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# Wheeler Township Zoning Ordinance

Wheeler Township, Gratiot County, Michigan

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*Revised*  
*January 2008 and*  
*August 2009 and*  
*October 2012*

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Commission Following the Public Hearing Held August 5, 2009 and  
October 24, 2012*

*ReAdopted by the*  
*Wheeler Township Board of Trustees*  
*November 13, 2012*  
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*Prepared by the*  
Wheeler Township Planning Commission

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# Wheeler Township Zoning Ordinance

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# **Article 1**

## **MISCELLANEOUS PROVISIONS**

### **1.1 Short Title**

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

### **1.2 Legal Basis**

This Ordinance has been prepared and adopted under the authority of the Township Rural Zoning Act (P.A.184 of 1943, as amended).

### **1.3 Purpose**

This Ordinance been prepared and adopted for the purpose of providing standards and regulations for land development, for the use of land and buildings and for all other purposes described in Section 1 of the Township Rural Zoning Act. Also, this Ordinance is based on the Wheeler Township Master Plan, and is intended to carry out the objectives of that Plan.

### **1.4 Interpretation**

This Ordinance does not repeal other laws and ordinances except as may be noted in the provisions that follow this section. This Ordinance has no effect on the applicability of private deed restrictions or restrictive covenants. In cases where this Ordinance imposes greater restrictions on the use of land, buildings, structures, or on the commencement of land development projects, or requires larger lots, setbacks, or parking areas than provided by other laws, ordinances or private deed

restrictions or restrictive covenants, the provisions of this Ordinance shall prevail.

In cases where this Ordinance establishes lesser restrictions on the use of land, buildings, structure or on the commencement of land development projects, or requires smaller lots, setbacks, or parking areas than provided by other laws, ordinances, or private deed restrictions or protective covenants, the provisions of those other laws, ordinances, restrictions or covenants shall prevail.

### **1.5 Repeal**

This Ordinance repeals and replaces the previous Wheeler township Zoning Ordinance in its entirety.

### **1.6 Validity**

This Ordinance and the various sections, subsections, clauses, sentences and provisions are severable. If any section, subsection, clause, sentence or provision is declared to be unconstitutional or invalid, the balance of the Ordinance shall not be affected by the declaration.

### **1.7 Effective Date**

This Ordinance shall become effective upon its publication of a notice of adoption as provided by the Township Rural Zoning Act (P.A.184 of 1943, as amended).

## Article 2 Definitions

### 2.1 Rules of Use and Construction

This chapter defines the words used in this Ordinance. The rules of construction applicable to the words used in this Ordinance are as follows:

- a. Words and phrases that are not defined in this chapter shall be defined in terms of their common or customary usage.
- b. Technical words and phrases that may have peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.
- c. The particular shall control the general.
- d. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- e. When it is consistent with the context, words used in the present tense shall include the future. Words used in the singular form shall include the plural, and the plural form shall include the singular.
- f. The word "person" includes any individual, partnership, association, trust, corporation, or any other legal entity or combination of legal entities.
- g. The word "lot" includes the word "parcel."

- h. Where a standard or regulation involves two or more conditions, provisions, or items that are connected by the conjunction "and" or "or," then the conjunction shall be interpreted as follows:

1. **"And"** means that all the connected conditions, provisions or items shall apply.
2. **"Or"** means that the connected conditions, provisions or items may apply singly or in combination.

### 2.2 Definitions

#### (1) **Abutting (lot or parcel)**

A lot or parcel that shares a common border with the subject lot or parcel.

#### (2) **Access management (access control)**

A technique to improve traffic operations along a major roadway and decrease the potential for accidents through the control of driveway locations and design; consideration of the relationship of traffic activity for properties adjacent to, and across from, one another; and the promotion of alternatives to direct access.

#### (3) **Access to property, reasonable**

A property owner's legal right, incidental to property ownership, to access a public road right-of-way. Reasonable access to property may be indirect or certain turning movements may be prohibited in the interest of improved safety and efficient traffic movement.



**(4) Accessory building**

A freestanding building that is located on the same lot on which a principal use or principal building is located, and that is devoted to and occupied by a use that is incidental and subordinate to the principal use. Examples of accessory buildings include, but are not limited to, detached residential garages and sheds, boat houses, snowmobile sheds, greenhouses, guard or gate houses, and barns.

**(5) Accessory Structure**

A freestanding structure that is located on the same lot on which a principal use or principal building is located, and that is devoted to a use that is incidental and subordinate to the principal use. Examples of accessory structures include, but are not limited to, dish and other types of antennae, fences and walls, freestanding lighting fixtures, silos and other agricultural structures, and residential swimming pools.

**(6) Accessory Use**

A use of land that is customarily incidental and subordinate to the principal use of a lot, and that is located on the same lot on which that principal use is located.

**(7) Adjacent (lot or parcel)**

A lot or parcel which abuts or is directly across a street right-of-way or alley from any lot or parcel line of the subject lot or parcel.

**(8) Adult Entertainment Business**

Any business, club, or other organization where one or more persons display "specified anatomical areas" or engage in "specified sexual activities" as defined elsewhere by this Ordinance, either in

person or by photograph, motion picture, television, or other type of image.

**(9) Adult Foster Care Home**

See "State Licensed Residential Facility."

**(10) Agriculture**

Farms and general farming, including horticulture, floriculture, dairying, livestock, and poultry raising, farm forestry, and other similar enterprises or uses.

**(11) Alteration**

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

**(12) Animal, wild**

Any animal not domesticated by humans or any animal which a person is prohibited from possessing by law. Wild animals shall include, but shall not be limited to, the following: alligator (family), deer (family), opossum (family), badger, dog (wild family), primate excluding humans (family), bear, dog-wolf, raccoon, ferret, skunk, cat (wild family), lemur, spider (poisonous), coyote, lizard (poisonous), weasel (family), and marten.

**(13) Basement**

That portion of a building which is part or wholly below grade but so located that the vertical distance from the mean grade to the floor is greater than the vertical distance from the mean grade to the ceiling (See Figure 1).

**(14) Bed and Breakfast Establishment**

A use which is subordinate to the principal use of a dwelling as a single-family dwelling unit and in which transient guests are provided a sleeping room and board in return for payment.

**(15) Berm**

A mound of earth graded, shaped and improved with landscaping in such a fashion as to be used for visual and/or audible screening purposes.

**(16) Billboard**

An outdoor sign, structure or symbol advertising services or products which are not made, produced, assembled, stored, or sold upon or from the lot or premises upon which the same is located.

**(17) Board of Appeals**

The Wheeler Township Zoning Board of Appeals.

**(18) Buffer zone**

A strip of land often required between certain zoning districts reserved for plant material, berms, walls, or fencing to serve as a visual barrier.

**(19) Building**

Any structure which is erected having a roof supported by columns or walls, which is used or erected for the shelter or enclosure of persons, animals or personal property or for carrying on business activities or other similar uses.

**(20) Building height**

The vertical distance from the established grade at the center of the front of the building to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, and to the

mean elevation level between eaves and ridge of a gable, hip or gambrel roof (See Figure 2).

**(21) Building line**

A horizontal line generally parallel to a front, rear, or side lot line which is located at the point of the foundation of a principal building nearest to the front, rear, or side lot line.

**(22) Building, Main, (also Building, Principal)**

A building in which the principal or main use of the lot on which it is situated occurs.

**(23) Building Setback Line**

A line indicating the minimum distance required to be maintained between a street right-of-way and the nearest supporting member of any structure on the lot.

**(24) Certificate of Occupancy**

A document issued by the Zoning Administrator certifying that the described property and use of that property has complied with the provisions of this Zoning Ordinance and may be legally occupied.

**(25) Child Care Center (Day Care Center)**

A facility, other than a single-family dwelling, receiving more than six (6) preschool or school age children for group care for periods of less than twenty-four (24) hours per day, and where the parents or guardians are not immediately available to the children. These facilities are also known as day nurseries, nursery schools, parent cooperatives, or preschools.

**(26) Church**

A building used principally for religious worship, but the word "church" shall not include or mean an undertaker's chapel or funeral building.

**(27) Clinic**

An establishment housing facilities for medical, dental or psychiatric diagnosis and treatment, exclusive of major surgical procedures, for sick, ailing and injured persons who are not kept overnight on the premises.

**(28) Club**

A nonprofit association of persons who are bona fide members, paying regular dues and are organized for some common purpose, but not a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

**(29) Common land**

A parcel or parcels of land with the improvements thereon, the use, maintenance and enjoyment of which are intended to be shared by the owners and or occupants of individual building units in a subdivision or a planned unit development.

**(30) Common open space**

An unoccupied area within a planned unit development which is reserved primarily for the leisure and recreational use of all the planned unit development residents, owners and occupants, and generally owned and maintained in common by them, often through a homeowners association.

**(31) Condominium Act**

Michigan Public Act 59 of 1978, as amended.

**(32) Condominium project**

Equivalent to "Subdivision" as used in this Ordinance.

**(33) Condominium project, mobile home**

A condominium project in which mobile homes are intended to be located upon separate sites which constitute individual condominium units.

**(34) Condominium setbacks shall be measured as follows:**

**Front Yard Setback:** The distance between the street centerline and the unit site.

**Side Yard Setback:** The distance between the limits of the development and the side of a unit, or the distance between the sides of any adjacent units.

**Rear Yard Setback:** The distance between the limit of the development and the rear of the unit, or the distance between the rears of any two adjacent units.

**(35) Condominium subdivision plan**

The site, survey and utility plans, and sections showing the existing and proposed structures and improvements including the location thereof on the land. The plan shall follow and show all aspects as required under the Condominium Act.

**(36) Condominium unit**

That portion of the condominium project designed and intended for separate ownership as described in the Master Deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use.

**(37) Condominium unit site**

The area designating the perimeter within which the condominium unit must be built. After construction of the condominium unit, the balance of the condominium unit site shall become a limited common element. The term "condominium unit site" shall be equivalent to the term "lot", for purposes of determining compliance of a site condominium subdivision with provisions of the Ordinance pertaining to minimum lot size, minimum lot width, maximum lot coverage and maximum floor area ratio.

**(38) Construction**

The building, erection, alteration, repair, renovation, demolition or removal of any building, structure or structural foundation; or the physical excavation, filling and grading of any lot other than normal maintenance.

**(39) Convenience store with gasoline sales**

An establishment that retails convenience food items which occupy fifty (50) square feet or greater of the sales area in conjunction with gasoline sales.

**(40) Cul-de-sac**

A dead end public or private street, generally short in distance, which terminates in a circular or semi-circular section of street which allows for vehicle turnaround.

**(41) Dangerous Building**

Any building or structure, residential or otherwise, that has any of the following defects or conditions:

- a. Whenever any portion has been damaged by fire, wind, flood, or

by other means so that the structural strength or stability is less than the minimum requirements of the State of Michigan Building Code as administered by Gratiot County.

- b. Whenever any portion, member, or appurtenance is likely to fall or collapse and thereby injure persons or damage property.
- c. Whenever for any reason the building or structure is manifestly unsafe for the purpose for which it is used, as determined by the County Building Official.
- d. Whenever the building or structure has been so damaged or has become so dilapidated that it creates an attractive nuisance to children or other persons who might enter the structure to their danger, or so that it creates a harbor for vagrants or criminals.
- e. Whenever the building or structure is unsanitary or unfit for human habitation, or is in a condition that is likely to cause sickness or disease when so determined by the County Health Officer.
- f. Whenever any building becomes vacant, dilapidated, and open at door or window so that the interior of the building is left exposed to the elements or accessible to entrance by trespassers.

**(42) Deceleration lane**

An added roadway lane that permits vehicles to slow down and leave the main vehicle stream before turning.

**(43) Density**

The number of dwelling units situated on or to be developed per net or gross acre of land. For the residential component of Planned Unit Developments overall maximum unit density calculations shall include MDNR regulated wetland areas and non-MDNR regulated wetland areas, but shall not include floodplains or surface water bodies such as rivers, streams, lakes or ponds over five acres in size which are permanently or typically covered with water.

**(44) Detention facility**

A facility designed for holding stormwater runoff for a short period of time and then releasing it to the natural watercourse where it returns to the hydrologic cycle.

**(45) Development**

Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

**(46) Division**

See "Land Division"

**(47) Drainageways and streams**

Existing permanent or intermittent water courses.

**(48) Drive through business**

A business establishment so developed that its retail or service character is wholly or partially dependent on providing a driveway approach and

service windows or facilities for vehicles in order to serve patrons while in the vehicle.

**(49) Dwelling, multiple family**

A building containing three (3) or more dwelling units designed for exclusive use and occupancy by three (3) or more families.

**(50) Dwelling, single family**

A building designed for exclusive use and occupancy as a dwelling unit by one (1) family.

**(51) Dwelling, two family**

A building containing two separate dwelling units designed for residential use and connected by either a common wall or an attached garage area.

**(52) Dwelling unit**

A building, or part thereof, providing complete living facilities, including provisions for sleeping, cooking, eating and sanitation, for exclusive use by one family, with no ingress or egress through any other dwelling unit.

**(53) Dwelling unit, attached**

A dwelling unit attached to one or more dwelling units by common major structural elements.

**(54) Dwelling unit, detached**

A dwelling unit which is not attached to any other dwelling unit by any means.

**(55) Easement**

A grant of one or more of the property rights by a property owner to the public, or another person or entity.

**(56) Endangered species habitat**

An area where a plant or animal listed as an endangered species by state or federal

agencies naturally grows or lives, or identified habitat sites designated on the Michigan Natural Features Inventory.

**(57) Erected**

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

**(58) Essential public services**

The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers and other similar equipment and accessories in connection therewith, (but not including buildings or substations) reasonably necessary for the furnishing of adequate service by each public utilities, or township departments or commissions for the public health, safety or general welfare.

**(59) Essential public service building**

A building or structure principal to an essential public service, such as a drop-off station for residential recyclables, vehicle garages, telephone exchange buildings, electricity transformer stations or substations, gas regulator stations, radio and television towers, and cellular phone antennas.

**(60) Essential public service building storage yard**

An outdoor storage area principal or accessory to an essential public service.

**(61) Excavation**

Any breaking of ground, except common household gardening and ground care.

**(62) Family**

a. An individual or group of two (2) or more persons related by blood, marriage or adoption, including those related as foster children, who are domiciled together as a single, domestic, non-profit housekeeping unit in a dwelling unit, or

b. A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing, non-transient, distinct domestic character and who are cooking and living as a single, non-profit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms of other similar determinable period.

**(63) 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 on a parcel that is ten (10) acres or larger in area.

**(64) 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, including those activities specified in the Michigan Right to Farm Act (P.A. 93 of 1981, as amended).

**(65) Fence**

An accessory structure intended for use as a barrier to property ingress or egress, a screen from an objectionable vista or noise, and/or for decorative use.

**(66) Filling**

The depositing or dumping of any matter onto, or into, the ground, except common household gardening and ground care.

**(67) Financial services**

Establishments such as banks, savings and loan institutions, credit unions, brokerage houses, and similar establishments.

**(68) Flood or flooding**

A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. the overflow of inland waters
- b. the unusual and rapid accumulation or runoff of surface waters from any source

**(69) Flood hazard area**

Land which on the basis of available floodplain information is subject to a one percent (1%) or greater chance of flooding in any given year.

**(70) Flood Insurance Rate Map (FIRM)**

An official map of a community, on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the

risk premium zones applicable to the community.

**(71) Flood Insurance Study**

The official report provided by the Federal Insurance Administration. The report contains flood profiles, the water surface elevation of the base flood, and may include a Flood Hazard Boundary - Floodway Map.

**(72) Floodplain**

Any land area susceptible to being inundated by water from any source (see definition of flood).

**(73) Floodway**

The channel of a river or other watercourse and the adjacent land areas which must be reserved in order to discharge the base flood.

**(74) Floor area, usable**

That area 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, stairways, and elevator shafts, or for utilities for sanitary facilities, shall be excluded from the computation of usable floor area. Usable floor area shall be measured from the interior faces of the exterior walls, and total usable floor area for a building shall include the sum of the usable floor area for all floors.

**(75) Floor area, gross**

The sum of the horizontal areas of each story of a building, measured from the interior faces of the exterior walls, and the centerlines of interior walls, exclusive of mechanical areas, elevator shafts, stairwells and vent shafts for more than one floor, and uninhabitable

attics or basements having headroom of seven (7) feet or less.

**(76) Floor area, residential**

The sum of the horizontal areas of each story of a dwelling unit, measured from the interior faces of the exterior walls, exclusive of areas of basements, unfinished attics, attached garages, carports, breezeways and enclosed or unenclosed porches.

**(77) Foster care home, family**

A single-family dwelling occupied as such in which one (1) but not more than four (4) minor children, who are not related to an adult member of the family occupying the single-family dwelling by blood, marriage or adoption, are given care and supervision for twenty four (24) hours per day, unattended by a parent or legal guardian.

**(78) Foster care home, group**

A single-family dwelling occupied as such in which more than four (4) but less than seven (7) minor children, who are not related to an adult member of the family occupying the single-family dwelling by blood, marriage or adoption, are given care and supervision for twenty four (24) hours per day, unattended by a parent or legal guardian.

**(79) Freeway Interchange**

An area designed to provide for the ingress and egress of vehicular traffic to and from a freeway or other limited access highway.

**(80) Frontage**

The total length along which a parcel of land fronts on a street, measured along the line where the property abuts the street right-of-way.

**(81) Frontage road**

A public or private drive which generally parallels a public street between the right-of-way and the front building setback line. Frontage roads can be one-way or bi-directional in design. The frontage road provides specific access points to private properties while maintaining separation between the street and adjacent land uses. A road which allows parking or is used as a maneuvering aisle within a parking area is generally not considered a frontage road.

**(82) Garage**

The part of a main building or an accessory building used primarily for the parking or storage of vehicles necessary in connection with the permitted use of the main building, where there is no vehicle servicing for compensation.

**(83) Garden center**

An establishment with retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment.

**(84) Glare**

The effect produced at the lot line by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

**(85) Grade, average (mean)**

The arithmetic average of the lowest and highest grade elevations in an area within five (5) feet of the foundation line of a building or structure (See Figure 3).

**(86) Grade, finished**

The lowest point of elevation between the exterior wall of the structure and a



line five (5) feet from the exterior wall of the structure.

**(87) Grade, natural**

The elevation of the ground surface in its natural state, before construction begins.

**(88) Greenbelt**

A strip of land which shall be of sufficient width and density of planting materials to screen adjacent properties from view.

**(89) Health Care Institution**

A state licensed medical establishment whose facilities provide in-patient accommodation, a wide range of medical and surgical care, and other in-patient health services for sick, ailing or injured persons; and including such related facilities as laboratories, outpatient departments, training facilities, central services and staff offices and residences which are integral with and accessory to the principal use of the establishment.

**(90) Home occupation**

An occupation or profession carried on by an occupant of a dwelling unit as a secondary use which is clearly subservient to the use of the dwelling for residential purposes. Home occupations must meet the following standards:

- a. The activity must be operated in its entirety within the principal dwelling or within a normally associated accessory structure.
- b. Must not include more than one employee not living at the dwelling.
- c. Not involve alteration or construction not normally found in such a dwelling.

- d. Not display or create outside the structure any external evidence of the operation of the home occupation.

**(91) Home Sale**

A sale of personal property conducted at a residential dwelling on a temporary basis. Home sales include garage sales, yard sales, porch sales, basement sales, and the like.

**(92) Hospital**

See "Health Care Institution."

**(93) Hotel or Motel**

Any establishment in which individual cabins, courts, rooms, suites or similar structures or units are rented to transients for temporary periods of time. A "hotel" shall include tourist cabins and homes and motels, but shall not include bed and breakfast establishments. A hotel shall not be considered or construed to be a multiple family dwelling.

**(94) Indoor recreation establishment**

A privately owned facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities indoors (within an enclosed building) and operated as a business and open for use by the public for a fee, such as fitness centers, bowling alleys, indoor softball, and racquetball and tennis clubs.

**(95) Institutional uses**

Churches, schools, hospitals, and other similar public or semi-public uses. This excludes nursing homes, convalescent homes, and adult foster care facilities.

**(95.5) Intensive Livestock Operation**

See Livestock Production Facility.

**(96) Junkyard or recycling yard**  
Any land or building used for commercial storage and/or sorting, recycling, or sale of paper, rags, scrap metals, salvaged building materials, other scrap or discarded materials, or for the dismantling, storage or salvaging of automobiles or other vehicles not in running condition, or of machinery or parts thereof, but not including a dump.

**(97) Kennel**  
Any land, building or structure where four (4) or more cats and/or dogs over six (6) months of age are either permanently or temporarily boarded, housed, bred or sold for specified compensation.

**(98) Land Division** (also "Division")  
Land division means the partitioning or splitting of a parcel or tract of land that results in one or more parcels of less than 40 acres, and that meets the requirements of the Land Division Act, Act 591 PA 1996, as amended.

**(99) Livestock Production Facility**  
Any facility where farm animals as defined in the Right to Farm Act (P.A. 93 of 1981, as amended) are confined with a capacity of 50 animal units or greater, and the associated manure storage facilities. A livestock production facility is further defined according to the current version of "Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for New and Expanding Livestock Production Facilities" adopted by the Michigan Commission of Agriculture.

**(100) 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 material.

**(101) Lot**  
A parcel of land separated from other parcels of land by description on a recorded plat or by metes and bounds description, including a condominium unit site in a site condominium subdivision; having frontage upon a public or private street and having sufficient size to comply with the requirements of the Ordinance for: minimum area, setbacks, coverage, and open space. A lot may or may not be specifically designated as part of the public record.

**(102) Lot area**  
The total horizontal area included within lot lines. Where the front lot line is the centerline of a public street, the lot area shall not include that part which is in the public right-of-way.

**(103) Lot area, net buildable**  
The net lot area less areas devoted to floodplains or surface water bodies; water bodies being defined as areas greater than five (5) acres in size (either before or after project implementation) which are periodically or permanently covered with water.

For Planned Unit Developments, net buildable lot area is the net lot area less area devoted to water bodies; water bodies being defined as areas greater than five (5) acres in size (either before or after project implementation) which are periodically or permanently covered with water. However, in determining the overall density for the residential component of a Planned Unit Development, MDNR regulated

wetlands and non-MDNR regulated wetlands may be included - see definition for density.

**(104) Lot, corner**

A lot where the interior angle of 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 if the curve is of less radius than one hundred and fifty (150) feet, and tangents to the curve, at the two points where the side lot lines meet the curve, form an interior angle of less than one hundred and thirty five (135) degrees (See Figure 4).

**(105) Lot coverage**

A part or percentage of a lot occupied by buildings or structures.

**(106) Lot depth**

The arithmetic mean of the shortest and longest distances from the front lot line to the rear lot line (See Figure 5).

**(107) Lot frontage**

The length of the front lot line.

**(108) Lot, interior**

A lot other than a corner lot which, with the exception of a "through lot," has only one lot line fronting on a street.

**(109) Lot line**

The line bounding a lot, parcel, or general common element if there is no limited common element, which separates the lot, parcel, or general common element if there is no limited common element, from another lot, parcel, general common element if there is no limited common element, existing street right-of-way, approved private

road easement, or ordinary high water mark.

**(110) Lot lines**

a. **Front lot line:** In the case of an interior lot, abutting upon one (1) public or private street, the front lot line shall mean the line separating such lot from such right-of-way (See Figure 6).

b. **Rear lot line:** That lot line which is opposite and most distant from the front lot line. In the case of an irregular or triangular shaped lot, a line at least ten (10) feet in length, entirely within the lot, and generally parallel to and most distant from the front lot line (See Figure 6).

c. **Side lot line:** Any lot line not a front or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line (See Figure 6)

d. In the case of a lot fronting on right-of-way on two or more sides, or other case in which the above definitions do not apply, the Zoning Administrator shall designate front, rear and side lot lines, based on the following considerations:

1. location and orientation of existing or proposed buildings on the lot in question, in relation to existing buildings on properties in the same general neighborhood.
2. location and effect of vegetation, water, or other natural features affecting location of buildings or structures on the lot in question.

**(111) Lot, nonconforming**

A lot of record which does not meet the dimensional requirements of this Ordinance.

**(112) Lot of record**

A lot which actually exists in a subdivision plat as shown on the records of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

**(113) Lot, through** (also "double frontage lot")

An interior lot having frontage on two (2) more or less parallel streets.

**(114) Lot width**

The horizontal distance between side lot lines measured parallel to the front lot line at the front setback line (See Figure 6).

**(115) Manufactured home**

A mobile home, residential building, dwelling unit, dwelling room or rooms, or a building component which is designed for long term residential use and is wholly or substantially constructed at an off-site location, transported to a site and erected.

**(116) Medical clinic**

An establishment where human patients are admitted for examination and treatment by a group of physicians, dentists or similar professionals on an out-patient basis. A clinic may incorporate customary laboratories and pharmacies incidental or necessary to its operation.

**(117) Mini-warehouse** (also "self-storage warehouse")

A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers strictly for the storage of a customer's non-hazardous goods or wares.

**(118) Mobile home**

A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical system contained in the structure. "Mobile home" does not include a recreational vehicle or motor home.

**(119) Mobile home park**

A parcel or tract of land under the control of a person upon which three or more mobile homes are located on a continual non-recreational basis, and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home and which is not intended for use as a temporary trailer park.

**(120) Mobile home site or space**

A portion of the mobile home park set aside and clearly designated for use by a specific mobile home.

**(121) Mobile home subdivision**

A platted residential development consisting of mobile homes or single and two family dwellings located on individual, separately-owned lots.

**(122) Motel** (See "hotel")

**(123) Motor home**

A self-propelled, licensed vehicle prefabricated on its own chassis, intended for recreational activities and temporary occupancy.

**(124) Non-Conforming use**

The use of a building or of land lawfully existing at the time this Ordinance or amendments became effective but which does not conform with the use regulations of the district in which it is located.

**(125) Non-Conforming lot of record**  
("Substandard lot")

A lot lawfully existing at the time this Ordinance or amendments became effective, and which fails to meet the minimum area requirements of the zoning district in which it is located.

**(126) Non-Conforming structure**

A structure, or portion thereof, lawfully existing at the time this Ordinance or amendments became effective and which fails to meet the minimum requirements of the zoning district in which it is located.

**(127) Nursery, plant**

A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for wholesale or retail 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.

**(128) Obscuring screen**

A visual barrier between adjacent areas or uses. The screen may consist of structures, such as a wall or fence, or living plant material.

**(129) Offset**

The distance between the centerlines of driveways or streets across the street from one another.

**(130) Off-street parking lot**

A facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than two (2) vehicles.

**(131) Open air business**

A retail sales establishment operated substantially in the open air and outside of any enclosed building.

**(132) Ordinary high water mark**

The line between upland and bottomland which persists through successive changes in water levels below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface soil, and the vegetation.

**(133) Outdoor recreation establishment**

A privately owned facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities outdoors (outside of an enclosed building) and operated as a business and open for use by the public for a fee such as tennis courts, archery ranges, golf courses, miniature golf courses, golf

driving ranges, and children's amusement parks.

**(134) Parapet wall**

An extension of a building wall above the roof which may serve to screen roof-mounted mechanical equipment.

**(135) Parcel**

A lot described by metes and bounds or described in a recorded plat.

**(136) Parking space (stall)**

A designated area of definite length and width for parking of motor vehicles.

**(137) Planned unit development**

A form of land development comprehensively planned as an entity via a unitary site plan which permits flexibility in building, siting, usable open spaces, and the preservation of significant natural features. Such a development may contain a mix of housing types and non-residential uses.

**(138) Planning Commission**

The Wheeler Township Planning Commission as duly created under Act 168 of the Public Acts of 1959, as amended.

**(139) Plat**

A map of a subdivision of land.

**(140) Ponds and lakes**

Natural or artificial impoundments that retain water year round.

**(141) Principal building or structure**

A building or structure in which is conducted the principal use of the lot upon which it is situated.

**(142) Principal use**

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

**(143) Principal use, permitted**

A use permitted in each zoning district by right.

**(144) Private club**

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

**(145) Private road**

Any road or thoroughfare for vehicular traffic which is privately owned and maintained and which provides the principal means of access to abutting properties.

**(146) Public and semi-public institutional buildings, structures and uses**

Buildings, structures, and uses of governmental agencies and non-profit organizations including but not limited to office buildings, municipal parking lots, post offices, libraries, and community centers.

**(147) Public park**

Any developed park, playground, beach, outdoor swimming pool, intended for active recreational pursuits, within the jurisdiction and control of a governmental agency.

**(148) Public open space**

Any primarily undeveloped land, intended for passive recreational pursuits, within the jurisdiction and control of a governmental agency.

**(149) Public street**

A public thoroughfare which affords the principal means of access to abutting property.

**(150) Public utility**

Any person, municipal department, board or commission duly authorized to furnish and furnishing under state or municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water.

**(151) Radioactive materials**

Materials defined as radioactive under Michigan Department of Natural Resources regulations for transportation of radioactive materials or under Gratiot County Health Department regulations, whichever is determined to be applicable.

**(152) Recreational vehicle**

A vehicle intended and designed primarily for recreational use, such as motor homes, camper trailers, boats, snowmobiles, off-road and all terrain vehicles, and similar vehicles or trailers. The term "recreational vehicle" shall not include motorcycles or motorbikes or other similar means of transportation intended primarily for daily on-street use.

**(153) Retail store**

Any building or structure in which goods, wares, or merchandise are sold to the consumer for direct consumption and not for resale.

**(154) Right-of-way**

A street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles and under

the legal authority of the agency having jurisdiction over the right-of-way.

**(155) Salvage**

Material to be used for further use, recycling, or sale.

**(156) Salvage yard**

Any principal or accessory use where salvage or its component parts are bought and sold, exchanged, stored, baled, packed, disassembled, separated, or handled, including but not limited to: scrap iron and other metals, paper, rags, rubber tires and bottles. A "salvage yard" includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings. The term "salvage yard" does not include drop-off stations for residential recyclables.

**(157) Satellite dish antenna**

A device incorporating a reflective surface that is solid, open mesh, or bar configured; is in the shape of a shallow dish, parabola, cone or horn. Such a device shall be used to transmit and/or receive television, radio, or other electromagnetic communication signals between terrestrial and/or extraterrestrial-based sources. This definition includes, but is not limited to, what are commonly referred to as satellite earth stations, TVRO's (Television Reception Only satellite antennas), and satellite microwave antennas.

**(158) Screen**

A structure such as a fence or wall, providing enclosure and a visual barrier

between the area enclosed and the adjacent property.

**(159) Service drive**

A drive which generally parallels the public right-of-way but runs along the back of a land use which fronts on the public street. A service drive may provide access to properties on both sides, and vary in width and design.

**(160) Setback, required**

The required minimum horizontal distance between a front, rear, or side lot line and a building line. Separate definitions for condominium projects are listed under "condominium setbacks."

**(161) Setback, parking lot**

The minimum horizontal distance between the street right-of-way or property line and the near edge of a parking lot, excluding necessary and/or approved driveways, frontage roads and landscaping areas.

**(162) Shopping center**

A commercial enterprise which is planned and developed as a unit, and which includes a group of retail businesses. Off-street parking is provided for the shopping center as a whole, as opposed to providing separate areas for individual businesses.

**(163) Shoreline**

The edge of a body of water measured at the ordinary high water mark.

**(164) Sight distance**

The length of roadway visible to the driver. Generally related to the distance or time (perception/reaction time) sufficient for the driver to execute a maneuver (turn from driveway or side

street, stop or pass) without striking another vehicle or object in the roadway.

**(165) Sign**

A sign is the use of any words, numerals, figures, devices, designs, or trademarks which constitute a name, identification, description, display, or illustration which is affixed or applied to or represented directly or indirectly upon a building structure, or zoning lot, and which directs attention to an object, product, service, activity, person, institution, organization, or business. Various types of signs and their components are further defined as follows:

- a. **Billboard:** A billboard is an outdoor sign, structure, or symbol advertising services or products which are not made, produced, assembled, stored, or sold upon or from the lot or premises upon which the billboard is located. Billboards are also known as "off-premise signs" and "outdoor advertising."
- b. **Sign Area:** The area of a sign shall be computed as the entire area circumscribed by a parallelogram, triangle, circle, or semi-circle, or any combination of these figures, which includes all of the display area of the sign including frames surrounding display areas. For signs that consist of individual letters attached or painted on the wall of a building, with only the wall as background and no added decoration or border, the sign area shall be the geometrical shape formed by an imaginary line along the exterior perimeter of the work, or words as a whole.



For purposes of computing sign area, only one side of a sign shall be used.

- c. **Canopy Sign:** A sign that is incorporated into the fabric or material of a canopy with the canopy being attached to an exterior wall or surface of a building. A canopy sign shall be considered a wall sign for purposes of determining sign area. In determining said area, only that portion of the canopy containing lettering or message shall be used as a basis for computation.
- d. **Directional Sign:** A sign directing and guiding vehicular or pedestrian traffic or parking, but bearing no advertising matter except for the "logo" of the business for which the directional signs are associated.
- e. **Flashing Sign:** Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity or color at all times while in use.
- f. **Illuminated Sign:** Any sign designed to give forth artificial light, or designed to reflect any such light given from any source which is intended to cause such light or reflection.
- g. **Political Sign:** Any sign displaying a message and/or image associated with an election, referendum, election campaign, or similar event.

h. **Portable Sign:** Any sign constructed so as to be readily movable from one location to another and not permanently affixed to a building or the ground. Portable signs include "trailer" signs.

l. **Real Estate Sign:** A sign advertising that the premises on which the sign is located is for sale, lease, or rent.

m. **Wall Sign:** A sign attached to or placed flat against the exterior wall or surface of any building, no portion of which projects more than twelve (12) inches from the wall. (See also "canopy sign.")

#### **(165.5) Simple Majority**

Pertaining to a vote or survey. More than 50% of those in a select group or area or voting members in attendance at meetings, hearings or an election.

#### **(166) Site plan**

A scaled drawing(s) illustrating existing conditions and containing the elements required herein as applicable to the proposed development to ensure compliance with zoning provisions.

#### **(167) Specified Anatomical Areas**

Certain portions of the human anatomy, the visual presentation of which identifies activity that is regulated by this Ordinance as an "Adults Entertainment Business." These areas are: human genitals; pubic region; buttock; and female breast below a point immediately above the top of the areola when less than completely and opaquely covered.

**(168) Specified Sexual Activities**

Certain actions, the visual presentation of which identifies activity that is regulated by this Ordinance as an "Adults Entertainment Business." These activities are: human genitals in a state of stimulation or arousal; acts of human masturbation, sexual intercourse, or sodomy; fondling or erotic touching of human genitals, pubic region, buttock, or female breast; bestiality; fellatio or cunnilingus; and human excretory function.

**(169) Special land use**

A use of land which is permitted within a particular zoning district only if the applicable standards have been met. A special land use requires that a special use permit be obtained.

**(170) Stable, private**

An accessory building in which horses are kept for private use and not for remuneration, hire, or sale.

**(171) Stable, public**

An accessory building in which horses are kept for remuneration, hire, or sale, including any stable that is incidental to the operation of a club, association, ranch, or similar establishment.

**(172) Story**

That portion of a building between a floor and the floor or roof next above it. A basement shall be counted as a story if its ceiling is over four (4) feet above the average adjoining ground surface.

**(173) Street**

A public thoroughfare which affords the principal means of access to abutting property.

**(174) Structure**

Anything constructed, assembled or erected, the use of which requires location on the ground or attachment to something having location on or in the ground; this term shall include fences which are more than 50% solid, tanks, towers, dish antennae, advertising devices, tents, wagons, trailers, dining cars, or similar structures on wheels or other support used for business or living purposes. The word "structure" shall not apply to wires and their supporting poles or frames or electrical or telephone utilities or to service utilities below the ground.

**(175) Structural Alterations**

Any changes in the supporting members of a building such as bearing walls, columns, beams or girders, or any substantial changes in the roof and exterior walls or any expansion or addition to the floor space of a building by the addition of bearing walls, columns, beams or girders.

**(176) Substantial improvement**

Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local

health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or the State Inventory of Historic Places.

**(177) Temporary building, structure or use**

A building, structure or use permitted to exist during periods of construction of the principal building, structure, or use.

**(178) Use**

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

**(179) Variance**

A relaxation or modification of the requirements of this Ordinance as authorized by the Board of Zoning Appeals under the provisions of this Ordinance and Act 184 of the Public Acts of 1943, as amended.

**(180) Vehicle**

Any device in, upon, or by which any person or property is or may be transported or drawn upon any street, highway, excepting devices exclusively moved by human power or used exclusively upon stationary rails or tracks.

**(181) Veterinary Clinic**

A building, or any portion thereof, used for the medical treatment of domesticated animals by a Doctor of Veterinary Medicine and his or her employees, and including exterior or interior kennels or overnight lodging facilities for animals.

**(182) Wetland**

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.

**(183) Wetland, regulated**

Certain wetlands regulated by the Michigan Department of Natural Resources under the provisions of Act 203 of the Public Acts of 1979, as amended, and generally defined as 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:

- a. Contiguous to an inland lake or pond, or a river or stream;
- b. Not contiguous to an inland lake, pond, river or stream, and more than five (5) acres in size;
- c. Not contiguous to an inland lake or pond, or a river or stream; and five (5) acres or less in size if the Michigan Department of Natural Resources 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 department has so notified the property owner.

**(184) Yard**

- a. A space open to the sky and unoccupied or unobstructed, except by encroachments specifically permitted by this Ordinance, on the

same lot with a building or structure. A required yard is measured between the applicable lot line and the nearest foundation line of a building or structure.

combinations thereof apply under the provisions of the Zoning Ordinance.

- b. **Front yard:** A yard extending across the full width of the lot, the depth of which is the distance between the front lot line and foundation line of the building or structure. In the case of a waterfront lot, the yard on the street side shall be the front yard (See Figure 6).
- c. **Rear yard:** A yard extending across the full width of the lot, the depth of which is the distance between the rear lot line and rear foundation line of the main building (See Figure 6).
- d. **Side yard:** A yard between the foundation line of the main building and the side lot line extending from the front yard to the rear yard (See Figure 6).

**(185) Zoning Act**

Michigan Act 184 of 1943, as amended, and Act 110 of 2006.

**(186) Zoning Administrator**

An individual appointed by the Wheeler Township Board delegated to administer the Wheeler Township Zoning Ordinance.

**(187) Zoning Board of Appeals**

The Wheeler Township Zoning Board of Appeals created under Act 184 of the Public Acts of 1943, as amended.

**(188) Zoning District**

A portion of the incorporated area of the township within which certain regulations and requirements or various

## **Article 3 General Requirements**

### **3.1 Scope of Regulations**

The standards and regulations contained in this Ordinance shall apply to all land, buildings, structures, land uses, and land development projects that are established or commenced after the effective date of this Ordinance. Accordingly, no lots or parcels may be created or altered, nor any land use be established or commenced, nor any building or structure constructed, altered, or extended, except in a manner that complies with the provisions of this Ordinance.

### **3.2 Lot Area, Width, Setback Requirements & Zoning Permits**

- a. ***Lot Area, Frontage, and Width***  
No lot or parcel of land shall be divided, subdivided, or reduced in area, frontage, or width in any way that results in existing or newly created lots or parcels having area, frontage, or width that is less than is permitted in the zoning district in which the lot or parcel is located.
- b. ***Setbacks***  
Existing uses, buildings, and structures may not be extended, expanded or added to in any way that results in a reduction of existing or required setbacks to a distance less than that permitted in the zoning district in which the use, building or structure is located.
- c. Zoning permits are required for all structures over 120 square feet. This includes Agricultural Buildings,

covered or enclosed porches,  
Towers, Wind Turbines, Grain Bins  
and Silos.

### **3.3 Uses Not Listed**

If a proposed use of land or use of a building or buildings is not specifically listed in this Ordinance either by right or by special use permit, then the Zoning Administrator shall request an interpretation by the Zoning Board of Appeals as to the appropriateness of locating the use in the zoning district in which it is proposed.

### **3.4 No More than One Principal Use Permitted Per Lot**

Unless specified by other provisions of this Ordinance, no more than one (1) principal use may be established on any lot in any zoning district.

### **3.5 Accessory Buildings**

Accessory buildings shall be subject to the following regulations:

- a. Where an accessory building is attached to a main building, it shall be subject to and must conform to all requirements of this Ordinance applicable to the main building
- b. Detached accessory buildings are permitted in side and rear yards only, and cannot extend beyond the rear line of the house.
- c. Accessory buildings shall be located no closer than ten (10) feet to any

principal building, nor closer than six (6) feet to any side or rear lot line.

- d. Accessory buildings shall not exceed twenty-five (25) feet in height.
- e. Accessory buildings may occupy no more than twenty-five (25) percent of a required rear yard.
- f. Accessory buildings are permitted in the Agricultural (A-1) Zoning District if they are located at least twenty-five (25) feet from any property line and not closer than one hundred (100) feet from any dwelling.
- g. Accessory buildings not more than one hundred forty-four (144) square feet in area shall not require a building permit. Compliance with rear and side yard setback regulations is required.
- h. If an accessory building is located on a corner lot where the side lot line is a continuation of the front lot line of the lot to its rear, then the accessory building shall not project beyond the front yard setback on the lot in the rear of such a corner lot.
- i. A mobile home, semi-trailer, vehicle, junk object, or any similar item shall not be used as an accessory building or storage structure. This provision shall not apply to tool sheds or similar storage structures that are utilized pursuant to the construction of a building under a building permit that has been issued by Gratiot County.

### **3.6 Home Occupations**

Home occupations are permitted, subject to the following standards:

- a. The home occupation must be conducted within the principal dwelling or within a normally associated accessory building.
- b. The home occupation must be clearly incidental and subordinate to the use of the dwelling for dwelling purposes.
- c. The dwelling containing the home occupation shall have no exterior evidence that it is being used for any purpose other than as a dwelling.
- d. No goods shall be sold that are produced off the premises or elsewhere other than within the dwelling or accessory building.
- e. Home occupations shall not involve any activity or process that would constitute a nuisance or annoyance to adjoining properties by reason of noise, smoke, odor, electrical disturbance, exterior lighting, or the creation of vehicular traffic not normally associated with a residential use.
- f. Home occupations shall not involve the exterior storage of materials or equipment.
- g. There may be not more than one (1) employee not living at the dwelling.

### **3.7 Road Frontage Required**

All lots shall have frontage on and direct, unobstructed access either to an improved and maintained public road, or

to an improved and maintained private road which meets the standards specified in Article 7 of this ordinance.

### **3.8 Private Roads**

Private roads are permitted as a Special Use in all zoning districts subject to the standards and regulations described in Article 7, Special Uses. All private roads must comply with Gratiot County Road Commission local road construction standards, except where specifically noted otherwise.

### **3.9 Residential Site Condominium and Residential Condominium Subdivision Developments.**

Residential site condominiums and residential condominium subdivisions are permitted as Planned Unit Developments (PUD's) in any district in which single family dwellings are permitted, subject to the standards and regulations described in Article 6, Zoning Districts.

### **3.10 Use of Structures as Temporary Living Quarters During Construction of a Permanent Residence**

This section establishes regulations which are intended to permit the temporary placement and occupancy of structures in all zoning districts when located on the same lot on which a lot owner's permanent dwelling is being constructed, or repaired following an event that temporarily renders the dwelling unfit for occupancy. Structures

may be placed and occupied as temporary living quarters, subject to the following conditions:

- a. No structure shall be placed or occupied under the provisions of this section unless authorized by the Zoning Administrator by the issuance of a Temporary Dwelling Permit.
- b. Temporary permits as required by this section shall not be issued unless and until a building permit authorizing construction of the permanent dwelling, or repair or reconstruction of a damaged, dangerous, and unsafe existing dwelling has been secured by the lot owner or his/her authorized representative.
- c. Temporary permits issued under the provisions of this section shall be valid for a period of six (6) months from the date of issue by the Zoning Administrator.
- d. Temporary permits issued under the provisions of this section may be renewed once by the Zoning Administrator for a six (6) month period, if substantial progress is being made on the permanent dwelling.

### **3.11 Swimming Pools, Spas, and Hot Tubs**

Swimming pools, spas, and hot tubs are permitted as an accessory use in all zoning districts subject to applicable setback regulations established for accessory uses, buildings, and structures. Swimming pools, spas, and hot tubs

located outdoors, whether constructed in, on or above the ground, shall be provided with a fence or other barrier that complies with all provisions of the State of Michigan Building Code applicable to swimming pools. Fences and other barriers must be approved by the Building Inspector before a swimming pool, spa, or hot tub will be approved for use or occupancy,

### **3.12 Buildings to be Moved**

No building shall be moved into or within the Township until a Zoning Permit has been secured for the building to be moved.

### **3.13 Minimum Standards for Dwellings**

The following standards and regulations shall apply to all dwellings that are erected in or moved into or within the Township, except those dwellings located within licensed mobile home parks:

- a. All dwellings shall comply with the dimensional requirements, including minimum floor area, of the zoning district in which they are located.
- b. All dwellings shall have a minimum width across all front, side, or rear elevations of fourteen (14) feet.
- c. All dwellings shall be constructed or placed upon and anchored to a foundation that complies with the applicable provisions of the State of Michigan Building Code. In the event a dwelling is a mobile home, it shall be installed and anchored

pursuant to the manufacturer's setup instructions and the applicable Michigan Mobile Home Commission rules.

- d. In the event a dwelling is a mobile home, it shall be installed and anchored with its wheels and towing mechanism removed, and none of the undercarriage shall be visible from outside the mobile home.
- e. All dwellings shall comply with all Gratiot County building, fire, and safety codes. Mobile homes shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, and they shall not be more than fifteen (15) years old.
- f. Permanent steps or porches are required where there is a difference in elevation between a doorway and grade level.
- g. Additions to existing dwellings shall meet all requirements of this ordinance.
- h. All dwellings shall be connected to a public sewer system and water supply system, or a well and septic system approved by the local Health Department.

### **3.14 Restoring Unsafe Buildings**

Nothing in this Ordinance shall prevent the strengthening or restoration to a safe condition of any part of any building or structure declared unsafe by the Building



Official, or required to comply with his or her lawful order.

### **3.15 Construction Begun Prior to Adoption of Ordinance**

Nothing in this Ordinance shall be deemed to require any change in the plans, construction, or designed use of any building for which construction was lawfully begun prior to the effective date of this Ordinance and upon which building actual construction has been diligently carried on, and provided further that such building shall be completed within two (2) years from the effective date of this Ordinance.

### **3.16 Approval of Land Divisions**

All land divisions created after the effective date of this Ordinance shall comply with all requirements of the Michigan Land Division Act (Act 591 P.A. 1996, as amended). All land divisions created after the effective date of this Ordinance shall also comply with the lot area, width, setback, and all other dimensional requirements of the zoning district in which such land divisions are located.

### **3.17 Fences**

All fences, walls, and similar enclosures shall conform to the following regulations:

- a. Unless prohibited by zoning district regulations, fences, walls, and similar enclosures are not subject to the setback provisions established by

those regulations, except that fences may not be constructed within any public right-of-way.

- b. Fences located in front yards in the R-1, R-2, and PUD Zoning Districts shall not exceed three (3) feet in height.
- c. Fences located in side and rear yards in the R-1, R-2, and PUD Zoning Districts shall not exceed six (6) feet in height.
- d. Barbed or electric wire fences are permitted in the A-1 Zoning District only. Barbed wire cradles may be placed on top of fences enclosing public utility buildings or wherever deemed necessary by the Zoning Administrator in the interest of public safety.
- e. It shall be unlawful to erect a fence consisting or constructed of tires, vehicle parts, tree stumps, rotting lumber, trash, or any materials capable of providing habitat for pests or vermin.

### **3.18 Clear Vision Area on Corner Lots**

No fence, wall, structure, or planting more than thirty (30) inches in height shall be established or maintained within twenty-five (25) feet of the intersection of any road rights-of-way lines.

### **3.19 General Exceptions to Area, Height, and Use Regulations**

The regulations of this Ordinance shall be subject to the following general exceptions:

- a. **Essential Services.** Essential services shall be permitted as authorized and regulated by law and other Township ordinances, it being the intent to exempt such essential services from the application of this Ordinance.
- b. **Voting Place.** The provisions of this Ordinance shall not be construed so as to interfere with the temporary use of any property as a voting place in connection with a Township or other public election.
- c. **Height Limit.** The height limitations of this Ordinance shall not apply to farm buildings, chimneys, church spires, flag poles, public monuments, wind turbines, communication towers or water towers.

### **3.20 Health Department Approval Required**

Land use-building permits shall not be issued for the construction or establishment of buildings or uses requiring water or wastewater systems unless and until an applicant provides copies of the appropriate well and septic permits issued by the District Health Department.

### **3.21 Screening Requirements**

Screening shall be constructed and maintained whenever a commercial or industrial use is established on land sharing a boundary with any residence,

and whenever multi-family housing is established adjacent to a single family or two-family residential use. Screening shall be provided by one of the following:

- a. **Wall or Fence**  
A solid wall or fence at least six (6) feet in height with a finished surface fronting on the residential district or use. Open spaces within such walls or fences shall not exceed a one (1) foot square in area.
- b. **Berm**  
A mound of earth at least six (6) feet in height and graded to a slope no greater than one (1) foot of rise in three (3) feet of horizontal distance. The berm shall be landscaped by planting with grasses and/or shrubs and trees.

### **3.22 Home Sales**

Sales of personal property from a residential dwelling may occur not more than three (3) times a year for a period not to exceed four (4) days for each occurrence.

### **3.23 Roadside Stands**

Roadside stands are permitted in the A-1 Zoning District, subject to the following requirements:

- a. One parking space off the road right-of-way shall be provided for each one hundred (100) square feet of space in the stand.

- b. The stand may have no more than two (2) signs which are not over sixteen (16) square feet per sign.
- c. Produce sold must have been grown by the property owner.
- d. Fireworks stands will be permitted on a temporary basis lasting not more than 45 days.

**3.24 Outdoor Storage and Waste Disposal**

All uses established or placed in operation in any zoning district after the effective date of this Ordinance shall comply with the following requirements:

- a. All outdoor storage areas which exceed five hundred (500) square feet in area shall be enclosed by a fence or wall adequate to conceal the area from view from adjacent properties.
- b.
- b. No materials or wastes shall be placed on the premises in such a form or manner that the materials may be transferred off the property by natural causes or forces, such as by wind or water.
- c. All materials or equipment shall not be allowed to accumulate on any property in such a manner as to be unsightly, constitute a fire hazard, or contribute to unsanitary conditions.
- d. Open burning of household trash and other materials is regulated by State Law.

**3.25 Site Rehabilitation**

All excavated soil or other materials that extend above the natural grade shall be leveled or removed, and the surface of the entire tract shall be restored to a usable condition for development or agriculture. The excavated area shall be graded so that no gradient of the disturbed area has a slope greater than 1:3 (one (1) foot rise in three (3) feet of horizontal distance). The graded area shall be seeded with an appropriate grass type and a vegetative cover shall be established to minimize soil erosion.

**3.26 Dangerous Buildings**

- a. It shall be unlawful for any owner or agent to keep or maintain any building or part thereof which is a dangerous building as defined in this Ordinance.
- b. When the whole or any part of any building or structure is found to be in a dangerous condition, the Township shall request that the County Building Inspector inspect the structure and issue a notice of the dangerous condition.
- c. Such notice shall be directed to the owner or party in interest in the building in whose name the property appears on the last local tax assessment records of the Township.
- d. The notice shall specify the time and place of a hearing to be conducted by the Township Board on the condition of the building or structure. The notice shall indicate that the person to whom the notice is directed shall have the opportunity to show cause why the building or structure should

not be ordered to be demolished or otherwise made safe.

- e. All notices required by this section shall be in writing and shall be served upon the person to whom they are directed either personally or by Certified Mail, Return Receipt Requested, addressed to the owner *or* party in interest at the address shown on the tax records, at least ten (10) days before the date of the hearing described in the notice. If any person to whom a notice is directed is not personally served, a copy of the notice shall be conspicuously posted on the building or structure, in addition to mailing the notice.
- f. At any hearing held, the Township Clerk shall take the testimony of the Building Inspector, the owner of the property, and any other interested party. The owner or party in interest shall be given the opportunity to show cause why the building should not be demolished or otherwise made safe. After taking all relevant testimony and closing the hearing, the Township Board shall either approve or disapprove an order for the demolition or making safe of the building or structure, including a timetable for compliance.
- g. If the owner or party in interest fails or refuses to comply with the decision of the Township Board, the Board may, in its discretion, contract for the demolition or making safe of the dangerous building or structure. The cost of demolishing or making the building safe and all other pertinent charges shall be a lien against the real property and shall be reported to the Township Assessor,

who shall assess the cost against the property on which the building or structure is located. The owner or party in interest in whose name the property appears upon the last local tax assessment records of the Township shall be notified of the cost by first class mail at the address shown on the tax records. If the owner or party in interest fails to pay the cost, the assessor shall add the cost to the next Township tax roll. The amount shall be collected in the same manner as provided by law for the collection of taxes by the Township.

- h. An owner or party in interest aggrieved by a decision of the Township Board may appeal the decision to the Circuit Court for Gratiot County within twenty-one (21) days of the decision.

### **3.27 Ponds**

Artificially created ponds are permitted as accessory uses, subject to the following requirements:

- a. Pond shall comply with the setbacks required in the district where the pond is located.
- b. Pond banks shall have a maximum slope of one foot vertical rise in four feet of horizontal distance extending below the water's surface to a depth of at least eight feet.
- c. Designed water depth of pond shall be at least 10 feet to ensure proper aeration and circulation of the water.

- d. Use shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this section are less than those in the applicable State statutes, the State requirements shall prevail.
- e. Applicant must obtain permit from the Michigan Department of Environmental Quality or provide documentation that permit is not required.
- f. Applicant must obtain Michigan Soil Erosion and Sedimentation Control Permit from Gratiot County or other designated agency.
- g. Pond should be located to minimize chance of pollution from sources such as feedlots, corrals, or septic systems.
- g. Pond excavation should not alter surface drainage or underwater aquifers in a manner that would adversely impact neighboring uses.

- (c) To conserve open space and other important elements of the Township's rural character. Examples of these elements include important farmlands, woodlots, wildlife areas, historic sites and structures, unique landforms, and scenic areas.

(2) **Applicability.** These provisions shall apply to the following situations:

- (a) All lots created after the effective date of this ordinance where residences are permitted by right on lots that have a required minimum area of 0.5 acre or larger. This currently applies to the A-1 and R-1 Zoning Districts.

(3) **Submission Requirements.** An applicant who wishes to utilize the open space development option shall submit two (2) concept plans for review by the Zoning Administrator and the Planning Commission. These concept plans shall be prepared in accordance with the site plan requirements in Article 5, Section 5.4, and the following additional requirements:

- (a) **Density Concept.** One concept plan shall portray the development of the dwelling units on the site according to the requirements for the zoning district in which the site is located with respect to lot area, width, setbacks, and all other dimensional

**3.28. Open Space Preservation Provisions**

- (1) **Purpose.** The purpose of these provisions is as follows:
  - (a) To provide optional open space preservation provisions for residential development, as required by Act 177 (P.A. 2001).
  - (b) To encourage greater flexibility and efficiency in the design of single-family residential developments.

requirements. The proposed density must be realistic in terms of the project area that would actually be buildable. Wetlands, floodplains, areas that are reserved for roads or utility easements, and other areas that are unbuildable shall be excluded from the project density calculations.

- (b) **Open Space Concept.** The other concept plan shall portray the development of the dwelling units in a manner so that at least fifty percent (50%) of the land area of the site will perpetually remain in an undeveloped state. The Open Space Concept Plan shall contain the same number of dwelling units as the Density Concept Plan. "Undeveloped state" shall have the same meaning as specified in Act 177 (PA 2001); that is, a natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.

- (c) **Project Narrative.** The applicant shall provide a

written narrative that explains the project and its benefits. The narrative should specifically address all elements of the project that would not comply with the zoning district regulations that would apply to the Density Concept Plan. The narrative shall clearly indicate the proposed project densities and how they were calculated.

- (4) **Approval Standards.** Prior to approving an Open Space Development, the Zoning Administrator must find, with the concurrence of a majority of the Planning Commission, that the proposed development complies with the following requirements:

- (a) The proposed development will comply with all requirements of the Mid Michigan District Health Dept. rules for residential water supply and wastewater disposal.
- (b) The proposed development will comply with all requirements of the Land Division Act.
- (c) At least fifty percent (50%) of the project land area will remain perpetually in an undeveloped state, as previously defined in this section, by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land and that is acceptable to the Township.

### **3.29 Temporary Outdoor Uses**

Temporary outdoor uses such as carnivals, flea markets, and outdoor sales events are permitted in Wheeler Township, subject to the following requirements:

- a. The sponsor of a proposed outdoor use or event shall notify the Township in writing of the intended starting and ending dates of the use.
- b. All activity areas, including sales and parking areas, shall be set back a minimum of fifty (50) feet from all road rights-of-way lines and adjacent property lines.
- c. Adequate parking off the public road right-of-way shall be provided in a manner that does not create a traffic hazard.
- d. The Township may impose other reasonable conditions that are designed to minimize adverse impacts on the community during the temporary use or event.

be cut down. The Township will then bill the property owner for mowing or removal of such.

### **3.30 Home/Residential Wind Turbines**

Home/Residential Turbines are permitted in A1 districts with the following requirements:

- a. Turbines shall be located in the rear or side yards.
- b. Height shall be no more than 70 feet tall.
- c. Turbine tower shall be no closer than 100 feet to any dwelling.
- d. Turbine must be anchored securely to the ground in concrete.
- e. Turbine shall not exceed 55dB for noise.
- f. Lot size shall be a minimum of 2 acres.
- g. Must conform to Structures Act, MCL 259.481.
- h. Turbine shall be no more than 1.5 x hub height from any property line.

### **3.31 Noxious Weeds and Tall Grass**

It shall be the duty of each property owner or occupier of land to remove and destroy all noxious weeds and tall grass over 9 inches tall on their property. The Township will notify property owners in violation and after 10 days may enter upon the property and cause such weeds or grass to



## Article 4 Non-Conforming Uses

### 4.1 Purpose

Non-conforming uses are incompatible with permitted uses in the zoning districts in which they are located. Accordingly, non-conforming uses of land, structures and buildings, either singly or in combination, shall not be extended or enlarged after the effective date of this Ordinance, except in compliance with the provisions of this Article.

### 4.2 Non-Conforming Buildings and Structures

Existing buildings and structures that could not be built under the provisions of this Ordinance due to their noncompliance with floor area, height, setback, or other regulations may be added to, extended, reconstructed, or altered subject to the following provisions:

- a. A non-conforming structure may be enlarged or altered so long as the alteration does not increase its non-conformity.
- b. Should any such non-conforming structure or non-conforming portion of such structure be destroyed by any means, it may be reconstructed to a character similar to the original structure, so long as there is no increase in non-conformity.
- c. Should any such structure be moved for any reason, it shall thereafter conform to the regulations for the

zoning district in which it is located after it is moved.

### 4.3 Non-Conforming Uses of Land

Where at the time of passage of this Ordinance the lawful use of land exists which would not be permitted by the regulations imposed by this Ordinance, the use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance, except for single family dwellings as provided in Section 4.3.b.
- b. A single family dwelling that is non-conforming as described in Section 4.3.a may be expanded, increased, or enlarged to an area not to exceed fifty (50) percent of its land area at the effective date of this Ordinance.
- c. No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel other than that occupied by the use at the effective date of this Ordinance or its subsequent amendment.
- d. If any such non-conforming use of land ceases for any reason for a period of twelve (12) consecutive months or more, or if it is discontinued for a period of eighteen (18) months or more in any three (3) year period, the land shall be made to conform to the regulations specified

by this Ordinance for the district in which the land is located.

- e. No additional structure which does not conform to the requirements of this Ordinance shall be erected in connection with a non-conforming use of land.

#### 4.4 Non-Conforming Uses of Structures

The non-conforming use of a building or structure, and the land on which it is located, which would not be permitted by the regulations imposed by this Ordinance may be continued as long as it remains otherwise lawful, subject to the following provisions:

- a. A lawful non-conforming use of a structure devoted to a use not permitted by this Ordinance in the zoning district in which it is located shall not be enlarged, extended, constructed, reconstructed, moved, or structurally altered except to change the use of the structure to a use permitted in the district in which it is located.
  - b. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for the use at the time of adoption or amendment of this Ordinance, but no such non-conforming use shall be extended to occupy any land outside such a building.
  - c. If no structural alterations are made, any non-conforming use of a structure, or structures, and land may be changed to another non-
- d. conforming use provided that the proposed use is equally or more appropriate to the zoning district than the existing non-conforming use.
  - e. Whenever a non-conforming use is changed to a conforming use, it shall not thereafter be changed to any non-conforming use.
  - f. Any non-conforming single family residential structure may be expanded or increased in floor area up to fifty (50) percent of the size of the structure at the effective date of this Ordinance.
  - g. When a non-conforming use of a structure, or a structure and land in combination, is discontinued or abandoned for twelve (12) consecutive months or more, or if it is discontinued or abandoned for eighteen (18) months or more in any three (3) year period, the structure, or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the zoning district in which it is located.
  - h. Where non-conforming use status applies to a structure and land in combination, the removal or destruction of the structure shall eliminate the non-conforming status of the land. For the purpose of this Ordinance, "destruction" is defined as damage to an extent greater than one hundred (100) percent of the State Equalized Value at the time of destruction.

#### 4.5 Repairs and Maintenance

For any non-conforming structure or portion of a structure containing a non-conforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing to an extent not greater than fifty (50) percent of the current State Equalized Valuation of the non-conforming structure or non-conforming portion of the structure as the case may be, provided that the total space in cubic feet that existed within the structure when it became non-conforming shall not be increased.

If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful by reason of its physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the zoning district in which it is located.

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part of a building declared to be unsafe by the Zoning Administrator or Building Official.

#### 4.6 Damage of Non-Conforming Use or Building

Any non-conforming use or non-conforming building which has been destroyed or damaged by fire, explosion, act of God, or public enemy may be reconstructed to a character similar to the original structure without increasing any non-conformity or changing the original use, unless to a conforming use.

The restoration shall be commenced within six (6) months of the date of the destruction and shall be diligently carried on to completion.

#### 4.7 Change in Tenancy or Ownership

There may be a change in tenancy, ownership, or management of an existing non-conforming use, provided that there is no change in the nature or character of the non-conforming use.

#### 4.8 Non-Conforming Lots of Record (Substandard Lots)

Lots of record that existed before the effective date of this Ordinance that do not comply with the lot area, width, or other dimensional requirements established by the applicable zoning district regulations may be used, provided that:

- a. The minimum lot width shall be sixty (60) feet.
- b. The front yard setback requirements shall not be reduced.
- c. No side yard setback shall be less than six (6) feet.

#### 4.9 Elimination of Non-Conforming Uses

The Township may acquire private property by purchase, condemnation, or other means for the removal of non-conforming uses. The cost of acquiring the private property may be paid from

general funds or assessed to a special district, as provided in the Township Rural Zoning Act (Act 184 of 1943, as amended). The elimination of non-conforming uses and structures in a zoning district is declared to be for a public purpose and for a public use. The Township Board may institute proceedings for condemnation of non-conforming uses and structures under the power of eminent domain in accordance with the applicable Michigan statutes.

## Article 5 Site Plan Review

### 5.1 Purpose

This article provides a review and approval process for certain land uses and land development projects. The review and approval process described in this section is intended to ensure that all land uses comply with applicable zoning district and other zoning regulations, the site plan review standards contained in this article, and other applicable county, state, and federal statutes.

### 5.2 Site Plan Approval Required

Site plan review and approval shall be required as described below. Site plan approval must be obtained before a land use-building permit can be issued, and prior to the commencement of land clearing or excavation necessary for the construction of site improvements.

Site plan review and approval is required:

- a. For all non-residential land uses permitted in all zoning districts, except home occupations and farming operations.
- b. For all special uses. A site plan shall be submitted at the time application is made for a special use permit. Review of the site plan shall be concurrent with deliberations on the application for a special use permit.
- c. For all Planned Unit Developments (PUD's). A site plan shall be submitted at the time application is

made for PUD approval. Review of the site plan shall be concurrent with deliberations on the application for the PUD.

- d. All site condominium and condominium subdivisions developed pursuant to the Condominium Act (P.A. 59 of 1978, as amended).

### 5.3 Review and Approval Standards

Prior to recommending site plan approval, the Planning Commission shall find that the land use subject to review is designed and laid out in such a manner that it complies with the following standards:

- a. All buildings, structures, and other improvements shall comply with the applicable zoning district setback requirements.
- b. All signs shall comply with the applicable area, setback, height, and lighting standards.
- c. All exterior lighting fixtures shall be of a type and quality that limits illumination to the site only, and shall be located so as not to produce glare off-site.
- d. Parking areas shall provide the number of parking spaces required for the proposed use. Parking areas shall be surfaced with compacted gravel, asphalt, or concrete. Parking areas shall be designed and constructed to provide for effective stormwater drainage, and they shall comply

with the *Gratiot County*  
*Administrative Guidelines for*  
*Stormwater Management.*

- e. Access from adjoining roads shall be arranged to assure the safety of vehicles and pedestrians entering and leaving the site, as well as that of vehicles and pedestrians traveling on adjoining public roads and sidewalks. Driveways shall be designed and located to assure adequate clear vision areas at adjoining road right-of-way lines. Particular attention shall be paid to site access in the event of fire or other emergency.
- f. Internal roadways and sidewalks, if provided, shall be designed and constructed to assure the safe and convenient movements of vehicles and pedestrians on the site. Particular attention shall be paid to all buildings and uses on the site in the event of fire or other emergency.
- g. Loading areas shall be located at the sides or rears of buildings, and shall be screened from view from adjoining property.
- h. Areas used for outdoor storage of goods, equipment, waste materials, or other materials of any kind shall be screened from view from adjoining properties and public roadways.
- i. The site shall be improved with a storm drainage system that complies with the *Gratiot County Administrative*

*Guidelines for Stormwater*  
*Management.*

- j. Existing natural features, such as stands of trees, wetlands, watercourses, ponds, lakes, and topographic features shall be preserved in the design and layout of the land use or land development project.

#### 5.4 Application Requirements

An application for site plan review and approval shall be submitted to the Zoning Administrator no less than twenty-one (21) days prior to the meeting at which the Planning Commission will consider the application. The review of applications submitted less than twenty-one (21) days prior to such a meeting will be delayed until the next regular meeting date.

Applications must be accompanied by a completed application form and application fee in the amount established by the Township Board. Three (3) copies of a site plan must be provided. The site plan shall show the following information:

- a. Scale and north arrow. The scale shall be not less than 1" = 20' for property under three (3) acres and at least 1" = 100' for parcels three (3) acres or more in size.
- b. Name, address, and phone number of the applicant(s). Name, address, and phone number of the person or firm that prepared the site plan.

- c. The date on which the site plan was prepared. In the event that revisions of the site plan are required, then the subsequent revision dates shall also be indicated.
- d. Legal description of the property subject to the application.
- e. Name and address (or approximate location) of the proposed land use or land development project.
- f. Size of the property in acres and square feet.
- g. Area in square feet to be occupied by buildings, parking areas, roadways, landscaped areas, and unimproved open space.
- h. A small-scale map (1" = 200') indicating the location of streets, highways, watercourses, and lakes located within one-half (1/2) mile of the subject property shown on the site plan. The property subject to review must be highlighted.
- i. The exterior property lines (boundaries) of the property subject to the application.
- j. The zoning classification of the property subject to review, as well as that of adjoining properties.
- k. The location, name, pavement width, and right-of-way width of existing and proposed streets, highways, easements, and rights-of-way that adjoin or cross the property.
- l. The location, name, pavement width, and right-of-way width of existing and proposed private roadways.
- m. The location, width, and purpose of other existing and proposed easements or rights-of-way.
- n. Locations and dimensions of existing and proposed buildings and other structures. The distance between existing and proposed buildings, and existing and proposed setbacks from property lines must be indicated in feet.
- o. Location and layout of existing and proposed parking and loading areas, including proposed surface type. The direction of travel on driveways and driving lanes must be indicated.
- p. The location of existing and proposed stormwater management facilities. The Planning Commission may require that applicants submit a separate storm drainage plan.
- q. The location and height of existing fences or walls, including the type of fencing proposed.
- r. The location of required landscaped buffers and screening, as well as other landscape improvements. The Planning Commission may

require that applicants submit a separate landscaping plan.

- s. The location and type of existing natural features on the site, including but not limited to, wetlands, watercourses, floodplains, ponds, wooded areas, and so forth. Indicate the location and type of existing trees and other vegetation to be retained on the site.
- t. The location, height, and design of existing and proposed signs and exterior lighting fixtures.

#### 5.5 Planning Commission Review and Decision

The Planning Commission shall review the application approve, approve with conditions, or deny applications for site plan approval within sixty (60) days of the application date.

The Planning Commission's decision shall be recorded in writing and shall be based upon the standards specified in Section 5.7.

Two (2) copies of an approved site plan shall be signed and dated by the Township Planning Commission Secretary and the Clerk. A copy of the approved minutes of the Township Planning Commission meeting at which approval was granted shall be attached to each copy. One copy shall be returned to the applicant and one copy shall be filed with the Zoning Administrator.

#### 5.6 Standards for Site Plan Approval

A decision to approve, approve with conditions, or deny an application shall be based on the following criteria as they apply to a site plan under consideration:

- a. There must be a proper relationship between the proposed use and existing streets and highways within the vicinity of the proposed use.
- b. Proposed driveway entrances and exits, parking areas, service drives, and other internal circulation routes must be located and arranged so as to assure the safety and convenience of pedestrian and vehicular traffic.
- c. All buildings, structures, driveways, internal circulation routes, parking areas, and storage areas must be designed and located so as to minimize potential adverse impacts on adjacent and nearby properties.
- d. As many natural features of the landscape as possible shall be incorporated into the design and layout of the site so as to buffer the site from adjacent incompatible land uses, to assist in preserving the general appearance of the surrounding area, and to help control erosion of the discharge of water. Reasonable buffer and open space areas may be required.
- e. Adverse impacts upon adjoining land uses shall be minimized by



appropriate screening, fencing, or landscaping.

- f. The land use subject to review and approval shall comply with all applicable provisions of this Ordinance.
- g. All buildings, structures, parking areas, and storage areas will be accessible to emergency vehicles at all times of the year.
- h. The site plan as approved must be consistent with the intent and purpose of this Zoning Ordinance to promote the public health, safety, and general welfare.

#### **5.7 Record of Determination**

In making a decision to approve, approve with conditions, or deny a site plan, the Township Planning Commission shall record the basis for its determination in writing. The Standards for Site Plan Approval shall be incorporated by reference into the record of determination.

#### **5.8 Compliance with Approved Site Plan Required**

The construction of buildings, structures, and other improvements following approval of a site plan shall be accomplished in full compliance with the approved site plan and any conditions of approval.

#### **5.9 Validity of Approved Site Plan**

Site plan approval shall be valid for a maximum period of one (1) year from the date approval was granted. If the actual physical construction of the buildings and improvements shown on the approved site plan has not commenced in a substantial way during this period, approval shall become null and void.

## **Article 6 Zoning Districts**

### **6.1 Division of the Township**

For the purposes of this Ordinance, Wheeler Township, Gratiot County, Michigan, is divided into the following zoning districts:

- A-1 Agricultural
- R-1 Low Density Residential
- R-2 Medium Density Residential
- C-1 Commercial
- I-1 Light Industrial
- PUD Planned Unit Development
- RZ Renaissance Zone

### **6.2 Official Zoning/Land Use Map**

The boundaries of these zoning districts are hereby defined and established on a map entitled, "Zoning District Map of the Township of Wheeler," which accompanies this Ordinance. This map, with all explanatory matter thereon, is hereby made a part of this Ordinance. The official Zoning District Map shall be kept and maintained by the Clerk of the Township. (Map- See Appendix)

### **6.3 Interpretation of Zoning District Boundaries**

The following rules shall be used in interpreting the boundaries shown on the Official Zoning Map:

- a. Boundaries appearing to follow the centerline of a street or highway shall be interpreted to follow that centerline.
- b. Boundaries appearing to follow a Township boundary line shall be interpreted to follow that boundary line.
- c. Boundaries appearing to follow the exterior property lines of a platted subdivision shall be interpreted to follow those property lines.
- d. Boundaries appearing to follow platted property lines shall be interpreted to follow those property lines.
- e. Boundaries appearing to follow the exterior property lines of a Planned Unit Development shall be interpreted to follow those exterior property lines.
- f. Boundaries appearing to follow the centerline of a stream or the ordinary high water mark of a lake shall be interpreted to follow that centerline or ordinary high water mark.
- g. Boundaries appearing to follow property lines, or interior or exterior section lines, shall be interpreted as following those property or section lines.

If the Zoning Administrator finds these standards to be inadequate for the purpose of interpreting the location of a zoning district boundary in any case, or if a property owner wishes to dispute the Zoning Administrator's interpretation of the location of a district boundary, the Zoning Board of Appeals may interpret

the Zoning Map under the provisions of Article 11.

#### **6.4 District Regulations**

The following charts identify the intent and purpose, uses permitted by right, uses permitted by special use permit, and the dimensional requirements for each zoning district of Wheeler Township as described in Section 6.1.

Section 6.4.1

<p><b>A-1 Agricultural Zoning District Regulations</b>  <b>Intent and Purpose:</b>          1. To preserve, enhance, and stabilize areas which are currently used for general farming.          2. To conserve lands best suited to farming due to their physical characteristics.          3. To protect agricultural lands from premature urban development.          4. To preserve the essential rural character and economic value of the Township's agricultural lands.</p>	
<p><b>Permitted Uses</b></p>	<p><b>Special Uses Subject to Review and Approval as Specified in Article 7</b></p>
<ol style="list-style-type: none"> <li>1. Farms and general farming operations, excluding Livestock Production Facilities.</li> <li>2. Single Family Dwellings.</li> <li>3. Home Occupations</li> <li>4. Accessory Uses &amp; Structures</li> <li>5. Religious institutions.</li> <li>6. Public &amp; private schools.</li> <li>7. Mobile home parks.</li> <li>8. Cemeteries</li> <li>9. Ponds, subject to requirements of Sec. 3.27</li> <li>10. Wind Turbines (Non commercial – See 3.30 pg 3-12)</li> </ol>	<ol style="list-style-type: none"> <li>1. Agricultural storage facilities, terminals, and processing facilities.</li> <li>2. Retail businesses.</li> <li>3. Veterinary clinics &amp; kennels.</li> <li>4. Medical clinics.</li> <li>5. Clubs &amp; lodges</li> <li>6. Natural resource extraction: sand, gravel, clay, or topsoil extraction.</li> <li>7. Livestock Production Facilities.</li> <li>8. Public &amp; private parks; recreation facilities</li> <li>9. Correctional facilities</li> <li>10. Private roads</li> <li>11. Communication towers</li> </ol>
<p><b>Minimum Lot Size</b>          Area: One (1) acre for residences                3 acres for religious institutions                10 acres for all other uses          Width: 165 feet          Depth: No minimum</p>	<p><b>Minimum Setbacks</b>          Front: 40 feet          Side: 20 feet each side          Rear: 40 feet  <b>Maximum building height:</b>          2 stories, 25 feet for residences</p>
<p><b>Minimum Floor Area:</b>          720 square feet for dwellings &amp; main buildings</p>	<p><b>Off-Street Parking Requirements:</b>          See Article 8</p>
<p><b>Screening/Buffering Requirement:</b>          See Article 3, Section 3.21</p>	<p><b>Sign Regulations:</b>          See Article 9</p>
<p><b>Other District Requirements:</b>          1. Farm animals, excluding intensive livestock operations, are permitted in this district subject to the following conditions:              a. The animals are kept in a fenced area that is no closer than 15 feet to adjacent property lines.              b. The fenced area is no closer than 100 feet to an adjacent residential dwelling.              c. Buildings, pens, cages, and enclosures for housing or feeding animals shall be at least 100 feet from any front, rear, or side yards.              d. Animals shall be kept with proper management to avoid odors, runoff of animal wastes, or other nuisances.              e. The site shall be at least 4 acres in size              f. Dwelling m/b 500 feet from Wind Turbine Base.</p>	

**Section 6.4.2**

**R-1 Low Density Residential Zoning District Regulations**

**Intent and Purpose:**

1. To provide for the satisfactory use of land areas not ideally suited to agriculture or intensive residential development.
2. To permit single family residential development in a rural setting.
3. To serve as a land reserve for open space areas, idle cropland, and wetlands.
4. To serve as a buffer between agricultural areas and more intensive land uses.

<b>Permitted Uses</b>	<b>Special Uses Subject to Review and Approval as Specified in Article 7</b>
<ol style="list-style-type: none"> <li>1. Single Family &amp; Two Family Dwellings.</li> <li>2. Home Occupations</li> <li>3. Accessory Uses &amp; Structures</li> <li>4. Churches and religious institutions.</li> <li>5. Public &amp; private schools.</li> <li>6. State-licensed residential facilities</li> <li>7. Cemeteries</li> <li>8. Ponds, subject to requirements of Sec. 3.27</li> </ol>	<ol style="list-style-type: none"> <li>1. Retail businesses.</li> <li>2. Personal service establishments</li> <li>3. Bed &amp; Breakfast establishments</li> <li>4. Group child care homes</li> <li>5. Medical clinics.</li> <li>6. Mobile home parks</li> <li>7. Multi-family dwellings</li> <li>8. Private roads</li> </ol>
<p><b>Minimum Lot Size &amp; Setbacks</b></p> <p>Area: ½ acre (21,780 square feet)            Width: 125 feet            Depth: 150 feet</p> <p>Minimum Setbacks            Front: 40 Feet            Side: 20 Feet            Rear: 40 Feet</p> <p>Maximum Building Height            2 Stories, 25 Feet for Dwellings</p>	
<p><b>Minimum Floor Area:</b>            720 square feet for dwellings &amp; main buildings</p>	<p><b>Off-Street Parking Requirements:</b>            See Article 8</p>
<p><b>Screening/Buffering Requirement:</b>            See Article 3, Section 3.21            Dwellings must be 500 feet from Wind Turbine Base.</p>	<p><b>Sign Regulations:</b>            See Article 9</p>

**Section 6.4.3**

**R-2 Medium Density Residential Zoning District Regulations**

**Intent and Purpose:**

1. Medium density residential development with appropriate neighborhood services and amenities.
2. District not intended for “heavy” commercial development that is not associated with residential needs.

Permitted Uses	Special Uses Subject to Review and Approval as Specified in Article 7
<ol style="list-style-type: none"> <li>1. Single Family &amp; Two Family Dwellings.</li> <li>2. Home Occupations</li> <li>3. Accessory Uses &amp; Structures</li> <li>4. State-licensed residential facilities</li> <li>5. Multi-family dwellings</li> <li>6. Public &amp; private schools</li> <li>7. Public &amp; private parks and recreation facilities</li> <li>8. Churches and religious institutions.</li> <li>9. Ponds, subject to requirements of Sec. 3.27</li> </ol>	<ol style="list-style-type: none"> <li>1. Personal service establishments</li> <li>2. Bed &amp; Breakfast establishments</li> <li>3. Group child care homes</li> <li>4. Child care centers</li> <li>5. Retail food establishments</li> <li>6. Hotels and motels</li> <li>7. Motor vehicle service facilities</li> <li>8. Private roads</li> </ol>
<p><b>Minimum Lot Size &amp; Setbacks</b></p> <p>Area: 20,000 square feet, except multiple family dwellings. 3,000 square feet per unit required for multiple family dwellings.</p> <p>Width: 80 feet Depth: No minimum</p> <p><b>Minimum Setbacks</b> Front: 40 Feet Side: 15 Feet Rear: 30 Feet</p> <p>Maximum Building Height 2 Stories, 25 feet for dwellings Buildings must be 500 ft. from any Wind Turbine Base.</p>	
<p><b>Minimum Floor Area:</b> 720 square feet for dwellings &amp; main buildings</p>	<p><b>Off-Street Parking Requirements:</b> See Article 8</p>
<p><b>Screening/Buffering Requirement:</b> See Article 3, Section 3.21</p>	<p><b>Sign Regulations:</b> See Article 9</p>

**Section 6.4.4**

<p><b>C-1 Commercial Zoning District Regulations</b></p> <p><b>Intent and Purpose:</b></p> <ol style="list-style-type: none"> <li>To provide convenient retail shopping, office, and service businesses for residents of the Township and adjacent areas.</li> <li>To minimize the impacts of commercial activities on surrounding residential areas.</li> <li>To provide for business activities that serve highway travelers, recreation users, and the agricultural community.</li> <li>To promote the development of commercial use clusters, promote traffic safety, and minimize adverse impacts on adjacent land uses.</li> </ol>	
<p><b>Permitted Uses</b></p>	<p><b>Special Uses Subject to Review and Approval as Specified in Article 7</b></p>
<ol style="list-style-type: none"> <li>Retail businesses</li> <li>Retail food establishments</li> <li>Office buildings</li> <li>Restaurants, including drive-in or drive-thru or drinking establishments.</li> <li>Personal service establishments</li> <li>Medical clinics</li> <li>Motor vehicle service facilities</li> <li>Motor vehicle sales and repair</li> <li>Storage, including self-service storage facilities.</li> </ol>	<ol style="list-style-type: none"> <li>Hotels and motels</li> <li>Commercial recreation facilities</li> <li>Institutions for health care, education, social, cultural, and religious purposes.</li> <li>Building supply establishment</li> <li>Warehouses and wholesale businesses.</li> <li>Motor freight (truck) terminals</li> <li>Private roads</li> <li>Adult Entertainment Business</li> </ol>
<p><b>Minimum Lot Size, Setbacks &amp; Other Requirements.</b>          Area: 21,780 square feet – 1/2 Acre          Width: 125 feet          Depth: No minimum</p> <p><b>Minimum Setbacks</b>          Front: 20 Feet          Side: 20 Feet each side, May be reduced to 10 feet if next to another business or industrial use. No side yard required if attached to another business with approved firewall in between.          Rear 20 Feet          Must be 500 feet from any Wind Turbine Base.  <b>Maximum Building Height</b>          2 Stories, 35 Feet</p>	
<p><b>Minimum Floor Area:</b>          720 square feet for main buildings</p>	<p><b>Off-Street Parking Requirements:</b>          See Article 8</p>
<p><b>Screening/Buffering Requirement:</b>          See Article 3, Section 3.21</p>	<p><b>Sign Regulations:</b>          See Article 9</p>

**Section 6.4.5**

<b>I-1 Light Industrial Zoning District Regulations</b>	
<b>Intent and Purpose:</b>	
<ol style="list-style-type: none"> <li>To provide suitable locations for light industrial, wholesale, and storage uses.</li> <li>To prevent conflicts between industry and incompatible land uses.</li> </ol>	
<b>Permitted Uses</b>	<b>Special Uses Subject to Review and Approval as Specified in Article 7</b>
<ol style="list-style-type: none"> <li>Manufacturing, processing, assembly, packaging, or use of previously prepared materials.</li> <li>Building supply establishment</li> <li>Motor vehicle sales and repair</li> <li>Storage, including self-service storage facilities.</li> <li>Warehouses and wholesale businesses.</li> <li>Motor freight (truck) terminals</li> </ol>	<ol style="list-style-type: none"> <li>Motor vehicle service facilities</li> <li>Junkyards</li> <li>Private roads</li> <li>Adult entertainment business</li> </ol>
<b>Minimum Lot Size &amp; Setbacks &amp; Other Requirements.</b>	
<p>Area: One acre            Width: 165 feet            Depth: No minimum</p> <p>Minimum Setbacks:            Front: 50 Feet            Side: 25 Feet each side. May be reduced to 10 feet if next to another business or industrial use. No side yard requirement if attached to another industrial use with approved firewall in between.</p> <p>Maximum Building Height:            40 Feet.            Buildings Must be 500 feet from Wind Turbine base.</p>	
<b>Minimum Floor Area:</b> 500 square feet for main buildings	<b>Off-Street Parking Requirements:</b> See Article 9
<b>Screening/Buffering Requirement:</b> See Article 3, Section 3.21	<b>Sign Regulations:</b> See Article 10



**Section 6.4.6**

**PUD Planned Unit Development Zoning District Regulations**

**Intent and Purpose:**

1. To provide a controlled degree of flexibility in meeting the requirements of this Ordinance by permitting certain pre-planned developments.
2. To encourage innovation in design.

<b>Permitted Uses</b>	<b>Special Uses Subject to Review and Approval as Specified in Article 7</b>
<ol style="list-style-type: none"> <li>1. Single Family Dwellings</li> <li>2. Two Family Dwellings</li> <li>3. Multiple family dwellings</li> <li>4. Condominiums, including site condominium subdivisions.</li> <li>5. Home Occupations</li> <li>6. Accessory Uses &amp; Structures</li> </ol>	Not applicable
<p><b>Minimum Lot Size</b>                      Area: 5 acres                      Width: No minimum                      Depth: No minimum</p> <p><b>Maximum Lot Coverage: 40%</b></p>	<p><b>Minimum Setbacks</b>                      Front: 25 feet                      Side: 10 feet each side                      Rear: 25 feet</p> <p><b>Maximum building height:</b>                      2 stories, 25 feet</p>
<p><b>Minimum Floor Area:</b>                      720 square feet for dwelling units</p>	<p><b>Off-Street Parking Requirements:</b>                      See Article 8</p>
<p><b>Screening/Buffering Requirement:</b>                      See Article 3, Section 3.21</p>	<p><b>Sign Regulations:</b>                      See Article 9</p>
<p><b>Other District Requirements:</b></p> <ol style="list-style-type: none"> <li>1. PUD may only be established in the A-1, R-1, and R-2 Districts.</li> <li>2. See Section 6.5 for PUD review and approval requirements.</li> <li>3. <b>Must be 500 feet from a Wind Turbine Base.</b></li> </ol>	

**6.5 Review and Approval Procedures for Planned Unit Developments (PUD's)**

**6.5.1 Purpose**

The standards, regulations, and procedures described in this section are intended to permit the establishment of Planned Unit Developments (PUD's) that are consistent with the intent and purpose of the Wheeler Township Land Use Plan and Zoning Ordinance, and that are compatible with permitted and special uses allowed in the zoning district in which the proposed PUD will be located.

The provisions of this section have been established for the following purposes:

- a. To encourage the use of land in ways consistent with its character and adaptability.
- b. To promote the conservation of natural features and natural resources.
- c. To encourage and accommodate innovation in the design, layout, and construction of land uses and land development projects.
- d. To promote the enhancement of housing opportunities for residents of the Township.
- e. To promote and ensure greater compatibility of design and use between neighboring properties.
- f. To provide for the regulation of land uses not otherwise specifically authorized within this Ordinance.

- g. Other purposes as outlined in Section 16c of the Township Rural Zoning Act (PA 184 of 1943, as amended).

**6.5.2 General Requirements, Restrictions, and Standards**

In order to be eligible for consideration under the provisions of this section, a proposed PUD shall meet the following criteria:

- a. Minimum Land Area  
The minimum land area eligible for consideration under PUD zoning is five (5) acres.
- b. Location  
A proposed PUD land development project may be established only in the A-1, R-1, or R-2 zoning districts.
- c. Waiver of Zoning District Regulations  
District regulations applicable to permitted and accessory uses, lot area, lot width, parking, signs, setbacks, and building height for the zoning district in which a PUD is proposed shall apply to the uses established in a PUD.

Applicants may request that district regulations be waived by the Township Board on the recommendation of the Planning Commission. Such waivers may be granted only if the applicant demonstrates to the Planning Commission that a PUD possesses design characteristics or other features that meet the objectives of those regulations subject to the waiver requested.

Waivers that would permit the establishment of industrial uses in residential zoning districts shall not be granted under any circumstances.

d. Design of Improvements and Functional Elements

All improvements and functional elements within a proposed PUD, such as parking areas, storm drainage systems, lighting, signs and the like shall be designed to be consistent with the criteria and standards presented below:

**(1) Signs**

All signs, whether attached to a building or freestanding, shall be of unified design and construction.

**(2) Lighting**

All exterior lighting fixtures, whether attached to a building or freestanding, shall be of unified design and shall be of a type and quality that limits illumination to the PUD only. Lighting fixtures shall be located so as not to produce glare outside the boundaries of the PUD.

**(3) Parking Areas**

Parking areas shall be designed and constructed to adequately serve the needs of all buildings and uses within the PUD. Parking areas shall be surfaced with either compacted gravel, asphalt, or concrete.

Parking areas shall be screened from view from adjoining property as deemed appropriate by the Planning Commission. Screening can be accomplished by existing trees or other vegetation, or by landscaped buffers or greenbelts.

**(4) Driveways and Access**

Access to a PUD from adjoining public roads shall be arranged to assure the safety of vehicles and pedestrians entering and leaving the PUD. Adequate clear vision areas shall be provided at adjoining public roads, and at public and private road rights-of-way, to assure the safety of vehicles and pedestrians traveling on adjoining public roads and sidewalks.

**(5) Emergency Vehicle Access**

Emergency vehicle access routes shall be provided to all buildings and uses in a PUD. These access routes must be maintained in a manner that assures emergency vehicle access to all buildings and uses in the PUD during all seasons of the year.

**(6) Internal Roadways and Sidewalks**

Internal roadways and sidewalks must be designed by a professional engineer. Streets and sidewalks shall be laid out in a manner that assures the safe and efficient movement of vehicles and pedestrians. Roadways shall be provided with a stormwater detention system that effectively holds and filters stormwater to prevent off-site impacts associated with uncontrolled runoff.

**(7) Loading, Service, and Storage Areas**

Areas to be used for the delivery or pickup of goods or materials, or for servicing vehicles or equipment, shall be screened from view from adjoining property as deemed appropriate by the Planning Commission. Screening can be accomplished by existing trees or other vegetation, or by landscaped buffers or greenbelts.

Areas to be used for the outdoor storage of waste materials, or for the storage of goods, equipment or other materials shall be screened from view from adjoining properties and public roadways.

**(8) Stormwater Management**

Stormwater runoff shall be managed in a manner that prevents off-site or downstream impacts. A PUD shall be provided with an engineered storm drainage system that complies with the **Gratiot County Administrative Guidelines for Stormwater Management.**

**(9) Integration of Natural Features**

Existing natural features such as stands of trees, wetlands, watercourses, ponds, lakes, and topographic features shall be preserved to the fullest extent possible by integration into the design and layout of the PUD.

**(10) Utility Service**

Utility services to individual buildings and uses shall be installed underground.

**(11) Screening, Buffering, and Landscaping**

Screening and buffering shall be provided for parking, loading, service, and storage areas as described above. Additional landscaping, if proposed for inclusion in the PUD, shall be designed with reference to purpose, type, proportion, dimension, and character.

**(12) Yards and Open Space**

Yards, common areas, and other open space shall be compatible with the uses to be established in the PUD, and shall be consistent with the character of the area in which the proposed PUD is to be located.

Furthermore, a minimum of ten percent (10%) of the project site shall be devoted to permanent, landscaped open space for use by residents of the PUD or by the public at large. The open space provided in this manner shall not include public or private streets, driveways, sidewalks, parking areas, or cropland.

e. Uses Permitted

PUD's may be established to accommodate the uses outlined below:

1. All permitted uses specified in Section 6.4.6, PUD District Regulations.
2. Additional uses that can be demonstrated by the applicant to be compatible with the intent and purpose of the Township's Land Use Plan, and the intent and purpose of the zoning district in which the PUD will be located. These additional uses must have a direct, functional relationship with other uses in the PUD.

**6.5.3 Approval Standards**

Prior to authorizing the establishment of a PUD zoning district, the Planning Commission and Township Board must find that a proposed PUD complies with the following approval standards:

- a. The use or uses established in a proposed PUD shall be consistent with the Township's Land Use Plan and Zoning Ordinance.

The type of development authorized by the PUD zoning will be consistent with

the intent and purpose of the Land Use Plan, as well as the intent and purpose of the underlying zoning district in which the PUD is located.

- b. The proposed PUD will create a recognizable and substantial benefit.

The granting of PUD zoning will result in a recognizable and substantial benefit to the users of the PUD and the Township. Such benefits would not likely be realized if the PUD zoning was not granted.

- c. The proposed PUD will not burden public roads, facilities, utilities, and services.

The use or uses established in the PUD will not result in a material burden on police and fire services, nor on other public services or facilities.

- d. The proposed PUD will not materially impact the use and development of surrounding property.

The use or uses established in the PUD will not diminish the opportunity for surrounding property owners to use and develop their property as zoned.

- e. Single ownership or control required.

The proposed PUD is under single ownership or control. A single person or entity has responsibility for completing the project in conformity with the

approved site plan and any conditions of approval.

- f. The proposed PUD incorporates natural features and environmental amenities.

Natural features and environmental amenities, including watercourses, natural and artificial drainage ways, wetlands, floodplains, lakes, ponds, stands of trees, sand dune areas, and so forth shall be substantially incorporated into the design and construction of the PUD. The PUD shall be designed so as to result in a minimal disturbance of the natural topography.

#### **6.5.4 Application and Review Procedures**

Applications for PUD zoning shall be processed in the same manner as an application for a zone change or rezoning. Applications for PUD zoning shall be submitted to the Zoning Administrator, and shall consist of the following materials and information:

- a. A completed application form.
- b. An application fee.
- c. A site plan which complies with the Site Plan Review provisions of this Ordinance (Article 7). If the PUD will be developed in phases, the site plan must also indicate the location and timing of the phased development.
- d. Roadway, sidewalk, landscaping, parking area, screening, and storm drainage plans, as applicable. Roadway, parking area, storm

drainage, and sidewalk plans must be prepared by a professional engineer.

- e. A typewritten statement describing the following information and improvements:
  - 1. A legal description of the property subject to the application.
  - 2. The number of acres of land to be included in the PUD.
  - 3. The use or uses to be established in the proposed PUD and, as applicable, the number, type, and square footage of dwelling units, and the number, type, and square footage of all non-residential structures and uses.
  - 4. In the event that elements of the proposed PUD do not comply with the underlying zoning district regulations, a description of the nature and extent of such noncompliance must be provided. This information must be sufficiently detailed for a waiver to be considered.

Also, the applicant must provide clear and convincing evidence that the PUD will have design characteristics or other features that will substitute for the district regulations from which the waiver is sought. This evidence must satisfactorily demonstrate that these "substitutes" are consistent with the objectives of the district regulations in order to be considered for approval.

- 5. The location and extent of natural resources and environmental features including, but not limited to, watercourses, natural and man-made drainage ways, wetlands, floodplains, stands of trees, and ground cover.
- 6. If the proposed PUD will be developed and constructed in phases, a tentative construction schedule showing the various phases of the project must be included.

#### **6.5.5 Planning Commission Public Hearing, Review, and Recommendation**

##### **a. Published Notice of Public Hearing**

The Township Planning Commission shall hold a public hearing on the application for the establishment of the PUD zoning district. Notification of the date, time, location, and the purpose of the hearing must be published twice in a newspaper of general circulation in the Township, as follows:

- (1) The first notice must be published not more than thirty (30) and not less than twenty (20) days before the date of the public hearing.
- (2) The second notice must be published not more than eight (8) days before the date of the public hearing.

##### **b. Notification of Neighboring Property Owners.**

Notice of the public hearing must also be delivered, either by mail or personal delivery, to the applicant for PUD zoning, as well as to all owners and occupants of property located within three hundred (300) feet of the property under consideration. This notice must be delivered not more than eight (8) days before the date of the public hearing. The notice shall describe the date, time, location, and purpose of the public hearing. If delivered by mail, an affidavit of mailing must be filed with the Planning Commission prior to the public hearing.

c. Planning Commission Public Hearing

The Planning Commission shall hold the public hearing on the proposed PUD, and review the site plan and other materials submitted with the application.

Following the public hearing, the Planning Commission shall determine whether or not the proposed PUD is consistent with the criteria and standards specified in Section 6.5.2 and 6.5.3 of this Article.

The Planning Commission may request that the applicant modify the site plan, or present additional information deemed necessary, before a recommendation to the Township Board can be made. In such cases, the Planning Commission shall table consideration of the application until the amended site plan or other information is made available.

Within ninety (90) days of the public hearing, the Planning Commission shall make a recommendation to the Township Board that the proposed PUD

be approved, denied, or approved with conditions. The recommendations must be accompanied by a copy of the site plan and the narrative and design information on which the recommendation is based.

The Planning Commission's recommendation must be made in writing, and must make specific reference to the approval standards identified in Section 6.5.3.

In the event the application for PUD zoning is recommended for approval, the basis for the recommendation shall be stated. If the application is approved with conditions, the basis for those conditions, as well as the conditions themselves, must be included in the recommendation. If the Planning Commission recommends that an application be denied, the reasons for the recommendation of denial must be included in the recommendation. In any event, a copy of the Planning Commission's recommendation must be provided to the applicant.

d. Township Board Review and Approval

(1) The Township Board shall review the Planning Commission's recommendation, accompanying site plan, and other materials and information provided. The Board may hold additional public hearings if desired. If additional hearings are held, public notice must be published as prescribed by law.

The Township Board shall approve, deny, or approve with conditions the PUD application and site plan in accordance with the criteria and

standards outlined in Sections 6.5.2 and 6.5.3 of this Article. The Township Board shall make its decision on the application in writing, and must make specific reference to the approval standards identified in Section 6.5.3.

(2) The Township Board may require that all buildings and improvements within a PUD be constructed and completed prior to occupancy. In the event that buildings or improvements are partially completed, and if occupancy or use of those partially completed buildings or improvements will not impair the health, safety, and welfare of the users or occupants of the PUD, then the Township Board may permit occupancy on such reasonable conditions relating to completion of buildings and improvements.

In the event an application for PUD approval is approved with conditions, the basis for those conditions must be included in the decision. In the event the application is denied, the reasons for the denial must be included in the decision.

A copy of the Township Board's decision on the application must be provided to the applicant.

(3) Three (3) copies of the approved site plan shall be dated as of the date of approval, and shall be signed by the Wheeler Township Zoning Administrator and the applicant. A copy of the approved minutes of the meeting at which the Township Board approved the PUD shall be attached to the site plan. A copy of the approved minutes shall also be provided to the applicant.

One (1) signed and dated site plan shall be provided the applicant. One (1)

signed and dated site plan shall be provided to the Township Clerk for inclusion in the Township Board's record of proceedings on the PUD. One (1) copy of the site plan shall be provided to the Zoning Administrator for inclusion in his or her files of Township approval of the PUD.

#### **6.5.5 Performance Guarantee**

The Township Board may require that a performance guarantee be deposited with the Township Clerk in the form of cash, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township, covering the estimated cost of improvements associated with the PUD, to assure that a PUD complies with approval as granted. For the purposes of this subsection, the term "improvements" means features including roadways, lighting, utilities, sidewalks, storm drainage facilities, screening, and the like deemed necessary by the Township Board to protect the health, safety, and welfare of Township residents, and future users or inhabitants of the proposed PUD. "Improvements" do not include the entire PUD.

If required, a performance guarantee shall be provided by the applicant at the time approval is granted by the Township Board. If the performance guarantee is a cash deposit, it shall be rebated periodically by the Township Board on application by the depositor in reasonable proportion to the work completed on the required improvements.

#### **6.5.6 Statement of Compliance Required**



An approved PUD shall be developed and constructed in strict compliance with the approved site plan and any other conditions of approval. All improvements and other functional elements shall be constructed as proposed by the applicant and as approved by the Planning Commission and Township Board. Following completion of construction of a PUD, the applicant shall provide a statement, prepared by his or her engineer, certifying that all improvements have been constructed in compliance with Township approval as granted.

#### **6.5.7 PUD District Regulations**

The site plan and other information approved by the Township Board, along with any conditions associated with the approval of a PUD, shall constitute the use and development regulations applicable to the construction and occupancy of uses and land areas within the PUD. These PUD regulations shall have the effect of being added to the district regulations for the zoning district in which the PUD is located, unless specific district regulations have been waived by the Township Board as described in Section 6.5.2. In such cases where a waiver has been granted, the waived regulations shall not apply to the use or uses established in an approved PUD.

#### **6.5.8 Recorded Affidavit Required**

As a condition of PUD approval, the applicant shall record an affidavit with the Gratiot County Register of Deeds that contains the following information:

- a. Date of approval of the PUD by the Township Board.
- b. Legal description of the property.
- c. A statement certifying that the property will be developed in accordance with the site plan and other information approved by the Township Board, as well as any conditions associated with approval of the PUD. This statement shall also specifically state that no major modifications shall be made to the PUD as approved, nor to the site plan or other information provided by the applicant, nor to any conditions associated with approval of the PUD, unless such modifications are approved by the Township as provided under Section 6.5.9 below.

Three (3) certified copies of the affidavit shall be provided to the Zoning Administrator. One (1) copy shall be attached to the Zoning Administrator's copy of the signed and dated site plan. One (1) copy shall be placed in the Planning Commission's record of proceedings on the PUD. One (1) copy shall be provided to the Township Clerk for inclusion in the Township Board's record of proceedings on the PUD.

#### **6.5.9 Modification of an Approved PUD**

- a. Minor Modifications

Minor modifications to a PUD site plan may be approved by mutual

agreement between the applicant or successor(s) in interest and the Township Board, provided the changes comply with all applicable requirements of this Ordinance *and* all other Township regulations.

Minor modifications include changes associated with the location of buildings, structures, roads, parking areas, signs, lighting, and driveways, provided they are in the same general location as originally approved. Increasing the size of individual buildings not more than five (5) percent of the original gross floor area is also considered a minor modification.

b. Major Modifications

Major modifications to an approved PUD shall be subject to review and approval by the Planning Commission and Township Board in the same manner as required for an application for PUD zoning. Major modifications include, but are not limited to, increases in density or number of dwelling units, increase in land area or building size (except as noted in 6.5.9.a above), or the addition of other uses not authorized by the original PUD approval.

## **Article 7**

### **Special Uses**

#### **7.1 Purpose**

In addition to the uses permitted by right in each zoning district, this Ordinance allows the establishment of special land uses subject to the procedures, standards, and regulations described in this Article. Applications for special use permits may be filed by any person who owns or has an interest in the property subject to the application.

#### **7.2 Application Procedures**

Application for special use permits shall be submitted to the Zoning Administrator no less than twenty-one (21) days prior to the meeting at which the Planning Commission will consider the application. The review of applications submitted less than twenty-one (21) days prior to such meetings will be delayed until the next scheduled meeting.

Applications must be accompanied by the materials and information described below:

- a. A completed Special Use application form and application fee.
- b. Three (3) copies of a site plan prepared as specified in Article 5.
- c. A written statement (preferably typewritten) describing how the proposed special use will comply with the general standards for special use approval listed under Section 7.7.

When a complete application is submitted, the Zoning Administrator shall confer with the Chairperson of the Planning Commission to schedule a public hearing on the application.

#### **7.3 Notice of Public Hearing**

Notice of the public hearing on the special use application must be published in a newspaper at least fifteen (15) days before the date of the meeting at which the public hearing will be held.

Notice of the hearing must also be delivered, either by mail or by personal delivery, to the applicant and all owners and occupants of property located within three hundred (300) feet of the property subject to the application for the special use permit. These notices must describe:

- a. The special use being requested;
- b. The property subject to the request (address, tax number, and/or legal description);
- c. The date, time, and place of the public hearing;
- d. Where and when the application, site plan, and other materials may be inspected by the public; and
- e. Where and when written comments on the application will be received.
- f. For Intensive Livestock Operations, residents within 1.5 miles must be notified by property owner of any new facilities being planned or constructed.

#### **7.4 Public Hearing and Review Procedures**

The Planning Commission shall hold the public hearing on the proposed special use, and shall review the site plan and other materials submitted with the application.

Following the public hearing, the Planning Commission shall make a recommendation to the Township Board, based on whether or not the proposed special use is consistent with the specific standards applicable to the special use, as well as the general standards described in Section 7.7. If it is found that the proposed special use is consistent with these standards, the Planning Commission must recommend that the proposed special use be approved.

At any point during its review of an application, the Planning Commission may request that the applicant modify the site plan, or present additional information deemed necessary before making a recommendation on the proposed special use. In such cases, the Planning Commission shall table consideration of the application until the amended site plan or additional information is made available by the applicant.

#### **7.5 Township Board Action**

After receipt of a report and recommendation from the Planning Commission, the Township Board shall approve, approve with conditions, or deny the special use application. If the Township Board finds that the proposed special use is consistent with the specific standards applicable to the use, as well

as the general standards described in Section 7.7, the special use must be approved.

If the Township Board finds that the proposed special use is not consistent with the standards in Section 7.7, then it may recommend that the use be approved with conditions, or denied altogether. In any event, the decision to approve, approve with conditions, or deny the application must be made within sixty (60) days of the date of the public hearing.

#### **7.6 Appeal of Decision**

The Township Board's decision on applications for proposed special uses may be appealed to the Zoning Board of Appeals.

#### **7.7 General Standards for Approval of Special Uses**

Prior to approving, approving with conditions, or denying an application under the provisions of this Article, the Planning Commission must find that a proposed special use complies with the standards listed in this section:

- a. The property subject to the application is located in a zoning district in which the proposed special use may be established.
- b. The special use, as proposed, complies with the specific standards applicable to that special use as listed under the regulations for that zoning district.
- c. The proposed special use will be consistent with the intent and

purpose of the Township Land Use Plan, as well as the intent and purpose of the zoning district in which the proposed use will be located.

- d. The proposed special use will not result in a material burden on police and fire services, nor on other public services and facilities.
- e. The proposed special use will not diminish the opportunity for adjacent property owners to use and develop their properties as zoned.
- f. The proposed special use will be designed, constructed, operated, and maintained so as not to negatively impact the character of land uses in the surrounding area.
- g. The proposed special use will not involve uses, activities, processes, materials, or equipment that will create a nuisance for other properties in the vicinity by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap or waste materials.

### **7.8 Basis for Determination**

In rendering its decision on a proposed special use, the Township Board shall make specific reference to the standards in Sections 7.7 and 7.12, as well as the basis in fact for any conditions attached to the approval of a special use.

### **7.9 Performance Guarantee**

The Township Board may require a performance guarantee in the form of cash, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township, covering the estimated cost of improvements associated with an approved special use to assure that the use complies with approval as granted.

If required as a condition of approval, a performance guarantee shall be provided at the time approval is granted by the Township Board. If the performance guarantee is a cash deposit, it shall be rebated periodically by the Township Board on application by the depositor in reasonable proportion to amount of work completed on the required improvements.

### **7.10 Compliance With Conditions of Special Use Permit Required**

An approved special use shall be developed, constructed, operated, and maintained in strict compliance with the terms of the special use permit, including the approved site plan and any attached conditions of approval. All improvements and other functional elements shall be constructed as proposed by the applicant and approved by the Township Board.

If the functional elements or improvements associated with a special use were designed by an architect or engineer, the applicant shall, following completion of construction, provide a statement prepared by the architect or engineer certifying that all improvements have been constructed in compliance with the special use permit as granted.

### **7.11 Terms of Permit**

If a use established under a Special Use Permit is discontinued for one (1) year, the Special Use Permit shall expire. To re-establish the use after such expiration, a new Special Use Permit is required, beginning with a new application to the Township.

- f. The Planning Commission may attach additional conditions to the approval of a special use. These conditions shall be reasonably related to the general standards specified in Section 7.7

### **7.12 Specific Standards, Special Use Requirements, and Conditions for Special Land Use Permits**

The following charts specify the standards, requirements, and conditions for the various special land uses permitted by this Ordinance. The following items should also be noted:

- a. The granting of a Special Use Permit requires Site Plan Review and a public hearing.
- b. A Special Use Permit is a privilege granted by the Township when certain conditions are met. A special land use is not allowed "by right."
- c. The Township will revoke a Special Use Permit for failure to maintain compliance with the terms of the permit.
- d. Each special use must meet the minimum requirements for the Zoning District in which it is located, except as specifically noted in this section.
- e. This section lists the standards and additional requirements for uses that may be authorized by Special Use Permit. These standards supercede the District Regulations.

Section 7.12.1 Special Land Use Requirements

Special Land Use	Minimum Lot Area and Other Dimensional Requirements	Other Requirements
Agricultural products storage, terminals, and processing facilities	<ol style="list-style-type: none"> <li>1. Site shall be minimum of 5 acres in area.</li> <li>2. All buildings and structures shall be at least 50 feet from adjacent property lines.</li> </ol>	<ol style="list-style-type: none"> <li>1. Mechanical, electrical, or other hazardous areas shall be enclosed by a 6 foot high fence.</li> <li>2. Must meet all state and local standards for noise, dust, and lighting. Planning Commission may attach conditions in absence of other standards.</li> </ol>
Retail businesses	<ol style="list-style-type: none"> <li>1. Site shall be a minimum of one acre in area.</li> <li>2. Retail use must be set back at least 15 feet from property and street lines.</li> </ol>	<ol style="list-style-type: none"> <li>1. Site shall have its primary access from a county primary road or state highway.</li> </ol>
Veterinary clinics Kennels	<ol style="list-style-type: none"> <li>1. Minimum lot area required shall be one acre if animals are entirely within an enclosed building; five (5) acres required if an outdoor exercise area is included..</li> <li>2. All buildings and outdoor pens or enclosures shall be no closer than 50 feet to any property or road right-of-way line.</li> </ol>	<ol style="list-style-type: none"> <li>1. Operation shall include proper control of animal waste, odor, and noise.</li> <li>2. Outdoor exercise areas shall be enclosed by a solid wall or chain link fence at least 6 feet high.</li> </ol>
Medical clinics	<ol style="list-style-type: none"> <li>1. Minimum area shall be one acre.</li> <li>2. Main building setbacks shall be 50 feet on all sides.</li> </ol>	<ol style="list-style-type: none"> <li>1. Must provide an obscuring fence 6 feet high on all sides adjacent to parcels zoned R-1 or R-2.</li> </ol>
Clubs and lodges	<ol style="list-style-type: none"> <li>1. Minimum site area shall be one acre.</li> <li>2. Main building setbacks shall be 50 feet on all sides.</li> </ol>	<ol style="list-style-type: none"> <li>1. Must provide an obscuring fence 6 feet high on all sides adjacent to parcels zoned R-1 or R-2.</li> </ol>
Public and private parks	<ol style="list-style-type: none"> <li>1. Same as zoning district where the site is located.</li> </ol>	<ol style="list-style-type: none"> <li>1. The site shall include adequate vehicle access and parking facilities.</li> <li>2. Planning Commission may require a fence up to 6 feet in height around the perimeter of the site.</li> </ol>

Section 7.12.1, Continued Special Land Use Requirements

Special Land Use	Minimum Lot Area and Other Dimensional Requirements	Other Requirements
<p>Livestock Production Facility, Milking Facilities, Cattle Barns or Intensive Livestock Operations of any kind.</p>	<ol style="list-style-type: none"> <li>1. Minimum parcel size of 40 acres.</li> <li>2. All buildings must be 1000 feet from any Wind Turbine Tower Base or leased land where future Turbines could be erected.</li> <li>3. Buildings must be 300 feet from any underground Gas Transmission lines.</li> </ol>	<ol style="list-style-type: none"> <li>1. Site shall meet all standards for a Category 1 or Category 2 site as defined in the current version of "Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for New and Expanding Livestock Production Facilities (GAAMPs)" adopted by the Michigan Commission of Agriculture.</li> <li>2. Applicant shall comply with all elements of Michigan Dept. of Agriculture (MDA) Site Review and Verification Process as specified in the current version of the GAAMPs for livestock production facilities.</li> <li>3. Applicant shall submit Site Plan and Manure Management Plan to Township at the time of submittal to MDA.</li> <li>4. Applicant shall maintain compliance with MDA GAAMPs as a condition of a Special Use Permit.</li> <li>5. Must provide a soil test analysis/approval and a manure disposal plan.</li> <li>6. Will require written approval from Simple Majority (50%) of Residents within 1.5 miles of the parcel/site.</li> </ol>



**Section 7.12.1, Continued Special Land Use Requirements**

Special Land Use	Minimum Lot Area and Other Dimensional Requirements	Other Requirements
<p>Neighborhood retail business</p> <p>Personal service establishment</p>	<p>1. Main building shall not exceed 2,000 square feet in area or 25 feet in height.</p>	<p>1. Must provide adequate off-street parking for employees and customers.</p> <p>2. Must provide an obscuring fence at least 6 feet high on all sides abutting parcels that are zoned R-1 or R-2.</p>
<p>Bed &amp; Breakfast establishment</p>	<p>1. Same as Zoning District in which site is located.</p>	<p>1. Must provide at least one bathroom for each two sleeping rooms provided for guests.</p> <p>2. Must provide one off-street parking space for the establishment plus one space for each sleeping room.</p> <p>3. There shall be no separate cooking facilities for guests.</p>
<p>Group child care home</p>	<p>1. Same as Zoning District in which site is located.</p>	<p>1. Must be licensed by State of Michigan.</p>
<p>Child care center</p>	<p>1. Same as Zoning District in which site is located.</p>	<p>1. Must be licensed by State of Michigan.</p> <p>2. Must provide adequate off-street parking for all employees.</p> <p>3. All outdoor play areas shall be enclosed by a fence at least 6 feet in height.</p>
<p>Mobile home park</p>	<p>1. Minimum site area for park shall be 10 acres.</p>	<p>1. All development shall conform to the Michigan Mobile Home Commission Act and its Administrative Rules.</p>
<p>Multiple Family Dwellings</p>	<p>1. Minimum site area shall be at least one acre in area.</p> <p>2. Main building shall be set back at least 50 feet from any property line or road right-of-way.</p>	<p>1. Development must provide adequate on-site water and sewer system, as determined by the County Health Dept.</p> <p>2. Maximum density shall be 10 dwelling units per acre.</p>
<p>Hotels and motels</p>	<p>1. Minimum site area shall be two acres.</p> <p>2. All buildings shall be set back at least 50 feet from any property line or road right-of-way.</p>	<p>1. Site shall have at least one property line on county primary road or state highway.</p> <p>2. Each guest unit shall have a minimum floor area of 250 square feet.</p>

Section 7.12.1, Continued Special Land Use Requirements

Special Land Use	Minimum Lot Area and Other Dimensional Requirements	Other Requirements
Motor vehicle service & repair facilities, including body shops.	<ol style="list-style-type: none"> <li>1. Site shall be a minimum area of one acre.</li> <li>2. Minimum building setback shall be 40 feet from road right-of-way line.</li> </ol>	<ol style="list-style-type: none"> <li>1. Driveways shall be at least 60 feet from the right-of-way line of the nearest intersecting road.</li> <li>2. If there is more than one driveway, they shall be at least 60 feet from one another at the nearest edges.</li> <li>3. The site shall have its primary access from a county primary road or state highway.</li> <li>4. If drive-through washing or oil change facilities are included, the site must provide a holding area for at least 4 vehicles to wait off the public right-of-way.</li> </ol>
Commercial recreation facilities	<ol style="list-style-type: none"> <li>1. Site shall be a minimum of one acre in size.</li> <li>2. Site shall be at least 100 feet from any residence or residential zoning district.</li> </ol>	<ol style="list-style-type: none"> <li>1. Planning Commission may determine the need for a fence or berm.</li> <li>2. Planning Commission may limit hours of operation and impose other conditions as necessary to control noise &amp; other off-site impacts.</li> </ol>
Private institutions for health care (including hospitals, nursing homes & convalescent homes), educational, social, cultural, and religious purposes.	<ol style="list-style-type: none"> <li>1. Site shall be a minimum of two (2) acres in area.</li> <li>2. All buildings shall be set back at least 50 feet from any property line or road right-of-way line.</li> <li>3. Structures over 30 feet in height shall be set back one additional foot for each foot of height over 30 feet.</li> </ol>	<ol style="list-style-type: none"> <li>1. Site shall have its main access from a county primary road or state highway.</li> </ol>
Building supply establishments Warehouses and wholesale businesses Motor freight (truck) terminals	<ol style="list-style-type: none"> <li>1. Site shall be a minimum of two (2) acres in size.</li> <li>2. Site must be at least 100 feet from any residential zone or property.</li> </ol>	<ol style="list-style-type: none"> <li>1. Site must have direct access to county primary road or state highway.</li> <li>2. Must have an obscuring fence or berm at least 8 feet high on all sides abutting any A-1, R-1 or R-2 districts..</li> <li>3. Planning Commission may limit hours of operation.</li> </ol>

**Section 7.12.1, Continued Special Land Use Requirements**

Special Land Use	Minimum Lot Area and Other Dimensional Requirements	Other Requirements
<p>Junkyards, Scrap Yards, Parts and Vehicle Salvage Yards and Storage Facilities.</p>	<ol style="list-style-type: none"> <li>1. Site shall have a minimum area of 10 acres.</li> <li>2. Active area shall be at least 200 feet from all property and road right-of-way lines.</li> </ol>	<ol style="list-style-type: none"> <li>1. Site shall have its main access from a county primary road or state highway.</li> <li>2. The active area shall be surrounded by a solid fence or wall that is at least 8 feet high.</li> <li>3. All storage, salvage, and other activities shall be confined to the enclosed area. Height of materials shall not extend above the screening fence or wall.</li> <li>4. Must obtain a Special Use Permit from Twp. and proper State License.</li> <li>5. Site must be cleared of all vehicles and scrap within 60 days of expiration of license or closing.</li> <li>6. No open burning of tires or other debris.</li> </ol>
<p>Correctional facilities, including juvenile detention facilities.</p>	<ol style="list-style-type: none"> <li>1. Site shall have a minimum area of 20 acres.</li> <li>2. All structures shall be set back at least 100 feet from all property lines and road right-of-way lines.</li> <li>3. Structures over 30 feet in height shall be set back one additional foot for each foot of height over 30 feet.</li> </ol>	<ol style="list-style-type: none"> <li>1. Site shall have at least one property line abutting a county primary road or state highway.</li> <li>2. All access to the off-street parking area shall be directly from the county primary road or State Highway.</li> </ol>
<p>Adult entertainment businesses</p>	<ol style="list-style-type: none"> <li>1. No adult entertainment business may be established on a parcel that is within 1,000 feet of any parcel zoned R-1 or R-2.</li> <li>2. No adult entertainment business may be established on a parcel that is within 1,000 feet of any parcel containing a church, school, or public park.</li> <li>3. No adult entertainment business may be established on a parcel that is within 1,000 feet of any parcel that contains another adult entertainment business.</li> </ol>	<ol style="list-style-type: none"> <li>1. Windows, displays, signs, decorative, or structural elements shall not include or convey any specific examples of adult entertainment uses.</li> </ol>

Section 7.12.1, Continued Special Land Use Requirements

Special Land Use	Minimum Lot Area and Other Dimensional Requirements	Other Requirements
Communication Towers	<ol style="list-style-type: none"> <li>1. Any tower structure must be centrally located on a parcel having dimensions not less than the height of the tower, as measured from the base of the tower to all points on each property line.</li> <li>2. A tower must meet the minimum yard setback requirements for the zoning district in which it is located, except that no portion of any tower, including guywires and support structures, shall be located closer than fifty (50) feet to any property line.</li> <li>3. The minimum spacing between communications tower locations shall be one (1) mile to prevent a concentration of towers in any single area.</li> <li>4. Tower height must comply with any Gratiot County Airport Zoning Regulations that are in effect.</li> </ol>	<ol style="list-style-type: none"> <li>1. The base of any tower shall be enclosed with a security fence at least six (6) feet in height.</li> <li>2. All towers shall meet the standards of the Federal Aviation Administration and the Federal Communication Commission.</li> <li>3. All towers shall be constructed in compliance with all applicable local statutes, regulations, and standards, including design requirements for withstanding wind loading and grounding for lightning strike protection.</li> <li>4. Towers shall not be artificially lighted unless required by the Federal Aviation Administration.</li> <li>5. Towers shall not display advertising or identification of any kind, except as required for emergency purposes.</li> <li>6. Accessory structures associated with a tower shall not exceed six hundred (600) square feet in area.</li> <li>7. Owner shall notify the Township of any change in ownership or operation of a tower, including the addition or removal of any equipment.</li> <li>8. The Township may require a performance bond to ensure the proper construction and maintenance of a tower.</li> <li>9. Must be 1000 ft. from any Wind Turbine Base.</li> </ol>

**Section 7.12.1, Continued Special Land Use Requirements**

Special Land Use	Minimum Lot Area and Other Dimensional Requirements	Other Requirements
<p>Natural Resources Extraction: Sand, gravel, clay, and topsoil mining or removal.</p>	<ol style="list-style-type: none"> <li>1. Minimum site area shall be 10 acres.</li> <li>2. Minimum width (frontage) shall be 250 feet.</li> <li>3. No extractive or processing operations shall be conducted within 500 feet of a residence that existed at the time of application for a permit.</li> <li>4. All fixed equipment and machinery shall be located at least 200 feet from any property or road right-of-way line.</li> <li>5. No cut or excavation shall be made closer than 100 feet to any property or road right-of-way line.</li> <li>6. Applicant must obtain permit from Michigan DEQ for mining operation.</li> <li>7. County Drain Commission may require permit for discharge into a drain or stream.</li> </ol>	<ol style="list-style-type: none"> <li>1. Owner or agent must obtain and maintain compliance with a Soil Erosion and Sedimentation Control Permit as required by Part 91 of Act 451 PA 1994, as amended.</li> <li>2. Site plan shall include a Mining Operations Plan that shows a chronological plan for the extractive use and all other land disturbing activities, and the restoration of the site to a usable condition for agriculture or development.</li> <li>3. Excavated areas shall be restored so that no finished grade is greater than one foot of vertical rise in three feet of horizontal distance. A vegetative cover consisting of appropriate grass types shall be established on all graded areas to minimize soil erosion. All slopes shall be treated in conformance with Part 91 of Act 451 PA 1994, as amended.</li> <li>4. As part of Site Plan Review, Planning Commission may require fencing, berms, landscaping, or other means to adequately screen the use from adjacent properties, and to minimize public hazards.</li> <li>5. Applicant shall provide a date for completing the mining operation, based on the volume of material to be extracted and the average annual extraction rates. The Special Use Permit shall expire upon that date. Any extension of operations beyond that date shall require the issuance of a new Special Use Permit.</li> </ol>

Section 7.12.1, Continued Special Land Use Requirements

Special Land Use	Minimum Lot Area and Other Dimensional Requirements	Other Requirements
Private roads	<ol style="list-style-type: none"> <li>1. A private road shall have recorded permanent right-of-way &amp; easement with a minimum width of 66 feet.</li> <li>2. A private road shall not extend more than 1,320 feet from a public road without a second direct access to a public road.</li> <li>3. A cul-de-sac with a minimum radius of 60 feet shall be required at the end of any dead-end private road.</li> </ol>	<ol style="list-style-type: none"> <li>1. A private road serving up to three (3) parcels shall have an improved area at least 20 feet in width and shall meet or exceed the Gratiot County Road Commission specifications for an aggregate base course road.</li> <li>2. A private road serving four (4) or more parcels shall meet or exceed the Gratiot County Road Commission specifications for plat development and street construction.</li> <li>3. A private road shall be assigned a name &amp; street signs shall be installed in accordance with the standards &amp; approval of the County Road Commission.</li> <li>4. Applicants and/or owners of the private road shall agree to indemnify and hold harmless the Township and its representatives from any and all claims for personal injury and property damage arising out of the use of the private road.</li> <li>5. There shall be a recorded private maintenance agreement or restrictive covenant agreement that runs with the land and ensures that the road will be regularly maintained so that it is safe for travel at all times.</li> <li>6. A disclosure statement shall be placed in a deed restriction that is recorded for any parcels serviced by a private road before each parcel is sold. The statement shall inform the purchaser that the road abutting and/or servicing the parcel is private and is not required to be maintained by any government agency.</li> </ol>

## Article 8 Off-Street Parking And Loading Space Requirements

### 8.1 Purpose

Before any building or use is occupied, or is enlarged or increased in capacity, off-street parking spaces for motor vehicles must be provided and maintained as described in this Article.

### 8.2 General Requirements

- a. If the use of a building or premises changes, the parking requirements applicable to the new use shall apply. If a building or use is enlarged, the parking requirements shall apply to the total area of the structure or premises. A structure or premises shall not be used or enlarged unless the required parking is provided.
- b. In the Single-Family Residential (R-1) Zoning District, no parking area shall be used for storing of any commercial vehicle exceeding one ton in capacity. The storage of merchandise, motor vehicles for sale (other than a resident's private vehicles), or the repair of vehicles exceeding one ton capacity is prohibited in any required parking area.

### 8.3 Parking for Uses Not Specifically Mentioned

In the case of unique uses that are not specifically mentioned in this Article, the requirements for a use that is mentioned and to which the proposed

use is similar in character in terms of parking demand shall apply.

### 8.4 Mixed Uses in the Same Building

In the case of mixed uses in the same building, the required number of parking spaces for each use shall be determined and provided separately. The parking spaces for one use shall not be considered as providing required spaces for any other use, except as provided in Section 8.5.

### 8.5 Reduction in Required Parking for Public Benefits

- a. *Joint Provision of Parking*  
Where two or more abutting parcels in the C-1 or I-1 Zoning Districts provide vehicular access between parking areas in a manner which allows travel from one parcel to another without the use of a public street, the total number of off-street parking spaces required for each parcel may be reduced by ten percent (10%), in addition to reductions allowed by other provisions of this Article.
- b. *No Driveway Onto Major Road*  
In the C-1 and I-1 Zoning Districts, uses on parcels fronting on state highways may reduce the required number of off-street parking spaces by ten percent (10%) if the parcel has no driveway openings onto the major road. This reduction is in addition to reductions allowed by other provisions of this Article.

**8.6 Driveway Spacing Requirements**

Each parcel in the C-1 and I-1 Zoning Districts shall have no more than one driveway entrance and exit opening to a state highway for each three hundred (300) feet of frontage or fraction thereof.

Where more than one driveway is allowed, the driveways shall be located at least fifty (50) feet apart. No driveway shall be located within twenty-five (25) feet of a neighboring property line, or within fifty (50) feet of a street intersection.

- c. Fifty thousand (50,000) square feet and greater -- three (3) spaces plus one (1) space for each additional fifty thousand (50,000) square feet or fraction thereof.

**8.7 Table of Off-Street Parking Requirements**

The number of off-street parking spaces for specific uses is shown in Table 8-1, "Table of Off-Street Parking Requirements," which appears at the end of this Article.

**8.8 Off-Street Loading Spaces**

Off-street loading spaces shall be provided and maintained for buildings (including additions to existing buildings) that are occupied by uses which require the receipt or distribution of goods and materials in vehicles. The number of loading spaces required shall be based on the gross floor area of a building or addition as follows:

- a. Up to and including twenty thousand (20,000) square feet -- one (1) space;
- b. More than twenty thousand (20,000) square feet, but less than fifty thousand (50,000) square feet -- two (2) spaces; and



**Table 8-1. Off-Street Parking Requirements**

Land Use	Number of Parking Spaces Required
1. Automobile sales facilities	One (1) customer parking space for each 500 square feet of floor area.
2. Automobile & other vehicle service facilities.	Two (2) spaces for each service stall plus two (2) spaces for each employee.
3. Barber & Beauty shops	Three (3) spaces for each chair or booth.
4. Bowling Alleys	Six (6) spaces for each lane.
5. Churches	One (1) space for each three (3) seats in the main area of worship.
6. Commercial outdoor recreation	Twenty-five (25) percent of the total lot area shall be reserved for parking, but there shall be at least ten (10) spaces.
7. Assembly hall, dance hall, or exhibition hall without fixed seats.	One (1) space for each one hundred (100) square feet of floor area.
8. Drive-in & drive-thru facilities (in addition to required parking for indoor facilities and employees).	Two (2) spaces for each drive-in window plus four (4) stacking spaces for each drive-in window.
9. Dwellings	Two (2) spaces per dwelling unit.
10. Funeral homes & mortuaries	One (1) space for each twenty-five (25) square feet of floor area in service parlors and chapels, plus one (1) space for each funeral vehicle maintained on the premises.
11. Furniture sales (retail)	One (1) space for each five hundred (500) square feet of floor area.
12. Hospitals, nursing homes, & related health care facilities.	One (1) space for each two (2) beds plus one (1) space for each employee, including doctors.
13. Hotels & Motels	One (1) space for each lodging room plus one (1) space for each full-time employee.
14. Libraries, museums & government administration buildings.	One (1) space for each one hundred (100) square feet of floor area.
15. Manufacturing & industrial uses	Two (2) spaces for each employee on the largest shift. If there is only one shift, there shall be one (1) space for each employee.

**Table 8-1. Off-Street Parking Requirements, Continued**

Land Use	Number of Parking Spaces Required
16. Medical offices & clinics, including veterinary clinics.	Six (6) spaces for each doctor plus one (1) space for each additional employee.
17. Office buildings (for business & professional offices), banks, and financial institutions.	One space for each two hundred (200) square feet of floor area.
18. Restaurants, taverns, and similar establishments (exclusive of drive-in or drive-thru facilities).	One (1) space for each three (3) seats provided for patrons plus one (1) space for each employee.
19. Retail sales & personal services.	One (1) space for each one hundred (100) square feet of floor area.
20. Schools: Elementary, Middle, and Junior High Schools.	Two (2) spaces for each three (3) employees plus one (1) space for each eight (8) auditorium seats.
21. Schools: Senior High Schools & colleges, including vocational & trade schools.	One (1) space for each employee plus one (1) space for each two (2) students enrolled, plus parking as required for gymnasiums and sports facilities.
22. Stadiums, gymnasiums, and sports facilities.	One (1) space for each three (3) seats or six (6) feet of bench seating.
23. Theaters and auditoriums (not incidental to schools).	One (1) space for each four (4) seats plus one (1) space for each two (2) employees.
24. Warehouses, storage buildings, lumber & building supply facilities, and wholesale outlets.	One (1) space for each five hundred (500) square feet of gross floor area plus one (1) space for each employee.

## Article 9 Signs and Billboards

### 9.1 Intent and Purpose

The intent of this article is to regulate the type, number, physical dimensions, erection and placement of signs in Wheeler Township. The purpose of these regulations is to:

- a. Promote the public health, safety, and welfare of residents and visitors;
- b. Reduce hazardous distractions to motorists, pedestrians, and air traffic;
- c. Protect commercial districts from visual clutter and chaos;
- d. Protect property values;
- e. Protect the rural character and natural beauty of Wheeler Township.

### 9.2 Billboards.

Billboards are permitted *only* in those areas of the Township that are adjacent to state and/or interstate highways (M-46), and that are zoned Commercial or Industrial. Billboards erected in these areas shall conform to all requirements of the Highway Advertising Act (P.A. 106 of 1972, as amended) and the requirements of this Ordinance:

- a. **Maximum Sign Area:** A billboard shall have a sign area of no greater than 300 square feet.
- b. **Maximum Height:** A billboard shall have a height of no greater than 25 feet, as measured from the ground

surface to the highest point of the sign, including any borders or trim.

- c. **Minimum Clearance:** A billboard shall have a minimum clearance of ten (10) feet between the ground surface and the lowest point of the sign.
- d. **Minimum Setback:** A billboard shall have a minimum setback of twenty-five (25) feet from a public street right-of-way line.
- e. **Minimum Spacing Standard:** A billboard shall not be established within one thousand (1,000) feet of another billboard on the same side of the road.

### 9.3 Tourist-Oriented Directional Signs

As an alternative to conventional billboards, *tourist-oriented directional signs ("TODS")* are permitted in Wheeler Township, subject to the following requirements:

- a. TODS may only be placed in areas where conventional billboards are not permitted.
- b. Each TODS shall be uniform in size and consist of a single panel that is two (2) feet high and six (6) feet long.
- c. The information displayed on a single panel shall be limited to the name of the business, a symbol or logo, directional arrow, and mileage to the establishment.

- d. The TODS must advertise a business, commodity, or service that is available within Wheeler Township.
  - e. Four (4) individual sign panels are permitted per installation on a single set of posts.
  - f. A TODS installation shall be located a minimum of two hundred (200) feet from a road intersection.
  - g. A TODS installation shall not be established within one thousand (1,000) feet of another TODS installation on the same side of the road.
  - h. All TODS installations shall comply with the General Sign Standards in Section 9.8.
- a. **Temporary Construction Signs:**  
One (1) construction sign for each street frontage at a construction project, not to exceed thirty-two (32) square feet in sign area per sign. Such signs may be erected no more than thirty (30) days prior to commencement of construction and must be removed no longer than thirty (30) days after completion of construction.
  - b. **Directional Signs:**  
On-premise directional signs, not to exceed four (4) square feet per sign, shall be permitted as a means of directing traffic to parking, loading, customer service, and related areas.
  - c. **Political Signs:**  
Political signs shall not exceed thirty-two (32) square feet in area per sign. Such signs shall be placed only on private property and only with permission of the property owner. Signs must be removed within fourteen (14) days following the election or referendum.
  - d. **Public Signs or Notices:**  
Public signs or notices of Wheeler Township, Gratiot County, the State of Michigan, or the United States of America may be erected as deemed necessary and appropriate by the unit of government.
  - e. **Real Estate Signs:**  
(1) For parcels less than two (2) acres, one (1) non-illuminated real estate sign not to exceed eight (8) square feet in area is permitted.  
(2) For parcels two (2) acres or more, one (1) non-illuminated

#### 9.4 Zoning Permit Required

Unless a sign is exempt from permit requirements as specified in Section 9.6, a Zoning Permit must be obtained from the Township Zoning Administrator prior to the construction or placement of any sign.

#### 9.5 Signs and Activities Exempt From Permit

Subject to the standards as noted and other applicable ordinance requirements, the following signs and related activities are permitted by right and are exempt from the permit requirements of this Ordinance.

real estate sign not to exceed thirty-two (32) square feet in area, or one (1) non-illuminated sign per two hundred (200) feet of lot frontage provided the total area of all such signs shall not exceed thirty-two (32) square feet.

- f. **Name Plates:**  
One (1) nameplate sign per premises not to exceed four (4) square feet in sign area.
- g. **Home Occupation Signs:**  
One sign per dwelling unit not to exceed four (4) square feet in sign area.
- h. **Garage or Yard Sale Signs:**  
Two (2) signs not to exceed sixteen (16) square feet in sign area per sign. Signs shall be removed within twenty-four (24) hours after the sale.
- i. **Retail Fuel Pricing Signs:**  
Retail fuel pricing signs typically and historically displayed by service stations and convenience stores with fuel sales which indicate the per gallon and/or per liter price of fuel.
- j. **Corporate Logo Signs:**  
Corporation logo signs of less than five (5) square feet and independent of other advertising or messages. The number of such signs shall be limited to one (1) per street frontage.
- k. **Historic Sites:**  
Signs designating sites recognized by the State Historical Commission.

l. **"No Hunting" and "No Trespassing" Signs:**  
Placards posted to control or prohibit hunting or trespassing on public or private property.

m. **Replacement of Copy:**  
The replacement or changing of copy on an approved sign does not require a Zoning Permit. However, if the replacement creates a sign that violates the provisions of this Chapter, it shall be deemed a violation of this Ordinance and any Zoning Permit issued for the sign shall be invalidated.

n. **Maintenance:**  
Painting, cleaning, light bulb replacement, and other normal maintenance or repair of a sign or its supporting structure does not require a Zoning Permit. However, any structural change or relocation of a sign or its supporting structure does require a Zoning Permit.

## 9.6 Prohibited Signs

Signs listed in this section are prohibited in all zoning districts.

- a. Abandoned signs or signs in disrepair that have become safety hazards.
- b. Flashing and intermittently illuminated signs, provided however, time and temperature signs and similar signs displaying a genuine, non-commercial, public message may be permitted subject to Planning Commission approval.

- c. Portable Signs (Except on a Temporary Basis — Refer to Section 9.9).
- d. Signs, that by their location, cause a hazard to pedestrian or vehicular traffic by depriving the pedestrian or driver of a clear and an obstructed view of approaching, intersecting, or merging traffic.
- e. Except for billboards, signs advertising a commodity or service not available within Wheeler Township.
- f. Signs that do not comply with the Building and Safety Codes of Gratiot County or Wheeler Township.
- g. Signs, other than public signs or notices, placed in a designated public right of way unless permission to authorize such placement has been given, in writing, by the public agency having jurisdiction over said right of way. A copy of such written permission shall be provided to the Township prior to placement of such sign.
- h. Signs imitating or resembling official traffic or government signs or signals.
- i. Signs that by their location and character cause a hazard to air traffic.
- j. Signs, other than billboards, that do not advertise or identify a product, service, or establishment located on the parcel to which the sign is attached.

## 9.7 General Sign Standards

- a. Illumination, if permitted, shall be by a non-flashing reflective light. The source of illumination shall be shielded from direct view of adjacent properties.
- b. All signs shall be subject to the Building and Safety Codes of Gratiot County and Wheeler Township.
- c. All signs shall be set back a minimum of ten (10) feet from all lot lines, except where otherwise required by this Ordinance.
- d. No sign shall exceed the height limitation of the district in which it is located or as otherwise regulated by this Ordinance; provided, however, that ground mounted signs shall not exceed six (6) feet in height.
- e. Freestanding signs shall have a minimum clearance of ten (10) feet between the ground surface and lowest point of the sign.
- f. No signs shall be placed in required clear vision areas.
- g. No person shall erect or relocate or cause to be erected, any sign or billboard without first obtaining a Zoning Permit.
- h. No person shall repair or alter, or cause to be repaired or altered, any sign or billboard without obtaining a Zoning Permit if one-half (1/2) of the replacement value of the sign or billboard will be exceeded.

**9.8 Agricultural Zoning District  
(A-1 District)**

Signs as permitted by Section 9.5 and 9.7 are permitted along with signs permitted by this section, as follows:

- a. One (1) on premise, non-illuminated, sign of not more than thirty-two (32) square feet advertising a permitted non-residential use or an authorized special use.
- b. One (1) on-premise, non-illuminated, sign displayed on a seasonal basis advertising the sale of farm produce to the general public. The sign shall not exceed sixteen (16) square feet in sign area and shall be displayed only during the seasonal period of time which sales occur. The sign shall be removed within fourteen (14) days of the closure of the public sales.

**9.9 Residential Zoning Districts  
(R-1 and R-2 Districts)**

Signs as permitted by Section 9.5 and 9.7 are permitted along with signs permitted by this section, as follows:

- a. One (1) on premise, non-illuminated, sign of not more than thirty-two (32) square feet advertising a permitted non-residential use or an authorized special use.
- b. Ground signs located at the entrance to platted subdivisions, residential site condominiums, multiple family housing developments, mobile home parks, or residential PUD's. No more than one sign not exceeding thirty-two (32) square feet in area, nor more than six (6) feet in height

may be erected at any single entrance.

- c. Directional signs in parking areas, provided no single sign exceeds two (2) square feet in area.

**9.10 Commercial and Industrial  
Zoning Districts (C-1 and I-1  
Districts)**

Signs as permitted by Section 9.6 and 9.8 are permitted along with signs permitted by this section, as follows:

- a. One freestanding sign per establishment or use, not exceeding one hundred (100) square feet in area, nor more than twenty-five (25) feet in height.

The lowest point of freestanding signs shall not be less than ten (10) feet above ground level.

No portion of a freestanding sign shall be located closer than ten (10) feet to any property line.

- b. Wall signs, provided that such signs do not exceed ten (10) percent of the area of the wall face upon which the sign or signs are attached or painted, or one hundred (100) square feet, whichever is greater. Wall signs shall be attached and parallel to the face of the building wall.
- c. Signs may be attached to or painted on a marquee or canopy, provided that such signs are at least ten (10) feet above grade.

- d. No sign shall project above the roof line of the building to which it is attached.
- e. One portable sign not to exceed thirty-two (32) square feet, provided:
  - (1) The sign must meet required setbacks.
  - (2) The sign shall be properly anchored and wired and shall meet all County and Township Building and Safety Codes.
  - (3) The continuous length of display during any period shall not exceed thirty (30) days. Moreover, there shall be a minimum of thirty (30) days between display periods, and not more than one hundred eighty (180) total days of display in a year.
  - (4) The sign shall possess a nameplate or other such identification area indicating the name, address, and telephone number of the sign owner.
- f. Pennants and banners may be displayed on commercial property of a retail sales nature provided:
  - (1) The continuous length of display during any period shall not exceed thirty (30) days. Moreover, there shall be a minimum of thirty (30) days between any display period, and not more than one hundred eighty (180) total days of display in a year.

(2) Pennants and banners shall be securely anchored.

- g. Ground signs not exceeding thirty-two (32) square feet in area nor six (6) feet in height.

#### 9.11 Non-Conforming Signs

A non-conforming sign or sign structure existing and in place as of the date of the enactment of this Article may continue to have the copy or message on the sign changed and may also have normal maintenance performed. However, a non-conforming sign existing on the day of enactment of this Chapter *shall not*:

- a. Be changed to another non-conforming sign;
- b. Be structurally altered so as to prolong the life of the sign or change the shape, size, location, type, or design of the sign;
- c. Be re-established after the activity, business, or use to which it relates has been discontinued for thirty (30) days or longer; or
- d. Be re-established after damage by any means if the damage is in excess of the State Equalized Value (SEV) of the sign, as determined from its most recent assessed valuation.



# Article 10

## Zoning Ordinance Text and Map Amendments

### 10.1 Purpose

The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the Zoning District Map may be amended, supplemented, or changed by ordinance by the Township Board in accordance with the applicable enabling legislation of the State. Procedures for amending the text of this Ordinance and for rezoning property are described in this Article.

Proposals for amendments, supplements, or changes may be initiated by the Township Board, by the Planning Commission, or by petition of one (1) or more owners of property in the Township.

### 10.2 Procedures

#### 10.2.1 Application

Each petition by one (1) or more owners or their agents, for an amendment shall be submitted upon an application of standard form to the Township Clerk. A fee as established by the Township Board shall be paid at the time of application to cover costs of necessary advertising for public hearings and processing of the amendment request. The Township Clerk shall transmit the application to the Planning Commission for recommended action.

#### 10.2.2 Planning Commission Recommendation

The Planning Commission shall consider each proposed amendment in terms of the likely effect of such proposal upon the development plans for the community as well as in terms of the merits of the individual proposal. The Planning Commission may recommend any additions or modifications to the original amendment petition.

#### 10.2.3 Public Hearing

Before voting on any proposed amendment to this Ordinance, the Planning Commission shall conduct a public hearing, with notice being given by the Zoning Administrator as follows:

##### (1) Published Notice

Notice shall be given by two (2) publications in a newspaper of general circulation in the community, the first to be printed not more than thirty (30) days nor less than twenty (20) days and the second not more than eight (8) days before the date of such hearing.

##### (2) Notice to Property Owners and Occupants

In any instance involving the rezoning of one or more parcels, or when the owner or other party having an interest in any parcel has requested a text change which will affect use of that parcel, a notice stating the time, place, date, and purpose of the public hearing must also be given, by mail or personal delivery, to the petitioner and to

all owners and occupants of property located within three hundred (300) feet of the property or properties subject to the rezoning request. If the notice is delivered by mail, an affidavit of mailing shall be filed with the Planning Commission before the public hearing. The notices shall include the places and times at which the tentative text and any maps of the proposed zoning amendment may be examined.

(3) Notification of Railroads and Public Utilities

Not less than twenty (20) days notice of the time and place of the hearing shall also be given to each electric, gas, pipeline, and telephone public utility company, and to each railroad operating within the district or zone affected, that registers its name and mailing address with the Planning Commission for the purpose of receiving the notice. An affidavit of mailing shall be maintained. The notices shall include the places and times at which the tentative text and maps of the proposed amendment may be examined.

*10.2.4 Gratiot County Planning Commission Recommendation*

Following the conclusion of the Public Hearing, the proposed amendment and any applicable zoning district map shall be submitted to the Gratiot County Planning Commission for their review. The approval of the County Planning Commission

shall be conclusively presumed unless such Commission notifies the Township Board of its approval or disapproval within thirty (30) days of its receipt of the amendment.

*10.2.5 Township Board Action*  
Upon receipt of the County Planning Commission's recommendation, the Township Board shall review the County's recommendation and the recommendation of the Township Planning Commission.

The Township Board shall grant a hearing on the proposed amendment to any party who has filed a written request to be heard with the Township Clerk. The request must be received prior to the meeting at which the proposed amendment would first be considered by the Township Board. The Planning Commission shall be requested to attend the hearing, which may be held at a regular meeting or at a special meeting called for that purpose. Notice of the hearing shall be published in a newspaper which circulates in the Township not more than fifteen (15) days nor less than five (5) days before the hearing. Mailed notice of the hearing is not required.

If the Township Board deems advisable any changes to the amendment recommended by the Planning Commission, it shall refer these changes back to the Planning Commission for a report on the desired changes within thirty (30) days.

The Township Board may deny or adopt the amendment with or without changes, by a majority vote of its membership, following the Board's standard procedures for adoption of ordinances.

*10.2.6 Amendment to Conform With Court Decree*

An amendment for the purpose of conforming a provision of the Zoning Ordinance to the decree of a court of competent jurisdiction as to any specific lands may be adopted by the Township Board and the notice of the adopted amendment published without referring the amendment to any other board or agency provided for in this Ordinance.

*10.2.7 Re-Submittal of Application*

No application for a rezoning that has been denied by the Township Board shall be re-submitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions which, upon inspection by the Township Board, are found to be valid.

# Article 11

## Administration and Enforcement

### 11.1 Zoning Administrator

Wheeler Township shall appoint a Zoning Administrator to act as its officer for the proper administration and enforcement of this Ordinance. The Zoning Administrator shall be appointed by the Township Board for such term, subject to such conditions, and at such rate of compensation as the Board shall determine.

### 11.2 Zoning Permit Required

- a. No building or structure of any kind that is greater than 120 square feet in area shall be erected, moved, enlarged, substantially altered, or demolished until the owner or occupant has applied for and obtained a Zoning Permit from the Zoning Administrator.
- b. No permit shall be issued to erect, move, enlarge, substantially alter, or demolish a building or structure unless the request is in conformance with the provisions of this Ordinance.
- c. If construction is not started within one year of the date a permit is issued, the Zoning permit shall become void and a new permit application must be filed with the Zoning Administrator.
- d. The Zoning Administrator may revoke a Zoning Permit in the

case of failure or neglect to comply with any of the provisions of this Ordinance, or in the case of any false statement or misrepresentation made in the application for the permit. The owner shall be notified of such revocation in writing.

### 11.3 Application for Zoning Permit

In addition to the Zoning Permit application, the Zoning Administrator may require the applicant to submit one copy of a plot plan drawn to scale and showing:

- a. The location, shape, area, and dimensions of the lot involved.
- b. The locations of water and septic systems proposed and existing in the general area.
- c. The size, shape, dimensions, and location of any existing or proposed structures to be situated on the parcel.
- d. The existing and proposed use of the parcel and all structures upon it.
- e. The location and dimensions of any existing and proposed yard, open space, and parking areas.
- f. Proposed setbacks of structures from property lines, roads, lakes, and streams.
- g. Estimated construction costs.
- h. Any other information deemed necessary by the Zoning

Administrator for the proper enforcement of this Ordinance.

#### **11.4 Other Permits and Approvals Required**

The following permits or approvals, where required, shall be completed before a Zoning Permit may be issued:

- a. Wastewater disposal system permit, obtained from the County Health Department.
- b. Water well permit, obtained from the County Health Department.
- c. Soil erosion control measures approval, obtained from the County Soil Erosion Control Agency.
- d. Driveway permit, obtained from the County Road Commission.
- e. Any other permits required by state or local laws.

#### **11.5 Zoning Permit Required to Obtain County Building Permit**

The Zoning Permit shall be required to secure a required building permit issued by Gratiot County as the appropriate authority operating within Wheeler Township.

#### **11.6 Fees**

The Township Board shall, by resolution, establish a schedule of fees for all permit applications required by this Ordinance. These fees shall be used for the purpose of defraying the cost of administering this Ordinance.

#### **11.7 Enforcement**

The Zoning Administrator shall enforce the provisions of this Ordinance.

Violations of any of the provisions of this Ordinance shall be a nuisance per se. Any action which is thought to be in violation shall be reported to the Zoning Administrator.

##### ***11.7.1 Inspection of Violation***

The Zoning Administrator shall inspect each alleged violation and shall order a correction in writing for all conditions found to be in violation of this Ordinance.

##### ***11.7.2 Correction Period***

All violations shall be corrected within sixty (60) days following the receipt of an order to correct from the Zoning Administrator. However, in those instances where, in the opinion of the Zoning Administrator, a longer time for correction is required, up to six months may be granted. Any correction period that extends beyond the standard sixty (60) day period shall be clearly stated in writing by the Zoning Administrator on the order for correction, along with the reason for the extended correction period.

##### ***11.7.3 Penalties***

For each day that a violation continues beyond the correction period, a separate offense shall be declared. Any person who violates or refuses to comply with any provisions of this Ordinance or any permit, license or exception granted hereunder, or any lawful order of the Zoning Administrator, Zoning Board of Appeals, Planning Commission or the Township Board issued in

pursuance of this Ordinance shall be guilty of a municipal civil infraction as provided in the *Wheeler Township Civil Infraction Ordinance*.

The penalty shall be a civil fine that is determined in accordance with the Township's Civil Infractions Ordinance.

The imposition of any sentence shall not exempt an offender from compliance with the provisions of this Ordinance. The foregoing penalties shall not prohibit the Township from seeking injunctive relief against a violator or such other appropriate relief as may be provided by law.

#### **11.8 Planning Commission**

The Wheeler Township Board has properly established a Township Planning Commission in accordance with the Township Planning Act (P.A. 168 of 1959, as amended). Furthermore, the Township Board has previously designated the Planning Commission as the organization to function in the capacity of the Zoning Commission identified in the Township Rural Zoning Act (P.A. 184 of 1943, as amended). The Planning Commission shall be responsible for the following administrative and enforcement activities under this Ordinance:

- a. Site Plan Approval.  
The Planning Commission shall review site plans and recommend approval, conditional approval, or denial of same as provided by Article 5, Section 5.5.

- b. Special Use Permits.  
The Planning Commission shall conduct a public hearing on any application for a Special Use Permit. Following a public hearing, the Planning Commission shall review the application and recommend approval, conditional approval, or denial of the application. The Planning Commission shall also initiate any necessary action to revoke a Special Use Permit.

- c. Rezoning or Amendment.  
The Planning Commission shall conduct public hearings on proposals to rezone property or amend the text of this Ordinance as provided by Article 10, Section 10.2. Following a public hearing, the Planning Commission shall make its recommendation regarding the proposed rezoning or text change to the Township Board. The Planning Commission may initiate a text change or rezoning, subject to the requirements for notice, hearing, and Township Board approval.

#### **11.9 Zoning Board of Appeals**

There is hereby established a Zoning Board of Appeals (ZBA), which shall perform its duties and exercise its powers as provided by the Township Rural Zoning Act (Act 184 of 1943, as amended) in such a way that the objectives of this Ordinance shall be attained, public safety secured, and substantial justice done.

##### **11.9.1 Continuation of Current ZBA.**

Upon adoption of this Ordinance, the Zoning Board of Appeals previously created shall continue to function,

and all its members shall remain in office.

### **11.9.2 Membership**

The ZBA shall consist of three (3) regular members and two (2) alternate members:

- a. The first member shall be a member of the Township Planning Commission.
- b. The remaining two (2) members must be selected from electors of the Township residing outside of incorporated cities and villages. One member may be a member of the Township Board, provided that an elected officer cannot serve as chairperson of the ZBA
- c. The two (2) alternate members shall be selected and appointed in the same manner and for the same term of office as regular members. An alternate member may be called to serve in the absence of a regular member if the regular member is absent from or will be unable to attend two (2) or more consecutive meetings of the ZBA, or is absent from or will be unable to attend meetings for a period of more than thirty (30) consecutive days.

An alternate member may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member shall serve in the case until a final decision is made. An alternate member has the same

voting rights as a regular member of the ZBA.

- d. An employee or contractor of the Township cannot serve as a member or employee of the ZBA.
- e. Members of the ZBA may be removed by the Township Board for non-performance of duty, or for misconduct in office upon written charges and after public hearing by the Township Board.

### **11.9.3 Membership Terms**

The term of each member of the ZBA is three (3) years. Of the first members appointed, two (2) serve for two (2) years and the remaining members for three (3) years. A successor shall be appointed not more than one month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.

### **11.9.4 Rules of Procedure**

The ZBA shall adopt its own rules of procedure as may be necessary to conduct its meetings and carry out its function. The Board shall choose its own chairperson and, in the chairperson's absence, an acting chair.

### **11.9.5 Meetings**

The ZBA shall not conduct business unless a majority of its members are present. All meetings shall be open to the public, and shall be held at the call of the chairperson and at such other times as the ZBA may determine. The ZBA may declare

any meeting or part of a meeting a workshop to pursue matters of business without comment from the public in attendance.

**11.9.6 Records**

Minutes shall be recorded of all proceedings which shall contain evidence and data relevant to every case considered together with the votes of the members and the final disposition of each case. These minutes shall be filed in the office of the Township Clerk, and shall be made available to the public in accordance with Section 9 of the Open Meetings Act (P.A. 267 of 1976, as amended).

**11.9.7 Legal Counsel**

The Township Attorney shall act as legal counsel for the ZBA and shall be present at all meetings at the request of the Board.

**11.9.8 Hearings**

The ZBA shall fix a reasonable time and place for the hearing of an appeal. Notice of the hearing shall be given to the parties concerned and placed in a newspaper of general circulation in the Township at least fifteen (15) days prior to the hearing. The notice shall contain the address, if available, and location of the property which is the subject of the appeal, as well as a brief description of the nature of the appeal.

**11.9.9 Decisions**

The ZBA shall return a decision on a case within ninety (90) days after a request or appeal has been filed, unless a further time is agreed upon by the parties concerned. Any decision of the ZBA shall not

become final until the expiration of five (5) working days after the date of the decision, unless the ZBA certifies on the record that the decision must be given immediate effect for the preservation of property or personal rights. No permit authorized by such a decision shall be issued until the decision has taken effect.

**11.9.10 Majority Vote Required**

The concurring vote of a majority of the members of the ZBA shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator or to decide in favor of the applicant on any matter upon which the ZBA is required to pass, or to effect any variation in this Ordinance.

**11.10 Authority of the Zoning Board of Appeals**

The Zoning Board of Appeals (ZBA) may grant variances, hear appeals of administrative actions, and make interpretations of this Ordinance as follows:

**11.10.1 Variance.**

The Zoning Board of Appeals is empowered to grant variances to such requirements as lot area and width regulations, yard and depth regulations, and off-street parking and loading space requirements. Any requirement of this Ordinance that can be expressed in terms of numbers may be brought before the Zoning Board of Appeals to be considered for a variance. The Board of Appeals may grant any variance it deems reasonable, subject



to the rules outlined in Section 11.10.4.

**11.10.2 Appeals of Administrative Actions**

The Zoning Board of Appeals is empowered to review and reverse or modify any order, decision or determination made by the Zoning Administrator. The Board is also empowered to review decisions of the Township Board regarding Special Use Permits and Site Plan Review.

- a. Request for Appeal.  
An Administrative Review by the Zoning Board of Appeals may be requested by any person aggrieved, or by any officer, department, or board of the local government. Any such request must be made in writing not more than ten (10) days after the date of the Zoning Administrator's decision. The request shall be filed with the Zoning Administrator and shall specify the grounds for the review. The Zoning Administrator shall immediately transmit to the Chairperson of the Board of Appeals any papers constituting the record upon which the action being reviewed was taken.
- b. Appeal Stays Proceedings  
An appeal shall stay all proceedings in furtherance of the action being reviewed, except as follows. If the Zoning Administrator certifies in writing to the Zoning Board of Appeals, after a request for an appeal has been filed, that a stay would

cause imminent peril to life or property, the proceedings shall not be stayed unless a restraining order is issued by the Zoning Board of Appeals or by court action.

**11.10.3 Interpretation**

The Zoning Board of Appeals may interpret provisions of this Ordinance as outlined below. Each such interpretation shall establish the precedent for future treatment of the issue being addressed. To achieve the objective of consistent enforcement of this Ordinance, whenever an interpretation question arises which has been addressed previously by the Zoning Board of Appeals, the earlier interpretation shall apply without requiring further action by the Board. The Zoning Administrator shall keep a concise record of all interpretations made by the Zoning Board of Appeals to facilitate such reference.

- a. The ZBA may determine the precise location of the boundary lines between zoning districts.
- b. The ZBA may classify any activity that is not specifically mentioned in the District Regulations (Article 6, Section 6.4) for any Zoning District as a Use by Right or Special Use within at least one Zoning District, provided that the classification shall be consistent with the classification of similar uses and with the purpose and intent of each Zoning District.
- c. The ZBA may determine the off-street parking and loading space

requirements of any use for which these requirements cannot be readily determined using the information provided in this Ordinance.

- d. The Board may interpret any portion of this Ordinance when the Zoning Administrator is unable to clearly determine its intent or effect.

### **11.11 Rules for Variances**

The ZBA may not, under any circumstances, grant a variance that permits the establishment of a land use or activity that is not permitted in the zoning district in which the applicant's property is located.

The ZBA may grant variances when the literal enforcement of the provisions of this Ordinance would result in practical difficulties or cause unnecessary hardships created by the lay of the land, or by the location of buildings and structures existing before the effective date of this Ordinance. These practical difficulties are to be evaluated in terms of the applicant's ability to physically locate a permitted use on the particular parcel of land. They must not have resulted from any act of the applicant or property owner.

Prior to granting a variance, the ZBA must find that the following conditions and circumstances exist:

- a. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other properties in the surrounding neighborhood or area;

- b. That the requested variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone and vicinity.
- c. That the granting of a variance will not be detrimental to the public welfare, nor injurious to the property or improvements in the neighborhood or area in which the property is located.
- d. That the granting of such variance will not adversely affect the purposes or objectives of this Ordinance.

#### ***11.11.1 Voiding of Variance***

Each variance granted under the provisions of this Ordinance shall become null and void unless:

- a. The construction authorized by such variance or permit has been commenced within six (6) months after the granting of the variance and pursued diligently to completion;
- b. The occupancy of land, premises, or buildings authorized by the variance has taken place within two (2) years after the granting of the variance.

#### ***11.11.2 Reapplication***

No application for a variance which has been denied wholly or in part by the ZBA shall be resubmitted for a period of one (1) year from the date of the last denial. However, if new evidence or changed conditions are

found, the ZBA may elect to rehear a case.

#### **11.12 Conditions**

The ZBA may attach any reasonable conditions to the approval of any request to secure the objectives and purposes of this Ordinance. The breach of any such condition shall automatically invalidate any permit granted pursuant to the Zoning Board of Appeals action. When it attaches any conditions to the approval of a request, the Board of Appeals may require that a bond of ample sum be furnished to ensure compliance with the conditions imposed.

#### **11.13 Filing Fee**

Applications for hearings before the ZBA shall be accompanied by a fee as established by the Township Board.

#### **11.14 Appeals of ZBA Decisions**

A decision of the ZBA may be appealed by the owner to the State Court System, beginning with Circuit Court.

## ARTICLE 12

### AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE TOWNSHIP OF WHEELER TO PROVIDE FOR THE SITING, CONSTRUCTION AND OPERATIN OF WIND ENERGY FACILITIES AS A SPECIAL USE

#### 1. ARTICLE 12 -1 WIND ENERGY FACILITY SPECIAL USE

##### **DEFINITIONS**

**Alternative Energy** – Renewable energy sources, such as wind, flowing water, solar energy and biomass, which create less environmental damage and pollution than fossil fuels, and offer an alternative to nonrenewable resources.

**Ambient** – Ambient is defined as the sound pressure level exceeded 90% of the time or L90.

**ANSI** – American National Standards Institute.

**Legislative Body**– The **Township Board**, of the **Township of Wheeler**.

**db(A)** – The sound pressure level in decibels. Refers to the “a” weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.

**Decibel** – The unit of measure used to express the magnitude of sound pressure and sound intensity.

**FAA** – The Federal Aviation Administration.

**Hub Height** – When referring to a Wind Energy System, the distance measured from ground level to the center of the turbine hub.

Hub height is defined as the height from the Ground Level (GL) at which the hub of the windmill or the hub of the propeller blades of the wind energy generator is situated.

**IEC** – International Electro Technical Commission. The IEC is the leading global organization that prepares and publishes international standards for all electrical, electronic and related technologies.

**ISO** – International Organization for Standardization. ISO is a network of the national standards institutes of 156 countries.

**Met Tower** – A meteorological tower used for the measurement of wind speed.

**Michigan Tall Structure Act (M.C.L. 259.481 and following)** – Governs the height of structures in proximity to airport related uses and is included as a standard in the Article by reference.

**Habitable Structure** – Any structure usable for living or business purposes, which includes but is not limited to working, sleeping, eating, cooking, recreation, office, office storage, or any combination thereof. An area used only for storage incidental to a residential use, is not included in this definition.

**Non-Participating Parcel** – Any parcel of property in the Township not within the Wind Energy Overlay District.

**On Site Use Wind Energy Systems** – This system is intended to primarily serve the needs of the consumer, and is considered an accessory building.

**Planning Commission** – The Township of **Wheeler** Planning Commission.

**Rotor** – An element of a wind energy system that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.

**SCADA Tower** – A freestanding tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system.

**Shadow Flicker** – Alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as a window in a dwelling.

**Sound Pressure** – Average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.

**Sound Pressure Level** – The sound pressure mapped to a logarithmic scale and reported in decibels (dB).

**Tip Height** – When referring to a Wind Energy System, the distance measured from ground level to the furthest vertical extension of the rotor.

**Utility Grid Wind Energy Systems** – This system is designed and built to provide electricity to the electric utility grid.

**Wind Energy Conversion Facility, (WECF) or Wind Energy Facility** – An electricity generating facility consisting of one or more wind turbines under common ownership or operation control, and includes substations, MET Towers, cables/wires and other buildings accessory to such facility, whose main purpose is to supply electricity to off-site customers.

**Wind Energy Facility Site Permit** – A permit issued upon compliance with the standards enunciated in this Section

**Wind Energy Overlay District** – Districts created by the legislative body upon receiving a recommendation from the Planning Commission, by identifying specific areas within the County best situated for development of wind energy facilities. This District will be defined by the **Township of Wheeler** Wind Energy Overlay District Map, as approved by the Planning Commission.

**Wind Energy Overlay District Map** – This will be a Map showing the areas that are considered to be acceptable siting locations for Wind Energy Facilities. This overlay Map will be created and approved by the Planning Commission. This Map will also include exclusionary zones that are considered to be unsuitable for location of these facilities.

**Wind Energy System** – A wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blades, and tower as well as related electrical equipment. This does not include wiring to connect the wind energy system to the grid.

**Wind Site Assessment** – An assessment to determine the wind speeds at a specific site and the feasibility of using that site for construction of a wind energy system.

Article 12-2- of the zoning ordinance regarding site plan review is amended by the addition of the following:

**SECTION SITE PLAN REVIEW**

**Wind Energy Facility Special Use Site Plan Review Required**

1. Wind Energy Conversion Facilities shall not be located, constructed, erected, altered, or used without first obtaining a Wind Energy Facilities Permit pursuant to this Section. The wind Energy Facilities Site Plan must be reviewed and approved by the Planning Commission pursuant to standards contained herein. An

applicant proposing a Wind Energy Facility must submit the following site plan materials:

- a. Company contact information (telephone numbers and e-mail addresses), including name of company, name of project, key company contacts with titles, EIN (Employer Identification Number)
- b. A narrative describing the proposed Wind Energy Facility, including an overview of the project
- c. Site plan (GIS shape file overlay, electronic file and paper copy) of the property showing existing and proposed features such as buildings, structures, roads (right of ways), applicable utility easements, county drains, land use, zoning district, ownership of property, location of proposed turbine towers (with required setbacks, exclusion zones and non-participating properties), underground and overhead wiring (including depth underground), access roads (including width), substations and accessory structures
- d. Details or drawings shall show features in the design of a typical tower and its base, that upon removal of said tower will allow restoration of the soil at the site to a depth of 4 feet pursuant to Article 12- Section 7.
- e. Anticipated construction date and anticipated completion date
- f. The lessor must acknowledge the fact in writing that the decommissioning process poses some risk of the concrete bases remaining in place, if the responsible party (lessee) was unable to properly remove the bases as required in this ordinance. This acknowledgement is to be submitted with the application package and can be in the form of the actual lease language that has been signed by the lessor or an "Acknowledgement Letter" that documents this understanding and has been signed by the lessor.

2. *Application Material.* The following shall be included and/or be utilized as standards when preparing, submitting and reviewing an application for a Wind Energy Facility.

- a. *Applicant shall show evidence of compliance with applicable statutes and County ordinances including, but not limited to:*
  - i. *Part 31 Water Resources Protection (M.C.L. 324.3101 et seq.),*
  - ii. *Part 91 Soil Erosion and Sedimentation Control (M.C.L. 324.9101 et seq.), and the corresponding County ordinance.*

- iii. *Part 301 Inland Lakes and Streams (M.C.L. 324.30101 et seq.),*
- iv. *Part 303 Wetlands (M.C.L. 324.30301 et seq.),*
- v. *All other applicable laws and rules in force at the time of Application*

b. *Visual Appearance, Lighting, Power lines.* The applicant shall use measures to reduce the visual impact of wind turbines to the extent possible, utilizing the following:

i. Wind turbines shall be mounted on tubular towers, painted a non-reflective, non-obtrusive color. The appearance of turbines, towers and buildings shall be maintained throughout the life of the wind energy facility (i.e., condition of paint, signs, landscaping, etc).

ii. Wind turbines and meteorological towers shall not be artificially lighted, except to the extent required by the FAA or other applicable authority, or otherwise necessary for the reasonable safety and security thereof.

iii. Wind turbines shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the Wind Energy Facility.

iv. The electrical collection system shall be placed underground at a depth designed to accommodate the existing agricultural land use to the maximum extent practicable. The collection system may be placed overhead from substations to points of interconnection to the electric grid or in other areas as necessary.

3. *Setbacks, Separation and Security.* The following setbacks and separation requirements shall apply to all wind turbines within a Wind Energy Facility.

a. *Occupied Buildings:* Each wind turbine shall be set back from the nearest residence, school, hospital, church or public library, or any other occupied buildings a distance no less than the greater of (a) two (2) times its Hub Height, or (b) one thousand (1,000) feet.

b. *Shadow flicker minimization:* Wind turbines shall be placed such that shadow flicker to any occupied buildings occurs no more than 30 hours per year.

c. *Property line setbacks:* Except as set forth in this section, wind turbines shall not be subject to a property line setback. Wind turbines and access roads shall be located so as to minimize the disruption to agricultural



activity and, therefore, the location of towers and access routes is encouraged along internal property lines. Wind turbines shall not be located within 1.5 times Hub Height of the property line of a Non-Participating Parcel.

d. Boundaries with non participating parcels: Wind turbines shall not be located within 1.5 times Hub Height of the property line of a non-participating parcel.

e. Public roads: Each wind turbine shall be set back from the nearest public road a distance no less than 400 feet or 1.5 times its Hub Height, whichever is greater, determined at the nearest boundary of the underlying right-of-way for such public road.

f. Railroads & "Rails to Trails": Each wind turbine shall be set back from the nearest Railroad or "Rails to Trails" a distance no less than 400 feet or 1.5 times its Hub Height, whichever is greater, determined at the nearest boundary of the underlying right-of-way for such Railroad & Rails to Trails".

4. *Compliance with Wind Energy Site Permit:* Following the completion of constructions, the applicant shall certify that all construction is completed pursuant to the Wind Energy Site Permit. (GIS overlay)

5. *Wind Turbine/Tower Height:* The applicant shall demonstrate compliance with the Michigan Tall Structure Act (MCL 259.481 and following), FAA guidelines, and local airport zoning as part of the approval process.

6. *Noise:* Wind Energy Facilities shall not exceed 55 db(A) at the habitable structure closest to the wind energy system. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).

7. *Minimum Ground Clearance:* The blade tip of any Wind turbine shall, at its lowest point, have ground clearance of not less than seventy five (75) feet.

8. *Signal Interference:* No large scale Wind Energy Facility shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antennas for television, radio, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception.

9. *Safety*

- a. All collection system wiring shall comply with all applicable safety and stray voltage standards.
- b. Wind turbine towers shall not be climbable on the exterior.
- c. All access doors to wind turbine towers and electrical equipment shall be lockable.
- d. Appropriate warning signs shall be placed on wind turbine towers, electrical equipment, and Wind Energy Facility entrances.
- e. Appropriate signage for emergency contact information shall be located at the wind turbine tower.

*10. Transportation:* Submit a copy of a proposed transportation plan to be used by construction and delivery vehicles. Approval of appropriate authorities required prior to construction;

*11 Application Fee.* An applicant for a Wind Energy Facility shall remit a fee in the amount specified in the approved schedule adopted by resolution of the legislative body. This schedule shall be based on the cost to the Township of the review, which may be adjusted from time to time.

3. Article 12, of the zoning ordinance regarding special uses is amended by the addition of the following:

## **ARTICLE 12- SPECIFIC LAND USE STANDARDS**

### **Wind Energy Facility**

#### **1. Wind Energy Facility Special Use Purpose and Intent**

The purpose of this Article is to provide a regulatory scheme for the designation of properties suitable for the location, construction and operation of Wind Energy Conversion Facilities (Wind Energy Facilities) within the **Township** in an effort to protect the health, welfare, safety, and quality of life of the general public, and to ensure compatible land uses in the vicinity of the areas affected by wind energy facilities. A Wind Energy Facility Overlay District shall be considered a map amendment, wherein lands so classified shall become pre-qualified for a Wind Energy Facility with construction of such facility approved pursuant to Chapter 14 Wind Energy Facility Site Plan review portion of the Township of **Wheeler** Zoning Ordinance. It is further recognized that a Wind Energy Facility Overlay

District is intended as an agricultural preservation measure. This shall be applicable for wind turbines with a total height greater than 200 feet.

## **2. Regulatory Framework**

### **2.1 Zoning**

A Wind Energy Facility may be constructed on land that is within a Wind Energy Facility Overlay District on the official zoning map for the, subject to provisions and standards of the (city/village/ township)Zoning Ordinance, Wind Energy Facility Site Plan Review and other appropriate Approvals.

### **2.2 Principal or Accessory Use**

A Wind Energy Facility and related accessory uses may be considered either principal or accessory uses. A different existing use or an existing structure on the same parcel shall not preclude the installation of a Wind Energy Facility or a part of such facility on such parcel. Wind Energy Facilities that are constructed and installed in accordance with the provisions of this Section shall not be deemed to constitute the expansion of a non-conforming use or structure. Wind Energy Facilities shall be reviewed and approved pursuant to the Zoning Ordinance.

### **2.3 Overlay District**

After designation as a Wind Energy Overlay District, new uses within the “overlay” area shall be limited to those uses identified within the applicable zoning district and Wind Energy Facilities, subject to any additional standards of this Section.

## **3. APPLICABILITY**

The requirements in this ordinance shall apply to all Wind Energy Conversion Facilities, which shall be permitted as a special use in a Wind Energy Facility’s Overlay District. Wind Energy Facilities Site Plan Review standards shall be used when reviewing any application for a wind energy facility.

## **4. CERTIFICATION**

Any approval for Wind Energy Facilities shall require the applicant to provide a post-construction certification that the project complies with applicable codes and industry practices. Applicant shall provide as-built GIS shape file, electronic file, and paper site plan.

## **5. INSPECTIONS**

The applicant's maintenance and inspection records shall be generated annually and are subject to audit by the Township. Inspection Reports shall contain current contact information and be updated whenever the contact information changes.

## **6. DECOMMISSIONING**

The applicant shall submit a plan describing the intended disposition of the alternative energy project at the end of its useful life and shall describe any agreement with the landowner regarding equipment removal upon termination of the lease. Within 12 months of any tower or turbine not operating, the applicant/owner must submit a plan to the **Township** concerning the status of the wind power project and steps that shall be taken to either decommission the tower or turbine, or to achieve renewed Commercial Operation. Any tower/turbine left unused or inoperable for over 24 months would be deemed to be disposed of by developer/applicant. The land must be returned to its original state. Concrete bases will be removed four feet below ground level with appropriate drainage and filled with like soil that was removed. The applicant shall post a performance bond or equivalent financial instrument for decommissioning. The bond shall be in favor of the **Township** and may be provided jointly as a single instrument for multiple governmental units within a single wind farm, provided that any such single instrument shall be in an amount of at least \$1 million and shall contain a replenishment obligation.

Section 4: Separability. If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 5: Ordinances Repealed. All ordinances and/or parts of ordinances inconsistent with This ordinance are hereby repealed.

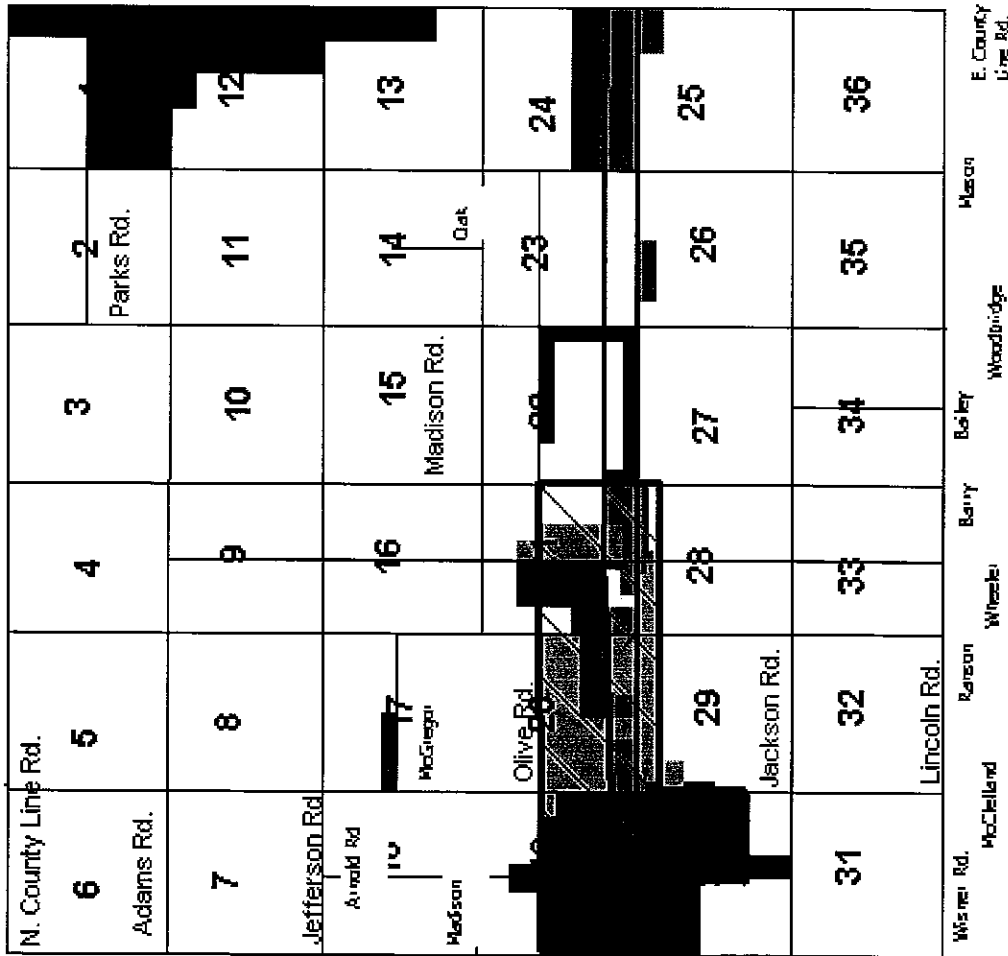
Section 4: Effective Date. This ordinance shall take effect and be in force 15 days from and after its enactment as provided below.

Passed and approved by the Township Board of the Township of <sup>VP</sup> Bo Wheeler,

Michigan, in regular session, held November 13, 2012.

# WHEELER TOWNSHIP LAND USE MAP

- C-1
- I-1
- R-1
- R-2
- A-1
- Renaissance Zone
- Wind Turbine Excluded area

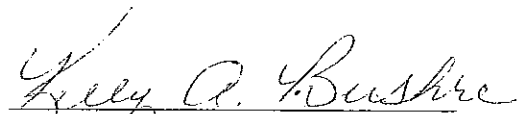


Revised 2-9-2010

I, the undersigned, Township Clerk, DO HEREBY CERTIFY that the foregoing  
And above Ordinance No. 1-2009 of the Township of Wheeler, Michigan, is true and  
Compared copy of the original ordinance, now on file in my office, and of the whole  
Thereof: that the same was published within 10 days from its adoption in the Gratiot  
County  
Herald, circulated in the Township of Gratiot, Michigan, on the 22<sup>nd</sup> day of November,  
A.D., 2012, and that the Affidavit of Publication thereof is now on file in my office, and  
Is part of the original records pertaining to the adoption of the aforesaid ordinance.

I FURTHER CERTIFY, that in accordance with the foregoing ordinance shall  
Take effect 15 days after its enactment as aforesaid.

Dated at Wheeler Township, Michigan, this 15<sup>th</sup> day of December, 2012.

  
Wheeler Township Clerk