner-occupied private residence in which one (1) but not more than six (6) minor children are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood,

marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year.

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

Development: The construction of a new building or other structure on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new one.

District: A portion of the unincorporated area of the Township within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

Drive-In/Drive-Through Establishment: A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure.

Dwelling Unit: A separate and independent housekeeping unit for permanent residential occupancy by humans with facilities for such humans to sleep, cook and eat.

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

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

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

Erected: Built constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction, excavation, fill, drainage, and the like, shall be considered a part of erection.

Essential Services: The phrase "essential services" means the erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground, surface, or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, and other similar equipment and accessories in connection therewith reasonably 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 but not including buildings other than such buildings as are primarily enclosures or shelters of the above essential service equipment.

Ethanol: A substance that meets the ASTM international standard in effect on the effective date of this section as the D-4806 specification for denatured fuel grade ethanol for blending with gasoline.

Excavation: Any breaking of ground, except common household gardening and ground care and agricultural purposes.

Family: A group of individuals not necessarily related by blood, marriage, adoption, or guardianship living together in a dwelling unit as a single housekeeping unit and having an intentionally structured relationship providing organization and stability, but excluding a group occupying a boarding house, lodging house, dormitory, club, fraternity/sorority, or hotel/motel.

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

Farm Buildings: Any structure or building, other than a dwelling, used or built on a farm.

Farm Operation: The operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products, and includes, but is not limited to:

1. The marketing of produce at roadside stands or farm markets.
2. The generation of noise, odors, dust, fumes, and other associated conditions.
3. The operation of machinery and equipment necessary for a farm including, but not limited to, irrigation and drainage systems and pumps and on-farm grain dryers, and the movement of vehicles, machinery, equipment, and farm products and associated inputs necessary for farm operations on the roadway as authorized by the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws.

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

Farm Equipment Sales and Service: Establishments selling, renting or repairing agricultural machinery, equipment, and supplies for use in soil preparation and maintenance, the planting and harvesting of crops, and other operations and processes pertaining to farming and ranching.

Floor Area, Usable (For the purpose of computing parking): 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, hallways, or for utilities or sanitary facilities, shall be excluded from this computation of "Usable Floor

Area". Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

Foster Care Facilities. The following definitions shall apply in the application of this Ordinance:

1. **Foster Family Home:** A state-licensed, owner-occupied private residence 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 or marriage, or who are not placed in the household under the Michigan adoption code, 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.
2. **Foster Family Group Home:** A state-licensed, owner-occupied private residence 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 or marriage, or who are not placed in the household under the Michigan adoption code, are provided care 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.

Garage: An accessory building or portion of a main building designed or used for the storage of motor driven vehicles, boats and similar vehicles owned and used by the occupants of the building to which it is accessory.

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 entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

Home for the Aged: A supervised personal care facility, other than a hotel, adult foster care facility, hospital, nursing home, or county medical care facility, that provides room, board, and supervised personal care to twenty one (21) or more unrelated, nontransient, individuals sixty (60) years of age or older. Home for the aged includes a supervised personal care facility for twenty (20) or fewer individuals sixty (60) years of age or older if the facility is operated in conjunction with and as a distinct part of a licensed nursing home.

Home Occupation: An occupation carried on in a dwelling as a use clearly incidental and secondary to the use of the dwelling for single family residential purposes, and which does not change the nature or character of the dwelling.

Hospital: An institution or place where sick or injured patients are given medical or surgical care at either public or private expense, and operating under license from the Michigan Department of Public Health.

Hotel: A building or part of a building, with a common entrance or entrances, in which the dwelling units or rooming units are used primarily for transient occupancy, and in which one or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial or desk

service, and bellboy service. A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms, or meeting rooms.

Housing for the Elderly: A building or group of buildings containing dwellings where the occupancy of the dwellings is restricted to persons sixty-two (62) years of age or older, or couples where either spouse is sixty-two (62) years of age or older. This does not include a foster care home, home for the aged, nursing home, or convalescent home.

Intensive Animal Feeding Operation: The feeding of livestock, poultry, or small animals for commercial purposes usually in lots, pens, ponds, sheds or buildings where food is supplied primarily by means other than grazing, foraging, or other natural means.

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

Kennel: Any lot or premise where dogs, cats or other household pets are either permanently or temporarily boarded for remuneration. Kennel shall also include any lot or premises where household pets are bred and sold.

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 to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records.

Lot, Corner: A lot where the interior angle or two adjacent sides at the intersection of two streets is less than one hundred and 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 and fifty (150) feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight line extended from an interior angle of less than one hundred and thirty-five (135) degrees.

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

Lot, Through: Any interior lot having frontage on two (2) more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all yards of said lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required.

Lot, Zoning: A single tract of land, located within a single block, which, at the time of filing for a compliance permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control.

A zoning lot shall satisfy this Ordinance with respect to area, size, dimensions and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore, may not coincide with a lot of record as filed with the County Register of Deeds, but may include one or more lots of record.

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

Lot Coverage: The part or percent of the lot occupied by buildings including accessory buildings.

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

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

1. **Front Lot Line:** In the case of an interior lot, is that line separating said lot from the street. In the case of a through lot, is that line separating said lot from either street. In the case of a corner lot, is that line as designated on the building plans filed for approval with the Zoning Administrator.
2. **Rear Lot Line:** That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line, wholly within the lot.
3. **Side Lot Line:** Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

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

Lot Width: The maximum horizontal straight line distance between the side lot lines measured at right angles to the lot depth line.

Main Building: A building in which is conducted the principal use of the lot upon which it is situated.

Major Thoroughfare: A State Highway, arterial road or collector road as designated in the Wisner Township Master Plan.

Manufactured Housing: The following terms shall apply:

1. **Mobile Home.** A detached portable one-family dwelling, prefabricated on its own chassis and intended for long-term occupancy. The unit contains sleeping accommodations, a flush toilet, a wash basin, a tub or shower, and eating and living quarters. It is designed to be transported on its own wheels or flatbed arriving at the site where it is to be occupied as a complete dwelling without permanent foundation and connected to existing utilities.
2. **Modular Home.** A structure whose parts are manufactured separately off-site, but fitted together on a site with a permanent residential foundation.

- 3. Pre-Manufactured Home.** A structure which is capable of being occupied exclusively as a dwelling and which is comprised of pre-fabricated components which are manufactured off-site, transported and erected on a lot.

Master Plan: The comprehensive Township Plan including graphic and written proposals indicating the general location for streets, roadways, parks, schools, public buildings, and all physical development of the Township, and includes any unit or part of such plan, and any amendment to such plan or parts thereof. Such plan may or may not be adopted by the Planning Commission and-or Legislative Body.

Medical First Responder: An individual who has met the educational requirements of a department approved medical first responder course and who is licensed to provide medical first response life support as part of a medical first response service or as a driver of an ambulance that provides basic life support services only.

Mezzanine: An intermediate floor in any story occupying not to exceed thirty (30) percent of the floor area of such story.

Mobile/Manufactured Home Park: A parcel or tract of land under the control of an individual, partnership, association, trust, corporation, or any other legal entity or combination of legal entities upon which two (2) or more mobile/manufactured homes are located on a continual, non-recreational basis, and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incidental to the occupancy of a mobile/manufactured home or trailer coaches.

Migrant Labor Housing: Seasonal dwellings established and used as living quarters, which are licensed by the Michigan Department of Agriculture (MDA) for migratory laborers and their immediate family (spouse, grandparent, and/or children) who are engaged in agricultural activity, including related food processing.

Motel: A series of attached, semidetached or detached rental units containing a bedroom, bathroom and closet space. Units shall provide for overnight lodging and are offered to the public for compensation, and shall cater primarily to the public traveling by motor vehicle.

Nonconforming Building: A building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, and that does not conform to the provisions of the Ordinance in the district in which it is located.

Nonconforming Lot: A lot which was lawful at the time this chapter or amendments thereto became effective but that does not conform to the area, dimensions, or location regulations of the district in which it is located.

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

Nursery, Plant Materials: A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for sale on the premises including products used for gardening or

landscaping. The definition of nursery within the meaning of this Ordinance does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

Nuisance Factor: An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as, but not limited to: (a) noise, (b) dust, (c) smoke, (d) odor, (e) glare, (f) fumes, (G) flashes, (h) vibration, (i) shock waves, (j) heat, (k) electronic or atomic radiation, (l) objectionable effluent, (m) noise of congregation of people, particularly at night, (n) passenger traffic, (o) invasion of nonabutting street frontage by traffic.

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 three (3) vehicles.

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

Principal Use: The main use to which the premises are devoted and the principal purpose for which the premises exist.

Proof Gallon: As defined in 27 CFR 19.907, A gallon of liquid at 60 degrees Fahrenheit which contains 50 percent by volume of ethyl alcohol having a specific gravity of 0.7939 at 60 degrees Fahrenheit referred to water at 60 degrees Fahrenheit as unity, or the alcoholic equivalent thereof.

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

Recreational Vehicle: Includes a tent or vehicular-type structure designed primarily as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle which is self-powered. Recreational vehicles of this type shall include, but shall not be limited to, the following: travel trailers, camping trailers, tent trailers, motor homes and truck campers. Recreational vehicles shall also include, but shall not be limited to, the following: boats, boat trailers, snowmobiles, snowmobile trailers, all terrain vehicles, dune buggies, horse trailers and similar equipment.

Restaurant: A restaurant is any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose method of operation is characteristic of a carry-out, drive-in, drive-through, fast food, standard restaurant, or bar/lounge, or combination thereof, as defined below.

1. **Restaurant, Carry-Out:** A carry-out restaurant is a restaurant whose method of operation involved sale of food, beverages, and/or frozen desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption primarily off the premises.

2. **Restaurant, Drive-In:** A drive-in restaurant is a restaurant designed to permit or facilitate the serving of meals, sandwiches, ice cream, beverages or other food served directly to or permitted to be consumed by patrons in cars or other vehicles parked on the premises, or permitted to be consumed by patrons elsewhere on the site outside the main building.
3. **Restaurant, Drive-Thru:** A drive-thru restaurant is a restaurant whose method of operation involves minimum waiting for delivery of ready-to-consume food to the customer at a window, permitting the customer to remain in its vehicle, for consumption primarily off the premises. A drive-thru restaurant may or may not include features of uses defined as "Restaurant, Carry-Out" or "Restaurant, Fast-Food".
4. **Restaurant, Fast-Food:** A fast-food restaurant is a restaurant whose method of operation involves minimum waiting for delivery of ready-to-consume food to the customer at a counter or cafeteria line for consumption where it is served, or at tables, booths, or stands inside or outside of the structure, or for consumption off the premises, but not in a motor vehicle at the site.
5. **Restaurant, Standard:** A standard restaurant is a restaurant whose method of operation involves either the delivery of prepared food by waiters and waitresses to customers seated at tables or the prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers at tables.
6. **Bar/Lounge:** A bar or lounge is a type of restaurant which is operated primarily for the dispensing of alcoholic beverages, although the sale of prepared food or snacks may also be permitted. If a bar or lounge is part of a larger dining facility, it shall be defined as that part of the structure so designated or operated.

Room: For the purpose of determining lot area requirements and density in a multiple-family district, a room is a living, dining room or bedroom that is equal to at least one hundred (100) square feet in area for each room. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways and storage. Plans presented showing 1, 2, or 3 bedroom units and including a "den", "library" or other extra room shall count such extra room as a bedroom for the purpose of computing density.

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

Sign: A device which is affixed to, or otherwise located or set upon a building, structure or parcel of land which directs attention to an activity, or business. The definition includes interior signs, which are directed at persons outside the premises of the sign owners and exterior signs, but not signs primarily directed at persons within the premises of the sign owner. The definition does not include goods for sale displayed in a business window.

Sign, Accessory: A sign which is accessory to the principal use of the premises.

Sign, Nonaccessory: A sign which is not accessory to the principal use of the premises.

Solar Energy Systems: The following terms shall apply:

1. **Abandoned Solar Energy System:** any Solar Energy System that remains nonfunctional or inoperative to the extent that it is not used to generate electrical energy for a continuous period of 180 days.
2. **Building Integrated Photovoltaic System:** a combination of photovoltaic building components integrated into any building envelope system such as vertical facades including glass and other façade material, semitransparent skylight systems, roofing materials, and shading over windows, which do not impact the aesthetic appearance of the building or structure.
3. **Photovoltaic Device:** a system of components that generates electrical energy from incidental sunlight by means of photovoltaic effect, whether or not the device is able to store the electric energy produced for later use.
4. **Solar Array:** any number of photovoltaic devices connected together to provide a single output of electrical energy or other energy.
5. **Solar Energy System, Large Scale:** a utility-scale solar energy system where the primary use of the land is to generate electric energy or other energy by converting sunlight, whether by photovoltaic devices or other conversion technology, for the sale, delivery or consumption of the generated energy by more than one end-user, and typically the power output of that system is equal to or greater than 1 megawatt. Large scale solar energy systems may be a primary or an accessory use.
6. **Solar Energy System, Small Scale:** a solar energy system where the sole use is to generate electric energy or other energy by converting sunlight, whether photovoltaic devices or other conversion technology, primarily for consumption by a single end user at the same property upon which the solar energy system is located. The power output of the system shall not exceed 150 kilowatts. Small scale solar energy systems shall only be an accessory use to a primary use.

Special Land Use: A use, which is subject to special approval by the Planning Commission. A special land use may be granted only in accordance with specific provision in this Ordinance. A special use is not considered to be a nonconforming use.

Story: That part of a building, except a mezzanine as defined herein included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A story thus defined shall not be counted as a story when more than fifty (50) percent, by cubic content, is below the grade (ground elevation).

Story, Half: An uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven feet six inches (7'-6"). For the purpose of this Ordinance, the usable floor area is only that area having at least four (4) feet clear height between floor and ceiling.

Street: A public dedicated right-of-way, other than an alley, which affords the principal means of access to abutting property.

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

Temporary Use or Building: A use or building permitted by the Board of Appeals to exist during periods of construction of the main building or use, or for special events.

Township: The Township of Wisner, Tuscola County, Michigan.

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

Variance: Permission by the Zoning Board of Appeals to depart from the literal requirements of this Ordinance.

Wall, Obscuring: A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this Ordinance.

Wetland: Any land characterized by the presence of water at a frequency and duration sufficient to support (and that under normal circumstances does support) wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh.

Wetland, State Regulated: Land characterized by the presence of water at a frequency and duration sufficient to support (and that under normal circumstances does support) wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh and which is any of the following:

1. Contiguous to any lake, pond, river, or stream.
2. Not contiguous to any lake, pond, river, or stream; and more than five (5) acres in size.
3. Not contiguous to any lake, pond, river or stream; and five (5) acres or less in size if the Michigan Department of Environmental Quality (MDEQ) determines that protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the MDEQ has so notified the owner.

Wireless Communication Facilities:

1. **Collocate:** To place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound. Collocation has a corresponding meaning.
2. **Wireless Communications Equipment Compound (WCEC):** An area surrounding or adjacent to the base of a wireless communications support structure and within which the wireless communications equipment is located.
3. **Wireless Communications Equipment (WCE):** The set of equipment and network components used in the provision of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.
4. **Wireless Communications Support Structure (WCSS):** A structure that is designed to support, or is capable of supporting, wireless communications equipment, including a monopole, self-supporting lattice tower, guyed tower, water tower, utility pole, or building.

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

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







Zoning Administrator: The authorized individual charged with the responsibility of administering this Ordinance and appointed by the Township Board of Trustees.

ARTICLE III

ZONING DISTRICTS AND MAP

SEC. 300. DISTRICTS ESTABLISHED

For the purpose of this Ordinance, the unincorporated area of the Township of Wisner is hereby divided into the following districts:

-  Open Agricultural and Recreational District
-  One-Family Residential District
-  Multiple-Family Residential District
-  Commercial District
-  Industrial District
-  Conservation Overlay District

SEC. 301. DISTRICT BOUNDARIES

The boundaries of these districts are hereby established as shown on the Zoning Map, Wisner Township Zoning Ordinance, which accompanies this Ordinance, and which map with all notations, references and other information shown thereon shall be as much a part of this Ordinance as if fully described herein.

SEC. 302. DISTRICT BOUNDARIES INTERPRETED

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways or alleys, shall be construed to follow such center lines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following Section lines shall be construed to follow such Section Lines.
4. Boundaries indicated as approximately following Township boundaries shall be construed as following Township boundaries.
5. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
6. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line. Boundaries indicated as approximately following the center line of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines.

7. Boundaries indicated as parallel to or extensions of features indicated in subsection 1 through 6 above shall be so construed.
8. Where physical or natural features existing on the ground are at variance with those shown on the official Zoning Map, or in other circumstances not covered by subsections 1 through 6 above, the Board of Appeals shall interpret the district boundaries.
9. Insofar as some of all of the various districts may be indicated on the Zoning Map by patterns which, for the sake of map clarity, do not cover public rights-of-way, it is intended that such district boundaries do extend to the center of any public right-of-way.

SEC. 303. ZONING OF VACATED AREAS

Whenever any street, alley or other public way, within the unincorporated area of Wisner Township shall be vacated, such street, alley or other public way or portion thereof, shall automatically be classified in the same Zone District as the property to which it attaches.

SEC. 304. DISTRICT REQUIREMENTS

All buildings and uses in any District shall be subject to the provisions of ARTICLE X SCHEDULE OF REGULATIONS, ARTICLE XI GENERAL PROVISIONS and ARTICLE XII GENERAL EXCEPTIONS.

SEC. 305. USE MATRIX

The following is a reference table that summarizes the uses listed in the Ordinance. Specific uses and conditions, as applicable, are listed in Articles IV through VIII. Where there are any conflicts between this summary reference table and the uses listed in Articles IV through VIII, the latter will control.

RURAL AND AGRICULTURAL USES	O	R1	RM-1	C	I
Agritourism enterprises	See Section 1126				
Agricultural facilities used for the collection, storage and distribution of agricultural products to wholesale and retail markets	S				
Agricultural research and product testing facilities	S				
Agricultural related auction sales establishments	S				
Agricultural equipment sales and service establishment	S				
Agricultural related sale and storage of seed, fertilizer, and other products essential to agricultural production	S				
Biofuel production facility with an annual capacity of not more than 100,000 gallons of biofuel	P				
Either, a biofuel production facility with an annual production capacity of not more than 100,000 gallons of biofuel that meets the requirements Section 6.01(K)(1) and (2), but not (3) <u>or</u> a biofuel production facility with an annual production capacity of more than 100,000 gallons but not more than 500,000 gallons of biofuel that meets the requirements Section 6.01(K)(1) and (2)	S				
Farm operations and buildings	P	P	P		
Intensive animal feeding operations	S				
Plant materials nurseries	S				
Roadside stands or farm markets	See Section 1121				
RESIDENTIAL USES	O	R1	RM-1	C	I
Adult foster care family homes	P	P	P		
Adult foster care small group homes	P	S	S		
Adult foster care large group homes	S	S	S		
Adult foster care congregate facilities			S		
Convalescent homes, nursing homes, or homes for the aged			S		
P = Principal Permitted Use S = Use Permitted after Special Land Use Approval					

RESIDENTIAL USES (cont.)	O	R1	RM-1	C	I
Family day care homes	P	P	P		
Foster family homes	P	P	P		
Foster family group homes	P	P	P		
Group day care homes	S	S	S		
Home occupations	See Section 1120				
Housing for the elderly			S		
Migrant labor housing	S				
Mobile or manufactured home parks			S		
Multiple-family dwellings			P		
One-family detached dwellings	P	P	P		
Private swimming pools	See Section 1119				
Residential dwelling units				S	
Two-family dwellings		S	P		
COMMUNITY AND RECREATION USES	O	R1	RM-1	C	I
Airports	S				
Banquet halls				P	
Boat liveries, bath houses, and bathing beaches	S				
Campgrounds and travel trailer courts	S				
Churches or other places of religious assembly	S	S	S	P	
Clinics, human or veterinary	S		S	P	
Clubs	S			P	
Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical, or religious education and not operated for profit		S	S		
Day care centers	S	S		P	
Golf courses and driving ranges, not including miniature golf	S	S	S		
Health and athletic clubs				P	
Hospitals			S	S	
<p style="text-align: center;">P = Principal Permitted Use S = Use Permitted after Special Land Use Approval</p>					

COMMUNITY AND RECREATION USES (cont.)	O	R1	RM-1	C	I
Mortuary establishments			S	S	
Private noncommercial recreational areas, institutional or community recreation centers; non-profit swimming clubs		S	S		
Public or private forest preserve, game refuge, park, playground, or other recreation purpose	P				
Public or private conservation area and structure for the development, protection and conservation of open space watersheds, water, soil, forest and wildlife resources	P				
Public service facilities, without storage yards, when operating requirements necessitate the locating of said building within the district in order to serve the vicinity	P	S	S	P	
Public utilities, including buildings, necessary structures, storage yards and other related uses					P
Publicly or privately owned buildings or facilities, including marinas, cemeteries, intermediate or secondary schools, recreational facilities, libraries or similar uses	S				
Publicly owned and operated libraries, parks, parkways and recreational facilities		P	P		
Public, parochial and other private elementary schools offering courses in general education, and not operated for profit		P	P		
Public, parochial and private intermediate and-or secondary schools offering courses in general education, and not operated for profit		S	S		
Riding and boarding stables	S				
Trade and industrial schools					P

COMMERCIAL AND OFFICE USES	O	R1	RM-1	C	I
Arcades, billiard parlors, card rooms, game rooms and similar indoor entertainment facilities				S	
Automobile related dealers				S	
Automobile related repair stations				S	S
Automobile service stations				S	
Automobile washes				S	
Banks, credit unions, savings and loan associations, and similar uses				P	
Bars/lounges				S	
Bed and breakfast establishments	S	S			
Bowling alleys				P	
Carry-out restaurants, drive-in restaurants, drive-thru restaurants, or fast-food restaurants				S	
Hotels or motels				S	
Kennels	S				P
Laundromats and coin operated dry cleaners				P	
Office-type business related to medical, executive, administrative, or professional occupations including, but not limited to, offices of a doctor, dentist, lawyer, accountant, insurance/real estate agent, architect, engineer, and similar occupations				P	
Open air businesses for the sale of manufactured products, such as similar to garden furniture, earthenware, hardware items, or the rental of manufactured products or equipment, small tools, trailers, and similar products and equipment				S	
Personal service establishments which perform services on the premises, such as but not limited to: repair shops (watches, radio, television, shoe and etc.), tailor shops, beauty parlors or barber shops, photographic studios, packaging and shipping services, photocopying services, and self-service laundries and dry cleaners.				P	
P = Principal Permitted Use S = Use Permitted after Special Land Use Approval					

COMMERCIAL AND OFFICE USES (cont.)	O	R1	RM-1	C	I
Resorts, resort hotels, vacation lodges, motels and other tourist lodging facilities	S				
Retail businesses which supply commodities on the premises, such as but not limited to: groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing and notions or hardware				P	
Retail sales businesses whose principal activity is the sale of general merchandise in an enclosed building				P	
Self-storage facilities				S	
Shopping centers				P	
Standard restaurants				P	
Stadiums, sports arenas or similar places of outdoor assembly				S	
Theaters, auditoriums, concert halls, or similar places of assembly when conducted within a completely enclosed building				P	
Trucking facilities	S			S	P
INDUSTRIAL USES	O	R1	RM-1	C	I
Any use charged with the principal function of basic research, design and pilot or experimental product development when conducted within a completely enclosed building					P
Central dry cleaning plants or laundries provided that such plants shall not deal directly with consumer at retail					P
Incineration of garbage or refuse					S
Junk yards					S
Laboratories - experimental, film and testing					P
Lumber and planeing mills					S
P = Principal Permitted Use S = Use Permitted after Special Land Use Approval					

INDUSTRIAL USES (cont.)	O	R1	RM-1	C	I
Manufacture, compounding, processing, packaging, or treatment of articles or merchandise from previously prepared materials: bone, canvas, cellophane, cloth, cork, elastomers, feathers, felt, fibre, fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semiprecious metals or stones, sheet metal, shell textiles, tobacco, wax, wire, wood and yarns					P
Manufacture, compounding, processing, packaging, or treatment of such products as, but not limited to: bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery, tool, die, gauge and machine shops.					P
Manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas					P
Manufacture of musical instruments, toys, novelties, and metal or rubber stamps, or other molded rubber products					P
Manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs					P
Manufacturing and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like					P
Metal plating, buffing and polishing					S
Municipal uses such as water treatment plants, and reservoirs, sewage treatment plants, and all other municipal buildings and uses, including outdoor storage					P
Storage facilities for building materials, sand, gravel, stone, lumber, storage of contractor's equipment and supplies					P
Warehousing and wholesale establishments and trucking facilities					P
P = Principal Permitted Use S = Use Permitted after Special Land Use Approval					

INDUSTRIAL USES (cont.)	O	R1	RM-1	C	I
Warehouses, storage and transfer and electric and gas service buildings and yards. Public utility buildings, telephone exchange buildings, electrical transformer stations and substations, and gas regulator stations. Water supply and sewage disposal plants. Water and gas tank holders, railroad transfer and storage tracks, railroad rights-of-way, freight terminals					P
OTHER USES	O	R1	RM-1	C	I
Adult entertainment facilities					S
Commercial television and radio towers and public utility microwaves, and public utility television transmitting towers	See Section 1107				
Ponds	See Section 1124				
Sand, gravel, topsoil, ore and mineral removal	See Section 1107				
Solar energy systems	See Section 1125				
Wireless communication facilities	See Section 1123				
P = Principal Permitted Use S = Use Permitted after Special Land Use Approval					

ARTICLE IV

O – OPEN AGRICULTURAL AND RECREATIONAL DISTRICT

SEC. 400. INTENT

This district is composed of certain large open land and wooded areas. The regulations are designed to retain, insofar as is practicable and desirable, the open character of this land and, to that end, the uses are limited to open recreational, agricultural, forestry and such other uses as may be designated.

SEC. 401. PRINCIPAL USES PERMITTED

No land shall be used or occupied and no structures shall be designed, erected, altered, used, or occupied except for one (1) or several of the following:

1. Adult foster care family homes.
2. Adult foster care small group homes.
3. Farm operations and buildings.
4. Family day care homes.
5. Foster family homes.
6. Foster family group homes.
7. One-family detached dwellings.
8. Public or private forest preserve, game refuge, park, playground, or other recreation purpose.
9. Public or private conservation area and structure for the development, protection and conservation of open space watersheds, water, soil, forest and wildlife resources.
10. Public service facilities, without storage yards, when operating requirements necessitate the locating of said building within the district in order to serve the vicinity.
11. Roadside stands or farm markets in accordance with SEC 1121
12. Any other use which is determined by the Planning Commission to be of the same general character as, and compatible with, the above permitted uses.
13. Biofuel production facility with an annual capacity of not more than 100,000 gallons of biofuel, if all of the following requirements are met:
 - a. The biofuel production facility is located on a farm,
 - b. The biofuel production facility is located not less than 100 feet from the boundary of any contiguous property under different ownership than the property on which the biofuel production facility is located and meets all applicable setback requirements of the Zoning Ordinance, and
 - c. On an annual basis, not less than 75% of the feedstock for the biofuel production facility is produced on the farm where the biofuel production facility is located, and not less than 75% of the biofuel or another product or by-product produced by the biofuel production facility is used on that farm.

14. Accessory buildings and uses customarily incidental to any of the above permitted uses.

SEC. 402. SPECIAL LAND USES

The following special land uses shall be permitted subject to review and approval by the Planning Commission, after public hearing, in accordance with SEC. 1308 (Review and Approval of Special Land Uses):

1. Adult foster care large group homes.
2. Agricultural facilities used for the collection, storage and distribution of agricultural products to wholesale and retail markets.
3. Agricultural research and product testing facilities.
4. Agricultural related auction sales establishments, provided the lot borders a Section Line Road or Major Thorofare.
5. Agricultural equipment sales and service establishment, provided the lot borders a Section Line Road or Major Thorofare.
6. Agricultural related sale and storage of seed, fertilizer, and other products essential to agricultural production, provided the lot borders a Section Line Road or Major Thorofare.
7. Airports.
8. Bed and breakfast establishments.
9. Boat liverys, bath houses, and bathing beaches, subject to the following conditions:
 - a. The minimum State of Michigan health requirements governing such activities.
 - b. The site shall be at least one (1) acre.
 - c. No building or structure shall be closer than fifty (50) feet to a property line.
10. Churches or other places of religious assembly subject to the following conditions:
 - a. Buildings of greater than the maximum height allowed in ARTICLE X - SCHEDULE OF REGULATIONS may be allowed provided front, side and rear yards are increased above the minimum required yards by one (1) foot for each foot of building height that exceeds the maximum height allowed. Free-standing towers associated with these buildings shall be located no closer to property lines than one and one-half (1 ½) times the height of the tower measured from the base of said tower to all points on each property line.
 - b. Such lot shall border a Section Line Road or Major Thorofare.
 - c. Churches may include customary accessory uses as religious education facilities; quarters for clergy; monasteries, convents and nunneries, recreational facilities, schools, day care facilities, and off-street parking lots.
11. Clinics, human or veterinary, provided the lot borders a Section Line Road or Major Thorofare.
12. Clubs, provided the lot borders a Section Line Road or Major Thorofare.
13. Day care centers, subject to the following conditions:
 - a. For each child so cared for, there shall be provided and maintained a minimum of one hundred and fifty (150) square feet of outdoor play area.

- b. Such play space shall have a total minimum area of not less than five thousand (5,000) square feet and shall be fenced and screened from any adjoining lot in any residential district.
 - c. All access to the site shall be in accordance with SEC. 1116.
- 14. Golf courses and driving ranges, not including miniature golf, which may or may not be operated for profit, provided the lot borders a Section Line Road or Major Thorofare.
- 15. Group day care homes.
- 16. Intensive animal feeding operations, subject to the following conditions:
 - a. The location of an intensive animal feeding operation shall be at least five hundred (500) feet from any dwelling located on adjacent or neighboring premises. In other cases, the minimum setbacks listed in ARTICLE X shall apply.
 - b. Such operation shall not be permitted on parcels of less than forty (40) acres.
- 17. Kennels.
- 18. Migrant labor housing.
- 19. Plant materials nurseries.
- 20. Publicly or privately owned buildings or facilities, including marinas, cemeteries, intermediate or secondary schools, recreational facilities, libraries or similar uses, provided the lot borders a Section Line Road or Major Thorofare.
- 21. Resorts, resort hotels, vacation lodges, motels, and other tourist lodging facilities, subject to the following conditions:
 - a. Such uses shall be developed on sites not less than five (5) acres in area.
 - b. Buildings shall be set back at least fifty (50) feet from any abutting street right-of-way.
 - c. Such lot shall border a Section Line Road or Major Thorofare.
- 22. Riding and Boarding Stables, subject to the following conditions:
 - a. The location of such stables shall be no less than five hundred (500) feet from any dwelling located on adjacent or neighboring premises.
 - b. All insects, dust and rodents shall be controlled in such a manner as not to be a health hazard or create a nuisance to adjacent property.
- 23. Campgrounds and travel trailer courts, subject to the following conditions:
 - a. The minimum State of Michigan health requirements governing travel trailer courts and camping areas for public use.
 - b. The use is developed on a site of at least five (5) acres.
 - c. No person shall occupy any trailer, tent or house car unit for more than six (6) months in any one year.
- 24. Trucking facilities, subject to the following conditions:
 - a. All outdoor truck storage, parking and maneuvering areas shall be no less than five hundred (500) feet from any dwelling located on adjacent or neighboring premises.
 - b. Such lot shall border a Section Line Road or Major Thorofare.
- 25. Either, a biofuel production facility with an annual production capacity of not more than 100,000 gallons of biofuel that meets the requirements Section 6.01(K)(1) and (2), but

not (3) or a biofuel production facility with an annual production capacity of more than 100,000 gallons but not more than 500,000 gallons of biofuel that meets the requirements Section 6.01(K)(1) and (2) (Subject to SEC. 1127).

26. Accessory buildings and uses customarily incidental to any of the above special uses.

SEC. 403. AREA AND BULK REQUIREMENTS

See ARTICLE X - SCHEDULE OF REGULATIONS limiting the height and bulk of buildings, the minimum size lot permitted by land use, the maximum density permitted, and providing minimum yard setback requirements.

ARTICLE V

R1 – ONE-FAMILY RESIDENTIAL DISTRICT

SEC. 500. INTENT

The R1, One Family Residential District is designed to be the most restrictive of the residential districts. The intent is to provide for an environment of predominantly low-density, one family detached dwellings along with other residentially related facilities which serve the residents in the district.

SEC. 501. PRINCIPAL USES PERMITTED

In a One-Family Residential District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance.

1. Adult foster care family homes.
2. Family day care homes.
3. Farm operations and buildings.
4. Foster family homes
5. Foster family group homes
6. One-family detached dwellings.
7. Publicly owned and operated libraries, parks, parkways and recreational facilities.
8. Public, parochial and other private elementary schools offering courses in general education, and not operated for profit.
9. Any other use which is determined by the Planning Commission to be of the same general character as, and compatible with, the above permitted uses.
10. Accessory buildings and uses, customarily incidental to any of the above permitted uses.

SEC. 502. SPECIAL LAND USES

The following special land uses shall be permitted subject to review and approval by the Planning Commission, after public hearing, in accordance with SEC. 1308 (Review and Approval of Special Land Uses):

1. Adult foster care small group homes.
2. Adult foster care large group homes.
3. Bed and breakfast establishments.
4. Churches or other places of religious assembly, subject to the following conditions:
 - a. Building of greater than the maximum height allowed in ARTICLE X - SCHEDULE OF REGULATIONS may be allowed provided front, side and rear yards are increased above the minimum required yards by one (1) foot for each foot of building height that exceeds the maximum height allowed. Freestanding towers associated with these buildings shall be located no closer to property lines than

- one and one half ($\frac{1}{2}$) times the height of the tower measured from the base of said tower to all points on each property lines.
- b. All access to the site shall be in accordance with SEC. 1116.
5. Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical, or religious education and not operated for profit, all subject to the following conditions:
- a. Any use permitted herein shall be developed only on sites of at least forty (40) acres in area, and shall not be permitted on any portion of a recorded subdivision plat.
- b. All access to said site shall be in accordance with SEC. 1116.
- c. No building shall be closer than eighty (80) feet to any property line.
6. Day care centers, subject to the following conditions:
- a. For each child so cared for, there shall be provided and maintained a minimum of one hundred and fifty (150) square feet of outdoor play area.
- b. Such play space shall have a total minimum area of not less than five thousand (5,000) square feet and shall be fenced and screened from any adjoining lot in any residential district.
- c. All access to the site shall be in accordance with SEC. 1116.
7. Golf courses and driving ranges, not including miniature golf which may or may not be operated for profit, subject to the following conditions:
- a. The site shall be so planned as to provide all access in accordance with SEC. 1017.
- b. The site plan shall be laid out to achieve a relationship between the major thoroughfare and any proposed service roads, entrances, driveways and parking areas which will encourage pedestrian and vehicular traffic safety.
- c. Development features including the principal and accessory buildings and structures shall be so located and related as to minimize the possibilities of any adverse affects upon property. This shall mean that all principal or accessory buildings shall be not less than two hundred (200) feet from any property line abutting residentially zoned land; provided that where topographic conditions are such that buildings would be screened from view, the Planning Commission may modify this requirement. The lighting of a golf course shall not be constructed so as to interfere with adjoining property.
- d. Whenever a swimming pool is to be provided, said pool shall be provided with a protective fence six (6) feet in height, and entry shall be by means of a controlled gate.
8. Group day care homes.
9. Private noncommercial recreational areas, institutional or community recreation centers; non-profit swimming clubs, subject to the following conditions:
- a. The proposed site for any of the uses permitted herein which would attract persons from, or are intended to serve, areas beyond the immediate neighborhood shall have at least one property line abutting a major thoroughfare,

and the site shall be so planned as to provide all access in accordance with SEC. 1116.

- b. Front, side and rear yards, shall be at least eighty (80) feet wide, and shall be landscaped in trees, shrubs and-or grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except required entrance drives and those walls used to obscure the use from abutting residential districts. Parking is permitted in the side and rear yards only.
 - c. Off-street parking shall be provided so as to accommodate not less than one-half (½) of the member families and-or individual members. The Planning Commission may modify the off-street parking requirements in those instances wherein it is specifically determined that the users will originate from the immediately adjacent areas, and will therefore be pedestrian. Prior to the issuance of a zoning compliance permit, bylaws of the organization shall be provided in order to establish the membership involved for computing the off-street parking requirements. In those cases wherein the proposed use or organization does not have bylaws or formal membership, the off-street parking requirements shall be determined by the Planning Commission on the basis of usage.
 - d. Whenever a swimming pool is to be provided, said pool shall be provided with a protective fence six (6) feet in height, and entry shall be by means of a controlled gate.
- 10. Public, parochial and private intermediate and-or secondary schools offering courses in general education, not operated for profit. Access to the site shall be in accordance with SEC. 1116.
 - 11. Public service facilities, without storage yards, when operating requirements necessitate the locating of said building within the district in order to serve the vicinity.
 - 12. Two-family dwellings.
 - 13. Accessory buildings and uses customarily incidental to any of the above special uses.

SEC. 503. AREA AND BULK REQUIREMENTS

See ARTICLE X - SCHEDULE OF REGULATIONS limiting the height and bulk of buildings, the minimum size of lot permitted by land use, the maximum density permitted and providing minimum yard setback requirements.

ARTICLE VI

RM-1 – MULTIPLE-FAMILY RESIDENTIAL DISTRICT

SEC. 600. INTENT

The RM-1, Multiple-Family Residential Districts are designed to provide sites for multiple-family dwelling structures, and related uses. The Multiple-Family District is further provided to serve the limited needs for the apartment type unit in an otherwise medium density, single-family community.

SEC. 601. PRINCIPAL USES PERMITTED

In a Multiple-Family Residential District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

1. All principal uses permitted and as regulated in the R-1 One-Family Residential Districts.
2. Two-family dwellings.
3. Multiple-family dwellings.
4. Any other use which is determined by the Planning Commission to be of the same general character as, and compatible with, the above permitted uses.
5. Accessory buildings and uses customarily incidental to any of the above permitted uses.

SEC. 602. REQUIRED CONDITIONS FOR MULTIPLE FAMILY DWELLINGS

1. In the case of multiple dwelling developments, all site plans shall be submitted to the Planning Commission for its review and approval prior to issuance of a zoning compliance permit.

Approval shall be contingent upon a finding that: (1) The site plan shows that a proper relationship exists between local streets and any proposed service roads, driveways, and parking areas to encourage pedestrian and vehicular traffic safety, and (2) all the development features including the principal building or buildings and any accessory buildings, or uses, open spaces, and any service roads, driveways and parking areas are so located and related to minimize the possibility of any adverse effects upon adjacent property, such as, but not limited to: channeling excessive traffic into local residential streets, lack of adequate screening or buffering of parking or service areas, or building groupings and circulation routes located as to interfere with police and fire equipment access.

2. All access to the site shall be in accordance with SEC. 1116.

SEC. 603. SPECIAL LAND USES

The following special land uses shall be permitted subject to review and approval by the Planning Commission, after public hearing, in accordance with SEC. 1308 (Review and Approval of Special Land Uses):

1. All special uses permitted and as regulated in the R-1 One-Family Residential Districts.
2. Adult foster care congregate facilities.
3. Clinics, human or veterinary.
4. Convalescent homes, nursing homes, or homes for the aged, subject to the following conditions:
 - a. There shall be provided on the site, not less than fifteen hundred (1,500) square feet of open space for each bed in the home. The fifteen hundred (1,500) square feet of land area shall provide for landscape setting off-street parking, service drives, loading space, yard requirement and accessory uses, but shall not include the area covered by main or accessory buildings.
 - b. No building shall be closer than forty (40) feet to any property line.
5. Hospitals, with no maximum height restrictions, subject to the following conditions:
 - a. All such hospitals shall be developed on sites consisting of at least ten (10) acres in area.
 - b. All access to the site shall be in accordance with SEC. 1116.
 - c. The minimum distance of any main or accessory building from bounding lot lines or streets shall be at least one hundred (100) feet for front, rear and side yards for all two (2) story structures. For every story above two (2), the minimum yard distance shall be increased by at least twenty (20) feet.
6. Housing for the elderly, subject to the following conditions:
 - a. All housing for the elderly shall be provided as a planned development and may provide for the following:
 - i. Cottage type dwellings and-or apartment type dwelling units
 - ii. Common services containing, but not limited to: central dining rooms, recreational rooms, central lounge and workshops.
 - b. All dwelling shall consist of at least three hundred and fifty (350) square feet per unit (not including kitchen and sanitary facilities).
 - c. Total coverage of all buildings (including dwelling units and related service buildings) shall not exceed twenty-five (25) percent of the total site exclusive of any dedicated public right-of-way.
7. Mobile or manufactured home parks, subject to the requirements of the Mobile Home Commission Act, Act 96 of 1987, as amended.
8. Mortuary establishments, when adequate assembly area is provided off-street for vehicles to be used in funeral processions, provided further that such assembly area shall be provided in addition to any required off-street parking area. A caretaker's residence may be provided within the main building or mortuary establishment.
9. Accessory buildings and uses customarily incident to any of the above special uses.

SEC. 604. AREA BULK REQUIREMENTS

See ARTICLE X - SCHEDULE OF REGULATIONS limiting the height and bulk of buildings, the minimum size of lot permitted by land use, maximum density permitted and providing minimum yard setback requirements.

ARTICLE VII

C – COMMERCIAL DISTRICT

SEC. 700. INTENT

The C, Commercial District, as herein established, is designed to meet the day-to-day convenience shopping and service needs of persons residing in nearby residential and agricultural areas. Further, it is designed to accommodate uses such as offices, banks, and personal services which can serve as transitional areas between residential and commercial uses, and to provide a transition between major thoroughfares and residential districts.

SEC. 701. PRINCIPAL USES PERMITTED

No land shall be used or occupied and no structures shall be designed, erected, altered, used, or occupied except for one or more of the following:

1. Banks, credit unions, savings and loan associations, and similar uses.
2. Banquet halls.
3. Bowling alleys.
4. Churches or other places of religious assembly, subject to the following conditions:
 - a. Building of greater than the maximum height allowed in ARTICLE X - SCHEDULE OF REGULATIONS may be allowed provided front, side and rear yards are increased above the minimum required yards by one (1) foot for each foot of building height that exceeds the maximum height allowed. Freestanding towers associated with these buildings shall be located no closer to property lines than one and one half ($\frac{1}{2}$) times the height of the tower measured from the base of said tower to all points on each property lines.
5. Clinics, human or veterinary.
6. Clubs.
7. Day care centers, subject to the following conditions:
 - a. For each child so cared for, there shall be provided and maintained a minimum of one hundred and fifty (150) square feet of outdoor play area.
 - b. Such play space shall have a total minimum area of not less than five thousand (5,000) square feet.
8. Health and athletic clubs.
9. Laundromats and coin operated dry cleaners.
10. Office-type business related to medical, executive, administrative, or professional occupations including, but not limited to, offices of a doctor, dentist, lawyer, accountant, insurance/real estate agent, architect, engineer, and similar occupation.
11. Personal service establishments which perform services on the premises, such as but not limited to: repair shops (watches, radio, television, shoe and etc.), tailor shops,

- beauty parlors or barber shops, photographic studios, packaging and shipping services, photocopying services, and self-service laundries and dry cleaners.
12. Public service facilities, without storage yards, when operating requirements necessitate the locating of said building within the district in order to serve the vicinity.
 13. Retail businesses which supply commodities on the premises, such as but not limited to: groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing and notions or hardware.
 14. Retail sales businesses whose principal activity is the sale of general merchandise in an enclosed building.
 15. Shopping centers.
 16. Standard restaurants.
 17. Theaters, auditoriums, concert halls, or similar places of assembly when conducted within a completely enclosed building.
 18. Any other use which is determined by the Planning Commission to be of the same general character as, and compatible with, the above permitted uses.
 19. Accessory buildings and uses customarily incidental to any of the above permitted uses.

SEC. 702. SPECIAL LAND USES

The following special land uses shall be permitted subject to review and approval by the Planning Commission, after public hearing, in accordance with SEC. 1308 (Review and Approval of Special Land Uses):

1. Arcades, billiard parlors, card rooms, game rooms, and similar indoor entertainment facilities.
2. Automobile related dealers, subject to the following conditions:
 - a. Ingress and egress shall be located a minimum of seventy-five (75) feet from the intersection of any two (2) streets.
 - b. Lighting shall be located and designed to reflect away from residential areas.
 - c. Where a sales lot and/or rental facilities for new and/or used automobiles, recreation vehicles, trucks, mobile homes, trailers, and modular homes abuts a street, a twenty (20) foot greenbelt buffer shall be established.
 - d. All service and repair facilities shall be located within an enclosed building. Damaged vehicles and/or vehicles waiting for repair may be stored outside, provided such storage area is screened by a solid, six (6) foot tall screening wall or fence.
3. Automobile related repair stations, subject to the following conditions:
 - a. There shall be no outside display of any parts and/or products.
 - b. Any repair and/or replacement activity shall be conducted within a totally enclosed building.
 - c. All new, used and/or discarded parts shall be stored within a completely enclosed building.

- d. Any such activity shall be located not less than twenty-five (25) feet from a property line.
 - e. There shall be no outside parking and/or storage or any partially dismantled or inoperative vehicles.
 - f. In operations such as automobile reconditioning, but not necessarily limited to such activities, there shall be no releasing of toxic gasses, liquids or materials in any form into the atmosphere, the water or sewer systems of the Township, or on, or into the earth and further, no adverse affects shall be created by any activity on adjacent property or development.
4. Automobile service stations, subject to the following conditions:
 - a. No more than one (1) curb opening shall be permitted for every seventy-five (75) feet of frontage (or major fraction thereof) along any street.
 - b. Minimum lot area shall be twenty thousand (20,000) square feet.
 - c. Minimum lot width shall be not less than one hundred fifty (150) feet.
 - d. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than twenty (20) feet from any lot line, and shall not be arranged so that motor vehicles are supplied with gasoline or serviced while parked upon or overhanging any public sidewalk, street or right-of-way.
 - e. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a solid, six (6) foot tall screening wall or fence.
 - f. Outside storage or parking of disabled, wrecked, or partially dismantled vehicles shall not be permitted.
 5. Automobile washes, subject to the following conditions:
 - a. Vacuuming activities shall be at least fifty (50) feet distant from any adjoining residential zone.
 - b. The entrances and exits of the facility shall be from within the lot and not directly to or from an adjoining street or alley. A street or alley shall not be used as maneuvering or parking spaces for vehicles to be serviced by the subject facility.
 - c. Provision shall be made for the drying of the automobiles undercarriage during subfreezing weather prior to entering the public thoroughfare.
 - d. All off-street parking areas and maneuvering lanes shall be drained so as to preclude drainage of water onto adjacent property and public rights-of-way.
 6. Bars/lounges.
 7. Carry-out restaurants, drive-in restaurants, drive-thru restaurants, or fast-food restaurants, subject to the following conditions:
 - a. All points of vehicular ingress and egress shall be limited to an adjacent Section Line Road or Major Thorofare.
 - b. All outside trash receptacles, except those intended for use by the customer, shall be enclosed by a solid, six (6) foot tall screening wall or fence.
 8. Hospitals.

9. Hotels or motels.
10. Mortuary establishments, when adequate assembly area is provided off-street for vehicles to be used in funeral processions, provided further that such assembly area shall be provided in addition to any required off-street parking area. A caretaker's residence may be provided within the main building or mortuary establishment.
11. Open air businesses for the sale of manufactured products, such as similar to garden furniture, earthenware, hardware items, or the rental of manufactured products or equipment, small tools, trailers, and similar products and equipment, subject to the following conditions:
 - a. All sides of an open air businesses use abutting any residential zoning district or existing residential development shall maintain an obscuring greenbelt buffer between the residential area and the proposed development.
12. Residential dwelling units after review and approval of the Planning Commission and subject to the following conditions:
 - a. The Planning Commission may impose and required setback and-or performance standards so as to insure public health, safety and general welfare.
 - b. Off-street parking shall be provided as required in SEC. 1005. of this Ordinance.
13. Self-storage facilities, subject to the following conditions:
 - a. All points of vehicular ingress and egress shall be limited to an adjacent Section Line Road or Major Thorofare.
 - b. Building separation between self-storage buildings on the same site shall be a minimum of twenty-four (24) feet or equal to the building height, whichever is greater.
 - c. The total lot coverage of all structures shall be limited to thirty-five (35) percent of the total lot area.
 - d. Internal driveway aisles shall be a minimum of twenty-four (24) feet in width.
 - e. The outdoor storage of recreational vehicles, motorized homes, and travel trailers may be permitted. All such areas shall be on an aggregate treated surface, or better. Such storage shall be completely screened from view from all adjacent residential areas.
14. Stadium, sports arena or similar place of outdoor assembly.
15. Trucking facilities, subject to the following conditions:
 - a. All outdoor truck storage, parking and maneuvering areas shall be no less than five hundred (500) feet from any dwelling located on adjacent or neighboring premises.
 - b. Such lot shall border a Section Line Road or Major Thorofare.
16. Accessory buildings and uses customarily incidental to any of the above special uses.

SEC. 703. AREA AND BULK REQUIREMENTS

See ARTICLE X - SCHEDULE OF REGULATIONS limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

ARTICLE VIII

I – INDUSTRIAL DISTRICT

SEC. 800. INTENT

The I, Industrial District is designed so as to primarily accommodate wholesale activities, warehouses, and industrial operations whose external, physical effects are restricted to the area of the district and in no manner affect in a detrimental way any of the surrounding district. The I District is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly and-or treatment of finished or semi-finished products from previously prepared material. It is further intended that the processing of raw material for shipment in bulk form, to be used in an industrial operation at another location, not be permitted.

The general goals of this use district include, among others, the following specific purposes:

1. To provide sufficient space, in appropriate locations, to meet the needs of the Township's expected future economy for all types of manufacturing and related uses.
2. To protect abutting residential districts by separating them from manufacturing activities, and by prohibiting the use of such industrial areas for new residential development.
3. To promote manufacturing development which is free from danger of fire, explosions, toxic and noxious matter, radiation, and other hazards, and from offensive noise, vibration, smoke, odor and other objectionable influences.
4. To promote the most desirable use of land in accordance with a well considered plan. To protect the character and established pattern of adjacent development, and in such area to conserve the value of land and buildings and other structures, and to protect the Township's tax revenue.

SEC. 801. PRINCIPAL USES PERMITTED

In an I, Industrial District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

1. Any use charged with the principal function of basic research, design and pilot or experimental product development when conducted within a completely enclosed building.
2. Any of the following uses when the manufacturing, compounding, or processing is conducted wholly within a completely enclosed building. That portion of the land used for open storage facilities for materials or equipment used in the manufacturing, compounding, or processing shall be totally obscured by a wall on those sides abutting any R-Residential or C-District, and on any front yard abutting a public thoroughfare except as otherwise provided in SEC. 1113. In I Districts, the extent of such a wall may be determined by the Planning Commission on the basis of usage. Such a wall shall not be less than four feet six inches (4'6") in height and may, depending upon land usage be

required to be eight (8) feet in height, and shall be subject further to the requirements of ARTICLE XI - GENERAL PROVISIONS. A chain link fence, with intense evergreen shrub planting, shall be considered an obscuring wall. The height shall be determined in the same manner as the wall.

- a. Warehousing and wholesale establishments and trucking facilities.
 - b. The manufacture, compounding, processing, packaging, or treatment of articles or merchandise from previously prepared materials: bone, canvas, cellophane, cloth, cork, elastomers, feathers, felt, fibre, fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semiprecious metals or stones, sheet metal, shell textiles, tobacco, wax, wire, wood and yarns.
 - c. The manufacture, compounding, processing, packaging, or treatment of such products as, but not limited to: bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery, tool, die, gauge and machine shops.
 - d. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas.
 - e. Manufacture of musical instruments, toys, novelties, and metal or rubber stamps, or other molded rubber products.
 - f. Manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs.
 - g. Laboratories - experimental, film and testing.
 - h. Manufacturing and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.
 - i. Central dry cleaning plants or laundries provided that such plants shall not deal directly with consumer at retail.
3. Public utilities, including buildings, necessary structures, storage yards and other related uses.
 4. Warehouses, storage and transfer and electric and gas service buildings and yards. Public utility buildings, telephone exchange buildings, electrical transformer stations and substations, and gas regulator stations. Water supply and sewage disposal plants. Water and gas tank holders, railroad transfer and storage tracks, railroad rights-of-way, freight terminals.
 5. Storage facilities for building materials, sand, gravel, stone, lumber, storage of contractor's equipment and supplies, provided such is enclosed within a building or within an obscuring wall or fence on those sides abutting all Residential or Commercial Districts, and on any yard abutting a public thoroughfare. In any I District, the extent of such fence or wall may be determined by the Planning Commission on the basis of usage. Such fence or wall shall not be less than five (5) feet in height, and may, depending on land usage, be required to be eight (8) feet in height. A chain link type fence, with heavy evergreen shrubbery inside of said fence, shall be considered to be an obscuring fence.
 6. Municipal uses such as water treatment plants, and reservoirs, sewage treatment plants, and all other municipal buildings and uses, including outdoor storage.

7. Commercial kennels.
8. Trade and industrial schools.
9. Freestanding non accessory signs.
10. Any other use which is determined by the Planning Commission to be of the same general character as, and compatible with, the above permitted uses.
11. Accessory buildings and uses customarily incidental to any of the above special uses.

SEC. 802. SPECIAL LAND USES

The following special land uses shall be permitted subject to review and approval by the Planning Commission, after public hearing, in accordance with SEC. 1308 (Review and Approval of Special Land Uses):

1. Automobile related repair stations when completely enclosed.
2. Lumber and planeing mills when completely enclosed and when located in the interior of the district so that no property line shall form the exterior boundary of the I 1 District.
3. Metal plating, buffing and polishing, subject to appropriate measures to control the type of process to prevent noxious results and-or nuisances.
4. Any of the following uses provided that they are located not less than eight hundred (800) feet distant from any Residential District and not less than three hundred (300) feet distant from any other district:
 - a. Junk yards.
 - b. Incineration of garbage or refuse when conducted in all approved and enclosed incinerator plant.
5. Adult entertainment facilities, as defined in this ordinance, subject to the following requirements:
 - a. It is the purpose of this ordinance to establish reasonable and uniform regulations governing adult entertainment facilities in order to promote the health, safety, and general welfare of the citizens of the Township. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene material.
 - b. No more than one (1) adult entertainment facility shall be permitted in a single structure.
 - c. No adult entertainment facility shall be established within one thousand (1,000) feet of any residential dwelling. The required separation distance shall be measured from the property line of the adult entertainment facility to the

protected residential dwelling, using the closest points along the property line and the residential dwelling involved.

- d. No adult entertainment facility shall be established within one thousand five hundred (1,500) feet of a public or private school, child care facility, place of worship, public building or park. The required separation distance shall be measured from property line to property line, using the closest points along the property lines involved.
- e. No adult entertainment facility shall be established within five hundred (500) feet of another adult entertainment facility nor within five hundred (500) feet of any establishment licensed by the Michigan Liquor Control Commission for an on-premise retail license (i.e., restaurants, hotels, bars or clubs). The required separation distance shall be measured from property line to property line, using the closest points along the property lines involved.
- f. Prior to granting approval to any adult entertainment facility, the Planning Commission may impose additional conditions or limitations upon the establishment, location, construction, maintenance or operation of the adult entertainment facility as it deems necessary for the protection of the public interest and to secure compliance with the standards specified above. The Planning Commission may require such evidence and guarantees as it deems necessary as proof that the conditions stipulated in connection therewith are being and will be fulfilled. No adult entertainment facility shall be approved by the Planning Commission unless all the following criteria are fulfilled:
 - i. The establishment, location, maintenance, and operation of the adult entertainment facility will not be detrimental to or endanger the public, health, safety, morals, comfort or general welfare; and
 - ii. The adult entertainment facility will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes permitted nor substantially diminish or impair property values within the neighborhood; and
 - iii. The establishment of the adult entertainment facility will not impede the normal and orderly development and improvement of surrounding property for uses permitted within the zoning district; and
 - iv. The adult entertainment facility will not be conducted in any manner that permits the observation of any material depicting or describing “specified sexual activities” and “specified anatomical areas” from any public right-of-way or from any other property. This provision shall apply to any display, decoration, sign, show window, or other opening; and
 - v. The adult entertainment facility will conform to all other requirements of the zoning district.

6. Any other use which is determined by the Planning Commission to be of the same general character as, and compatible with, the above permitted uses.
7. Accessory buildings and uses customarily incidental to any of the above special uses.

SEC. 803. AREA AND BULK REQUIREMENTS

See ARTICLE X - SCHEDULE OF REGULATIONS limiting the height and bulk of buildings, the minimum size of lot by permitted land use and providing minimum yard setback requirements.

ARTICLE IX

CONSERVATION OVERLAY DISTRICT

SEC. 900. INTENT AND APPLICABILITY

The Conservation Overlay District is established to preserve and enhance Wisner Township's environmentally sensitive areas, primarily located along the Saginaw Bay shoreline. It is the intent of this District to preserve the quality of water resources, shoreline and wetland environments, while permitting the safe and healthful development of land within these areas. Lands within this Conservation Overlay District are designated on the Wisner Township Zoning Districts Map. For lands so designated, the regulations of this Article shall apply in addition to the regulations of the underlying zoning district.

SEC. 901. DISTRICT REGULATIONS

1. No private sewage disposal system, drain field, septic tank, or other device or equipment for the disposal of household or human waste shall be located less than 100 feet from the Saginaw Bay's edge, or ordinary high water mark (if established), or state regulated wetland.
2. No building or other structure shall be located less than one hundred (100) feet from the Saginaw Bay's edge, or ordinary high water mark (if established), or state regulated wetland.
3. Natural drainage courses shall be protected from grading activity.
4. Where known, groundwater flow patterns shall not be interrupted.
5. Slopes created by the grading of any site within the District should generally not exceed a slope ratio of one (1) foot of vertical slope to three (3) feet of horizontal distance. All slopes shall be properly stabilized to prevent erosion and destruction of the natural vegetation.
6. A natural vegetative strip, at least twenty-five (25) feet in width, as measured from the Saginaw Bay's edge or ordinary high water mark (if established), shall be maintained, subject to the following:
 - a. The natural vegetative strip must be left undisturbed, except for permitted clearing of dead or noxious plants or as otherwise permitted in this Article. Vegetation that is used for replacement must be equally effective in retarding runoff, preventing erosion, and preserving natural beauty.
 - b. No fertilizer or other chemicals affecting the natural vegetation may be applied within the natural vegetative strip.
 - c. Within the natural vegetative strip, vegetation may only be selectively trimmed and pruned to allow for the placement of walkways, and/or for a view of the water, with approval of the Zoning Administrator.
 - d. The Zoning Administrator may allow limited clearing of the natural vegetative strip, only when required for construction of a permitted building or structure

outside of the strip, provided the land cleared is returned to a vegetative state which is the same quality or greater and extent as that which existed prior to the clearing.

- e. Individual trees within the natural vegetative strip may be removed which are in danger of falling, causing damage to dwellings or other structures or causing blockage of the shoreline.
- f. The natural vegetative strip shall not be used for any motorized vehicular traffic, parking or for storage of any kind, including junk, waste or garbage or for any other use not otherwise authorized by this ordinance.
- g. No land area within the natural vegetative strip shall be covered by impervious surfaces, including structures and paving.

ARTICLE X

SCHEDULE OF REGULATIONS

SEC. 1000. SCHEDULE LIMITING HEIGHT, BULK, DENSITY AND AREA BY ZONING DISTRICT

ZONING DISTRICT	MINIMUM ZONING LOT SIZE PER DWELLING UNIT		MAXIMUM HEIGHT OF STRUCTURES		MINIMUM YARD SETBACK (PER LOT IN FEET)			MAXIMUM % OF LOT AREA COVERED BY ALL BUILDINGS
	AREA IN SQUARE FEET	WIDTH IN FEET	IN STORIES	IN FEET	FRONT	EACH SIDE	REAR	
O – Open Agricultural and Recreational	20,000	100	2 ½	35	40	10 (c)	40	30%
R1 One-Family Residential	20,000	100	2 ½	35	50 (b)	10 (b,c)	40 (b)	50% (p)
RM-1 Multiple Family Residential	(e,g)	(d,e)	2 ½	35	50 (f,h)	30 (f,l)	30 (f)	25%
C - Commercial			3	40	50 (h)	25 (i,j,k,l)	25 (j,k)	
I - Industrial			3	40 (a)	40 (m,n)	20 (l,n)	40 (n,o)	

Note: Prospective developers are referred to the rules and regulations governing the installation of sewage disposal systems and water systems in Tuscola County, as published by the Board of Health.

MINIMUM FLOOR AREA PER UNIT (IN SQUARE FEET)

- | | |
|-----------------|-------------------|
| 1 bedroom – 500 | 3 bedroom – 900 |
| 2 bedroom – 700 | 4 bedroom – 1,100 |

NOTES TO SCHEDULE OF REGULATIONS:

- a. For all uses permitted, structures may be erected in excess of forty (40) feet in height provided front, side and rear yard setbacks are increased one (1) foot for each foot above forty (40) feet.
- b. The following minimum yard setbacks shall apply for: the Oak Hurst Park Subdivision in Section 2; Vanderbilt Subdivision in Section 28; Manke’s Subdivision, Manke’s Second Subdivision, and H,H,H&C Subdivision in Section 29; and the H,H,H&C Subdivision in Section 30:
 - i. 15 feet front
 - ii. 3 feet side
 - iii. 5 feet rear

- c. In the case of a rear yard abutting a side yard, the side yard abutting a street shall not be less than the minimum front yard of the district in which located.
- d. A multiple family development shall maintain a minimum lot width of two-hundred (200) feet.
- e. A manufactured home park shall be located on a property having a minimum lot size that meets the administrative rules of the Michigan Mobile Home Commission.
- f. Where more than one (1) building occupies a single lot or parcel, the following building relationships shall be maintained:

Building Relationship	Overall Distance Between Buildings
Front to front	50 feet
Front to side	45 feet
Front to rear	60 feet
Rear to rear	60 feet
Rear to side	45 feet
Side to side	20 feet
Corner to corner	15 feet

The front and rear of the multiple-family building shall be considered to be the distance along the longest dimension of said building. The builder may designate the front and rear of his structures.

- g. Every lot on which a multiple dwelling is erected shall be provided with a side yard on each side of the lot. The width of each side yard shall be increased by one (1) foot for each ten (10) feet or part thereof, by which the length of the multiple-dwelling exceeds forty (40) feet in overall dimension along the adjoining lot line. No multiple dwelling shall exceed one hundred and eighty (180) feet in length. The depth of any court shall not be greater than three (3) times the width.

All units shall have at least one (1) living room and one (1) bedroom, except that not more than ten (10) percent of the units may be of an efficiency apartment type. For the purpose of computing the permitted number of dwelling units per acre, the following lot area assignments shall control:

UNIT TYPE	LOT AREA-UNIT
Efficiency	1,200 sq. ft.
1 bedroom	2,400sq. ft.
2 bedroom	3,600sq. ft.
3 bedroom	4,800sq. ft.
4 bedroom	6,000 sq. ft.

Plans presented showing 1 or 2 bedroom units and including a "den", "library" or other extra room shall count such extra room as a bedroom for the purpose of computing density. The area used for computing density shall be the total site area exclusive of any dedicated public right-of-way of either interior or bounding roads.

- h. Off-street parking shall be permitted to occupy a portion of the required front yard provided that there shall be maintained a minimum unobstructed and landscaped setback of ten (10) feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest right-of-way line.
- i. If permanent access is provided to the rear of the property by a public alley or a driveway, the side yard requirement may be waived, except as otherwise specified in applicable Codes, provided that if walls of structures facing interior side lot lines contain windows, or other openings, side yards of not less than twenty (20) feet shall be provided. On a corner lot, side yards shall be twenty-five (25) feet on the sides bounded by public streets or a residential district.
- j. Loading space shall be provided in the rear yard in the ratio of at least ten (10) square feet per front foot of building and shall be computed separately from the off-street parking requirements. Where an alley exists or is provided at the rear of buildings, the rear building setback and loading requirements may be computed from the center of said alley.
- k. On a zoning lot of three (3) acres or more in area, side and rear setbacks shall be sixty (60) feet in depth when abutting residential districts.
- l. Off-street parking shall be permitted in a side yard setback.
- m. Off-street parking for visitors, over and above the number of spaces required under SEC. 1104, may be permitted within the required front yard provided that such off-street parking is not located within twenty-five (25) feet of the front lot line.
- n. No building shall be located closer than sixty (60) feet to the outer perimeter (property line) of such district when said property line abuts any residential district.
- o. All storage shall be in the rear yard and shall be completely screened with an obscuring wall or fence, not less than five (5) feet high, or with a chain link type fence and a green belt planting so as to obscure all view from adjacent residential or business district or from a public street.
- o. There is no maximum lot coverage applicable within the following subdivisions: the Oak Hurst Park Subdivision in Section 2; Vanderbilt Subdivision in Section 28; Manke's Subdivision, Manke's Second Subdivision, and H,H,H&C Subdivision in Section 29; and the H,H,H&C Subdivision in Section 30.

ARTICLE XI

GENERAL PROVISIONS

SEC. 1100. CONFLICTING REGULATIONS

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

SEC. 1101. SCOPE

No building or structure, or part thereof, shall hereinafter be erected, constructed or altered and maintained and no new use or change shall be made or maintained of any building, structure or land, or part thereof except in conformity with the provisions of this Ordinance.

SEC. 1102. NONCONFORMING LOTS, NONCONFORMING USES OF LAND, NONCONFORMING STRUCTURES AND NONCONFORMING USES OF STRUCTURES AND PREMISES:

1. **Intent:** It is the intent of this Ordinance to permit legal nonconforming lots, structures or uses to continue until they are removed but not to encourage their survival. It is recognized that there exists within the districts established by this Ordinance and subsequent amendments, lots, structures and uses of land and structures which were lawful before this Ordinance was passed or amended which would be prohibited, regulated or restricted under the terms of this Ordinance or future amendments.

Such uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by addition of other uses of a nature which would not be permitted generally in the district involved.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently carried on.

Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

2. **Nonconforming Lots:** In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory building may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving area or width or both of the lot shall conform to the regulations for the district in which such lot is located. Yard requirement variances may be obtained through approval of the Board of Appeals.
3. **Nonconforming Uses:** Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:
 - a. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied by such use at the effective date of adoption or amendment of this Ordinance;
 - b. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance;
 - c. If such nonconforming use of land is abandoned for any reason for a period of more than one (1) year, any subsequent use of land shall conform to the regulations specified by this Ordinance for the district in which such land is located. A nonconforming use shall be determined to be abandoned if one (1) or more of the following conditions exists, and shall be deemed to constitute an intent on the part of the property owner to abandon the nonconforming use:
 - i. Utilities, such as water, gas and electricity to the property, have been disconnected.
 - ii. The property, buildings, and grounds, have fallen into disrepair.
 - iii. Signs or other indications of the existence of the nonconforming use have been removed.
 - iv. Removal of equipment or fixtures that is necessary for the operation of the nonconforming use.
 - v. Other actions, which in the opinion of the Zoning Administrator constitute an intention of the part of the property owner or lessee to abandon the nonconforming use.

4. **Nonconforming Structures:** Where a lawful structure exists at the effective date of adoption of amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
 - a. No such structure may be enlarged or altered in a way which increases its nonconformity. Such structure may be enlarged or altered in a way which does not increase its nonconformity.
 - b. Should such structure be destroyed by any means to an extent of more than fifty (50) percent of its assessed valuation, it shall be reconstructed only in conformity with the provisions of this Ordinance.
 - c. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
5. **Nonconforming Uses of Structures and Land:** If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of this Ordinance, that would not be permitted in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:
 - a. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
 - b. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
 - c. If no structural alterations are made, any nonconforming use of a structure, or structure and land in combination, may be changed to another nonconforming use of the same or a more restricted classification provided that the Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Appeals may require conditions and safeguards in accord with the purpose and intent of this Ordinance. Where a nonconforming use of a structure, land, or structure and land in combination is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.
 - d. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.

- e. When a nonconforming use of a structure, or structure and land in combination, is abandoned in accordance with subsection 3,(c) above, the structure, or structure and land in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.
 - f. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.
6. **Repairs and Maintenance:** On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs or on repair or replacement on nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding fifty (50) percent of the assessed value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.
 7. **Special Land Uses not Nonconforming Uses:** Any use for which a special land use permit is granted in accordance with SEC. 1308 shall not be deemed a nonconforming use in such district.
 8. **Change of Tenancy or Ownership:** There may be a change of tenancy, ownership, or management of any existing nonconforming uses of land, structures or land and structures in combination.

SEC. 1103. ACCESSORY BUILDINGS:

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

1. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this Ordinance applicable to the main building.
2. Accessory buildings shall not be erected in any required yard, except a required rear yard.
3. An accessory building shall not occupy more than twenty five (25) percent of a required rear yard, provided that in a residential district the accessory building shall not exceed the ground floor area of the main building.
4. No detached accessory building shall be located closer than ten (10) feet to any main building nor shall it be located closer than three (3) feet to any side or rear lot line.

In those instances where the rear lot line is coterminous with an alley right-of-way, the accessory building shall not be closer than one (1) foot to such rear lot line. In no instance shall an accessory building be located within a dedicated easement or right-of-way.

5. Accessory buildings in all districts may be constructed to equal the permitted maximum height of principal structures in said districts.
6. When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard setback required on the lot in rear of such corner lot. In no instance shall an accessory building be located nearer than ten (10) feet to a street right-of-way line.
7. A detached accessory structure that has a total floor area of less than one hundred (100) square feet, a height of less than eight (8) feet, and no side exceeding twenty (20) feet in length, shall not be subject to the issuance of a zoning permit. However, such structures shall comply with all other applicable requirements of this Section.

SEC. 1104. OFF-STREET PARKING REQUIREMENTS:

There shall be provided in all districts at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building uses shall be provided, prior to the issuance of a certificate of occupancy, as hereinafter prescribed:

1. Off-street parking spaces may be located within a nonrequired side yard or rear yard and within the rear yard setback unless otherwise provided in this Ordinance. Off-street parking for other than residential use shall not be permitted within a front yard or a side yard setback unless otherwise provided in this Ordinance.
2. Off-street parking for other than residential use shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership by the applicant shall be shown on all lots or parcels intended for use as parking by the applicant.
3. Required residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve.
4. Minimum required off-street parking spaces shall not be replaced by any other use unless and until equal facilities are provided elsewhere.
5. Off-street parking existing at the effective date of this Ordinance, in connection with the operation of an existing building or use shall not be reduced to all amount less than hereinafter required for a similar new building or new use.
6. Two or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum or the requirements for the several individual uses computed separately.
7. In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, the Planning Commission may grant an exception. A written agreement shall be drawn to the satisfaction of the Township Attorney and executed by

all parties concerned assuring the continued availability of the off-site parking facilities for the use they are intended to serve.

8. The storage of merchandise, motor vehicles for sale, trucks or the repair of vehicles is prohibited.
9. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the Zoning Administrator considers is similar in type.
10. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half (½) shall be disregarded, and fractions over one-half (½) shall require one (1) parking space.
11. For the purpose of computing the number of parking spaces required, the definition of Floor Area, Usable in SEC. 201 shall govern.
12. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
A. RESIDENTIAL	
1. Residential, One-Family and Two-Family	Two (2) for each dwelling unit.
2. Residential, Multiple Family	Two (2) for each dwelling unit.
3. Housing for the Elderly	One (1) for each two (2) units, and one (1) for each employee. Should units revert to general occupancy, then two (2) spaces per unit shall be provided.
4. Mobile home park	Two (2) for each mobile home site and one (1) for each employee of the mobile home park.
B. INSTITUTIONAL	
1. Churches or other places of religious assembly	One (1) for each three (3) seats or six (6) feet of pews in the main unit of worship.
2. Clubs, banquet halls or lodge halls	One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, county, or state fire, building or health codes.
3. Hospitals	One (1) for each one (1) bed.
4. Homes for the aged and convalescent homes	One (1) for each four (4) beds.
5. Elementary and junior high schools	One (1) for each one (1) teacher, employee or administrator, in addition to the requirements of the auditorium.

6. Golf courses open to the general public, except "par-3" or miniature courses	Six (6) for each one (1) golf hole and one (1) for each one (1) employee, plus spaces required for each accessory use, such as a restaurant or bar.
7. Private golf clubs, swimming pool clubs, tennis clubs, or other similar uses	One (1) for each two (2) member families or individuals plus spaces required for accessory use such as a restaurant or bar.
8. Senior high schools	One (1) for each one (1) teacher, employee or administrator and one (1) for each ten (10) students, in addition to the requirements of the auditorium.
9. Stadiums, sports arenas or similar places of outdoor assembly	One (1) for each three (3) seats or six (6) feet of benches.
10. Theaters, auditoriums and similar places of indoor assembly	One (1) for each three (3) seats plus one (1) for each two (2) employees.
C. COMMERCIAL	
1. Automobile related dealers	One (1) for each two hundred (200) square feet of usable floor space of sales room and one (1) for each one (1) auto service stall in the service room.
2. Automobile related service stations	Two (2) for each lubrication stall, rack, or pit; and one (1) for each gasoline pump.
3. Automobile washes	Five (5) for each washing stall in addition to the stall itself.
4. Beauty parlor or barber shop, nail salons and similar personal service establishments	Three (3) space for each of the first two (2) beauty or barber chairs, and one and one half (1½) spaces for each additional chair.
5. Bowling alleys	Five (5) for each one (1) bowling lane plus the required parking for any accessory uses.
6. Dance halls, pool or billiard parlors, roller or skating rinks, exhibition halls, and assembly halls, and assembly halls with fixed seats	One (1) for each two (2) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes.
7. Day care centers	One (1) for each three hundred and fifty (350) square feet of usable floor space.

8. Establishment for sale and consumption on the premises, of beverages, food or refreshments	One (1) for each one hundred (100) square feet of usable floor space or one (1) for each two (2) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes, whichever is the greater.
9. Furniture and appliance, household equipment, repair shops, show room of a plumber, decorator, electrician, or similar trade, shoe repair and other similar uses	One (1) for each eight hundred (800) square feet of usable floor area. For that floor area used in processing, one (1) additional space shall be provided for each two (2) persons employed therein.
10. Laundromats and coin operated dry cleaners	One (1) for each two (2) washing and-or dry-cleaning machines.
11. Miniature or "par-3" golf courses	Three (3) for each one (1) hole plus one (1) for each one (1) employee.
12. Mortuary establishments	One (1) for each fifty (50) square feet of usable floor space.
13. Motel, hotel, or other commercial lodging establishments	One (1) for each one (1) occupancy unit plus one (1) for each one (1) employee.
14. Retail stores and shopping centers	One (1) for each one hundred and fifty (150) square feet of usable floor space.
D. OFFICES	
1. Banks, credit unions, savings and loan associations, and similar uses	One (1) for each one hundred (100) square feet of usable floor space.
2. Business offices or professional offices except as indicated in the following item 3	One (1) for each two hundred (200) square feet of usable floor space.
3. Clinics and professional offices of doctors, dentists or similar professions	One (1) for each fifty (50) square feet of usable floor area in waiting rooms, and one (1) for each examining room, dental chair or similar use area.
E. INDUSTRIAL	
1. Industrial or research establishments, and related accessory offices	Five (5) plus one (1) for every one and one half (1½) employee in the largest working shift. Space on site shall also be provided for all construction workers during periods of plant construction.
2. Warehouses and wholesale establishments	Five (5) plus one (1) for every one (1) employee in the largest working shift, or one (1) for every seventeen hundred (1700) square feet of usable floor space, whichever is greater.

SEC. 1105. OFF-STREET PARKING SPACE LAYOUT, STANDARDS, CONSTRUCTION AND MAINTENANCE:

Whenever the off-street parking requirements in SEC. 1104 above require the building of an off-street parking facility, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:

1. No parking lot shall be constructed unless and until a permit therefore is issued by the Zoning Administrator in such form as may be determined by the Zoning Administrator and shall be accompanied with two (2) sets of site plans for the development and construction of the parking lot showing that the provisions of this Section will be fully complied with.
2. Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements:

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width of one Tier of Spaces Plus Maneuvering Lane	Total Width of Two Tiers of Spaces Plus Maneuvering Lane
0 (parallel parking)	12 ft.	8 ft.	23 ft.	20 ft.	28 ft.
30° to 52°	12 ft.	8 ft. 6 in.	20 ft.	32 ft.	52 ft.
54° to 74°	15 ft.	8 ft. 6 in.	20 ft.	35 ft.	55 ft.
75° to 90°	20 ft.	9 ft.	20 ft.	40 ft.	60 ft.

3. All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.
4. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles. Ingress and egress to a parking lot lying in an area zoned for other than single-family residential use shall not be across land zoned R-1 One-Family Residential District.
5. All maneuvering lane widths shall permit one-way traffic movement, except that the 90 degree pattern may permit two-way movement.
6. Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least twenty-five (25) feet distance from adjacent property located in any R-1 One-Family Residential District.
7. The off-street parking area shall be provided with a continuous and obscuring wall not less than four feet six inches (4' 6") in height measured from the surface of the parking area. This wall shall be provided on all sides where the next zoning district is designated as a residential district.

8. The entire parking area, including parking spaces and maneuvering lanes, required under this Section shall be provided with a permanent, durable and dustless surface. Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings.
9. All lighting used to illuminate any off-street parking areas shall be so installed as to be confined within and directly onto the parking area only.
10. In all cases where a wall extends to an alley which is a means of ingress and egress to an off-street parking area, it shall be permissible to end the wall not more than ten (10) feet from such alley line in order to permit a wider means of access to the parking area.
11. The Planning Commission, upon application by the property owner of the off-street parking area, may modify the yard or wall requirements, where, in unusual circumstances, no good purpose would be served by compliance with the requirements of this Section.

SEC. 1106. OFF-STREET LOADING AND UNLOADING:

On the same premises with every building, structure or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot, adequate space for standing, loading and unloading in order to avoid undue interference with public use of dedicated rights-of-way. Such space shall be provided as follows:

USE CATEGORY	GROSS FLOOR AREA (IN SQUARE FEET)	LOADING AND UNLOADING SPACE REQUIRED
Office Use	0 – 10,000	None
	10,001 – 50,000	One (1) space
	Over 50,000	Two (2) spaces
Commercial and industrial uses	0 – 1,400	None
	1,401 – 20,000	One (1) space
	20,001 – 100,000	One (1) space plus one (1) space for each twenty thousand (20,000) square feet in excess of twenty thousand and one (20,001) square feet
	100,001 and over	Five (5) spaces

1. All loading spaces and all access drives, shall be in addition to the off-street parking area requirements.
2. Off-street loading space, shall have the following minimum dimensions: fifty (50) feet long, ten (10) feet wide, with a fourteen (14) foot high clearance. Loading dock approaches shall be provided with pavement having an asphaltic or Portland Cement binder so as to provide a permanent, durable, and dustless surface. The Planning Commission may vary or waive

this requirement when, in its judgement, an establishment will not require deliveries by duo axle vehicles.

3. The size of the required loading space for retailing facilities less than 20,001 square feet in gross floor area may be reduced by the Planning Commission upon a showing that deliveries shall be by single axle vehicles.
4. Off-street loading space may be completely enclosed within a building, or may occupy a portion of the site outside of the building, provided that where any portion of a loading space is open to public view, said space shall be screened in accordance with SEC 1113, Screening Walls.
5. All loading and unloading in an I District shall be provided off-street in the rear yard or interior side yard, and shall in no instance be permitted in a front yard. In those instances where exterior side yards have a common relationship with an industrial district across a public thoroughfare, loading and unloading may take place in said exterior side yard when the setback is equal to at least fifty (50) feet.

SEC. 1107. USES NOT OTHERWISE INCLUDED WITHIN A SPECIFIC USE DISTRICT:

Because the uses hereinafter referred to possess unique characteristics making it impractical to include them in a specific use district classification, they may be permitted by the Township Board under the conditions specified, and after public hearing, and after a recommendation has been received from the Planning Commission. In every case, the uses hereinafter referred to shall be specifically prohibited from any R1 or RM-1 District unless otherwise specified.

These uses require special consideration since they service large areas and require sizeable land areas, creating problems of control with reference to abutting use districts. Reference to those uses falling specifically within the intent of this Section is as follows:

1. **Commercial Television and Radio Towers and Public Utility Microwaves, and Public Utility Television Transmitting Towers:** Radio and television towers, public utility microwaves and public utility television transmitting towers, and their attendant facilities, shall be permitted in O and I Districts, provided said use shall be located centrally on a continuous parcel of not less than one (1) times the height of the tower measured from the base of said tower to all points on each property line.
2. **Mobile Home Park:** Mobile home park developments are subject to the minimum requirements and standards as established in the Mobile Home Commission Act, Act 96 of 1987, and any and all rules and regulations promulgated pursuant to Act 96, as may be amended.
3. **Sand, Gravel, Topsoil, Ore and Minerals:** The removal of sand, gravel, limestone or similar materials by excavation, stripping, mining or otherwise taking, and including on-site operations appurtenant to the taking, including washing, grading, sorting or grinding operations shall be permitted. All extraction from new pits begun subsequent to the effective date of this Ordinance shall be washed, graded and further processed and-or stored within the limits of the property in question, and no natural resource extracted

outside the limits of the property in question shall be brought in for washing, grading or further processing, except in the event of a public emergency as declared by the Township Board requiring the use of said natural resource. Resource related industries including, but not limited to: concrete batching plants and asphalt mixing plants shall not be permitted as a use under these provisions.

a. Application, Review and Permit Renewal Procedure:

i. FILING OF PETITION: Petitions for the granting of permits for natural resources operations shall be filed with the Zoning Administrator by the owners and leaseholders, if any, of the land proposed for extraction purposes. Petition shall be submitted in letter form, fully supplemented by data, maps and aerial photographs specified and shall be accompanied by a fee as established by resolution of the Township Board. A permit for such use shall be issued for a one (1) year period by the Township Board after recommendation by the Planning Commission. Unless the owner of the petition ignores and-or violates the restoration plan, the permit is automatically renewable for one (1) year periods. Petitions shall be accompanied by the following:

1. Vertical aerial photograph, enlarged to a scale equal to one (1) inch equals four hundred (400) feet, from an original photograph at a negative scale no smaller than one (1) inch equals one thousand (1,000) feet. Area covered by the vertical aerial photograph shall include:
 - a. All land requested in the petition.
 - b. All contiguous land which is, or has been, used by the owner or leasehold applicant for any extraction, treatment and-or storage.
 - c. All public roads which can provide first point of access.
 - d. The boundaries of the above listed items (1) through (3) shall be delineated on the aerial photograph and clearly marked as to (1), (2) and (3).
2. Identification survey, drawn to a scale of one (1) inch equals four hundred (400) feet, shall be submitted in five (5) copies. This survey shall include:
 - a. Boundary of entire tract by courses and distances.
 - b. Boundary of exact area being petitioned for in permit.
 - c. Means of vehicular access to the proposed operation.
3. Report by a qualified soil scientist, soils engineer or geologist regarding the effect proposed operation will have upon the watershed or the area, with particular attention being devoted to the water table, and, if water bodies are to be created, the anticipated permanence of such. This shall apply to proposed

operations involving over two (2) acres of surface area or depths exceeding fifteen (15) feet.

4. A detailed plan for the extraction of the natural resources deposits. Such plan shall include a timetable for various stages of the operation and shall be accompanied by a restoration plan indicating how the natural resources area will be re-used in a manner compatible with the Township Master Plan for Future Land Use. The restoration plan shall include:
 - a. Proposed use of restored natural resources area.
 - b. Proposed topography drawn as contours at an interval of five (5) feet and indicating water bodies or other major physical features.
 - c. Delineation of areas intended to be partitioned or subdivided, including the proposed layout.

ii. REVIEW OF PERMIT APPLICATION:

1. The Zoning Administrator shall be responsible for receiving and processing all applications for extraction operation permits. His office shall accept for filing only applications completely documented as herein required.
2. The Zoning Administrator shall be responsible for coordinating the several separate inspections as required herein.
3. The Township Board shall be authorized to approve the manner and order of restoration of the natural resources area, the petitioner shall deposit with the Clerk, cash, a certified check or irrevocable bank letter of credit, whichever the petitioner selects, or a surety bond acceptable to the Township Board based upon an estimate by the Zoning Administrator and shall be sufficient to finance restoration of the disturbed area. This deposit shall be submitted by the petitioner prior to the issuance of any permit, and shall be held in escrow by the Township until restoration is completed and has been approved by the Township Board.

So as to prevent undue hardship the Township Board may, at its discretion, approve bonds for areas less than the total acreage applied for. However, at no time shall any excavation be undertaken unless and until sufficient bond has been deposited to insure restoration of the area disturbed.

In the event of deviation from an approved extraction and-or restoration plan, the Zoning Administrator shall notify the permit holder of a violation. Failure to correct said violation within thirty (30) days shall automatically void any permits issued and-or prevent the issuance of new permits until such time as the deviation has

been corrected in keeping with requirements set forth by the Township Board. Appeals from a decision of the Zoning Administrator shall, in regard to an alleged violation, be directed to the Township Board.

- iii. REVIEW STANDARDS FOR APPROVAL: In accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, an application shall not be denied by the Township Board unless very serious consequences would result from the extraction operation. In determining whether very serious consequences would result from the extraction operation, the Planning Commission shall consider all of the following factors, if applicable:
 - 1. The relationship of extraction and associated activities with existing land uses
 - 2. The impact on existing land uses in the vicinity of the property
 - 3. The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence
 - 4. The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property
 - 5. The impact on other identifiable health, safety, and welfare interests in the local unit of government
 - 6. The overall public interest in the extraction of the specific natural resources on the property.

b. Specific Operating Requirements:

- i. SETBACK: Excavation, washing and stockpiling of extracted material shall not be conducted closer than fifty (50) feet to the outer boundary of any property line. The setback area shall not be used for any use in conjunction with a natural resource operation, except access roads or public notice signs identifying occupation. Greenbelt plantings and landscaping shall be provided in the setback area as required by the Township Board. Said setback may be varied by the Board of Appeals when the outer boundary of the property abuts a body of water. In granting said variance the Board of Appeals shall establish a specific setback so as to secure public safety.
- ii. BUILDING LINE FOR OPERATION STRUCTURES: To reduce the effects of airborne dust, dirt and noises, all equipment for sorting, crushing, loading, weighing, and other operations, structures shall not be build closer than three hundred (300) feet from any public street right-of-way or from any adjoining residentially zoned district.
- iii. FRONTAGE AND ACCESS:
 - 1. Each tract of land for extraction uses shall have a minimum frontage on a major thorofare (a thorofare or at least eighty-six (86) feet

right-of-way, existing or proposed) of at least two hundred and fifty (250) feet, except that the Township Board may approve:

- a. A lesser frontage minimum if written consent of owner in fee of adjoining property is first secured.
 - b. An extraction operation, if the tract has no frontage but is fronted by an active extraction operation, if written permission for access to major or secondary thorofare is first secured from owner in fee and leaseholder, if any.
2. All means of access to the property shall be from major or secondary thorofares and shall not be held from residential streets.
- iv. FENCING: Any excavation which operation results in, or produces for a period of one (1) month, collections of water, or slopes as described below shall be subject to the following safety requirements:
1. Where slopes steeper than thirty (30) degrees exist for a period of one (1) month or more, access to such slopes shall be barred by a cyclone fence or similarly effective barrier at least six (6) feet high; at least fifty (50) feet outside the edges of the excavation, within suitable gates controlling access to the excavation area.
 2. Where collections of water are one (1) foot or more in depth for any period of at least one (1) month, and occupying an area of two hundred (200) square feet or more, access to such collections shall be similarly fenced, as required in (3) above, for slopes.
 3. In those instances where the extraction operation is situated in marginal land areas consisting of swampland, or is bounded by natural bodies of water, the fence shall be required only on those sides accessible to public rights-of-way or as the Township Board may determine as requiring fencing so as to secure safety. The Township Board may require the posting of signs "KEEP OUT - DANGER" as needed.
- v. ACCESS ROADS: All private access roads shall be treated so as to create dust-free surface for a distance of three hundred (300) feet from any public access road.
- vi. SLOPES: Finished slopes of the banks of the excavation shall in no event exceed a minimum of five (5) feet to one (1) foot (five (5) feet horizontal to one (1) foot vertical) and where ponded water results from the operations, this slope must be maintained and extended into the water to a depth of five (5) feet. Said slopes shall be met as the work in any one section of the excavation proceeds, and the time for completion of said slopes shall not extend beyond one (1) year's time from the date of beginning, provided that the Township Board may extend the above one (1) year period to such longer period as is satisfactory under the circumstances.

Sufficient topsoil shall be stockpiled on the site so that the entire area, when excavation operations are completed, may be recovered with a minimum of six (6) inches of topsoil, and that such replacement of topsoil shall be made immediately following the termination of excavating operations. So as to prevent erosion of slopes, all replaced topsoil shall immediately be planted with grass or other plant material acceptable to the Township Board.

- vii. EXPLOSIVES: The use of explosives shall be done in accordance with the "Regulations for "Storage and Handling of Explosives" as published by the Michigan State Police, Fire Marshall Division, East Lansing, Michigan.
- viii. SITE PLAN REVIEW: All uses established under this provision shall require site plan review and approval of the Township Planning Commission.

SEC. 1108. PLANT MATERIAL

Whenever in this Ordinance a greenbelt or planting is required, it shall be planted within six (6) months from date of issuance of a certificate of occupancy and shall thereafter be reasonably maintained with permanent plant materials to provide a screen to abutting properties. Suitable materials equal in characteristics to the plant materials listed with the spacing as required shall be provided.

1. Plant Material Spacing:
 - a. Plant materials shall not be placed closer than four (4) feet from the fence line or property line.
 - b. Where plant materials are placed in two or more rows, plantings shall be staggered in rows.
 - c. Evergreen trees shall be planted not more than thirty (30) feet on centers, and shall be not less than five (5) feet in height.
 - d. Narrow evergreens shall be planted not more than six (6) feet on centers, and shall be not less than four (4) feet in height.
 - e. Tree-like shrubs shall be planted not more than ten (10) feet on centers, and shall be not less than four (4) feet in height.
 - f. Large deciduous shrubs shall be planted not more than four (4) feet on centers, and shall be not less than six (6) feet in height.
 - g. Large deciduous trees shall be planted not more than thirty (30) feet on centers, and shall be not less than eight (8) feet in height.
2. Trees not permitted:
 - a. Box Elder
 - b. Soft Maples (Red-Silver)
 - c. Elms
 - d. Poplars
 - e. Willows
 - f. Horse Chestnut (nut bearing)

- g. Tree of Heaven
- h. Catalpa

SEC. 1109. SIGNS:

1. The following conditions shall apply to all signs erected or located in any use district:
 - a. All signs shall conform to all applicable codes and ordinances of the Township, and, where required, shall be approved by the Zoning Administrator, and a permit issued.
 - b. No sign, except those established and maintained by the Township, County, State or Federal government, shall be located in, project into, or overhang a public right-of-way or dedicated public easement.
 - c. All directional signs required for the purpose of orientation, when established by the Township, County, State or Federal governments, shall be permitted in all use districts.
 - d. Accessory signs shall be permitted in any use district.
 - e. Nonaccessory signs shall be permitted only in I-1 Districts; except that non accessory signs pertaining to real estate development located within the Township and designed to promote the sale of lots or homes within a subdivision located within the Township may be permitted on a temporary basis in any use district, but shall not be located upon subdivided land unless such land is part of the subdivision being advertised for sale and shall be subject to the requirements and conditions of all applicable codes and ordinances of the Township, approved by the Zoning Administrator and a temporary permit issued.
 - f. Signs used for advertising land or buildings for rent, lease and-or for sale shall be permitted when located on the land or building intended to be rented, leased and-or sold.
 - g. Freestanding accessory signs may be located in the required front yard except as otherwise provided herein.
2. In addition to 1, above, the following requirements shall apply to signs in the various districts as follows:

USE DISTRICTS	REQUIREMENTS
R1 and RM-1 Districts	For each dwelling unit, one (1) nameplate not exceeding two (2) square feet in area, indicating name of occupant.
R1 and RM-1 Districts	For structures other than dwelling units, one (1) identification sign not exceeding eighteen (18) square feet in area. Freestanding signs shall not exceed six (6) feet in height.
RM-1 Districts	For rental and-or management offices, one (1) identification sign not exceeding

	<p>six (6) square feet in area.</p> <p>In RM-1 Districts, signs indicating name of multiple housing projects shall be permitted provided that no such sign shall be located closer than one hundred (100) feet to any property line in any adjacent single-family district.</p> <p>Freestanding signs shall not exceed six (6) feet in height.</p>
C Districts	No sign shall project beyond or overhang the wall, or any permanent architectural feature, by more than one (1) foot, and shall not project above or beyond the highest point of the roof or parapet.
O and C Districts	Freestanding signs shall not exceed one hundred (100) square feet in area and shall not exceed forty (40) feet in height or height of the building.
I-1 Districts	Freestanding signs shall not exceed two hundred (200) square feet in area and shall not exceed forty (40) feet in, height or the height of the building.
O and C Districts	Freestanding accessory signs or advertising pylons shall not be placed closer than two hundred (200) feet to any adjacent residential district.
I-1 District	Nonaccessory signs shall, be permitted but shall be spaced no closer than one thousand (1,000) feet between signs on the same sides of the right-of-way.
I-1 Districts	Freestanding, nonaccessory signs, are allowed but shall comply with all regulations of ARTICLE X - SCHEDULE OF REGULATIONS of this Ordinance.

3. Substitution Clause. The owner of any sign which is otherwise allowed under this Section may substitute noncommercial copy in lieu of any other commercial or noncommercial copy. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. This provision prevails over any more specific provision to the contrary. This provision does not create a right to increase the total amount of signage on a lot or allow the substitution of an off-site commercial message in place of an on-site commercial message.
4. Nothing in this Ordinance shall be construed to regulate or prohibit a sign that is located on or within a building and that commemorates any of the following:

- a. Any of the following who have died in the line of duty:
 - i. Police officers,
 - ii. Firefighters,
 - iii. Medical first responders,
 - iv. Members of the United States Armed Forces,
 - v. Corrections officers; and
 - b. Veterans of the United States Armed Forces.
5. Severability Clause. If any part, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word in this Section is declared invalid, such invalidity shall not affect the validity or enforceability of the remaining portions of this Section.

SEC. 1110. EXTERIOR LIGHTING:

1. All outdoor lighting in all Use Districts used to light the general area of a specific site shall be shielded to reduce glare and shall be so arranged as to reflect light away from all adjacent residential districts or adjacent residences.
2. All outdoor lighting in all Use Districts shall be directed toward and confined to the ground areas of lawn or parking lots.
3. All lighting in nonresidential districts used for the external illumination of buildings, so as to feature said buildings, shall be placed and shielded so as not to interfere with the vision of persons on adjacent highways or adjacent property.
4. Illumination of signs shall be directed or shaded downward so as not to interfere with the vision of persons on the adjacent highways or adjacent property.
5. All illumination of signs and any other outdoor feature shall not be of a flashing, moving or intermittent type. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use.

SEC. 1111. RESIDENTIAL ENTRANCEWAY:

In all Residential Districts, so called entranceway structures including, but not limited to: walls, columns and gates marking entrances to single-family subdivisions or multiple housing projects may be permitted and may be located in a required yard, except as provided in SEC. 1112. CORNER CLEARANCE, provided that such entranceway structures shall comply to all codes of the Township and shall be approved by the Zoning Administrator and a permit issued.

SEC. 1112. CORNER CLEARANCE:

No fence, wall, shrubbery, sign or other obstruction to vision above a height of two (2) feet from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection.

SEC. 1113. SCREENING WALLS:

1. For those Use Districts and uses listed below, there shall be provided and maintained on those side abutting or adjacent to a residential district (R1 or RM-1) an obscuring wall as required below (except otherwise required in subsection (4) of this SEC. 1113.) Upon review of the site plan, the Planning Commission may modify the wall requirement by approving either an earth berm, evergreen screen, screening fence, or combination thereof, in its place.

USE	REQUIREMENTS
a. Off-street parking area	4'-6" high wall
b. C District	4'-6" high wall
c. I Districts, open storage areas, loading or unloading areas, service areas	4'-6" to 8' high wall or fence. (Height shall be that which will provide effective screening.) (See SEC. 801, 2, 5 and SEC. 1113, 4)
d. Auto wash, Drive-in Restaurants	6'-0" high wall
e. Hospital, ambulance and delivery areas	6'-0" high wall
f. Utility buildings, stations and-or substations	6'-0" high wall

2. Required walls shall be located on the lot line except where underground utilities interfere and except in instances where this Ordinance requires conformance with front yard setback lines in abutting Residential Districts. Upon review of the site plan, the Planning Commission may approve an alternate location for the wall or may waive the wall requirement if in specific cases it would not serve the purposes of screening the intended area effectively. Required walls may, upon approval of the Planning Commission, be located on the opposite side of an alley right-of-way from a nonresidential zone when mutually agreeable to affected property owners. The continuity of the required wall on a given block will be a major consideration of the Planning Commission in reviewing such request.
3. Such walls and screening barrier shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this Ordinance and except such openings as may be approved by the Zoning Administrator. All walls herein required shall be constructed of materials approved by the Zoning Administrator to be durable, weather resistant, rust proof and easily maintained. Obscuring walls may be constructed with openings which do not in any square section (height and width) exceed twenty (20) percent of the surface. Where walls are so pierced, the openings shall be so spaced as to maintain the obscuring character required, and shall not reduce the minimum height required. The arrangement of the openings shall be reviewed and approved by the Zoning Administrator.

4. The requirement for an obscuring wall between off-street parking areas, outdoor storage areas and any abutting residential district shall not be required when such areas are located more than two hundred (200) feet distant from such abutting residential district.
5. The Planning Commission may waive or modify the foregoing requirements when cause can be shown that no good purpose would be served, provided that in no instance shall a required wall be permitted to be less than four feet six inches (4'6") in height except where SEC. 1112 applies.

In consideration of request to waive wall requirements between non-residential and residential districts, the Planning Commission shall make a determination as to whether or not the residential district is considered to be an area in transition and will become nonresidential in the future. In such cases as the Planning Commission determines the residential district to be a future nonresidential area, the Commission may temporarily waive wall requirements for an initial period not-to exceed twelve (12) months. Granting subsequent waivers shall be permitted, provided that the Planning Commission shall make a determination as hereinbefore described, for each subsequent waiver.

SEC. 1114. FENCES:

1. Residential fences are permitted, or required subject to the following:
 - a. Fences on all residential lots of record in all districts which enclose property and-or are within a required side or rear yard, shall not exceed six (6) feet in height, measured from the surface of the ground. Fences on all residential lots of record which are in the front yard shall not exceed four (4) feet in height.
 - b. Recorded lots having a lot area in excess of two (2) acres and a frontage of at least two hundred (200) feet, and acreages or parcels not included within the boundaries of a recorded plat, in all districts, are excluded from these regulations.
 - c. Fences on lots of record shall not contain barbed wire, electric current or charge of electricity. This provision shall not apply to farm operations.
2. Nonresidential fences are permitted, or required subject to the following:
 - a. Fences located in other than residential districts or on the boundary between such districts shall not exceed eight (8) feet in height, measured from the surface of the ground.
 - b. Fences which enclose public or institutional parks, playgrounds or public landscaped areas, situated within an area developed with recorded lots shall not exceed six (6) feet in height, measured from the surface of the ground, and shall not obstruct vision to an extent greater than twenty-five (25) percent of their total area.
 - c. No fence , wall, or hedge shall be located within a public right-of-way, occupy a clear vision zone established by Section 1112, or interfere with visibility from a driveway. The Zoning Administrator is hereby empowered to cause all such obstructions to be removed in the interest of public safety.
 - d. Fences located within twenty-five (25) feet of an intersection shall not exceed thirty (30) inches in height.

- e. Fences shall not contain barbed wire, electric current, or charge of electricity. In the case where the security of industrial and commercial property is concerned, the Planning Commission may approve a fence eight (8) feet in height with barbed wire attached to the top of such fence as part of the site plan review process.
- f. All fences shall comply with the requirements of the Building Code.

SEC. 1115. FRONTAGE ON A PUBLIC STREET:

No zoning lot shall be used for any purpose permitted by this Ordinance unless said lot abuts a public street, unless otherwise provided for in this Ordinance.

SEC. 1116. ACCESS TO MAJOR THOROFARE:

For uses making reference to this SEC. 1116, vehicular access shall be provided only to an existing or planned major thorofare. Provided, however, that access driveways may be permitted to other than a major thorofare where such access is provided to a street where the property directly across the street from such driveway and all property abutting such street between the driveway and the major thorofare is zoned for multiple-family use or any nonresidential uses, is developed with permanent uses other than single-family residences or is an area which, in the opinion of the Planning Commission, will be used for other than single-family purposes in the future. This exception will apply only if the Planning Commission finds that there are special circumstances which indicate that there will be substantial improvement in traffic safety by reducing the number of driveways to a thorofare.

SEC. 1117. FLOOD PLAIN DEVELOPMENT

- 1. All construction on the land in the designated flood plain area shall be subject to the following conditions.
 - a. To be constructed on a level to be deemed above the flood level.
 - b. Construction must be designed and anchored to prevent the flotation, collapse or lateral movement of the structure due to flooding. Construction materials and utility equipment that IS resistant to flood damage, and construction methods and practices that will minimize flood damage, are required to be utilized.
 - c. Provide adequate drainage in order to reduce exposure to flood hazards.
 - d. Locate public utilities and facilities on the site in such a manner as to be elevated and constructed to minimize or eliminate flood damage, such utilities and facilities to include sewer, gas, electrical and water systems.
 - e. This flood plain map is based on the 100 year estimated flood level as prepared by the Army Corp of Engineers and is on file with the Township Clerk.

SEC. 1118. ONE AND TWO FAMILY DWELLING STANDARDS

- 1. A Zoning Permit issued by Wisner Township shall be required before any dwelling unit is constructed, relocated, or moved into the Township. All dwelling units and additions thereto

shall be able to meet or exceed the construction standards of Michigan Building Codes. In addition, the following regulations shall apply:

- a. The use of an unfinished basement or garage as a temporary or permanent dwelling is hereby declared to be undesirable and in violation of this Ordinance. No occupancy permit shall be issued for any basement structure or similar structure which has not been completed.
- b. Mobile homes shall meet or exceed the requirements imposed by the United States Department of Housing and Urban Development Mobile Home Construction and Safety Standards (24 CRF 3280, and as from time to time such standards may be amended).
- c. All single-family dwelling units shall have a minimum width across any front, side, or rear elevation of twenty-four (24) feet at the time of construction or placement.
- d. All dwelling units shall be firmly attached to a permanent foundation constructed on the site in accordance with Michigan Building Codes and shall have skirting of the same perimeter dimensions of the dwelling and additions thereto and constructed of the same or similar materials and type as the dwelling.
- e. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall also be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission or Michigan Building Codes and shall have a continuous perimeter wall as required above.
- f. Each dwelling shall be connected to a public sewer and water supply or to approved private facilities. Road culvert permits shall be obtained from the Tuscola County Road Commission and/or MDOT.
- g. 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 this Ordinance pertaining to such parks.
- h. When a new dwelling is constructed on a parcel where a dwelling exists, the existing dwelling must be removed within 60 days from the date the building Certificate of Occupancy is issued.

SEC. 1119. PRIVATE SWIMMING POOLS

1. Private pools shall be permitted as an accessory use within the rear yard only, provided they meet the following requirements:
 - a. Private pools shall not require Planning Commission review and approval.
 - b. There shall be minimum distance of not less than ten (10) feet, between the adjoining property line, or alley right-of-way and the outside of the pool wall. Side yard setbacks shall apply to side yards if greater than ten (10) feet.
 - c. There shall be a distance of not less than four (4) feet between the outside pool wall and any building located on the same lot.
 - d. No swimming pool shall be located less than thirty-five (35) feet from any front lot line.

- e. All electrical installations or wiring in connection with swimming pools shall conform to the provisions of the National Electrical Code. If service drop conductors or other utility wires cross under or over a proposed pool area, the applicant shall make satisfactory arrangements with the utility involved for the relocation thereof before a permit shall be issued for the construction of a swimming pool. No portion of a swimming pool or associated structure shall be permitted to encroach upon any easement or right-of-way which has been granted for public utility use.
- f. For the protection of the general public, all areas containing swimming pools shall be completely enclosed by a fence not less than four (4) feet in height. The gate shall be of a self-closing and latching type, with latch on the inside the gate not readily available for children to open. Gates shall be capable of being securely locked when the pool is not in use for extended periods. Provided, however, that if the entire premises of the residence is enclosed, then this provision may be waived by the Zoning Administrator upon inspection and approval.

SEC. 1120. HOME OCCUPATIONS

1. Permitted Home Occupations. The following uses shall be permitted as home occupations:
 - a. Home offices for such professionals as architects, doctors, brokers, engineers, insurance agents, lawyers, realtors, accountants, computer programmers, writers, salespersons and similar occupations.
 - b. Personal services, including barber shops, beauty parlors, manicure and pedicure shops, grooming, catering, and chauffeuring services.
 - c. Music, dance, art and craft classes, tutoring, and studios for artists, sculptors, musicians and photographers.
 - d. Workshops for tailors, dressmakers, milliners, and craft persons, including weaving, lapidary, jewelry making, model making, cabinetry, and wood-working.
 - e. Repair services, limited to watches and clocks, small appliances, instruments, computers, electronic devices, and similar small devices.
 - f. Any other use determined by the Planning Commission to be similar to, and compatible with, the above listed uses.
2. Prohibited Home Occupations. The following uses are expressly prohibited as a home occupation:
 - a. Automobile truck, recreation vehicle, boat, motorcycle repair, bump and paint shops, salvage or storage yards.
 - b. Kennels or veterinary clinics.
 - c. Medical or dental clinics.
 - d. Retail sales of merchandise.
 - e. Eating and/or drinking establishments.
 - f. Undertaking and funeral homes.
 - g. Adult uses and sexually-oriented businesses.
3. Use Standards.

- a. A Home Occupation must be clearly incidental and secondary to the primary use of the dwelling unit for dwelling purposes. No more than twenty-five (25%) percent of the floor area of the dwelling and twenty-five (25%) of the floor area of any accessory structure shall be devoted to a home occupation.
 - b. A Home Occupation use shall not change the character of the residential nature of the premises, both in terms of use and appearance.
 - c. A Home Occupation use shall not create a nuisance or endanger the health, safety, welfare, or enjoyment of any other person in the area, by reason of noise, vibration, glare, fumes, odor, unsanitary or unsightly conditions, fire hazards, or the like, involved in or resulting from such Home Occupation.
 - d. A Home Occupation shall not generate sewage or water use in excess of what is normally generated from a single family dwelling in a residential area.
 - e. No employees shall be permitted other than members of the immediate family resident in the dwelling unit.
 - f. All activities shall be carried on within an enclosed structure. There shall be no outside display of any kind, or other external or visible evidence of the conduct of a Home Occupation.
 - g. A small announcement sign not to exceed two (2) square feet in area and attached to the front wall of the principal structure shall be permitted. All other signs are prohibited.
 - h. No vehicular traffic shall be permitted for the Home Occupation, other than that which is normally generated for a single dwelling unit in a residential area, both as to volume and type of vehicles.
 - i. Exterior storage of equipment, accessory items or outdoor display of any kind are prohibited in connection with a home occupation.
 - j. The establishment of a home occupation shall not necessitate exterior modification, except as may be required to accommodate physically handicapped persons, or as may be required by the building code.
 - k. Customer or client visits, and deliveries associated with the home occupation shall be limited to between the hours of 7:00 a.m. and 8:00 p.m.
4. Permits.
- a. A permit must be obtained to lawfully operate a home occupation. Application shall be made to the Zoning Administrator, who shall approve such requests which demonstrate compliance with the requirements of this Section. In the administration of these provisions, the Zoning Administrator shall be permitted to refer a request to the Planning Commission for review and approval where site conditions may create difficulty in adherence to the standards contained herein.
 - b. Should a lawfully established home occupation no longer meet the conditions outlined above or other conditions stipulated for approval, a violation shall be cited against the operator of the home occupation. The operator of the home occupation shall have ten (10) working days to correct the referenced violations. If the violations are not corrected

within that time, the permit to operate the home occupation shall be revoked and all related activities must cease.

- c. Home occupation permits shall be limited to the applicant who legally resides in the residence.

SEC. 1121. ROADSIDE STANDS AND FARM MARKETS

1. Roadside stands and farm markets shall be permitted in the O District in accordance with the terms of this Section.
 - a. At least fifty (50) percent of the products marketed and offered for sale at a farm market (measured as an average over the farm market's marketing season or up to a five-year timeframe) must be grown or produced on and by the affiliated farm. For purposes of this requirement, affiliated means a farm under the same ownership or control (e.g. leased) as the farm market whether or not the farm market is located on the property where production occurs.
 - i. For purposes of determining the percentage of products being marketed, the primary measure will be fifty (50) percent of the retail space used to display products offered for retail sale during the affiliated farm's marketing season. If measurement of retail space during the marketing season is not feasible, then the percent of the gross sales dollars of the farm market will be used, as follows:
 1. At least fifty (50) percent of the gross sales dollars of products sold at the farm market need to be from products grown or produced on and by the affiliated farm. For processed products, at least fifty (50) percent of the products' main "namesake" ingredient must be produced on and by the affiliated farm. For example, the apples used in apple pie, maple sap in maple syrup, strawberries in strawberry jam, etc.
 - b. Retail sales subordinate and related to the farm market may be allowed, provided such sales comprise no more than fifty (50) percent of the products offered.
 - c. On-site vehicle parking shall be provided on the farm market property in an amount sufficient to accommodate the reasonably anticipated number of farm market patrons. The on-site parking shall be arranged so as to avoid the accumulation of parked cars on nearby streets. Parking and driveway surfaces may be vegetative, pervious surface or hard surface.
 - d. Farm market buildings equal to or less than two-hundred (200) square feet in size shall be located not closer than fifteen (15) feet from the street right of way line or any other property line. Farm market buildings greater than two-hundred (200) square feet in size shall comply with the minimum required setback distances for the district in which such building is located.
 - e. A zoning permit is not required for a roadside stand or farm market with a sales area equal to or less than one hundred (100) square feet and which does not include permanent structures. Such farm markets may be allowed in any zoning district and must adhere to all other requirements of this Section.

SEC. 1122. KEEPING OF ANIMALS

The keeping of domestic animals for non-farm use shall be subject to the following requirements. The keeping of livestock and farm animals raised for sale and profit on a farm or farming operation, as defined in this Ordinance, shall be exempt from the requirements of this Section.

1. The parcel on which the animals are located shall not be within a recorded plat.
2. The minimum area for the keeping of animals, except as otherwise provided, shall be three (3) acres. One (1) horse, mule, donkey, or cow, or two (2) goats, sheep, hogs, or other similar domestic animal raised and kept as a pet or for recreational purposes, shall be permitted on the first three (3) acres. Additional animals, in the quantity described above, shall be permitted for each additional acre of land up to twenty (20) acres.
3. The minimum area for the keeping of domesticated fowl, except as otherwise provided, shall be three (3) acres. Twenty-five (25) chickens, ten (10) turkeys, geese, or other similar domestic fowl, when raised and kept for other than commercial breeding and/or commercial egg production, shall be permitted on the first three (3) acres. Additional animals, in the quantity described above, shall be permitted for each additional acre of land up to twenty (20) acres.
4. The minimum area for the keeping of rabbits and other similar small animals except as otherwise provided, shall be one (1) acre. Ten (10) rabbits or similar small animals, when raised and kept for other than commercial breeding, shall be permitted on the first three (3) acres. Additional animals, in the quantity described above, shall be permitted for each additional acre of land up to twenty (20) acres.
5. The keeping of animals, as described above, shall further be subject to any applicable State and Tuscola County health regulations.
6. Any person being owner of, in possession of or control of any animal regulated by this Section shall provide and maintain a yard, pen, shelter or building for the confinement of such animals. All parts of any yard, pen, shelter or building shall not be less than fifty (50) feet from the property line of any recorded plat and twenty-five (25) feet from any other property line.

SEC. 1123. WIRELESS COMMUNICATION FACILITIES

1. Purpose and Intent. The general purpose and intent of these regulations is to regulate the establishment of wireless communication facilities in recognition of the public need and demand for advanced telecommunication and information technologies and services balanced against the impacts such facilities may have on properties within the Township. It is the further purpose and intent of these regulations to:
 - a. Provide for the appropriate location and development criteria for wireless communication facilities within the Township;
 - b. Allow and encourage the location of wireless communication facilities in non-residential zoning districts, where possible;
 - c. Minimize the adverse effects of such facilities through careful design, siting and screening criteria;

- d. Promote and encourage the collocation of wireless communication equipment as a primary option rather than construction of new wireless communication support structures.
 - e. Protect the character of rural and residential areas throughout the Township from the effects of wireless communication facilities; and
 - f. Promote the public health, safety, and welfare.
2. Applicability. All new wireless communication facilities shall be subject to the requirements of this Section, except as otherwise provided in this Section.
- a. Amateur Radio Station Operators/Receive Only Antennas/Wi-Fi Antennas/Television Antennas. This Section shall not govern any tower, or the installation of any antenna, that is owned and operated by a federally-licensed amateur radio station, or is used exclusively for receive only antennas, or is used for Wi-Fi or television reception.
3. Approval Process.
- a. Collocation.
 - i. Pursuant to Public Act 110 of 2006, as amended, collocation is permitted on existing and approved wireless communication support structures (WCSS) without a zoning permit, provided the following requirements are met:
 - 1. The proposed collocation will not increase the overall height of the WCSS by more than 20 feet or 10% of its original height, whichever is greater.
 - 2. The proposed collocation will not increase the width of the WCSS by more than the minimum necessary to permit collocation.
 - 3. The proposed collocation will not increase the area of the existing equipment compound to greater than 2,500 square feet.
 - ii. Plans for collocation installation shall be administratively reviewed by the Zoning Administrator to verify compliance with the requirements herein. The Zoning Administrator shall complete his or her administrative review of the proposed installation plans within 14 business days of his or her receipt of such plans.
 - iii. Collocation which does not meet the requirements of subsection a, i, above shall require a special land use permit in accordance with the approval process for a new WCSS as outlined in subsection b, below.
 - b. Establishment of a New Wireless Communications Support Structure (WCSS). The establishment of a new WCSS shall require a special land use permit in accordance with SEC. 1308 (Review and Approval of Special Land Uses) and the following:
 - i. An application for special land use approval of WCSS shall include a site plan containing all information required by SEC. 1307 (Site Plan Review).
 - ii. After an application for a special land use approval is filed, the Zoning Administrator shall determine the special land use permit application is administratively complete within 14 business days of its receipt.
 - iii. The Planning Commission shall approve or deny the application not more than 90 days after the application is considered to be administratively complete.

- c. Replacement of Existing Wireless Communications Support Structure (WCSS). An existing WCSS which was lawful at the time of its construction may be replaced for purposes of accommodating collocation of additional WCE, or otherwise, provided that the replacement WCSS does not exceed the original approved height, will be located within the same zoning lot as the existing WCSS, and will be located so as to maximize compliance with existing minimum yard requirements. Such installation shall be considered to be a permitted use of property, not subject to special land use permit approval. Further, the existing WCSS shall be removed within 180 days of the Township’s final construction inspection of the replacement WCSS.
 - i. The Zoning Administrator shall determine that the application is administratively complete within 14 business days of its receipt. The Zoning Administrator shall approve or deny the application not more than 90 days after the application is considered administratively complete. Such review by the Zoning Administrator shall be without notice.
 - d. Installation of Wireless Communication Equipment (WCE). The installation of WCE, not part of a proposed collocation activity, is permitted within existing and approved equipment compounds without a zoning permit.
 - i. Plans for such installation shall be administratively reviewed by the Zoning Administrator to verify compliance with the requirements herein. The Zoning Administrator shall complete his or her administrative review of the proposed installation plans within 14 business days of his or her receipt of such plans.
4. WCSS Standards for All Zoning Districts.
- a. WCSS shall not exceed one-hundred fifty (150) feet in height.
 - b. WCSS shall be set back not less than a distance equal to the height of the tower measured from the base of the tower to all points on each property line.
 - c. No antenna or similar sending/receiving devices appended to the WCSS, following its approved construction, shall be permitted if it exceeds the engineered design capacity of the WCSS thereby jeopardizing the WCSS’s structural integrity.
 - d. The design plans for the WCSS shall be prepared by a Michigan registered professional structural engineer.
5. WCSS Standards for Residential Zoning Districts.
- a. WCSS may be permitted by the Planning Commission to locate within the R1 and RM-1 Districts, subject to the following conditions and findings:
 - i. All reasonable measures to collocate must be documented, and such collocation proves infeasible.
 - ii. The WCSS shall be of monopole design, unless it can be demonstrated that such design is not feasible to accommodate the user or collocation.
 - iii. All reasonable efforts to locate in non-residential zoning districts have been made and are proven to be infeasible, unavailable, or not a compatible land use as determined by the Planning Commission.

- iv. The Planning Commission finds that a location in a residential district is the best overall alternative considering all factors of land use, visibility, and satisfactory signal coverage.
- 6. Abandonment.
 - a. All wireless communication facilities shall be removed and the site restored to its original condition by the property owner or lessee within 90 days of being abandoned. For the purposes of this section, abandoned shall mean that no WCE or other commercial antenna has been operational and located on the WCSS for 180 days or more.

SEC. 1124. PONDS

1. Ponds created for livestock watering, irrigation, fish or aquatic life, or for recreational or aesthetic purposes are a permitted use subject to the approval of the Zoning Administrator upon the finding that the plans meet the following requirements:
2. All ponds shall be on a contiguous parcel of at least five (5) acres.
3. Ponds shall only be of an excavation type as defined by the Soil Conservation Service engineering standard, and all ponds shall be constructed to the NRCS standards. (See Standard 378 of the Natural Resource Conservation Services, as amended.)
4. No commercial activities including public fishing shall be allowed unless approved by the Planning Commission as a home business.
5. The pond shall be a minimum distance of fifty (50) feet from any property line.
6. Any artesian well or other water overflow from a pond that could affect adjacent property shall be provided with adequate drainage.
7. Ponds shall be located a minimum of one hundred (100) feet from a septic tank or field.
8. Ponds shall be constructed in such a manner that runoff, overflow, spillage or seepage shall not encroach upon adjacent properties owned by another person.
9. Ponds shall have warning signs and lifesaving equipment as required by the State of Michigan.
10. Permit Requirements.
 - a. A site layout shall be submitted to the Zoning Administrator for his or her determination that it meets the requirements of this Section prior to the issuance of a Zoning Permit.
 - b. No Zoning Permit shall be issued, and no pond shall be constructed without first obtaining a permit from the Department of Environmental Quality (MDEQ) if such pond would be:
 - i. Five (5) acres or greater in area, or
 - ii. Connected to an existing lake or stream, or
 - iii. Located within five hundred (500) feet of the ordinary high water of an existing inland lake or stream, or
 - iv. Located within a regulated wetland.
 - c. The obtaining of the permit from the Department of Environmental Quality (MDEQ) shall not relieve a person from also complying with the requirements of this Section.

SEC. 1125. SOLAR ENERGY SYSTEMS

1. Purpose and Intent. The purpose of this section is to promote the use of renewable energy as an alternative energy source and to provide associated place, land development, installation, and construction regulations for building integrated photovoltaic systems and small and large scale solar energy systems subject to reasonable conditions that will protect the public health, safety, and welfare. These regulations establish minimum requirements while promoting a renewable energy source in a safe, effective, and efficient manner.
2. Building Integrated Photovoltaic Systems.
 - a. No zoning approval is required for building integrated photovoltaic systems, as defined in this ordinance. Such systems shall be subject to all applicable local and state building and construction codes or standards.
3. Small Scale Solar Energy Systems. A small scale solar energy system may be allowed accessory to a principal use in any zoning district, subject to the following conditions:
 - a. Small scale solar energy systems shall not be constructed or installed in the front yard of any lot.
 - b. For residentially zoned parcels, ground mounted systems shall not exceed one thousand (1,000) square feet in area utilized for solar panels and electrical equipment. For all other zoning districts, ground mounted systems shall not exceed ten thousand (10,000) square feet in total area.
 - c. Maximum Height.
 - i. Roof Mounting: In residentially zoned districts, small scale solar energy systems attached to pitched roofs may not extend above the existing peak of the roof. In all other zoning districts, small scale solar energy systems attached to flat roofs may not extend more than five feet above the parapet, and they must be setback three feet from edges of the roof. In any event, the solar array shall not exceed the maximum building height for the zoning district in which it is located.
 - ii. Ground Mounting: small scale solar energy systems shall not be constructed in any required setback area. Greenbelts and landscape screening shall be required to screen the small scale solar energy system from adjoining properties and roadways.
 - d. All small scale solar energy systems shall be buffered by the planting of shrubs measuring thirty-six to forty-eight inches (36"-48") tall at planting along the length of the each of the sides of the area utilized for solar panel arrays. The shrubs shall be planted on five-foot centers.
4. Large Scale Solar Energy Systems. The establishment of large scale solar energy systems may be allowed within the O, C and I Districts and shall require a special land use permit in accordance with SEC. 1308 (Review and Approval of Special Land Uses). Large scale solar energy systems shall be further subject to the following:
 - a. Minimum Lot Size. Large scale solar energy systems shall have a minimum lot size of ten (10) acres.

- b. Maximum Height. For ground mounting, all photovoltaic panels and support structures located on a large scale solar energy system facility shall be restricted to a maximum height of twelve (12) feet when orientated at a maximum tilt as measured from the existing grade. For roof mounting, large scale solar energy systems attached to flat roof, arrays may not extend more than five feet above the parapet, and they must be setback three feet from edges of the roof. In any event, the solar array shall not exceed the maximum building height for the zoning district in which it is located.
- c. All photovoltaic solar panels and support structures associated with such facilities (excluding perimeter fencing) shall be setback a minimum of fifty (50) feet from a side or rear property line and seventy-five (75) feet from a front property line. All solar arrays and electrical equipment must be setback not less than one-hundred (100) feet from any adjacent residential structure.
- d. Maximum lot coverage restrictions shall not apply to photovoltaic solar panels. Any other regulated structures on the parcel are subject to the maximum lot coverage restrictions of the underlying zoning district.
- e. A six (6) foot tall security fence shall be placed around all electrical equipment not included on the individual solar panel arrays. The use of barbed wire and electrical fences are expressly prohibited.
- f. Large scale solar energy system facilities shall be located or placed so that concentrated solar glare shall not be directed toward or onto adjoining properties or roadways at any time of the day.
- g. The special land use application for large scale solar energy systems shall include a proposed landscaping and screening plan, prepared by a licensed landscape architect. This plan will be reviewed through the special land use review procedures process to assure that the proposed facility is appropriately landscaped in relation to adjacent land uses and road rights-of-way.
- h. The use of above ground transmission lines is prohibited within the site.
- i. Information to be Provided. In addition to a site plan containing all information required by SEC. 1307, the applicant shall address the following specific topics in the application for large scale solar energy system installations:
 - i. Project Description and Rationale: Identify the type, size, rated power output, performance, safety and noise characteristics of the system including the transmission line/grid connection for the project. Identify the project construction time frame, project life, developmental phases (and potential future expansions) and expected markets for the generated energy.
 - ii. Visual Impacts: Graphically demonstrate the visual impact of the project using photos and renderings of the project with consideration given to setbacks and proposed landscaping.
 - iii. Environmental Analysis: Identify impacts on surface water quality and any impacts to County drains and/or established natural and private drainage features in the area.
 - iv. Waste: Identify any solid or hazardous waste generated by the project.

- v. Lighting: Provide plans showing all lighting within the facility. No light may adversely affect adjacent parcels. Site lighting shall not exceed 0.1 footcandles when adjacent to residentially used property or 1.0 footcandles on any other property.
 - vi. Transportation Plan: Provide a proposed access plan during construction and operational phases. Show proposed project service road ingress and egress locations onto adjacent roadways and the layout of the facility service road system. Due to infrequent access following construction, it is not required to pave or curb the solar panel access drive.
 - vii. Public Safety: Identify emergency and normal shutdown procedures. Identify potential hazards to adjacent properties, public roadways, and to the general public that may be created.
 - viii. Noise: Identify noise levels at the property lines of the project when completed and operational.
 - ix. Telecommunications Interference: Identify any electromagnetic fields and communications interference that may be generated by the project.
- j. Abandonment and Decommissioning. Following the operational life of the project, or at the time the project becomes obsolete or an Abandoned Solar Energy System, as determined by the Township Zoning Administrator or any other expert or specialist to be designated by the Township to make such a determination, the applicant shall perform decommissioning and removal of the large scale solar energy system and all its components. The Applicant shall prepare a Decommissioning Plan and submit it to the Planning Commission for review and approval prior to issuance of the Special Land Use Permit. Under this plan, all structures and facilities shall be removed, including any structures below-grade, and removed off-site for disposal. No concrete, piping and other materials may be left in place. Any Solar Array or combination of Photovoltaic Devices that become an Abandoned Solar Energy System shall be removed under the Decommissioning Plan. The ground must be restored to its original condition within 180 days of becoming an Abandoned Solar Energy System, or decommissioning, whichever occurs first. If decommissioning is not completed within a 180-day period, the Township Board shall have the authority to complete any decommissioning and restoration activities necessary to restore the property to the condition in existence prior to the installation of the Large Solar Energy System or any components thereof. Any costs incurred by the Township in pursuing such activities shall be at the expense of the Applicant. The Decommissioning Plan shall include the life of the project, estimated decommissioning costs net of salvage value in current dollars, and method of ensuring that funds will be available for decommissioning and restoration.
- k. Continuing Security. If any large scale solar energy system is approved for construction under this section, the applicant shall post decommissioning security prior to the start of construction (in a mutually agreed upon form) for an amount necessary to accomplish the work specified in the decommissioning plan as agreed upon by the Township and applicant. The amount shall be reasonably sufficient to restore the property to its

previous condition prior to construction and operation of the large scale solar energy system. Such financial security shall be kept in full force and effect during the entire time that the large scale solar energy system exists or is in place, and such financial security shall be irrevocable and non-cancelable.

- i. Continuing Obligations. Failure to keep any required financial security in full force and effect at all times while a large scale solar energy system exists or is in place shall constitute a material and significant violation of the Special Land Use Permit and this Ordinance, and will subject the large scale solar energy system, applicant, owner and operator to all remedies available to the Township, including any enforcement action, civil action, request for injunctive relief, and revocation of the Special Land Use Permit.
- l. Transfer of Ownership/Operation. Prior to a change in the ownership or operation of a large scale solar energy system, including, but not limited to, by the sale or lease of that system or the underlying property, the current owner or operator shall provide written notice to the Township at least sixty (60) days prior to that change becoming effective. This notice shall inform the Township of the intended transfer of control of the large scale solar energy system, and shall include a copy of the instrument or agreement effecting that transfer. Such an instrument or agreement shall include an express statement that the new owner or operator of the large scale solar energy system shall not be permitted to operate that system until compliance with the terms of this Ordinance has been established.
- m. Township Review. Because of the ever-changing technical capabilities of the photovoltaic solar panels and of new technology in general, the Township Planning Commission shall have the authority to review and consider alternative in both the dimensional and physical requirements in this Section as a part of the special land use review process.

SEC. 1126. AGRITOURISM ENTERPRISES

The establishment of an agritourism enterprise, as defined in this ordinance, shall require a special land use permit in accordance with SEC. 1308 (Review and Approval of Special Land Uses). Agritourism enterprises shall be further subject to the following:

1. On-site vehicle parking shall be provided on the property in an amount sufficient to accommodate the reasonably anticipated number of agritourism patrons and/or employees. The on-site parking shall be arranged so as to avoid the accumulation of parked cars on nearby streets. Parking and driveway surfaces may be vegetative, pervious surface or hard surface.
2. The Fire Marshall or Building Official shall establish a maximum capacity for meetings, training, educational or similar events which shall be appropriate to the site and facilities in terms of safe capacity in buildings, parking area and sanitation limitations of the site.
3. The Planning Commission may establish hours of operation for agritourism enterprises, or specific elements thereof, consistent with the character of the land uses in the vicinity, and may

further approve an enforcement mechanism to ensure that the established hours of operation are adhered to.

4. The applicant shall secure and maintain all required state and local permits, including but not limited to, public health and building code requirements.
5. In lieu of a complete site plan required by SEC. 1307, the application shall include:
 - a. A site plan, drawn to scale, showing all of the features of the proposed use, including the area and location to be used; the amount of off-street parking area; the setback from the street right-of-way line and property lines; the setback from any buildings on the site; the specific location of the elements of the use; and other information required by the Planning Commission.
 - b. A written narrative describing the use in detail, including the proposed hours of operation; measures that are to be taken to assure that the operation of the use will take place only in a safe and convenient manner; and other information describing the use which will assist the Planning Commission in determining whether the application should be approved.

SEC. 1127. BIOFUEL

1. The special land use application shall contain the following:
 - a. A site plan, including a map of the property and existing and proposed buildings and other facilities;
 - b. A description of the process to be used to produce biofuel;
 - c. The number of gallons anticipated to be produced annually;
 - d. An emergency access and fire protection that has been reviewed and approved by the appropriate responding police and fire departments;
 - e. For ethanol production facility that will produce more than 10,000 proof gallons annually, completed United States department of the treasury, alcohol and tobacco tax and trade bureau, forms 5000.29 (environmental information) and 5000.30 (supplemental information on water quality considerations under 33 USC 1341(a)), or successor forms, required to implement regulations under the national environmental policy act of 1969, 42 USC 4321 to 4347, and the federal water pollution control act, 33 USC 1251 to 1387; and
 - f. Any additional information requested by the Planning Commission that is relevant to compliance with the Zoning Ordinance.
2. The Planning Commission shall hold a hearing on an application for special land use approval not more than sixty (60) days after the application is filed.
3. Special land use approval of shall be made expressly conditional on the facility's meeting all of the following requirements before the facility begins operations and no additional requirements:
 - a. Buildings, facilities, and equipment used in the production or storage of biofuel comply with local, state, and federal laws;

- b. The owner or operator of the biofuel production facility provides the local unit of government with proof that all necessary approvals have been obtained from the department of environmental quality and other state and federal agencies that are involved in permitting any of the following aspects of biofuel production:
 - i. Air pollution emissions,
 - ii. Transportation of biofuel or additional products resulting from biofuel production,
 - iii. Use or reuse of additional products resulting from biofuel production, and
 - iv. Storage of raw materials, fuel, or additional products used in, or resulting from, biofuel production; and
- c. The biofuel production facility includes sufficient storage for both of the following:
 - i. Raw materials and fuel, and
 - ii. Additional products resulting from biofuel production or the capacity to dispose of additional products through land application, livestock consumption, sale, or other legal use.

ARTICLE XII

GENERAL EXCEPTIONS

SEC. 1200. AREA, HEIGHT AND USE EXCEPTIONS:

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

SEC. 1201. ESSENTIAL SERVICES:

Nothing in this Ordinance shall prohibit the provision of essential services, provided the installation of such service does not violate any other applicable provisions of this Ordinance or any other Ordinance of Wisner Township.

SEC. 1202. VOTING PLACE

The provisions of this Ordinance shall not be so construed as to interfere with temporary use of any property as a voting place in connection with a public election.

SEC. 1203. HEIGHT LIMIT:

The height limitations of this Ordinance shall not apply to chimneys, church spires, flag poles, or public monuments; provided, however, that the Planning Commission may specify a height limit for any such structure when such structure requires authorization as a special land use.

SEC. 1204. LOT AREA:

Any lot existing and of record on the effective date of this Ordinance may be used for any principal use permitted, other than special land uses for which special lot area requirements are specified in this Ordinance, in the district in which such lot is located whether or not such lot complies with the lot area requirements of this Ordinance. Such use may be made provided that all requirements other than lot area requirements prescribed in this Ordinance are complied with, and provided that no more than one (1) dwelling unit shall occupy any lot except in conformance with the provisions of this Ordinance for required lot area for each dwelling unit.

SEC. 1205. LOTS ADJOINING ALLEYS:

In calculating the area of a lot that adjoins an alley for the purpose of applying lot area requirements of this Ordinance, one-half (½) the width of such alley abutting the lot shall be considered as part of such lot.

SEC. 1206. YARD REGULATIONS:

When yard regulations cannot reasonably be complied with, or where their application cannot be determined on lots of peculiar shape, topography or due to architectural or site arrangements, such regulations may be modified if determined by the Board of Appeals.

SEC. 1207. PORCHES:

An open, unenclosed and uncovered porch or paved terrace may project into a required front yard for a distance not exceeding ten (10) feet, but this shall not be interpreted to include or permit fixed canopies.

SEC. 1208. PROJECTIONS INTO YARDS:

Architectural features, not including vertical projections, may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard; and may extend or project into a required front yard or rear yard not more than three (3) feet.

SEC. 1209. ACCESS THROUGH YARDS:

For the purpose of this Ordinance, access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures. These drives shall not be considered as structural violations in front and side yards. Further, any walk, terrace or other pavement servicing a like function, and not in excess of nine (9) inches above the grade upon which placed, shall for the purpose of this Ordinance not be considered a structure, and shall be permitted in any required yard.

SEC. 1210. LOTS HAVING WATER FRONTAGE:

Those residential lots or parcels having water frontage and abutting a public thorofare shall maintain the yard on the water side as an open unobscured yard, excepting that a covered or uncovered boat well shall be permitted after review and approval of plans by the Zoning Board of Appeals. Accessory structures shall be permitted in the front yard between the minimum front yard setback line and the main building provided that the minimum front yard setback remains open and unobstructed.

ARTICLE XIII

ADMINISTRATION AND ENFORCEMENT

SEC. 1300. ENFORCEMENT:

The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator or by such deputies of his department as the Zoning Administrator may delegate to enforce the provisions of this Ordinance.

SEC. 1301. DUTIES OF ZONING ADMINISTRATOR:

The Zoning Administrator shall have the power to grant zoning compliance and occupancy permits, to make inspections of buildings and premises necessary to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Zoning Administrator to approve any plans or issue any permits or certificates of occupancy for any excavation or construction until he has inspected such plans in detail and found them to conform with this Ordinance.

Under no circumstances is the Zoning Administrator permitted to make changes to this Ordinance nor to vary the terms of this Ordinance in carrying out his duties as Zoning Administrator.

The Zoning Administrator shall not refuse to issue a permit when conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said permit.

SEC. 1302. PLOT PLAN:

The Zoning Administrator shall require that all applications for zoning compliance permits shall be accompanied by plans and specifications including a plot plan, in triplicate, showing the following:

1. The actual shape, location and dimensions of the lot.
2. The shape, size and location of all buildings or other structures to be erected, altered or moved and of any building or other structures already on the lot.
3. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
4. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.

SEC. 1303. PERMITS:

The following shall apply in the issuance of any permit:

1. **Permits Not to be Issued:** No zoning compliance permit shall be issued for the erection, alteration or use of any building or structure or part thereof, or for the use of any land, which is not in accordance with all provisions of this Ordinance.

2. **Permits for New Use of Land:** No land heretofore vacant shall hereafter be used or an existing use of land be hereafter changed to a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.
3. **Permits for New Use of Buildings:** No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.
4. **Permits, Required:** No building or structure, or part thereof, shall be hereafter erected, altered, moved or repaired unless a zoning compliance permit shall have been first issued for such work. The term "altered" and "repaired" shall include any changes which will effect the provisions contained in this Ordinance.

SEC. 1304. CERTIFICATES:

No land, building or part thereof, shall be occupied by or for any use unless and until a certificate of occupancy shall have been issued for such use. The following shall apply in the issuance of any certificate:

1. **Certificates Not to be Issued:** No certificates of occupancy shall be issued for any building, structure, or part thereof, or for the use of any land, which is not in accordance with all provisions of this Ordinance.
2. **Certificates Required:** No building or structure, or parts thereof, which is hereafter erected, or altered, shall be occupied or used or the same caused to be done, unless and until a certificate of occupancy shall have been issued for such building or structure.
3. **Certificates for Existing Buildings:** Certificates of occupancy shall be issued for existing buildings, structures or parts thereof, or existing uses of land if, after inspection, it is found that such buildings, structures or parts thereof, or such use of land, are in conformity with the provisions of this Ordinance.
4. **Record of Certificates:** A record of all certificates issued shall be kept on file in the office of the Zoning Administrator and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.
5. **Certificates for Dwelling Accessory Buildings:** Buildings or structures accessory to dwellings shall not require separate certificates of occupancy but may be included in the certificate of occupancy for the dwelling when shown on the plot plan and when completed at the same time as such dwellings.
6. **Application for Certificates:** Application for Certificates of occupancy shall be made in writing to the Zoning Administrator on forms furnished by that Department, and such certificates shall be issued within five (5) days after receipt of such application if it is found that the building or structure, or part thereof, or the use of land is in accordance with the provisions of this Ordinance. If such certificate is refused for cause, the applicant therefore shall be notified of such refusal and cause thereof, within the aforesaid five (5) day period.

SEC. 1305. FINAL INSPECTION:

The holder of every zoning compliance permit for the construction, erection, alteration, repair or moving of any building, structure, or part thereof, shall notify the Zoning Administrator immediately upon the completion of the work authorized by such permit, for a final inspection.

SEC. 1306. FEES:

Fees for inspection and the issuance of permits or certificates or copies thereof required or issued under the provisions of this Ordinance may be collected by the Zoning Administrator in advance of issuance. The amount of such fees shall be established by resolution of the Wisner Township Board and shall cover the cost of inspection and supervision resulting from enforcement of this Ordinance.

SEC. 1307. SITE PLAN REVIEW:

1. Prior to the establishment of a new use, change of use, addition to an existing use, reoccupancy of an existing use, or the erection of any building in a zoning district, subject to the conditions listed below, a site plan shall be submitted and approved, approved with conditions, or disapproved by the Planning Commission in accordance with the Ordinance requirements of this Section.
 - a. Site plan reviews are required for all permitted principal uses and structures in all zoning districts (except for single-family detached dwellings and their accessory uses, two-family dwellings and their accessory uses, and agricultural structures) and all special land uses in all zoning districts.
2. Every site plan submitted to the Planning Commission shall be in accordance with the requirements of this Ordinance. No site plan shall be approved until same has been reviewed by the Zoning Administrator.
3. The following information shall be included on the site plan:
 - a. Date, north point and scale.
 - b. The dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties.
 - c. The location of all existing and proposed structures on the subject property and all existing structures within one hundred (100) feet of the subject property.
 - d. The location of all existing and proposed drives and parking areas.
 - e. The location and right-of-way widths of all abutting streets and alleys.
 - f. The names and addresses of the architect, planner, designer, engineer, or person responsible for preparation of the site plan.
4. In the process of reviewing the site plan, the Planning Commission shall consider:
 - a. The location and design of driveways providing vehicular ingress to and egress from the site, in relation to streets giving access to the site, and in relation to pedestrian traffic.
 - b. The traffic circulation features within the site and location of automobile parking areas; and may make such requirements with respect to any matters as will assure:
 - i. Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets.

- ii. Satisfactory and harmonious relationships between the development on the site and the existing and prospective development on contiguous land and adjacent neighborhoods.
 - c. The Planning Commission may further require landscaping, fences and walls in pursuance of these objectives and same shall be provided and maintained as a condition of the establishment and the continued maintenance of any use to which they are appurtenant.
- 5. Sketch Plan Review.
 - a. The following projects are eligible for sketch plan review by the Zoning Administrator:
 - i. Single-family detached dwellings and their accessory structures or uses, and two-family dwellings and their accessory structures or uses.
 - ii. Accessory structures or uses incidental to a conforming existing use where said accessory structure or use does not require any variance or further site modifications.
 - iii. Use reoccupancies or a change from one permitted use to another permitted use within an existing structure.
 - iv. Expansion and/or addition of a structure or use not more than 10% of the size of an existing conforming structure or use.
 - v. Establishment of a home occupation.
 - b. The Zoning Administrator retains the option to require site plan review by the Planning Commission for any of the above listed projects particularly for sites which do not comply with previously approved site plans, sites with parking deficiencies, sites abutting residential districts or sites experiencing problems with drainage, traffic, noise, aesthetics or other general health and safety issues.
 - c. Every application for sketch plan review shall be accompanied by a sketch plan showing the location of existing and proposed buildings, structures, water supply and septic system and the distance of each from property lines. The Zoning Administrator shall review all sketch plan applications and approve those requests which comply with the requirements of this Ordinance.
- 6. Decision. Based on the standards outlined in subsection (4) above, the Planning Commission shall approve, approve with conditions, or deny the site plan. The Planning Commission may suggest and/or require modifications to the site plan as are needed to gain approval.
- 7. Record of Approval. The sketch plan or site plan, as approved, shall become part of the record of approval, and subsequent actions relating to the activity shall be consistent with the approved sketch plan or site plan, unless a change conforming to this chapter receives the mutual agreement of the landowner and the individual or body which approved the sketch plan or site plan.
- 8. Amendment of Approved Site Plan. The Zoning Administrator shall have the authority to determine if a proposed change requires an amendment to an approved site plan. A site plan may be amended upon application and in accordance with the procedure for site plan review by the Planning Commission. The Zoning Administrator may approve minor changes in an approved

site plan, provided that a revised site plan drawing be submitted showing such minor changes, for purposes of record.

9. Fees. Sketch plan and site plan review fees, as established by the Wisner Township Board, by resolution, shall accompany the application.
10. Consultant Review. The Planning Commission, as part of the site plan review process, may seek input from the Township's planner and engineer prior to approving, approving with conditions, or disapproving the site plan.
11. Revocation.
 - a. Any site plan approval shall be revoked when construction of said development is not in conformance with the approved plans, in which case the Planning Commission shall give the applicant notice of intention to revoke such approved plans at least ten (10) days prior to review of the violation by the Planning Commission. After conclusion of such review, the Planning Commission shall revoke its approval of the development if the Commission feels that a violation in fact exists and has not been remedied prior to such hearing.
 - b. The approval by the Planning Commission of any site plan under the provisions of this Ordinance shall expire and be considered automatically revoked one (1) year after the date of such approval unless actual construction has commenced and is proceeding in accordance with the issuance of a valid building permit. If such construction activity ceases for any reason for a period of more than one (1) year, any subsequent use of said land shall be subject to review and approval of a new site plan for said property in conformance with the regulations specified by this Ordinance, except that the Planning Commission may, at its discretion, upon application by the owner and for cause shown, provide for up to two (2) successive twelve (12) month extensions.

SEC. 1308. REVIEW AND APPROVAL OF SPECIAL LAND USES:

This section provides a set of standards for special land uses which, because of their unique characteristics, require special consideration in relation to the welfare of adjacent properties and the community as a whole. The regulations and standards, herein, are designed to allow, on one hand, practical latitude for the investor or developer, but at the same time maintain adequate provision for the protection of the health, safety, convenience, and general welfare of the community. All special land uses in all zoning districts shall comply with the procedures outlined in this Section.

1. Application. An application for special land use shall be submitted to the Zoning Administrator on a special form for this purpose. Each application shall be accompanied by the payment of a fee as established by the Wisner Township Board.
2. Procedures and Requirements. The following is required for all special approval uses:
 - a. A completed site plan/sketch containing the informational requirements of Section 1307 shall be submitted along with the application.
 - b. The application together with all required data shall be transmitted to the Planning Commission for review. The Planning Commission shall then hold a public hearing. One (1) notice that a request for special land use has been received shall be published in a

newspaper which circulates in the Township, and sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet. The notice shall be given not less than fifteen (15) days before the date the application will be considered. 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. The notice shall:

- i. Describe the nature of the special land use request.
 - ii. Indicate the property which is the subject of the special land use request.
 - iii. State the date, time, and place of the public hearing.
 - iv. Indicate when and where written comments will be received concerning the request.
 - c. After holding the public hearing, the Planning Commission shall then deny, approve, or approve with conditions the application. The Planning Commission shall incorporate their decision into a statement containing the conclusions relative to the special land use under consideration which specifies the basis for the decision, and any conditions imposed.
 - d. No variance shall be made in connection with or an appeal heard on any condition established as part of a special land use.
 - e. A special land use granted pursuant to this Section shall be valid for one (1) year from the date of approval. If the use has not commenced by the end of this one (1) year period, the Planning Commission or its designee shall notify the applicant in writing of the expiration of approval for the special approval use.
 - f. The Planning Commission shall have the authority to revoke any special land use after the applicant has failed to comply with any of the applicable requirements of this Section or any other applicable sections of this Ordinance.
3. Review Standards. The Planning Commission shall require that the following general standards, in addition to any specific standards established for each use, shall be satisfied:
- a. The proposed site shall 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 a use will not change the essential character of the area in which it is proposed.

- b. The proposed site shall be served adequately by essential public facilities and services such as highways, streets, police, fire protection, drainage, refuse disposal, water and sewage facilities, and schools.
- c. The proposed site shall not create excessive additional requirements at public cost for public facilities and services.
- d. The proposed site shall not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.
- e. The proposed site shall be consistent with the intent and purpose of the Zoning District in which it is proposed to locate such use.
- f. The proposed site shall be consistent with the intent and purpose of the Wisner Township Master Plan.
- g. The Planning Commission may stipulate such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, and for insuring that the intent and objectives of this Ordinance will be observed. The breach of any condition, safeguard, or requirement shall automatically invalidate the granting of the special approval use.

ARTICLE XIV

BOARD OF APPEALS

SEC. 1400. CREATION AND MEMBERSHIP:

There is hereby established a Board of Zoning Appeals, hereinafter called the "Board", which shall perform its duties and exercise its powers as provided in Public Act 110 of 2006, as amended, and in such a way that the objectives of this Ordinance shall be observed, public safety and welfare secured and substantial justice done. The Board shall be composed of three (3) to five (5) members, appointed as following:

1. The first member shall be the Chairman of the Township Planning Commission, for the period of his term of office.
2. The second member shall be a member of the Township Board appointed by the Township Board, for the period of his term of office.
3. The Township Board shall appoint at least one (1) and no more than three (3) additional members from among the electors residing in the unincorporated area of the township, for a period of three (3) years.

No elected officer of the Township nor any employee of the Township may serve simultaneously as a third member of, or as an employee of, the Board of Appeals. The member who is a member of the Township Board appointed by the Township Board shall not serve as chairman of the Township Board of Appeals.

SEC. 1401. MEETINGS:

All meetings of the Board of Appeals shall be held at the call of the Chairman and at such times as such Board may determine. All hearings conducted by said Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent, or failing to vote, indicating such fact; and shall also keep records of its hearings and other official action. The Board shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files and other evidence pertinent to the matters before it.

SEC. 1402. APPEALS:

An appeal may be taken to the Board of Appeals by any person, firm, or corporation, or by any Officer, Department, Board or Bureau aggrieved by a decision of the Zoning Administrator. Such appeal shall be taken within such time as shall be prescribed by the Board of Appeals by general rule, by filing with the Zoning Administrator and with the Board of Appeals a notice of Appeal, specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board of Appeals after notice of appeal has 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 the proceedings shall not be stayed, otherwise than by restraining order, which may be granted by the Board of Appeals or by the circuit court.

SEC. 1403. FEES:

The Township Board may from time to time prescribe and amend by resolution a reasonable schedule of fees to be charged applicants for appeals to the Zoning Board of Appeals. At the time the notice for appeal is filed, said fee shall be paid to the Secretary of the Board of Appeals, which the Secretary shall forthwith pay over to the Township Treasurer to the credit of Township Zoning Ordinance fund of the Township of Wisner.

SEC. 1404. JURISDICTION:

The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms of this Ordinance, but does have power to act on those matters where this Ordinance provides for an administrative review, interpretation, temporary uses, and to authorize a variance as defined in this Section and laws of the State of Michigan. Said powers include:

1. **Administrative Review:** To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Zoning Administrator or any other administrative official in carrying out or enforcing any provisions of this Ordinance.
2. **Interpretations:** To hear and decide in accordance with the provisions of this Ordinance, requests for interpretations of the Zoning Ordinance and Map.
3. **Temporary Uses:** To hear and decide upon requests to establish temporary uses, as follows:
 - a. Permit temporary buildings and uses for periods not to exceed two (2) years in undeveloped sections of the Township and for periods not to exceed six (6) months in developed sections.
 - b. Permit, upon proper application, the following character of temporary use, not otherwise permitted in any district, not to exceed twelve (12) months with the granting of twelve (12) month extensions being permissible; uses which do not require the erection of any capital improvement of a structural nature.
 - c. The Board of Appeals, in granting permits for the above temporary uses, shall do so under the following conditions:
 - i. The granting of the temporary use shall in no way constitute a change in the basic uses permitted in the district nor on the property wherein the temporary use is permitted.
 - ii. The granting of the temporary use shall be granted in writing stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of said temporary permit.
 - iii. All setbacks, land coverage, off-street parking, lighting and other requirements to be considered in protecting the public health, safety peace,

morals, comfort, convenience and general welfare of the inhabitants of the Township of Wisner, shall be made at the discretion of the Board of Appeals.

- iv. In classifying uses as not requiring capital improvement, the Board of Appeals shall determine that they are either demountable structures related to the permitted use of the land; recreational developments, such as, but not limited to: golf-driving range, and outdoor archery courts; or structures which do not require foundations, heating systems or sanitary connections.
 - v. The use shall be in harmony with the general character of the district.
 - vi. No temporary use permit shall be granted without first giving notice to owners of adjacent property of the time and place of a public hearing to be held as further provided for in this Ordinance. Further, the Board of Appeals shall seek the review and recommendation of the Planning Commission prior to the taking of any action.
4. **Variance:** To authorize, upon an appeal, a variance from the strict application of the provisions of this Ordinance whereby reason of exceptional narrowness, shallowness, shape or area of a specific piece of property at the time of enactment of this Ordinance or by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of such property, the strict application of the regulations enacted would result in practical difficulties to the owner of such property provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Ordinance. In granting a variance, the Board may attach thereto such conditions regarding the location, character, any other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this Ordinance. In granting a variance, the Board shall state the grounds upon which it justifies the granting of a variance.
- a. The applicant must present evidence to show that if the zoning ordinance is applied strictly, practical difficulties will result to the applicant and:
 - i. That the ordinance restrictions unreasonably prevent the owner from using the property for a permitted purpose;
 - ii. That the variance would do substantial justice to the applicant as well as to other property owners in the district, and a lesser relaxation than that requested would not give substantial relief to the owner of the property or be more consistent with justice to other property owners;
 - iii. That the plight of the landowner is due to the unique circumstances of the property; and
 - iv. That the alleged hardship has not been created by any person presently having an interest in the property.
5. The concurring vote of the majority of the members of the Board shall be necessary to reverse any order, requirements, decision or determination of the Zoning Administrator, or to decide in favor of the applicant any matter upon which it is authorized by this Ordinance to render a decision. Nothing herein contained shall be constructed to give or grant to the

Board the power or authority to alter or change this Ordinance or the Zoning Map, such power and authority being reserved to the Township Board of the Township of Wisner, in the manner provided by law.

SEC. 1405. ORDERS:

In exercising the above powers, the Board may reverse or affirm wholly or partly, or may modify the orders, requirements, decision or determination as ought to be made, and to that end shall have all the powers of the Zoning Administrator from whom the appeal is taken.

SEC. 1406. NOTICE AND HEARING:

The Board shall fix a time for a hearing on the appeal, and shall notify the applicant of the time and place of such hearing. Notice of all public hearings conducted by the Board shall appear in a newspaper of general circulation in the Township at least fifteen (15) days prior to the hearing where the appeal pertains to a specific parcel(s) of property. Notice of the public hearing shall be sent to the persons to whom real property within three hundred (300) feet of the premises in question is assessed, and to the occupants of single and two-family dwellings within three hundred (300) feet regardless of whether the owner or occupant is located in the Township, the notice to be delivered personally or by mail addressed to the respective owners and tenants at the address given in the last assessment roll. If the tenant's name is not known, the term "Occupant" may be used.

Any person may appear in person at the public hearing, or be represented by an agent or attorney, and present any evidence in support of their appeal. The Board of Appeals shall have the power to require the attendance of witnesses, administer oaths, compel testimony, and otherwise cause the production of books, papers, files, and other evidence pertaining to matters properly coming before the Board of Appeals.

The Board shall not decide an appeal until after a public hearing.

SEC. 1407. MISCELLANEOUS:

No order of the Board permitting the erection of a building shall be valid for a period longer than one (1) year, unless a zoning compliance permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit. No order of the Board permitting a use of a building or premises shall be valid for a period longer than one (1) year unless such use is established within such a period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building such order shall continue in force and effect if a zoning compliance permit for said erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

SEC. 1408. APPEAL TO CIRCUIT COURT:

The decision of the Board of Zoning Appeals shall be final. A party aggrieved by a decision of the Board of Zoning Appeals may appeal to the Circuit Court. An appeal from a decision of the Board of Zoning Appeals shall be filed within 30 days after the Board of Zoning Appeals issues its decision in writing

signed by the chairperson, if there is a chairperson, or signed by the members of the Board of Zoning Appeals, if there is no chairperson, or within 21 days after the Board of Zoning Appeals approves the minutes of its decision. The court may affirm, reverse, or modify the decision of the Board of Zoning Appeals.

ARTICLE XV

ZONING COMMISSION

The Township Planning Commission is hereby designated as the Commission specified in Public Act 110 of 2006, as amended, and shall perform the duties of the Commission as provided in the statute in connection with the administration of this zoning ordinance.

ARTICLE XVI

CHANGES AND AMENDMENTS

SEC. 1600. INITIATION OF AMENDMENT:

The Wisner Township Board may from time to time, on recommendation from the Planning Commission or on petition, amend, supplement or change the District Boundaries or the Regulations herein, or subsequently established herein pursuant to the authority and procedure established in Public Act 110 of 2006, as amended.

SEC. 1601. PROCEDURE:

Petitioner. Whenever a petitioner requests a zoning district boundary amendment, the petitioner shall be the fee holder owner of the premises concerned or else have the fee holder owner also subscribed to the petition.

Applications. Applications or petitions to the Township for amendment involving reclassification of property shall be in writing signed by the fee holder owner(s) of the property proposed for rezoning, and accompanied by a legal description and a dimensioned plot plan of the property concerned, and a statement of the proposed use. The application or petition shall be accompanied by a filing fee in an amount as established by the Township by its own resolution. The fee shall be paid over the Township Treasurer and shall be deposited in the General Fund of the Township.

Public Hearing. A public hearing shall be held for all proposed amendments in accordance with the procedures set forth in Public Act 110 of 2006, as amended.

Planning Commission Consideration. Subsequent to the hearing, the Planning Commission shall review the proposed amendment, together with any reports and recommendations from staff, consultants, other reviewing agencies and any public comments. The Planning Commission shall identify and evaluate all factors relevant to the petition, including the appropriate criteria listed in this Article, and shall report its findings and recommendation to the Township Board.

Township Board Action. Upon receipt of the report and recommendation from the Planning Commission, the Township Board shall consider the proposed amendment. If determined to be necessary, the Township Board may refer the amendment back to the Planning Commission for further consideration. In the case of an amendment to the official Zoning Map, the Township Board shall approve or deny the amendment, based upon its consideration of the criteria contained herein this Article.

Re-application. There shall be a twelve (12) month waiting period between a Township Board denial of a zoning district boundary change and a new request.

SEC. 1602. CRITERIA:

In considering any petition for an amendment to the official zoning districts map, the Planning Commission and Township Board shall consider the following criteria in making its findings, recommendations, and decision:

1. Consistency with the goals, policies and objectives of the Master Plan and any sub-area plans. If conditions have changed since the Master Plan was adopted, consistency with recent development trends in the area shall be considered.
2. Compatibility of the site's physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district.
3. Evidence the applicant cannot receive a reasonable return on investment through developing the property with one (1) or more of the uses permitted under the current zoning.
4. Compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.
5. The capacity of Township's utilities and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety and welfare of the Township.
6. The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.
7. The apparent demand for the types of uses permitted in the requested zoning district in the Township in relation to the amount of land in the Township currently zoned to accommodate the demand.
8. Where a rezoning is reasonable given the above criteria, a determination shall be made that the requested zoning district is more appropriate than another district or amending the list of permitted or special land uses within a district.

ARTICLE XVII

INTERPRETATION

In the interpretation and application, the provisions of this Ordinance shall be held to a minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience and general welfare. It is not intended by this Ordinance to repeal, abrogate, annul, or in any way to impair or interfere with any existing provision of law or Ordinance, or with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; provided, however, that where this Ordinance imposes greater restriction that is required by existing Ordinance or rules, regulations or permits, the provisions of this Ordinance shall control.

ARTICLE XVIII

VESTED RIGHT

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety and welfare.

ARTICLE XIX

ENFORCEMENT. PENALTIES AND OTHER REMEDIES

SEC. 1900. VIOLATIONS:

Any person, firm or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) and the costs of prosecution or, in default of the payment thereof, shall be punished by imprisonment in the County Jail for a period of ninety (90) days for each offense, or by both such fine and imprisonment in the discretion of the court, together with the costs of such prosecution. The imposition of any sentence shall not exempt any offender from compliance with the provisions of this Ordinance.

SEC. 1901. PUBLIC NUISANCE PER SE:

Any building or structure which is erected, altered or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this Ordinance and in violation of any provision thereof is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

SEC. 1902. FINES, IMPRISONMENT:

The owner of any building, structure or premises or part thereof, where any condition in violation of this Ordinance shall exist or shall be created, and who has assisted knowingly in the commission of such violation shall be guilty of a separate offense and upon conviction thereof shall be subject to a fine of not less than ten dollars (\$10.00) and not more than one hundred dollars (\$100.00) and the costs of prosecution or, in default of the payment thereof, shall be punished by imprisonment in the County Jail for a period not to exceed ninety (90) days for each offense, or by both such fine and imprisonment in the discretion of the court, together with the costs of such prosecution.

SEC. 1903. EACH DAY A SEPARATE OFFENSE:

A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

SEC. 1904. RIGHTS AND REMEDIES ARE CUMULATIVE:

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

ARTICLE XX

SEVERANCE CLAUSE

Sections of this Ordinance shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

ARTICLE XXI

EFFECTIVE DATE

Public hearing having been held hereon, the provisions of this Ordinance are hereby given immediate effect upon its publication pursuant to the provisions of Act 184 of the Public Acts of 1943, as amended.

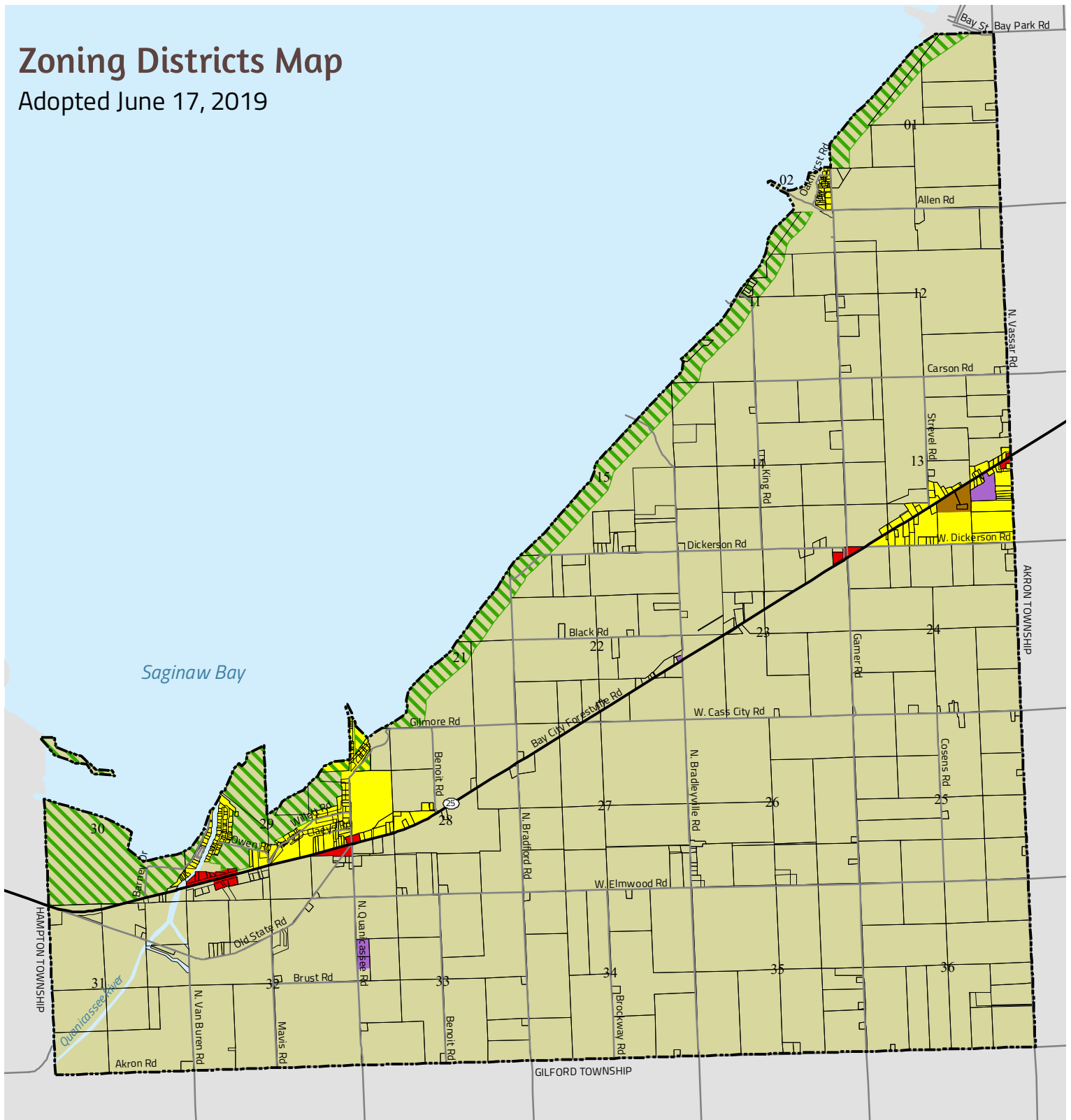
Made and passed by the Township Board of Wisner Township, Tuscola County, Michigan on this 28th day of August, A.D. 1974.

1. Date of Public Hearing: April 30, 1974
2. Date of Publication: September 4, 1974
3. Date of Adoption by Township Board: August 28, 1974
4. Date Ordinance Shall Take Effect: October 4, 1974

Mary Lou Aeder
Township Clerk

Zoning Districts Map

Adopted June 17, 2019

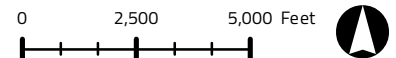


Zoning Districts

- O - Open Agricultural and Recreational District
- R1 - One-Family Residential District
- RM-1 Multiple-Family Residential District
- C - Commercial District
- I - Industrial District
- Conservation Overlay District

Base Data

- State Roads
- Other Roads
- Rivers and Streams
- Water Bodies
- Parcels
- Township Boundary
- Other Municipalities



Wisner Township
Tuscola County, Michigan

