

ZONING ORDINANCE



WILSON TOWNSHIP

ALPENA COUNTY, MICHIGAN

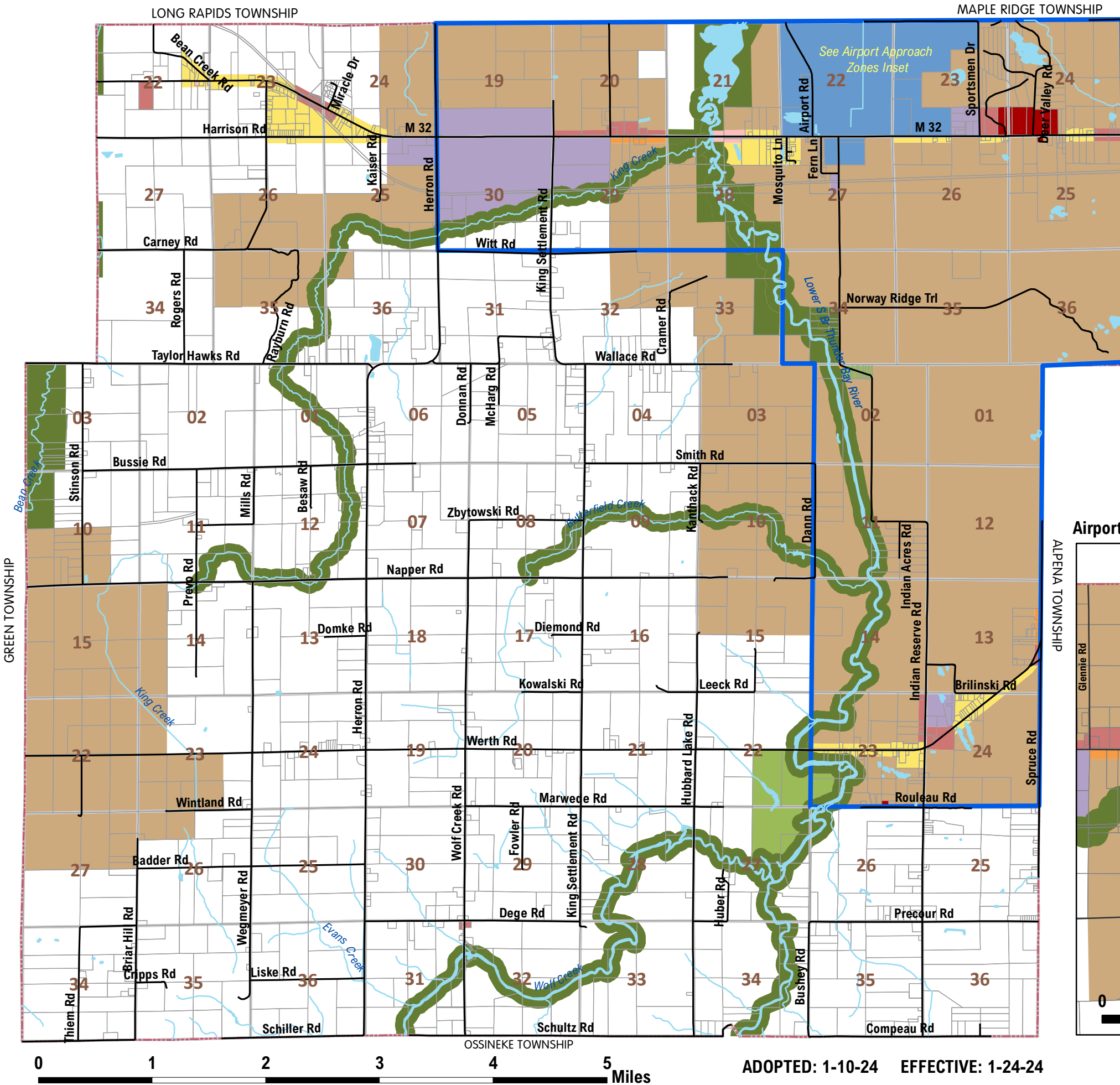
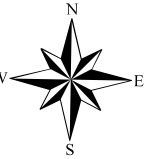
3746 KING SETTLEMENT ROAD
ALPENA, MI 49707
WILSONTOWNSHIPALPENA.COM

ADOPTED: 1-10-24

EFFECTIVE: 1-24-24

ZONING MAP WILSON TOWNSHIP

ALPENA COUNTY, MICHIGAN



ZONING DISTRICTS

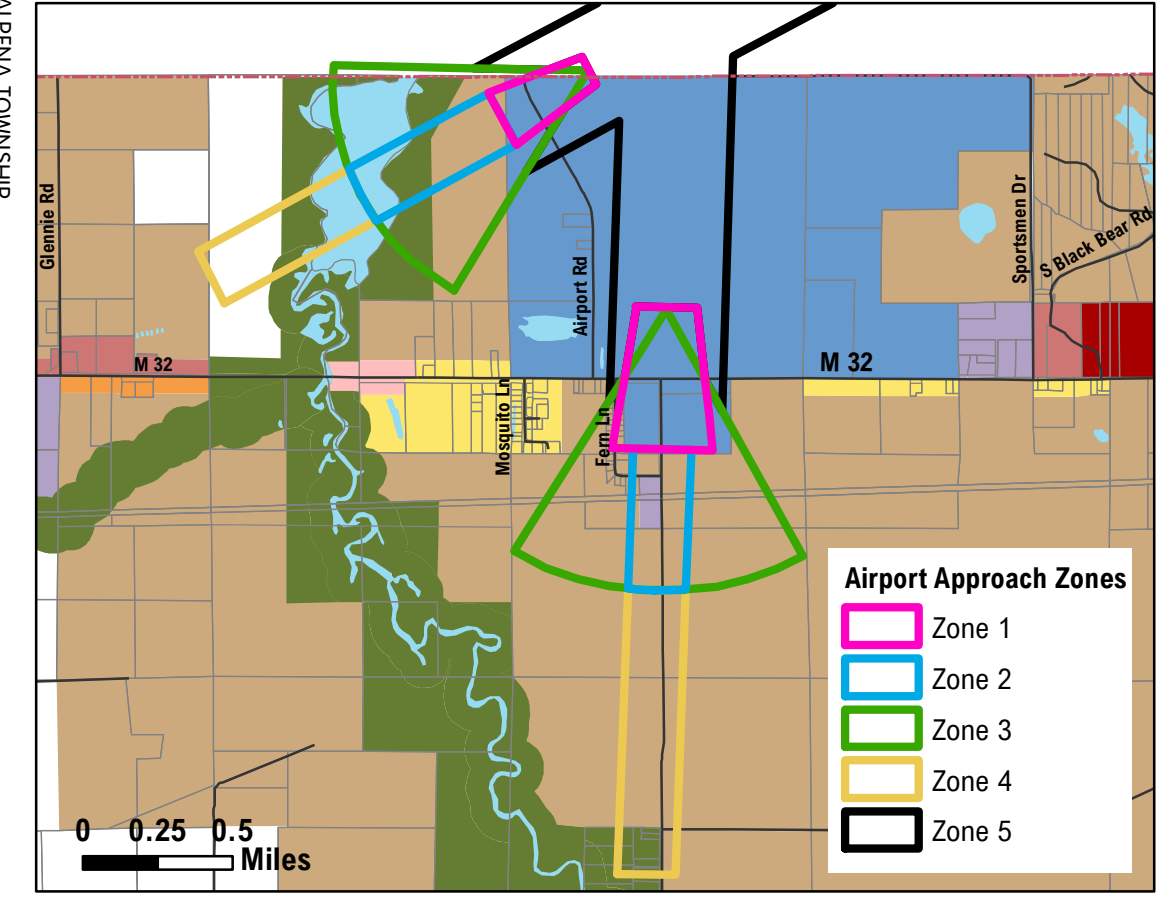
- R1: Single-Family Residential District
- R2: Agricultural District
- R3: General Residential District
- RR: Recreation Residential District
- FF: Farm & Forest District
- CR: Conservation & Resources District
- B1: Local & Tourist Business District
- B2: General Business District
- B3: Business & Light Manufacturing District
- A: Airport District
- I: Industrial District
- Solar Overlay

- Roads
- Rivers
- Township Boundary
- Lakes
- Parcels
- Sections

District Boundary Lines
Exact zoning district boundaries shall be interpreted to be the most logical continuations or interpolations of property ownership lines, section or survey lines, municipal boundary lines, right-of-way lines (or center lines); or be an assumed depth of 300 feet (from the edge of the right-of-way); whichever is most reasonable for the specific area. A Zoning Board of Appeals interpretation may be requested.

Airport District: Airport Approach Zones

Reference Section 4.15 of the Wilson Township Zoning Ordinance



ADOPTED: 1-10-24 EFFECTIVE: 1-24-24

Wilson Township ZONING ORDINANCE

Alpena County, Michigan

Adopted: January 10, 2024

Effective: January 24, 2024

Prepared with the assistance of:

Northeast Michigan Council of Governments
www.nemcog.org



1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plans & Site Plan Review
6 Special Land Use Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration	10 Adoption & Amendments

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Article 1 Purpose & Authority

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The Township of Wilson ordains:

Section 1.1 Authority

This Ordinance is ordained and enacted into law pursuant to the provisions and in accordance with the [Michigan Zoning Enabling Act, 2006 PA Act 110](#), as amended.

Section 1.2 Purpose

The purposes of this Ordinance are designed to promote and protect the public health, safety, peace, morals, comfort, convenience, and general welfare of the inhabitants of the Township and to protect and conserve the character and social and economic stability of the residential, commercial, industrial, and other use areas. Furthermore, this Ordinance is designed:

- A. To prevent overcrowding of the land and undue congestion of population, providing adequate light, air, and reasonable access to such.
- B. To facilitate adequate and economical provision of transportation, water, sewers, schools, recreation, and other public means.
- C. To conserve the expenditure of funds for public improvements and services to conform to the most advantageous uses of land, resources, and properties.
- D. To meet the needs of the citizens for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land.
- E. To ensure that the use of land shall be situated in appropriate locations and relationships.
- F. To encourage the use of lands in accordance with their character and adaptability and to limit improper use of land.

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- G. To provide for proper solutions to land use problems including regulation of land development and the establishment of regulations to assist in the elimination of damage from flooding and erosion control.
- H. To regulate and limit the height and bulk of buildings, and other structures.
- I. To regulate and to determine the size of yards, courts, and open spaces.
- J. To regulate and limit the density of population.
- K. To divide the Township into districts and establish the boundaries thereof.
- L. To provide for changes in regulations, restrictions, and boundaries of such districts.
- M. To define certain terms used herein.
- N. To provide for enforcement.
- O. To establish a board of appeals.
- P. To impose penalties for the violation of this Ordinance.
- Q. To conserve natural resources and energy.
- R. To reduce hazards to life and property.
- S. To implement the recommendations of the Wilson Township Master Plan.

Section 1.3 Short Title

This Ordinance shall be known and may be cited as the Wilson Township Zoning Ordinance and within the following text, it may be referred to as this “Ordinance” or this “Zoning Ordinance.”

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Section 2.1 Rules Applying to Text

For the purposes of this Ordinance, certain terms, or words used herein shall be interpreted as follows, except when clearly indicated otherwise:

- A. Regulations pertaining to specific issues supersede more general regulations.
- B. All words used in the present tense shall include the future.
- C. All words in the singular number include the plural number and all words in the plural number include the singular number.
- D. The word "building" includes the word "structure."
- E. The word "dwelling" includes "residence."
- F. The word "person" includes an "individual," "corporation," "partnership," "association," as well as an "individual," or any similar legal entity or their agents.
- G. The word "shall" is mandatory and the word "may" is permissive.
- H. The word "lot" includes the words "plot" or "parcel".

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- I. The words "used" or "occupied" includes the words "intended," "designed," or "arranged to be used or occupied."
- J. In case of any difference of meaning or implication between the text and any caption or illustration, the text shall take precedence.
- K. Unless the context clearly indicates otherwise, where a regulation involves two (2) or more items, conditions, provisions, or events, the terms "and", "or", and "either...or", shall be interpreted as follows:
 - 1. "And" denotes that all the connected items, conditions, provisions, or events shall apply.
 - 2. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - 3. "Either . . . or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
- L. "Days" means calendar days unless otherwise stated.
- M. Terms not herein defined shall be assumed to have the meanings customarily assigned them.
- N. Any necessary interpretation of this Ordinance shall be defined by the Wilson Township Zoning Board of Appeals.

Section 2.2 Definitions

A

Abutting. Having lot lines or district lines in common (e.g., two (2) lots are abutting if they have property lines in common).

Access. A way of approaching or entering a property. For purposes of this Ordinance, all lots of record shall have access to a public street or highway or to a private street.

Accessory Building or Accessory Structure. A supplemental building or structure devoted to an accessory use and located on the same zoning lot as the principal building or buildings. An accessory structure attached to a principal building shall be considered part of the principal building.

Accessory Building or Accessory Structure, Temporary. An accessory structure with no permanent footings or foundations.

Accessory Dwelling Unit. A dwelling unit that is secondary to the principal dwelling unit located on the property. Also known as guest houses, garage apartments, mother-in-law suites, granny flats, etc.

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

Adjacent Property. All lands which adjoin any side or corner of a specific lot of land including, but not limited to, those lands separated from the lot by a road right-of-way, easements, or public utility rights-of-way.

Adult Day Care Facility. A facility receiving adults for care for periods of less than twenty-four (24) hours in a day, for more than two (2) weeks in any calendar year. Care for persons related by blood or marriage to a member of the family occupying the dwelling is excluded from this definition.

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

- A. A governmental or non-governmental establishment that provides foster care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care.
 1. **Adult Foster Care Family Home.** A private residence with the approved capacity to receive six (6) or fewer adults to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.
 2. **Adult Foster Care Small Group Home.** An adult foster care facility with the approved capacity to receive twelve (12) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks.
 3. **Adult Foster Care Large Group Home.** A facility with approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks.
 4. **Adult Foster Care Congregate Facility.** An adult foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care.
 5. **State-Licensed Residential Facility.** A structure constructed for residential purposes that is licensed by the State under the **Adult Foster Care Facility Licensing Act, 1979 PA 218**, MCL 400.701 to 400.737, or the **Child Care Organizations Act, 1973 PA 116**, MCL 722.111 to 722.128, and provides residential services for six (6) or fewer individuals under twenty-four (24) hour supervision or care. The licensee is NOT always a member of the household or an occupant of the residence.

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- B. An adult foster care facility **excludes** the following:
1. A nursing home licensed under Part 217 of the **Public Health Code, 1978 PA 368**, MCL 333.20101 to 333.22260.
 2. A home for the aged licensed under Part 213 of the **Public Health Code, 1978 PA 368**, MCL 333.20101 to 333.22260.
 3. A hospital licensed under Part 215 of the **Public Health Code, 1978 PA 368**, MCL 333.20101 to 333.22260.
 4. A hospital for the mentally ill or a facility for the developmentally disabled operated by the department of community health under the **Mental Health Code, 1974 PA 258**, MCL 330.1001 to 330.2106.
 5. A County infirmary operated by a County department of social services or family independence agency under Section 55 of the **Social Welfare Act, 1939 PA 280**, MCL 400.55.
 6. A child caring institution, children's camp, foster family home, or foster family group home licensed or approved under **Child Care Organizations Act, 1973 PA 116**, MCL 722.111 to 722.128, if the number of residents who become 18 years of age while residing in the institution, camp, or home does not exceed the following:
 - a. Two (2), if the total number of residents is ten (10) or fewer.
 - b. Three (3), if the total number of residents is not less than eleven (11) and not more than fourteen (14).
 - c. Four (4), if the total number of residents is not less than fifteen (15) and not more than twenty (20).
 - d. Five (5), if the total number of residents is twenty-one (21) or more.
 7. A foster family home licensed or approved under the **Child Care Organizations Act, 1973 PA 116**, MCL 722.111 to 722.128, that has a person who is eighteen (18) years of age or older placed in the foster family home under Section 5(7) of **1973 PA 116**, MCL 722.115.
 8. An establishment commonly described as an alcohol or a substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house that does not provide or offer to provide foster care.
 9. A facility created by the **Michigan Veterans' Facility Act, 1885 PA 152**, MCL 36.1 to 36.12.

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10. An area excluded from the definition of adult foster care facility under Section 17(3) of the **Continuing Care Community Disclosure Act, 2014 PA 448**, MCL 554.917.

11. A private residence with the capacity to receive at least one (1) but not more than four (4) adults who all receive benefits from a community mental health services program if the local community mental health services program monitors the services being delivered in the residential setting.

Aggrieved Person. To be aggrieved, a person must meet the following three (3) criteria:

- A. The appellant must have participated in the challenged proceedings by taking a position on the contested decision, such as through a letter or oral public comment.
- B. The appellant must claim some legally protected interest or protected personal, pecuniary (financial), or property right that is likely to be affected by the challenged decision.
- C. The appellant must provide some evidence of special damages arising from the challenged decision in the form of an actual or likely injury to or burden on their asserted interest or right that is different in kind or more significant in degree than the effects on others in the local community.

Agriculture. The art and science of cultivating the ground for the purpose of raising and harvesting trees, fruit or field crops, or animal husbandry for economic gain. See **Farm, Commercial** or **Farm, Hobby**.

Agricultural Tourism Business. Farms which engage in agriculturally-related tourism operations including but not limited to:

- A. Bakeries selling goods grown primarily on-site.
- B. Educational tours, classes, lectures, and seminars.
- C. Family-oriented animated barns (haunted houses).
- D. Farm Stays.
- E. Gift shops for agriculturally-related products and crafts.
- F. Historical agricultural exhibits.
- G. Organized meeting space (weddings, birthdays, corporate picnics) – falls under the definition of **Commercial Event Facility**.
- H. Petting farms, animal display, and pony rides.
- I. Picnic areas (including rest rooms).
- J. Playgrounds, wagon/sleigh rides, nature trails.
- K. Restaurants related to the agricultural use of the site.
- L. Seasonal outdoor mazes of agricultural origin.
- M. Small-scale entertainment (concert, car show, art fair).

Animal Hospital. See **Clinic, Animal (Veterinary Clinic)**.

Animal Shelter. A building supported by a governmental unit or agency or by a nonprofit corporation where domestic pets or other animals are kept because of requirements of public health officials, loss by owner, neglect, or violation of a public law or ordinance.

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Apartment. A dwelling unit in a multiple-family dwelling building or mixed-use building intended for residence by one (1) family or group of individuals living together as a single housekeeping unit.

Applicant. Any person that applies for a permit.

Application. The process by which the owner of a lot within the Township submits a request to develop, construct, build, modify, or erect a structure or commence a Special Land Use upon such lot. Application includes all written documentation, verbal statements, and representations, in whatever form or forum, made by an applicant to the Township concerning such a request.

Architectural Features. Architectural features of a building shall include cornices, eaves, gutters, courses, sills, lintels, bay windows, chimneys, and decorative ornaments.

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

Attached. Touching and fastened to a building in a substantial manner by walls and/or a roof. The existence of a breezeway between structures counts as “attached.”

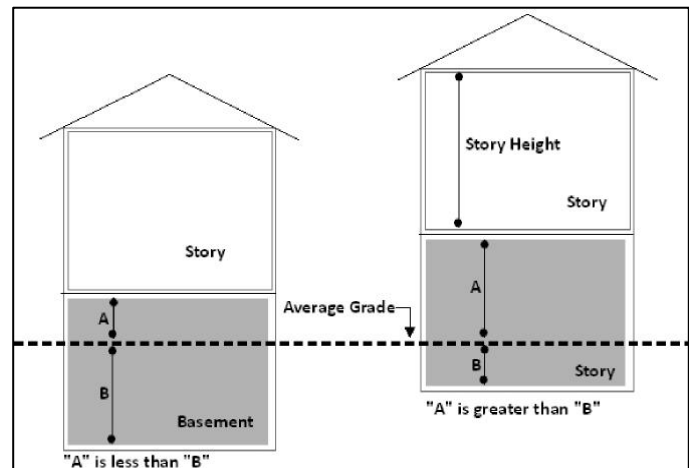
Auto or Vehicle Repair Garage. A place where the following activities may be carried out on vehicles such as passenger cars, pickup trucks, passenger vans, and the like: vehicle body repair, engine rebuilding or repair, undercoating, painting, tire recapping, upholstery work, and auto glass work.

Average. For the purpose of this Ordinance, the term “average” shall be an arithmetic mean.

Awning. Roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

B

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



Battery Energy Storage System. One (1) or more devices, assembled together, capable of storing energy produced by solar energy facilities and/or wind energy facilities in order to supply electrical energy at a future time, not to include a stand-alone car battery or an electric motor vehicle.

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Bed and Breakfast Establishment or Tourist Home. A single-family dwelling unit, occupied by the owner(s) or resident manager(s), with sleeping rooms available for rent by guests on a short-term basis (for periods of thirty (30) days or less consecutively per guest) at which the owner(s) or resident manager(s) may provide meals to guests only.

Berm. A constructed mound of earth rising to an elevation above the adjacent ground level of the site where located and which contributes to the visual screening of the area behind the berm.

Billboard. See **Off-Premise Sign.**

Biofuel Production Facilities (on Farms).

- A. **Biofuel.** Any renewable fuel product, whether solid, liquid, or gas, that is derived from recently living organisms or their metabolic by-products and meets applicable quality standards, including, but not limited to, ethanol and biodiesel. Biofuel does not include methane or any other fuel product from an anaerobic digester.
- B. **Ethanol.** A substance that meets the ASTM international standard in effect on the effective date of this Section as the D-4806 specification for denatured fuel grade ethanol for blending with gasoline.
- C. **Farm.** The land, plants, animals, buildings, structures, including ponds used for agriculture or aquiculture activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.
- D. **Proof Gallon.** That term as defined in 27 CFR 19.907. A gallon of liquid at sixty (60°) degrees Fahrenheit which contains fifty (50%) percent by volume of ethyl alcohol having a specific gravity of 0.7939 at sixty (60°) degrees Fahrenheit referred to water at sixty (60) degrees Fahrenheit as unity, or the alcoholic equivalent thereof.

Boarding House. See **Rooming House.**

Breezeway. Any covered passageway with open sides between two (2) buildings.

Brewpub. A facility where beer is produced, stored, and sold for consumption on or off the premises that meets the requirements of the **Michigan Liquor Control Commission.**

Buffer. Open space, landscaped areas, fences, walls, berms, or any combination thereof to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances.

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

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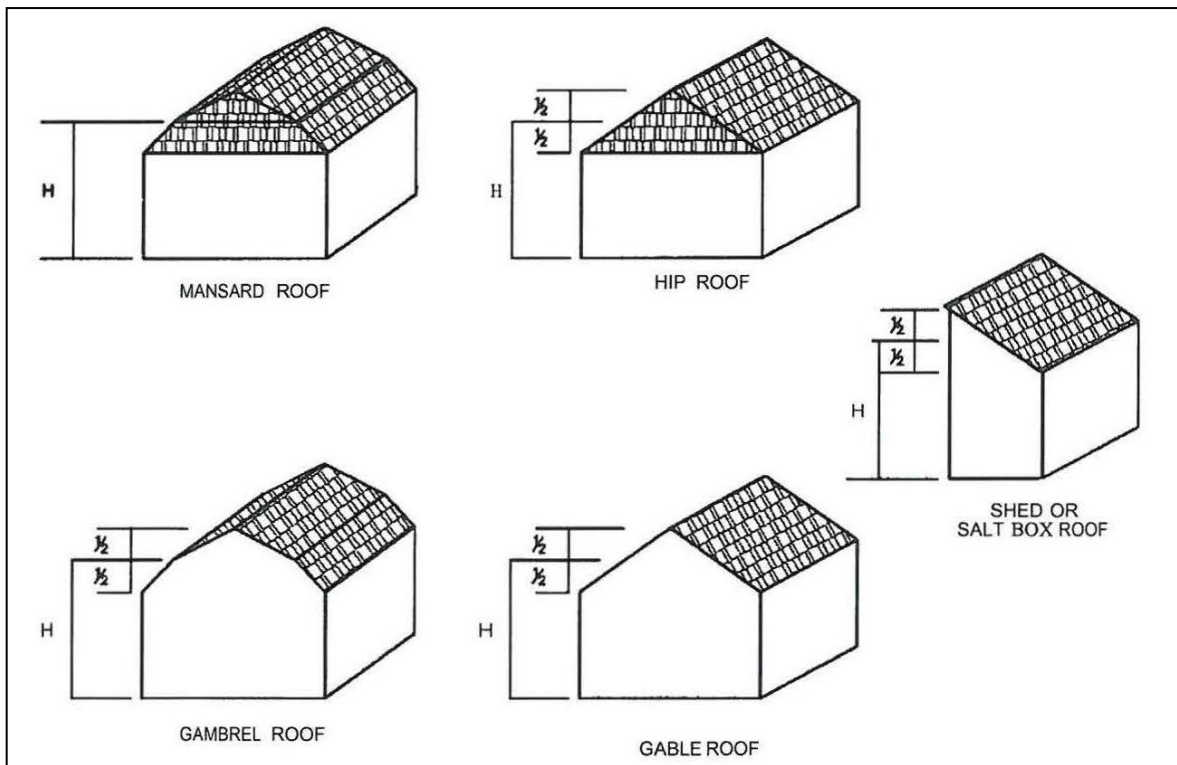
Building. A structure of more or less permanent construction having a roof and intended to be used for sheltering people, animals, property, or business activity. Temporary structures such as tents are not buildings, but houses, garages, factories, barns, etc., are buildings.

Building, Principal. Any building(s) on a lot or site in which is conducted the principal use of the premises on which it is located.

Building, Temporary. See [Temporary Building](#).

Building Envelope. The space remaining after the minimum setbacks and open space requirements of this Ordinance have been met. Also called Buildable Area.

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



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

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C

Cabin. Any building which is built, maintained, and used for sleeping quarters for seasonal or temporary recreational quarters, such as a hunting cabin, which may not maintain necessities of a “Dwelling” such as electricity, indoor plumbing, and the like.

Cabin Court. Two (2) or more cabins used for seasonal occupancy as dwellings or sleeping quarters for transients or tourists for a fee. Cabin courts contain cabins only and no other recreational activities that would typically be found in a ***Resort***.

Campground. Any zoning lot, under the control of any person where sites are offered for use by the public or members of an organization, either free of charge or for a fee for the establishment of temporary living quarters for one (1) or more recreational units including tents, recreational vehicles, or semi-permanent structures (such as but not limited to yurts or “glamping” which refers to upscale camping with amenities such as beds and electricity). The use of permanent structures such as cabins shall be defined as either a ***Resort*** or ***Cabin Court***.

Car Wash. A building, or portions thereof, the primary purpose of which is that of washing motor vehicles.

Carport. A permanent roof-like shelter that is free-standing or extends from part of a building and is constructed of rigid material. A carport is considered an accessory structure.

Category 4 Site. A lot which is classified by the Michigan Department of Agriculture as “Category 4” according to the most current ***Generally Accepted Agriculture Management Practices (GAAMPS)***. Category 4 sites are sites which are primarily residential and considered, by MDARD, as not acceptable for new or expanding livestock facilities unless allowed by this Ordinance. Category 4 sites are those which have more than thirteen (13) non-farm residences within one-eighth (1/8) mile of the site or those which have any non-farm residence within two hundred fifty (250) feet of the livestock facility (enclosed fencing).

Cemetery. Property, including mausoleums and/or columbaria, used or intended to be used for the perpetual interment of deceased human beings or household pets.

Child Care Facility. A facility for the care of children (persons under 18 years of age), as licensed and regulated by the State under ***1973 PA 116***, as amended (Child Care Organizations Act, being MCL §§ 722.111 - 722.128), and the associated rules promulgated by the State Department of Human Services. Such organizations shall be further defined as follows:

- A. **Family Child Day Care Home.** A state-licensed, owner-occupied private residence in which one (1) but not more than six (6) minor children are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year. A family child care home does not include an individual providing babysitting services for another individual. “Providing babysitting services” means caring for a child on behalf of the child’s parent or guardian if the annual compensation

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for providing those services does not equal or exceed \$600.00 or an amount that would according to the internal revenue code of 1986 obligate the child’s parent or guardian to provide a form 1099-MISC to the individual for compensation paid during the calendar year for those services. Family Child Care Home includes a private home with increased capacity. “Increased capacity” means one (1) additional child added to the total number of minor children received for care and supervision in a family child care home. The definition of Family Child Care Home in **1973 PA 116**, as amended, supersedes this definition if a difference in definition exists.

- B. **Group Child Day Care Home.** A state-licensed, owner-occupied private residence in which seven (7) but not more than twelve (12) children are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year. Group child care home includes a private home with increased capacity. “Increased capacity” means two (2) additional children added to the total number of minor children received for care and supervision in a group child care home. The definition of Group Child Care Home in **1973 PA 116**, as amended, supersedes this definition if a difference in definition exists.

- C. **Child Care Center.** A state-licensed facility, other than a private residence, receiving one (1) or more children for care and supervision for periods less than twenty-four (24) hours, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before- or after-school program, or drop-in center.

- D. **Child Caring Institution.** A child care facility that is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a twenty-four (24) hour basis, in buildings maintained by the child caring institution for that purpose, and operates throughout the year. An educational program may be provided, but the educational program shall not be the primary purpose of the facility. Child caring institution includes a maternity home for the care of unmarried mothers who are minors and an agency group home, which is described as a small child caring institution, owned, leased, or rented by a licensed agency providing care for more than four (4) but less than thirteen (13) minor children. Child caring institution also includes institutions for developmentally disabled or emotionally disturbed minor children. Child caring institution does not include a hospital, nursing home, or home for the aged licensed under Article 17 of the **Public Health Code, 1978 PA 368**, MCL 333.20101 to 333.22260, a boarding school licensed under Section 1335 of the **Revised School Code, 1976 PA 451**, MCL 380.1335, a hospital or facility operated by the State or licensed under the **Mental Health Code, 1974 PA 258**, MCL 330.1001 to 330.2106, or an adult foster care family home or an adult foster care small group home licensed under the **Adult Foster Care Facility Licensing Act, 1979 PA 218**, MCL 400.701 to 400.737, in which a child has been placed under Section 5(6).

- E. **Private Home.** A private residence in which the registered facility operator permanently resides as a member of the household.

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Church or Place of Worship. An institution that people regularly attend to participate in or hold religious services, meetings, and other activities. The term “church” shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held. Accessory uses, customarily associated with the church or place of worship are classified as part of the principal use as a church or place of worship.

Clinic. An institution for the medical treatment of humans and dealing with outpatients.

Clinic, Animal (Veterinary Clinic). A building or group of buildings and/or structures where domestic animals are admitted for examination, treatment, and care by a licensed veterinarian or related paraprofessionals and technicians and where such animals may be provided with overnight housing.

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

Cluster Development. A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

College. A place of higher learning providing facilities for teaching and research of a general, technical, or religious nature, either public or private.

Commercial Event Facility. A designated open area on a lot, a tent, gazebo, barn, and other specifically designed structures within which weddings, parties, meetings, family reunions, and corporate events are held for a fee. Also known as Convention Centers, Conference Centers, Banquet Halls, Wedding Venues, or Wedding Barns.

Commercial Use. Relates to the use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise, or personal services or the maintenance of offices or recreational or amusement enterprises.

Common Areas, Uses, and Services. Land areas, facilities, and utilities which are intended to be shared by the owners and occupants of individual building units in a subdivision or a planned development.

Concentrated Animal Feeding Operation (CAFO). A lot, parcel, or building or combination of contiguous lots, parcels, or buildings where agricultural animals have been, are, or will be stabled or confined and fed or maintained for a total of forty-five (45) days or more in any twelve (12) month period, where manure may accumulate, and where the concentration of animals is such that vegetative cover or post-harvest residues cannot be maintained within the enclosure during the normal growing season. Regulations pertaining to CAFOs are administered by the [State of Michigan](#). Information on the permitting process is available on www.mi.gov/cafo.

Conditional Rezoning. A rezoning that is conditioned by a specific use and approved site plan voluntarily proposed by the applicant.

Condominium. A development containing individually-owned dwelling units and jointly-owned and shared areas and facilities. The development may contain either detached or attached units.

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- A. **Condominium Act.** 1978 PA 59, as amended.
- B. **Condominium Documents.** The master deed, recorded pursuant to the Condominium Act, and any other instrument referred to in the master deed or bylaws which affects the rights and obligations of a co-owner in the condominium.
- C. **Condominium Unit.** The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, or any other type of use. Any “condominium unit” consisting of vacant land shall be equivalent to the term “lot” for the purposes of determining compliance of a condominium subdivision project with the provisions of this Ordinance pertaining to minimum lot size, minimum lot width, and maximum lot coverage.
- D. **General Common Elements.** The common elements other than the limited common elements.
- E. **Limited Common Elements.** A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.
- F. **Master Deed.** The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project, and all other information required by Section 8 of the **Condominium Act.**
- G. **Site Condominium.** A condominium development with single-family detached housing instead of two (2) or more housing units in one (1) structure

Construction. The building, erection, alteration, repair, renovation (or demolition or removal) of any building, structure, or structural foundation.

Convalescent or Nursing Home. A home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders and who require continuous nursing care and supervision. Said home shall conform and qualify for license under state law. Such an establishment shall not contain equipment for or provide care in maternity cases, drug addiction, alcoholism, mental disease, nor for surgical or medical cases commonly treated in hospitals.

Cottage Industry. A **Home Based Business** which, due to the nature of the investment or operation, includes one (1) or more of the following aspects:

- A. Requires regular visits by clients or customers.
- B. Needs frequent delivery or shipment of goods.
- C. Conducts regular operations or stores materials outside of the residence.
- D. Employs one (1) or more individuals who reside off premises.
- E. Has the potential to rapidly increase in size and intensity.

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Country Club. A private social and recreation facility providing one (1) or more of the following activities: golf, riding, swimming, indoor and outdoor recreation, and club house for members, their families, and invited guests.

D

Deck. A structure used for outdoor living purposes that may or may not be attached to a building and which protrudes more than eight (8) inches above finished grade. A deck shall meet the setbacks required for the principal building.

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

Driveway. An entrance from a road, public or private, to a dwelling unit, business, lot, or parcel.

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

Dwelling, Manufactured. See [Manufactured Home](#).

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

Dwelling, Two-Family. A building designed for and occupied by two (2) families living exclusively of each other. Also called a Duplex.

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

Dwelling Unit. A building, or portion thereof, designed for occupancy by one (1) family for residential purposes and having cooking facilities.

E

Easement. The right of a person, government agency, or public utility company to use public or private land owned by another for a specific purpose.

Egress. Means of exit.

Electric Vehicle Charging Station. A public or private parking space that is served by battery charging station

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equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

Electric Vehicle Charging Facility. A public or private parking lot that contains multiple electric vehicle charging stations and which has a principal purpose of providing charging stations. This facility may also contain amenities such as a building for patrons to wait for their vehicles to charge, food service, restrooms, and similar amenities.

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

Essential Services. The erection, construction, alteration, or maintenance by public utilities or municipal department or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication supply, or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles, and other similar equipment, and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or general welfare, but not including buildings other than such buildings as are primarily enclosures or shelters of the above essential service equipment. Wireless communication facilities, solar energy panels, battery energy storage facilities, and wind turbines are not included within this definition.

Essential Service Buildings & Facilities. Electric transformer stations, gas regulator stations, gas valve houses, booster stations, telephone exchange buildings, telephone repeater buildings, and other similar utility uses.

Excavating. The removal of sand, stone, gravel, soil, or similar materials. This does not include alterations for farming purposes, gardening purposes, and ground care.

Extraction of Natural Resources. The removal, extraction, or mining of sand, gravel, or other natural resources for commercial gain.

F

Family.

- A. An individual or group of two (2) or more persons related by blood, marriage, or adoption, together with foster children and servants of the principal occupants, with not more than one (1) additional unrelated person, who are domiciled together as a single domestic housekeeping unit in a dwelling; or
- B. A collective number of individuals domiciled together in one (1) dwelling whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single non-profit housekeeping unit. This definition shall not include any society, club, fraternity, coterie, organization, or

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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 or other similar determinable period.

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

Farm, Hobby. Land intended to be used for agricultural or aquaculture purposes on properties other than Commercial Farms. Hobby farming includes raising crops, keeping farm animals as pets, and raising animals for educational experience. Dogs, cats, and other household pets are not regulated as a Hobby Farm.

Farm Market. A year-round or seasonal location where transactions and marketing activities between farm market operators and customers take place. While the location must take place on property controlled by the affiliated farm, it does not have to be a physical structure such as a building. Fresh products as well as processed products may be sold at the farm market. Also known as Roadside Stand.

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

Farm Stay. A hosted accommodation on a working farm or ranch with guests paying for the privilege of staying overnight. Farm stay facilities may allow guests to help with farming activities or operations. Also called Vacation Farm or Guest Ranch. Farm stay accommodations may be offered in a variety of formats including but not limited to guest rooms in the principal dwelling, guest rooms in accessory buildings, campsites where guests bring their own accommodations, or sites where permanent freestanding recreational structures are in place (cabins, yurts, permanent tents, and the like). Farm Stays are classified as [Agricultural Tourism Business](#).

Feedlot. Any tract of land or structure, pen or corral, wherein cattle, horses, sheep, goats, swine, or poultry are maintained in close quarters for the purpose of fattening such livestock for final shipment to market. For the purpose of this Ordinance, the location of such large-scale operations may be limited for the protection of water quality and for odor control. See [Concentrated Animal Feeding Operation \(CAFO\)](#).

Fence. A man-made structure constructed for the purpose of or to have the effect of enclosing the area it is constructed upon.

Floor Area, Ground. For the purpose of computing the minimum dwelling size, the square footage of the main floor measured from exterior wall to exterior wall or from the centerline of walls separating two (2) dwellings. The ground floor area measurement is exclusive of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches or decks.

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

Food Truck. Any structure designed and pre-manufactured as a complete and transportable unit to be used as a place of business to sell prepared food for human consumption. Also called Food Trailer or Food Stand.

G

Game Farm. A farm or other rural property with captive game, licensed by the State and used as a "hunt-for-fee" or similar commercial hunting operations in which animals are hunted and taken by clients or customers, who pay for the opportunity to hunt and take game species. Game farms may also be used to buy, breed, observe, and/or sell captive game species, as permitted by the State of Michigan.

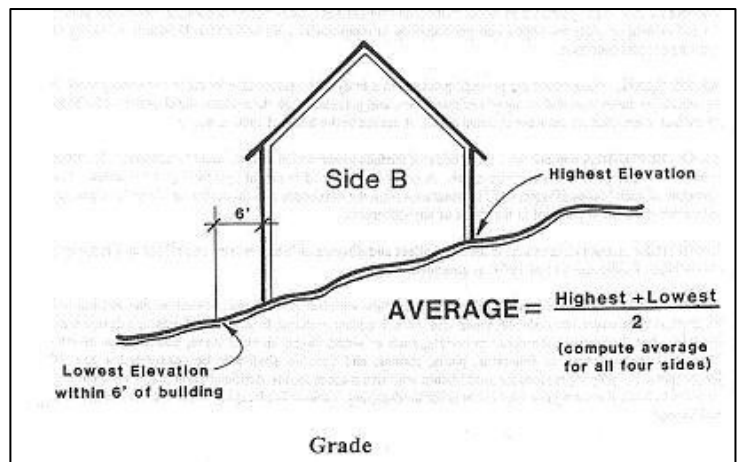
Garage, Rummage, and Yard Sales. The sale of any new, used, antique, or second-hand merchandise in any yard, garage, home building, or vacant lot.

Gas and Oil Processing Facilities. Any facility and/or structure used for, or in connection with, the production, processing, or transmitting of natural gas, oil, or allied products or substances, and the injection of same into the ground for storage or disposal, not under the exclusive jurisdiction or control of the State of Michigan.

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

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

Grade. To regulate the height of structures, grade shall be the level of the ground abutting the walls of the building. If the ground is not level, the grade shall be determined by averaging the elevation of the ground along each wall (see figure at right).



Grade, Finished. The elevation of the ground upon the completion of construction and improvements.

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Grade, Natural. The elevation of the ground surface in its natural state, before human alterations.

Greenbelt. A strip seventy (70) feet wide parallel to the bank of a stream or lake maintained in trees and shrubs or in its natural state to carry out the requirements of the Conservation and Resources District. For other districts, a greenbelt shall mean a planting of trees and shrubs to serve as a screening device between abutting land uses or along water bodies to screen and control erosion.

Guest House. See [Accessory Dwelling Unit](#).

H

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

Home Occupation. An occupation or profession customarily carried on by an occupant of a dwelling unit as a secondary use which is clearly subservient to the use of the dwelling for residential purposes and in no way operates in conflict with adjacent premises in terms of noise, traffic, displays, signs, and the like. See also [Cottage Industry](#).

Homeless Shelter. See [Residential Human Care Facility](#).

Hotel or Motel. A commercial building(s) in which sleeping rooms are offered primarily for transient occupancy to the traveling public and in which one (1) or more of the following services may be offered: maid service, furnishing of linen, telephone, secretarial or desk service, and bellboy service. A hotel or motel may include a restaurant or cocktail lounge, public banquet halls, ballrooms, or meeting rooms. Rooming/boarding houses, inns, bed and breakfast establishments, tourist homes, short term rental homes, and multiple-family dwelling units are excluded from this definition.

Hunting Club. A club organized for the purpose of hunting.

I

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

Improvements. Buildings, structures, parking areas, landscaping, and similar features which add value to a property and actions associated with a project which are considered necessary by the Township to protect natural resources or the health, safety, and welfare of the residents of the Township and future users or inhabitants of the proposed project or project area.

Indoor Commercial Recreational Facility. A commercial business that provides indoor amusement facilities, such as ice skating, racquetball, and other similar attractions and is open to the general public.

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Industrial. A business operated primarily for profit, including those of product manufacturing or conversion through the assembly of new or used products or parts or through the disposal or reclamation of salvaged material, and including those businesses and service activities that are a normal integral part of an industrial manufacturing enterprise, industrial park, district, or area.

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

Ingress. Access or entry.

Inn. A residential structure occupied by the owner(s) or resident manager with sleeping rooms available for rent by guests on a short-term basis and which offers meals to the public for compensation.

J

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

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

K

Kennel, Dog - Large-Scale. Any commercial facility, lot, or premises on which more than twenty (20) dogs six (6) months of age or older are kept temporarily or permanently for a fee.

Kennel, Dog - Small-Scale. Any commercial facility, lot, or premises on which up to twenty (20) dogs six (6) months of age or older are kept temporarily or permanently for a fee.

L

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

Livestock. Those species of animals used for human food, fiber, and fur, or used for service to humans. Livestock includes, but is not limited to, cattle, sheep, new world camelids, goats, bison, privately owned

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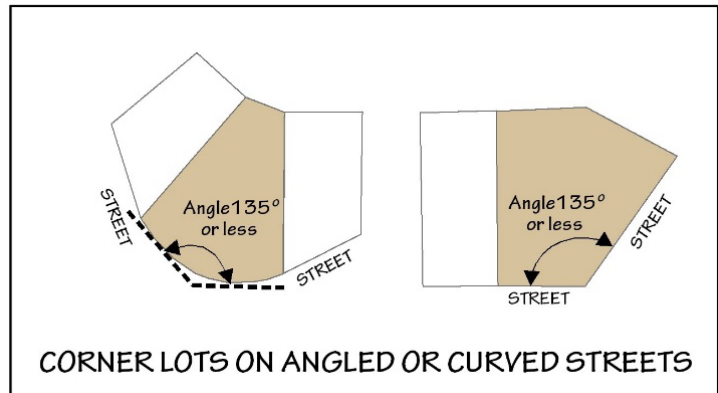
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cervids, ratites, swine, equine, poultry, and rabbits.

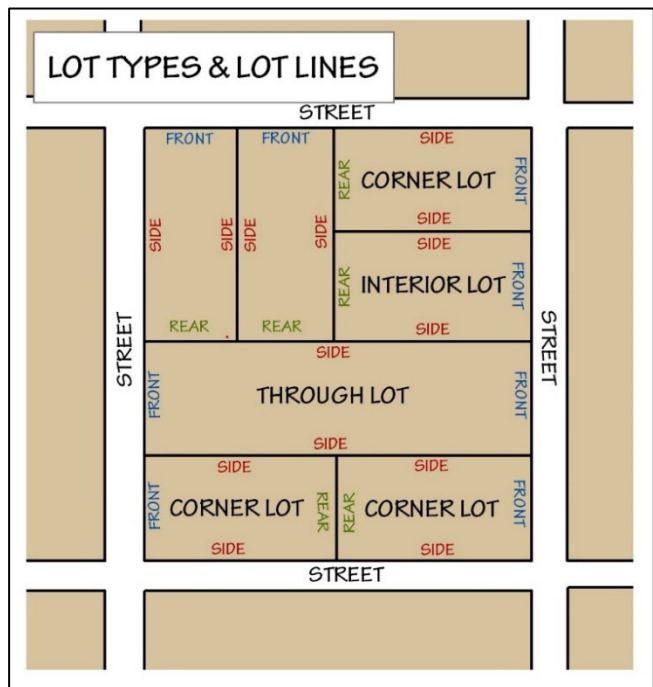
Loading Space. An off-street space for temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

Lot. A parcel, tract, or portion of land separated from other parcels or portions of land by description on a recorded plat or by metes and bounds description. A site condominium unit is considered a lot. When multiple lots are used for a single-purpose, the lots together are considered one (1) lot for zoning purposes (sometimes referred to as a “zoning lot”). Lot is also called parcel in this Ordinance.

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



Lot, Double Frontage (Through Lot). Any interior lot having frontage on two (2) more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lot abutting streets shall be considered frontage, and front yards shall be provided as required (also called a through lot).



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

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

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

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

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

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- A. **Front Lot Line.** In the case of an interior lot, the front lot line is the line separating said lot from the street. In the case of a corner lot, the front lot line is the line separating said lot from the street which is designated as the front street on the plat and in the application for a building permit or zoning occupancy permit. In the case of a double frontage lot, both lot lines abutting on streets shall be treated as front lot lines. The ordinary high water mark on a waterfront lot shall be treated as the front lot line and the line opposite of the waterfront (usually along the street frontage) shall be treated as a rear lot line.
- B. **Rear Lot Line.** The lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long and lying within the side lot lines.
- C. **Side Lot Line.** Any lot line other than a front or rear lot line.

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

Lot Width. The horizontal distance between the side lot lines measured at the two (2) points where the building line, or front setback, intersects the side lot lines.

M

Manufactured Home. Factory-built single-family structure that is manufactured under the authority of 42 U.S.C., Sections 5401 to 5426 (**National Manufactured Home Construction and Safety Standards Act of 1974**), is transportable in one (1) or more sections, is built on a permanent chassis and does not have hitch, axles, or wheels permanently attached to the body frame, commonly referred to as a single-wide, double-wide, or modular home.

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

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

Manufacturing, Heavy. The production, processing, packaging, cleaning, testing, and distribution of materials, goods, foodstuffs, and products. Heavy Manufacturing are those facilities in which the modes of operation of the facility do have external effects and may directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gases, electrical disturbance, heat, and vibration.

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Manufacturing, Light. The production, processing, packaging, cleaning, testing, and distribution of materials, goods, foodstuffs, and products. Light Manufacturing are those facilities in which the modes of operation of the facility do not have external effects and do not directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gases, electrical disturbance, heat, and vibration.

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

Medical Marijuana. The following definitions are related to medical marijuana:

- A. **Enclosed, Locked Facility.** That term as defined in Section 3 of **Initiated Law 1 of 2008**, as amended (Michigan Medical Marijuana Act, being MCL 333.26423).
- B. **Medical Marijuana.** That term as defined in the **Public Health Code**, MCL 333.1101 et seq., the **Michigan Medical Marijuana Act**, MCL 333.26421 et seq.; the **Medical Marijuana Facilities Licensing Act**, MCL 333.27101 et seq.; and the **Marijuana Tracking Act**, MCL 333.27901 et seq.
- C. **Primary Caregiver.** That term defined in Section 3 of **Initiated Law 1 of 2008**, as amended (Michigan Medical Marijuana Act, being MCL 333.26423) who is at least twenty-one (21) years old and who has been registered by **State Department of Licensing and Regulatory Affairs** or any successor agency to assist with a Qualifying Patients’ use of medical marijuana.
- D. **Primary Caregiver Facility.** A building in which the activities of a Primary Caregiver are conducted.
- E. **Qualifying Patient.** That term defined in Section 3 of **Initiated Law 1 of 2008**, as amended (Michigan Medical Marijuana Act, being MCL 333.26423) who has been diagnosed by a physician as having a debilitating medical condition as provided by the Michigan Medical Marijuana Act and who has obtained a duly issued registry identification card from the **State Department of Licensing and Regulatory Affairs** or any successor agency.

Mini-Storage. Groups of buildings that contain individual compartmentalized and controlled access stalls or lockers (sometimes in varying sizes) for dead storage of customer’s goods or wares.

Mixed Use Development. More than one (1) type of development on a single zoning lot (for example: residential and commercial on one (1) lot).

Motel or Motor Court. See **Hotel or Motel.**

Municipal Civil Infraction. A civil infraction as defined by Section 113 of the **Revised Judicature Act, 1961 PA 236**, as amended, involving a violation of this Ordinance. See the **Wilson Township Municipal Civil**

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Infraction Ordinance.

N

Nonconforming Building. Any building or portion thereof legally existing on the effective date of this Ordinance, or amendment thereto, which is not in conformance with the standards of this Ordinance.

Nonconforming Lot. A lot of record that legally existed on the effective date of this Ordinance, or amendment thereto, which does not meet dimensional requirements of this Ordinance.

Nonconforming Sign. A sign lawfully existing on the effective date of this Zoning Ordinance, or amendment thereto, which does not comply with one or more of the regulations set forth in this Zoning Ordinance.

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

Nuisance. An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a lot line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as, but not limited to. (A) noise, (B) dust, (C) smoke, (D) odor, (E) glare, (F) fumes, (G) flashes, (H) vibration, (I) shock waves, (J) heat, (K) electronic or atomic radiation, (L) objectionable effluent, (M) noise of congregation of people, particularly at night, (N) passenger traffic, (O) invasion of non-abutting street frontage by traffic, (P) a burned out structure, or (Q) a condemned structure.

Nursery. A space, building, or structure, or combination thereof, for the storage of live trees, shrubs, or plants offered for retail sale on the premises, including products used for gardening or landscaping. The definition of nursery does not include roadside stand.

Nursing Home. See **Convalescent or Nursing Home.**

O

Off-Street Parking Lot. See **Parking Lot, Off-Street.**

Office. A place where a business, executive, administrative, or professional activity is carried on (wherein goods, wares, or merchandise are not commercially treated, manufactured, fabricated, displayed, warehoused, exchanged, or sold); provided, however, this definition shall not preclude the interior display of or sale made from samples of merchandise normally associated with certain business services such as but not limited to manufacturer's representatives.

Open Space. Land upon which no structures, parking, rights-of-way, easements, sewage disposal systems (including backup areas for sewage disposal), or other improvements have or will be made that commit land for future use other than outdoor recreational use. Land proposed for outdoor recreational use that will

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result in the development of impervious surfaces shall not be included as open space.

Ordinary High Water Mark. Defined, as in **Part 301, Inland Lakes and Streams, of 1994 PA 451**, to mean the line between upland and bottom land which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the soil and the vegetation. On an inland lake which has had a level established by law, it means the high established level. On a river or stream, the ordinary high water mark shall be the ten-year flood limit line

Outdoor Commercial Recreational Facility. A commercial business that provides outdoor amusement facilities such as miniature golf, carnival rides, and other similar attractions, and open to the general public.

Outdoor Display. A land area occupied and used for the display of merchandise offered for sale.

Outdoor Sales/Rental/Repair Facility. Includes open-air sales, rental, or repair of the following: bicycles, utility trucks or trailers, motor vehicles, boats, home equipment, garages, recreation vehicles, recreational equipment, manufactured/mobile homes, snowmobiles, farm implements, swimming pools, and similar items.

Outdoor Storage. A land area occupied and used for open storage of products, building materials, sand, gravel, stone, lumber, equipment, and other supplies.

Owner. A person holding any legal, equitable, option, or contract of interest in land or building(s).

P

Parcel. See **Lot.**

Park. Properties and facilities owned or operated by any governmental agency, or owned or operated by any private agency, which are open to the general public for recreational purposes.

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

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

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

Performance Guarantee. A cash deposit, certified check, irrevocable bank letter of credit, or a performance or surety bond approved by the Township.

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

Person. An individual, firm, corporation, partnership, limited liability company, incorporated association, or any similar legal entity or their agents.

Personal Services Establishments. Establishments offering services for a fee or other remuneration such as barber or beauty shops, clothing repair shops, health spas, massage therapy, and other similar uses.

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

Pets, Exotic. Breeds of animals that are uncommonly found as either pets or livestock. These breeds are often not indigenous, are undomesticated, wild by nature, unusual in appearance, venomous, and can be potentially dangerous if they escape. Exotic animals could include but are not limited to: nonhuman primates; venomous cold-blooded reptiles or other animals; constrictor snakes three (3) feet or longer; wild or exotic cats including bobcats, cheetahs, lions, panthers, and tigers; non-domesticated carnivores like bears and wolves; sharks; ostriches or emu; venomous spiders and insects; elephants; camels; wild animals like skunks, raccoons, deer, groundhogs, weasels, and badgers; gamecocks and other fighting birds or fowl, and any animal that is predominately wolf or coyote.

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

Planning Commission. The term Planning Commission is deemed to mean the Wilson Township Planning Commission, as established pursuant to [2008 PA 33](#), as amended.

Plat. A map of a subdivision of land recorded with the Register of Deeds pursuant to State statute.

Plot Plan. The drawings and documents depicting and explaining all salient features of a proposed development which requires a zoning permit but are not required to prepare a site plan, in order to evaluate compliance with Zoning Ordinance standards and requirements.

Porch, Enclosed. A covered entrance to a building or structure which is totally enclosed and projects out from the wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached. An enclosed porch shall adhere to the required setbacks of the principal building.

Porch, Open. An entrance to a building or structure which is covered but not enclosed and projects out from the wall of said building or structure. An open porch shall adhere to the required setbacks of the

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principal building. An uncovered porch falls under the definition of *Deck*.

Principal Use. The primary or chief purpose for which a lot is used.

Professional Office. The office of a professional person such as a doctor, dentist, engineer, architect, attorney, insurance or real estate agent, and the like.

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

R

Recreational Vehicle. A vehicle designed to be used primarily for recreational purposes, including temporary sleeping quarters and/or cooking facilities. A recreational vehicle may be a motorized, self-propelled vehicle or a unit designed to be attached to a vehicle and used for such purposes, including pickup campers, fifth-wheel trailers, travel trailers, and tent or pop-up trailers. This term does not include manufactured or mobile homes.

Recreational Vehicle (RV) Park. See *Campground*.

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

Residential Human Care Facility. A facility (not within a private residence) providing:

- A. Emergency shelter and services for battered individuals and their children in a residential structure.
- B. Shelter and services for individuals receiving care, counseling, crisis support, and similar activities including court-directed services.
- C. Emergency shelter for individuals who are homeless.
- D. Services, programs, and shelter for residents who are undergoing alcohol or substance abuse rehabilitation.

Resort. A recreational lodge, camp, or facility operated for gain, and which provides overnight lodging and one or more of the following activities: golf, skiing, dude ranching, recreational farming, snowmobiling, bike trails, boating, or similar recreational activity. A resort shall have a minimum site of ten (10) acres. A resort may provide commercial facilities such as but not limited to sporting goods sales/rentals, restaurants, spa services, and gift shops and may provide personal services customarily furnished at hotels or motels. Commercial facilities may be open to non-guests in addition to resort guests.

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Restaurant. A business located in a building where, in consideration for the payment of money, meals are habitually prepared, sold, and served to persons for consumption on or off the premises, having suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of goods that may be required for ordinary meals, and deriving the major portion of its receipts from the sale of food and complying with state and federal health regulations.

Retail Sales. Establishments offering goods for sale such as food stores, drug stores, clothing sales, gift shops, hardware, and appliance sales, restaurants and drinking places, variety stores, and similar uses.

Right-of-Way. A street, alley, or other roadway or easement permanently established for the passage of persons or vehicles.

Road, Private. Any road which is privately constructed and has not been accepted for maintenance by the County Road Commission, State of Michigan, or the federal government. Also called a private “street.”

Road, Public. Any road or portion of road which has been dedicated to and accepted for maintenance by the County Road Commission, State of Michigan, or federal government. Also called a public “street.”

Roadside Stand. See [Farm Market](#).

Rooming House. An owner-occupied single-family dwelling having one (1) kitchen and used for the purpose of providing lodging or lodging and meals, for more thirty than (30) days, for pay or compensation of any kind, to more than two (2) persons other than members of the family occupying such dwelling. Also called Boarding House.

S

Salvage Yard. See [Junkyard](#).

Sanitary Landfill. An area planned and designed for the disposing of refuse, as defined by [Part 115 \(Solid Waste Management\) of 1994 PA 451 \(Natural Resources and Environmental Protection Act\)](#), as amended, without creating nuisances or hazards to public health or safety.

School. A public or private educational institution offering students a conventional academic curriculum, including kindergartens, elementary schools, middle schools, and high schools. Such term shall also include all adjacent properties owned by and used by such schools for educational, research, and recreational purposes.

Scrap Yard. See [Junkyard](#).

Seasonal Use. Any use or activity that is not conducted during each month of the year.

Seasonal Use Sales. Sales establishments which exist on a temporary basis based on seasonal events such as Christmas tree sales, seasonal produce, and fireworks.

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Setback. The minimum horizontal distance between any side of a structure and the nearest lot line (edge of road right-of-way or ordinary high water mark) within which no buildings or structures may be placed. Setbacks are measured from the eave of the building to the lot line.

Sexually Oriented Business. A business or commercial enterprise engaging in any of the following: adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, and similar establishments.

- A. **Adult Arcade.** Any place to which the public is permitted or invited wherein coin-operated or slug-operated electronically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.
- B. **Adult Bookstore or Adult Video Store.** A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration one (1) or more of the following:
 - 1. Books, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes or video reproductions, slides or other visual representations or media which depict or describe Specified Sexual Activities or Specified Anatomical Areas; or
 - 2. Instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities.

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

- C. **Adult Cabaret.** A nightclub, bar, restaurant, or similar commercial establishment that regularly features any of the following:
 - 1. Persons who appear in a state of nudity.
 - 2. Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities.
 - 3. Films, motion pictures, video cassettes, slides, other photographic reproductions, or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

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4. Persons who engage in lewd, lascivious, or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.
- D. **Adult Motel.** A hotel, motel, or similar commercial establishment that:
1. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions, or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas and has a sign visible from the public right of way that advertises the availability of any of the above; or
 2. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
 3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.
- E. **Adult Motion Picture Theater.** A commercial establishment which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, or other photographic reproductions or visual media that are characterized by depiction or description of Specified Sexual Activities or Specified Anatomical Areas.
- F. **Adult Theater.** A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of Specified Anatomical Areas or by Specified Sexual Activities.
- G. **Escort Agency.** Any business, agency, or person who, for a fee, commission, hire, reward, or profit, furnishes or offers to furnish names of persons, or who introduces, furnishes, or arranges for persons, who may accompany other persons to or about social affairs, entertainments, or places of amusement, or who may consort with others about any place of public resort or within any private quarters.
- H. **Human.** Besides the customary meaning, the term “human” shall also include non-living anthropomorphic (resembling human) devices, both physical and digital.
- I. **Nude Model Studio.** Any place where a person who displays Specified Anatomical Areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include an educational institution funded, chartered, or recognized by the State of Michigan.
- J. **Nudity or a State of Nudity.** Knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:

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1. A woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
2. Material as defined in Section 2 of **1984 PA 343**, Obscene Material, being section 752.362 of the Michigan Compiled Laws.
3. Sexually explicit visual material as defined in Section 3 of **1978 PA 33**, Disseminating, Exhibiting or Displaying Sexually Explicit Matter to Minors, being section 722.673 of the Michigan Compiled Laws.

K. **Specified Anatomical Areas**. Means and includes any of the following:

1. Less than completely and opaquely covered.
 - a. Human genitals; or
 - b. Pubic region; or
 - c. Buttocks; or
 - d. Female breast below a point immediately above the top of the areola.
2. Human male genitals in a discernible turgid state even if completely or opaquely covered.

L. **Specified Sexual Activities**. Means and includes any of the following:

1. Human genitals in a state of sexual arousal;
2. Acts of or simulated acts of human masturbation, sexual intercourse, sodomy, bestiality, fellatio, or cunnilingus;
3. Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast; or
4. Excretory functions as part of or in connection with any of the activities set forth in 1-3 above.

Shipping Container. A container fabricated for the purpose of transporting freight or goods on a truck, railroad, or ship. Shipping containers include cargo containers, storage units, or other portable structures that are used for storage of items, including, but not limited to, clothing, equipment, goods, household or office fixtures or furnishings, materials, and merchandise.

Short Term Rental. A dwelling which is unoccupied by the owner or manager and which furnishes transient accommodations for compensation for periods of thirty (30) days or less.

Sign. Any device designed or intended to inform or attract the attention of any person.

Sign Area.

- A. The sign face area shall be computed by including the entire area within a single, continuous perimeter

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enclosing the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the back drop or structure against which it is placed, but not including any supporting framework, bracing, or base that is clearly incidental to the display itself.

- B. If the sign consists of more than one (1) section or module, all of the area, including that between sections or modules, shall be included in the computation of the sign face area.
- C. With respect to two-sided, multi-sided, or three-dimensional signs, the sign face area shall be computed by including the total of all sides designed to attract attention or communicate information that can be seen at any one time by a person from one vantage point, without otherwise limiting the generality of the foregoing.
- D. The sign face of a double-faced, back-to-back sign shall be calculated by using the area of only one (1) side of such sign, so long as the distance between the backs of such signs does not exceed three (3) feet.
- E. The sign face area of a double-faced sign constructed in the form of a "V" shall be calculated by using the area of only one side of such sign (the larger side if there is a size difference) so long as the interior angle of the "V" does not exceed thirty (30) degrees and at no point does the distance between the backs of such sides exceed five (5) feet.

Sign Height. The vertical distance measured from the ground immediately beneath the sign to the highest point of the sign or its projecting structure.

Sign Definitions.

- A. ***Abandoned Sign.*** A sign to which any of the following applies:
 - 1. The sign has remained blank over a period of ninety (90) days.
 - 2. The sign’s message becomes illegible in whole or substantial part.
 - 3. A sign which has fallen into disrepair.
- B. ***Accessory Sign.*** A permanent sign which is subordinate to the primary sign and customarily incidental to, and on the same lot as, the primary sign.
- C. ***A-Frame Sign.*** A self-supporting temporary sign consisting of two (2) panels hinged at the top providing advertising on each panel and can be readily moved within a property or to another property. See ***Temporary Sign.***
- D. ***Attention-Getting Device.***

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1. **Feather Banner or Sail Sign.** A temporary banner made of flexible material and typically shaped like a sail or feather that is usually placed in an upright position.
 2. **Air Dancers.** A tall inflatable model, usually of a person or an animal, that appears to move around due to air being blown into it.
 - E. **Awning or Canopy Sign.** A sign painted on, printed on, or attached flat against the surface of an awning or canopy.
 - F. **Banner.** A sign made of natural or synthetic material used to display a message; however, not including pennants or flags.
 - G. **Cluster Sign.** An on-premises sign which identifies a complex of establishments on one lot and contains multiple signs on one (1) structure including one for each establishment and one (1) for the complex as a whole.
 - H. **Freestanding Sign.** A pylon sign or monument sign.
 - I. **Marquee Sign.** Any sign attached to or supported by a marquee structure.
 - J. **Message Board, Static.** A sign with a changeable display/message consisting of alphabetic, pictographic, or symbolic informational content that must be changed manually by non-electronic means.
 - K. **Message Board, Digital.** A sign with a changeable display/message consisting of alphabetic, pictographic, or symbolic informational content that is composed of a series of lights that may be changed through electronic means.
 - L. **Monument Sign.** Any freestanding sign attached directly to the ground by a solid base and foundation constructed of masonry, brick, stone, decorative metal, wood, or other durable material.
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M. **Off-Premise Sign.** An outdoor sign advertising services or products, activities, persons, or events which are not made, produced, assembled, stored, distributed, leased, sold, or conducted upon the premises upon which the billboard is located. Also called “Billboard.”

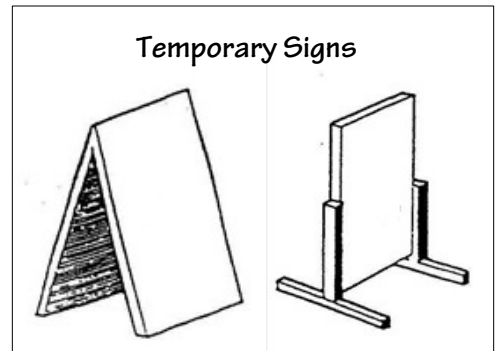
N. **Projecting Sign.** A sign which is affixed to any building or structure, other than a marquee, where the face of the sign is generally perpendicular to the face of the building or structure.

O. **Portable Changeable Copy Sign.** Any sign not permanently attached to the ground or a building and is designed to be transported by trailer or wheels including such signs with wheels removed or with chassis or support constructed without wheels.

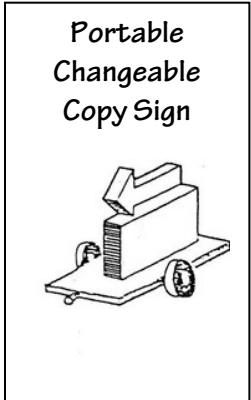
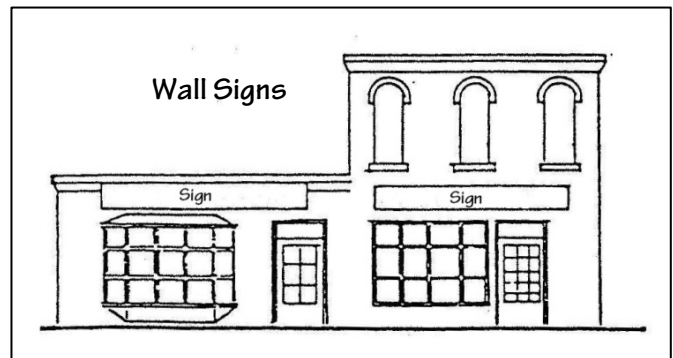
P. **Pylon Sign.** A sign which is an elevated sign supported by one (1) or more bearing columns.

Q. **Roof Sign.** A display sign which is erected, constructed, and maintained above the roof of the building. For the purpose of this Ordinance, any sign display surface that is affixed flat against the sloping surface of a mansard roof shall be considered a wall sign.

R. **Temporary Sign.** A sign—constructed of cloth, canvas, fabric, plastic, or other light temporary material, with or without a structural frame, or any other sign intended for a limited period of display, but not including decorative displays for holidays or public demonstration. A temporary sign shall not be used as a substitute for a permanent on-premise advertising sign, except as permitted within this Ordinance. A temporary sign is one that is not affixed to the ground permanently and can be easily moved.



S. **Wall Sign.** A display sign which consists of a structure attached directly to the building wall. For the purpose of this Ordinance, any sign display surface that is affixed flat against the sloping surface of a mansard roof shall be considered a wall sign. Signs which are painted on a building or vinyl wraps placed directly on a building or window shall not be considered signs.



Sign Surface. That part of the sign upon, against, or through which the message is displayed or illustrated.

Site Plan. The drawings and documents depicting and explaining all salient features of a proposed

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development so that it may be evaluated according to the procedures set forth in this Ordinance, to determine if the proposed development meets the requirements of this Zoning Ordinance.

Small-Scale Craft Making. Encompasses the production and sale of hand-made items including furniture, clothing, art, jewelry, toys, candles, collectibles, and similar items on a scale that does not require a manufacturing plant and a large amount of specialized equipment and chemicals. No more than fifty (50) percent of the structure is devoted to making crafts while the remainder of the structure is devoted to sales.

Solar Definitions.

- A. **Solar Energy Facility (Utility-Scale).** A facility designed to capture and utilize the energy of the sun to generate electrical power to be used primarily off-site. A solar energy facility consists of an array of solar collection devices used to collect solar rays and all associated ancillary and structural devices needed to support and convert/transmit the energy collected.
- B. **Solar Energy Panels, Accessory Use.** Solar collection devices designed to capture and utilize the energy of the sun to generate electrical power primarily for use on-site.
 - 1. **Building-Integrated Accessory Solar Energy Panels.** Accessory solar energy panels that are an integral part of a primary or accessory building or structure (rather than a separate mechanical device), replacing or substituting for an architectural or structural component of the building or structure. Building-integrated systems include, but are not limited to, photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.
 - 2. **Ground-Mounted Accessory Solar Energy Panels.** Accessory solar energy panels mounted on support posts, like a rack or pole, that are attached to or rest on the ground.
 - 3. **Building-Mounted Accessory Solar Energy Panels.** A solar energy system mounted on racking that is attached to the wall of a building or structure or is attached to or ballasted on the roof of a building or structure.
- C. **Solar Collection Device.** The actual material(s) used to collect solar rays and all associated ancillary and structural devices needed to support and convert/transmit the energy collected.
- D. **Dual Use.** A solar energy system that employs one (1) or more of the following land management and conservation practices throughout the project site:
 - 1. **Pollinator Habitat.** Solar sites designed to meet a score of seventy-six (76) or more on the Michigan Pollinator Habitat Planning Scorecard for Solar Sites.
 - 2. **Conservation Cover.** Solar sites designed in consultation with conservation organizations that focus on restoring native plants, grasses, and prairie with the aim of protecting specific species (e.g., bird habitat) or providing specific ecosystem services (e.g., carbon sequestration, soil health).

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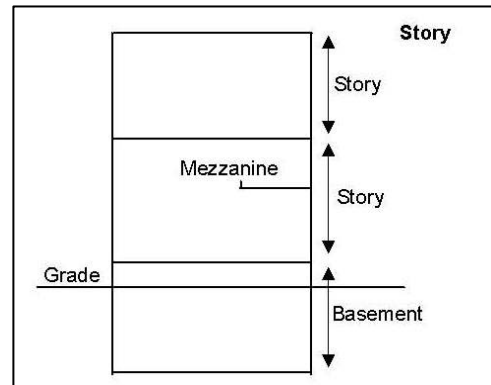
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- 3. **Forage.** Solar sites that incorporate rotational livestock grazing and forage production as part of an overall vegetative maintenance plan.
- 4. **Agrivoltaics.** Solar sites that combine raising crops for food, fiber, or fuel, and generating electricity within the project area to maximize land use.
- E. **Maximum Tilt.** The maximum angle of a solar collection device (i.e., most vertical position) for capturing solar radiation as compared to the horizon line.
- F. **Minimum Tilt.** The minimal angle of a solar collection device (i.e., most horizontal position) for capturing solar radiation as compared to the horizon line.
- G. **Non-Participating Lot(s).** One (1) or more lots for which there is not a signed lease or easement for development of a solar energy facility associated with the applicant project.
- H. **Participating Lot(s).** One (1) or more lots under a signed lease or easement for development of a solar energy facility associated with the applicant project.
- I. **Repowering.** Reconfiguring, renovating, or replacing a solar energy facility to maintain or increase the power rating of the solar energy facility within the existing project footprint.
- J. **Wildlife-Friendly Fencing.** A fencing system with openings that allow wildlife to traverse over or through a fenced area.

Special Land Use. A use permitted within certain Zoning Districts that is generally compatible with permitted uses but which possesses characteristics that could impact adjacent properties and which requires individual review and public hearing to ensure compatibility with the character of the surrounding area, adjacent properties, and public services and facilities. Special Land Uses are subject to conditions stated in this Ordinance and to any special conditions imposed by the Planning Commission to protect other properties in the Township.

State-Licensed Residential Facility. A structure constructed for residential purposes that is licensed by the State under the **Adult Foster Care Facility Licensing Act, 1979 PA 218**, MCL 400.701 to 400.737, or the **Child Care Organizations Act, 1973 PA 116**, MCL 722.111 to 722.128, and provides residential services for six (6) or fewer individuals under 24-hour supervision or care.

Story. That part of a building included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A "mezzanine" floor shall be deemed a full story only when it covers more than fifty (50) percent of the area of the story underneath said mezzanine, or if the vertical distance from the



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floor next below it to the next above it is twenty-four (24) feet or more. Also, see [Basement](#).

Story, Half. An uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven (7) feet six (6) inches. For the purposes of this Ordinance, the usable floor area is only that area having at least five (5) feet clear height between floor and ceiling.

Street. See [Road, Public](#) or [Road, Private](#).

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

T

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

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

Thoroughfares.

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

Tourist Home. See [Bed and Breakfast Establishment or Tourist Home](#).

Tower. See [Wireless Communications: Wireless Communications Support Structure](#).

Township. Wilson Township, Alpena County, Michigan.

Township Board. The Wilson Township Board of Trustees.

Travel Trailer. See [Recreational Vehicle](#).

U

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

Use, Accessory. See [Accessory Use](#).

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Use, Principal. See ***Principal Use.***

Use, Temporary. See ***Temporary Use.***

V

Variance, Dimensional. A variance granted to provide relief from a specific standard in this Zoning Ordinance which usually relates to an area, dimension, or construction requirement/limitation. It, unlike use variances, does not affect what land use may be established on a lot. Rather it is granted only to allow permitted structures to be developed in the face of a "practical difficulty."

Variance, Use. A variation of the Ordinance standards allowing a use within a specific zoning district which is otherwise not allowed in that district. Use Variances are granted based on the showing of an unnecessary hardship. The Zoning Board of Appeals shall not have the authority to grant a "Use Variance."

W

Warehouse. A property where goods are stored by contract and/or for a valuable consideration, which goods are not intended for sale on those premises.

Wind Energy Definitions.

- A. **Ambient.** Ambient is defined as the sound pressure level exceeded ninety (90) percent of the time.
- B. **Anemometer.** A device used to measure wind speed.
- C. **dB(A).** The sound pressure levels in decibels. Refers to the "a" weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.
- D. **Decibel.** The unit of measure used to express the magnitude of sound pressure and sound intensity.
- E. **Horizontal Axis Wind Turbine.** A wind turbine in which the rotor(s) rotate around a horizontal shaft.
- F. **Non-Participating Lot(s).** One (1) or more lots for which there is not a signed lease or easement for development of a wind energy facility associated with the applicant project.
- G. **Participating Lot(s).** One (1) or more lots under a signed lease or easement for development of a wind energy facility associated with the applicant project.
- H. **Shadow Flicker.** Alternating changes in light intensity caused by the moving blade of a wind turbine casting shadows on the ground and stationary objects, such as the window of a dwelling.
- I. **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.

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- J. **Sound Pressure Level.** The sound pressure mapped to a logarithmic scale and reported in decibels (dB).
- K. **Vertical Axis Wind Turbine.** A wind turbine in which the rotor rotates around a vertical shaft.
- L. **Wind Energy Facility.** A power generating facility consisting of one or more wind turbines under common ownership or operation control, and includes substations, MET towers, cables/wires, and other buildings accessory to such facility, whose main purpose is to supply electricity to off-site customers.
- M. **Wind Turbine.** A wind energy conversion system which converts wind energy into power. Includes a tower, pylon, or other structure, including all accessory facilities, upon which any, all, or some combination of the following are mounted:
 - 1. A wind vane, blade, or series of wind vanes or blades, or other devices mounted on a rotor for the purpose of converting wind into electrical or mechanical energy.
 - 2. A shaft, gear, belt, or coupling device used to connect the rotor to a generator, alternator, or other electrical or mechanical energy-producing device.
 - 3. A generator, alternator, or other device used to convert the energy created by the rotation of the rotor into electrical or mechanical energy.
- N. **Wind Turbine Total Height.** The distance between the ground and the highest point of the wind turbine including the top of the blade in its vertical position.
- O. **Wind Turbine, On-Site.** A wind turbine designed and used primarily to generate electricity or produce mechanical energy for use on the property where located.
- P. **Wind Turbine, Utility-Scale.** A wind turbine designed and used primarily to generate electricity by or for sale to utility companies.

Wireless Communications. Any FCC-licensed or authorized wireless communication service transmitted through the airwaves over frequencies in the electromagnetic spectrum including, but not limited to, infrared line of sight, cellular, personal communications service (PCS), microwave, satellite, or radio signals.

- A. **Alternative Tower Structure.** Man-made trees, clock towers, bell steeples, light poles, and other similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
- B. **Amateur Radio Antenna.** A freestanding or building-mounted antenna, including any base, tower or pole, and appurtenances, intended for airway communication purposes by a person holding a valid amateur radio license issued by the **Federal Communications Commission**.

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- C. **Antenna**. Any exterior transmitting or receiving device mounted on a tower, building, or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio signals, or other communication signals.
- D. **Antenna Array**. One (1) or more rods, panels, discs, or similar devices used for the transmission or reception of wireless communications signals, which may include an omnidirectional antenna (rod), directional antenna (panel), and parabolic antenna (disc). The Antenna Array does not include the Support Structure.
- E. **Co-Location**. The location of two (2) or more wireless communication facilities on a common structure, tower, or building, with the objective of reducing the overall number of structures required to support wireless communication antennas within the community.
- F. **Height**. The distance measured from ground level to the highest point on the Wireless Communication Facility, including the antenna array.
- G. **Setback**. The required distance from the lot line of the zoning lot on which the Wireless Communication Facility is located to the base of the Support Structure.
- H. **Small Cell Wireless Facility**. A wireless facility that meets both of the following requirements:
 - 1. Each antenna is located inside an enclosure of not more than six (6) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements would fit within an imaginary enclosure of not more than six (6) cubic feet.
 - 2. All other wireless equipment associated with the facility is cumulatively not more than twenty-five (25) cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.
- I. **Wireless Communications Equipment**. The set of equipment and network components used in the provision of wireless communications services, including, but not limited to antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.
- J. **Wireless Communication Facility**. A Wireless Communication Facility is any facility for the transmission and/or reception of wireless communications services, usually consisting of an antenna array, connection cables, an equipment facility, and a support structure. A Wireless Communication Facility also includes an antenna array attached to an existing building or structure.
- K. **Wireless Communication Facility (Ground-Mounted) – Also Called “Earth Station or Ground Station”**. A wireless communication facility in which the antenna array is mounted to the ground or other surface and which does not use a Wireless Communications Support Structure (tower).

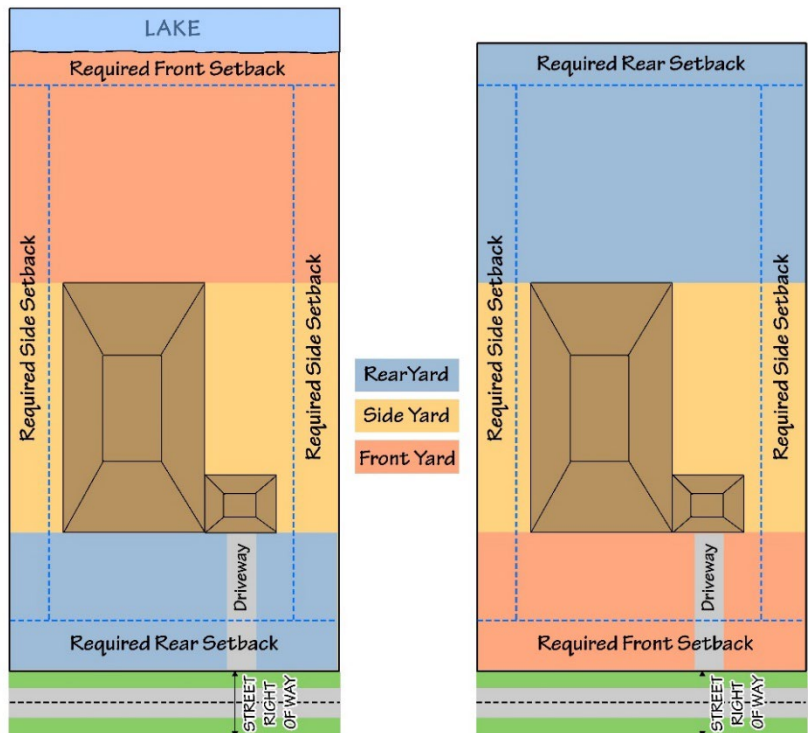
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- L. **Wireless Communications Support Structure (also known as “Tower”).** Structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles, guyed towers, or other structures which appear to be something other than a mere support structure.

Y

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

- A. **Front Yard.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the principal building. On a waterfront lot, the front yard is the yard abutting the waterfront.
- B. **Rear Yard.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the principal building. In the case of a corner lot the rear yard is opposite the front lot line.
- C. **Side Yard.** An open space between a principal building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point to the side lot line to the nearest point of the principal building.



Yard Sale. See [Garage, Rummage, and Yard Sales](#).

Z

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

Zoning Appeal. An entreaty or demand for a hearing and/or review of facts and/or actions by the Zoning

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Board of Appeals.

Zoning Board of Appeals. As used in this Ordinance, the term "Board of Appeals" or "ZBA" means the Zoning Board of Appeals whose duties and powers are detailed in [Article 8](#).

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

Zoning Lot. When a lot or lots are used for a single purpose, the lots together are considered one (1) lot for zoning purposes.

Zoning Permit. A zoning permit is written authority as issued by the Zoning Administrator on behalf of the Township permitting the construction, moving, exterior alteration, or use of a building in conformity with the provisions of this Ordinance.

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Article 3

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Section 3.1 Effect of Zoning

A. Purpose.

It is the purpose of this Article to provide regulations that apply in all zoning districts to all permitted and Special Land Uses.

B. Application of General Regulations.

1. Zoning affects every structure and use and extends vertically.
2. The provisions of this Article shall apply to all districts, except as noted herein.
3. Except as hereinafter specified, each building, structure, or premises shall hereafter be used or occupied, and each building or part thereof or other structure shall be erected, moved, placed, reconstructed, extended, enlarged, or altered, in conformity with the regulations herein specified for the zoning district in which it is located.
4. No structure shall hereafter be erected, relocated, or altered in its exterior dimension or interior use, and no excavation for any structure shall be begun until a zoning permit from the Township has been issued. With respect to this Zoning Ordinance, eligibility for a zoning permit shall be established upon conformance with the provisions contained herein.
5. **Required Area or Space.** No yard, lot, parking area, or other required space existing at the time of passage of this Ordinance shall be subdivided or reduced in dimension or area below the minimum requirements set forth herein except where such reduction has been brought about by expansion or acquisition of public rights-of-way for streets, roads, or highways. If a required area is already less than the minimum required under this Ordinance, said area or dimension shall not be further divided or reduced. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
6. No building or other structure shall hereafter be altered:
 - a. To accommodate or house a greater number of persons or families than permitted by the Zoning District or to provide less space per dwelling unit than is specified for the Zoning District in which such building is located.
 - b. To have narrower or smaller rear setbacks, front setbacks, or other side setbacks, other than permitted.
 - c. To exceed the height limitations or to occupy a greater percentage of lot area than is specified for the Zoning District in which such building is located.

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- 7. In case any building or part thereof is used, erected, altered, or occupied contrary to law or to the provisions of this Ordinance, such building shall be declared a nuisance and may be required to be vacated, torn down, or abated by any legal means and shall not be used or occupied until it has been brought into conformance.

C. Nonconformities.

In the event that any lawful use, activity, building, or structure exists at the time of the adoption of this Ordinance and is not in conformance with the provisions of the Zoning District in which it is located, such use, activity, building, or structure shall be considered a legal nonconformity and shall be allowed to remain as such and is regulated by [Section 3.19](#) (Nonconformities).

D. Construction in Progress.

If construction on a building or structure is lawfully begun prior to adoption of this Ordinance, nothing in this Ordinance shall be deemed to require any change in the planned or designed use of any such building provided that actual construction is being diligently carried on, and further provided that such building shall be entirely completed for its planned or designed use within one (1) year from the effective date of this Ordinance, or affecting amendment. If said construction cannot be completed within one (1) year, the Zoning Administrator may extend the required completion period by one (1) additional year.

E. Zoning Lots.

When multiple lots are used together to meet the minimum requirements for width, area, setback, and other Ordinance requirements, the lots together are considered one (1) zoning lot for zoning purposes.

F. Maintenance of Required Elements.

The maintenance of setbacks, open spaces, lot areas, height and bulk limitations, fences, walls, clear vision areas, parking, and loading spaces, and all other requirements, including the proper maintenance and repair of screening arrangements, for a building or use specified within this Ordinance shall be a continuing obligation of the owner of such building or property on which such building or property or use is located.

Section 3.2 Moving Buildings

- A. The relocation of a building to a different site shall be considered the same as the erection of a new building. All provisions, regulations, or requirements relative to the erection of a new building shall be applicable to a structure that is relocated.
- B. See [Section 3.19](#) for regulations related to moving a nonconforming building.

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Section 3.3 Restoration of Unsafe Buildings/Barrier-Free Modification

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Building Inspector or the Health Department. Nothing in this Ordinance shall prevent the unlimited modification of a building only as may be necessary to comply with barrier-free requirements and the **Americans with Disabilities Act**. A variance may be required.

Section 3.4 Access

Every principal building or structure hereafter erected or moved after the effective date of this Ordinance, shall be located on a lot adjacent to a public road, an easement which provides access to a public road, or with access to an approved private road, and all structures shall be located on lots as to provide safe and convenient access for servicing fire protection and required off-street parking.

Section 3.5 Sanitary Provisions - Sewerage & Water Facilities

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

Section 3.6 Lot Proportion

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

Section 3.7 Subdivision of Land

- A. All plats submitted to the Township Board pursuant to **1967 PA 288, the Land Division Act**, as amended, shall be given to the Planning Commission for review with instructions that it shall return the plat to the Township Board with recommendation on whether the lots of said plat are consistent with the minimum lot requirements and other applicable requirements of this Ordinance and the Wilson Township Land Division Ordinance.
- B. Lot splits that are not part of a plat are approved by the Township Assessor.

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Section 3.8 Limitations on Dwellings Per Lot

Except where otherwise provided for in this Ordinance, where single-family dwelling units are permitted, only one (1) single-family dwelling unit shall be erected on a zoning lot unless otherwise allowed by this Ordinance, except in the Agricultural District (R-2), where two (2) single-family dwelling units are permitted on a single zoning lot provided the required dimensions as set forth in the Schedule of Regulations and other applicable provisions of this Ordinance are met. Any second single-family dwelling unit shall meet all height and floor area requirements pertaining to single-family dwellings and shall have adequate yard space to allow for a future lot split. Each dwelling unit shall have individual septic systems meeting **District Health Department #4** requirements. See **Section 7.22** for regulations on Accessory Dwelling Units in detached accessory buildings.

Section 3.9 Essential Services

- A. Essential services, as defined herein, shall be permitted as authorized and regulated by law, public policy, and specific zoning regulations in any district, it being the intention otherwise to exempt such erection, construction, alteration, and maintenance from the application of this Ordinance when not in conflict with the purpose of this Ordinance. When in conflict, the Planning Commission shall have the power to determine reasonable conditions under which such essential services shall be erected.
- B. Essential service buildings and facilities, including transformers, pump stations, substations, and buildings necessary to house utility equipment, shall be a permitted or Special Land Use in any district when the locating of such improvements are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, or welfare. Essential service buildings and facilities shall undergo site plan review pursuant to **Article 5** and shall adhere to setback requirements of the district in which they are proposed to be located. Screening may be required pursuant to **Section 3.22**. This Section shall not apply to storage yards and office buildings.
- C. Wireless communication facilities, antennae, solar energy facilities, battery energy storage systems, and wind energy systems shall be regulated and permitted pursuant to this Ordinance and shall not be regulated or permitted as essential services, public utilities, or private utilities.

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Section 3.10 Accessory Buildings

This Section pertains to detached accessory buildings on residential and non-residential lots. Where any accessory structure is attached to a principal building by a common wall, such accessory structure shall be considered part of the principal building for purposes of determining yard dimensions, regardless of whether the accessory building was constructed as a detached building and then attached.

A. **Zoning Permit.** A zoning permit is required for all permanent or temporary accessory buildings larger than two hundred (200) square feet.

B. **Setbacks.**

1. **Front Setback.** Accessory buildings may be located in the front yard and shall be subject to the same front setback applicable to principal buildings.
2. **Side and Rear Setbacks.** Accessory buildings shall be setback at least ten (10) feet from lot lines in the rear and side yards.
3. **Setback from Other Buildings.** Accessory buildings shall be setback at least ten (10) feet from all other buildings (measured eave to eave).

C. **Size and Number of Accessory Buildings.**

There is no limit to the size or number of accessory buildings permitted on a lot.

D. **Height.**

No accessory building situated shall exceed the height limitations of the district where located. These requirements shall not apply to farm buildings and other structures with specific height limits listed in [Article 7](#).

E. **Non-Traditional Accessory Buildings as Storage.**

1. Truck bodies, school bus bodies, manufactured homes, recreational vehicles, or other items built and intended for other uses shall not be used as permanent accessory buildings. Semi-trailers may be used as temporary storage for commercial, industrial, or agricultural establishments for periods of one (1) year or less but are not intended for permanent storage.
2. **Shipping Containers.**
 - a. Shipping containers shall be allowed to be used as accessory buildings or structures for storage purposes only.

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b. In the R-1 District, the following applies:

- (1) There shall be a limit of two (2) per zoning lot.
- (2) Shipping containers shall be placed on a foundation or gravel surface with adequate drainage.
- (3) Shipping containers shall do one (1) of the following:
 - (a) Be painted to blend in with the natural landscape; or
 - (b) Be covered in a siding material that would typically be utilized for a principal structure; or
 - (c) Be screened, year-round, from the view of the adjacent properties and from the view of the road.

F. Accessory Building as a Dwelling.

No detached accessory building or structure shall be used for dwelling purposes unless otherwise allowed in this Ordinance.

G. Storages Buildings/Garages on Lots without a Residence.

A storage building/garage may be erected or moved onto vacant lots of land in all districts. The Zoning Administrator shall review and issue a zoning permit for such accessory buildings/structures provided they meet the following criteria:

The accessory/storage building shall be located on the lot so that there exists a location on the lot where a future principal building, which meets the minimum required floor area of the zoning district, may be constructed in full compliance with the dimensional regulations (setbacks) of the zoning district in which located.

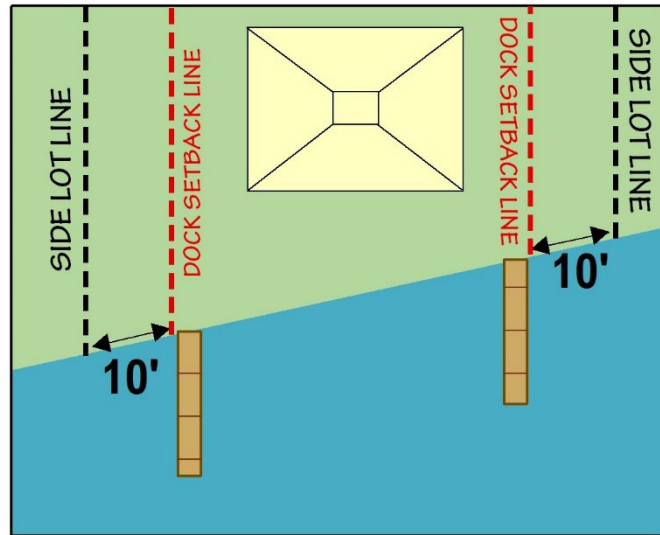
H. Accessory Structures.

- 1. **Electric /Vehicle Charging Stations.** Electric vehicle charging stations shall be considered an accessory structure. Electric vehicle charging stations shall be allowed in any yard and shall be setback at least ten (10) feet from all lot lines.
- 2. **Private Swimming Pools.** Permanent swimming pools shall be located in the rear yard only and shall comply with the fencing requirements contained in the Building Code.

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3. **Accessory Solar Panels.** See [Section 7.29](#).
4. **On-Site Wind Turbines.** See [Section 7.27](#).
5. **Docks.** The outer edge of any portion of a dock structure shall be setback a minimum of ten (10) feet from the abutting side lot line. This setback shall apply at the point where the dock meets the boundary between the water and the land.

DOCK SETBACKS



Section 3.11 Manufactured Homes

- A. Manufactured homes sited on individual lots shall meet the standards for minimum lot size, setbacks, minimum floor area, and minimum dwelling unit width for the district in which they are located.
- B. All manufactured homes shall meet the following additional standards:
 1. Manufactured homes shall be attached to an approved permanent foundation or basement and shall be anchored using a system that meets the [Michigan Manufactured Housing Commission](#) requirements.
 2. Manufactured homes shall be installed according to the United States Department of Housing and Urban Development (HUD) regulations entitled "[Manufactured Home Installation Standards](#)", and the construction of the unit shall comply with the United States Department of Housing and Urban Development (HUD) regulations entitled "[Manufactured Home Construction and Safety Standards](#)", being 24 CFR part 3280, as amended.

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3. The wheels, axles, and towing assembly shall be removed from a manufactured home before the unit is attached to the foundation. Additionally, no manufactured home shall have any exposed undercarriage or chassis.
4. Manufactured homes shall not be used as accessory buildings.
5. Manufactured homes shall not be attached to each other. Additions, new roofs, and accessory buildings may be attached to a manufactured home.
6. No manufactured home shall be located or placed in Wilson Township without prior completion of site preparation to include electric, water, sewage disposal, and foundation to meet the current [State rules and regulations](#) and [District Health Department](#) regulations.

Section 3.12 Recreational Vehicles (RVs)

A. Storage of a Recreational Vehicle.

1. **RV Storage on Developed Lots.** Recreational vehicles may be stored on any lot in any district without a permit, provided the unit is not used for permanent/continuous dwelling purposes, is on a lot with a principal building or use, is not connected to any utility service, and is restricted to the rear yard. A side yard may be used in cases where the rear yard is inaccessible.
2. **RV Storage on Undeveloped Lots.** Recreational vehicles may be stored on lots without a principal building or principal use.

B. Occupancy of a Recreational Vehicle.

1. The unit shall be maintained in safe and ready running condition, has a current license, and can be moved under its own power or towed from the premises by an ordinary domestic vehicle.
2. Overnight camping on private property on which no dwelling unit is located shall be permitted in all districts subject to the following conditions:
 - a. The recreational vehicle shall not become a year-round permanent dwelling unit.
 - b. Setback requirements for the district where the unit is located shall be met.
 - c. Water and electrical services may be connected; however, no sewage or on-site disposal shall be allowed without a [Health Department](#)-approved septic system. Any such shelter, when not occupied, shall be moved off-site (unless being stored in compliance with subsection A).

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Section 3.13 Temporary Occupancy of a Dwelling Not Meeting the Building Code During the Construction of a Permanent Dwelling

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

- A. The location shall conform to the provisions governing setbacks of standard dwellings in the district where located.
- B. The use shall be for the sole purpose of providing dwelling facilities for the owner of the premises during the period in which a dwelling conforming to the provisions of this Ordinance is in the process of erection and completion, but not to exceed twelve (12) months. One (1) additional twelve (12) month extension may be obtained from the Zoning Administrator. The substandard dwelling shall be removed within thirty (30) days of completion of construction of a dwelling complying with the requirements of this Ordinance.
- C. Installation of a septic system and water well shall be constructed and maintained in accordance with the standards of materials and installation recommended by **District Health Department #4** and shall precede occupancy of the substandard dwelling.
- D. Application for the erection and use of a substandard dwelling shall be made at the time of zoning permit application for the permanent dwelling. On approval and delivery of the zoning permit, the applicant shall certify in a space allotted for that purpose, and on the copy retained for filing by the Township, that he has full knowledge of the limitations of the permit and the penalty pertaining thereto. No such permit shall be transferable to any other person.
- E. No annexes or additions shall be added to temporary substandard dwellings.

Section 3.14 Construction Debris

For all uses, all construction debris shall be removed from the site within thirty (30) days after the completion or abandonment of the work. Work shall be deemed to be completed when an occupancy permit is issued for the building. Failure or refusal to remove construction debris within thirty (30) days after the completion or abandonment of work constitutes a violation of this Ordinance. A six (6) month extension may be granted by the Zoning Administrator.

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Section 3.15 Garage or Yard Sales

Not more than two (2) garage sales, yard sales, or auctions shall be conducted by a resident of Wilson Township during a calendar year. Said garage sale, yard sale, or auction shall not exceed four (4) days duration. No sale merchandise shall be brought onto the premises for the sale, except in cases where multiple families are conducting a joint yard sale. Garage/yard sales or auctions that occur on a residential property more than two (2) times in a calendar year shall be considered a Cottage Industry and shall comply with the regulations therein.

Section 3.16 Outdoor Speakers & Sound Devices

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

Section 3.17 Hazardous Substances

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

Section 3.18 Groundwater Protection

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

- A. Sites at which hazardous substances and polluting material are stored, used, or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, surface water, and wetlands.
- B. Secondary containment for above-ground areas where hazardous substances and polluting materials are stored or used shall be provided and maintained. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
- C. General-purpose floor drains shall be allowed only if they are connected to a public sewer system, an on-site holding tank, or a system authorized through a state groundwater discharge permit.

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- D. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport, and disposal of hazardous substances and polluting materials shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.
- E. The Planning Commission may require a performance bond or similar assurance for safeguards prior to approval. The Planning Commission may require site plan review at five (5) year intervals.

Section 3.19 Nonconformities

A. General.

- 1. It is recognized that there may exist, within the districts established by this Ordinance or by amendments, lots, structures, and uses of land which were lawful before this Ordinance was passed or amended, which would be prohibited or restricted under the terms of this Ordinance or future amendments.
- 2. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival.
- 3. **Change in Tenancy or Ownership.** There may be a change of tenancy, ownership, or management of any existing nonconforming, nonconforming building/structures, or nonconforming lot which does not alter its nonconforming status.
- 4. **Elimination of Nonconformities.** The existence of nonconforming uses and structures is hereby declared to be contrary to the best interests of the community and it is hereby declared to be the policy of the Township as expressed in this Ordinance to discontinue nonconformities in the course of time, as circumstances permit, having due regard for the rights of all parties concerned. In order to accomplish the elimination of those nonconforming uses and structures which constitute a nuisance or are detrimental to the public health and general welfare, the Township, pursuant to Section 208 (3) and (4) of **2006 PA 110**, as amended (Michigan Zoning Enabling Act, being MCL 125.3208) may acquire, by purchase, condemnation, or otherwise, private property for the removal of nonconforming uses and structures provided, however, that such property shall not be used for public housing. The Township Board may, at its discretion, provide that the cost and expense of acquiring such private property be paid from general funds or the cost and expense or any portion thereof be assessed to a special district.
- 5. **Repairs and Maintenance.** Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

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

B. Nonconforming Structures.

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under terms of this Ordinance by reason of restrictions on area, lot coverage, height, setbacks, or other characteristics of the structure or its location on the lot, such structure may be continued as long as it remains otherwise lawful, subject to the following provisions:

1. **Alteration of a Nonconforming Structure.** A nonconforming structure may be enlarged or altered in a way that does not increase its nonconformity.
2. **Re-Location of a Nonconforming Structure.** Should a nonconforming structure, which is nonconforming due to insufficient setbacks, be moved for any distance whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
3. **Damage or Destruction of a Nonconforming Structure.** Should a nonconforming structure be destroyed by any accidental or criminal means to an extent of more than eighty (80) percent of the usable cubic space or floor area of the principal structure, it shall not be reconstructed except in conformity with the provisions of this Ordinance. Willful removal or destruction of more than eighty (80) percent of the structure shall eliminate the nonconforming status.

C. Nonconforming Uses.

A use which lawfully occupied a building or land on the effective date of this Ordinance, or amendments thereto, that does not conform to the use regulations of the district in which it is located shall be subject to the following regulations:

1. **Change of Nonconforming Use.** No nonconforming use may be changed to another nonconforming use.
2. **Expansion of a Nonconforming Use.**
 - a. **Expansion Throughout an Existing Building.** Any nonconforming use may be carried on throughout any parts of a building which were manifestly arranged or designed for such use, but no such use shall be extended to occupy any land outside such building except in conformance with subsection 2.b below.
 - b. **Expansion Outside of an Existing Building.** A nonconforming use may be expanded to occupy a greater area of a lot or a building which contains a nonconforming use may be

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expanded to accommodate an expansion of the nonconforming use upon approval of the Planning Commission upon finding that the expansion:

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

Prior to the Planning Commission decision, a public hearing shall be held after the notification requirements in [Section 9.10](#) are met.

- 3. **Damage or Destruction of a Nonconforming Use.** If a structure containing a nonconforming use is damaged or destroyed by any means (accidental, criminal, or willful destruction), it may be reconstructed and used for the same purpose as was existing prior to the destruction.
- 4. **Abandonment of a Nonconforming Use.** When a nonconforming use is abandoned or ceases to exist for twelve (12) consecutive months, the use shall not thereafter be used except in conformance with the regulations of the district in which it is located. The Zoning Administrator may grant an extension of this time period up to an additional twelve (12) months. When determining the intent of the property owner to abandon a nonconforming use, the Zoning Administrator shall consider the following factors:
 - a. Whether utilities, such as water, gas, and electricity to the property have been disconnected.
 - b. Whether the property, buildings, and grounds have fallen into disrepair.
 - c. Whether signs or other indications of the existence of the nonconforming use have been removed.
 - d. Whether equipment or fixtures necessary for the operations of the nonconforming use have been removed.
 - e. Other information or actions that evidence an intention on the part of the property owner to abandon the nonconforming use or structure.

D. Nonconforming Lots.

- 1. A permitted single-family dwelling and customary accessory building may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance, even though such lot may fail to meet the district requirements for area or width, or both. Yard dimensions and other requirements not involving area or width, or both, shall conform to the regulations of the district in

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which such lot is located. If needed, a variance to setbacks may be obtained through the Zoning Board of Appeals.

2. If any nonconforming lot or lots are of continuous frontage with other such nonconforming lots under the same ownership, the owner shall be required to combine such lots to provide lots which shall meet (or come closer to meeting) at least the minimum requirements for the district in which they are located.

Section 3.20 Outdoor Lighting

A. Purpose.

The purpose of exterior lighting standards is to create and maintain safe nighttime environments for both pedestrians and drivers on public roadways and rights-of-way by minimizing brightly lighted surfaces and lighting glare; to preserve the restful quality of nighttime by eliminating intrusive, artificial light and lighting that unnecessarily contributes to “sky glow”; and to reduce light pollution from lighting luminaries and light trespass onto adjacent properties. The following requirements shall be considered by the Planning Commission and Zoning Administrator in the review of all site plans submitted for approval under the terms of this Zoning Ordinance.

B. Regulated Lighting.

The following types of lighting shall be regulated by this Ordinance:

1. Private parking lot lighting and site lighting for commercial, industrial, and institutional developments.
2. Multiple-family development parking lot lighting and site lighting.
3. Privately-owned street lighting.
4. Building facade lighting.
5. Security lighting, spotlights, and floodlights.
6. Other forms of outdoor lighting which, in the judgment of the Zoning Administrator, is similar in character, luminosity, and/or glare to the foregoing.

C. Exempted Areas and Types.

The following types of outdoor lighting shall not be covered by this Ordinance:

1. Residential decorative lighting such as porch or entry lights, ground-level lawn and driveway lights, and special seasonal lights such as Christmas decorations.

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2. Lights located within the public right-of-way or easement.
3. Temporary lighting needed for emergency services or to perform nighttime road construction on major thoroughfares.
4. Temporary lighting for civic activities, fairs, or carnivals provided the lighting is temporary.
5. Lighting required by the **Federal Communications Commission**, **Federal Aviation Administration**, **Federal Occupational Safety and Health Administration**, or other applicable federal or state agencies.

D. Standards.

Lighting shall be designed and constructed as per the following requirements:

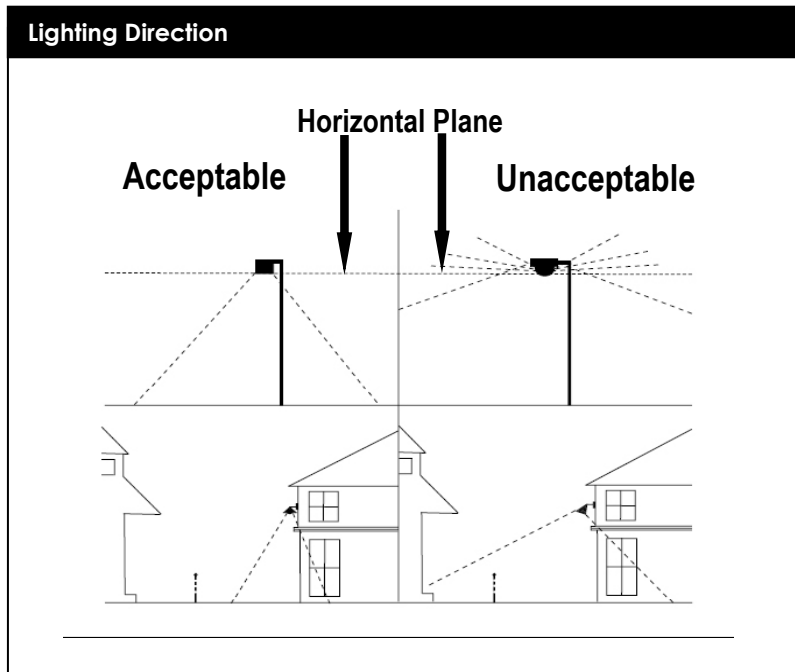
1. **Design.** All exterior lighting shall be designed in a consistent and coordinated manner for the entire site. All lighting structures within a property or planned development shall be of uniform design and materials and shall be harmonious with the scale of the property and its surroundings. Parking lot and street lights shall also be of uniform height.
2. **Lighting Confined To Site.** Direct or directly reflected light shall be confined to the development site and pedestrian pathways and shall not negatively affect adjoining property. All lighting shall be oriented not to direct glare or excessive illumination in a manner which may interfere with the vision of drivers or pedestrians.
3. **Lighting Directed Downward/Shielded.** Except for diffused globe-style walkway lights, lighting for sporting events, and the lighting addressed in subsection 4 below, the following shall apply: all outdoor lighting in all districts shall be directed toward and confined to the ground areas of lawns or parking lots. Exterior lighting shall be shielded, hooded, and/or louvered to provide a glare-free area beyond the lot line unless the light source is not directly visible from beyond the boundary of the site. Lighting fixtures shall have one hundred (100) percent cut off above the horizontal plane at the lowest part of the point light source. The light rays may not be emitted by the installed fixture at angles above the horizontal plane.
4. **Upward Directional Lighting.** All lighting used for the external illumination of buildings and flags with lights directed in an upward direction so as to feature said buildings and flags shall be placed and shielded so as not to interfere with the vision of persons on adjacent streets or adjacent property.
5. **Height.** Pedestrian lighting shall be no more than sixteen (16) feet in height. Parking lot lighting and lighting for public and private streets shall be no more than twenty-five (25) feet in height. The Planning Commission may permit taller fixtures only when the Commission determines that unique conditions exist and where a waiver would: reduce the number or bulk of light fixtures; not adversely

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impact neighboring properties; and permit fixtures in proportion to height and bulk of nearby buildings and other fixtures.

- 6. **Location of Poles.** Lighting poles and structures shall be located within landscaped areas where possible.
- 7. **Moving Lights.** All illumination of any outdoor feature shall not be of a flashing, moving, or intermittent type. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use. Beacon, strobe, and search lights are not permitted.
- 8. **Interference with Traffic Control Devices.** No colored lights shall be used at any location where they may be confused with or construed as traffic control devices.
- 9. **Gas Stations.** Ceiling lights in gas pump island canopies shall be recessed.



Section 3.21 Fences

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

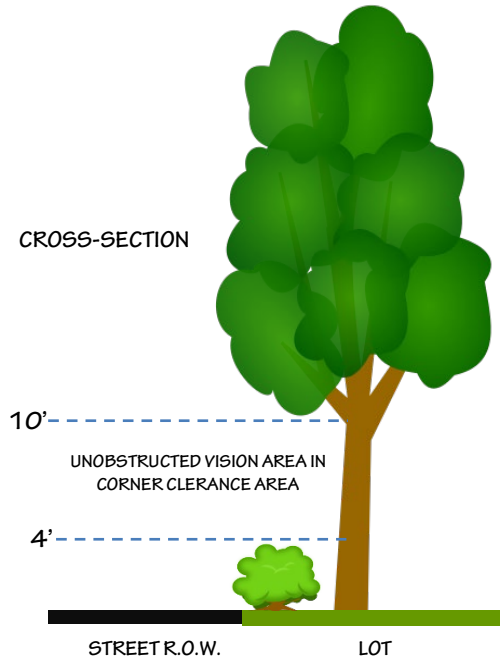
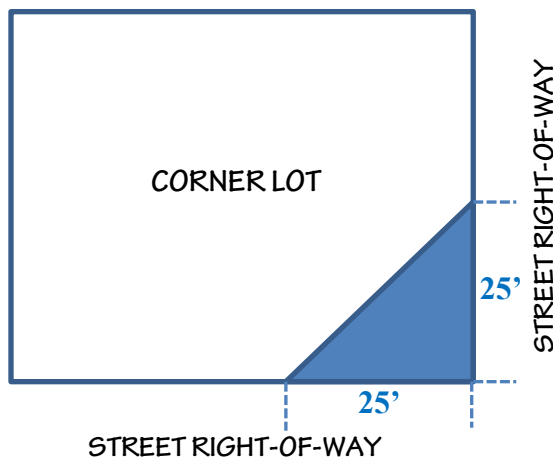
A. General Standards.

1. **Zoning Permit.** A zoning permit is required for fences which are proposed to be located within the principal building setback. However, all fences shall comply with the standards of this Section except fences used for agricultural purposes which do not require a zoning permit and are exempt from setbacks and side and rear height regulations.
2. **Property Line Determination.** In the installation of any fence, the property owner is responsible for the location of property lines and should obtain a professional survey, if necessary, to determine accurate property lines. The Township may require a professional survey prior to issuing a zoning permit for a fence. The Township shall not be held responsible for any property line or fence disputes between adjacent property owners.
3. **Fence Materials.**
 - a. Fences in any platted subdivision or site condominium development shall not contain barbed wire or be electrified.
 - b. Fence materials may include materials specifically designed for fence construction. Scrap lumber, plywood, woven wire (except for agricultural purposes), sheet metal, plastic or fiberglass sheets, old signage, old doors, pallets, or other materials not specifically designed for fence construction are prohibited. If the Zoning Administrator is unsure if the fence material is permitted, then the Planning Commission shall make the final determination.
4. **Condition.** All fences shall be maintained in good condition and shall not constitute a safety hazard. Any fence not maintained as required by this section shall be removed by the owner of the fence.
5. **Finished Side of Fence.** The portions of all fences facing property other than the property of the fence owner or facing a street right-of-way shall be finished so that, to the extent possible by the design of the fence, the fence posts and the horizontal and/or vertical fence supports are not visible from that other property or from the street right-of-way.
6. No fence shall be approved which:
 - a. Constitutes a fire hazard either by itself or in connection with the existing structures in the vicinity; or
 - b. interferes or will interfere with access by the Fire Department in case of fire to buildings in the vicinity; or

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c. will constitute a hazard to street traffic or to pedestrians.

7. **Clear Vision on Corner Lots.** On corner lots, no obstruction, structure, or planting shall be established or maintained which obstructs the view of vehicular traffic in any direction. Such unobstructed corner shall mean a triangular area formed by the street property lines of two intersecting streets and a line connecting them twenty-five (25) feet from the point of intersection. In the case of a rounded street corner, such measurement shall be from the street lines extended to form an intersection. This unobstructed vision area shall remain clear between the heights of four (4) feet and ten (10) feet.



B. District Standards.

Unless specifically provided for by other provisions in this Ordinance, fences, walls, or hedges may be permitted on any property in any District, in accordance with the following:

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Table 3.21 Fence Location & Height		
	Residential	Non-Residential
R-1, R-2, R-3, RR, CR, FF, B-1, B-2, B-3 Districts		
Front Yard	Maximum Height: 4 ft	Maximum Height: 4 ft
Side Yard & Rear Yard	Maximum Height: 6 ft	Maximum Height: 10 ft
A & I Districts		
Front Yard	Maximum Height: 4 ft	Maximum Height: 10 ft
Side Yard & Rear Yard	Maximum Height: 8 ft	Maximum Height: 10 ft
Setback (all districts)	1 foot in side and rear yards. Fences and walls may be located on the lot line in the side or rear yards if a prearranged agreement is signed by both abutting property owners. Said agreement shall not terminate upon sale of the property. No front setback is required.	

Fence height is measured from the abutting established ground level of the lot. However, a fence erected on a berm may be allowed by the Planning Commission to comply with screening requirements in **Section 3.22**.

Section 3.22 Protective Screening

A. For nonresidential uses, except farms, which abut a permitted residential use, or which are adjacent to the R-1, R-2, R-3, RR, and CR Districts, there shall be provided and maintained greenbelts, fences, or walls as required below. These requirements do not apply whenever the use, storage area, etc. is more than five hundred (500) feet from an adjacent Residential District boundary or residential use. The specifications of the protective screening shall be submitted as part of the site plan. Some exceptions to these requirements may be contained in **Article 7**. The protective screening may be provided by landscape buffers (greenbelts), fences, walls, berms, or a combination as approved by the Planning Commission.

1. Landscape Buffers.

- a. Landscape buffers (greenbelts) shall be at least ten (10) feet in width.
- b. The height of landscape buffers (greenbelts) shall be no less than eight (8) feet for trees and four (4) feet for shrubs.

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- c. The selection, spacing, size, and type of plant material shall be such as to create a horizontal obscuring effect for the entire length of the required screening area and a vertical obscuring effect between land uses.
- d. The relationship between deciduous and evergreen plant materials shall ensure that a maximum obscuring effect will be maintained throughout the various seasonal periods.
- e. **Plant Material Spacing.**
 - (1) Plant materials shall not be closer than four (4) feet from the fence line or lot line.
 - (2) Where planting materials are planted in two (2) or more rows, plantings shall be staggered in rows.
 - (3) Evergreen trees shall be planted not more than thirty (30) feet on centers.
 - (4) Narrow evergreens shall be planted not more than three (3) feet on centers.
 - (5) Deciduous trees shall be planted not more than thirty (30) feet on centers.
 - (6) Tree-like shrubs shall be planted not more than ten (10) feet on centers.
 - (7) Large deciduous shrubs shall be planted not more than four (4) feet on centers.

2. Fences and Walls.

- a. The height of fences or walls shall be no less than six (6) feet.
 - b. Solid fences, walls, chain link, or other wire fence utilizing metal, plastic, or wood slats shall be considered an obscuring fence or wall for the purpose of this Ordinance. The construction of a fence or wall in combination with a berm to achieve the required height standards for screening purposes may also be approved.
- B. The Planning Commission shall be empowered to modify fence and wall requirements as deemed necessary by conditions affecting a particular development or to waive requirements where no good purpose would be served by compliance with these standards.
- C. Wherever in this Ordinance a landscape buffer is required or used, it shall be planted within six (6) months from the date the use is substantially completed or occupied, and shall thereafter be maintained with permanent plant materials to provide a screen to adjacent properties. Materials equal in characteristics to the plant materials listed with the spacing as required shall be provided, and existing natural wooded areas may be approved as fulfilling the intent of this Section.

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

Section 3.23 Animals

A. Pets.

Domestic household pets, not including venomous or dangerous reptiles or wild or dangerous animals, may be kept as an accessory residential use on any premises without a permit.

1. In the R-1 district, not more than three (3) adult dogs (over one (1) year in age) shall be kept.
2. In all other districts, not more than six (6) adult dogs (over one (1) year in age) shall be kept.
 - a. More than six (6) but no more than twenty (20) adult dogs may be kept upon approval of the Planning Commission.
3. On active farms, the number of domestic animals shall not be restricted.
4. Reasonable control shall be maintained to prevent nuisances to adjoining residentially used properties.
5. For commercial kennels, see [Section 7.3](#).

B. Wild or Exotic Animals.

1. It shall be unlawful to keep, harbor, own, or in any way possess the wild or exotic animals within Wilson Township unless specifically authorized by an act of federal, state, or township government.
2. Any person in possession, on the date that this Ordinance becomes effective, of a [State of Michigan Department of Natural Resources](#) Possession Permit or Game Breeder's License, or [Department](#)

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of the Interior U.S. Fish and Wildlife Service Federal Fish and Wildlife Licenses/Permit, for an animal otherwise prohibited by this Section, shall be allowed to keep, harbor, own, or possess the animal(s) specified in said permit and/or license. Said permit and/or license shall not be amended to include additional animal(s) prohibited by this Section.

3. Any farms existing and in possession of any prohibited livestock, on the date that this Section becomes effective, shall be allowed to retain said agricultural livestock or similar animals as protected under the **Right To Farm Act**.

C. Farm Animals.

The keeping of farm animals for domestic noncommercial purposes on residential lots shall be subject to Planning Commission review, which shall consider the character of the surrounding area, the lot size, and the design and placement of animal housing structures on the premises.

Section 3.24 Grading, Drainage & Stormwater

A. Grades and Drainage.

No premises shall be so filled or graded as to discharge surface runoff on adjacent premises in such manner as to cause inconvenience, damage, ponds, or standing accumulation of such runoff thereon. For the purpose of controlling runoff, height restrictions, and aesthetic consistency, it is recommended that lots retain the natural grade when in residential, agricultural, or commercial districts. When property is developed adjacent to previously developed existing properties, existing grades shall have priority.

B. Stormwater.

The property owner or developer, for uses other than single-family or two-family residential, is required to retain on-site all stormwater drainage in excess of natural conditions. This provision may require stormwater retention ponds, where appropriate. An exception can be made for water leaving the site via an existing stormwater pipe or through other stormwater facilities which will be developed at the same time as the proposed new use. All stormwater facilities, including detention or retention ponds, shall be designed at minimum to handle a ten (10) year-storm.

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Section 3.25 Private Roads

A. Driveways Which Provide Access to One (1) Lot.

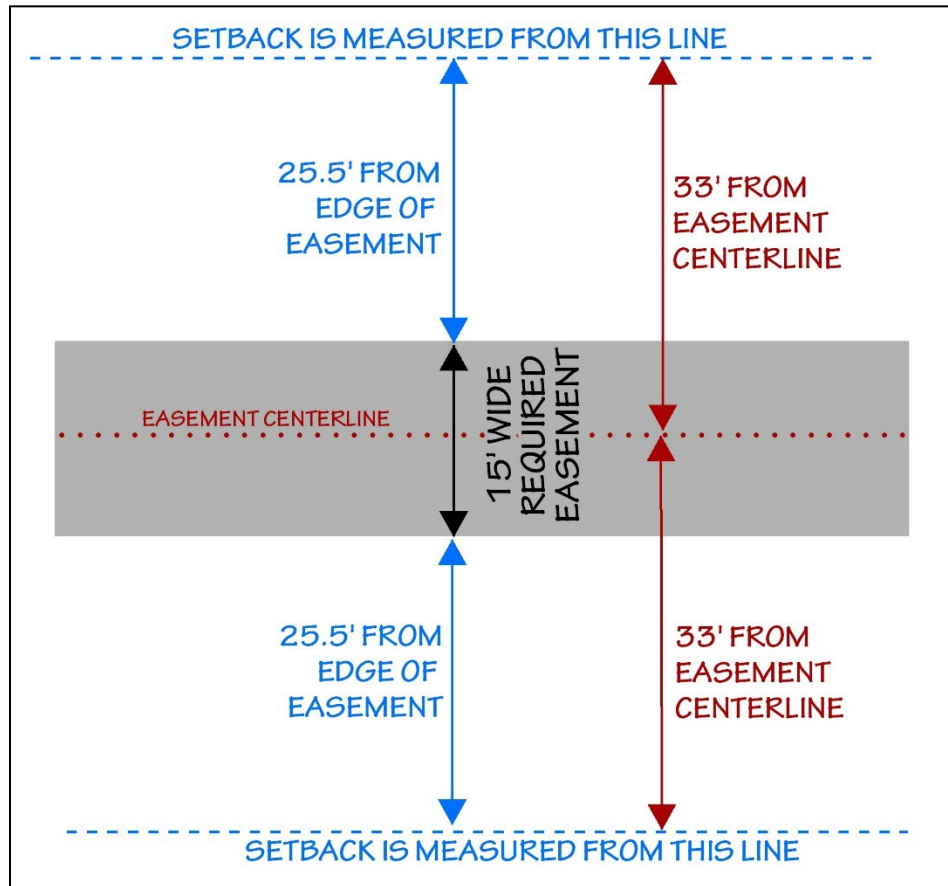
Driveways that provide access to one (1) lot shall meet the following standards:

1. Access to the principal buildings(s) shall require a driveway which has fifteen (15) feet horizontal and twelve (12) feet vertical clearance of all obstacles and vegetation, except ground covers, cleared and continually maintained in a drivable condition for the purpose of access by emergency vehicles (this Section does not cover or require snow removal).
2. A vehicle turn-around area shall be provided within one hundred (100) feet of the principal buildings(s) capable of handling thirty (30) foot vehicles (Minimum T-type turn around 20 feet x 35 feet) for police, fire, and ambulance, and be connected to a private or public road. County or townships cannot be held responsible for non-maintenance of access.

B. Private Roads/Easements Which Provide Access to Two (2) to Four (4) Lots.

1. Private roads/easements that provide access to at least two (2) but not more than four (4) lots shall meet the following standards:
 - a. Access to the principal buildings(s) shall require an easement which has fifteen (15) feet horizontal and twelve (12) feet vertical clearance of all obstacles and vegetation, except ground covers, cleared and continually maintained in a drivable condition for the purpose of access by emergency vehicles (this Section does not cover or require snow removal).
 - b. A vehicle turn-around area shall be provided within one hundred (100) feet of the principal buildings(s) capable of handling thirty (30) foot vehicles (minimum T-type turn around 20 feet x 35 feet) for police, fire, and ambulance, and be connected to a private or public road. County or townships cannot be held responsible for non-maintenance of access.
2. **Setbacks.** For the purposes of measuring building setbacks for zoning permits on private roads/easements providing access to two (2) to four (4) lots, the following process shall be used: from the edge of the fifteen (15) foot wide easement, twenty-five and a half (25.5) feet shall be added and the setback shall be measured from that point (or thirty-three (33) from the easement centerline). See diagram below:

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C. Nonconforming Private Roads.

In the case of private roads built prior to this Ordinance, such roads may be used but the use may not be increased without coming into compliance. No zoning permit shall be issued for additional development utilizing a nonconforming private road until the existing private road is in compliance with the standards of this Section. In cases where the nonconforming road cannot comply with the standards of this Ordinance, the Planning Commission shall have the authority to waive particular standards of this Section, where the following findings are documented along with the rationale for the decision:

1. No good public purpose will be achieved by requiring conformance with the standards sought by the applicant to be waived.
2. The spirit and intent of the private road provisions will still be achieved.
3. No nuisance will be created.

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D. Private Roads Which Provide Access to Five (5) or More Lots.

Private roads, providing access to five (5) or more lots, are permitted provided they conform to the requirements of this Section. No private road shall be constructed, extended, improved, or relocated after the effective date of this Ordinance unless an application for a private road construction permit has been completed and filed with the Zoning Administrator, and subsequently approved.

1. Private Road Standards. The proposed private road shall meet the following standards:

- a. All private roads shall have a minimum right-of-way easement of at least sixty-six (66) feet, or the current **Alpena County Road Commission's** designated right-of-way width for local residential roads, whichever is greater. While not required to be dedicated to the public, no structure or development activity shall be established within approved rights-of-way or easements. If a private road is proposed to become a public road in the future, the road must meet **Alpena County Road Commission** design standards and be constructed to those standards prior to acceptance by the Road Commission.
- b. The maximum grade for roadways shall be seven (7) percent. The maximum grade within one hundred (100) feet of an intersection shall be five (5) percent.
- c. No fence, wall, sign, landscape screen, or any plantings shall be erected or maintained in such a way as to obstruct vision or interfere with traffic visibility on a curve or within twenty (20) feet of the right-of-way of a street.
- d. No more than twenty (20) lots may gain access to a single private road if only one (1) point of intersection is provided between the private road and a public road. No more than fifty (50) lots may gain access to a private road where two (2) or more points of intersection are provided between the private road and public roads. Where more than fifty (50) lots or parcels are served, the road shall be a paved road built to **County Road Commission** standards.
- e. A cul-de-sac or other approved turn-around configuration shall be constructed whenever a private road terminates without intersection with another public street or private road.
 - (1) Not more than four (4) lots shall have frontage on a cul-de-sac.
 - (2) The minimum radius for circular cul-de-sacs roadway is sixty-six (66) feet. An interior island is permitted in the center of the cul-de-sac, provided that the roadway within the cul-de-sac is not less than twenty-five (25) feet in width.
- f. Any driveways off a private road shall be at least forty (40) feet from the intersection of a private or public road right-of-way.
- g. Construction authorization from the **Alpena County Road Commission** is required for connection to a road under the Commission's jurisdiction, and from the **Michigan Department**

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of Transportation if connected to a state trunkline. When applicable, a permit is also required from the county under **Part 91 of the Natural Resources and Environmental Protection Act, 1994 PA 451 (Soil Erosion and Sedimentation Control)**.

- h. Intersections of private roads with public roads shall be at an angle, as close to ninety (90) degrees as possible, but in no case shall it be less than eighty (80) degrees or more than one hundred (100) degrees.
- i. Private roads shall have a six (6) inch compacted 22A gravel base or a four (4) inch pit-run gravel base, with an additional four (4) inches of 22A gravel, or a paved surface. The gravel or paved surface shall have a width of at least twenty-two (22) feet with shoulders of five (5) feet on each side, totaling thirty-two (32) feet.
- j. Stormwater runoff patterns for the private road shall be shown on the site plan. Any drainage originating outside the site, which has previously flowed onto or across the site, shall also be considered in the proposed stormwater runoff plan. Where stormwater runoff is proposed to run into an existing county or state road stormwater system, the stormwater plan for the private road shall be submitted to the **Alpena County Drain Commissioner** and the **Alpena County Road Commission, Michigan Department of Transportation**, or other appropriate government permitting agencies for review and approval prior to Township Planning Commission approval.
- k. Lots fronting on private roads shall meet the required front setback and lot width for the zoning district where located.

2. **Road Construction Approval Procedures.** No private road shall be constructed, extended, improved, or relocated after the effective date of this Ordinance unless an application for a private road construction permit has been completed and filed with the Zoning Administrator, and subsequently approved.

- a. Application for approval of a private road shall include ten (10) copies of a site plan sealed by a professional engineer showing:
 - (1) Existing and proposed lot lines.
 - (2) The location of existing and proposed structures.
 - (3) The width and location of the private road easement.
 - (4) A cross-section of the proposed road, showing the type of material the road base and surface will consist.
 - (5) Utility plans including the location and size/capacity of stormwater drainage systems, sewer or septic system, water lines or private wells, and private utilities such as telephone, electric, and cable service.

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- (6) Any existing or proposed structures, trees, or other obstruction within the proposed right-of-way.
 - (7) All divisions of land shall be in compliance with the Wilson Township Land Division Ordinance.
 - (8) If the grade exceeds five (5) percent the above-listed site plan shall be sealed by an engineer.
- b. All plans as submitted for approval shall show the private road easement including a legal description, and must include the grade for these roads (if the grade exceeds 5).
 - c. Road maintenance agreement or covenants running with the land signed by the proprietor(s) shall be recorded with the **Wilson Township Clerk** and the **Alpena County Register of Deeds** providing for:
 - (1) A method of initiating and financing the private road in order to keep the road up to properly engineered specifications and free of snow and debris.
 - (2) A workable method of apportioning the costs of maintenance and improvements to current and future users.
 - (3) A notice that if repairs and maintenance are not made, the Township Board may bring the road up to established Wilson Township road standards for private roads and assess owners of lots on the private road for the improvements, plus an administration fee in the amount of twenty-five (25) percent of the total costs.
 - (4) No public funds of Wilson Township will be used to build, repair, or maintain the private road.
 - d. Road easement agreement signed by the proprietor(s) shall be recorded with the Wilson Township Clerk and the Alpena County Register of Deeds providing for:
 - (1) Easements to the public for purposes of emergency and other public utility vehicles for whatever public services are necessary.
 - (2) A provision that the proprietor(s) using the road shall refrain from prohibiting, restricting, limiting, or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitees, vendors, tradesmen, delivery persons and others bound to or returning from any of the properties having a need to use the road.

3. Application Review and Approval or Denial.

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- a. The Zoning Administrator shall send the private road plans to the appropriate Emergency Services and Fire Protection agencies, to the County Drain Commissioner, to the County Road Commission if connected to a county public road and to MDOT if connected to a state trunkline for review and comment. The proposed road maintenance agreement and road easement agreement and covenants running with the land shall be sent to the Township Attorney for review and comment.
 - b. County Road Commission, MDOT, County Drain Commissioner, Emergency Services and Fire Protection agencies, and Township Attorney comments shall be forwarded to the Planning Commission. After reviewing all materials and recommendations submitted, the Planning Commission shall approve, deny, or approve with conditions the application for a private road.
 - c. If the application is denied, the reasons for the denial and any requirements for approval shall be given in writing to the applicant.
 - d. The Zoning Administrator may arrange for inspections by an Engineer during construction or, and upon completion of the private road (if the grade exceeds five (5) percent).
4. **Failure to Perform.** Failure by the applicant to begin construction of the private road according to approved plans on file with the Township within one (1) year from the date of approval shall void the approval and a new plan shall be required, subject to any changes made by the County Road Commission, MDOT or the Township in its standards and specifications for road construction and development.
5. **Issuance of Building Permits for Structures on Private Roads.** No building permit shall be issued for a structure on any private road until the construction of such private road is given final approval by the Zoning Administrator.
6. **Posting of Private Roads.** All private roads shall be designated as such and shall be posted with a clearly readable sign. The lettering shall be a minimum of four (4) inches in height on a green background with white reflective lettering, which can be easily seen in an emergency. The sign shall be paid for, posted, and maintained by the property owners' association or proprietors. The applicant shall check with the County Emergency Services Department to avoid a duplication of road names.
7. **Notice of Easements.** All purchasers of property where a private road provides access to the premises shall, prior to the closing of the sale, receive from the seller a notice of easement, in recordable form, substantially conforming to the following:
- a. This parcel of land has private road access across a permanent sixty-six (66) foot easement, which is a matter of record and a part of the deed.
 - b. This notice is to make the purchaser aware that this parcel of land has ingress and egress over this easement only.

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- c. Neither the County nor the Township has any responsibility for the maintenance or upkeep of any improvements across this easement. This is the responsibility of the owners of record.
 - d. The United States mail service and the local school district are not required to traverse this private road and may provide service only to the closest public access.
8. **Fees.** Before final approval, an application fee established by the Township Board and the cost for the Township Engineer to review the plans and inspect the construction shall be paid by the proprietor(s).
 9. **Final Construction Approval.** The Zoning Administrator shall grant final construction approval of a private road upon inspection and finding that the road is constructed according to the approved permit.
 10. **Setbacks.** For zoning permit purposes on private roads, setbacks shall be measured from the edge of the private road right-of-way.

Section 3.26 Performance Standards

A. Smoke and Air Contaminants.

It shall be unlawful for any person, firm, or corporation to permit the emission of any smoke or air contaminant in violation of air quality standards adopted by federal and/or state regulatory authorities. Wilson Township does not enforce federal and/or state air quality standards.

B. Drifted or Blown Material.

Property owners shall take appropriate measures to ensure the prevention of drifting of airborne particles or debris beyond their lot lines. Any such activity shall be promptly abated upon notification by the Township. During times of stockpiling or removal, excavation or grading, those measures, necessary and practical (dampening, etc.), will be taken to minimize the blowing and drifting of material.

C. Odors.

Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the health and welfare of the public or which interferes unreasonably with the comfort of the public shall be removed, stopped, or so modified as to remove the odor. The provisions of this Section are not intended to apply to farming activities.

1. For new facilities (commercial or industrial), the most recent technologies shall be utilized to reduce odors, as part of or in addition to any conditions included in state and/or federal regulatory agency

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air/water quality permit(s). As part of the Zoning Permit review, the applicant shall demonstrate that all measures technologically available and financially viable to mitigate the emission of noxious odors will be incorporated into the design of the facility.

2. For existing commercial and industrial facilities, odors resulting from the production process that are within the limits established by state and/or federal regulatory agencies in approved permits shall not be considered in violation of this Ordinance. This does not exempt any business from the responsibility to take all necessary technologically feasible and financially viable measures to reduce such odors and to comply with any new standards required as part of a renewed or new state and/or federal regulatory agency environmental permits.

D. Gases.

The escape or emission of any gas which is injurious or destructive, harmful to person or property, or explosive shall be unlawful and shall be abated.

E. Electrical Disturbance, Electromagnetic, or Radio Frequency Interference.

No use shall create any electrical disturbance that adversely affects any operations or equipment other than those of the creator of such disturbance, or cause, create, or contribute to the interference with electronic signals (including wireless, television, and radio broadcasting transmission) to the extent that the operation of any equipment not owned by the creator of such disturbance is adversely affected.

F. Glare and Heat.

Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot line, except during the period of construction of the facilities to be used and occupied.

G. Noise.

Noise which is objectionable as determined by the Township due to volume, frequency, or beat shall be muffled, attenuated, or otherwise controlled. In addition, objectionable sounds of an intermittent nature or sounds characterized by high frequencies shall be so controlled so as not to become a nuisance to adjacent uses. Sirens and related apparatus used solely for public purposes are exempt from this requirement. Noise resulting from temporary construction activity shall also be exempt from this requirement.

H. Vibration.

All machinery shall be so mounted and operated that vibration from sound or noise at any lot line shall not be so intrusive as to interfere with normal daily activities in adjoining land uses. Vibrations resulting from temporary construction activity shall be exempt from the requirements of this Section.

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Section 3.27 Parking Requirements

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

A. When Compliance is Required.

Off-street parking and loading provisions of this Section shall apply to the following:

1. **New Construction.** For all buildings and structures erected and all uses of land established after the effective date of this Ordinance.
2. **Enlargement.** Whenever a building is expanded to increase its usable floor area.
3. **Change in Use.** Whenever the use of a building or portion of a building is changed to accommodate a use requiring more parking than the former use.
4. **Parking Area Construction and Expansion.** Normal maintenance, such as re-grading of gravel parking areas or the addition of top coat or sealer to existing paved parking areas, will not trigger full off-street parking compliance; however, pulverizing an existing asphalt, concrete, or other paved parking surface or the outright removal or substantial modification of the paved surface in preparation for paving, shall, for the purposes of this Section, be considered a new parking area.
5. Regulations pertaining to off-street parking shall not apply to buildings in existence at the time of adoption of this Ordinance unless 1 through 4 (above) apply.

B. Parking Regulations.

All of the following regulations, except for B.1, apply to all uses except single-family and two-family dwellings:

1. **Residential Parking Spaces.** Off-street parking spaces for single-family and two-family dwelling units shall consist of a driveway, parking strip, parking bay, garage, carport, or a combination thereof.
2. **Location.** Off-street parking for other than residential uses shall be either on the same lot or within four hundred (400) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot.
3. **Sparking Space Size.** A minimum of one hundred sixty-two (162) square feet, or nine (9) feet by eighteen (18) feet, shall comprise one (1) vehicular space.

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4. **Parking Shall Remain Unchanged.** Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere.
5. **Collective Parking (for uses overlapping in hours).** Two (2) or more buildings or uses may collectively provide the required off-street parking. The required number of parking spaces for individual uses may be reduced by up to twenty-five (25) percent if a signed agreement is provided by the property owners. Such parking requirements shall bind future owners of lots and shall be recorded with the [Register of Deeds](#) office.
6. **Shared Parking (for uses NOT overlapping in hours).** Joint use of the same parking area may be permitted for two (2) or more uses located on the same, adjacent, or nearby lots provided that the developer or owner demonstrates to the satisfaction of the Township that the uses will not overlap in hours of operation or in demand for shared spaces. Shared parking shall contain enough parking spaces to satisfy the parking requirements for the use requiring the largest number of spaces. The owners of all lots used for or making use of shared parking areas shall record a commitment stating that the uses will not overlap in hours of operation or in demand for shared spaces. The commitment shall be binding on future owners of the property(ies) and shall be recorded with the [Register of Deeds](#) office.
7. **Parking Reduction.**
 - a. Where the property owner can demonstrate that the required amount of parking is excessive, the Planning Commission may approve a smaller parking area. The Planning Commission may require an area of sufficient size to meet the parking space requirements of this Section shall be retained as open space, and the owner shall agree to construct the additional parking if needed at the direction of the Planning Commission based on observed usage within six (6) months of being informed of such request in writing by the Zoning Administrator. If required, the site plan shall note the area where parking is being deferred, including dimensions and a dotted parking lot layout. Any required landscaping placed in this area shall be relocated when the parking area is expanded.
 - b. In addition to the above reduction, the Planning Commission may grant a deviation from any portion of this Section only upon the following findings:
 - (1) Granting the deviation will not cause a substantially adverse effect on neighboring properties and will not produce nuisance conditions for occupants of nearby properties.
 - (2) Granting the deviation will not otherwise impair the public health, safety and general welfare of the residents.

If the Planning Commission declines to allow the requested deviation, the applicant may appeal the decision to the Zoning Board of Appeals.

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8. **Use of Parking Lot.** The storage of merchandise, motor vehicles for sale, trucks or the repair of vehicles, is prohibited on required off-street parking lots.
9. **Uses Not Listed.** For those uses not specifically mentioned in the Schedule of Parking, requirements for off-street parking facilities shall be in accord with a use which the Planning Commission considers as being similar in type.
10. **Snow Storage.** Adequate area shall be provided for snow piling.
11. **Handicap Parking.** Handicap parking shall be provided as required by state and federal regulations.
12. **Parking Clearly Marked.** Designation of parking area shall be clearly identifiable for use by the public.
13. **Excessive Parking Space.** In order to minimize excessive areas of pavement, which are unsightly and contribute to high rates of stormwater runoff, exceeding the minimum parking space requirements by greater than ten percent (10) shall not be allowed, except as approved by the Planning Commission. In granting such additional space, the Planning Commission shall determine that such parking will be required, based on documented evidence, to accommodate the use on a typical day.
14. **Off-Street Parking Schedule.** The minimum number of off-street parking spaces required by use shall be in accordance with the following:
 - a. For the purpose of computing the number of parking spaces required, the definition of **Usable Floor Area** shall govern. Square feet refers to square feet of "Usable" floor area.
 - b. One (1) per unit of measure shall be interpreted to mean one (1) per each unit, as one (1) per "each" three (3) persons.
 - c. Space requirements are cumulative; hence, a country club may require parking for the golf use as well as restaurant or bar use.
 - d. Employees refer to all permanent staff and part-time equivalents on the shift of maximum employment.
 - e. Legal capacity is the occupancy load as permitted by design, fire, or health standards.
 - f. When units or measurements (usable floor area) determining the number of required parking spaces result in a fractional space measurement, any fraction one-half ($\frac{1}{2}$) or more shall be rounded up to the next whole.

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Parking Spaces Required	
Land Use	Minimum Parking Space Required per Unit of Measure
Residential	
Dwelling	2 per dwelling
Elderly Housing	3 per 2 units
Rooming House	1 per bed of capacity
Fraternity or Sorority	1 per 2 beds or 1 per 5 active members, whichever is greater
Manufactured Housing Development	2 per unit, plus 1 per 5 units for guests
Adult Foster Care Home	1 per bed of capacity
Institutional and Public	
Church or Temple	1 per 3 seats or each 6 feet of pew
Hospital	1-1/2 per bed of capacity
Nursing Home	1 per bed of capacity
Nursery, Elementary, or Junior High School	1-1/2 per employee
Senior High School	1 per employee, plus 1 per 5 students
Membership Clubs	1 per 3 persons of legal capacity
Golf, Swim or Tennis Club	1 per 2 member families
Public Golf Courses	6 per green or golf hole, plus 1 per employee
Par 3 and/or Mini Golf	3 per hole or green
Sport Arena or Stadium	1 per 2 seats or 1 per 6 feet of bench
Theater or Auditorium	1 per 2 seats or 1 per 3 persons of legal capacity
Commercial	
Planned Shopping Center	1 per 100 square feet of floor area
Auto Wash-Automatic	1 per employee plus 2 per 20 feet of wash line
Auto Wash-Self Service	5 per wash stall
Barber	2 per service chair
Beauty Shop	2 per service chair
Dance Hall, Rinks or Assembly Building (no fixed seats)	1 per 3 persons of legal capacity
Banks	1 per 100 square feet of floor area
Doctor or Dentist Office	1 per 50 square feet of waiting room, plus 1 per service chair or examining room
Business Offices	1 per 200 square feet

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Tavern	1 per 50 square feet of floor area
Restaurants	1 per 3 persons of seating capacity, plus auto stalls if drive-in type
Furniture, Appliances	1 per 800 square feet of floor area, plus 1 per employee
Plumbers, Electricians, Minor Repair Services	1 per employee, plus 1 per 300 square feet of floor area
Gasoline Station (full-service), Auto Repair	2 per service stall plus 1 per employee
Gasoline Station (self-service)	1-1/2 for each fuel nozzle
Laundromat	1 per 3 machines for washing or dry-cleaning machine
Funeral Home/Mortuary	1 per 50 square feet of parlor or chapel area
Hotel or Motel	1 per rental unit, plus 1 per employee
Vehicle Sales	1 per 200 square feet of showroom floor area, plus 1 per employee
Retail Grocery Stores	1 per 100 square feet of floor area
Other Retail Stores	1 per 150 square feet of floor area
Industrial	
Welding Shop	2 per employee
Industrial Office or Research	1-1/2 spaces per employee
Warehouse & Wholesale	1 per employee

Section 3.28 Off-Street Loading & Unloading

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

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Section 3.29 Signs

A. Purpose.

The purpose of this Section is to regulate outdoor signs, designed to be visible to the public, in a manner which does not restrict the content while recognizing the mass communications needs of both businesses and other parties and creating a more attractive business environment. The number and size of signs may be distracting to motorists and pedestrians and can create a traffic hazard. The number and size of signs can also reduce the effectiveness of signs needed to direct the public and may mar the appearance of the landscape. The provisions of this Section are intended to apply the minimum amount of regulation in order to protect property values and neighborhood character; create a more attractive business environment; promote pedestrian and traffic safety; promote pleasing community aesthetics; and protect the dark night sky.

B. Sign Permit Required.

No sign, except those indicated in **subsection C.13** (below), shall be erected, altered, replaced, or relocated until approved by the Zoning Administrator and a Zoning Permit issued. A property owner may maintain an existing sign without a sign permit provided the type, size, shape, and height do not change and the residential or non-residential classification remains the same. All signs within Wilson Township shall conform to the regulations herein, whether or not a permit is required.

C. General Regulations.

1. **Construction and Maintenance.** The construction of any sign shall be such that it will withstand all wind and vibration forces which can be normally expected to occur in the vicinity.
2. **Signs Not to Constitute a Traffic Hazard.** No sign shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision or at any location where, by reason of the position, shape, or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, or which makes use of any word, phrase, symbol or character in such manner as to interfere with, mislead, or confuse traffic.
3. **Signs in Right-of-Way.** No sign, except those established and maintained by county, state, or federal governments, shall be erected in, nor project into, or overhang a road right-of-way.
4. **Directional Signs.** Signs established by county, state, or federal governments shall be permitted in all districts.
5. **Signs Which are in Need of Repair or Not Securely Affixed to Other Surfaces.** Signs, which are in need of repair, other than normal maintenance, or which are not securely affixed to a substantial structure are prohibited. No advertising sign shall be affixed to trees, rocks, shrubs, utility poles, or other similar objects. No sign shall be affixed to a motor vehicle or other similar

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object not usually used for signage and put on permanent, non-mobile display.

6. **Illumination/Glare.** Internally and externally lighted reflective, glowing, and other forms of illumination shall be permitted on all signs except where specifically prohibited. All illumination shall be concentrated on the area of the sign or landscape feature or directed or shielded so as to not interfere with the vision of persons on the adjacent streets or adjacent property. Illumination shall not constitute a traffic hazard. No sign shall be illuminated by other than electrical means or devices, and wiring shall be installed in accordance with the National Electrical Code.
7. **Flashing/Moving Signs.** Illuminated signs shall not be of the flashing, moving, or intermittent type unless elsewhere allowed in this Ordinance or approved by the Zoning Administrator, who shall find that the lighting is non-glaring and does not interfere with traffic control devices.
8. **Obscene Material.** No sign shall contain statements, words, or pictures of an obscene nature which would appeal predominantly to a prurient interest in sexual conduct, depict or describe sexual conduct in a patently offensive way, and be offensive, rude, lewd, or disgusting according to accepted moral standards.
9. **Substitution Clause.** Any sign that can be displayed under the provisions of this Ordinance may contain a non-commercial message.
10. **Nonconforming Signs.**
 - a. Nonconforming signs that were otherwise lawful on the effective date of this Zoning Ordinance may be continued.
 - b. No person shall increase the extent of nonconformity of a nonconforming sign. Without limiting the generality of the foregoing, no nonconforming sign may be enlarged or altered in such a manner as to aggravate the nonconforming condition. Nor may illumination be added to any nonconforming sign.
 - c. A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this Section.
 - d. If a nonconforming sign is destroyed by natural causes or willfully removed, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all provisions of this Zoning Ordinance. The remnants of the former sign structure not usable for a new conforming sign shall be removed within one hundred eighty (180) days. For purposes of this Section, a nonconforming sign is considered destroyed if it is damaged to an extent that the cost of repairing the sign to its former stature or replacing it with an equivalent sign equals or exceeds the value of the sign so damaged.
 - e. Subject to the other provisions of this Section, nonconforming signs may be repaired, maintained, serviced, or repainted if the framework and/or the size and/or shape of the sign

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

- f. If a nonconforming sign, other than an off-premise sign, is deemed abandoned, **subsection 11** shall apply.
- g. **Subsections f** above shall not apply to signs advertising seasonal businesses.

11. Abandoned Signs.

- a. An abandoned sign is any sign to which any of the following applies:
 - (1) The sign is located on a property on which the use has been abandoned.
 - (2) The sign has remained blank over a period of one (1) year.
 - (3) The sign’s message becomes illegible in whole or substantial part.
 - (4) The sign has fallen into disrepair.
- b. **Removal of Abandoned Signs.** In the event that a sign is determined to be abandoned, the Zoning Administrator shall give notice in the form of a letter to the property owner that the sign has been determined to be abandoned. The property owner shall have ninety (90) days to remove said sign. Upon the expiration of ninety (90) days, the Zoning Administrator shall give a second notice in the form of a letter. If the sign has not been removed upon the expiration of thirty (30) days from the date of the second notice, the Township shall begin Municipal Civil Infraction procedures.

12. Signs in Violation of this Section. Signs erected or maintained in violation of this Ordinance shall be handled as a Municipal Civil Infraction. Signs which are in danger of falling, are unsafe, or are damaged shall also be handled as a Municipal Civil Infraction.

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

- a. Archways above driveway with the property name.
- b. Signs, which are no larger than eight (8) square feet, on property containing single-family or two-family dwellings.
- c. Interior window signs.
- d. On non-residential property, permanent signs not exceeding four (4) square feet in area.

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- e. Memorial/Historical Signs: Information when cut into any masonry surface of a building or plaques when constructed of bronze or other incombustible material affixed to a building.
- f. Flags.
- g. Temporary signs.
- h. Signs less than two (2) square feet in size and located on the perimeter (along a lot boundary).
- i. Signs erected by an official governmental body or historic agency.
- j. Signs not visible by motorists or pedestrians on any road, alley, water body, public lands, or adjacent lots.
- k. Legal postings.

14. **Modification of Sign Allowances by Planning Commission.** The Planning Commission may, upon application of the property owner, modify the area of sign permitted for reasons of unusual building size or bulk, large site area and/or deep building setback, or where in unusual circumstances no good or practical purpose would be served by strict compliance with the requirements of the Section.

D. Sign Standards.

Signs shall be regulated by the standards in this subsection. Lots may contain the maximum of each type of sign listed in each category.

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**Table 3.29.A
Residential Sign Requirements**

	Single & Two-Family Uses	Lots which contain a Home-Based Business/ Cottage Industry/Bed & Breakfast	Multiple Family Housing, Subdivisions, Manufactured Housing Developments
Free-Standing Signs	Number allowed: 1 Maximum Size: 8 sq ft Maximum Height: 6 ft	Number allowed: 1 additional free-standing sign Maximum Size: 8 sq ft Maximum Height: 6 ft	Number allowed: 1 per entrance Maximum Size: 32 sq ft Maximum Height: 6 ft Minimum Setback: 10 ft from front lot line
Wall Signs	Number allowed: 1 Maximum Size: 8 sq ft	Number allowed: 1 additional wall sign Maximum Size: 8 sq ft	Maximum Size: 32 sq ft
Temporary Signs	Maximum: 32 sq ft in sum for all temporary signs on the zoning lot From sixty (60) days prior until five (5) days after a national, state, or local election, the temporary sign limits shall be suspended.		
Portable Changeable Copy Signs	Number Allowed: 1 Maximum Size: 32 sq ft		
Awning or Canopy Signs	Not allowed	No structural element of an awning or canopy shall be located less than eight (8) feet above finished grade	
Message Boards	Not allowed	Not allowed	See subsection E Maximum Height: 6 ft
Projecting Signs	Not allowed	Not allowed	Number Allowed: 1 Maximum Size: 16 sq ft Minimum height of 8 ft Sign structure: Sign supports and brackets shall be compatible with the design & scale of the sign.
Large Off-Premise Signs	Not allowed		
Small Off-Premise Signs	See subsection G		
Attention-Getting Device	Not allowed	Not allowed	Number Allowed: 1 per 100 ft of frontage Maximum Size: 36 sq ft each

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Table 3.29.B Non-Residential Sign Requirements

	Maximum # & Size Allowed	Maximum Height	Minimum Setback	Other Regulations
Free-Standing Signs	Number Allowed: 1 per each road frontage Maximum Size: 32 sq ft	The top of any ground-mounted sign shall be not more than 10 ft above the road grade or the ground level immediately beneath the sign, whichever is higher. The bottom of any ground-mounted sign shall be no more than 3 ft above the road grade or the ground level immediately beneath the sign, whichever is higher. (Figure A & B)	10 ft from front lot line	Sign Mounting: The sign shall be mounted on one or more posts. Posts shall not have a diameter greater than 12 inches.
Wall Signs	Maximum Size: 25% of the total exterior wall space	The sign shall not project above the top edge of the roof line. Any sign display surface that is affixed flat against the sloping surface of a mansard roof shall be considered a wall sign.	N/A	Sign shall not project from the surface upon which it is attached more than required for construction purposes and in no case more than 12 inches.
Temporary Signs	Maximum: 48 sq ft in sum for all temporary signs on the zoning lot From sixty (60) days prior until five (5) days after a national, state, or local election, the temporary sign limits shall be suspended.			
Portable Changeable Copy Signs	Number Allowed: 1 Maximum Size: 32 sq ft			
Attention-Getting Devices	Number Allowed: 1 per 100 ft of frontage Maximum Size: 36 sq ft each			
Awning or Canopy Signs	No restriction	No structural element of an awning or canopy shall be located less than eight (8) feet above finished grade.	N/A	N/A
Message Boards	Maximum Height: See Free-Standing Sign Height standards. See subsection E .			
Projecting Signs	1 at 16 ft ²	Minimum height of 8 ft	N/A	Sign structure: Sign supports and brackets shall be compatible with the design and scale of the sign.
Cluster Signs & Marquee Signs	Cluster signs and marquee signs may be permitted upon approval by the Planning Commission. There are no specific regulations related to these types of signs.			
Large Off-Premise Signs	See subsection F			
Small Off-Premise Signs	See subsection G			

Figure 3.29.A

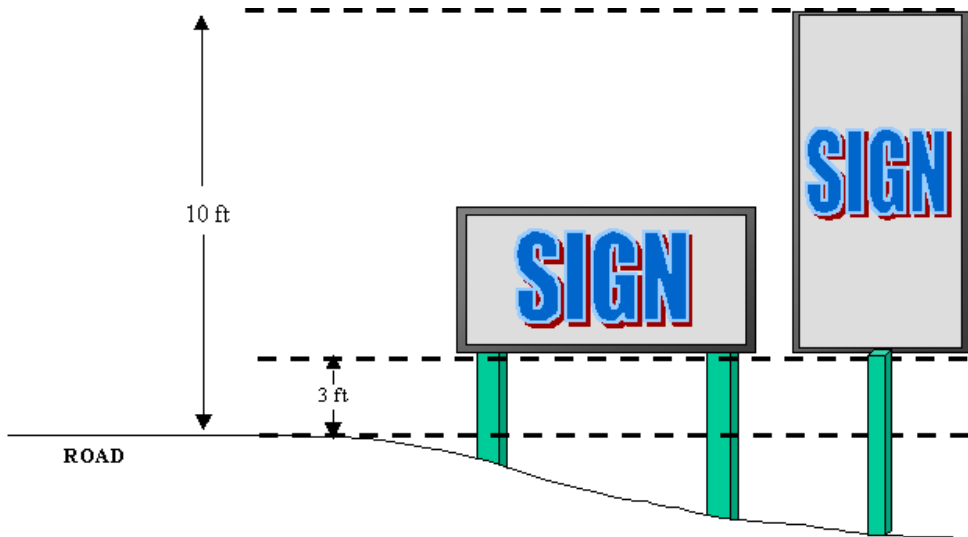
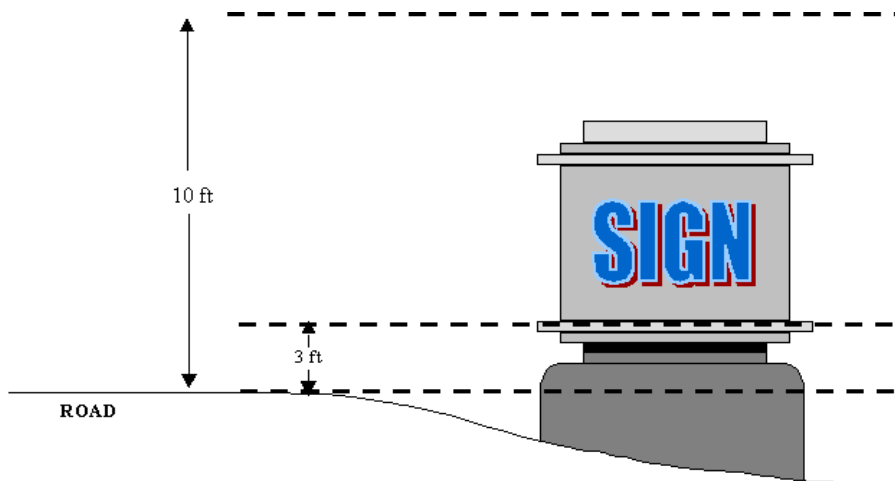


Figure 3.29.B



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E. Message Boards.

1. **Static Message Boards:** Where allowed, one (1) static message board shall be allowed in addition to the primary freestanding or wall sign.
 - a. The static message board shall be no greater than fifty (50) percent of the area of the primary freestanding or wall sign either existing on the property or as allowed by district/use, whichever is less.
 - b. Static message boards shall be an integral part of the primary sign.
 - c. **Number Allowed:** Only one (1) static message board shall be permitted per zoning lot.

2. **Electronic Message Boards.**
 - a. The electronic message board shall be no greater than fifty (50) percent of the area of the primary freestanding or wall sign either existing on the property or as allowed by district/use, whichever is less.
 - b. Electronic message boards shall be an integral part of the primary sign.
 - c. An electronic message board shall be allowed to have changing messages, scrolling messages, and animation, but shall not be allowed to contain flashing elements.
 - d. The electronic elements shall be of an intensity that the brightness and motion shall not adversely affect surrounding or facing premises, nor adversely affect the safe vision of pedestrians or operators of vehicles on public or private streets, driveways, or parking areas.
 - e. An electronic message board shall contain a default mechanism that freezes the sign in one position if a malfunction occurs.
 - f. An electronic message board shall contain a mechanism to automatically adjust the intensity of its display according to natural ambient light conditions.
 - g. **Number Allowed:** Only one (1) electronic message board shall be permitted per zoning lot.
 - h. Instruments which use technology to display or project digital messages onto windows or walls of buildings shall be considered an electronic message board and shall be subject to all provisions of this Ordinance.

F. Large Off-Premise Signs (Billboards).

The regulation of billboards is intended to enhance and protect community character and image by

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minimizing visual blight and pollution, to minimize traffic safety hazards due to diversion of the driver’s attention and blockage of sight distances, and to place signs in such a way that scenic views are respected and visual obstructions to the natural landscape are minimized. Billboard regulations address the location, size, height, and related characteristics of such signs.

1. Billboards shall only be allowed in the B-2, B-3, I, and A Districts on state highways in Wilson Township. Compliance with the Michigan Department of Transportation permitting process is required.
2. Not more than one (1) billboard may be located per three (3) linear miles of street or highway regardless of the fact that such billboards may be located on different sides of the subject street or highway. The linear mile measurement shall not be limited to the boundaries of Wilson Township where the particular street or highway extends beyond such boundaries. Double-faced billboard structures (i.e., structures having back-to-back billboard faces) and V-type billboard structures having only one (1) face visible to traffic proceeding from any given direction on a street or highway shall be permitted. Additionally, billboard structures having tandem billboard faces (i.e., two (2) parallel billboard faces facing the same direction and side-by-side to one another) shall be permitted and shall be considered as one (1) billboard.
3. No billboard shall be located within two hundred (200) feet of an existing residence. If the billboard is illuminated, this required distance shall instead be three hundred (300) feet.
4. No billboard shall be located closer than seventy-five (75) feet from a lot line or public right-of-way. No billboard shall be located within ten (10) feet from any interior boundary lines of the premises on which the billboard is located.
5. The surface display area of any side of a billboard may not exceed three hundred (300) square feet.
6. No billboard shall be installed or placed on top of, cantilevered, or otherwise suspended above the roof of any building.
7. A billboard may be illuminated, provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare or reflection onto any portion of an adjacent street or highway, into the path of on-coming vehicles, or on any adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
8. A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces which can normally be expected to occur in the vicinity. A billboard must be maintained so as to ensure proper alignment of structure, continued structural soundness, and continued readability of the message.
9. A billboard established within a business, commercial, or industrial area, as defined in the [Highway Advertising Act of 1972](#) (1972 PA 106, as amended) bordering interstate highways, freeways, or primary highways as defined in said Act shall in addition to complying with the above conditions,

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also comply with all applicable provisions of said Act and the regulations promulgated thereunder, as such may from time to time be amended.

10. Digital Billboards.

- a. **Rate of Change.** The rate of change between static messages or images shall not exceed more than one (1) change per eight (8) seconds. Each change shall be completed in one (1) second or less.
- b. **Luminance.** The sign shall possess and utilize automatic dimming capabilities so that the maximum luminescence level is not more than 0.3 footcandles over ambient light levels measured at a distance of one hundred fifty (150) feet for those sign faces less than or equal to three hundred (300) square feet.
- c. Digital billboards shall be configured to default to a static display in the event of mechanical failure.

G. Small, Private Off-Premise Signs.

- 1. Private off-premise signs shall be allowed on private property provided there exists a written agreement between the property owner and the business/industry. Said agreement shall be filed with Wilson Township.
- 2. Off-premise directional signs shall be no greater than six (6) square feet with a height no greater than six (6) feet.
- 3. Off-premise directional signs must be located at intersections.
- 4. One (1) off-premise direction sign is permitted per commercial or industrial zoning lot.
- 5. Small, Private Off-Premise signs do not count against the allowable signage for the zoning lot.

H. Severability Clause for Signs

Provisions of **Section 3.29** shall be deemed to be severable, and should any section, subsection, paragraph, or provision thereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Section as a whole or any other part thereof, other than the part so declared to be unconstitutional or invalid. If any court shall declare invalid the application of any provision of this Section to a particular lot, lot use, building, or structure, such ruling shall not affect the application of said provision to any other lot, lot use, building, or structure not specifically included in said ruling.

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Section 3.30 General Exceptions

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

A. Voting Place.

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

B. Height Limit.

1. The height limitations of this Ordinance shall not apply to rooftop equipment, chimneys, church spires, flag poles, light poles, public monuments, wireless transmission towers, farm silos, or wind turbines, provided, however, that the Planning Commission may specify a height limit for any such structure when such structure requires authorization as a use permitted by Special Use in this Ordinance.
2. Buildings and structures which exceed the maximum height limits up to fifty (50) percent, shall increase front and side yards by one (1) foot for each additional one (1) foot of height above the maximum stated. Other height variance may be granted by the Zoning Board of Appeals upon a showing that such increase is reasonable and if granted would not be detrimental to adjacent premises.

C. Yard Regulations.

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

D. Projections into Setback.

1. Outside stairways, fire escapes, vestibules, balconies, bay windows, and similar projections from the face of a building extending more than four (4) feet above the established grade shall be considered part of the building and shall not extend into any required setback or open space. Decks shall meet the setbacks required for the principal building.
2. Architectural features such as, but not limited to, window sills, cornices, eaves, and bay windows may extend or project into a required setback not more than four (4) inches for each one (1) foot of width of such yard.
3. Unenclosed paved areas, patios, and other surfaced areas may occupy a required setback.

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- 4. **Entranceway Structures.** In all districts, entranceway structures, including but not limited to, walls, columns, and gates marking entrances to single-family homes and subdivisions, multiple-family housing projects, commercial developments, industrial developments, mixed-use developments, or similar uses may be permitted and may be located in a setback provided that such entranceway structures shall be approved during the required Planning Commission review.

E. Farm Accessory Buildings.

Farm accessory buildings shall be exempt from the provisions of this Ordinance, except setback requirements shall be adhered to for the district where located.

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Section 4.1 Zoning Districts

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

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R-1	R-1: Single-Family Residential District
R-2	R-2: Agriculture District
R-3	R-3: General Residential District
RR	RR: Recreation Residential District
CR	CR: Conservation & Resources District
FF	FF: Farm & Forest District
B-1	B-1: Local & Tourist Business District
B-2	B-2: General Business District
B-3	B-3: Business & Light Manufacturing District
I	I: Industrial District
A	A: Airport District

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Section 4.2 Boundaries

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

A. Boundary Lines.

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

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

B. Zoning of Vacated Areas.

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

C. Zoning of Fill Areas.

Whenever, after appropriate permits are obtained, any fill material is placed in any lake or stream so as to create a usable or buildable space, such fill area shall take on the Zoning District and accompanying provisions of the land abutting said fill area. No use on any lake or stream shall be allowed which does not

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conform to the ordinance provisions on the property from which said use emanates. No fill material shall be placed in any lake or stream within the Township unless appropriate permits are obtained from the [State of Michigan](#).

D. Annexed Areas.

Whenever any area is annexed to Wilson Township, land that is zoned previous to annexation shall be classified as being in whichever district of this Ordinance most closely conforms with the zoning that existed prior to annexation, such classification to be recommended by the Planning Commission to the Township Board and the Board shall approve same by resolution.

E. Effect of Zoning District Changes.

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

Section 4.3 Application of District Regulations

All buildings, structures, or land may hereafter be used, constructed, altered, or occupied, only when in conformity with all of the regulations herein specified for the district in which it is located.

A. Uses in Districts.

1. **Permitted Uses.** Permitted uses shall be permitted by right only if specifically listed as principal permitted uses in the various zoning districts or are similar to such listed uses. Permitted uses are listed in [Section 4.16](#) and in the individual district tables.
2. **Special Land Uses.** Special land uses are permitted after review and approval by the Planning Commission only if specifically listed or are similar to such listed uses. Special land uses are listed in [Section 4.16](#) and in the individual district tables.

B. Application of Area and Width Regulations.

1. The area or width of a lot shall not be reduced below the minimum requirements herein established for the district in which such lot is located.
2. Every new lot shall meet the minimum lot width requirements set forth in this Article and shall have frontage on and/or access to a public road.
3. **Measuring Lot Width.** Lot width shall be measured as the horizontal distance between the side lot lines measured at the two (2) points where the front setback intersects the side lot lines.
4. **Setbacks.**

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- a. **Measuring Setback.** The setback is measured from the nearest point of the structure (including the eave) to the lot line. In cases where the lot line is at the center of a road or easement, then the setback is measured from the edge of the road right-of-way to the eave. See [Section 3.25](#) (Private Roads).
- b. **Corner Lots.** In the case of a corner lot, the front setback is measured from the street or right-of-way which is designated as the front on the plat and in the application for a building permit or zoning occupancy permit.
- c. **Double Frontage Lots.** In the case of a double frontage lot, the front setback is measured from both streets or rights-of-way.
- d. **Water Frontage Lots.** The portion abutting to the water is considered the front lot line and the front setback is measured from the ordinary high water mark. The lot line opposite the waterfront (usually along the street frontage) is considered the rear lot line.

C. Application of Height Regulations.

- 1. No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except as otherwise provided in this Ordinance.
- 2. The height limitations of this Ordinance shall not apply to rooftop equipment, chimneys, church spires, flag poles, light poles, public monuments, wireless transmission towers, farm silos, or wind turbines, provided, however, that the Planning Commission may specify a height limit for any such structure when such structure requires authorization as a use permitted by Special Land Use in this Ordinance.
- 3. Buildings and structures which exceed the maximum height limits up to fifty (50) percent, shall increase front and side yards by one (1) foot for each additional one (1) foot of height above the maximum stated. Other height variance may be granted by the Board of Appeals upon a showing that such increase is reasonable and if granted would not be detrimental to adjacent premises.

D. Location and Number of Buildings on Lot.

- 1. Every building erected, altered, or moved shall be located on a lot as defined herein.
- 2. No lot may contain more than one (1) principal building or use except that, upon determination by the Planning Commission, groups of apartment buildings, offices, retail business buildings, agricultural structures, or other similar groups of buildings shall be allowed. See [Section 3.8](#) for limitations of dwellings per lot and [Section 7.22](#) for Accessory Dwelling Units.

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Section 4.4 Classification of Unlisted Property Uses

When the proposed use of land or use of a structure is not specified in this Ordinance, the Township Planning Commission shall have the power, on written request of a property owner in a zoning district, to classify a use not listed with a comparable permitted use or Special Land Use in the district. Petition for such classification shall be made through the office of the Township Zoning Administrator. In determining the proper classification of an unlisted property use, the Planning Commission shall consider the characteristics of the proposed unlisted property use in relation to similar and comparable uses listed in any zoning district and in relation to the requirements of the Township Master Plan. Once classified, the unlisted property use is subject to all applicable regulations pertaining to similar uses in the zoning district in which placed, including the regulations pertaining to uses subject to Special Land Use permit approval, if classified as such a use by the Planning Commission. If an unlisted property use is unable to be classified with a comparable use, then the use shall only be added to the Ordinance by the zoning amendment process per [Section 10.2](#).

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plans & Site Plan Review
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Wilson Township Zoning Ordinance

Section 4.5 R-1: Single-Family Residential District

**R-1
DISTRICT**

A. District Intent.

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

B. Uses Allowed.

Permitted and Special Land Uses shall be limited to those listed below (also in [Section 4.16: Full Table of Permitted and Special Land Uses](#)) and shall be subject to all applicable provisions of [Article 5: Plot Plans and Site Plan Review](#), [Article 6: Special Land Use Review](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL LAND USES		R-1
R = Permitted by right S = Permitted with a Special Land Use Permit <i>§7.x indicates supplemental regulations apply</i>		R-1
Accommodation & Food/Event Services		
Bed & Breakfasts/ Tourist Homes §7.6		S
Arts, Entertainment & Recreation		
Dock/Launch Ramp & Marina Facilities, Private or Public (including incidental & related retail facilities & boat repair & storage; not including private use for a single-family residence)		S
Parks & Playgrounds; Recreation Areas (passive recreation), Nature Areas, Conservation Areas, Wildlife Preserves (public or private)		S
Commercial, Services & Retail		
Commercial Use in a Residential District (neighborhood business) §7.10		S
Communications/Energy/Utilities		
Amateur Radio Antennae (roof- or ground-mounted) §7.2		R
Essential Services		R
Essential Service Buildings & Facilities (i.e. transformer stations, substations, utility exchanges, pump stations)		S
Public utility facilities (without storage yards) – does not include Essential Service Buildings		S
Solar Energy – Accessory §7.29		R
Wind Energy Systems over 100' in height (Small On-Site) §7.27		S
Wind Energy Systems up to 100' in height (Small On-Site) §7.27		S
Educational Services/Churches		
Churches or Places of Worship		S
Private instructional facilities		S

TABLE OF PERMITTED USES & SPECIAL LAND USES		R-1
R = Permitted by right S = Permitted with a Special Land Use Permit <i>§7.x indicates supplemental regulations apply</i>		R-1
Educational Services/Churches (cont.)		
Public, charter or private schools (elementary - high)		S
Public or private colleges/universities		S
Human Care & Social Assistance		
Child Day Care Services (see following):		
Family Child Care Home		R
Group Child Care Home §7.8		S
Child Care Center or Day Care Center §7.8		S
State-Licensed Residential Facilities (6 or less persons)		R
Manufacturing, Industrial & Waste Management		
Extraction of Natural Resources & Filling - Soil, Sand, Clay, Gravel, Stone or Similar Materials (including Mines, Quarries & Gravel Pits) §7.24		S
Miscellaneous		
Accessory Buildings & Uses Incidental to Principal Uses §3.10		R
Cemeteries including Columbaria & Mausoleums (human or pet)		S
Planned Unit Developments §7.16		S
Public Facilities		
Public Parks, Playgrounds, and Recreation Areas		R
Residential Uses		
Accessory Dwelling Units/Guest Houses §7.22		S
Home Occupations §7.12		R
Single-Family Dwellings (year-round & seasonal)		R

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plans & Site Plan Review
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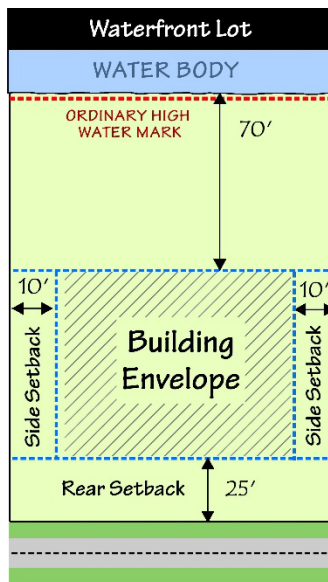
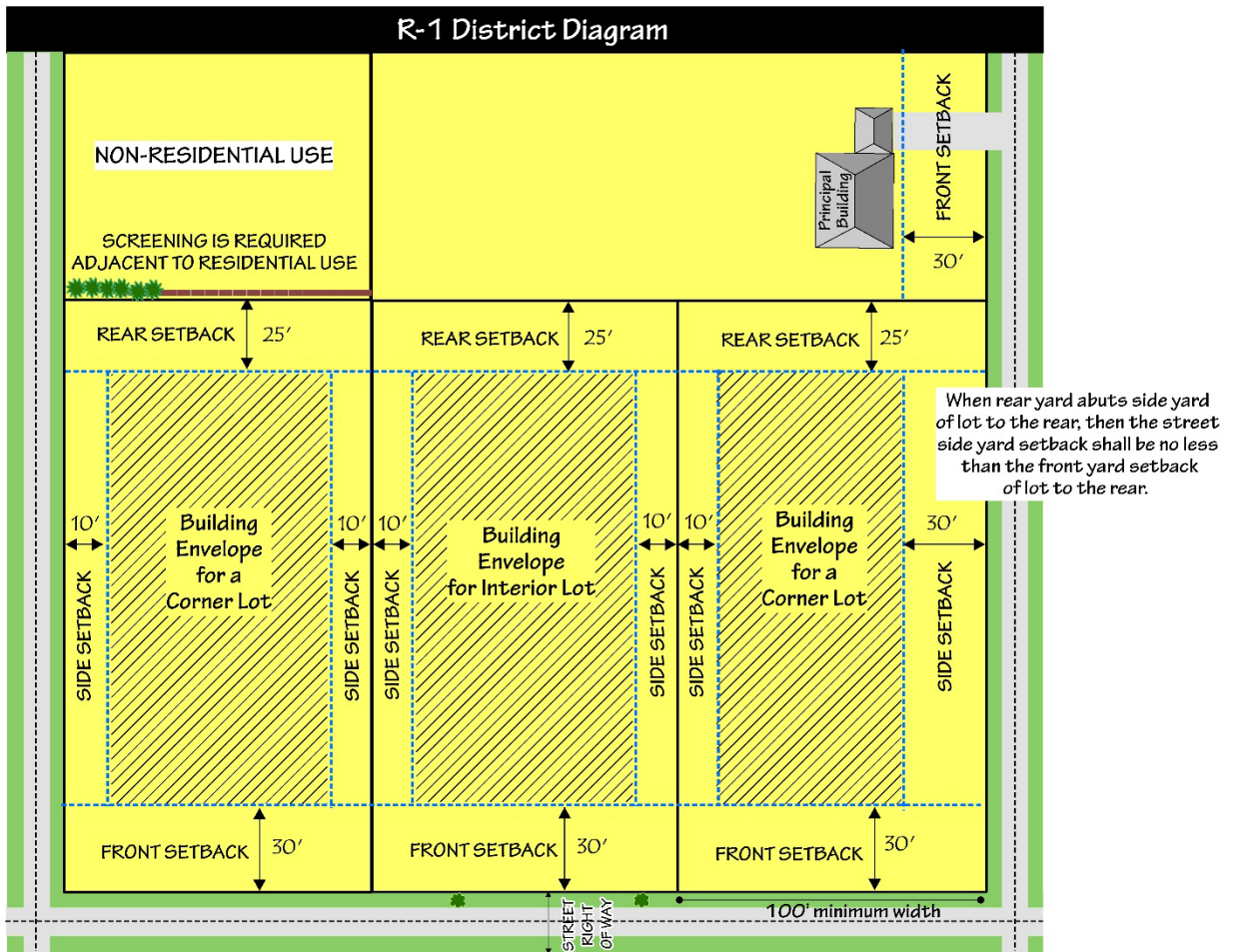
Wilson Township Zoning Ordinance

C. Development Standards for R-1 District.



Principal buildings within this district shall adhere to the standards within this table unless specifically stated otherwise in this Ordinance:

1. Lot & Structure Standards	
a. Lot Area (min.)	20,000 sq ft 12,000 sq ft (100 X 120) if served by community water and sewer
b. Lot Width (min.)	100 ft
c. Building Height (max.)	2 stories Basements (including walk-out basements) and attics are not counted as stories Buildings and structures which exceed the maximum height limits up to 50%, shall increase front and side setbacks by 1 foot for each additional 1 foot of height above the maximum stated. Other height variance may be granted by the Zoning Board of Appeals upon a showing that such increase is reasonable and if granted would not be detrimental to adjacent premises.
d. Ground Floor Area (min.)	Single-Family: 900 sq ft (Does not apply to hotel/motels, resorts, cabins courts, accessory dwelling units, hunting cabins, and similar uses.) Dwelling units which are less than 900 sq ft may be approved by the Planning Commission.
e. Lot Coverage (max.)	30% (shall not apply to structures less than 4 ft in height)
2. Setbacks	
a. Front (min.)	30 ft On waterfront lots, the front setback shall be 70 feet from the ordinary high water mark. If a water body is completely contained on one zoning lot, then this waterfront setback shall not be required. A man-made water body completely contained within one zoning lot shall meet the same setbacks from the lot lines as a principal building.
b. Side (min.)	10 ft In the case of a rear yard abutting a side yard of an adjacent lot, the side yard abutting a street shall not be less than the required front setback of that district.
c. Rear (min.)	25 ft
3. Additional Development Standards	
a. Accessory Buildings	See §3.10 .
b. Screening	When a non-residential use abuts a residential use or district, screening is required per §3.22 . A vegetative buffer strip may be used per §3.22.A .
c. Fences	See §3.21 .
d. Decks & Patios	Decks and patios shall meet the setbacks required for the principal building.
e. Signs	See §3.29 .
f. Parking	See §3.27 .



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Section 4.6 R-2: Agriculture District



A. District Intent.

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

B. Uses Allowed.

Permitted and Special Land Uses shall be limited to those listed below (also in [Section 4.16: Full Table of Permitted and Special Land Uses](#)) and shall be subject to all applicable provisions of [Article 5: Plot Plans and Site Plan Review](#), [Article 6: Special Land Use Review](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL LAND USES	
R = Permitted by right S = Permitted with a Special Land Use Permit <i>§7.x indicates supplemental regulations apply</i>	R-2
Accommodation & Food/Event Services	
Bed & Breakfasts/ Tourist Homes §7.6	S
Commercial Event Facilities §7.36	S
Resorts §7.19	S
Rooming & Boarding Houses §7.20	S
Short Term Rentals §7.37	R
Wineries, Cider Mills, Distilleries & Breweries including Tasting Rooms and Distribution Operations	S
Agriculture, Animal Services & Forest Products	
Agricultural Business (related to the sale of field crops, forest products, & livestock raised or cultivated on the property)	R
Agricultural Equipment Dealers	S
Agricultural Products Processing & Storage	S
Agricultural Tourism (see following):	
Bakeries (selling goods grown primarily on-site)	R
Educational Tours, Classes, Lectures, & Seminars	R
Family-Oriented Animated Barns (haunted houses)	R
Farm Stays	R
Gift shops for agriculturally-related products, crafts	R
Historical Agricultural Exhibits	R
Organized Meeting Space (weddings, birthdays, corporate picnics) – Commercial Event Facility	S
Petting Farms, Animal Display, & Pony Rides (may be accessory use to hobby farms)	S
Picnic Areas (including rest rooms)	R
Playgrounds, Wagon/Sleigh Rides, Nature Trails	R
Restaurants (related to the agricultural use of the site)	S

TABLE OF PERMITTED USES & SPECIAL LAND USES	
R = Permitted by right S = Permitted with a Special Land Use Permit <i>§7.x indicates supplemental regulations apply</i>	R-2
Agriculture, Animal Services & Forest Products (cont.)	
Seasonal Outdoor Mazes of Agricultural Origin	R
Small-Scale Entertainment (concert, car show, art fair)	S
Animal Services (such as dog grooming, animal day care, & dog clubs)	R
Animal Shelters, Kennels, Veterinary Clinics §7.3	S
Biofuel Production Facilities on Farms §7.35	RS
Boarding Stables; Riding Arenas §7.18	R
Bulk Seed, Feed, Fertilizer & Nursery Stock Outlet & Distribution Centers (including wholesale)	S
Butcher Services - Less than 50 animal units per week. One animal unit = 1,000 pounds. Applicant will have to provide a plan for waste mitigation with application.	S
Composting Facilities (large scale facilities – compost material brought in & deposited)	R
Farms & Agricultural Operations	R
Farm Markets including Roadside Stands - on property controlled by the affiliated farm	R
Feedlots (large-scale commercial CAFO)	R
Forest Products Processing (including sawmills, planing mills, veneer mills & related operations) INCLUDING Firewood Sales - Commercial - (does not include small bundles of firewood) §7.21	R
Game Preserves (where game is hunted)	S
Grain Elevators	R
Greenhouse, Nursery, Landscaping & Floriculture	R
Lumber Yards (pre-planned, finished lumber)/Building Material Sales & Supply	S
Seasonal “U-Pick” Fruits & Vegetables Operations	R

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TABLE OF PERMITTED USES & SPECIAL LAND USES	
R = Permitted by right S = Permitted with a Special Land Use Permit <i>§7.x indicates supplemental regulations apply</i>	R-2
Arts, Entertainment & Recreation	
Campgrounds & RV Parks (may include rental of other types of recreational structures – “glamping”)	S
Clubs, Lodges & Fraternal Organizations	R
Dock/Launch Ramp & Marina Facilities, Private or Public (including incidental & related retail facilities & boat repair & storage; not including private use for a single-family residence)	S
Golf Courses & Country Clubs	S
Historical Restoration/ Renovation Facilities (including historic communities, archeological excavations, & displays of historical artifacts related to the premises) – open to the public	R
Racetracks (non-motorized) §7.17	S
Parks & Playgrounds; Recreation Areas (passive recreation), Nature Areas, Conservation Areas, Wildlife Preserves (public or private)	R
Shooting Range, Outdoor	S
Sportsmen’s Clubs	R
Theaters & Performing Arts Facilities, Outdoor (Commercial events Facilities)	S
Commercial, Services & Retail	
Commercial Use in a Residential District (neighborhood business) §7.10	S
Lumber Yards (pre-planed, finished lumber)/Building Material Sales & Supply	S
Pet Care (except Veterinary & Animal Shelters <i>See Animal Services</i>)	R
Taxidermy Shops	S
Communications/Energy/Utilities	
Amateur Radio Antennae (roof- or ground-mounted) §7.2	R
Battery Energy Storage Systems §7.31	S
Essential Services	R
Essential Service Buildings & Facilities (such as transformer stations, substations, utility exchanges, pump stations)	S
Public utility facilities (without storage yards) – does not include Essential Service Buildings	S
Solar Energy – Accessory §7.29	R
Solar Energy Facilities §7.30	S
Wind Energy Facilities & Anemometer Towers (Utility-Scale) §7.28	S
Wind Energy Systems over 100’ in height (Small On-Site) §7.27	S

TABLE OF PERMITTED USES & SPECIAL LAND USES	
R = Permitted by right S = Permitted with a Special Land Use Permit <i>§7.x indicates supplemental regulations apply</i>	R-2
Communications/Energy/Utilities (con’t)	
Wind Energy Systems up to 100’ in height (Small On-Site) §7.27	R
Wireless Facilities (with or without support structures) & Small Cell Wireless Facilities §7.26	S
Educational Services/Churches	
Churches or Places of Worship	R
Private instructional facilities	S
Public, charter or private schools (elementary through high school)	S
Public or private colleges/universities	S
Human Care & Social Assistance	
Child Day Care Services (see following):	
Family Child Care Home	R
Group Child Care Home §7.8	S
Child Care Center or Day Care Center §7.8	S
State-Licensed Residential Facilities (6 or less persons)	R
Manufacturing, Industrial & Waste Management	
Extraction of Natural Resources & Filling - Soil, Sand, Clay, Gravel, Stone or Similar Materials (including Mines, Quarries & Gravel Pits) §7.24	S
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal Uses §3.10	R
Cemeteries including Columbaria & Mausoleums (human or pet)	S
Planned Unit Developments §7.16	S
Site Condominium Development §7.33	S
Public Facilities	
Community Centers	R
General Government Administration Facilities	R
Police/Fire Stations	R
Public Parks, Playgrounds, and Recreation Areas	R
Residential Uses	
Accessory Dwelling Units/Guest Houses §7.22	S
Cottage Industries §7.12	S
Home Occupations §7.12	R
Single-Family Dwellings (year-round & seasonal)	R

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C. Development Standards for R-2 District.



Principal buildings within this district shall adhere to the standards within this table unless specifically stated otherwise in this Ordinance:

1. Lot & Structure Standards

a. Lot Area (min.)	40,000 sq ft 22,000 sq ft if served by community water and sewer
b. Lot Width (min.)	100 ft
c. Building Height (max.)	2 stories Basements (including walk-out basements) and attics are not counted as stories Buildings and structures which exceed the maximum height limits up to 50%, shall increase front and side setbacks by 1 foot for each additional 1 foot of height above the maximum stated. Other height variance may be granted by the Zoning Board of Appeals upon a showing that such increase is reasonable and if granted would not be detrimental to adjacent premises.
d. Ground Floor Area (min.)	Single-Family: 720 sq ft (Does not apply to hotel/motels, resorts, cabins courts, accessory dwelling units, hunting cabins, and similar uses.) Dwelling units which are less than 720 sq ft may be approved by the Planning Commission.
e. Lot Coverage (max.)	30% (shall not apply to structures less than 4 ft in height)

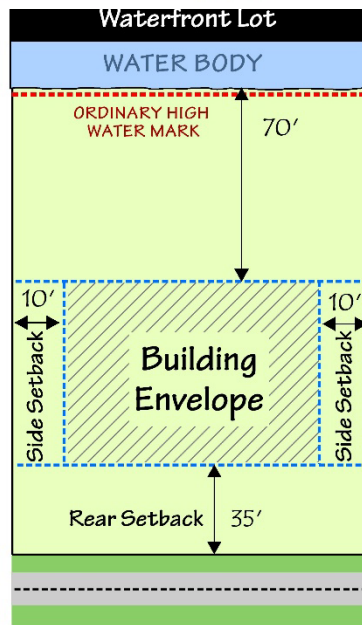
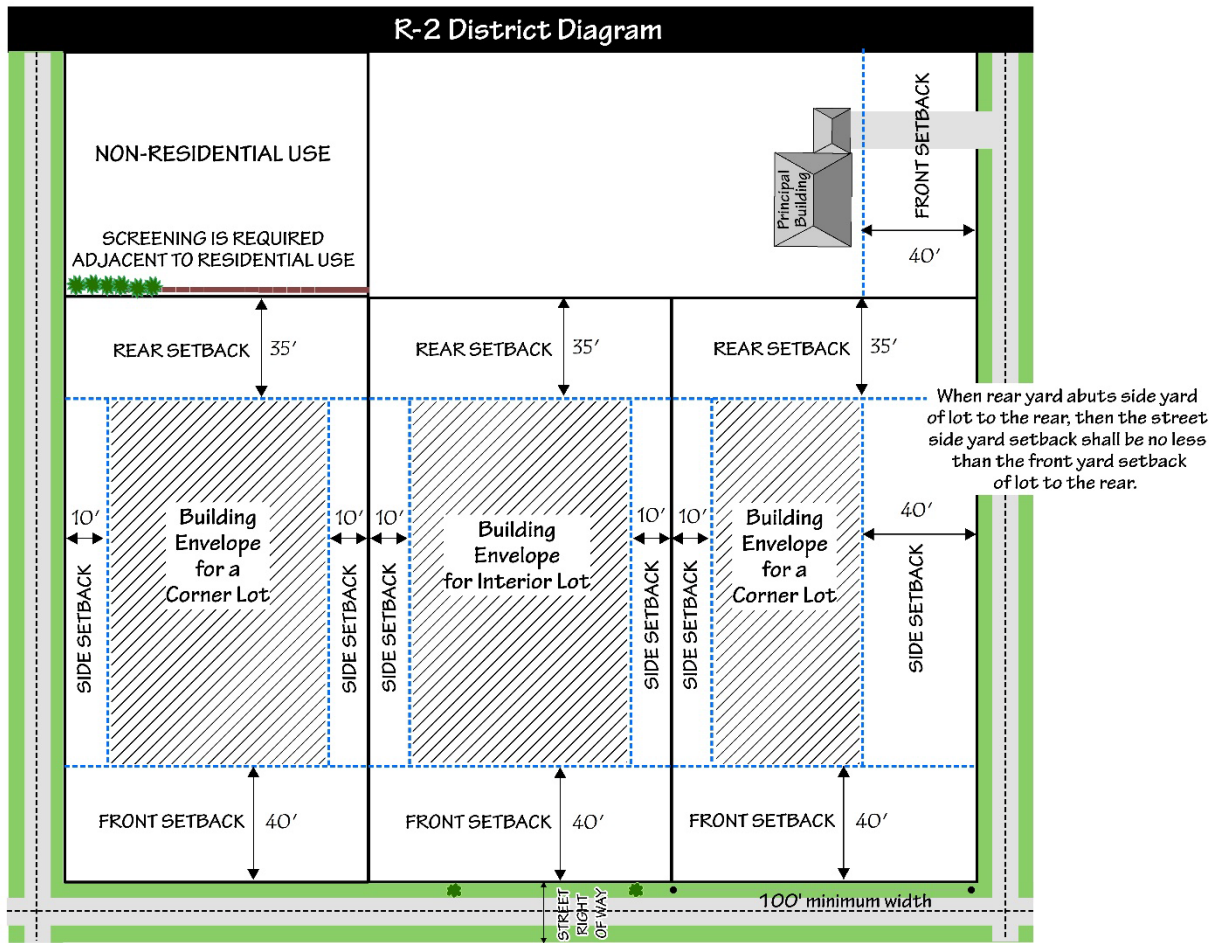
2. Setbacks

a. Front (min.)	40 ft On waterfront lots, the front setback shall be 70 feet from the ordinary high water mark. If a water body is completely contained on one zoning lot, then this waterfront setback shall not be required. A man-made water body completely contained within one zoning lot shall meet the same setbacks from the lot lines as a principal building.
b. Side (min.)	10 ft In the case of a rear yard abutting a side yard of an adjacent lot, the side yard abutting a street shall not be less than the required front setback of that district.
c. Rear (min.)	35 ft

3. Additional Development Standards

a. Accessory Buildings	See §3.10 .
b. Screening	When a non-residential use abuts a residential use or district, screening is required per §3.22 . A vegetative buffer strip may be used per §3.22.A .
c. Fences	See §3.21 .
d. Decks & Patios	Decks and patios shall meet the setbacks required for the principal building.
e. Signs	See §3.29 .
f. Parking	See §3.27 .

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Section 4.7 R-3: General Residential District



A. District Intent.

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

B. Uses Allowed.

Permitted and Special Land Uses shall be limited to those listed below (also in [Section 4.16: Full Table of Permitted and Special Land Uses](#)) and shall be subject to all applicable provisions of [Article 5: Plot Plans and Site Plan Review](#), [Article 6: Special Land Use Review](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL LAND USES		R-3
R = Permitted by right S = Permitted with a Special Land Use Permit <i>§7.x indicates supplemental regulations apply</i>		
Accommodation & Food/Event Services		
Bed & Breakfasts/ Tourist Homes §7.6		S
Resorts §7.19		S
Rooming & Boarding Houses §7.20		S
Arts, Entertainment & Recreation		
Dock/Launch Ramp & Marina Facilities, Private or Public (including incidental & related retail facilities & boat repair & storage; not including private use for a single-family residence)		S
Golf Courses & Country Clubs		S
Racetracks (non-motorized) §7.17		S
Parks & Playgrounds; Recreation Areas (passive recreation), Nature Areas, Conservation Areas, Wildlife Preserves (public or private)		R
Commercial, Services & Retail		
Commercial Use in a Residential District (neighborhood business) §7.10		S
Offices, Professional		S
Personal Services (barber/beauty shops, tailoring, massage)		S
Communications/Energy/Utilities		
Amateur Radio Antennae (roof- or ground-mounted) §7.2		R
Essential Services		R
Essential Service Buildings & Facilities (such as transformer stations, substations, utility exchanges, pump stations)		S

TABLE OF PERMITTED USES & SPECIAL LAND USES		R-3
R = Permitted by right S = Permitted with a Special Land Use Permit <i>§7.x indicates supplemental regulations apply</i>		
Communications/Energy/Utilities (cont.)		
Public utility facilities (without storage yards) – does not include Essential Service Buildings		S
Solar Energy – Accessory §7.29		R
Wind Energy Systems over 100’ in height (Small On-Site) §7.27		S
Wind Energy Systems up to 100’ in height (Small On-Site) §7.27		R
Educational Services/Churches		
Churches of Places of Worship		S
Private instructional facilities		S
Public, charter or private schools (elementary through high school)		S
Public or private colleges/universities		S
Human Care & Social Assistance		
Child Day Care Services (see following):		
Family Child Care Home		R
Group Child Care Home §7.8		S
Child Care Center or Day Care Center §7.8		S
Health Care Clinics/Dental Clinics		S
Nursing/Convalescent Home/Assisted Living Home §7.4		S
Other Residential Care Facilities (Homeless shelter, substance abuse, correctional)		S
State-Licensed Residential Facilities (6 or less persons)		R

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TABLE OF PERMITTED USES & SPECIAL LAND USES	
R = Permitted by right S = Permitted with a Special Land Use Permit <i>§7.x indicates supplemental regulations apply</i>	R-3
Manufacturing, Industrial & Waste Management	
Extraction of Natural Resources & Filling - Soil, Sand, Clay, Gravel, Stone or Similar Materials (including Mines, Quarries & Gravel Pits) §7.24	S
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal Uses §3.10	R
Cemeteries including Columbaria & Mausoleums (human or pet)	S
Planned Unit Developments §7.16	S
Site Condominium Development §7.33	S
Public Facilities	
Public Parks, Playgrounds, and Recreation Areas	R
Residential	
Accessory Dwelling Units/Guest Houses §7.22	S
Cottage Industries §7.12	S
Home Occupations §7.12	R
Manufactured Housing Communities §7.32	S
Multiple-Family Dwellings	R
Single-Family Dwellings (year-round & seasonal)	R
Two-Family Dwellings	R

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C. Development Standards for R-3 District.

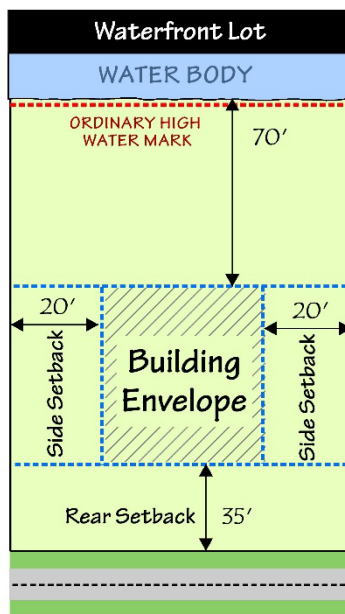
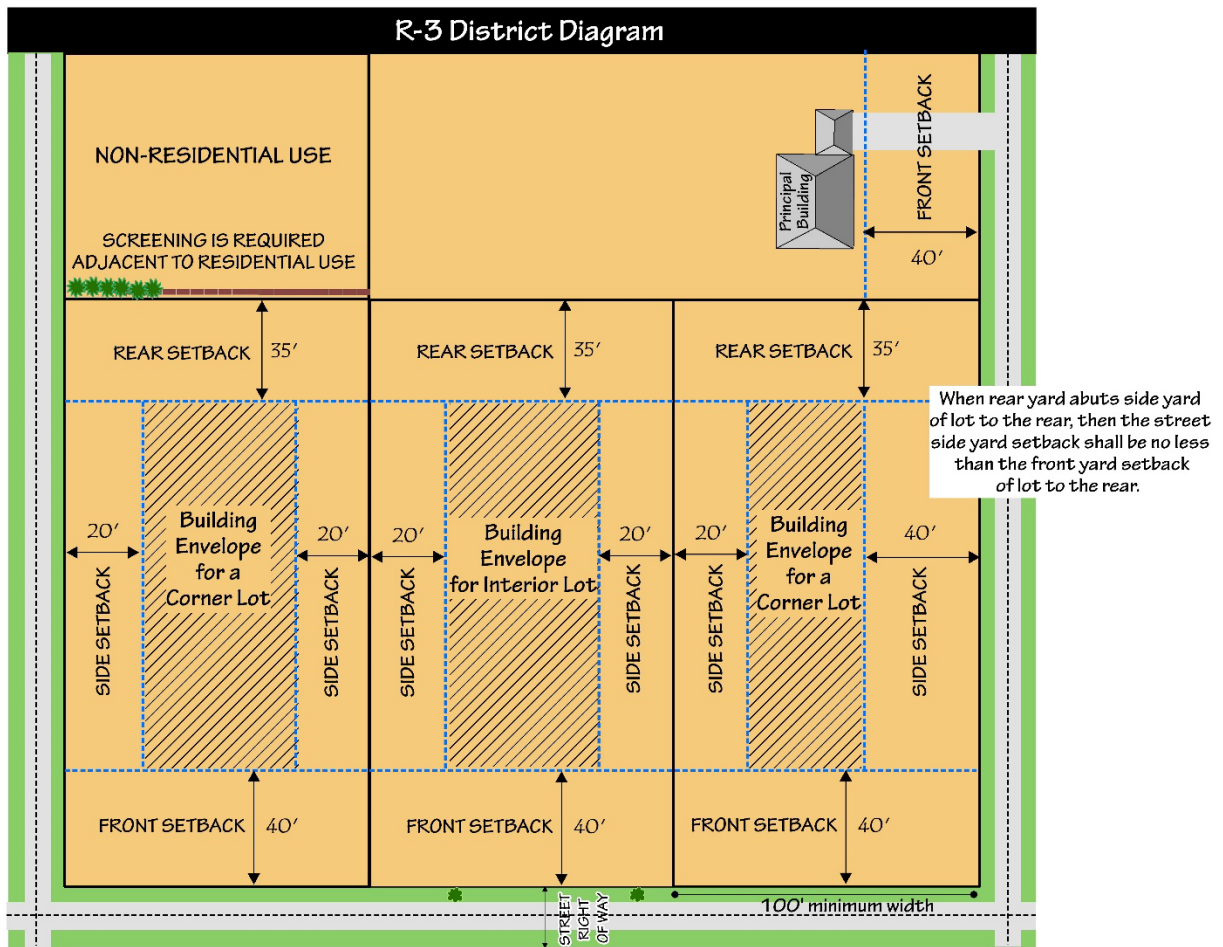


Principal buildings within this district shall adhere to the standards within this table unless specifically stated otherwise in this Ordinance:

1. Lot & Structure Standards	
a. Lot Area (min.)	20,000 sq ft 12,000 sq ft (100 X 120) if served by community water and sewer Multiple-family dwellings may be erected on a minimum lot size of 12,000 square feet, provided the development complies with the County Health Code. The net density (not including street right-of-way) shall be limited to not more than 12 dwelling units per acre.
b. Lot Width (min.)	100 ft
c. Building Height (max.)	2 stories Basements (including walk-out basements) and attics are not counted as stories Buildings and structures which exceed the maximum height limits up to 50%, shall increase front and side setbacks by 1 foot for each additional 1 foot of height above the maximum stated. Other height variance may be granted by the Zoning Board of Appeals upon a showing that such increase is reasonable and if granted would not be detrimental to adjacent premises.
d. Ground Floor Area (min.)	Single-Family: 720 sq ft (Does not apply to hotel/motels, resorts, cabins courts, accessory dwelling units, hunting cabins, and similar uses.) Dwelling units which are less than 720 sq ft may be approved by the Planning Commission.
e. Lot Coverage (max.)	35% (shall not apply to structures less than 4 ft in height)
f. Building Separation	For the purpose of applying setbacks, multiple-family dwelling developments shall be considered as 1 building occupying 1 lot. When more than 1 multiple-family dwelling building occupies 1 lot, the two or more structures must be separated by at least 20 feet when end-to-end and 50 feet when face-to-face or back-to-back for structures up to 2 stories. These isolation distances shall be increased by 8 feet for each story above the first 2 stories.
2. Setbacks	
a. Front (min.)	40 ft On waterfront lots, the front setback shall be 70 feet from the ordinary high water mark. If a water body is completely contained on one zoning lot, then this waterfront setback shall not be required. A man-made water body completely contained within one zoning lot shall meet the same setbacks from the lot lines as a principal building.
b. Side (min.)	20 ft In the case of a rear yard abutting a side yard of an adjacent lot, the side yard abutting a street shall not be less than the required front setback of that district.
c. Rear (min.)	35 ft
3. Additional Development Standards	
a. Accessory Buildings	See §3.10 .
b. Screening	When a non-residential use abuts a residential use or district, screening is required per §3.22 . A vegetative buffer strip may be used per §3.22.A .
c. Fences	See §3.21 .
d. Decks & Patios	Decks and patios shall meet the setbacks required for the principal building.
e. Signs	See §3.29 .
f. Parking	See §3.27 .

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Section 4.8 RR: Recreation Residential District



A. District Intent.

The Recreation Residential District is designed to accommodate cottage and seasonal home developments in addition to year-round homes and recreational amenities such as resorts.

B. Uses Allowed.

Permitted and Special Land Uses shall be limited to those listed below (also in [Section 4.16: Full Table of Permitted and Special Land Uses](#)) and shall be subject to all applicable provisions of [Article 5: Plot Plans and Site Plan Review](#), [Article 6: Special Land Use Review](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL LAND USES	
R = Permitted by right S = Permitted with a Special Land Use Permit <i>§7.x indicates supplemental regulations apply</i>	RR
Accommodation & Food/Event Services	
Bed & Breakfasts/ Tourist Homes §7.6	S
Resorts §7.19	S
Agriculture, Animal Services & Forest Products	
Agricultural Tourism (see following):	
Bakeries (selling goods grown primarily on-site)	R
Educational Tours, Classes, Lectures, & Seminars	R
Gift shops for agriculturally-related products, crafts	R
Historical Agricultural Exhibits	R
Petting Farms, Animal Display, & Pony Rides (may be accessory use to hobby farms)	S
Picnic Areas (including rest rooms)	R
Playgrounds, Wagon/Sleigh Rides, Nature Trails	R
Restaurants (related to the agricultural use of the site)	S
Seasonal Outdoor Mazes of Agricultural Origin	R
Small-Scale Entertainment (concert, car show, art fair)	S
Biofuel Production Facilities on Farms §7.35	RS
Boarding Stables; Riding Arenas §7.18	R
Farms & Agricultural Operations	R
Farm Markets including Roadside Stands - on property controlled by the affiliated farm	R
Seasonal "U-Pick" Fruits & Vegetables Operations	R
Arts, Entertainment & Recreation	
Camps (ex: summer camps) §7.19	S
Canoe/Boat/Kayak Liveries	S

TABLE OF PERMITTED USES & SPECIAL LAND USES	
R = Permitted by right S = Permitted with a Special Land Use Permit <i>§7.x indicates supplemental regulations apply</i>	RR
Arts, Entertainment & Recreation (cont)	
Dock/Launch Ramp & Marina Facilities, Private or Public (including incidental & related retail facilities & boat repair & storage; not including private use for a single-family residence)	S
Golf Courses & Country Clubs	S
Historical Restoration/ Renovation Facilities (including historic communities, archeological excavations, & displays of historical artifacts related to the premises) – open to the public	R
Parks & Playgrounds; Recreation Areas (passive recreation), Nature Areas, Conservation Areas, Wildlife Preserves (public or private)	R
Commercial, Services & Retail	
Commercial Use in a Residential District (neighborhood business) §7.10	S
Communications/Energy/Utilities	
Amateur Radio Antennae (roof- or ground-mounted) §7.2	R
Essential Services	R
Essential Service Buildings & Facilities (such as transformer stations, substations, utility exchanges, pump stations)	S
Public utility facilities (without storage yards) – does not include Essential Service Buildings	S
Solar Energy – Accessory §7.29	R

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R = Permitted by right S = Permitted with a Special Land Use Permit <i>§7.x indicates supplemental regulations apply</i>	RR
Communications/Energy/Utilities	
Wind Energy Systems over 100' in height (Small On-Site) §7.27	S
Wind Energy Systems up to 100' in height (Small On-Site) §7.27	R
Human Care & Social Assistance	
Child Day Care Services (see following):	
Family Child Care Home	R
Group Child Care Home §7.8	S
State-Licensed Residential Facilities (6 or less persons)	R
Manufacturing, Industrial & Waste Management	
Extraction of Natural Resources & Filling - Soil, Sand, Clay, Gravel, Stone or Similar Materials (including Mines, Quarries & Gravel Pits) §7.24	S
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal Uses §3.10	R
Planned Unit Developments §7.16	S
Public Facilities	
Public Parks, Playgrounds, and Recreation Areas	R
Residential Uses	
Accessory Dwelling Units/Guest Houses §7.22	S
Cottage Industries §7.12	S
Home Occupations §7.12	R
Single-Family Dwellings (year-round & seasonal)	R

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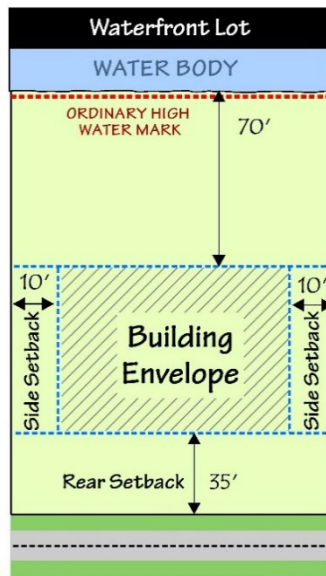
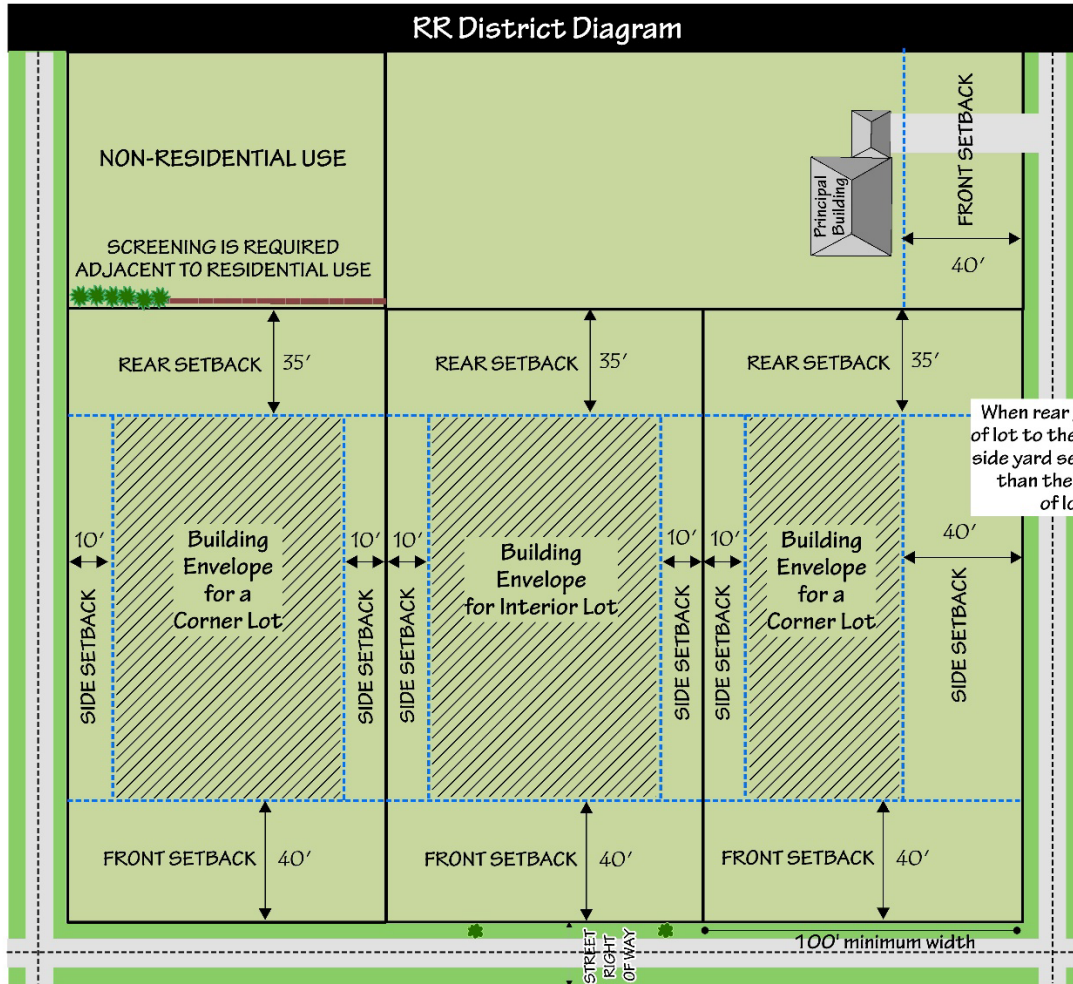
C. Development Standards for RR District.



Principal buildings within this district shall adhere to the standards within this table unless specifically stated otherwise in this Ordinance:

1. Lot & Structure Standards	
a. Lot Area (min.)	40,000 sq ft 22,000 sq ft if served by community water and sewer
b. Lot Width (min.)	100 ft
c. Building Height (max.)	2 stories Basements (including walk-out basements) and attics are not counted as stories Buildings and structures which exceed the maximum height limits up to 50%, shall increase front and side setbacks by 1 foot for each additional 1 foot of height above the maximum stated. Other height variance may be granted by the Zoning Board of Appeals upon a showing that such increase is reasonable and if granted would not be detrimental to adjacent premises.
d. Ground Floor Area (min.)	Single-Family: 720 sq ft (Does not apply to hotel/motels, resorts, cabins courts, accessory dwelling units, hunting cabins, and similar uses.) Dwelling units which are less than 720 sq ft may be approved by the Planning Commission.
e. Lot Coverage (max.)	30% (shall not apply to structures less than 4 ft in height)
2. Setbacks	
a. Front (min.)	40 ft On waterfront lots, the front setback shall be 70 feet from the ordinary high water mark. If a water body is completely contained on one zoning lot, then this waterfront setback shall not be required. A man-made water body completely contained within one zoning lot shall meet the same setbacks from the lot lines as a principal building.
b. Side (min.)	10 ft In the case of a rear yard abutting a side yard of an adjacent lot, the side yard abutting a street shall not be less than the required front setback of that district.
c. Rear (min.)	35 ft
3. Additional Development Standards	
a. Accessory Buildings	See §3.10 .
b. Screening	When a non-residential use abuts a residential use or district, screening is required per §3.22 . A vegetative buffer strip may be used per §3.22.A .
c. Fences	See §3.21 .
d. Decks & Patios	Decks and patios shall meet the setbacks required for the principal building.
e. Signs	See §3.29 .
f. Parking	See §3.27 .

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Section 4.9 CR: Conservation & Resources District



A. District Intent.

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

B. Uses Allowed.

Permitted and Special Land Uses shall be limited to those listed below (also in [Section 4.16: Full Table of Permitted and Special Land Uses](#)) and shall be subject to all applicable provisions of [Article 5: Plot Plans and Site Plan Review](#), [Article 6: Special Land Use Review](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL LAND USES	
R = Permitted by right S = Permitted with a Special Land Use Permit <i>§7.x indicates supplemental regulations apply</i>	CR
Accommodation & Food/Event Services	
Bed & Breakfasts/ Tourist Homes §7.6	S
Resorts §7.19	S
Agriculture, Animal Services & Forest Products	
Agricultural Tourism (see following):	
Bakeries (selling goods grown primarily on-site)	R
Educational Tours, Classes, Lectures, & Seminars	R
Gift shops for agriculturally-related products, crafts	R
Historical Agricultural Exhibits	R
Petting Farms, Animal Display, & Pony Rides (may be accessory use to hobby farms)	S
Picnic Areas (including rest rooms)	R
Playgrounds, Wagon/Sleigh Rides, Nature Trails	R
Restaurants (related to the agricultural use of the site)	S
Seasonal Outdoor Mazes of Agricultural Origin	R
Small-Scale Entertainment (concert, car show, art fair)	S
Biofuel Production Facilities on Farms §7.35	RS
Boarding Stables; Riding Arenas §7.18	R
Farms & Agricultural Operations	R
Farm Markets including Roadside Stands - on property controlled by the affiliated farm	R
Seasonal "U-Pick" Fruits & Vegetables Operations	R
Arts, Entertainment & Recreation	
Dock/Launch Ramp & Marina Facilities, Private or Public (including incidental & related retail facilities & boat repair & storage; not including private use for a single-family residence)	S

TABLE OF PERMITTED USES & SPECIAL LAND USES	
R = Permitted by right S = Permitted with a Special Land Use Permit <i>§7.x indicates supplemental regulations apply</i>	CR
Arts, Entertainment & Recreation (cont.)	
Golf Courses & Country Clubs	S
Historical Restoration/ Renovation Facilities (including historic communities, archeological excavations, & displays of historical artifacts related to the premises) – open to the public	R
Parks & Playgrounds; Recreation Areas (passive recreation), Nature Areas, Conservation Areas, Wildlife Preserves (public or private)	R
Commercial, Services & Retail	
Commercial Use in a Residential District (neighborhood business) §7.10	S
Communications/Energy/Utilities	
Amateur Radio Antennae (roof- or ground-mounted) §7.2	R
Essential Services	R
Essential Service Buildings & Facilities (such as transformer stations, substations, utility exchanges, pump stations)	S
Public utility facilities (without storage yards) – does not include Essential Service Buildings	S
Solar Energy – Accessory §7.29	R
Wind Energy Systems over 100' in height (Small On-Site) §7.27	S
Wind Energy Systems up to 100' in height (Small On-Site) §7.27	R

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TABLE OF PERMITTED USES & SPECIAL LAND USES	
R = Permitted by right S = Permitted with a Special Land Use Permit <i>§7.x indicates supplemental regulations apply</i>	CR
Human Care & Social Assistance	
Child Day Care Services (see following):	
Family Child Care Home	R
Group Child Care Home §7.8	S
State-Licensed Residential Facilities (6 or less persons)	R
Manufacturing, Industrial & Waste Management	
Extraction of Natural Resources & Filling - Soil, Sand, Clay, Gravel, Stone or Similar Materials (including Mines, Quarries & Gravel Pits) §7.24	S

TABLE OF PERMITTED USES & SPECIAL LAND USES	
R = Permitted by right S = Permitted with a Special Land Use Permit <i>§7.x indicates supplemental regulations apply</i>	CR
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal Uses §3.10	S
Planned Unit Developments §7.16	S
Public Facilities	
Public Parks, Playgrounds, and Recreation Areas	R
Residential Uses	
Accessory Dwelling Units/Guest Houses §7.22	S
Cottage Industries §7.12	S
Home Occupations §7.12	R
Single-Family Dwellings (year round & seasonal)	R

C. District Boundaries.

Unless otherwise illustrated on the Zoning Map, the CR District boundaries shall be deemed to extend landward radially or at right angles from the ordinary high water mark of rivers appearing on the Zoning Map, to a depth of four hundred (400) feet. The Zoning Administrator may interpret the exact boundary to be four hundred (400) feet in depth, or the property line, section line, survey line, or natural boundary, whichever is most logical in a specific case.

D. Development Standards for CR District.

Principal buildings within this district shall adhere to the standards within this table unless specifically stated otherwise in this Ordinance:

1. Lot & Structure Standards	
a. Lot Area (min.)	40,000 sq ft 22,000 sq ft if served by community water and sewer
b. Lot Width (min.)	150 ft
c. Building Height (max.)	2 stories Basements (including walk-out basements) and attics are not counted as stories Buildings and structures which exceed the maximum height limits up to 50%, shall increase front and side setbacks by 1 foot for each additional 1 foot of height above the maximum stated. Other height variance may be granted by the Zoning Board of Appeals upon a showing that such increase is reasonable and if granted would not be detrimental to adjacent premises.
d. Ground Floor Area (min.)	Single-Family: 720 sq ft (Does not apply to hotel/motels, resorts, cabins courts, accessory dwelling units, hunting cabins, and similar uses.) Dwelling units which are less than 720 sq ft may be approved by the Planning Commission.
e. Lot Coverage (max.)	30% (shall not apply to structures less than 4 ft in height)
2. Setbacks	
a. Front (min.)	40 ft

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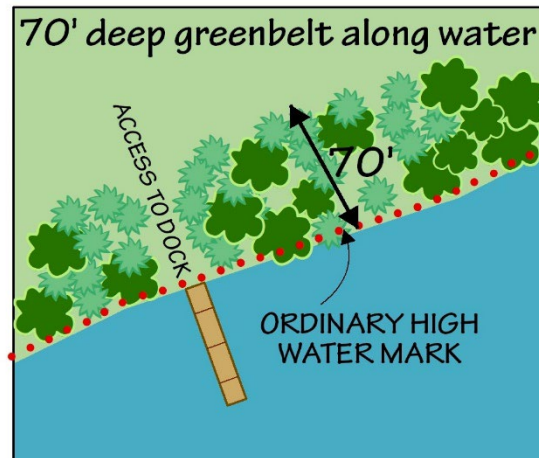
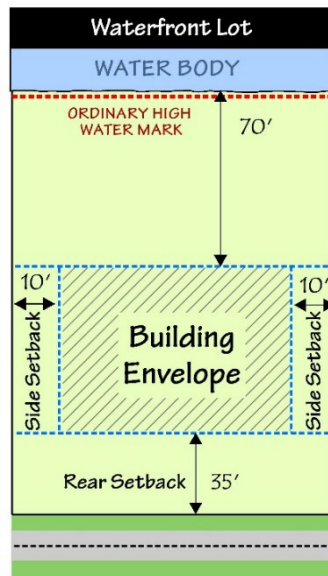
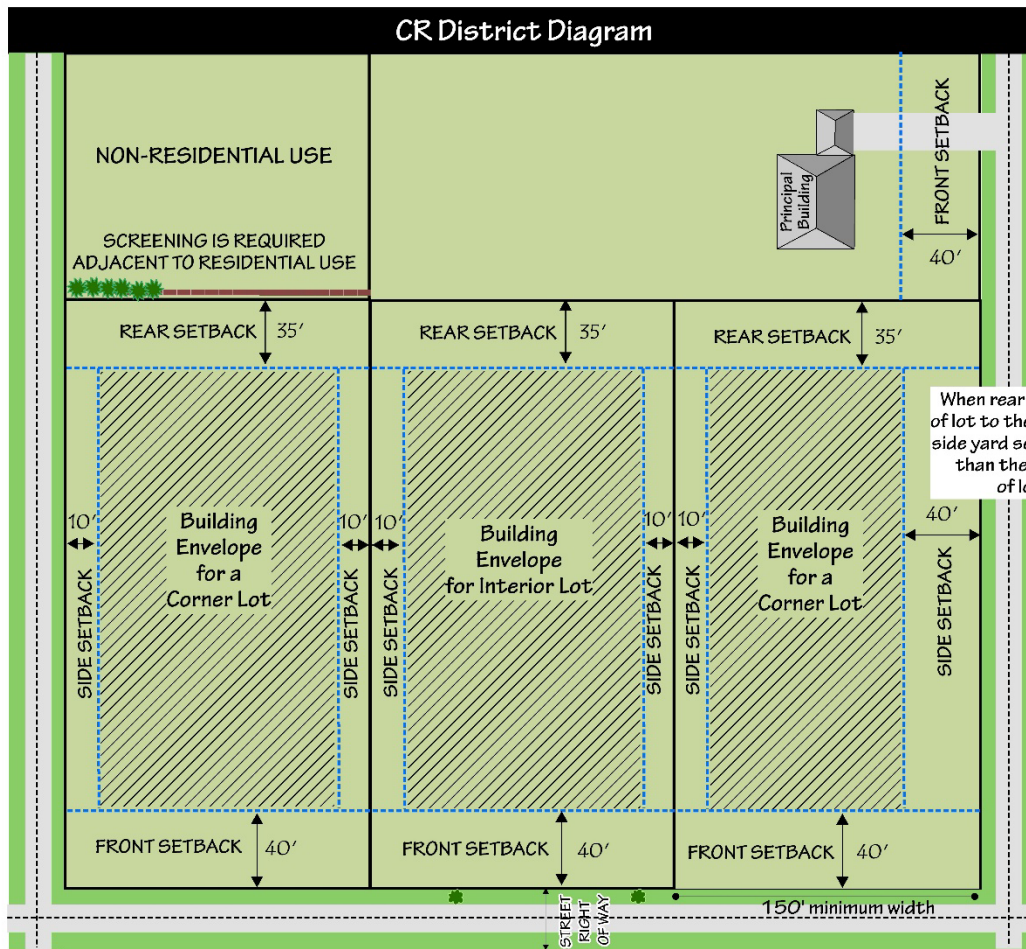
	On waterfront lots, the front setback shall be 70 feet from the ordinary high water mark. If a water body is completely contained on one zoning lot, then this waterfront setback shall not be required. A man-made water body completely contained within one zoning lot shall meet the same setbacks from the lot lines as a principal building.
b. Side (min.)	10 ft In the case of a rear yard abutting a side yard of an adjacent lot, the side yard abutting a street shall not be less than the required front setback of that district.
c. Rear (min.)	35 ft

3. Additional Development Standards

a. Accessory Buildings	See §3.10.
b. Screening	When a non-residential use abuts a residential use or district, screening is required per §3.22. A vegetative buffer strip may be used per §3.22.A.
c. Fences	See §3.21.
d. Decks & Patios	Decks and patios shall meet the setbacks required for the principal building.
e. Signs	See §3.29.
f. Parking	See §3.27.

g. Required Waterfront Greenbelt	<p>Every use in the CR Districts shall establish and maintain a 70-foot-deep natural yard area on the water side. Said yard or strip shall be maintained in its natural tree and shrub condition. Trees and shrubs may be trimmed and/or pruned through the greenbelt for a view of the fronting waters and for access to a boat dock and/or a driveway entrance.</p> <p>Nothing in these requirements shall be interpreted to prohibit selective tree cutting in the native strip space to remove dangerous trees (windthrow hazard) or other trees and shrubs that may prevent the native strip area from being retained in a healthful growth condition. Similar cutting shall be permissible where necessary for traffic safety reasons (air, rail or highway).</p> <p>All excavating, filling, grading or other on-site construction activity shall ensure that no silting will impact adjacent waters and that all banks, slopes, and hillsides are stabilized to prevent soil erosion.</p> <p>Nothing in these requirements shall be interpreted to require the planting of shrubs or trees on agricultural lands or other lots where a natural tree stand does not exist or cannot be grown.</p>
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Section 4.10 FF: Farm & Forest District



A. District Intent.

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

B. Uses Allowed.

Permitted and Special Land Uses shall be limited to those listed below (also in [Section 4.16: Full Table of Permitted and Special Land Uses](#)) and shall be subject to all applicable provisions of [Article 5: Plot Plans and Site Plan Review](#), [Article 6: Special Land Use Review](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL LAND USES	
R = Permitted by right S = Permitted with a Special Land Use Permit <i>§7.x indicates supplemental regulations apply</i>	FF
Accommodation & Food/Event Services	
Bed & Breakfasts/ Tourist Homes §7.6	S
Commercial Event Facilities (including Convention Centers, Conference Centers, Banquet Halls, Wedding Venues) §7.36	S
Food Trucks – maximum of 1 week §7.34	R
Food Trucks – more than 1 week §7.34	S
Hotels & Motels	S
Inns	S
Resorts §7.19	S
Rooming & Boarding Houses §7.20	S
Wineries, Cider Mills, Distilleries & Breweries including Tasting Rooms and Distribution Operations	S
Agriculture, Animal Services & Forest Products	
Agricultural Business (related to the sale of field crops, forest products, & livestock raised or cultivated on the property)	R
Agricultural Equipment Dealers	S
Agricultural Products Processing & Storage	S
Agricultural Tourism (see following):	
Bakeries (selling goods grown primarily on-site)	R
Educational Tours, Classes, Lectures, & Seminars	R
Family-Oriented Animated Barns (haunted houses)	R
Farm Stays	R
Gift shops for agriculturally-related products, crafts	R
Historical Agricultural Exhibits	R

TABLE OF PERMITTED USES & SPECIAL LAND USES	
R = Permitted by right S = Permitted with a Special Land Use Permit <i>§7.x indicates supplemental regulations apply</i>	FF
Agriculture, Animal Services & Forest Products	
Organized Meeting Space (weddings, birthdays, corporate picnics) – Commercial Event Facility	S
Petting Farms, Animal Display, & Pony Rides (may be accessory use to hobby farms)	S
Picnic Areas (including rest rooms)	R
Playgrounds, Wagon/Sleigh Rides, Nature Trails	R
Restaurants (related to the agricultural use of the site)	S
Seasonal Outdoor Mazes of Agricultural Origin	R
Small-Scale Entertainment (concert, car show, art fair)	S
Animal Services (such as dog grooming, animal day care, & dog clubs)	R
Animal Shelters, Kennels, Veterinary Clinics §7.3	S
Biofuel Production Facilities on Farms §7.35	RS
Boarding Stables; Riding Arenas §7.18	R
Bulk Seed, Feed, Fertilizer & Nursery Stock Outlet & Distribution Centers (including wholesale)	S
Composting Facilities (large scale facilities – compost material brought in & deposited)	R
Farms & Agricultural Operations	R
Farm Markets including Roadside Stands - on property controlled by the affiliated farm	R
Feedlots (large-scale commercial CAFO)	R
Forest Products Processing (including sawmills, planing mills, veneer mills & related operations) INCLUDING Firewood Sales - Commercial - (does not include small bundles of firewood) §7.21	S

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R = Permitted by right S = Permitted with a Special Land Use Permit §7.x indicates supplemental regulations apply	FF
Agriculture, Animal Services & Forest Products	
Game Preserves (where game is hunted)	S
Grain Elevators	R
Greenhouse, Nursery, Landscaping & Floriculture	R
Lumber Yards (pre-planned, finished lumber)/Building Material Sales & Supply	S
Seasonal “U-Pick” Fruits & Vegetables Operations	R
Arts, Entertainment & Recreation	
Campgrounds & RV Parks (may include rental of other types of recreational structures – “glamping”)	S
Camps (ex: summer camps) §7.19	S
Canoe/Boat/Kayak Liveries	S
Clubs, Lodges & Fraternal Organizations	R
Dock/Launch Ramp & Marina Facilities, Private or Public (including incidental & related retail facilities & boat repair & storage; not including private use for a single-family residence)	S
Golf Courses & Country Clubs	R
Historical Restoration/Renovation Facilities (including historic communities, archeological excavations, & displays of historical artifacts related to the premises) – open to the public	R
Race Tracks (non-motorized) §7.17	S
Parks & Playgrounds; Recreation Areas (passive recreation), Nature Areas, Conservation Areas, Wildlife Preserves (public or private)	R
Shooting Range, Indoor (in a completely enclosed building)	S
Sportsmen’s Clubs	R
Theaters & Performing Arts Facilities, Outdoor (Commercial events Facilities)	S
Commercial, Services & Retail	
Commercial Use in a Residential District (neighborhood business) §7.10	S
Lumber Yards (pre-planned, finished lumber)/Building Material Sales & Supply	S
Pet Care (except Animal Shelters & Veterinary. See Agriculture, Animal Services & Forest Products)	R
Communications/Energy/Utilities	
Amateur Radio Antennae (roof- or ground-mounted) §7.2	R
Essential Services	R

TABLE OF PERMITTED USES & SPECIAL LAND USES	
R = Permitted by right S = Permitted with a Special Land Use Permit §7.x indicates supplemental regulations apply	FF
Communications/Energy/Utilities (cont.)	
Essential Service Buildings & Facilities (such as transformer stations, substations, utility exchanges, pump stations)	S
Public utility facilities (without storage yards) – does not include Essential Service Buildings	S
Solar Energy – Accessory §7.29	R
Wind Energy Facilities & Anemometer Towers (Utility-Scale) §7.28	S
Wind Energy Systems over 100’ in height (Small On-Site) §7.27	S
Wind Energy Systems up to 100’ in height (Small On-Site) §7.27	R
Wireless Facilities (with or without support structures) & Small Cell Wireless Facilities §7.26	S
Educational Services/Churches	
Churches or Places of Worship	R
Private instructional facilities	R
Public, charter or private schools (elementary through high school)	R
Public or private colleges/universities	R
Human Care & Social Assistance	
Child Day Care Services (see following):	
Family Child Care Home	R
Group Child Care Home §7.8	S
Child Care Center or Day Care Center §7.8	S
State-Licensed Residential Facilities (6 or less persons)	R
Manufacturing, Industrial & Waste Management	
Extraction of Natural Resources & Filling - Soil, Sand, Clay, Gravel, Stone or Similar Materials (including Mines, Quarries & Gravel Pits) §7.24	S
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal Uses §3.10	R
Cemeteries including Columbaria & Mausoleums (human or pet)	S
Planned Unit Developments §7.16	S

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R = Permitted by right S = Permitted with a Special Land Use Permit <i>§7.x indicates supplemental regulations apply</i>	FF
Public Facilities	
Community Centers	R
General Government Administration Facilities	R
Libraries	R
Police/Fire Stations	R
Public Parks, Playgrounds, and Recreation Areas	R
Residential Uses	
Accessory Dwelling Units/Guest Houses §7.22	S
Cottage Industries §7.12	S
Home Occupations §7.12	R
Single-Family Dwellings (year round & seasonal)	R

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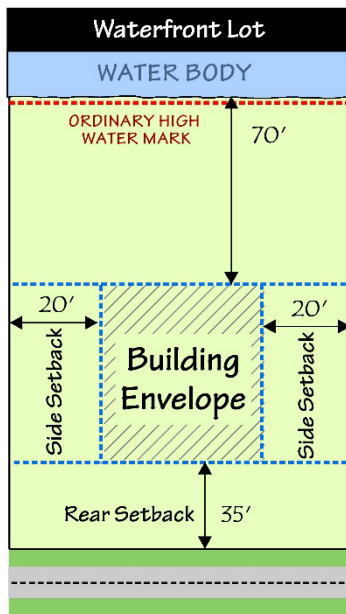
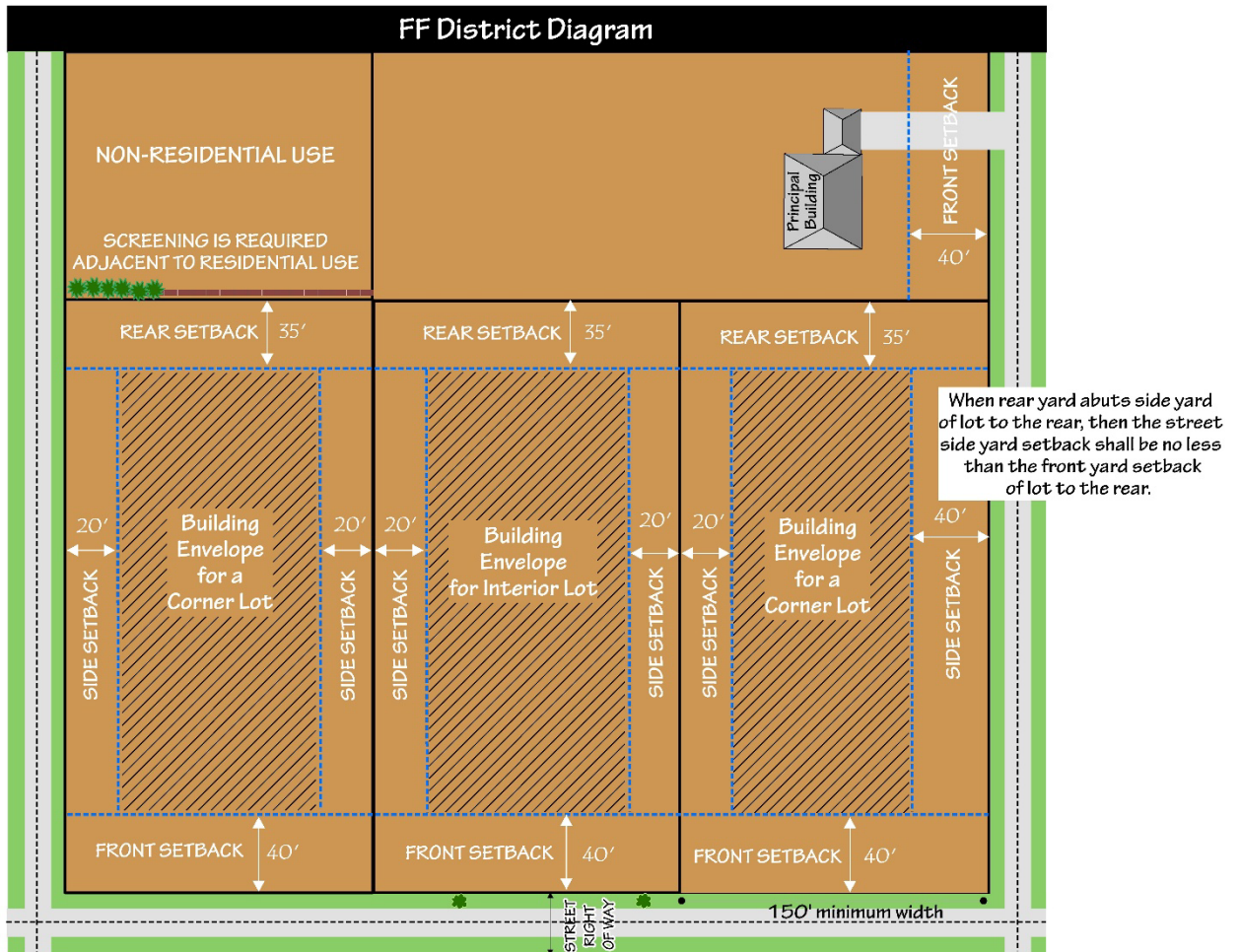
C. Development Standards for FF District.



Principal buildings within this district shall adhere to the standards within this table unless specifically stated otherwise in this Ordinance:

1. Lot & Structure Standards	
a. Lot Area (min.)	40,000 sq ft 22,000 sq ft if served by community water and sewer
b. Lot Width (min.)	150 ft
c. Building Height (max.)	2 stories Basements (including walk-out basements) and attics are not counted as stories Buildings and structures which exceed the maximum height limits up to 50%, shall increase front and side setbacks by 1 foot for each additional 1 foot of height above the maximum stated. Other height variance may be granted by the Zoning Board of Appeals upon a showing that such increase is reasonable and if granted would not be detrimental to adjacent premises.
d. Ground Floor Area (min.)	Single-Family: 720 sq ft (Does not apply to hotel/motels, resorts, cabins courts, accessory dwelling units, hunting cabins, and similar uses.) Dwelling units which are less than 720 sq ft may be approved by the Planning Commission.
e. Lot Coverage (max.)	35% (shall not apply to structures less than 4 ft in height)
2. Setbacks	
a. Front (min.)	40 ft On waterfront lots, the front setback shall be 70 feet from the ordinary high water mark. If a water body is completely contained on one zoning lot, then this waterfront setback shall not be required. A man-made water body completely contained within one zoning lot shall meet the same setbacks from the lot lines as a principal building.
b. Side (min.)	20 ft In the case of a rear yard abutting a side yard of an adjacent lot, the side yard abutting a street shall not be less than the required front setback of that district.
c. Rear (min.)	35 ft
3. Additional Development Standards	
a. Accessory Buildings	See §3.10 .
b. Screening	When a non-residential use abuts a residential use or district, screening is required per §3.22 . A vegetative buffer strip may be used per §3.22.A .
c. Fences	See §3.21 .
d. Decks & Patios	Decks and patios shall meet the setbacks required for the principal building.
e. Signs	See §3.29 .
f. Parking	See §3.27 .

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Section 4.11 B-1: Local & Tourist Business District

**B-1
DISTRICT**

A. District Intent.

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

B. Uses Allowed.

Permitted and Special Land Uses shall be limited to those listed below (also in [Section 4.16: Full Table of Permitted and Special Land Uses](#)) and shall be subject to all applicable provisions of [Article 5: Plot Plans and Site Plan Review](#), [Article 6: Special Land Use Review](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL LAND USES	
R = Permitted by right S = Permitted with a Special Land Use Permit <i>§7.x indicates supplemental regulations apply</i>	B-1
Accommodation & Food/Event Services	
Bakeries (goods produced & sold on-site), Coffee Shops, Confectioneries & Ice Cream Shops	R
Bars/Taverns	R
Food Trucks – maximum of 1 week §7.34	R
Food Trucks – more than 1 week §7.34	S
Hotels & Motels	R
Inns	R
Night Clubs	R
Resorts §7.19	S
Restaurants without Drive-Through	R
Wineries, Cider Mills, Distilleries & Breweries including Tasting Rooms and Distribution Operations	S
Agriculture, Animal Services & Forest Products	
Agricultural Tourism (see following):	
Farm Stays	R
Animal Attractions (such as zoos, animal tours & other animal visitation establishments) (may not be accessory to hobby or commercial farms) §7.3	S
Animal Rescue Facilities, Animal Sanctuaries, & Animal Rehabilitation Establishments (shall be rehab and release only)	S
Animal Services (such as dog grooming, animal day care, & dog clubs)	R

TABLE OF PERMITTED USES & SPECIAL LAND USES	
R = Permitted by right S = Permitted with a Special Land Use Permit <i>§7.x indicates supplemental regulations apply</i>	B-1
Arts, Entertainment & Recreation	
Art Galleries & Studios	R
Clubs, Lodges & Fraternal Organizations	R
Dock/Launch Ramp & Marina Facilities, Private or Public (including incidental & related retail facilities & boat repair & storage; not including private use for a single-family residence)	S
Equipment Rental, Motorized (ORV, Snowmobile)	R
Equipment Rental, Non-Motorized (Outfitter)	R
Fitness & Recreational Sports Centers (ex: health clubs, gym, tennis, swimming pool club, skating rinks)	R
Golf Driving Ranges §7.9	R
Museums	R
Performing Arts Companies	R
Commercial, Services & Retail	
Banks/Financial Institutions §7.11	R
Business Services & Computer Repair	R
Dry Cleaning & Laundry Services	R
Gas Stations §7.5	S
Health Spa	R
Interior Designers/Showrooms	R
Locksmiths	R
Offices, Professional	R

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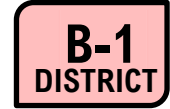
TABLE OF PERMITTED USES & SPECIAL LAND USES	
R = Permitted by right S = Permitted with a Special Land Use Permit <i>§7.x indicates supplemental regulations apply</i>	B-1
Commercial, Services & Retail	
Personal & Household Goods Repair & Maintenance	R
Personal Services (barber/beauty shops, tailoring, massage)	R
Pet Care (except Veterinary & Animal Shelters See <i>Animal Services</i>)	R
Photofinishing/Photographers	R
Retail (except those listed below) <ul style="list-style-type: none"> Firearms Store Liquor Stores (where liquor is the primary item for sale) Malls, shopping Centers or Shopping Plazas Manufactured Home Dealers Outdoor Sales/Rental Facilities (open-air sales of automobiles, trucks, motorcycles, ATVs, marine craft, farm implements, contractor's equipment, recreational equipment, lawn equipment, storage buildings, & similar) 	R
Studios for Dance, Physical Exercise, Music, Karate, & Similar Uses	R
Communications/Energy/Utilities	
Amateur Radio Antennae (roof- or ground-mounted) <i>§7.2</i>	R
Essential Services	R
Essential Service Buildings & Facilities (such as transformer stations, substations, utility exchanges, pump stations)	S
Public utility facilities (without storage yards) – does not include Essential Service Buildings	R
Solar Energy – Accessory <i>§7.29</i>	R
Wind Energy Systems over 100' in height (Small On-Site) <i>§7.27</i>	S
Wind Energy Systems up to 100' in height (Small On-Site) <i>§7.27</i>	R
Educational Services/Churches	
Churches or Places of Worship	R
Private instructional facilities	R
Public, charter or private schools (elementary through high school)	R
Public or private colleges/universities	R

TABLE OF PERMITTED USES & SPECIAL LAND USES	
R = Permitted by right S = Permitted with a Special Land Use Permit <i>§7.x indicates supplemental regulations apply</i>	B-1
Human Care & Social Assistance	
Child Care Center or Day Care Center <i>§7.8</i>	R
Child Caring Institution	R
Health Care Clinics/Dental Clinics	R
Nursing/Convalescent Home/Assisted Living Home <i>§7.4</i>	S
State-Licensed Residential Care Facility providing care (7 or more persons)	S
Manufacturing, Industrial & Waste Management	
Extraction of Natural Resources & Filling - Soil, Sand, Clay, Gravel, Stone or Similar Materials (including Mines, Quarries & Gravel Pits) <i>§7.24</i>	S
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal Uses <i>§3.10</i>	S
Planned Unit Developments <i>§7.16</i>	S
Public Facilities	
Community Centers	R
General Government Administration Facilities	R
Libraries	R
Police/Fire Stations	R
Public Parks, Playgrounds, and Recreation Areas	R
Residential Uses	
Cottage Industries <i>§7.12</i>	S
Dwelling Units in Conjunction with Non-Residential Establishments	R
Home Occupations <i>§7.12</i>	R

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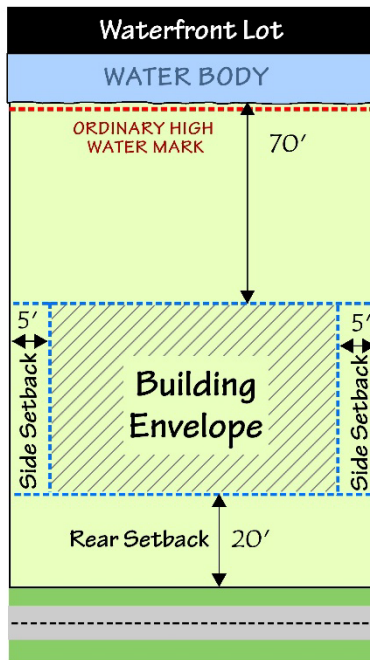
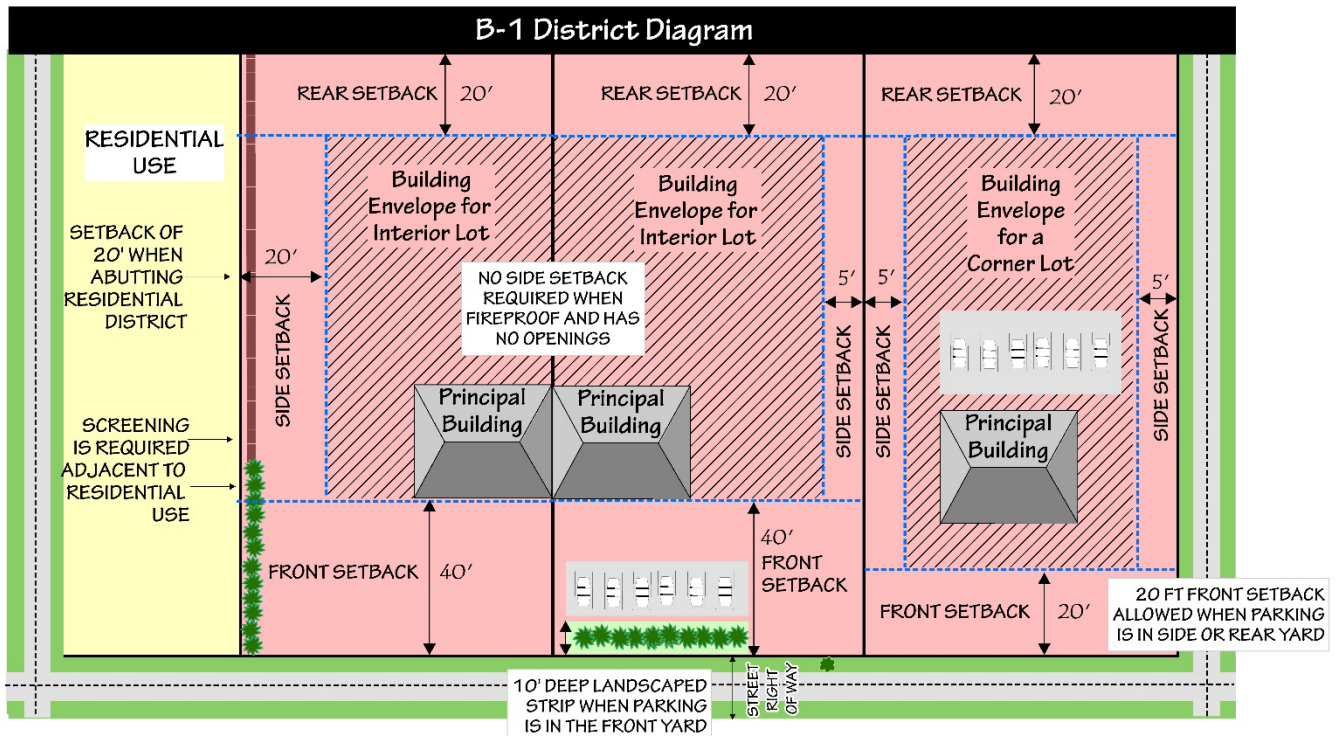
C. Development Standards for B-1 District.



Principal buildings within this district shall adhere to the standards within this table unless specifically stated otherwise in this Ordinance:

1. Lot & Structure Standards	
a. Lot Area (min.)	N/A
b. Lot Width (min.)	N/A
c. Building Height (max.)	2 stories Basements (including walk-out basements) and attics are not counted as stories. Buildings and structures which exceed the maximum height limits up to 50%, shall increase front and side setbacks by 1 foot for each additional 1 foot of height above the maximum stated. Other height variance may be granted by the Zoning Board of Appeals upon a showing that such increase is reasonable and if granted would not be detrimental to adjacent premises.
d. Ground Floor Area (min.)	N/A
e. Lot Coverage (max.)	N/A
2. Setbacks	
a. Front (min.)	40 ft On waterfront lots, the front setback shall be 70 feet from the ordinary high water mark. If a water body is completely contained on one zoning lot, then this waterfront setback shall not be required. A man-made water body completely contained within one zoning lot shall meet the same setbacks from the lot lines as a principal building.
b. Side (min.)	5 ft Side setbacks may be omitted if walls abutting a side yard are of fireproof construction and wholly without openings or as otherwise specified in an applicable code. On a side yard which abuts a residential district, there shall be provided a setback of not less than 20 feet on the side abutting the Residential District.
c. Rear (min.)	20 ft
3. Additional Development Standards	
a. Accessory Buildings	See §3.10 .
b. Screening	When a non-residential use abuts a residential use or district, screening is required per §3.22 . A vegetative buffer strip may be used per §3.22.A .
c. Fences	See §3.21 .
d. Decks & Patios	Decks and patios shall meet the setbacks required for the principal building.
e. Signs	See §3.29 .
f. Parking	See §3.27 . Parking may be permitted in the front yard provided there is at least a 10-foot landscaped buffer strip between the road right-of-way and the off-street parking lot. If parking and loading spaces are confined to a rear and side yard, the required front setback may be reduced to 20 feet.

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Section 4.12 B-2: General Business District

**B-2
DISTRICT**

A. District Intent.

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

B. Uses Allowed.

Permitted and Special Land Uses shall be limited to those listed below (also in [Section 4.16: Full Table of Permitted and Special Land Uses](#)) and shall be subject to all applicable provisions of [Article 5: Plot Plans and Site Plan Review](#), [Article 6: Special Land Use Review](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL LAND USES	
R = Permitted by right S = Permitted with a Special Land Use Permit <i>§7.x indicates supplemental regulations apply</i>	B-2
Accommodation & Food/Event Services	
Bakeries (goods produced & sold on-site), Coffee Shops, Confectioneries & Ice Cream Shops	R
Bars/Taverns	R
Caterers/Food Service Contractors	R
Commercial Event Facilities (including Convention Centers, Conference Centers, Banquet Halls, Wedding Venues) §7.36	S
Food Trucks – maximum of 1 week §7.34	R
Food Trucks – more than 1 week §7.34	S
Hotels & Motels	R
Inns	R
Night Clubs	R
Resorts §7.19	S
Restaurants with or without Drive-Through §7.11	R
Wineries, Cider Mills, Distilleries & Breweries including Tasting Rooms and Distribution Operations	S
Agriculture, Animal Services & Forest Products	
Agricultural Equipment Dealers	R
Agricultural Tourism (see following):	
Farm Stays	R
Animal Attractions (such as zoos, animal tours & other animal visitation establishments) (may not be accessory use to hobby or commercial farms) §7.3	S
Animal Rescue Facilities, Animal Sanctuaries, & Animal Rehabilitation Establishments (shall be rehab and release only)	S
Animal Services (such as dog grooming, animal day care, & dog clubs)	R

TABLE OF PERMITTED USES & SPECIAL LAND USES	
R = Permitted by right S = Permitted with a Special Land Use Permit <i>§7.x indicates supplemental regulations apply</i>	B-2
Agriculture, Animal Services & Forest Products (cont.)	
Animal Shelters, Kennels, Veterinary Clinics §7.3	S
Bulk Seed, Feed, Fertilizer & Nursery Stock Outlet & Distribution Centers (including wholesale)	R
Greenhouse, Nursery, Landscaping & Floriculture	R
Lumber Yards (pre-planed, finished lumber)/Building Material Sales & Supply	S
Arts, Entertainment & Recreation	
Art Galleries & Studios	R
Clubs, Lodges & Fraternal Organizations	R
Dock/Launch Ramp & Marina Facilities, Private or Public (including incidental & related retail facilities & boat repair & storage; not including private use for a single-family residence)	S
Equipment Rental, Motorized (ORV, Snowmobile)	R
Equipment Rental, Non-Motorized (Outfitter)	R
Fitness & Recreational Sports Centers (ex: health clubs, gym, tennis, swimming pool club, skating rinks)	R
Golf Driving Ranges §7.9	R
Museums	R
Recreational Facilities, Indoor (ex: arcades, billiards, bowling)	R
Recreational Facilities, Outdoor (- ex: go-karts, mini-golf, disc golf)	S
Race Tracks (motorized) §7.17	S
Performing Arts Companies	R

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R = Permitted by right S = Permitted with a Special Land Use Permit <i>§7.x indicates supplemental regulations apply</i>	B-2
Arts, Entertainment & Recreation (cont.)	
Shooting Range, Indoor (in a completely enclosed building)	S
Shooting Range, Outdoor	S
Spectator Sports Arenas	S
Theaters & Performing Arts Facilities, Indoor & Assembly Halls	R
Theaters & Performing Arts Facilities, Outdoor (Commercial events Facilities)	S
Tours (Commercial Operations)	R
Commercial, Services & Retail	
Auto or Vehicle Repair Garage including Auto Body/ Paint/Interior & Glass Repair and Tire Sales/Installation <i>§7.5</i>	S
Automotive Equipment Rental & Leasing	S
Automotive Oil Change & Lubrication Shops <i>§7.5</i>	S
Automotive Towing Businesses	S
Banks/Financial Institutions <i>§7.11</i>	R
Boat/RV/Recreational Equipment Repair & Storage	S
Business Incubators	R
Business Services & Computer Repair	R
Business, Labor, Political & Like Organizations	R
Car Wash Facilities <i>§7.7</i>	R
Cash Advance Stores	R
Cleaning Services	R
Commercial/Industrial Equipment Rental & Leasing	R
Commercial Equipment Repair & Maintenance	R
Construction & Special Trade Contractors	R
Dry Cleaning & Laundry Services	R
Electronic & Precision Equipment Repair & Maintenance	R
Equipment Rental & Sales	R
Extermination & Pest Control Services	R
Film Production Facilities/Recording Facilities (including sound stages & other related activities)	R
Flea Market	R
Funeral Homes & Mortuaries	R
Gas Stations <i>§7.5</i>	S
General Rental Centers/Rent-to-Own	R
Health Spa	R

TABLE OF PERMITTED USES & SPECIAL LAND USES	
R = Permitted by right S = Permitted with a Special Land Use Permit <i>§7.x indicates supplemental regulations apply</i>	B-2
Commercial, Services & Retail (cont.)	
Interior Designers/Showrooms	R
Locksmiths	R
Lumber Yards (pre-planned, finished lumber)/Building Material Sales & Supply	S
Offices, Professional	R
Personal & Household Goods Repair & Maintenance	R
Personal Services (barber/beauty shops, tailoring, massage)	R
Pet Care (except Veterinary & Animal Shelters <i>See Animal Services</i>)	R
Photofinishing/Photographers	R
Printing/Binding/Publishing of Printed Materials	R
Repair Shops (not automotive-related)	R
Retail (except as listed below)	R
Firearms Store	S
Liquor Stores (where liquor is the primary item for sale)	S
Malls, shopping Centers or Shopping Plazas	S
Manufactured Home Dealers	S
Outdoor Sales/Rental/Repair Facilities (open-air sales/rental/repair of automobiles, trucks, motorcycles, ATVs, marine craft, farm implements, contractor's equipment, recreational equipment, lawn equipment, storage buildings, & similar) <i>§7.15</i>	S
Truck & Heavy Equipment Sales/Service Establishments	S
Studios for Dance, Physical Exercise, Music, Karate, & Similar Uses	R
Taxidermy Shops	R
Upholstery Shop	R
Communications/Energy/Utilities	
Amateur Radio Antennae (roof- or ground-mounted) <i>§7.2</i>	R
Essential Services	R
Essential Service Buildings & Facilities (such as transformer stations, substations, utility exchanges, pump stations)	S
Public utility facilities (without storage yards) – does not include Essential Service Buildings	R
Public utility facilities (with storage yards) – does not include Essential Service Buildings	R

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R = Permitted by right S = Permitted with a Special Land Use Permit <i>§7.x indicates supplemental regulations apply</i>	B-2
Communications/Energy/Utilities (cont.)	
Solar Energy – Accessory §7.29	R
Wind Energy Systems over 100’ in height (Small On-Site) §7.27	S
Wind Energy Systems up to 100’ in height (Small On-Site) §7.27	R
Wireless Facilities (with or without support structures) & Small Cell Wireless Facilities §7.26	S
Educational Services/ Churches	
Churches or Places of Worship	R
Private instructional facilities	R
Public, charter or private schools (elementary through high school)	R
Public or private colleges/universities	R
Trade Schools	R
Human Care & Social Assistance	
Child Care Center or Day Care Center §7.8	R
Child Caring Institution	R
Community/Emergency & Other Relief Services	R
Health Care Clinics/Dental Clinics	R
Hospitals	R
Individual & Family Services	R
Nursing & Residential Care Facilities (includes Adult Foster Care and Adult Day Care Facilities)	
State-Licensed Residential Care Facility providing care (7 or more persons)	S
Nursing/Convalescent Home/Assisted Living Home §7.4	S
Other Residential Care Facilities (Homeless shelter, substance abuse, correctional)	S
Rehabilitation Institutions	R
Vocational Rehabilitation Services	R
Manufacturing, Industrial & Waste Management	
Extraction of Natural Resources & Filling - Soil, Sand, Clay, Gravel, Stone or Similar Materials (including Mines, Quarries & Gravel Pits) §7.24	S
Incinerator Plants	S
Petroleum Products, Gas Products, Paint & Chemical Bulk Storage & Distribution	S
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal Uses §3.10	S
Planned Unit Developments §7.16	S

TABLE OF PERMITTED USES & SPECIAL LAND USES	
R = Permitted by right S = Permitted with a Special Land Use Permit <i>§7.x indicates supplemental regulations apply</i>	B-2
Public Facilities	
Community Centers	R
General Government Administration Facilities	R
Libraries	R
Police/Fire Stations	R
Public Parks, Playgrounds, and Recreation Areas	R
Residential Uses	
Cottage Industries §7.12	S
Dwelling Units in Conjunction with Non-Residential Establishments	R
Home Occupations §7.12	R
Transportation, Storage & Wholesale	
Couriers/Parcel Packing/Delivery Establishments	R
Transit Facilities including Scenic/Sightseeing, Passenger Transportation	R

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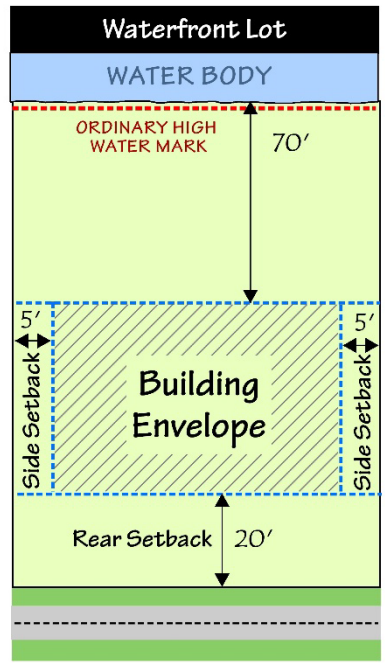
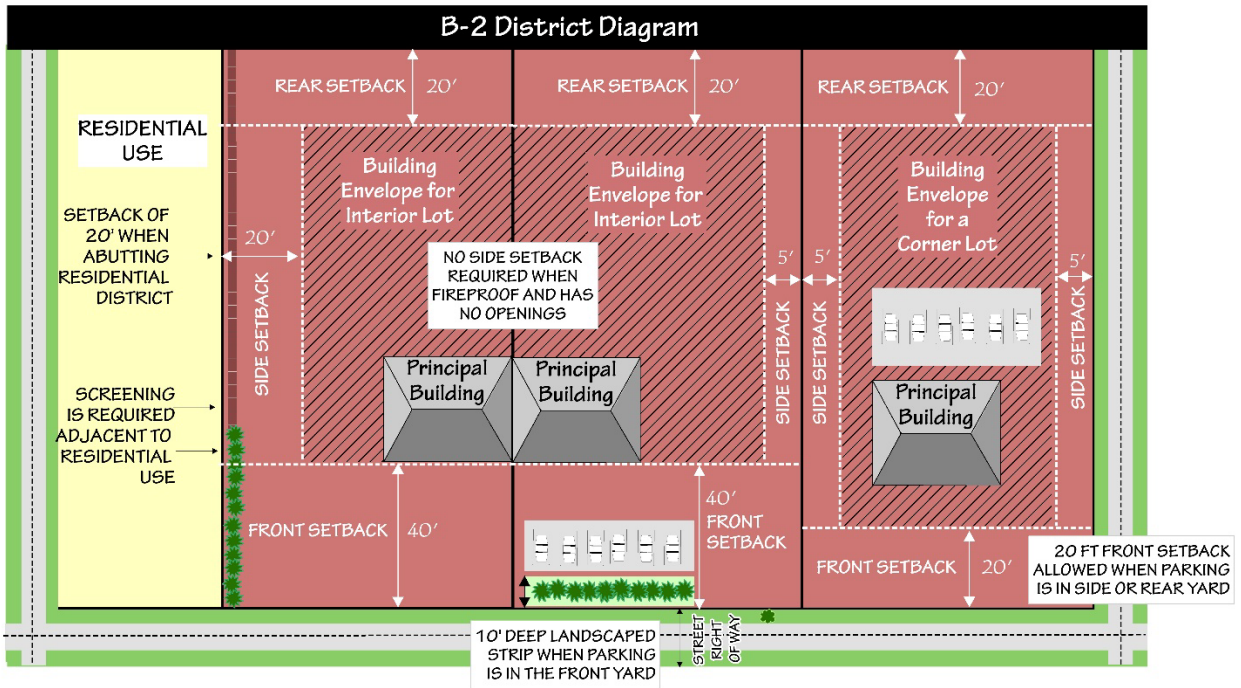
C. Development Standards for B-2 District.



Principal buildings within this district shall adhere to the standards within this table unless specifically stated otherwise in this Ordinance:

1. Lot & Structure Standards	
a. Lot Area (min.)	N/A
b. Lot Width (min.)	N/A
c. Building Height (max.)	2 stories Basements (including walk-out basements) and attics are not counted as stories Buildings and structures which exceed the maximum height limits up to 50%, shall increase front and side setbacks by 1 foot for each additional 1 foot of height above the maximum stated. Other height variance may be granted by the Zoning Board of Appeals upon a showing that such increase is reasonable and if granted would not be detrimental to adjacent premises.
d. Ground Floor Area (min.)	N/A
e. Lot Coverage (max.)	N/A
2. Setbacks	
a. Front (min.)	40 ft On waterfront lots, the front setback shall be 70 feet from the ordinary high water mark. If a water body is completely contained on one zoning lot, then this waterfront setback shall not be required. A man-made water body completely contained within one zoning lot shall meet the same setbacks from the lot lines as a principal building.
b. Side (min.)	5 ft Side setbacks may be omitted if walls abutting a side yard are of fireproof construction and wholly without openings or as otherwise specified in an applicable code. On a side yard which abuts a residential district, there shall be provided a setback of not less than 20 feet on the side abutting the Residential District.
c. Rear (min.)	20 ft
3. Additional Development Standards	
a. Accessory Buildings	See §3.10 .
b. Screening	When a non-residential use abuts a residential use or district, screening is required per §3.22 . A vegetative buffer strip may be used per §3.22.A .
c. Fences	See §3.21 .
d. Decks & Patios	Decks and patios shall meet the setbacks required for the principal building.
e. Signs	See §3.29 .
f. Parking	See §3.27 . Parking may be permitted in the front yard provided there is at least a 10-foot landscaped buffer strip between the road right-of-way and the off-street parking lot. If parking and loading spaces are confined to a rear and side yard, the required front setback may be reduced to 20 feet.

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Section 4.13 B-3: Business & Light Manufacturing District

**B-3
DISTRICT**

A. District Intent.

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

B. Uses Allowed.

Permitted and Special Land Uses shall be limited to those listed below (also in [Section 4.16: Full Table of Permitted and Special Land Uses](#)) and shall be subject to all applicable provisions of [Article 5: Plot Plans and Site Plan Review](#), [Article 6: Special Land Use Review](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL LAND USES		
R = Permitted by right S = Permitted with a Special Land Use Permit <i>§7.x indicates supplemental regulations apply</i>		B-3
Accommodation & Food/Event Services		
Caterers/Food Service Contractors	R	
Commercial Event Facilities (including Convention Centers, Conference Centers, Banquet Halls, Wedding Venues) <i>§7.36</i>	S	
Wineries, Cider Mills, Distilleries & Breweries including Tasting Rooms and Distribution Operations	S	
Agriculture, Animal Services & Forest Products		
Agricultural Equipment Dealers	R	
Animal Services (such as dog grooming, animal day care & dog clubs)	R	
Animal Shelters, Kennels, Veterinary Clinics <i>§7.3</i>	S	
Bulk Seed, Feed, Fertilizer & Nursery Stock Outlet & Distribution Centers (including wholesale)	R	
Greenhouse, Nursery, Landscaping & Floriculture	R	
Lumber Yards (pre-planed, finished lumber)/Building Material Sales & Supply	S	
Slaughter Houses	S	
Arts, Entertainment & Recreation		
Equipment Rental, Motorized (ORV, Snowmobile)	R	
Equipment Rental, Non-Motorized (Outfitter)	R	

TABLE OF PERMITTED USES & SPECIAL LAND USES		
R = Permitted by right S = Permitted with a Special Land Use Permit <i>§7.x indicates supplemental regulations apply</i>		B-3
Arts, Entertainment & Recreation (cont.)		
Shooting Range, Indoor (in a completely enclosed building)	S	
Theaters & Performing Arts Facilities, Outdoor (Commercial events Facilities)	S	
Tours (Commercial Operations)	R	
Commercial, Services & Retail		
Auto or Vehicle Repair Garage including Auto Body/ Paint/Interior & Glass Repair and Tire Sales/Installation <i>§7.5</i>	R	
Automotive Equipment Rental & Leasing	R	
Automotive Oil Change & Lubrication Shops <i>§7.5</i>	R	
Automotive Towing Businesses	R	
Banks/Financial Institutions <i>§7.11</i>	R	
Boat/RV/Recreational Equipment Repair & Storage	R	
Business Incubators	R	
Business Services & Computer Repair	R	
Business, Labor, Political & Like Organizations	R	
Car Wash Facilities <i>§7.7</i>	R	
Cash Advance Stores	R	

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R = Permitted by right S = Permitted with a Special Land Use Permit §7.x indicates supplemental regulations apply	B-3
Commercial, Services & Retail (cont.)	
Cleaning Services	R
Commercial/Industrial Equipment Rental & Leasing	R
Commercial Equipment Repair & Maintenance	R
Construction & Special Trade Contractors	R
Construction - Storage Facilities for Building Materials/Contractor's Equipment	R
Dry Cleaning & Laundry Services	R
Electronic & Precision Equipment Repair & Maintenance	R
Equipment Rental & Sales	R
Extermination & Pest Control Services	R
Film Production Facilities/Recording Facilities (including sound stages & other related activities)	R
Flea Market	R
Gas Stations §7.5	R
General Rental Centers/Rent-to-Own	R
Interior Designers/Showrooms	R
Locksmiths	R
Lumber Yards (pre-planed, finished lumber)/Building Material Sales & Supply	S
Medical Laboratories	R
Offices, Professional	R
Personal & Household Goods Repair & Maintenance	R
Personal Services (barber/beauty shops, tailoring, massage)	R
Pet Care (except Veterinary & Animal Shelters See Animal Services)	R
Photofinishing/Photographers	R
Printing/Binding/Publishing of Printed Materials	R
Repair Shops (not automotive-related)	R
Sexually Oriented Businesses §7.23	S
Tattoo/Piercing Parlor	S
Taxidermy Shops	R
Upholstery Shop	R
Communications/Energy/Utilities	
Amateur Radio Antennae (roof- or ground-mounted) §7.2	R
Essential Services	R

TABLE OF PERMITTED USES & SPECIAL LAND USES	
R = Permitted by right S = Permitted with a Special Land Use Permit §7.x indicates supplemental regulations apply	B-3
Communications/Energy/Utilities (cont.)	
Essential Service Buildings & Facilities (such as transformer stations, substations, utility exchanges, pump stations)	S
Gas & Oil Processing Facilities (does not include wellhead operations)	S
Propane Distributor/Propane Supply Facilities	R
Public utility facilities (without storage yards) – does not include Essential Service Buildings	R
Public utility facilities (with storage yards) – does not include Essential Service Buildings	R
Solar Energy – Accessory §7.29	R
Wind Energy Systems over 100' in height (Small On-Site) §7.27	S
Wind Energy Systems up to 100' in height (Small On-Site) §7.27	R
Wireless Facilities (with or without support structures) & Small Cell Wireless Facilities §7.26	S
Educational Services/Churches	
Trade Schools	R
Human Care & Social Assistance	
Community/Emergency & Other Relief Services	R
Health Care Clinics/Dental Clinics	R
Hospitals	R
Individual & Family Services	R
Rehabilitation Institutions	R
Vocational Rehabilitation Services	R
Manufacturing, Industrial & Waste Management	
Manufacturing, Light – including the production, processing, packaging, cleaning, testing, & distribution of materials, goods, foodstuffs, & products. §7.14	S
Light Manufacturing are those industries in which the modes of operation of the industry have no external effects & do not directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gasses, electrical disturbance, heat, & vibration.	
Accessory Uses incidental to Manufacturing (offices, food services, caretaker buildings)	S
Central Dry Cleaning Plants & Laundries (not dealing directly with customers)	S

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TABLE OF PERMITTED USES & SPECIAL LAND USES	
R = Permitted by right S = Permitted with a Special Land Use Permit <i>§7.x indicates supplemental regulations apply</i>	B-3
Manufacturing, Industrial & Waste Management (cont)	
Cold Storage Plants	S
Extraction of Natural Resources & Filling - Soil, Sand, Clay, Gravel, Stone or Similar Materials (including Mines, Quarries & Gravel Pits) §7.24	S
Incinerator Plants	S
Laboratories (research & experimental)	R
Petroleum Products, Gas Products, Paint & Chemical Bulk Storage & Distribution	S
Prefabrication Shops for Residential, Commercial & Industrial Equipment §7.14	R
Research/Design/Experimental Product Development (within a completely enclosed building)	R
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal Uses §3.10	S
Planned Unit Developments §7.16	S
Public Facilities	
Correctional Facilities (public or private)	S
General Government Administration Facilities	R
Police/Fire Stations	R
Transportation, Storage & Wholesale	
Couriers/Parcel Packing/Delivery Establishments	R
Distribution Centers, Freight Terminals/Trucking Facilities	S
Transit Facilities including Scenic/Sightseeing, Passenger Transportation	R
Truck Washes, Rental, & Repair Facilities	R
Warehousing & Storage (including mini-storage)	R
Wholesale Trade	R

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C. Development Standards for B-3 District.



Principal buildings within this district shall adhere to the standards within this table unless specifically stated otherwise in this Ordinance:

1. Lot & Structure Standards

a. Lot Area (min.)	N/A
b. Lot Width (min.)	N/A
c. Building Height (max.)	2 stories Basements (including walk-out basements) and attics are not counted as stories Buildings and structures which exceed the maximum height limits up to 50%, shall increase front and side setbacks by 1 foot for each additional 1 foot of height above the maximum stated. Other height variance may be granted by the Zoning Board of Appeals upon a showing that such increase is reasonable and if granted would not be detrimental to adjacent premises.
d. Ground Floor Area (min.)	N/A
e. Lot Coverage (max.)	N/A

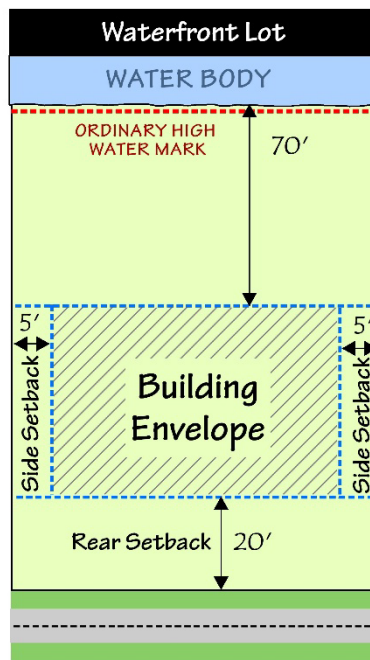
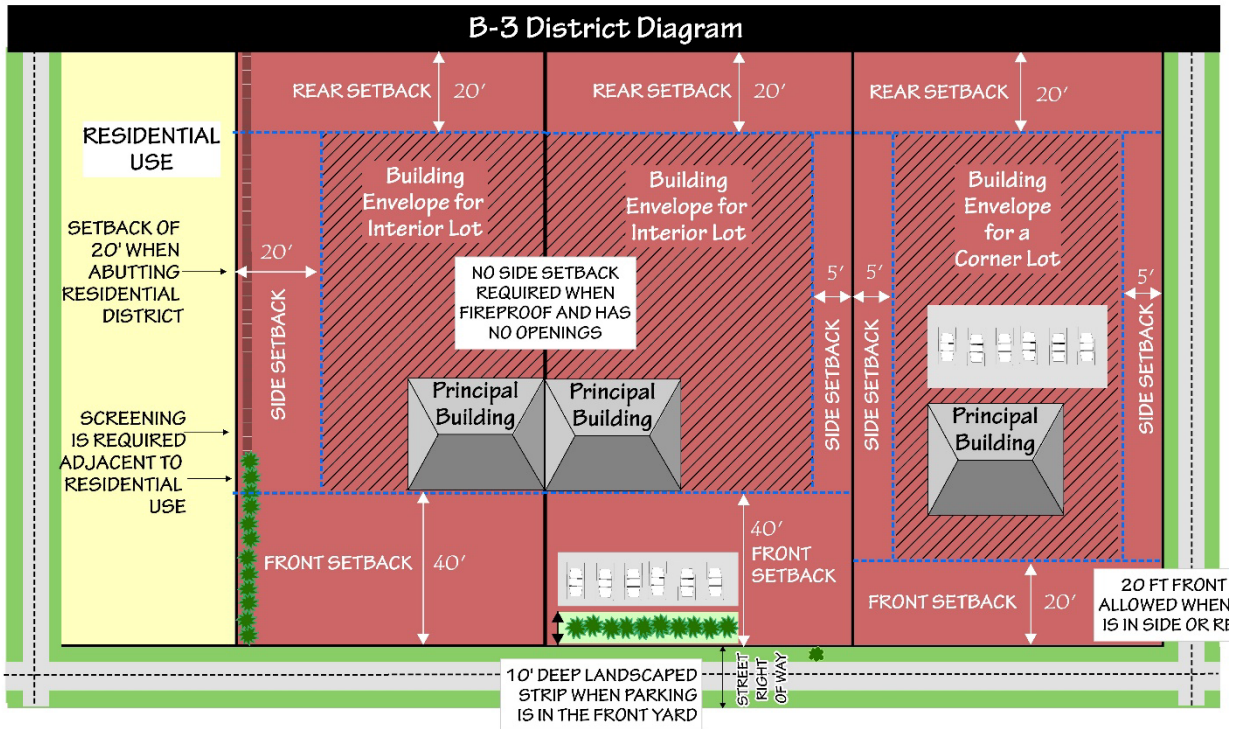
2. Setbacks

a. Front (min.)	40 ft On waterfront lots, the front setback shall be 70 feet from the ordinary high water mark. If a water body is completely contained on one zoning lot, then this waterfront setback shall not be required. A man-made water body completely contained within one zoning lot shall meet the same setbacks from the lot lines as a principal building.
b. Side (min.)	5 ft Side setbacks may be omitted if walls abutting a side yard are of fireproof construction and wholly without openings or as otherwise specified in an applicable code. On a side yard which abuts a residential district, there shall be provided a setback of not less than 20 feet on the side abutting the Residential District.
c. Rear (min.)	20 ft

3. Additional Development Standards

a. Accessory Buildings	See §3.10 .
b. Screening	When a non-residential use abuts a residential use or district, screening is required per §3.22 . A vegetative buffer strip may be used per §3.22.A .
c. Fences	See §3.21 .
d. Decks & Patios	Decks and patios shall meet the setbacks required for the principal building.
e. Signs	See §3.29 .
f. Parking	See §3.27 . Parking may be permitted in the front yard provided there is at least a 10-foot landscaped buffer strip between the road right-of-way and the off-street parking lot. If parking and loading spaces are confined to a rear and side yard, the required front setback may be reduced to 20 feet.

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plans & Site Plan Review
6 Special Use Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration	10 Adoption & Amendments



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|------------------------------|-----------------------------------|----------------------------------|-------------------------------|--|
| 1 Purpose & Authority | 2 Definitions | 3 General Provisions | 4 District Regulations | 5 Plot Plans & Site Plan Review |
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Section 4.14 I: Industrial District



A. District Intent.

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

B. Uses Allowed.

Permitted and Special Land Uses shall be limited to those listed below (also in [Section 4.16: Full Table of Permitted and Special Land Uses](#)) and shall be subject to all applicable provisions of [Article 5: Plot Plans and Site Plan Review](#), [Article 6: Special Land Use Review](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL LAND USES	
R = Permitted by right S = Permitted with a Special Land Use Permit <i>\$7.x indicates supplemental regulations apply</i>	I
Accommodation & Food/Event Services	
Food Trucks – maximum of 1 week \$7.34	R
Food Trucks – more than 1 week \$7.34	S
Agriculture, Animal Services & Forest Products	
Agricultural Equipment Dealers	R
Animal Shelters, Kennels, Veterinary Clinics	S
Bulk Seed, Feed, Fertilizer & Nursery Stock Outlet & Distribution Centers (including wholesale)	R
Forest Products Processing (including sawmills, planing mills, veneer mills & related operations) INCLUDING Firewood Sales - Commercial - (does not include small bundles of firewood) \$7.21	S
Grain Elevators	R
Lumber Yards (pre-planned, finished lumber)/Building Material Sales & Supply	R
Slaughter Houses	S
Arts, Entertainment & Recreation	
Race Tracks (motorized) \$7.17	S
Shooting Range, Indoor (in a completely enclosed building)	S
Commercial, Services & Retail	
Car Wash Facilities \$7.7	R
Construction & Special Trade Contractors	R
Construction - Storage Facilities for Building Materials/Contractor's Equipment	R
Film Production Facilities/Recording Facilities (including sound stages & other related activities)	R

TABLE OF PERMITTED USES & SPECIAL LAND USES	
R = Permitted by right S = Permitted with a Special Land Use Permit <i>\$7.x indicates supplemental regulations apply</i>	I
Commercial, Services & Retail (cont.)	
Lumber Yards (pre-planned, finished lumber)/Building Material Sales & Supply	R
Communications/Energy/Utilities	
Amateur Radio Antennae (roof- or ground-mounted) \$7.2	R
Battery Energy Storage Systems	S
Essential Services	R
Essential Service Buildings & Facilities (such as transformer stations, substations, utility exchanges, pump stations)	S
Gas & Oil Processing Facilities (does not include wellhead operations)	S
Propane Distributor/Propane Supply Facilities	R
Public utility facilities (without storage yards) – does not include Essential Service Buildings	R
Public utility facilities (with storage yards) – does not include Essential Service Buildings	R
Solar Energy – Accessory \$7.29	R
Solar Energy Facilities \$7.30	S
Wind Energy Systems over 100' in height (Small On-Site) \$7.27	S
Wind Energy Systems up to 100' in height (Small On-Site) \$7.27	R
Wireless Facilities (with or without support structures) & Small Cell Wireless Facilities \$7.26	S

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TABLE OF PERMITTED USES & SPECIAL LAND USES	
R = Permitted by right S = Permitted with a Special Land Use Permit <i>§7.x indicates supplemental regulations apply</i>	I
Educational Services/ Churches	
Trade Schools	R
Manufacturing, Industrial & Waste Management	
Manufacturing, Heavy – including the production, processing, packaging, cleaning, testing, & distribution of materials, goods, foodstuffs, & products. §7.14	S
Heavy Manufacturing are those industries in which the modes of operation of the industry do have external effects & may directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gasses, electrical disturbance, heat, & vibration.	
Accessory Uses incidental to Manufacturing (offices, food services, caretaker buildings)	S
Bulk storage, distribution, and service facilities for petroleum and gas products, paint and chemicals	S
Central Dry Cleaning Plants & Laundries (not dealing directly with customers)	S
Cold Storage Plants	S
Crematoriums	S
Extraction of Natural Resources & Filling - Soil, Sand, Clay, Gravel, Stone or Similar Materials (including Mines, Quarries & Gravel Pits) §7.24	S
Junkyards/Salvage Yards/Scrap Yards §7.13	S
Laboratories (research & experimental)	R
Machine Shops §7.14	R
Metal Plating/Buffering/Polishing/Etc §7.14	S
Prefabrication Shops for Residential, Commercial & Industrial Equipment §7.14	R
Printing & Related Support Activities (large-scale)	R
Recycling facilities/Resource Recovery Facilities/Transfer Stations/Waste Collection	R
Research/Design/Experimental Product Development (within a completely enclosed building)	R
Tool & Die Shops §7.14	R
Waste Collection Services	R

TABLE OF PERMITTED USES & SPECIAL LAND USES	
R = Permitted by right S = Permitted with a Special Land Use Permit <i>§7.x indicates supplemental regulations apply</i>	I
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal Uses §3.10	S
Planned Unit Developments §7.16	S
Public Facilities	
Correctional Facilities (public or private)	S
General Government Administration Facilities	R
Police/Fire Stations	R
Transportation, Storage & Wholesale	
Couriers/Parcel Packing/Delivery Establishments	R
Drone (Unmanned Aerial) Centers	S
Distribution Centers, Freight Terminals/Trucking Facilities	R
Railyards	R
Transit Facilities including Scenic/Sightseeing, Passenger Transportation	R
Truck Washes, Rental, & Repair Facilities	R
Warehousing & Storage (including mini-storage)	R
Wholesale Trade	R

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|------------------------------|-----------------------------------|----------------------------------|-------------------------------|--|
| 1 Purpose & Authority | 2 Definitions | 3 General Provisions | 4 District Regulations | 5 Plot Plans & Site Plan Review |
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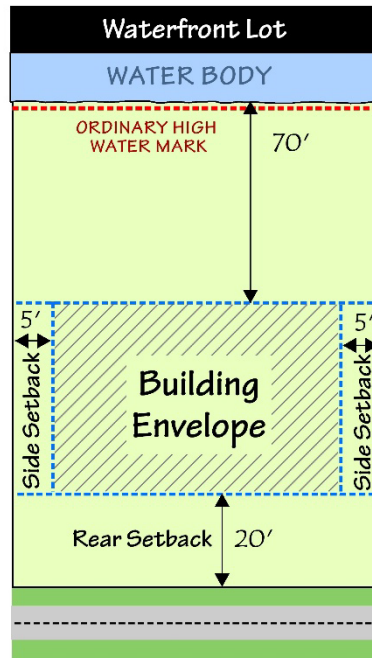
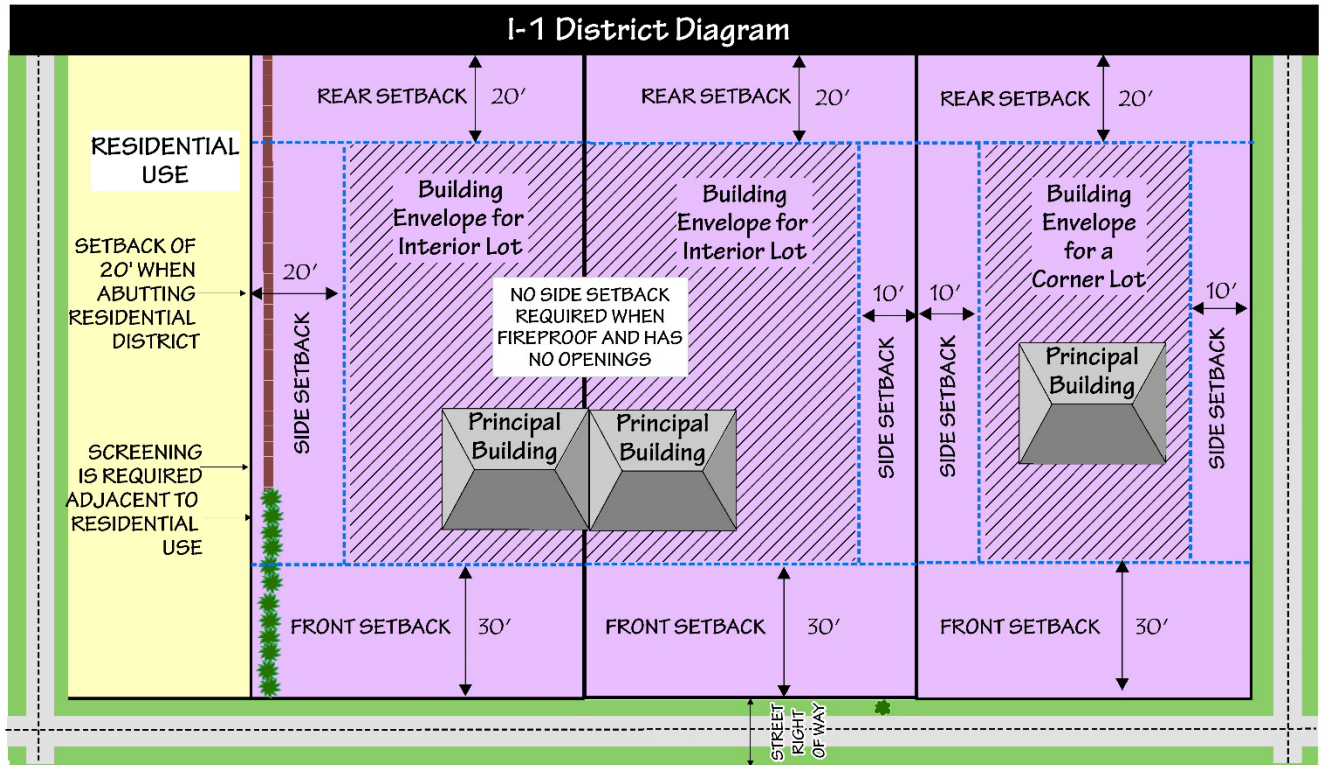
Wilson Township Zoning Ordinance

C. Development Standards for I District.



Principal buildings within this district shall adhere to the standards within this table unless specifically stated otherwise in this Ordinance:

1. Lot & Structure Standards	
a. Lot Area (min.)	N/A
b. Lot Width (min.)	N/A
c. Building Height (max.)	30 feet
	Buildings and structures which exceed the maximum height limits up to 50%, shall increase front and side setbacks by 1 foot for each additional 1 foot of height above the maximum stated. Other height variance may be granted by the Zoning Board of Appeals upon a showing that such increase is reasonable and if granted would not be detrimental to adjacent premises.
d. Ground Floor Area (min.)	N/A
e. Lot Coverage (max.)	N/A
2. Setbacks	
a. Front (min.)	30 ft
	On waterfront lots, the front setback shall be 70 feet from the ordinary high water mark. If a water body is completely contained on one zoning lot, then this waterfront setback shall not be required. A man-made water body completely contained within one zoning lot shall meet the same setbacks from the lot lines as a principal building.
b. Side (min.)	10 ft
	Side setbacks may be omitted if walls abutting a side yard are of fireproof construction and wholly without openings or as otherwise specified in an applicable code. On a side yard which abuts a residential district, there shall be provided a setback of not less than 20 feet on the side abutting the Residential District.
c. Rear (min.)	20 ft
3. Additional Development Standards	
a. Accessory Buildings	See §3.10 .
b. Screening	When a non-residential use abuts a residential use or district, screening is required per §3.22 . A vegetative buffer strip may be used per §3.22.A .
c. Fences	See §3.21 .
d. Decks & Patios	Decks and patios shall meet the setbacks required for the principal building.
e. Signs	See §3.29 .
f. Parking	See §3.27 .



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|------------------------------|-----------------------------------|----------------------------------|-------------------------------|--|
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Section 4.15 A: Airport District



A. District Intent.

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

B. Uses Allowed.

Permitted and Special Land Uses shall be limited to those listed below (also in [Section 4.16: Full Table of Permitted and Special Land Uses](#)) and shall be subject to all applicable provisions of [Article 5: Plot Plans and Site Plan Review](#), [Article 6: Special Land Use Review](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL LAND USES	
R = Permitted by right S = Permitted with a Special Land Use Permit <i>§7.x indicates supplemental regulations apply</i>	A
Accommodation & Food/Event Services	
Caterers/Food Service Contractors	R
Restaurants without Drive-Through	R
Restaurants with Drive-Through §7.11	R
Wineries, Cider Mills, Distilleries & Breweries including Tasting Rooms and Distribution Operations	R
Agriculture, Animal Services & Forest Products	
Animal Shelters, Kennels, Veterinary Clinics §7.3	S
Bulk Seed, Feed, Fertilizer & Nursery Stock Outlet & Distribution Centers (including wholesale)	R
Lumber Yards (pre-planned, finished lumber)/Building Material Sales & Supply	R
Commercial, Services & Retail	
Auto or Vehicle Repair Garage including Auto Body/ Paint/Interior & Glass Repair and Tire Sales/ Installation §7.5	R
Automotive Equipment Rental & Leasing	R
Banks/Financial Institutions	R
Business, Labor, Political & Like Organizations	R
Car Wash Facilities §7.7	R
Cleaning Services	R
Commercial/Industrial Equipment Rental & Leasing	R
Commercial Equipment Repair & Maintenance	R
Construction & Special Trade Contractors	R
Construction - Storage Facilities for Building Materials/Contractor's Equipment	S

TABLE OF PERMITTED USES & SPECIAL LAND USES	
R = Permitted by right S = Permitted with a Special Land Use Permit <i>§7.x indicates supplemental regulations apply</i>	A
Commercial, Services & Retail (cont.)	
Electronic & Precision Equipment Repair & Maintenance	R
Extermination & Pest Control Services	R
General Rental Centers/Rent-to-Own	R
Interior Designers/Showrooms	R
Lumber Yards (pre-planned, finished lumber)/Building Material Sales & Supply	R
Medical Laboratories	R
Offices, Professional	R
Personal & Household Goods Repair & Maintenance	R
Printing/Binding/Publishing of Printed Materials	R
Communications/Energy/Utilities	
Amateur Radio Antennae (roof- or ground-mounted) §7.2	R
Essential Services	R
Essential Service Buildings & Facilities (such as transformer stations, substations, utility exchanges, pump stations)	S
Public utility facilities (without storage yards) – does not include Essential Service Buildings	R
Public utility facilities (with storage yards) – does not include Essential Service Buildings	R
Solar Energy – Accessory §7.29	R
Water & Wastewater Treatment Plants	R

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plans & Site Plan Review
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TABLE OF PERMITTED USES & SPECIAL LAND USES	
R = Permitted by right S = Permitted with a Special Land Use Permit <i>§7.x indicates supplemental regulations apply</i>	A
Educational Services/ Churches	
Trade Schools	R
Human Care & Social Assistance	
Community/Emergency & Other Relief Services	R
Health Care Clinics/Dental Clinics	R
Hospitals	S
Individual & Family Services	R
Nursing & Residential Care Facilities (includes Adult Foster Care and Adult Day Care Facilities):	
State-Licensed Residential Care Facility providing care (7 or more persons)	S
Vocational Rehabilitation Services	R
Manufacturing, Industrial & Waste Management	
Extraction of Natural Resources & Filling - Soil, Sand, Clay, Gravel, Stone or Similar Materials (including Mines, Quarries & Gravel Pits) §7.24	S
Laboratories (research & experimental)	S
Machine Shops §7.14	S
Metal Plating/Buffering/Polishing/Etc §7.14	S
Recycling facilities/Resource Recovery Facilities/Transfer Stations/Waste Collection	R
Research/Design/Experimental Product Development (within a completely enclosed building)	S
Tool & Die Shops §7.14	S

TABLE OF PERMITTED USES & SPECIAL LAND USES	
R = Permitted by right S = Permitted with a Special Land Use Permit <i>§7.x indicates supplemental regulations apply</i>	A
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal Uses §3.10	S
Public Facilities	
General Government Administration Facilities	R
Military Bases and Associated Activities	R
Police/Fire Stations	R
Public Works Facilities with outdoor storage	R
Transportation, Storage & Wholesale	
Airports, Landing Fields, Heliports, Aviation Support, Aviation Development, & Other Functions Related to Aviation	R
Couriers/Parcel Packing/Delivery Establishments	R
Drone (Unmanned Aerial) Centers	S
Distribution Centers, Freight Terminals/Trucking Facilities	R
Transit Facilities including Scenic/Sightseeing, Passenger Transportation	R
Truck Washes, Rental, & Repair Facilities	R
Warehousing & Storage (including mini-storage)	R
Wholesale Trade	R

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plans & Site Plan Review
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A
DISTRICT

C. Development Standards for A District.

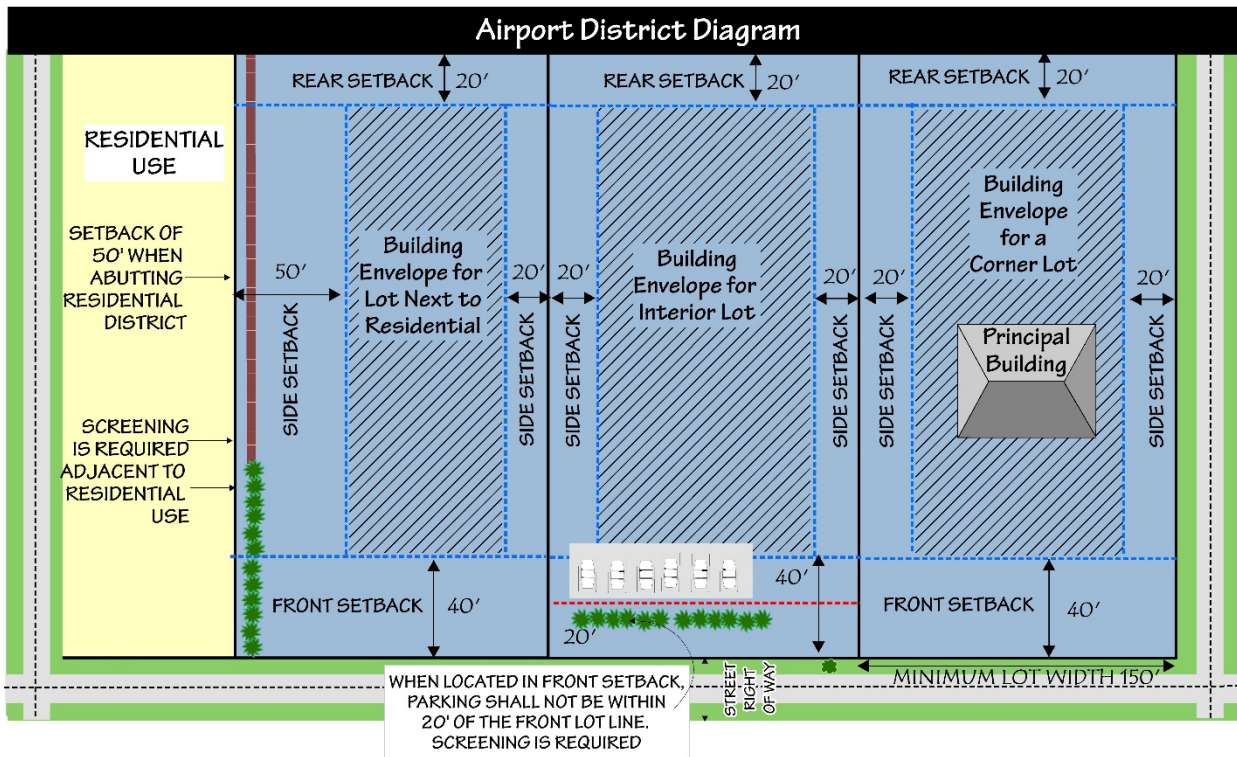
Principal buildings within this district shall adhere to the standards within this table unless specifically stated otherwise in this Ordinance:

1. Lot & Structure Standards	
a. Lot Area (min.)	1 acre
b. Lot Width (min.)	150 ft
c. Building Height (max.)	25 feet or per FAA regulations
	Buildings and structures which exceed the maximum height limits up to 50%, shall increase front and side setbacks by 1 foot for each additional 1 foot of height above the maximum stated. Other height variance may be granted by the Zoning Board of Appeals upon a showing that such increase is reasonable and if granted would not be detrimental to adjacent premises.
d. Ground Floor Area (min.)	N/A
e. Lot Coverage (max.)	N/A
2. Setbacks	
a. Front (min.)	40 ft
b. Side (min.)	20 ft
c. Rear (min.)	20 ft
3. Additional Development Standards	
1. Accessory Buildings	See §3.10 .
2. Screening	When a non-residential use abuts a residential use or district, screening is required per §3.22 . A vegetative buffer strip may be used per §3.22.A .
3. Fences	See §3.21 .
4. Decks & Patios	Decks and patios shall meet the setbacks required for the principal building.
5. Signs	See §3.29 .
6. Parking	See §3.27 .
	An off-street parking lot for visitors, over and above the number of spaces required may be permitted within the front setback provided that such off-street parking is not located within twenty (20) feet of the front lot line. Screening consisting of decorative fencing, decorative walls, or landscaping shall be located between the off-street parking area and the nearest right-of-way line.
7. Lots Abutting Other Districts	No building shall be located closer than fifty (50) feet to the outer perimeter (property line) of such district when said property line abuts any residential district or use. Whenever any use permitted in this Article abuts a residential district or use, there shall be provided and maintained a buffer strip or obscuring fence, as may be required by the Township Planning Commission, depending on the character of the use and specific site conditions.

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plans & Site Plan Review
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8. Outdoor Storage	Whenever a use permitted in this article requires the use of an outdoor storage area or outdoor operational activity, adequate buffer strip, screening devices, fences or walls may be required by the Planning Commission, whenever said storage area or operational activity abuts a residential district boundary, or a is visible from a public street.
9. Industrial Uses	Any industrial activity that produces glare, noise, vibration, smoke, dust, odors and similar or related nuisances, shall confine these nuisances to the airport district and shall conform to state and federal environmental regulations. Industrial operations involving the manufacture, processing, or packaging of materials which are inherently dangerous or hazardous due to flammability, toxicity, radioactivity, or explosiveness, shall require Special Land Use approval by the Planning Commission after a hearing, and approval shall be contingent upon a showing by the applicant industry that no dangerous, noxious or nuisance conditions will impact any adjacent non-industrial premises.
10. Other Regulations	All development with the Airport District shall comply with all applicable FAA regulations.



D. Airport Approach Zones Overlay

The following regulations shall apply to those lots or portions thereof located within zones 1 through 5 of the Airport Approach Plan and which are located within the Airport Zoning District. The following regulations do NOT apply to lots located outside of the Airport Zoning District.

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

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

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plans & Site Plan Review
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Section 4.16 Full Table of Permitted & Special Land Uses

Permitted and Special Land Uses shall be limited to those listed in the following Table of Permitted and Special Land Uses and listed in the individual use tables within each district section (above). Uses not listed are not permitted. Unlisted uses are subject to [Section 4.4](#).

Wilson Township Zoning Districts	
R-1	R-1: Single-Family Residential District
R-2	R-2: Agriculture District
R-3	R-3: General Residential District
RR	RR: Recreation Residential District
CR	CR: Conservation & Resources District
FF	FF: Farm & Forest District
B-1	B-1: Local & Tourist Business District
B-2	B-2: General Business District
B-3	B-3: Business & Light Manufacturing District
I	I: Industrial District
A	A: Airport District

Land Use Categories Reference Table	Pg
Accommodation & Food/Event Services	4-55
Agriculture, Animal Services & Forest Products	4-56
Arts, Entertainment & Recreation	4-57
Commercial, Services & Retail	4-59
Communications/Energy/Utilities	4-61
Educational Services & Religion	4-62
Human Care & Social Assistance	4-62
Manufacturing, Mining & Waste Management	4-63
Miscellaneous	4-64
Public Facilities	4-64
Residential Uses	4-65
Transportation, Storage & Wholesale	4-65

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FULL TABLE OF PERMITTED & SPECIAL LAND USES											
R = Permitted by right S = Permitted with a Special Land Use Permit <i>§7.x indicates supplemental regulations apply</i>	R-1	R-2	R-3	RR	CR	FF	B-1	B-2	B-3	I	A
Accommodation & Food/Event Services											
Bakeries (goods produced & sold on-site), Coffee Shops, Confectioneries & Ice Cream Shops							R	R			
Bars/Taverns							R	R			
Bed & Breakfasts/ Tourist Homes §7.6	S	S	S	S	S	S					
Caterers/Food Service Contractors								R	R		R
Commercial Event Facilities (including Convention Centers, Conference Centers, Banquet Halls, Wedding Venues) §7.36		S				S		S	S		
Food Trucks – maximum of 1 week §7.34						R	R	R		R	
Food Trucks – more than 1 week §7.34						S	S	S		S	
Hotels & Motels						S	R	R			
Inns						S	R	R			
Night Clubs							R	R			
Resorts §7.19		S	S	S	S	S	S	S			
Restaurants without Drive-Through							R	R			R
Restaurants with Drive-Through §7.11								R			R
Rooming & Boarding Houses §7.20		S	S			S					
Short Term Rentals §7.37		R									
Wineries, Cider Mills, Distilleries & Breweries including Tasting Rooms and Distribution Operations		S				S	S	S	S		R

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plans & Site Plan Review
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FULL TABLE OF PERMITTED & SPECIAL LAND USES											
R = Permitted by right S = Permitted with a Special Land Use Permit <i>§7.x indicates supplemental regulations apply</i>	R-1	R-2	R-3	RR	CR	FF	B-1	B-2	B-3	I	A
Agriculture, Animal Services & Forest Products											
Agricultural Business (related to the sale of field crops, forest products, & livestock raised or cultivated on the property)		R				R					
Agricultural Equipment Dealers		S				S		R	R	R	
Agricultural Products Processing & Storage		S				S					
Agricultural Tourism (see following):											
Bakeries (selling goods grown primarily on-site)		R		R	R	R					
Educational Tours, Classes, Lectures, & Seminars		R		R	R	R					
Family-Oriented Animated Barns (haunted houses)		R				R					
Farm Stays		R				R	R	R			
Gift shops for agriculturally-related products, crafts		R		R	R	R					
Historical Agricultural Exhibits		R		R	R	R					
Organized Meeting Space (weddings, birthdays, corporate picnics) – Commercial Event Facility		S				S					
Petting Farms, Animal Display, & Pony Rides (may be accessory use to hobby farms)		S		S	S	S					
Picnic Areas (including rest rooms)		R		R	R	R					
Playgrounds, Wagon/Sleigh Rides, Nature Trails		R		R	R	R					
Restaurants (related to the agricultural use of the site)		S		S	S	S					
Seasonal Outdoor Mazes of Agricultural Origin		R		R	R	R					
Small-Scale Entertainment (concert, car show, art fair)		S		S	S	S					
Animal Attractions (such as zoos, animal tours & other animal visitation establishments) (may not be accessory use to hobby or commercial farms) <i>§7.3</i>							S	S			
Animal Rescue Facilities, Animal Sanctuaries, & Animal Rehabilitation Establishments (shall be rehab and release only)							S	S			
Animal Services (such as dog grooming, animal day care, & dog clubs)		R				R	R	R	R		
Animal Shelters, Kennels, Veterinary Clinics <i>§7.3</i>		S				S		S	S	S	S
Biofuel Production Facilities on Farms <i>§7.35</i>		RS		RS	RS	RS					
Boarding Stables; Riding Arenas <i>§7.18</i>		R		R	R	R					
Bulk Seed, Feed, Fertilizer & Nursery Stock Outlet & Distribution Centers (including wholesale)		S				S		R	R	R	R

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R = Permitted by right S = Permitted with a Special Land Use Permit <i>§7.x indicates supplemental regulations apply</i>	R-1	R-2	R-3	RR	CR	FF	B-1	B-2	B-3	I	A
Agriculture, Animal Services & Forest Products (cont.)											
Butcher Services - Less than 50 animal units per week. One animal unit = 1,000 pounds. Applicant will have to provide a plan for waste mitigation with application		S									
Composting Facilities (large scale facilities – compost material brought in & deposited)		R				R					
Farms & Agricultural Operations		R		R	R	R					
Farm Markets including Roadside Stands - on property controlled by the affiliated farm		R		R	R	R					
Farm Product Sales (Fruit/Vegetable Market) – not affiliated with a specific farm											
Feedlots (large-scale commercial CAFO)		R				R					
Forest Products Processing (including sawmills, planing mills, veneer mills & related operations) INCLUDING Firewood Sales - Commercial - (does not include small bundles of firewood) §7.21		R				S				S	
Game Preserves (where game is hunted)		S				S					
Grain Elevators		R				R				R	
Greenhouse, Nursery, Landscaping & Floriculture		R				R		R	R		
Lumber Yards (pre-planned, finished lumber)/Building Material Sales & Supply		S				S		S	S	R	R
Seasonal “U-Pick” Fruits & Vegetables Operations		R		R	R	R					
Slaughter Houses									S	S	
Arts, Entertainment & Recreation											
Archery Ranges											
Art Galleries & Studios							R	R			
Campgrounds & RV Parks (may include rental of other types of recreational structures – “glamping”)		S				S					
Camps (ex: summer camps) §7.19				S		S					
Canoe/Boat/Kayak Liveries				S		S					
Clubs, Lodges & Fraternal Organizations		R				R	R	R			
Dock/Launch Ramp & Marina Facilities, Private or Public (including incidental & related retail facilities & boat repair & storage; not including private use for a single-family residence)	S	S	S	S	S	S	S	S			

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Arts, Entertainment & Recreation (cont.)											
Equipment Rental, Motorized (ORV, Snowmobile)							R	R	R		
Equipment Rental, Non-Motorized (Outfitter)							R	R	R		
Fitness & Recreational Sports Centers (ex: health clubs, gym, tennis, swimming pool club, skating rinks)							R	R			
Golf Courses & Country Clubs		S	S	S	S	R					
Golf Driving Ranges §7.9							R	R			
Historical Restoration/Renovation Facilities (including historic communities, archeological excavations, & displays of historical artifacts related to the premises) – open to the public		R		R	R	R					
Museums							R	R			
Parks & Playgrounds; Recreation Areas (passive recreation), Nature Areas, Conservation Areas, Wildlife Preserves (public or private)	S	R	R	R	R	R					
Performing Arts Companies							R	R			
Recreational Facilities, Indoor (ex: arcades, billiards, bowling)								R			
Recreational Facilities, Outdoor (- ex: go-karts, mini-golf, disc golf) §7.9								S			
Race Tracks (motorized) §7.17								S		S	
Race Tracks (non-motorized) §7.17		S	S			S					
Shooting Range, Indoor (in a completely enclosed building)						S		S	S	S	
Shooting Range, Outdoor		S						S			
Spectator Sports Arenas								S			
Sportsmen's Clubs		R				R					
Theaters, Drive-In											
Theaters & Performing Arts Facilities, Indoor & Assembly Halls								R			
Theaters & Performing Arts Facilities, Outdoor (Commercial events Facilities)		S				S		S	S		
Tours (Commercial Operations)								R	R		

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Commercial, Services & Retail											
Auto or Vehicle Repair Garage including Auto Body/ Paint/Interior & Glass Repair and Tire Sales/Installation §7.5								S	R		R
Automotive Equipment Rental & Leasing								S	R		R
Automotive Oil Change & Lubrication Shops §7.5								S	R		
Automotive Towing Businesses								S	R		
Banks/Financial Institutions §7.11							R	R	R		R
Boat/RV/Recreational Equipment Repair & Storage								S	R		
Business Incubators								R	R		
Business Services & Computer Repair							R	R	R		
Business, Labor, Political & Like Organizations								R	R		R
Car Wash Facilities §7.7								R	R	R	R
Cash Advance Stores								R	R		
Cleaning Services								R	R		R
Commercial/Industrial Equipment Rental & Leasing								R	R		R
Commercial Equipment Repair & Maintenance								R	R		R
Commercial Use in a Residential District (neighborhood business) §7.10	S	S	S	S	S	S					
Construction & Special Trade Contractors								R	R	R	R
Construction - Storage Facilities for Building Materials/Contractor's Equipment									R	R	S
Dry Cleaning & Laundry Services							R	R	R		
Electronic & Precision Equipment Repair & Maintenance								R	R		R
Equipment Rental & Sales								R	R		
Extermination & Pest Control Services								R	R		R
Film Production Facilities/Recording Facilities (including sound stages & other related activities)								R	R	R	
Flea Market								R	R		
Funeral Homes & Mortuaries								R	R		
Gas Stations §7.5							S	S	R		
General Rental Centers/Rent-to-Own								R	R		R
Health Spa							R	R	R		
Interior Designers/Showrooms							R	R	R		R
Locksmiths							R	R	R		

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Commercial, Services & Retail (cont.)											
Lumber Yards (pre-planned, finished lumber)/Building Material Sales & Supply		S				S		S	S	R	R
Medical Laboratories									R		R
Offices, Professional			S				R	R	R		R
Personal & Household Goods Repair & Maintenance							R	R	R		R
Personal Services (barber/beauty shops, tailoring, massage)			S				R	R	R		
Pet Care (except Animal Shelters & Veterinary See Agriculture, Animal Services & Forest Products category)		R				R	R	R	R		
Photofinishing/Photographers							R	R	R		
Printing/Binding/Publishing of Printed Materials								R	R		R
Repair Shops (not automotive-related)								R	R		
Retail (except as listed below)							R	R			
Firearms Store								S			
Liquor Stores (where liquor is the primary item for sale)								S			
Malls, shopping Centers or Shopping Plazas								S			
Manufactured Home Dealers								S			
Outdoor Sales/Rental/Repair Facilities (open-air sales/rental/repair of automobiles, trucks, motorcycles, ATVs, marine craft, farm implements, contractor's equipment, recreational equipment, lawn equipment, storage buildings, & similar) §7.15								S			
Truck & Heavy Equipment Sales/Service Establishments								S			
Sexually Oriented Businesses §7.23									S		
Studios for Dance, Physical Exercise, Music, Karate, & Similar Uses							R	R			
Tattoo/Piercing Parlor									S		
Taxidermy Shops		S						R	R		
Upholstery Shop								R	R		

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Communications/Energy/Utilities											
Amateur Radio Antennae (roof- or ground-mounted) §7.2	R	R	R	R	R	R	R	R	R	R	R
Battery Energy Storage Systems §7.31		S								S	
Essential Services	R	R	R	R	R	R	R	R	R	R	R
Essential Service Buildings & Facilities (such as transformer stations, substations, utility exchanges, pump stations)	S	S	S	S	S	S	S	S	S	S	S
Gas & Oil Processing Facilities (does not include wellhead operations)									S	S	
Propane Distributor/Propane Supply Facilities									R	R	
Public utility facilities (without storage yards) – does not include Essential Service Buildings	S	S	S	S	S	S	R	R	R	R	R
Public utility facilities (with storage yards) – does not include Essential Service Buildings								R	R	R	R
Solar Energy – Accessory §7.29	R	R	R	R	R	R	R	R	R	R	R
Solar Energy Facilities §7.30		S								S	
Water & Wastewater Treatment Plants											R
Wind Energy Facilities & Anemometer Towers (Utility-Scale) §7.28		S				S					
Wind Energy Systems over 100' in height (Small On-Site) §7.27	S	S	S	S	S	S	S	S	S	S	
Wind Energy Systems up to 100' in height (Small On-Site) §7.27	S	R	R	R	R	R	R	R	R	R	
Wireless Facilities (with or without support structures) & Small Cell Wireless Facilities §7.26		S				S		S	S	S	

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Educational Services/ Churches											
Churches or Places of Worship	S	R	S			R	R	R			
Private instructional facilities	S	S	S			R	R	R			
Public, charter or private schools (elementary through high school)	S	S	S			R	R	R			
Public or private colleges/universities	S	S	S			R	R	R			
Trade Schools								R	R	R	R
Human Care & Social Assistance											
Child Day Care Services (see following):											
Family Child Care Home	R	R	R	R	R	R					
Group Child Care Home <i>§7.8</i>	S	S	S	S	S	S					
Child Care Center or Day Care Center <i>§7.8</i>	S	S	S			S	R	R			
Child Caring Institution							R	R			
Community/Emergency & Other Relief Services								R	R		R
Health Care Clinics/Dental Clinics			S				R	R	R		R
Hospitals								R	R		S
Individual & Family Services								R	R		R
Nursing & Residential Care Facilities (includes Adult Foster Care and Adult Day Care Facilities)											
State-Licensed Residential Care Facilities (6 or less persons)	R	R	R	R	R	R					
State-Licensed Residential Care Facility providing care (7) or more persons							S	S			S
Nursing/Convalescent Home/Assisted Living Home <i>§7.4</i>			S				S	S			
Other Residential Care Facilities (Homeless shelter, substance abuse, correctional)			S					S			
Rehabilitation Institutions								R	R		
Vocational Rehabilitation Services								R	R		R

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Manufacturing, Industrial & Waste Management											
Manufacturing, Light – including the production, processing, packaging, cleaning, testing, & distribution of materials, goods, foodstuffs, & products. §7.14 Light Manufacturing are those industries in which the modes of operation of the industry have no external effects & do not directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gasses, electrical disturbance, heat, & vibration.									S		
Manufacturing, Heavy – including the production, processing, packaging, cleaning, testing, & distribution of materials, goods, foodstuffs, & products. §7.14 Heavy Manufacturing are those industries in which the modes of operation of the industry do have external effects & may directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gasses, electrical disturbance, heat, & vibration.										S	
Accessory Uses incidental to Manufacturing (offices, foods services, caretaker buildings)									S	S	
Bulk storage, distribution, and service facilities for petroleum and gas products, paint and chemicals										S	
Central Dry Cleaning Plants & Laundries (not dealing directly with customers)									S	S	
Cold Storage Plants									S	S	
Crematoriums										S	
Extraction of Natural Resources & Filling - Soil, Sand, Clay, Gravel, Stone or Similar Materials (including Mines, Quarries & Gravel Pits) §7.24	S	S	S	S	S	S	S	S	S	S	S
Incinerator Plants								S	S		
Junkyards/Salvage Yards/Scrap Yards §7.13										S	
Laboratories (research & experimental)									R	R	S
Machine Shops §7.14										R	S
Metal Plating/Buffering/Polishing/Etc §7.14										S	S
Petroleum Products, Gas Products, Paint & Chemical Bulk Storage & Distribution								S	S		

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Manufacturing, Industrial & Waste Management (con't)											
Prefabrication Shops for Residential, Commercial & Industrial Equipment §7.14									R	R	
Printing & Related Support Activities (large-scale)										R	
Recycling facilities/Resource Recovery Facilities/Transfer Stations/Waste Collection										R	R
Research/Design/Experimental Product Development (within a completely enclosed building)									R	R	S
Tool & Die Shops §7.14										R	S
Waste Collection Services										R	
Miscellaneous											
Accessory Buildings & Uses Incidental to Principal Uses §3.10	R	R	R	R	S	R	S	S	S	S	S
Cemeteries including Columbaria & Mausoleums (human or pet)	S	S	S			S					
Planned Unit Developments §7.16	S	S	S	S	S	S	S	S	S	S	
Site Condominium Development §7.33		S	S								
Public Facilities											
Community Centers		R				R	R	R			
Correctional Facilities (public or private)									S	S	
General Government Administration Facilities		R				R	R	R	R	R	R
Libraries						R	R	R			
Military Bases and Associated Activities											R
Police/Fire Stations		R				R	R	R	R	R	R
Public Parks, Playgrounds, and Recreation Areas	R	R	R	R	R	R	R	R			
Public Works Facilities with outdoor storage											R

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Residential Uses											
Accessory Dwelling Units/Guest Houses §7.22	S	S	S	S	S	S					
Cottage Industries §7.12		S	S	S	S	S	S	S			
Dwelling Units in Conjunction with Non-Residential Establishments							R	R			
Home Occupations §7.12	R	R	R	R	R	R	R	R			
Manufactured Housing Communities §7.32			S								
Multiple-Family Dwellings			R								
Single-Family Dwellings (year-round & seasonal)	R	R	R	R	R	R					
Two-Family Dwellings			R								
Transportation, Storage & Wholesale											
Airports, Landing Fields, Heliports, Aviation Support, Aviation Development, & Other Functions Related to Aviation											R
Couriers/Parcel Packing/Delivery Establishments								R	R	R	R
Drone (Unmanned Aerial) Centers										S	S
Distribution Centers, Freight Terminals/Trucking Facilities									S	R	R
Railyards										R	
Transit Facilities including Scenic/Sightseeing, Passenger Transportation								R	R	R	R
Truck Washes, Rental, & Repair Facilities									R	R	R
Warehousing & Storage (including mini-storage)									R	R	R
Wholesale Trade									R	R	R

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Section 4.17 Full Schedule of Regulations

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

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FOOTNOTES TO HEADINGS

1. For permanent dwelling units and not cottages, cabins, motels, or similar uses. Dwelling units which are less than the minimum dwelling unit size may be approved by the Planning Commission.
2. Buildings and structures which exceed the maximum height limits up to fifty (50) percent, shall increase front and side yards by one (1) foot for each additional one (1) foot of height above the maximum stated. Other height variance may be granted by the Board of Appeals upon a showing that such increase is reasonable and if granted would not be detrimental to adjacent premises. Basements (including walk-out basements) and attics are not counted as stories.
3. These provisions shall not apply to structures four (4) feet in height or less.

FOOTNOTES TO SCHEDULE OF REGULATIONS:

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

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- g. On waterfront lots, the front setback shall be seventy (70) feet from the ordinary high water mark. If a water body is completely contained on one (1) zoning lot, then this waterfront setback shall not be required. A man-made water body completely contained within one zoning lot shall meet the same setbacks from the lot lines as a principal building.

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

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Article 5

Plot Plans & Site Plan Review

Sec	Name	Pg	Sec	Name	Pg
5.1	Purpose & Approval Table	5-1	5.5	Site Plan Review Standards	5-9
5.2	Plot Plans	5-2	5.6	Amendment to an Approved Site Plan	5-12
5.3	Site Plan Review Procedure	5-4	5.7	Expiration & Revocation of a Site Plan	5-13
5.4	Site Plan Data Required	5-6			

Section 5.1 Purpose & Approval Table

The purpose of this Article is to specify the documents required and to ensure that a proposed land use or development activity is in compliance with this Ordinance and to ensure that development taking place within the Township is properly designed, safe, efficient, environmentally sound, and designed in such manner as to protect adjacent properties from substantial adverse impacts. The following table summarizes the plan required and the approving body for different types of development:

Table 5.1: Approval Table

Type of Use	Required	Approving Body
1. Accessory buildings (residential & non-residential)	Plot Plan	Zoning Administrator
2. Dwelling units (single-family & two-family)	Plot Plan	Zoning Administrator
3. Multiple-family dwelling units	Site Plan	Planning Commission
4. Home occupations	No Permit Required	
5. Cottage industries	Plot Plan	Planning Commission
6. Bed & breakfasts	Plot Plan	Planning Commission
7. Accessory dwelling units	Plot Plan	Planning Commission
8. Family child care homes	Plot Plan	Zoning Administrator
9. Group child care homes	Plot Plan	Planning Commission
10. Dwelling units in conjunction with commercial	Site Plan	Planning Commission
11. Special Land Uses (not already listed in this table)	Site Plan	Planning Commission
12. Parking lots	Site Plan	Planning Commission
13. Signs	Plot Plan	Zoning Administrator
14. Fences	Plot Plan	Zoning Administrator
15. Change of use for existing structure (other than single-family or two-family) when the new use requires additional parking, access, impervious surface or external site characteristics or creates a violation of this structure	Zoning Administrator determines if Planning Commission review is required	

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16. New commercial, industrial, utility, & institutional structures/uses (any use other than single-family, two-family, & multiple-family)	Site Plan	Planning Commission
17. Expansion or renovation of an existing use, other than single- & two-family, which increases the existing floor space by more than 25%	Site Plan	Planning Commission
18. Establishment of a plat, a site condominium, subdivision, or other form of real estate development provided the plat, site condominium, subdivision plan or other real estate development establishes either (a) more than two residential units or (b) any other use requiring a site plan under this Ordinance.	Site Plan	Planning Commission
19. Seasonal use	No Permit Required	
20. Temporary dwellings	Plot Plan	Zoning Administrator
21. Food trucks	Plot Plan	Planning Commission
22. Short Term Rentals	Plot Plan	Zoning Administrator
23. Accessory Solar Panels	Plot Plan (ground-mounted)	Zoning Administrator

Section 5.2 Plot Plans

A. When a Plot Plan is Required.

Plot plans are required as listed in [Table 5.1](#).

B. Plot Plans Approval Procedure.

1. Plot Plans Approved by the Zoning Administrator.

- a. The Zoning Administrator shall not issue a zoning permit unless a plot plan has been reviewed and approved by the Zoning Administrator.
- b. The Zoning Administrator shall review submitted materials and shall conduct a site visit. If said use is allowed and meets all Ordinance requirements and any special conditions for that use pursuant to [Article 7](#), a zoning permit shall be issued.
- c. If the plot plan is disapproved by the Zoning Administrator, notification of such disapproval and reasons shall be given to the applicant within ten (10) days.

2. Plot Plans Approved by the Planning Commission. Plot plans which require approval by the Planning Commission shall undergo the review procedures listed under [Section 5.3](#).

C. Plot Plan Data Required.

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In addition to information required on zoning permit application, the following shall be submitted as part of the plot plan. Nothing in this Section shall be construed as to prohibit a property owner or his agent from preparing plans and specifications, provided the same are clear and legible and that the information listed below is provided.

Table 5.2: Plot Plan Requirements

1. General Information	Name and address of the property owner(s), developer(s), and designer(s), and their interest in said properties.
2. Map Features	Map scale and north arrow. The scale shall be of such size as deemed adequate by the Zoning Administrator to make a judgment that the application meets the requirements of this Ordinance. When deemed necessary by the Zoning Administrator, a survey may be required.
3. Property & Setbacks	The shape, location and dimensions of the lot, drawn to scale. The location and configuration of the lot access and driveway, drawn to scale. Location of required setbacks of the zoning district. The location and width of all abutting rights-of-way, easements, and public open spaces within or bordering the subject project.
4. Structures	The location, shape, dimensions, and height of all structures or impervious surfaces to be erected, altered or moved onto the lot and of any building or other structure already on the lot, drawn to scale. In addition, an elevation drawing of the proposed building(s) may be required by the Zoning Administrator in order to measure the height of the proposed structures.
5. Well & Septic	Location of existing or proposed septic system and water well.
6. Use	The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
7. Natural Features	Natural features such as forests, water bodies, wetlands, high-risk erosion areas, slopes over 10%, drainage and other similar features, if determined by the Zoning Administrator to be applicable.
8. Other	Other information concerning the lot or adjacent lots that may be essential for determining whether the provisions of this Ordinance are being observed.
9. Fees	Fees must be paid as established by resolution of the Township Board.

Section 5.3 Site Plan Review Procedure

Site plans give the Planning Commission an opportunity to review development proposals in a concise, consistent manner. The use of a plan ensures that physical changes in the property meet with local approval and that building actually occurs as it was promised by the developer.

A. When a Site Plan is Required.

Site plans are required as listed in [Table 5.1](#).

B. Pre-Application Conference.

The Zoning Administrator, Planning Commission Chair, and/or Planning Commission shall have the authority to conduct a pre-application conference with the applicant/developer to assist them in understanding the site plan review process and other ordinance requirements and to provide insight as to what portions of their proposed development may be of special concern to the Planning Commission.

This conference shall not be mandatory, except for Planned Unit Developments, but is recommended for small and large projects alike. It is recommended for large projects that a pre-application conference be held several months in advance of the desired start of construction. Such an advance conference will allow the applicant/developer time to prepare the needed information for the Planning Commission to make a proper review.

C. Site Plan Submittal Procedures.

1. **Number of Copies and Submittal Deadline.** Nine (9) copies of the proposed site plan, including all required additional or related information, shall be presented to the Zoning Administrator's Office by the petitioner or property owner or his designated agent at least thirty (30) days prior to the Planning Commission meeting where the site plan will be considered. The Zoning Administrator shall cause the submittal to be placed on the agenda of the next regular Planning Commission meeting. A digital copy of the site plan is required.
2. **Administrative Fees.** Any site plan application shall be accompanied by a fee in an amount to be determined by the Township Board. Such fee shall be for the purpose of payment for the administrative costs and services expended by the Township in the implementation of this Section and the processing of the application. Such fee may be used to reimburse another party retained by the Township to provide expert consultation and advice regarding the application. The Township may return any unused portion of the fee to the applicant. Any costs of special meetings called to review site plans shall be borne by the applicant.
3. **Review for Completeness.** The Zoning Administrator will review the materials submitted to ensure all information required by the Ordinance has been provided. If the application is incomplete, the Zoning Administrator will send a notice with a detailed list of all deficiencies to the applicant. If the

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site plan, including all required additional or related information, is determined to be complete, the Zoning Administrator shall cause the submittal to be placed on the agenda of the next regular Planning Commission meeting.

4. **Coordination with Other Agencies/Departments.** The Zoning Administrator may distribute the site plan to the following agencies or any other agency deemed appropriate for comment prior to consideration for approval:
 - a. The **Alpena County Soil Erosion and Sedimentation Control Officer.**
 - b. The **Alpena County Drain Commissioner.**
 - c. The **Alpena County Road Commission** and, if appropriate, the **Michigan Department of Transportation.**
 - d. **District Health Department.**
 - e. Local fire and ambulance service providers.
 - f. Other agencies or consultants as deemed appropriate.
5. **Site Plans Requiring ZBA Action.** Where the applicant is dependent upon the grant of any variances by the Zoning Board of Appeals, said favorable action by the Zoning Board of Appeals shall be necessary before the site plan approval can be granted or the site plan may be approved subject to favorable action by the Zoning Board of Appeals.

D. **Site Plan Approval Procedures.**

1. **Representation at Meeting.** The applicant or his/her representative shall be present at the scheduled review. If the applicant fails to provide representation, the review will be addressed at the next scheduled Planning Commission meeting. If the applicant does not provide representation at the second meeting, the application shall be voided.
2. **Consultants.** The Planning Commission may request the assistance of a qualified professional planner, engineer, attorney, or other professional in the site plan review process if deemed necessary or advisable. The Township may require the payment of additional funds by the applicant to cover these expenses per **Section 9.7.**
3. **Decision.** The Planning Commission shall have the responsibility and authorization to approve, disapprove, or approve with conditions the site plan in accordance with the requirements of the zoning district in which the proposed use is located, the criteria listed in **Section 5.5**, and any applicable standards contained in **Article 7 (Supplemental Regulations)**. If the site plan is disapproved by the Planning Commission, written notification of such disapproval shall be given to the applicant, by the Zoning Administrator, within ten (10) days of disapproval.

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4. **Conditions.** Any conditions or modifications desired by the Planning Commission shall be recorded in the minutes of the appropriate Planning Commission meeting.
5. **Findings of Fact.** The decision of the Planning Commission shall be incorporated into a written statement of findings and conclusions relative to the site plan which specifies the basis for the decision and any condition(s) imposed.
6. **Signed Copies.** When approved, at least two (2) copies of the final approved site plan shall be signed and dated by the Chair of the Planning Commission and the petitioner. One (1) of these two (2) approved copies shall be kept on file by the Township Zoning Administrator and the other approved copy shall be returned to the petitioner or his designated representative.
7. **Zoning Permit.** Approval of a site plan by the Planning Commission shall authorize the Zoning Administrator to issue a zoning permit.
8. **Performance Guarantee.** The Planning Commission may require an applicant to provide a performance guarantee in connection with the approval of a final site plan, pursuant to [Section 9.8](#) of this Ordinance.
9. **Conformity to Approved Site Plan Required.** Following approval of a site plan by the Planning Commission, the applicant shall construct the site plan improvements in complete conformity with the approved site plan. Failure to do so shall be deemed a violation of this Ordinance.

Section 5.4 Site Plan Data Required

Each site plan submitted shall contain the following information unless specifically waived, in whole or in part, by the Township Planning Commission. A digital copy of the site plan may be required.

Table 5.4: Site Plan Requirements

A. General Information

1. Name and address of property owner(s), developer(s), and designer(s) and their interest in said property. (including contact information).
2. Name and address of firm preparing the site plan (including contact information).
3. The existing zoning district in which the site is located and the zoning of adjacent lots. In the case of a request for a zoning change, the classification of the proposed new district must be shown.
4. Gross acreage of development and total usable floor area.

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B. Map Information

1. Date, north arrow.
2. Scale of 1" = 50' for property less than 3 acres and 1" = 100' for property 3 or more acres.

C. Lot Lines, Right of Way, & Utilities

1. The boundary lines of the property, to include all dimensions and legal description.
2. The following may be required: A certified survey of the property prepared and sealed by a professional licensed surveyor, showing at a minimum the boundary lines of the property, to include all dimensions and legal description.
3. The location and width of all abutting rights-of-way (including road names).

D. Development Features

1. **Existing and Proposed Features.** The location of all existing and proposed uses or structures on the site including proposed drives, walkways, parking spaces (showing the number of spaces and dimensions of a typical parking area), signs, and exterior lighting, loading and unloading areas, common use areas and recreational areas and facilities.
2. **Nearby Structures.** The location and identification of all existing structures within a two hundred (200') foot radius of the site.
3. **Landscaping.** The location of all existing and proposed landscaping as well as all existing and proposed fences or walls.
4. **Waste.** The location of all storage and disposal facilities including location of dumpsters.
5. **Hazardous Materials.** Information on the storage and use of hazardous materials and the disposal of hazardous waste.
6. **Storage & Snow Removal.** The location and description of any existing or proposed outdoor storage facilities (above-ground and below-ground storage) and snow storage areas.
7. **Utilities.** The type, location and size of all existing and proposed utilities
8. **Stormwater/Drainage.** The location, size and slope of all surface and subsurface drainage facilities.
9. **Lot Coverage.** The area (percentage) of the property to be covered by structures.
10. A locational sketch of the proposed use or structure(s).

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E. Natural Features

11. **Environmental Features.** The location of existing environmental features, such as water bodies, wetlands, mature specimen trees, wooded areas or any other unusual environmental features.
12. **Topography.** The topography of the existing and finished site shall be shown by contours or spot elevations. Where the existing slope on any part of the site is ten (10) percent or greater, contours shall be shown at intervals of two (2) feet or less.

F. Cross-Sections/Floor Plans/Density

1. Summary tables, cross-sections, and/or floor plans should be included with site plans for proposed structures, giving the following information:
 - a. The number of units proposed, by type, including a typical floor plan for each type of unit.
 - b. The area of the proposed units in square feet, as well as area dimensions of driveways/staging areas.
 - c. Typical elevation drawings of the front and rear of each building.

G. Other

1. **Anticipated hours of operation for proposed use.** The Planning Commission may impose reasonable limits to hours of operation as a condition of site plan approval when warranted to assure compatibility with surrounding land uses.
2. **Other Permits.** Proof of Compliance with all applicable related regulatory agencies.
3. **Other.** Other information as may be required by the Zoning Administrator or Planning Commission to assist in the consideration of the proposed development.

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Section 5.5 Site Plan Review Standards

The Planning Commission shall approve, or approve with conditions, an application only upon a finding that the proposed site plan complies with all applicable provisions of this Ordinance and the standards listed below unless the Planning Commission waives a particular standard upon a finding that the standard is not applicable to the proposed development under consideration and the waiver of that standard will not be significantly detrimental to surrounding property or to the intent of the Ordinance. The Planning Commission's decision shall be in writing and shall include findings of fact, based on evidence presented on each standard.

A. Public Welfare and Adjoining Properties.

The uses proposed will not adversely affect the public health, safety, or welfare. Uses and structures located on the site shall take into account the size of the property, uses on the adjoining property, and the relationship and size of buildings to the site. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.

B. Topography and Natural Landscape.

All elements of the site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of elements that respect existing features of the site in relation to topography. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in smooth natural appearing slopes as opposed to abrupt changes in grade between the project and adjacent areas.

C. Drainage.

On-site drainage shall be required. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties. Provisions shall be made to accommodate stormwater and to prevent erosion and the formation of dust. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create puddles in paved areas. Catch basins may be required to contain oil filters or traps to prevent contaminants from being discharged into the natural drainage system.

D. Privacy.

The site plan shall provide reasonable visual and sound privacy for all dwelling units located therein. Fences, walls, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.

E. Emergency Vehicle Access.

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All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides.

F. Vehicular and Pedestrian Circulation.

1. Safe, convenient, uncontested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site.
2. The pedestrian circulation system shall be as insulated as completely as reasonably possible from the vehicular circulation system.
3. Drives, streets, and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points.
4. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area.
5. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry. Where possible, shared commercial access drives shall be encouraged.

G. Access.

Every structure or dwelling unit shall have access to a public street, private road, walkway, or other area dedicated to common use.

H. Outdoor Storage.

All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public thoroughfares, shall be screened, by a vertical screen consisting of structural or plant materials of sufficient height to obscure the direct view from adjacent first-floor elevations.

I. Exterior Lighting.

Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not interfere with the vision of motorists along adjacent streets. Lighting of building or structures shall be minimized to reduce light pollution.

J. Compliance with other Statutes and Regulations.

Site plans shall conform to all applicable requirements of state and federal statutes, and approval may be conditioned on the applicant receiving necessary state and federal permits before the actual Zoning Permit is granted.

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K. Groundwater Protection.

The following standards relate to groundwater protection:

1. The project and related improvements shall be designed to protect land and water resources from pollution, including pollution of soils, groundwater, rivers, streams, lakes, ponds, and wetlands.
2. Stormwater detention, retention, transport, and drainage facilities shall be designed to use or enhance the natural stormwater system on site, including the storage or filtering capacity of wetlands, watercourses, and water bodies, and/or the infiltration capability of the natural landscape. Stormwater facilities shall not cause flooding or the potential for pollution of surface or groundwater, on-site or off-site.
3. General purpose floor drains shall be connected to an on-site holding tank (not a septic system) in accordance with state and county requirements, unless a groundwater discharge permit has been obtained from the appropriate governing entity. General purpose floor drains, which discharge to groundwater, are prohibited.
4. Sites at which hazardous substances, hazardous wastes, or potentially polluting materials are stored, used, or generated shall be designed to prevent spills and discharges of such materials to the air, surface of the ground, groundwater, lakes, streams, rivers, or wetlands.
5. Secondary containment facilities shall be provided for aboveground storage of hazardous substances, hazardous wastes, or potentially polluting materials in accordance with state and federal requirements. Aboveground secondary containment facilities shall be designed and constructed so that the potentially polluting material cannot escape from the unit by gravity through drains or other means directly or indirectly into groundwater.
6. Underground storage tanks shall be registered, installed, operated, maintained, closed, and removed in accordance with regulations of the appropriate governing entity.
7. Out-of-service or abandoned underground storage tanks shall be closed and removed in accordance with regulations of the appropriate governing entity.
8. Aboveground storage tanks shall be certified, installed, operated, maintained, closed, or removed in accordance with regulations of the appropriate governing entity.
9. Bulk storage facilities for pesticides and fertilizers shall be in compliance with requirements of the appropriate governing entity.
10. Abandoned water wells (wells that are no longer in use or are in disrepair), abandoned monitoring wells, and cisterns shall be plugged in accordance with regulations and procedures of the appropriate governing entity and the **District Health Department**.

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11. State and federal requirements for storage, spill prevention, record-keeping, emergency response, transport and disposal of hazardous substances, hazardous wastes, liquid industrial waste or potentially polluting materials shall be met. No discharge to surface water or groundwater, including direct or indirect discharges of waste, waste effluent, wastewater, pollutants, or cooling water, shall be allowed without approval from state, county and local agencies.

Section 5.6 Amendment of Approved Site Plan

Amendment of an approved site plan shall be permitted only under the following circumstances:

- A. The owner of property for which a site plan has been approved shall notify the Zoning Administrator of any desired change to the approved site plan. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design and character of the site plan, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
 1. Reduction of the size of any building and/or sign.
 2. Movement of buildings and/or signs by no more the ten (10) feet.
 3. Landscaping approved in the site plan that is replaced by similar landscaping to an equal or greater extent.
 4. Changes in floor plans that do not exceed five (5) percent of the total floor area and which do not alter the character of the use or increase the amount of required parking.
 5. Internal re-arrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
 6. Changes that will preserve the natural features of the site without changing the basic site layout.
 7. Changes related to item 1 through 6 above, required or requested by Wilson Township, Alpena County, or other state or federal regulatory agencies in order to conform with other laws or regulations; provided the extent of such changes does not alter the basic design and character of the site plan, nor any specified conditions imposed as part of the original approval.

All amendments to a site plan approved by the Zoning Administrator shall be in writing. After approval by the Zoning Administrator, the applicant shall prepare a revised site plan showing the approved amendment. The revised site plan shall contain a list of all approved amendments and a place for the zoning administrator to sign and date all approved amendments.

- B. An amendment to an approved site plan that cannot be processed by the Zoning Administrator under subsection A above shall be processed in the same manner as the original site plan application.

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Section 5.7 Expiration & Revocation of a Site Plan

A. Revocation.

1. The Planning Commission may suspend or revoke site plan approval in the following circumstances:
 - a. Whenever the approval was given erroneously on the basis of incorrect information supplied by the applicant or his/her agent.
 - b. The development is not in conformity with the approved site plan or is in violation of any of the provisions of this Ordinance, conditions of approval, or of any other ordinances or regulations of the Township.
 - (1) If the Zoning Administrator finds that the approved site plan and conditions are not being adhered to, the Zoning Administrator shall give notice of the violation to the applicant by registered mail or personal delivery. The applicant shall have fifteen (15) days to notify the Zoning Administrator of the intent to rectify the violation. If the violation has not been rectified within forty-five (45) days from receipt of original notice, then the applicant shall be subject to all fines pursuant to [Section 9.12](#) of this Ordinance.
2. **Appeal of Revocation.** The decision may be appealed by the owner to the Board of Appeals upon written request by the owner for such a hearing. Such requests must be made within sixty (60) days of the notice to the owner of such revocation action by the Planning Commission.

B. Expiration of Site Plan.

The site plan shall expire unless construction of an approved site plan improvement has begun within one (1) year of approval. Thirty (30) days prior to expiration of an approved final site plan, an applicant may make application to the Planning Commission for a one (1) year extension of the site plan at no fee. The Planning Commission may grant the requested extension for an additional one (1) year if it finds good cause for the extension. Any subsequent re-submittal of a site plan due to expiration which has not been granted an extension shall be processed as a new request with new fees.

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Special Land Use Review

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Section 6.1 Purpose

Special Land Use Permits are required for proposed activities which are essentially compatible with other permitted uses in a zoning district but which possess characteristics or locational qualities which require individual review. The purpose of this individual review is to ensure compatibility with the character of the surrounding area, with public services and facilities, with adjacent properties, and to ensure conformance with standards set forth in this Ordinance. Special Land Uses are listed in this Ordinance in [Article 4](#).

Section 6.2 Special Land Use Review Procedures

A. Application Procedure and Processing.

1. **Pre-Application Conference.** A pre-application meeting pursuant to [Section 5.3.B](#) may be requested by the applicant.
2. **Application Submittal.** Application shall be submitted through the office of the Zoning Administrator, to the Planning Commission, on a special form provided for that purpose, and shall include the following:
 - a. Name and address of owner and applicant, if different, of the premises.
 - b. Legal description of the premises.
 - c. Description of the proposed use, including parking facilities, if required, and any exceptional traffic situation the use may occasion.
 - d. If required, a site plan or plot plan drawn to scale showing the development plan of the total property and proposed structures, types of buildings, and their uses, per [Article 5](#).

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- e. Sewage and waste disposal facilities and water supply, existing and/or proposed for installation.
 - f. Use of existing premises and zoning district designation of all adjacent properties.
 - g. A statement by the applicant appraising the effect on the neighborhood.
 - h. An application fee, established by the Township Board, shall accompany the application.
3. **Number of Copies and Timing.** Nine (9) copies of the applications and all related materials shall be submitted at least thirty (30) days prior to the Planning Commission meeting at which the Special Land Use will be considered.
4. **Review for Completeness.** The Zoning Administrator will review the materials submitted to ensure all information required by the Ordinance has been provided. If the application is incomplete, the Zoning Administrator will send a notice with a detailed list of all deficiencies to the applicant. If the site plan, including all required additional or related information, is determined to be complete, the Zoning Administrator shall cause the submittal to be placed on the agenda of the next regular Planning Commission meeting.
5. **Coordination with Other Agencies/Departments.** The Zoning Administrator may distribute the site plan to the following agencies or any other agency deemed appropriate for comment prior to consideration for approval:
- a. The **Alpena County Soil Erosion and Sedimentation Control Officer.**
 - b. The **Alpena County Drain Commissioner.**
 - c. The **Alpena County Road Commission** and, if appropriate, the **Michigan Department of Transportation.**
 - d. **District Health Department.**
 - e. Local fire and ambulance service providers.
 - f. Other agencies or consultants as deemed appropriate.
6. **Plans Requiring ZBA Action.** Where the applicant is dependent upon the grant of any variances by the Zoning Board of Appeals, said favorable action by the Zoning Board of Appeals shall be necessary before the site plan approval can be granted or the site plan may be approved subject to favorable action by the Zoning Board of Appeals.

B. Public Hearing.

A public hearing shall be held for all Special Land Use permit requests. Notice of the Special Land Use

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permit request and public hearing shall be provided pursuant to [Section 9.10](#).

C. Review and Approval Procedure.

1. **Review.** The Planning Commission shall review the Special Land Use application according to the requirements of the zoning district in which the proposed use is to be located, the standards set forth in [Section 6.3](#) and, if the use requires a plot plan or site plan, [Section 5.5](#), and all other applicable requirements of this Ordinance.
2. **Representation at Meeting.** The applicant or his/her representative shall be present at the scheduled review. If the applicant fails to provide representation, the review will be addressed at the next scheduled Planning Commission meeting. If the applicant does not provide representation at the next meeting, the application shall be voided.
3. **Consultants.** The Planning Commission may request the assistance of a qualified professional planner, engineer, attorney, or other professional in the site plan review process if deemed necessary or advisable.
4. **Decision.** After public hearing and review, the Planning Commission shall do one (1) of the following:
 - a. Approve the Special Land Use application and site plan/plot plan. The Zoning Administrator shall then be directed to issue the Special Land Use permit, or;
 - b. Approve the Special Land Use application and site plan subject to conditions which are imposed in order to ensure the Special Land Use complies with standards stated in this Ordinance. Conditions shall be pursuant to [Section 9.6](#). The Zoning Administrator shall then be directed to issue the Special Land Use permit, or;
 - c. Disapprove the Special Land Use application and site plan. If the Special Land Use is disapproved by the Planning Commission, written notification of such disapproval shall be given to the applicant, by the Zoning Administrator, within ten (10) days of disapproval.
5. **Findings of Fact.** The decision on a Special Land Use shall be incorporated into a written statement of findings and conclusions relative to the Special Land Use which specifies the basis for the decision and any condition(s) imposed.
6. **Signed Copies.** If a plot plan or site plan was required, when approved, at least two (2) copies of the final approved site plan/plot plan shall be signed and dated by the Chair of the Planning Commission and the petitioner. One (1) of these two (2) approved copies shall be kept on file by the Township Zoning Administrator and the other approved copy shall be returned to the petitioner or his designated representative.

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7. **Performance Guarantee.** The Planning Commission may require an applicant to provide a performance guarantee in connection with the approval of a final site plan/plot plan, pursuant to [Section 9.8](#) of this Ordinance.
8. **Conformity to Approved Site Plan Required.** Following approval of a site plan/plot plan by the Planning Commission, the applicant shall construct the improvements in complete conformity with the approved site plan/plot plan. Failure to do so shall be deemed a violation of this Ordinance.
9. **Appeal.** The decision of the Planning Commission concerning a Special Land Use may not be appealed by the property owner, or his or her designated agent, to the Zoning Board of Appeals.

Section 6.3 Special Land Use Standards

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

A. Allowable Special Land Use.

The proposed Special Land Use is listed as an allowable Special Land Use in the district pursuant to [Article 4](#).

B. Compatibility with Adjacent Uses.

1. The proposed Special Land Use shall be designed, constructed, operated, and maintained to be compatible and appropriate in appearance with existing or planned uses and the intended character of the area and the surrounding land. In determining whether a Special Land Use will be compatible and not create a significant detrimental impact, as compared to the impacts of permitted uses, consideration shall be given to the degree of impact the Special Land Use may have on adjacent property, as compared with the expected value to the community. The following types of impacts shall be considered:
 - a. Use activities, processes, materials, equipment, or conditions of operation.
 - b. Vehicular circulation and parking areas.
 - c. Outdoor activity, storage, and work areas.
 - d. Hours of operation.
 - e. Production of traffic, noise, vibration, smoke, fumes, odors, dust, glare, and light.
 - f. Impacts on adjacent property values.

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- g. The relative ease by which the impacts above will be mitigated.
- 2. The use shall not diminish the value of land, buildings, or structures in the neighborhood, or increase hazards from fire or other dangers to either the property or adjacent properties.
- 3. The proposed Special Land Use shall not involve uses, activities, processes, materials, equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of noxious or offensive production of noise, smoke, fumes, glare, vibration, odor or traffic.

C. Site Size.

The site size shall be sufficient to accommodate the use, customary accessory uses, and on-site services (sewage disposal and water supply).

D. Compatibility with Natural Environment.

- 1. The proposed Special Land Use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the Township or the natural environment as a whole.
- 2. The proposed use will not impact the quality and quantity of water resources and domestic water supplies.
- 3. The proposed location has the capacity to absorb the anticipated sewage disposal demand.

E. Access and Circulation.

- 1. Entrance drives to the use of off-street parking areas shall be no less than twenty-five (25) feet from a street intersection (measured from the road right-of-way) or from the boundary of a different Zoning District.
- 2. Suitability of access to the use, assuring that minor residential streets are not used to serve uses that have larger area-wide patronage.
- 3. Allowance is made for vehicles to enter and exit the use safely and no visibility impediments to drivers are created by signs, buildings, land uses, plantings, etc.

F. Economic Well-Being of the Community.

The proposed Special Land Use shall not be detrimental to the economic well-being of the surrounding residents, businesses, landowners, and the community as a whole.

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G. Public Services.

1. The proposed Special Land Use will not place demands on fire, police, or other public resources in excess of current capacity.
2. The proposed Special Land Use will be adequately served by public or private streets, water and sewer facilities, and refuse collection and disposal services.

NOTE: Special Land Uses which also require a site plan shall also be subject to the site plan review requirements contained in [Article 5](#).

Section 6.4 Amendment of Approved Special Land Use

Amendment of an approved Special Land Use shall be permitted only under the following circumstances:

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

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

Section 6.5 Inspections

The Zoning Administrator shall have the right to inspect any Special Land Use to ensure continued compliance with the conditions of the Special Land Use.

Section 6.6 Expiration, Suspension or Revocation of a Special Land Use

A. Expiration of Special Land Use Permit.

Any approved Special Land Use shall become invalid if the approved Special Land Use is not commenced within one (1) year after the zoning permit is issued. Thirty (30) days prior to expiration of an approved Special Land Use permit, an applicant may apply to the Planning Commission for a one (1) year extension of the Special Land Use permit. The Planning Commission may grant the requested extension for an additional one (1) year if it finds good cause for the extension and that the zoning regulations governing the Special Land Use approval have not changed since the approval.

B. Special Land Use that has been Replaced or Superseded.

The Special Land Use permit shall expire if replaced or superseded by a subsequent permitted use (except in the case where the Special Land Use is an accessory use on the premises) or a subsequent Special Land Use permit or if the applicant requests the rescinding of the Special Land Use Permit.

C. Abandonment of Special Land Use.

The Special Land Use permit shall expire if the Special Land Use has been abandoned for a period of one (1) year or more. When determining the intent of the property owner to abandon a Special Land Use, the Zoning Administrator shall consider the following factors:

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

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D. Special Land Use and Transfer or Sale of Property.

A Special Land Use does not expire on transfer or sale of the property unless the use has been determined by the Zoning Administrator to have been abandoned pursuant to **subsection C**.

E. Special Land Use Suspension or Revocation.

1. If the Zoning Administrator finds that the conditions and stipulations of a Special Land Use permit are not being adhered to, the Zoning Administrator shall give notice of the violation to the applicant by registered mail or personal delivery. The applicant shall have fifteen (15) days to notify the Zoning Administrator of the intent to rectify the violation. If the violation has not been rectified within forty-five (45) days from receipt of original notice, then the applicant shall be subject to all fines pursuant to **Section 9.12** of this Ordinance.
2. The Planning Commission may suspend or revoke a Special Land Use permit issued under the provisions of this Ordinance whenever the permit is issued erroneously on the basis of incorrect information supplied by the applicant or his/her agent and/or is in violation of any of the provisions of this Ordinance or of any other ordinances or regulations of the Township.

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Section 7.1 Purpose

The uses listed in this Article shall be subject to the requirements of this Article along with provisions listed elsewhere in this Ordinance.

Section 7.2 Amateur Radio Antenna

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

Section 7.3 Kennels, Veterinary Clinics/Kennels, Zoos/Animal-Related Attractions

A. Large-Scale Kennels.

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

B. Small Scale Kennels.

1. Animals shall be confined within a building or a fenced area.
2. Animals shall be confined within a building or in a fenced area to preclude their approaching nearer than two hundred (200) feet to any dwelling on adjacent premises.
3. Outdoor animal enclosures which are within five hundred (500) feet of a dwelling on another property shall be screened from adjacent properties and/or roads with an opaque fence or vegetated

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evergreen buffer at least six (6) feet in height. The enclosure shall be so constructed and maintained that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining premises as determined by the Zoning Administrator.

4. If, in the Zoning Administrator’s determination, the kennel presents a nuisance to neighboring properties regardless of distance, he/she may require the screening elements in **subsection B.3** above to be constructed.

C. Animal Hospital/Veterinary Clinic with Kennel Component.

1. Small and large scale kennels may be an accessory use.
2. Animals shall be confined within a building to preclude their approaching nearer than five hundred (500) feet to any dwelling on adjacent premises or nearer than two hundred (200) feet from any R-1, RR, or CR District boundary line or residential property or nearer than fifty (50) feet from the lot line of any non-residential use.
3. The facility shall be so constructed and maintained that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining premises as determined by the Zoning Administrator.
4. All principal use activities shall occur within an enclosed principal building.
5. If, in the Planning Commission’s determination, the Animal Hospital/Veterinary Clinic presents a nuisance to neighboring properties regardless of distance, he/she may require the screening elements in **subsection B.3** above to be constructed.
6. Appropriate ingress and egress and off-street parking shall be maintained in accordance with Parking **Section 3.27** of this Ordinance.

D. Zoos and Animal-Related Attractions.

Zoos and animal-related attractions shall not be located in a district which allows residential uses. There shall be no residential lots adjacent to zoos and animal-related attractions.

Section 7.4 Assisted Living Homes; Nursing Homes; Convalescent Homes

- A. The use shall be established on a site no less than five (5) acres in area, and access shall be from a street other than a minor residential or recreation street or road.
- B. The use shall be compatible with the overall character of the immediate vicinity and shall not constitute a nuisance to surrounding uses.

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- C. All dwellings shall consist of at least two hundred twenty (220) square feet per unit (not including kitchen and sanitary facilities).
- D. Service uses such as a dry cleaning pick-up station, beauty shop, barber shop, food service establishment, lounge area, recreational area, workshops, or similar use for the exclusive service to residents of a building may be allowed within a single building or a contiguous group of buildings owned and operated by the same party.
- E. **Assisted Living Homes Only.**

There shall be provided on the site not less than one thousand (1,000) square feet of land area for each bed in the home. The one thousand (1,000) square feet of land area shall provide for open space, landscape setting, off-street parking, service drives, loading space, setbacks, and accessory uses, but shall not include the area covered by principal or accessory buildings.

Section 7.5 Auto or Vehicle Repair Garage & Gas Stations

- A. Access to such use shall be directly to a major or collector street or shall be to a minor street which has direct access to an abutting major or collector street.
- B. Entrances shall be no less than twenty-five feet (25) from a street intersection (measured from the road right of way) or from adjacent residential districts. Vehicular access drives for gas stations shall be located at least sixty (60) feet from the nearest right-of-way line of all intersecting streets.
- C. Outdoor storage of parts or materials shall be within a fenced and obscured area in the side or rear yard which meets all setback requirements. Outside storage or parking of disabled, wrecked, or partially dismantled vehicles shall be allowed for a period not to exceed fifteen (15) days.
- D. All lubrication equipment, hydraulic hoists, and pits shall be completely enclosed within a building.
- E. All gasoline pumps shall be located not less than twenty-five (25) feet from any lot line and shall be arranged so that motor vehicles are provided easy egress and ingress to and from the adjoining road, and so that no portion of the vehicle while it is stopped for service, shall overhang onto a sidewalk, curb, road or public right-of-way.
- F. No building shall be placed in the existing or proposed street right of way.
- G. Areas utilized for off-street parking and vehicular storage shall be paved.
- H. All vehicle servicing or repair shall be conducted within a building.

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Section 7.6 Bed & Breakfasts/Tourists Homes

- A. The Bed & Breakfast/Tourist Home establishment shall be located in a single-family residence.
- B. The owner(s) or resident manager(s) of the Bed & Breakfast/Tourist Home shall reside at the residence. Sufficient sleeping rooms and bathrooms shall be retained for use by the owner(s) or resident manager(s) and their immediate family members residing at the residence. The minimum size for manager/owner living quarters shall be four hundred eighty (480) square feet.
- C. Any number of dwelling residents may assist with the Bed and Breakfast/Tourist Home operation, but not more than one (2) non-resident full-time equivalent employee may be hired.
- D. The use shall be compatible with the neighborhood in which it is located and other allowed uses in the vicinity.
- E. Guests may rent sleeping rooms for a period not to exceed thirty (30) consecutive days.
- F. A smoke detector and carbon monoxide detector in proper working order shall be provided in every sleeping room and in additional locations within the structure. A fire extinguisher in proper working order shall be located on every floor in the immediate vicinity of the sleeping rooms.
- G. The structure shall have at least two (2) exit doors to the outside.
- H. The use shall be located in the principal structure on the property. The rooms utilized for sleeping shall be part of the principal use and not specifically constructed for rental purposes. The Planning Commission may grant permission for accessory dwellings or structures located on the same zoning lot as the principal structure containing the Bed and Breakfast/Tourist Home to be used as additional sleeping rooms.
- I. Rental sleeping rooms shall have a minimum of one hundred (100) square feet for one (1) or two (2) occupants with an additional thirty (30) square feet for each occupant to a maximum of four (4) occupants per room.
- J. Lavatories and bathing facilities shall be provided for guests at the Bed and Breakfast/Tourist Home at a ratio of one (1) per floor and shall be designated for the exclusive use of guests of the Bed & Breakfast/Tourist Home.
- K. A common room or area for guest relaxation is required.
- L. There shall be no separate cooking facilities for the Bed & Breakfast/Tourist Home establishment other than those which serve the principal residence. Food and beverages for compensation may be served only to guests staying on the premises and shall be in compliance with state law.

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- M. A site plan shall be provided including a floor plan of the structure, drawn to scale not less than 1/8" = 1', providing the following information:
 - 1. Owner/ resident manager and guest on-site parking.
 - 2. Guest entrance to the structure.
 - 3. Outdoor areas for use by guests.
 - 4. All rooms of the structure clearly indicating guest and owner/resident manager sleeping rooms, and all other portions of the residence available for use by guests.
 - 5. Additional information as may be deemed necessary by the Zoning Officer or Planning Commission.
- N. All on-site parking shall be constructed in accordance with the parking requirements of this Ordinance.
- O. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto adjoining property used or zoned for residential purposes or onto public rights-of-way.
- P. The use of outdoor yard areas, open decks, pools, and the like available for use by guests shall not result in the production of excessive off-site noise, odor, and other external disturbances. Approval of the Bed & Breakfast/Tourist Home operation may be conditioned on the installation of fencing, plantings, and/or other such installations and conditions necessary to ensure compatibility with the surrounding neighborhood.
- Q. Rental of snowmobiles, ATVs, boats, and other marine equipment, or similar vehicles to guests may be permitted as part of the Special Land Use approval by the Planning Commission. Such requests will be evaluated by the Planning Commission on a case-by-case basis based on information provided by the applicant.
- R. All requirements and conditions imposed upon the Special Land Use approval shall be implemented prior to the Bed & Breakfast/Tourist Home establishment becoming operational.

Section 7.7 Car Wash Facilities

A. Layout.

All washing activities shall be carried on within an enclosed building. Entrances and exits shall not face abutting residentially used property if an existing residence is located within two hundred (200) feet of the car wash facility.

B. Vacuuming activities shall be at least fifty (50) feet from any adjoining residential use.

C. Entrances and Exits.

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Sufficient space shall be provided on the lot so that vehicles do not enter or exit the wash building directly from an adjacent street or alley. All maneuvering areas, stacking lanes, and exit aprons shall be located on the car wash lot itself. Streets and alleys shall not be used for maneuvering or parking by vehicles to be serviced by the car wash.

Section 7.8 Child Care Homes (Group)/Child Care Center

The group day care home or child care center meets all of the following conditions:

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

Section 7.9 (Commercial) Outdoor Recreational Facilities: Amusement Parks, Tumbling Facilities, Miniature Golf Courses, Golf Driving Ranges

- A. Amusement facilities must be fenced on all sides with a minimum four (4) feet and six (6) inch protective wall or fence.
- B. All manufacturers' specifications for safety are complied with as well as any additional safety measures that may be prescribed by the Planning Commission.
- C. When discontinued or abandoned, the site shall be left in a reusable condition, and free of hazards, related to dangerous structures, pits, pools, excavations, electric circuits, and similar features.

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Section 7.10 Commercial Use in a Residential District (Other than Home Occupation or Cottage Industry)

A. Purpose.

To permit neighborhood retail/service commercial and office uses in residential districts.

B. Uses.

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

C. Conditions.

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

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5. Parking shall be accommodated on-site, if possible. Otherwise, the Planning Commission may permit the use of on-street parking.
6. Hours of operation may be limited by the Planning Commission.
7. Signs shall comply with those set forth for the residential zoning district.
8. The Planning Commission may allow a use to sell alcohol, however the Commission may limit the type of license applied for or obtained for the sale of alcohol, hours of operation, and any other restrictions intended to stabilize, protect, and encourage the residential character of the area. The use must gain approval from the Michigan Liquor Control Commission before alcohol may be sold.

Section 7.11 Drive-Through Businesses

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

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- b. **Uses Other Than Restaurants.** Four (4) car spaces for each service window or facility in addition to the space at the service window or facility.

Section 7.12 Home Occupations & Cottage Industries

A. Intent.

While Wilson Township recognizes that many residents feel the necessity to work at home, the Township also recognizes the rights of all residents to be free from actual or potential nuisance conditions which may be caused by non-residential activities conducted in a residential zone. The intent of this Section is to provide standards to ensure Home Occupations and Cottage Industries are compatible with other allowed uses in residential districts, and thus maintain and preserve the residential character of the neighborhood.

B. Uses Allowed.

- 1. **Home Occupations.** Home Occupations are permitted in all zoning districts in which single-family dwellings are permitted as a matter of right. No zoning permit is required.
- 2. **Cottage Industries.** Cottage Industries are permitted as a Special Land Use in any Zoning District in which single-family dwellings are allowed, subject to review and approval by the Planning Commission as a Special Land Use. Cottage Industries shall be allowed on the basis of individual merit. A periodic review of each Cottage Industry shall be performed to ensure the conditions of approval are adhered to. If the premises is sold, leased, or rented to a party other than the applicant, the permit shall be reviewed by the Zoning Administrator for compliance with the original permit. If any changes are necessary, the request will be reheard by the Planning Commission.

C. Location.

All work in connection with any Home Occupation or Cottage Industry shall be conducted solely within the residence, accessory building, or yard.

- 1. **Within the Primary Dwelling.** No more than twenty-five percent (25) of the dwelling’s ground floor area shall be devoted to the Home Occupation or Cottage Industry.
- 2. **Within an Attached Garage or Detached Accessory Building.** Home Occupations or Cottage Industries located within attached or detached residential garages or other accessory buildings may utilize the entire floor area for said Home Occupation or Cottage Industry.

D. Employees.

Home Occupations or Cottage Industries shall be conducted by the person or persons occupying the premises as their principal residence. Cottage Industries may employ people who do not occupy the

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premises. The number of allowed employees in a Cottage Industry shall be determined during Special Land Use review.

E. Incidental Use.

Home Occupations or Cottage Industries shall be incidental and subordinate to the principal use of the dwelling for residential purposes and shall not detract from the residential character of the premises or the neighborhood.

F. Nuisance Conditions.

Home Occupations or Cottage Industries shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners, nor to the Township as a whole. Any machinery, mechanical devices, or equipment employed in the conduct of a Home Occupation or Cottage Industry shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other conditions not typically associated with the use of the dwelling for residential purposes. Furthermore, the Home Occupation or Cottage Industry shall not create an electrical interference with the transmission of television, cellular, wireless service, or radio in the area which exceeds that which is normally produced by a residential dwelling unit in the district.

G. Traffic and Delivery.

Traffic and delivery or pickup of goods shall not exceed that normally created by residential uses.

H. Hours of Operation.

No such Home Occupation or Cottage Industry shall require the delivery of goods or the visit of customers before 6:00 a.m. and after 9:00 p.m.

I. Parking.

There shall be no parking permitted within any setback areas. No Home Occupation or Cottage Industry shall require parking for customers that cannot be accommodated on the site and/or not exceeding one (1) parking space on the street. To ensure that a Cottage Industry is compatible with surrounding residential use, the Planning Commission may limit the number of vehicles that may be parked on the Cottage Industry premises during business operations.

J. Compliance with Other Laws.

No process, chemicals, or materials shall be used which are contrary to all applicable state or federal laws.

K. Outdoor Storage and Display.

1. The outdoor storage of goods and/or materials of any kind is prohibited unless screened (by a tight-board wood fence, landscaped buffer, landscaped berm, or similar method) from view from

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neighboring property and bordering road rights-of-way. If screening is required, the type and location of the same shall be approved by the Zoning Administrator.

2. The Planning Commission may permit the outdoor display of goods in a Cottage Industry. The area shall be designated on the plot plan and must be approved during Special Land Use review.

L. Termination, Extensions, Revisions, and Inspections.

1. Upon written application by the owner, the Zoning Administrator or Planning Commission may, for just cause, grant a time extension for compliance with the conditions of this Section.
2. Any Home Occupation or Cottage Industry shall be subject to periodic review by the Zoning Administrator.
3. If the Zoning Administrator has reason to believe the property owner is in violation of his or her permit or that grounds for revocation exist, written notice of alleged violation(s) shall be sent to the operator of the Home Occupation or Cottage Industry and to the owner of the real property premises, if different from the operator of the Home Occupation or Cottage Industry. The operator shall be afforded the opportunity to appear at a public hearing before the Planning Commission to present his or her case. The hearing notice procedures shall be the same as those for a Special Land Use.
 - a. Following the public hearing, the decision of the Planning Commission shall be made in writing and shall be based on specific findings of fact. Reasonable conditions may be imposed to prevent conflicts with other property uses or to assure compatibility with the standards of this Ordinance. The Planning Commission shall have the authority to limit the hours of operation, to impose conditions of operation or, if deemed necessary, to order the complete termination of the activity.
4. Proposed revisions or additions to a Cottage Industry shall constitute a change of use and shall be subject to Special Land Use review and approval by the Planning Commission.

Section 7.13 Junkyards, Auto Wrecking Yards, Scrap Yards & Salvage Yards

- A. All junkyards, salvage yards, scrap yards, and sanitary land fill operations shall comply with standards prescribed by applicable state and county health regulations and further shall be conducted on sites located no less than one thousand (1,000) feet from any public street and be screened from sight by natural terrain, greenbelts, natural wooded areas, or finished and maintained screening fences. Junk, trash, and refuse shall not be piled higher than the top of the screening barrier.

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- B. All materials deposited shall be adequately covered so as not to cause a nuisance. No permit shall be issued for fill operations which involve the burning of materials or depositing of garbage, offal and similar wastes capable of producing odors, vermin and other nuisances, and erosion shall be controlled.
- C. Glare from any process, such as arc welding, conducted at a junkyard, salvage yard, scrap yard, or sanitary landfill, which emits harmful rays shall be screened so as not to constitute a hazard or nuisance to adjacent properties.
- D. Operations shall be limited to between the hours of 8 am and 10 pm.
- E. There shall be provided a completely obscuring wall not to be less than eight (8) feet in height as measured from the grade at the zoning lot line.
- F. Junk yards, salvage yards, scrap yards, and sanitary landfills shall not be located closer than two hundred (200) feet from the boundary of any other zoning district.
- G. The Planning Commission shall have the authority to further limit the hours of operation or to impose conditions of operation to make the use more compatible with adjacent uses.
- H. The Zoning Administrator may grant a permit for one (1) year periods upon authorized inspection and approval based upon findings that the use is operating in a reasonable manner and all harmful effects of open storage, smoke, dust, glare, noise, fire, and explosive hazards are confined to the premises.

Section 7.14 Manufacturing Uses: Miscellaneous

- A. Painting, varnishing, and undercoating shops shall be set back at least seventy-five (75) feet from any adjacent residential district and shall be conducted within a completely enclosed building.
- B. Metal plating, buffing, and polishing shall take appropriate measures to control the type of process to prevent noxious results and/or nuisances, particularly potential acid spills and wastes from plating operations.

Section 7.15 Outdoor Sales: Vehicles, Watercraft, Manufactured Homes, Recreational Vehicles, Snowmobiles & Trailers

- A. Ingress and egress to the use shall be at least sixty (60) feet from the intersection of any two streets.
- B. The arrangement of vehicles stored in the open shall be uniform, following the patterns established for off-street parking lots.
- C. No sales or display shall occupy any public street or road right-of-way and shall be set back at least twenty (20) feet from the front lot line.

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- D. The use of a display model for a business office is permissible provided it is connected to sanitary and winter facilities and approved by the **District Health Department**.

Section 7.16 Planned Unit Developments

A. Purpose.

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

1. Provide flexibility in development regulations.
2. Provide a maximum choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre and a reduction in lot dimensions, yards, building setbacks, and area requirements.
3. Foster integrated development incorporating a mix of uses where appropriate – residential, commercial, industrial, institutional, etc.
4. Encourage a development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns.
5. Achieve a more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets.
6. Achieve a development pattern in harmony with land use density, transportation facilities, and community facilities objectives of the Township's Master Plan.
7. Promote efficient use of public services.
8. Promote a more useful pattern of open space and recreation areas.
9. Ensure compatibility with existing road networks and promote alternate modes of transportation (bicycle, pedestrian, bus, etc.).

B. Eligibility.

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1. The entire tract being considered for PUD designation must be under single or unified ownership. Such control shall be demonstrated in the application. After the PUD is approved, sale of individual lots or site condominium units may occur.
2. The site proposed for PUD approval shall be developed as a single integrated design entity even though it may be developed in phases and contain a variety of uses and facilities not normally consistent with each other.
3. Adequate utilities – streets, septic/sewer, water, utilities, and drainage shall be available to and of sufficient capacity to adequately serve the development.

C. **Development Standards.**

1. **Size.** Minimum of 10 acres.
2. **Uses.** Compatible residential, recreational, commercial, and public uses or commercial, industrial, and public uses may be combined in a PUD provided that the proposed location of the commercial or industrial uses will not adversely affect adjacent property and/or the public health, safety, and general welfare. Proposed uses should be so designed and located as to promote appropriate interaction between uses and limit or buffer incompatibilities both with other uses within the PUD and existing uses adjacent to the PUD site.
3. **District Regulations.** Lot area, width, yard, height, density, and coverage regulations shall be determined by approval of the site plan. Minimum development standards set forth by the district in which the proposed PUD is located shall act as general guidelines. To encourage flexibility and creativity consistent with the intent of PUD regulations, the Township may permit specific departures from the district requirements of the Zoning Ordinance.
4. **Open Space.** A minimum of twenty (20) percent of the land developed in any planned unit development project shall be reserved for common open space and recreational facilities for the residents or users of the area being developed.
5. **Homeowners Association.** Homeowners associations have the advantage of enabling the residents of a PUD to control, through ownership and maintenance, common open space areas and private streets, thereby eliminating or substantially decreasing maintenance costs to the local government. If the developer chooses to institute a homeowners association, the following minimum criteria must be met:
 - a. The homeowners association must be set up before the homes are sold.
 - b. Membership must be mandatory for each home buyer and any successive buyer.
 - c. The open space restrictions must be permanent, not just for a period of years.

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- d. The association must be responsible for liability insurance, local taxes and the maintenance of recreational and other facilities.
 - e. Homeowners must pay their pro rata share of the cost; the assessment levied by the association can become a lien on the property.
 - f. The association must be able to adjust the assessment to meet changed needs.
6. **Environmental Design Requirements.** The Planning Commission shall require the following in accordance with applicable provisions of this Ordinance: The preservation of existing trees, predominant shrubbery, waterways, scenic viewing areas, historic points, flood plain preservation and the planting of vegetation or placement of protective cover on slopes of twenty percent (20) or greater to minimize hillside erosion resulting from residential development and consequent streets and walkways.
7. **Utility Requirements.** Underground utilities, including telephone and electrical systems, are required within the limits of all Planned Unit Developments. Appurtenances to these systems which can be effectively screened may be excepted from this requirement if the Planning Commission finds that such exemption will not violate the intent or character of the proposed Planned Unit Development.
8. **Internal Design Standards.** A Planned Unit Development shall be designed so as to provide future users, residents, visitors, and public service personnel with adequate light, air, privacy, circulation patterns, and public services. The plan of the project shall provide for the integrated and harmonious design of buildings, adequate and properly arranged facilities for internal traffic circulation, landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding noncommercial areas.
- All areas designed for future expansion or not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and orderly manner as specified by this Ordinance.
9. **Traffic Circulation.** Internal circulation systems and points of ingress and egress with external traffic flow must be coordinated within the PUD and in relation to the community as a whole. These systems should promote safety, convenience, easy access, and separation of vehicles from pedestrians, and enhance the overall physical design of the PUD. Except for access points, vehicular circulation systems in PUDs should not be connected with external streets to encourage through traffic. Emergency access and safety standards should be adhered to. These standards apply to the location of residences relative to the community and the overall design of the PUD.
10. **Private Streets.** Private streets in Planned Unit Developments must be designed to accommodate anticipated traffic loads including volume, vehicular weight and size, speed, emergency vehicles, and turning radii. Those developments with homeowners' associations may maintain private streets within the development through agreements of indenture. All private streets may deviate from

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existing public street standards if, upon review and recommendation by the fire chief, sheriff, county drain commission, road commission, and the Planning Commission authorizes such modifications within the PUD, and health, safety, and welfare requirements are met.

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

Type of Street	Uses Served	Required Footage	
		Right-of-Way	Pavement
Residential dead-end or local street	1-6 dwellings	30	18
	7-20 dwellings	40	24
	21-50 dwellings	50	30
Residential Collector	51-200 dwellings	60	36
Neighborhood Collector	Over 200 dwellings	60	36

11. **Parking Standards.** Parking standards are an important element of a PUD design process and should adhere to high design and safety standards. The following minimum requirements shall be adhered to:

- a. For each dwelling unit, there shall be off-street parking spaces consisting of not less than two hundred (200) square feet each.
- b. Parking areas shall be screened from adjacent roads, structures, and traffic arteries with hedges, dense planting, earth berms, and changes in grade or walls.
- c. No more than fifteen (15) parking spaces shall be permitted in a continuous row without being interrupted by landscaping.
- d. No more than sixty (60) parking spaces shall be accommodated in any single parking area.
- e. All streets and any off-street loading area shall be paved, and the design thereof approved by the Planning Commission; all areas shall be marked to provide for orderly and safe loading, parking, and storage.
- f. All parking areas shall adequately be graded and drained to dispose of all surface water without erosion, flooding, or other inconveniences.

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

D. Approval Procedures.

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

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- i. Type, estimated number, and density range for residential development.
- j. Other information as may be deemed necessary by the Zoning Administrator or the Planning Commission to properly review the proposal.
- k. Additional supporting documentation including a written narrative describing the project.

3. Preliminary Site Plan Approval.

- a. **Public Hearing.** The Planning Commission shall conduct a public hearing on the preliminary site plan which has been noticed in accordance with **Section 9.10** of this Ordinance.
- b. **Preliminary Site Plan Approval/Action.** Following the public hearing, the Planning Commission shall approve, deny, or approve the preliminary plan subject to specified conditions/revisions.
- c. **Period of Validity.** Once approved, the preliminary site plan shall be valid for a period of two (2) years. If a final site plan for the entire project or a phased portion thereof is not submitted within the two (2)-year time period, the PUD and preliminary site plan shall become null and void. The Planning Commission may approve one (1) extension of up to two (2) years.

4. Final Site Plan Approval.

- a. After approval of the preliminary site plan by the Planning Commission and prior to the expiration of the time period stated in **subsection 3.c** above, the applicant shall submit nine (9) copies of a final site plan of the entire PUD or phased portion thereof and filing fee to the Planning Commission for review and approval. Submission shall occur at least thirty (30) days prior to the meeting at which Planning Commission Review will occur.
- b. The final site plan shall include all site plan data required in **Section 5.4** in addition to the following:
 - (1) A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streetscapes; tabulation of the number of acres in the proposed project for various uses, the number of housing units proposed by type, estimated residential population by type of housing; estimated nonresidential population; anticipated timing for each unit; height, open space, building density, parking areas, population density and public improvements proposed for each unit of the development.
 - (2) Preliminary building plans, including floor plans and exterior elevations.
 - (3) Landscaping plans.

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- (4) Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of the land and the improvements thereon, including those areas which are to be commonly owned and maintained.
- c. The final submittal shall be prepared incorporating any changes specified as part of the preliminary approval.
- d. The Planning Commission shall conduct a public hearing which has been noticed in accordance with [Section 9.10](#) of this Ordinance.
- e. **Final Site Plan Approval/Action.** Following the public hearing, the Commission shall take action on the plan. If approved with conditions, the approval shall indicate whether review and approval of any required modifications shall be made by the Planning Commission or by the Zoning Administrator. Planning Commission approval shall be based on the development standards in [Section 5.5](#) and [Section 6.3](#), the standards in this Section, and purpose stated in this Section and a finding that the final site plan is consistent with the preliminary site plan approved by the Planning Commission, including any conditions or required modifications. Additional criteria for Planning Commission approval are as follows:
 - (1) The proposed development can be initiated within two (2) years of the date of approval.
 - (2) Each individual unit of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; the uses proposed will not be detrimental to present and potential surrounding uses but will have a beneficial effect which could not be achieved under standard district regulations.
 - (3) The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the planned unit development.
 - (4) Any proposed commercial development can be justified at the locations proposed.
 - (5) The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.
 - (6) The planned unit development is in general conformance with the Master Plan of the Township.
 - (7) The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed.
- f. **Period of Validity.** An approved final site plan shall be valid for three (3) years, during which time all permits necessary for the construction of the approved development shall be obtained.

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Failure to do so shall require the re-submittal of the previously approved final site plan to the Planning Commission for review and re-approval prior to the issuance of a Zoning Permit. The Planning Commission may reject or require modifications to the plan if in its opinion conditions on or off-site have changed in such a manner as to necessitate the rejection or modification.

- g. No zoning amendment passed during the time period granted for the approved development plan shall in any way affect the terms is under which approval of the planned unit development was granted.
5. **Amendment to an Approved PUD.** Amendments to a final approved site plan for a PUD shall follow the regulations in [Section 5.6](#).

Section 7.17 Race Tracks (including midget auto & carting tracks)

- A. All parking shall be provided as off-street parking within the boundaries of the development.
- B. All access to the parking areas shall be provided from an arterial or collector road. Approval of ingress and egress points by the [County Road Commission](#), and any approvals required by [Michigan Department of Transportation](#). The police or sheriff authority having jurisdiction shall review the application and may provide comments for consideration.
- C. All sides of the development except access points shall be provided with a twenty (20) foot wide greenbelt planting so as to screen from view all activities within the development.

Section 7.18 Riding Arenas or Stables

Animal housing facilities which are not on commercial farms shall be located at least three hundred (300) feet from any off-premises residential structure.

Section 7.19 Recreation Clubs/Camps, Recreation Lodges & Resorts

- A. All outdoor activity areas, parking lots, principal buildings, and accessory buildings are located at least one hundred (100) feet from the lot lines. The resulting one hundred (100) foot yards shall be maintained as a buffer area wherein all-natural tree-shrub cover is retained in a healthful growing condition. Planting greenbelts may be required by the Planning Commission, as deemed necessary.
- B. The use shall not locate within the confines of a platted subdivision intended for single residential occupancy or lots which are deemed by the Planning Commission to be a logical extension of such platted area.

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Section 7.20 Rooming/Boarding Houses

- A. This use shall be considered as an accessory use; board or lodging shall not be furnished to more than five (5) persons in addition to the family.
- B. The establishment shall be the principal dwelling unit on the property and shall be owner-occupied at all times.
- C. In the case of renting rooms, such convenience shall not be furnished unless there shall be provided at least eighty (80) square feet of floor area per guest in that part of the building directly occupied by such guests for rooming purposes.
- D. Boarding and the renting of rooms shall not include the operating of what is normally termed a restaurant or similar use where meals are served to transient guests. No separate cooking areas shall be allowed in guestrooms.
- E. Board shall not be provided to other than those rooming in the residence.
- F. Off-street parking shall be required in accord with [Section 3.27](#).
- G. The establishment shall have at least two (2) exits to the outdoors.
- H. The boarding house shall not alter the residential character of the building or structure.

Section 7.21 Sawmills/Temporary Forest Industry Uses

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

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2. There shall be no nuisances imposed upon tourist service facilities or outdoor recreation uses in the immediate vicinity.
3. The site of the proposed use shall encompass an area of at least five (5) acres.

Section 7.22 Accessory Dwelling Units

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

- A. One (1) accessory dwelling unit is allowed per lot.
- B. Accessory dwelling units shall be located on lots on which the principal dwelling is owner-occupied.
- C. The accessory dwelling unit shall be rented or leased so the tenants are permanent residents rather than transients. There shall be no short-term rentals on lots which contain an accessory dwelling unit.
- D. The accessory dwelling unit shall be provided electricity, plumbing, and heat.
- E. The accessory dwelling unit shall be a self-contained unit and shall be located in a detached accessory building.
- F. The accessory dwelling unit shall have a separate exterior entrance which shall not be visible from the front yard.
- G. The residents of the principle dwelling shall maintain the accessory dwelling unit and shall ensure that no excessive noise, traffic, or blight occurs on the property.
- H. The accessory dwelling unit shall conform to building code standards.
- I. One (1) additional parking space shall be provided for the accessory dwelling unit.

Section 7.23 Sexually-Oriented Businesses

The purpose and intent of the Section of this Ordinance pertaining to the regulation of sexually oriented businesses is to regulate the location and operation of, but not to exclude, sexually oriented businesses within the Township, and to minimize their negative secondary effects. It is recognized that sexually oriented businesses, because of their very nature, have serious objectionable operational characteristics which cause negative secondary effects upon nearby residential, educational, religious, and other similar public and private uses. The regulation of sexually oriented businesses is necessary to ensure that their negative

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secondary effects will not contribute to the blighting and downgrading of surrounding areas and will not negatively impact the health, safety, and general welfare of Township residents. The provisions of this Ordinance are not intended to offend the guarantees of the First Amendment to the United States Constitution or to deny adults access to sexually-oriented businesses and their products, or to deny sexually-oriented businesses access to their intended market. Neither is it the intent of this Ordinance to legitimize activities which are prohibited by Township Ordinances, state, or federal law. If any portion of this Ordinance relating to the regulation of sexually-oriented businesses or referenced in those sections is found to be invalid or unconstitutional by a court of competent jurisdiction, the Township intends said portion to be disregarded, reduced, and/or revised so as to be recognized to the fullest extent possible by law. The Township further states that it would have passed and adopted what remains of any portion of this Ordinance relating to regulation of sexually-oriented businesses following the removal, reduction, or revision of any portion so found to be invalid or unconstitutional.

- A. No sexually-oriented business shall be established on a lot within five hundred (500) feet of any residence. This measurement shall be made in a straight line from the nearest points of the two (2) buildings.
- B. No sexually-oriented business shall be permitted in a location in which any principal or accessory structure, including signs, is within one thousand (1,000) feet of any principal or accessory structure of another sexually-oriented business. This measurement shall be made in a straight line from the nearest points of the two (2) buildings.
- C. The proposed use shall conform to all specific density and setback regulations of the zoning district in which it is located.
- D. The proposed use shall meet all applicable written and duly promulgated standards of Wilson Township and other governments or governmental agencies having jurisdiction, and that to the extent required, the approval of these governments and/or governmental agencies has been obtained or is reasonably assured.
- E. The outdoor storage of garbage and refuse shall be contained, screened from view, and located so as not to be visible from neighboring properties or adjacent roadways.
- F. Any sign or signs proposed for the sexually-oriented business must comply with the provisions of this Ordinance and state law, and shall not otherwise include photographs, silhouettes, drawings, or pictorial representations of any type, or include animated or flashing illumination.
- G. Entrances to the proposed sexually-oriented business shall be posted on both the exterior and interior walls in a location clearly visible to those entering and exiting the business, and using lettering no less than two (2) inches in height that: 1) “persons under the age of 18 are not permitted to enter the premises”, and 2) “No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the **Michigan Liquor Control Commission.**”

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- H. No product or service for sale or gift, or any picture or other representation of any product or service or gift, shall be displayed so as to be visible from the nearest adjoining roadway or a neighboring property.
- I. Hours of operation shall be limited to 12:00 PM (noon) to 12:00 AM (midnight).
- J. Any booth, room, or cubicle available in any sexually-oriented business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of Specified Anatomical Areas or Specified Sexual Activities:
 - 1. Shall be handicap accessible to the extent required by the **Americans With Disabilities Act**.
 - 2. Shall be unobstructed by any door, lock, or other entrance and exit control device.
 - 3. Shall have at least one (1) side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant.
 - 4. Shall be illuminated such that a person of normal visual acuity looking into the booth, room, or cubicle from its entrance adjoining the public lighted aisle can clearly determine the number of people within.
 - 5. Shall have no holes or openings in any side or rear walls not relating to utility, ventilation, or temperature control services or otherwise required by any governmental building code or authority.

Section 7.24 Soil, Sand, Clay, Gravel, Stone or Similar Materials: Extraction, Removal, & Filling (including Mines, Quarries & Gravel Pits)

- A. The Planning Commission shall comply with Section 125.3205 of the **Michigan Zoning Enabling Act, 2006 PA 110**, as amended, in the regulation of extraction of natural resources.
- B. **Special Land Use Permit Required.** It shall be unlawful for any person, firm, corporation, partnership, or any other organization or entity to strip any topsoil, sand, clay, gravel, stone, or similar material, or to use lands for filling, or expand an existing operation without first submitting an application and procuring approval and a Special Land Use permit from the Planning Commission.
- C. No permits will be required for the following:
 - 1. Excavations for building construction purposes, pursuant to a duly issued building permit.
 - 2. Minor or incidental grading or leveling of the above materials for the use or development provided no soil erosion conditions result.

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D. **Application.**

A separate permit shall be required for each separate site. Each application for a permit shall be made in writing to the Zoning Administrator and shall contain the following information as a condition precedent to the obligation to consider such request.

1. Names and addresses of parties involved.
 2. Legal description of the premises.
 3. Description of method of operation, machinery, or equipment to be used, estimated period of time that such operation will cover, and hours of operation.
 4. Statement as to the type of material to be extracted or deposited.
 5. Proposed method of filling an excavation and/or other means to be used to allow for the reclamation of land to a usable purpose.
 6. Such other information as may be reasonably required by the Planning Commission to base an opinion as to whether a permit should be issued or not.
- E. The applicant shall present accurate plans, topography data, and/or other materials to clearly indicate the condition of the land prior to any excavation or fill and how it is to appear after said excavation or fill is terminated. The intent of this requirement is to show before and after data on how the land will be made reusable or otherwise returned to a usable condition.
- F. If it is determined that there is a reasonable danger involved for persons and property, adequate fencing and other measures may be required to insure the keeping of health, safety, and general welfare.
- G. **Special Land Use Permits.** After reviewing all of the information submitted by the applicant and such other information as may be in the hands of the Planning Commission, said Commission shall determine whether or not a Special Land Use permit shall be issued.

Section 7.25 Storage of Equipment

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

- A. Ownership of equipment to be stored shall be shown by the resident of the property being requested for storage use.

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- B. Adequate screening of stored equipment shall be provided to obscure stored equipment from residences on abutting property.
- C. No outdoor repair shall be conducted other than routine machinery maintenance.
- D. The use will not constitute a nuisance to the surrounding area.

Section 7.26 Wireless Facilities

A. Purpose.

The Township recognizes that it is in the public interest to permit the location of wireless facilities within the Township. The Township also recognizes the need to protect the scenic beauty of Wilson Township from unnecessary and unreasonable visual interference, and that wireless facilities may have negative aesthetic impacts upon adjoining and neighboring uses. As such, this Ordinance seeks to:

- 1. Protect residential areas from potential adverse impact of wireless facilities;
- 2. Encourage the location of wireless facilities in nonresidential areas;
- 3. Minimize the total number of wireless facilities throughout the community;
- 4. Encourage the joint use of new and existing wireless facilities rather than the construction of additional wireless facilities;
- 5. Encourage developers of wireless facilities to configure them in a way that minimizes their adverse visual impact;
- 6. Enhance the ability of providers of wireless services to provide such services to the community quickly, effectively, and efficiently;
- 7. Consider the public health and safety of wireless facilities; and
- 8. Avoid potential damage to adjacent property from wireless facility failure.

B. Uses Exempted (Single-Use Towers and Masts).

Antenna towers and masts erected and operated as a residential or commercial accessory use serving only that property (such as but not limited to Amateur Radio Service Station Antenna and other “customer end” devices covered by 47 CFR Section 1.4000) are exempt from this Section. An amateur radio service station antenna structure and other such wireless structures may be erected at the minimum heights and dimensions sufficient to accommodate amateur radio service communications and other such wireless transmissions. See [Over-the-Air Reception Devices \(47 CFR Section 1.4000\)](#). Single-use towers and masts shall comply with all FCC rules and regulations in effect at the time they are erected. Property owners who

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erect single-use towers and masts shall notify the Township prior to erecting such a tower.

C. Uses Allowed.

1. **Co-Location - Permitted Use.** Pursuant to Section 3514 of **2006 PA 110**, as amended (Michigan Zoning Enabling Act, being MCL 125.3101 et.seq.), co-location of wireless communications equipment on an existing support structure is a permitted use of property. No zoning permit is required.
 - a. No antenna or similar sending/receiving devices appended to a wireless communications support structure, following its approved construction, shall be permitted if it exceeds the engineered design capacity of the support structure thereby jeopardizing the support structure's structural integrity.
 - b. The installation and/or operation of the above-mentioned wireless communications equipment shall not interfere with normal radio/television reception in the area. In the event interference occurs, it shall be the sole responsibility of the owner to rectify the situation with the parties involved.
 - c. The co-location shall not increase the overall height of the wireless support structure by more than twenty (20) feet or ten (10) percent of its original height, whichever is greater.
2. **New Wireless Communications Facilities with Support Structures or Ground-Mounted Wireless Communications Facilities (Ground Stations or Earth Stations).** New support structures or Ground-Mounted Wireless Communications Facilities (Ground Stations or Earth Stations) are a Special Land Use as listed in **Section 4.16** and the individual district tables and shall be evaluated using the procedures stated in **subsection D** below using the standards stated in **subsection E**.
3. **Other Wireless Communications Facilities.** Wireless communications facilities which do not fall under **subsections C.1 or C.2** (above) shall follow the same Special Land Use approval procedure and standards as uses listed in **subsection C.2** (above).

D. Approval Procedure for New Wireless Communications Facilities with Support Structures (Towers) or Ground-Mounted Wireless Communications Facilities (Ground Stations or Earth Stations).

1. An application for Special Land Use approval of Wireless Communications Facilities with Support Structures or Ground-Mounted Wireless Communications Facilities (Ground Stations or Earth Stations) shall include all information required by **Section 5.4**.
2. After an application for a Special Land Use is filed, the Zoning Administrator shall determine whether the application is administratively complete. The application shall be considered to be

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administratively complete when the Zoning Administrator makes that determination or fourteen (14) business days after the Zoning Administrator receives the application, whichever is first.

3. If, before the expiration of the fourteen (14) day period under **subsection D.2**, the Zoning Administrator notifies the applicant that the application is not administratively complete, specifying the information necessary to make the application administratively complete, or notifies the applicant that a fee required to accompany the application has not been paid, specifying the amount due, the running of the fourteen (14) day period under **subsection D.2** is tolled until the applicant submits to the body or official the specified information or fee amount due. The notice shall be given in writing or by electronic notification.
4. After the application is deemed complete, a public hearing shall be held. The notice of the public hearing shall be given pursuant to **Section 9.10**.
5. After a public hearing is held, the Planning Commission shall conduct a site plan review using the Special Land Use standards in **Section 5.5** and **Section 6.3** and the standards contained in **subsection E** below and shall approve or deny the application not more than ninety (90) days after the application is considered to be administratively complete. If the Planning Commission fails to timely approve or deny the application, the application shall be considered approved and the Planning Commission shall be considered to have made any determination required for approval.

E. Standards for Wireless Facilities.

1. **Ownership.** The Applicant shall provide documentation to the Planning Commission that clearly establishes the legal ownership of the wireless facility. The applicant, its agents, successors, and assigns shall report to the Planning Commission any changes in the legal ownership of the wireless facility within thirty (30) days of the effective date of the change.
2. **Need.** The applicant shall provide documentation to the Planning Commission establishing the need for a new wireless facility and analysis of alternative options, such as co-location of an existing support structure. The applicant shall provide evidence of feasibility of locating the antenna on an existing support structure in the Township or in neighboring communities. The applicant must demonstrate that no existing support structures can accommodate the applicant’s needs. If such a support structure is in existence, said support structure shall be utilized.
3. **Visual Impact.** The application for Special Land Use for the wireless facility shall include a visual impact analysis, prepared by the applicant, which includes graphic depictions of the anticipated visual appearance of the wireless facility from important vantage points in the surrounding area. Methods used in preparing the analysis shall be reviewed and approved by the Zoning Administrator.
4. **Size and Spacing.**

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- a. Wireless facilities shall be exempt from building height limits established by zoning district regulations, provided that the height shall not exceed the minimum height necessary to serve its intended functions.
 - b. The wireless facility and any ancillary building housing equipment needed for operation of the wireless facility shall not exceed the floor area and height minimally necessary for such equipment, and shall be of a size, type, color, and exterior materials which are aesthetically and architecturally compatible with the surrounding area, and as minimally obtrusive as possible. Landscape screening may be required by the Planning Commission to accomplish screening of ancillary equipment buildings.
5. **Lighting.** The applicant shall provide documentation of any lighting to be installed on the wireless facility. If lighting is required or proposed, the wireless facility may not be approved unless the Planning Commission determines that it will not have a significant adverse impact on properties and residents of the surrounding area.
- a. The color and intensity of tower lighting required by **Federal Communications Commission** (FCC), **Federal Aviation Administration** (FAA), or **Michigan Aeronautics Commission** (MAC) regulations shall be as unobtrusive as possible and must cause the least disturbance to the surrounding properties.
 - b. Lighting shall not be strobe lighting or other intermittent white lighting fixtures unless expressly required by state or federal regulations. Such intermittent lighting shall be alternated with steady red lights at night if acceptable to state or federal regulations.
 - c. Lighting may consist of a red top light that does not pulsate or blink.
 - d. Radar-activated obstruction lighting system shall be utilized, if available and if permitted by the FAA.
6. **Color.** Wireless support structures shall be painted so as to be as unobtrusive as possible. The painting of support structures in alternate bands of color shall be permitted only if specifically required by **Federal Communications Commission** (FCC), **Federal Aviation Administration** (FAA), or **Michigan Aeronautics Commission** (MAC) regulations. If alternate band painting is required by FCC, FAA, or MAC regulations, the applicant shall provide documentation of such requirements and regulations.
7. **Height Decrease.** If the height required for the wireless facility to serve its intended function decreases from the installed height due to technological advancement, additional wireless facility installations at other locations, or other factors, the Township may order that the wireless facility be lowered to such decreased minimum height.
8. **Signs.** No signs other than signs required pursuant to federal, state, or local law and Ordinance shall be allowed on a wireless facility or site.

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9. **Cable and Anchor Setbacks.** Guy cables and anchors shall comply with applicable zoning district setback regulations.

10. **Setbacks for Wireless Support Structures.**
 - a. **Setback from Dwellings.** The wireless support structure and any supporting or appurtenant structures shall be no closer to any dwelling than the distance equal to one and one-half (1.5) times the height of the wireless support structure measured from its base at grade to its highest point of elevation.
 - b. **Setback from Lot Line.** The wireless support structure shall be set back a minimum distance equal to the height of the wireless support structure measured from the base of the wireless support structure to all points on each participating lot.
 - c. **From Primary Electric Transmission Lines.** Wireless support structures shall be setback a minimum distance from primary electric transmission lines equal to the height of the structure including antennas.
 - d. The Planning Commission may reduce the setbacks specified above at its discretion based on a demonstrated need by the applicant and a determination that the health and safety of the public and adjacent properties are adequately protected.

11. **Setbacks for Ground-Mounted Wireless Facilities.** Ground-Mounted Wireless Communications Facilities and Other Wireless Communications Facilities shall be set back at least one hundred seventy-five (175) feet from the outside edge of the equipment enclosure to each lot line of a non-participating lot. The Planning Commission may reduce the required setbacks if it is determined that such reduction will not adversely affect the neighboring property.

12. **Fencing and Landscaping.**
 - a. **Fencing.** A solid fence/wall eight (8) feet in height constructed of painted, stained, or treated lumber, textured concrete block, or brick shall enclose the facility, including a locking gate complementary in design and color to the fence/wall. The enclosure shall be maintained in good repair.
 - b. **Landscaping.** There shall be a minimum four (4) foot wide landscape strip along the perimeter of the fence enclosure consisting of shrubs, flowers, groundcover, and/or trees. This requirement may be waived, increased, or reduced so the enclosure is deemed to be adequately screened by existing vegetation and/or structures. Ground-mounted wireless facilities shall have a landscape screen and/or berm sufficient to fully screen the facility from view of adjacent property or the adjacent right-of-way.

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13. **FCC/FAA/Other Regulations.** The applicant shall provide documentation of conformance with any **Federal Communications Commission, Federal Aviation Administration, of Michigan Aeronautics Commission** regulations. The tower shall comply with the **Michigan Tall Structures Act** (P.A. 259 of 1959, as amended).

14. **Use.** The owner/operator of the tower shall agree to permit use of the tower by other personal or business communications services providers, including local government agencies, on reasonable terms, so long as such use does not interfere with the owner/operator's reasonable use of the tower.

15. **Decommissioning Plan and Performance Guarantee.**
 - a. A decommissioning plan is required at the time of application.

 - b. The decommissioning plan shall include:
 - (1) The anticipated manner in which the project will be decommissioned, including a description of which above-grade and below-grade improvements will be removed, retained (e.g. access drive, fencing), or restored for viable reuse of the property consistent with the zoning district.

 - (2) The projected decommissioning costs for removal of the facility.

 - (3) The method of ensuring that funds will be available for site decommissioning and stabilization. As a condition of approval, the Planning Commission may require an owner to deposit funds for a performance guarantee to assure the removal of wireless facilities as prescribed in this Section. If required, such performance guarantee shall be in an amount equal to the estimated cost of removal of the facility at the time of approval. Such escrow deposit or bond shall be maintained by successor owners.

 - c. A review of the amount of the performance guarantee based on inflation, salvage value, and current removal costs shall be completed every five (5) years, for the life of the project, and approved by the Township Board. A facility owner may at any time:
 - (1) Proceed with the decommissioning plan approved by the Planning Commission and remove the system as indicated in the most recent approved plan; or

 - (2) Amend the decommissioning plan with Planning Commission approval and proceed according to the revised plan.

16. **Ceasing of Operations/Abandonment.** If a wireless facility owner or operator intends to abandon and, in fact, does abandon a wireless facility for a period of twelve (12) continuous months, the Township may order its removal from the site by the owner of the tower within three (3) months of notification by the Township. If there are mitigating circumstances as to why the site has not been

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used, the applicant/permit holder may contact the Township and request a three (3) month extension. If the cost of removal exceeds the amount held in escrow, the current owner shall be responsible for additional costs. If the Wireless Facility has not been removed within the required time frame, it will be considered a violation of the Zoning Ordinance.

If there are two (2) or more users of a single wireless facility, this provision shall not become effective until all providers cease to use the facility. If the owner of an abandoned wireless facility cannot be located or is no longer in business, the requirements of this Section shall be the responsibility of the landowner on whose property the wireless facility is located.

- 17. **ZBA.** The Zoning Board of Appeals shall have no jurisdiction over a decision made by the Planning Commission to approve, approve with conditions, or deny an application for Special Land Use approval to erect and maintain wireless facilities.
- 18. **Co-Location Policy.** All new wireless communication facilities requiring a Special Land Use permit shall be engineered, designed, and constructed to be capable of sharing the facility with other providers, to co-locate with other existing wireless telecommunications facilities and to accommodate the future co-location of other wireless communication facilities. A Special Land Use permit shall not be issued until the applicant proposing a new wireless telecommunications facility demonstrates that it has made a reasonable good faith attempt to locate its Wireless Telecommunications Facility onto an existing structure. Competitive conflict and financial burden are not deemed to be adequate reasons against co-location.

F. **Small Cell Wireless Facilities.**

- 1. **Exempt Small Cell Wireless Facilities.** The co-location of a small cell wireless facility and associated support structure within a public right of way (ROW) is not subject to zoning reviews or approvals under this Ordinance to the extent it is exempt from such reviews under the **Small Wireless Communications Deployment, 2018 PA 365**, as amended. In such case, a utility pole in the ROW may not exceed forty (40) feet above ground level without Special Land Use approval, and a small cell wireless facility in the ROW shall not extend more than five (5) feet above a utility pole or wireless support structure on which the small cell wireless facility is co-located.
- 2. **Approval for Non-Exempt Small Cell Wireless Facilities.** The modification of existing or installation of new small cell wireless facilities or the modification of existing or installation of new wireless support structures used for such small cell wireless facilities that are not exempt from zoning review in accordance with **2018 PA 365**, as amended shall be subject to review and approval by the Zoning Administrator in accordance with the following procedures and standards:
 - a. The processing of an application is subject to all of the following requirements:
 - (1) Within thirty (30) days after receiving an application under this Section, the Zoning Administrator shall notify the applicant in writing whether the application is complete. The notice tolls the running of the thirty (30) day period.

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- (2) The running of the time period tolled under **subsection F.2.a.1** resumes when the applicant makes a supplemental submission in response to the Zoning Administrator's notice of incompleteness.
 - (3) The Planning Commission shall approve or deny the application and notify the applicant in writing within ninety (90) days after an application for a modification of a wireless support structure or installation of a small cell wireless facility is received or one hundred fifty (150) days after an application for a new wireless support structure is received. The time period for approval may be extended by mutual agreement between the applicant and Planning Commission.
- b. The Planning Commission shall base their review of the request on the standards contained in **Sections 5.5** and **Section 6.3** provided, however that a denial shall comply with all of the following:
- (1) The denial is supported by substantial evidence contained in a written record that is publicly released contemporaneously.
 - (2) There is a reasonable basis for the denial.
 - (3) The denial would not discriminate against the applicant with respect to the placement of the facilities of other wireless providers.
- c. In addition to the provisions set forth in **subsection F.2.b**, in the Planning Commission's review:
- (1) An applicant's business decision on the type and location of small cell wireless facilities, wireless support structures, or technology to be used is presumed to be reasonable. This presumption does not apply with respect to the height of wireless facilities or wireless support structures.
 - (2) An applicant shall not be required to submit information about its business decisions with respect to any of the following:
 - (a) The need for a wireless support structure or small cell wireless facilities.
 - (b) The applicant's service, customer demand for the service, or the quality of service.
 - (3) The Zoning Administrator may impose reasonable requirements regarding the appearance of facilities, including those relating to materials used or arranging, screening, or landscaping.

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- (4) The Zoning Administrator may impose spacing, setback, and fall zone requirements substantially similar to spacing, setback, and fall zone requirements imposed on other types of commercial structures of a similar height in a similar location.
- d. Within one (1) year after a zoning approval is granted, a small cell wireless provider shall commence substantial construction of the approved structure or facilities that are to be operational for use by a wireless services provider, unless the Planning Commission and the applicant agree to extend this period or the delay is caused by a lack of commercial power or communications facilities at the site. If the wireless provider fails to commence the construction of the approved structure or facilities within the time required the zoning approval is void.

Section 7.27 Wind Energy Systems: Small On-Site

A small on-site wind energy system is a wind energy conversion system which is intended to primarily serve the needs of the property upon which it is located shall be considered an accessory structure.

A. Districts Allowed.

- 1. Small on-site wind energy systems up to one hundred (100) feet in height shall be permitted by right in the following districts: R2, R3, RR, CR, FF, B1, B2, B3, and I.
- 2. Small on-site wind energy systems over one hundred (100) feet in height shall be considered a Special Land Use in all districts.
- 3. All small on-site wind energy systems shall be permitted as a Special Land Use in the R1 District.

B. Standards.

The following site development standards shall apply to all small on-site wind energy systems in the Township:

- 1. **Blade Clearance.** There shall be a minimum vertical blade tip clearance from the ground of twenty (20) feet.
- 2. **Guy Wires.** If the small on-site wind energy system is supported by guy wires, such wires shall be covered with a high visibility material so as to make it visible to a height of at least six (6) feet above the ground.
- 3. **Setbacks.** Each small on-site wind energy system shall be set back from a lot line of a non-participating lot or a public or private road right-of-way a distance at least equal to the total height to the tip of the blade. The Planning Commission may reduce the setback if the neighboring property is under the same ownership or based on other factors such as topography specific to the site. No

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part of the wind turbine, including guy wire anchors, may extend closer to the lot line or waterfront than the required setback for the district in which the unit is located.

4. **Noise.** Small on-site wind energy systems shall not cause a sound pressure level in excess of fifty-five (55) dB(A) (Leq (1 hour)) or in excess of five (5) dBA above the background noise, whichever is greater, as measured at the nearest lot line. This level may be exceeded during short-term events such as utility outages and severe windstorms.
5. **Vibration.** Small on-site wind energy systems shall not cause vibrations through the ground which are perceptible beyond the lot line of the lot on which it is located.
6. **Reception Interference.** Small on-site wind energy systems shall not cause interference with television, microwave, navigational, or radio reception to neighboring areas.
7. **Shadow Flicker.** Small on-site wind energy systems shall not cause shadow flicker upon any structure on a neighboring property.
8. **Potential Ice Throw.** The potential ice throw or ice shedding for the wind turbine shall not cross the lot lines of the site nor impinge on any right-of-way or overhead utility line.
9. **Safety.** A small on-site wind energy system shall have an automatic system to prevent uncontrolled rotation.
10. **Color.** Wind turbines shall be painted a non-obtrusive neutral color.
11. **Other Regulations.** Small on-site use wind energy systems shall comply with all applicable state construction and electrical codes, [Federal Aviation Administration](#) requirements, [Michigan Aeronautics Commission](#) requirements, the [Michigan Tall Structures Act](#) (P.A. 259 of 1959, as amended), and the [Michigan Public Service Commission](#) and [Federal Energy Regulatory Commission](#) standards.

Section 7.28 Wind Energy Facilities: Utility-Scale

Wind energy facilities consisting of one (1) or more wind turbines whose main purpose is to supply electricity to off-site customers shall be allowed as a Special Land Use and shall adhere to the following requirements in addition to the requirements contained in [Section 5.5](#) and [Section 6.3](#) of this Ordinance. This [Section 7.28](#) shall also apply to anemometer towers. Wind energy facilities may contain Battery Energy Storage Systems pursuant to [Section 7.31](#).

A. Principal or Accessory Use.

A wind energy facility or anemometer tower may be considered either a principal or an accessory use. A different existing use or an existing structure on the same zoning lot shall not preclude the installation of a

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wind energy facility or a part of such facility on such lot. 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 nonconforming use or structure.

B. State or Federal Requirements.

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

C. Sufficient Wind Resources.

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

D. Minimum Site Area.

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

E. Setbacks.

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

1. **Setback from Lot Line.** Each wind turbine shall be set back from any lot line of a non-participating lot a distance at least equal to the total height of the wind turbine including the top of the blade in its vertical position.
2. **Setback from Road.** In addition to the above, a wind turbine shall, in all cases, be set back from a public or private road right-of-way a distance at least equal to the height of the wind turbine total height as defined in the Ordinance.
3. **Setback from Structures.** Each wind turbine shall be setback from the nearest inhabited structure a distance at least one and one-half (1 ½) times the total height of the wind turbine.
4. **Setback from Communication and Power Lines.** Each wind turbine shall be set back from the nearest above-ground public electric power line or telephone line a distance at least four hundred

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(400) feet or one and one-half (1 ½) times the total tower height, whichever is greater, determined from the existing power or communications lines.

- 5. **Building Setback.** Setbacks for buildings accessory to a wind turbine shall conform to the setbacks of the district.

F. Height.

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

G. Tower Separation.

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

H. Minimum Ground Clearance.

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

I. Maximum Noise Levels.

The sound pressure level generated by the wind energy system shall not exceed fifty-five (55) dB(A) (Leq (1 hour)) measured at lot lines of non-participating lots. If the ambient sound pressure level exceeds fifty-five (55) dB(A), the standard shall be ambient plus five (5) dB(A).

J. Maximum Vibrations.

Any proposed wind turbine shall not produce vibrations through the ground humanly perceptible on non-participating lots.

K. Potential Ice Throw.

The potential ice throw or ice shedding for the wind turbine shall not cross onto non-participating lots nor impinge on any right-of-way or overhead utility line.

L. Signal Interference.

No wind turbine shall be installed in any location where its proximity with existing fixed broadcast,

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

M. Visual Impact, Lighting, Power Lines.

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

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roadways, near substations or points of interconnection to the electric grid or in other areas as necessary.

N. Shadow Flicker.

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

O. Safety.

1. All collection system wiring shall comply with all applicable safety and stray voltage standards.
2. Wind turbine towers shall not be climbable on the exterior.
3. All access doors to wind turbine towers and electrical equipment shall be lockable.
4. Appropriate warning signs shall be placed on wind turbine towers, electrical equipment, and facility entrances.
5. All wind turbines shall be equipped with controls to control the rotational speed of the blades within design limits for the specific wind turbine.
6. **Hazard Planning.** An application for a wind turbine shall be accompanied by a hazard prevention plan. Such plan shall contain:
 - a. Certification that the electrical wiring between turbines and between turbines and the utility right-of-way does not pose a fire hazard.
 - b. Location of landscaping to be designed to avoid the spread of fire from any source on the turbine; such preventative measures may address the types and locations of vegetation below the turbine and on the site.

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- c. A listing of any hazardous fluids that may be used on site shall be provided, including Material Data Safety Sheets (MDSS).
- d. Certification that the turbine has been designed to contain any hazardous fluids shall be provided.
- e. A statement certifying that the turbine shall be routinely inspected to ensure that no fluids are released from the turbine.
- f. Approved County Road Commission routes and bond surety for any perceivable road damage.
- g. The Township may require the owner or operator to provide emergency training and/or equipment to local emergency personnel to be able to provide the required level of emergency services safely. Wind Energy Facility shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department.

P. Approvals.

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

Q. Site Plan Required. A Special Land Use application for a Utility-Scale Wind Energy System shall include a site plan pursuant to [Section 5.4](#) The following items are required unless waived by the Planning Commission:

- 1. **Site Plan Drawing.** All applications for a Utility-Scale Wind Energy System shall be accompanied by a detailed site plan map that is drawn to scale and dimensioned, displaying the following information:
 - a. Existing property features to include the following: lot lines, physical dimensions of the property, land use, zoning district, contours, setback lines, rights-of-way, public and utility easements, public roads, access roads (including width), sidewalks, non-motorized pathways, large trees, and all buildings. The site plan must also include the adjoining properties as well as the location and use of all structures and utilities within three hundred (300) feet of the lot lines including dwellings within five hundred (500) feet of the lot lines (participating and non-participating lots).
 - b. Location and height of all proposed wind turbines, buildings, structures, ancillary equipment, underground utilities and their depth, towers, security fencing, access roads (including width, composition, and maintenance plans), electrical sub-stations, and other above-ground structures and utilities associated with the proposed Utility-Scale Wind Energy System.

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- c. Additional details and information as required by the Special Land Use requirements of the Zoning Ordinance or as requested by the Planning Commission.

2. **Site Plan Documentation.** The following documentation shall be included with the site plan:

- a. The contact information for the Owner(s) and Operator(s) of the Utility-Scale Wind Energy System as well as contact information for all property owners on which the Utility-Scale Wind Energy System is located.
- b. A copy of the lease, or recorded document, with the landowner(s) if the applicant does not own the land for the proposed Utility-Scale Wind Energy System. A statement from the landowner(s) of the leased site that he/she will abide by all applicable terms and conditions of the Special Land Use permit, if approved.
- c. Identification and location of the properties on which the proposed Utility-Scale Wind Energy System will be located.
- d. The proposed number, representative types, and height of each wind turbine to be constructed; including their manufacturer and model, product specifications including maximum noise output (measured in decibels), total rated capacity, rotor diameter, and a description of ancillary facilities.
- e. Documents shall be submitted by the developer/manufacturer confirming specifications for wind turbine separation.
- f. Documented compliance with the noise, and shadow flicker requirements set forth in this Ordinance.
- g. Engineering data concerning construction of the Utility-Scale Wind Energy System and its base or foundation, which may include, but not be limited to, soil boring data.
- h. A certified registered engineer shall certify that the Utility-Scale Wind Energy System meets or exceeds the manufacturer's construction and installation standards.
- i. Anticipated construction schedule.
- j. The location of any battery energy storage system on site.
- k. A copy of the maintenance and operation plan, including anticipated regular and unscheduled maintenance. Additionally, a description of the procedures that will be used for lowering or removing the Utility-Scale Wind Energy System to conduct maintenance, if applicable.
- l. Documented compliance with applicable local, state and national regulations including, but not limited to, all applicable safety, construction, environmental, electrical, and communications.

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The Utility-Scale Wind Energy System shall comply with **Federal Aviation Administration** (FAA) requirements, **Michigan Airport Zoning Act**, **Michigan Tall Structures Act**, and any applicable airport overlay zone regulations.

- m. Proof of applicant's liability insurance.
- n. Evidence that the utility company has been informed of the customer's intent to install an interconnected, customer-owned turbine and that such connection has been approved. Off grid-systems shall be exempt from this requirement.
- o. Other relevant information as may be requested by the Township to ensure compliance with the requirements of this Ordinance.
- p. Following the completion of construction, the applicant shall certify that all construction is completed pursuant to the Special Land Use Permit.
- q. A written description of the anticipated life of each Utility-Scale Wind Energy System.
- r. The Township reserves the right to review all maintenance plans and bonds under this Ordinance to ensure that all conditions of the permit are being followed.
- s. Signature of Applicant.
- t. In addition to the Site Plan Requirements listed previously, the Utility-Scale Wind Energy System shall be subject to the following:
 - (a) A site grading, erosion control, and storm water drainage plan will be submitted to the Zoning Administrator prior to issuing a Special Land Use permit for a Utility-Scale Wind Energy System. At the Township's discretion, these plans may be reviewed by the Township's engineering firm. The cost of this review will be the responsibility of the applicant.
 - (b) A description of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries, and an agreement or bond which guarantees the repair of damage to public roads and other areas caused by construction of the Utility-Scale Wind Energy System.
 - (c) A statement indicating what hazardous materials will be used and stored on the site.
 - (d) A study assessing any potential impacts on the natural environment (including, but not limited to, assessing the potential impact on endangered species, eagles, birds and/or other wildlife, wetlands, and fragile ecosystems). The study shall conform to state and federal wildlife agency recommendations based on local conditions.

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R. Decommissioning Plan Required.

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

1. The anticipated life of the project.
2. The anticipated manner in which the project will be decommissioned and the site restored, including a description of which above-grade and below-grade improvements will be removed, retained (e.g. access drive, fencing), or restored for viable reuse of the property consistent with the zoning district.
3. The estimated decommissioning costs in current dollars. Such costs shall not include credit for salvageable value of any materials.
4. The method of ensuring that funds will be available for decommissioning and restoration.
5. County Road Commission approved traffic route for decommissioning and surety bond to assure no perceived road damage is done.
6. The Planning Commission shall require the owner of the wind turbine to deposit a performance guarantee in an amount equal to 1.25 times the estimated costs associated with the removal of the wind turbine or anemometer tower and all associated equipment and accessory structures and restoration of the site to a reusable condition which shall include the removal of all underground structures to a depth of five (5) feet below the natural ground level at that location. The amount of the performance guarantee shall be reviewed every five (5) years. The amount of the performance guarantee shall be increased based on an inflation rate equal to the average of the previous ten (10) years Consumer Price Index. The performance guarantee shall be in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township.

A facility owner may at any time:

- a. Proceed with the decommissioning plan approved by the Planning Commission and remove the system as indicated in the most recent approved plan; or
- b. Amend the decommissioning plan with Planning Commission approval and proceed according to the revised plan.

S. Abandonment and Removal.

1. If a wind turbine owner or operator intends to abandon and, in fact, does abandon a wind turbine by not operating it for a continuous period of twelve (12) months, said wind turbine shall be considered abandoned, and the owner of such wind turbine or anemometer tower shall remove the same within one hundred eighty (180) days of the receipt of a notice of abandonment by the Township. Failure to remove an abandoned wind turbine or anemometer tower within the one hundred eighty (180) day period provided in this subsection shall be grounds for the Township to

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remove the wind turbine or anemometer tower at the owner's expense. The Planning Commission may grant an extension to this one hundred eighty (180) day period.

2. In addition to removing the wind turbine, or anemometer tower, the owner shall restore the site of the wind turbine or anemometer tower to its original condition prior to location of the wind turbine or anemometer tower, subject to reasonable wear and tear. Any foundation associated with a wind or anemometer tower shall be removed to a minimum depth of five (5) feet below the final grade and site vegetation shall be restored.

T. Equipment Replacement and Repowering.

Major components of the wind turbine may be replaced without a modification of the Special Land Use permit provided all regulations contained herein are adhered to. A wind energy facility may at any time be repowered, without the need to apply for a new Special Land Use permit, by reconfiguring, renovating, or replacing the wind energy components to increase the power rating within the existing project footprint. A proposal to change the project footprint of an existing wind energy facility or to add a greater number of wind turbines than were approved as part of the Special Land Use or to increase the height of the existing turbines shall be considered a new application, subject to the ordinance standards at the time of the request. Expenses for legal services and other studies resulting from an application to modify a wind energy facility will be reimbursed to the Township by the solar energy facility owner in compliance with established escrow policy.

U. Reports.

Wind energy production summary reports by month shall be provided annually for each wind facility to the Township Planning Commission and the Township Clerk, by January 31st each year, for the preceding year.

Section 7.29 Solar Energy - Accessory

Solar energy panels shall be allowed as a permitted accessory use in all zoning districts subject to the requirements below. A zoning permit shall be required. A building permit may be required.

A. Submittal Requirements.

Applicants shall submit drawings that show the location of the system on the property, height, tilt features (if applicable), the principal building, accessory structures, and setbacks to lot lines. Accessory solar energy panel applications that meet the ordinance requirements shall be granted administrative approval by the Zoning Administrator.

B. Height.

1. Ground-mounted accessory solar energy panels shall not exceed the allowable height of structures in that district. When panels are oriented at maximum tilt, height is measured from the ground to the top of the system.

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2. Building-mounted accessory solar energy systems shall not exceed five (5) feet above the finished roof.

C. Setbacks/Location.

1. Ground-mounted accessory solar energy panels.
 - a. Ground-mounted accessory solar energy panels shall not be located in the front setback for the principal building.
 - b. Ground-mounted accessory solar energy panels shall be setback the required distance for accessory buildings in the district (**Section 3.10**). On corner lots where the street side lot line is a continuation of the front lot line of the lot to the rear, solar energy panels shall be subject to a setback equal to the front setback along the street side lot line.
 - c. Setbacks are measured from the lot line to the nearest portion of the structure when oriented at minimum tilt.
 - d. If no solar access is available in the location required by this subsection, the Planning Commission may approve ground-mounted solar energy panels in an alternate location on a case-by-case basis. Screening from the road or neighboring property may be required.
 - e. Ground-mounted accessory solar energy panels shall not count toward any lot coverage limits or accessory building limits in the Zoning Ordinance.
2. Building-mounted accessory solar energy panels shall adhere to district setbacks for a principal building but may encroach into designated principal building setbacks by twelve (12) inches.

D. Glare.

Panels shall not result in glare onto adjoining properties or public rights of way.

E. Nonconformities.

1. A building-mounted accessory solar energy panel installed on a nonconforming building or nonconforming use shall not be considered an expansion of the nonconformity.
2. Ground-mounted accessory solar energy panels installed on a nonconforming lot or nonconforming use shall not be considered an expansion of the nonconformity.

F. Building-Integrated Solar Energy Panels.

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Building-Integrated solar energy panels are subject only to zoning regulations applicable to the structure or building and not subject to standards in this Section.

Section 7.30 Solar Energy Facilities

Solar energy facilities are those whose main purpose is to supply electricity to off-site customers. Solar energy facilities shall adhere to the following requirements in addition to the requirements contained in [Section 5.5](#) and [Section 6.3](#) of this Ordinance.

A. Purpose.

The purpose of this Section is to provide for the land development, installation, and construction regulations for large photovoltaic solar energy facilities subject to reasonable conditions that will protect the standards for the placement, construction, and modification of large photovoltaic solar farm facilities. This Section was developed on the basis of the following goals and objectives from the Wilson Township Master Plan:

GOAL: RECOGNIZE THE IMPORTANCE OF AGRICULTURAL LANDS AS AN ECONOMIC BASE, HERITAGE, AND WAY OF LIFE IN WILSON TOWNSHIP.

Objective 1: Maintain and provide for the preservation of farmland and woodlands, where feasible.

Objective 2: Discourage the conversion of farmland into other more intensive uses. Recognize farmland as contributing to the scenic and rural character of the Township.

Objective 3: Maximize the most beneficial agricultural use of agricultural lands in Wilson Township, while encouraging environmentally sensitive farming practices to protect local surface and ground water quality without unnecessarily limiting the economic rights of agricultural landowners.

Objective 6: Recognize farmland as part of the Township’s active economic base and potential source of jobs for Township residents.

Objective 7: Recognize the importance of small farms in Wilson Township.

Objective 8: Allow farmers to produce, process, and market at wholesale and retail the products grown on their property.

GOAL: PROTECT AND PRESERVE NATURAL RESOURCES.

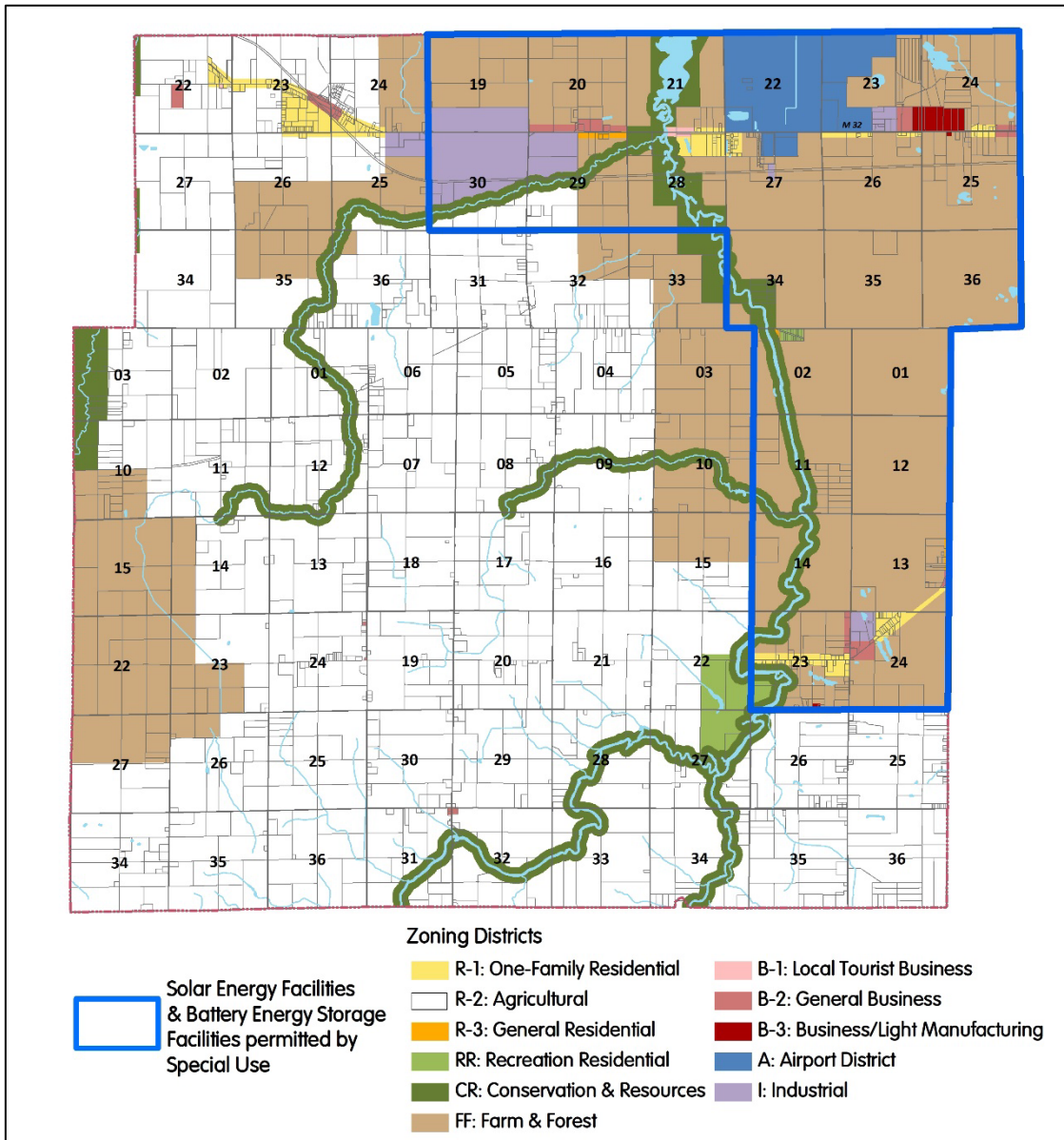
Objective 1: Encourage a land use pattern that is oriented to the natural features and water resources of the area. Evaluate type and density of proposed developments based on soil suitability; slope of land; potential for ground water and surface water degradation and contamination; compatibility with adjacent land uses; and impacts to sensitive natural areas like wetlands, greenways, and wildlife corridors.

B. Location.

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1. **Solar Overlay:** In order to meet these adopted goals and objectives concerning the preservation of agricultural lands and natural resources, Wilson Township has evaluated areas of the Township which would be suitable for the establishment of solar energy facilities. The Township has designated an area which will have the least impact to agriculture and the environment of Wilson Township. The designated area consists of a lower percentage of active farms and a lower percentage of prime agricultural soils than other areas of the Township. Solar energy facilities and related structures may be granted a Special Land Use Permit in Township Districts zoned for Agriculture (R-2) or Industrial (I) in sections shown on the following map:



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2. The location shall provide an energy source with low associated environmental impacts.
3. The location shall protect Township areas from any potentially adverse effects such as visual or noise impacts so that the public health, safety, and welfare will not be jeopardized.

C. Application for a Solar Energy Facility.

An applicant shall submit a site plan (the site plan shall meet all of the requirements of the Township Zoning Ordinance and those of the Michigan Public Service Commission) showing the design of all elements to be erected or constructed as a part of the solar energy facility. The site plan shall include the following:

1. All lot lines, dimensions and setbacks, including a legal description of each lot comprising the Solar Energy Facility.
2. Names of owners of each lot within the Township that is proposed to be within the Solar Energy Facility.
3. Vicinity map showing the location of all surrounding land uses.
4. The location of all solar arrays, including setbacks.
5. The width of arrays.
6. The distance between arrays plus total height (and distance to the lowest edge of the array above grade).
7. Ancillary structures and electrical equipment.
8. Utility connections.
9. Dwellings on the property and within five hundred (500) feet of the lot lines (participating and non-participating lots).
10. Existing and proposed structures as part of the Solar Energy Facility.
11. Buried or above-ground wiring.
12. Temporary and permanent access drives.
13. Fencing detail.
14. Screening/landscape detail and berm detail.

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15. Signs.
16. The location of any battery energy storage systems on-site.
17. Plans for land clearing and/or grading required for the installation and operation of the system, and plans for ground cover establishment and management.
18. Sound modeling study including sound isolines extending from the sound source(s) to the lot lines of adjoining non-participating lots.
19. Completed copy of Michigan Pollinator Habitat Planning Scorecard for Solar Sites (when applicable).
20. The location of prime farmland [and/or farmland of statewide importance, farmland of local importance, unique farmland, and prime farmland if drained] as defined in the U.S. Department of Agriculture, Natural Resources Conservation Service - Web Soil Survey.
21. **Additional Studies.** Additional studies may be required by the Planning Commission if reasonably related to the standards of this ordinance as applied to the application site, including but not limited to:
 - a. **Visual Impact Assessment:** A technical analysis by a third-party qualified professional of the visual impacts of the proposed project, including a description of the project, the existing visual landscape, and important scenic resources, plus visual simulations that show what the project will look like (including proposed landscape and other screening measures) a description of potential project impacts, and mitigation measures that would help to reduce the visual impacts created by the project and documented on the site plan.
 - b. **Environmental Analysis:** An analysis by a third-party qualified professional to identify and assess any potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, wildlife, endangered and threatened species, historical and cultural sites, and antiquities. If required, the analysis shall identify all appropriate measures to minimize, eliminate, or mitigate adverse impacts identified and show those measures on the site plan, where applicable.
 - c. **Stormwater Study:** An analysis by a third-party qualified professional that takes into account the proposed layout of the Solar Energy Facility and how the spacing, row separation, and slope affects stormwater infiltration, including calculations for a one hundred (100) year rain event (storm). Percolation tests or site-specific soil information shall be provided to demonstrate infiltration on-site without the use of engineered solutions.
 - d. **Glare Study:** An analysis by a third-party qualified professional to determine if glare from the solar collection devices will be visible from nearby residents and roadways. If required, the analysis shall consider the changing position of the sun throughout the day and year, and its influence on the facility.

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- e. **Groundwater Study:** An analysis by a third-party qualified professional that takes into account the planned groundwater use of the Solar Energy Facility and the impacts on local water resources.

D. Standards.

1. **Setbacks.** The setbacks of all solar collection devices and ancillary equipment shall be at least one hundred (100) feet from the road right-of-way and all lot lines of non-participating lots.
2. **Height.** The total height for all solar collection devices shall not exceed twenty (20) feet when oriented at maximum tilt.
3. **Reflection/Glare.** Solar collection devices, or a combination of devices, shall be designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard. This may be accomplished by both the placement and angle of the collection devices as well as human-made or environmental barriers. Plans to reduce glare may be required in the initial materials submitted.
4. **Groundcover and Impervious Surface/Stormwater.**
 - a. If more than eight thousand (8,000) square feet of impervious surface will be located on the site, the application shall include a drainage plan prepared by a registered civil engineer showing how stormwater runoff will be managed. If detergents will be used to clean solar panels, details on the type of detergent, frequency and quantity of use, and stormwater quality protection measures shall be provided. Any necessary permits from outside agencies for off-site discharge shall be provided.
 - b. If groundcover (such as conservation cover, pollinator habitat, forage cover, or agrivoltaics) is utilized, then a drainage plan is not required. The Planning Commission may require soil stabilization through groundcover.
5. **Screening.** Solar devices shall be screened year-round from view from any existing adjacent non-participating lot line and the public right-of-way by use of a screening wall, evergreen vegetation, or other screening of similar effectiveness and quality, as determined by the Planning Commission. Screening shall be installed which screens the facility fully from view from the time of planting or installation. Screening shall be maintained throughout the life of the facility including replacing dead vegetation within six (6) months or at the earliest feasible time of year dependent on the weather. The Planning Commission may reduce or waive screening requirements provided that any such adjustment is in keeping with the intent of the Ordinance.

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6. **Wiring.** Wiring (including communication lines) may be buried underground. Any above-ground wiring within the footprint of the solar energy facilities shall not exceed the height of the solar array at maximum tilt.
7. **Lighting.** Solar Energy Facility lighting shall be limited to inverter and/or substation locations only. Light fixtures shall have downlit shielding and be placed to keep light on-site and glare away from adjacent properties, bodies of water, and adjacent roadways. Flashing or intermittent lights are prohibited.
8. **Sound.** The sound pressure level of a solar energy facility and all ancillary solar equipment shall not exceed fifty-five (55) dBA (Leq (1 hour)) at the lot line of an adjacent non-participating lot. If the ambient sound pressure level exceeds fifty-five (55) dB(A), the standard shall be ambient plus five (5) dB(A). The site plan shall include modeled sound isolines extending from the sound source to the lot lines to demonstrate compliance with this standard.
9. **Land Clearing.** Land disturbance or clearing shall be limited to what is minimally necessary for the installation and operation of the system and to ensure sufficient all-season access to the solar resource given the topography of the land. Topsoil distributed during site preparation (grading) on the property shall be retained on site.
10. **Access Drives.** New access drives within the Solar Energy Facility shall be designed to minimize the extent of soil disturbance, water runoff, and soil compaction on the premises. The use of geotextile fabrics and gravel placed on the surface of the existing soil for temporary roadways during the construction of the Solar Energy Facility is permitted, provided that the geotextile fabrics and gravel are removed once the Solar Energy Facility is in operation.
11. **Fencing.** Solar Energy Facilities may be secured with perimeter fencing to restrict unauthorized access. Fencing is not subject to setbacks in [subsection D.1](#).
12. **Lot Coverage.** Solar collection devices shall not count toward the maximum lot coverage standards in [Section 4.17](#) (Schedule of Regulations).
13. **Agricultural Protection.** For sites where agriculture is a permitted use in a district, solar energy facilities shall be sited to minimize impacts to agricultural production through site design and accommodations including:
 - a. The ground mounting of panels by screw, piling, or a similar system that does not require a footing, concrete, or other permanent mounting in order to minimize soil compaction.
 - b. Siting panels to avoid disturbance and compaction of farmland by siting panels along field edges and in nonproduction areas to the maximum extent practicable and financially feasible.
 - c. Maintaining all drainage infrastructure on-site, including drain tile and ditches, during the operation of the solar energy facility.

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- d. Siting the solar energy facility to avoid isolating areas of the farm operation such that they are no longer viable or efficient for agricultural production, including, but not limited to, restricting the movement of agricultural vehicles/equipment for planting, cultivation, and harvesting of crops, and creating negative impacts on support infrastructure such as irrigation systems or drains.
- e. Voluntarily purchasing agricultural conservation easements from an equivalent number of prime farmland acres if the township has adopted a purchase of development rights ordinance.

E. Reports.

Solar energy production summary reports by month shall be provided annually for each solar facility to the Township Planning Commission and the Township Clerk, by January 31st each year, for the preceding year.

F. Emergencies.

The Township may require the owner or operator to provide emergency training and/or equipment to local emergency personnel to be able to provide the required level of emergency services safely. Solar Energy Facility shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department.

- G. **Repowering.** In addition to repairing or replacing solar energy components to maintain the system, a solar energy facility may at any time be repowered, without the need to apply for a new Special Land Use permit, by reconfiguring, renovating, or replacing the solar energy components to increase the power rating within the existing project footprint.

A proposal to change the project footprint of an existing solar energy facility shall be considered a new application, subject to the ordinance standards at the time of the request. Expenses for legal services and other studies resulting from an application to modify a solar energy facility will be reimbursed to the Township by the solar energy facility owner in compliance with established escrow policy.

H. Requirement Prior to Installation.

- 1. No solar energy facilities shall be installed until written evidence has been submitted to the township that the electric utility company has been informed and the solar energy farm has the approval of the **Michigan Public Service Commission** of the applicant's intent to install a solar energy facility which will generate electric power for distribution by interconnection to the electric power grid of the electric utility company serving the area in which the solar energy facility is located.
- 2. **Decommissioning Plan.** A decommissioning plan is required at the time of application.
 - a. The decommissioning plan shall include:
 - (1) The anticipated life of the project.

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- (2) The anticipated manner in which the project will be decommissioned, including a description of which above-grade and below-grade improvements will be removed, retained (e.g. access drive, fencing), or restored for viable reuse of the property consistent with the zoning district.
 - (3) The estimated decommissioning costs in current dollars. Such costs shall not include credit for salvageable value of any materials.
 - (4) The method of ensuring that funds will be available for site decommissioning and stabilization (in the form of surety bond, irrevocable letter of credit, or cash deposit). The Planning Commission shall require the owner of the solar energy to deposit a performance guarantee in an amount equal to 1.25 times the estimated costs associated with the removal of the solar energy facility and all associated equipment and accessory structures and restoration of the site to a reusable condition which shall include the removal of all underground structures to a depth of five (5) feet below the natural ground level at that location.
 - (5) The amount of the performance guarantee shall be reviewed every five (5) years. The amount of the performance guarantee shall be increased based on an inflation rate equal to the average of the previous ten (10) years Consumer Price Index. The performance guarantee shall be in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township.
- b. A solar energy facility owner may at any time:
- (1) Proceed with the decommissioning plan approved by the Planning Commission and remove the system as indicated in the most recent approved plan; or
 - (2) Amend the decommissioning plan with Planning Commission approval and proceed according to the revised plan.

I. Abandoned Solar Farm Facilities.

- 1. If a solar energy facility owner or operator intends to abandon and, in fact, does abandon a solar energy facility by not operating it for a continuous period of twelve (12) months, said solar energy facility shall be considered abandoned, and the owner of such w solar energy facility shall remove the same within one hundred eighty (180) days of the receipt of a notice of abandonment by the Township. Failure to remove an abandoned solar energy facility within the one hundred eighty (180) day period provided in this subsection shall be grounds for the Township to remove the solar energy facility at the owner's expense. The Planning Commission may grant an extension to this one hundred eighty (180) day period.
- 2. In addition to removing the solar energy facility, the owner shall restore the site of the solar energy facility to its original condition prior to location of the solar energy facility, subject to reasonable

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wear and tear. Any foundation associated with a solar energy facility shall be removed to a minimum depth of five (5) feet below the final grade and site vegetation shall be restored. The Planning Commission may require that vegetative screening be removed to provide access to the agricultural site.

Section 7.31 Battery Energy Storage Systems

A. Purpose.

This Section applies to Battery Energy Storage Systems that are stand-alone facilities or are in conjunction with another use such as Solar Energy Facilities or Wind Energy Facilities. Battery Energy Storage Systems shall comply with this Section, the site plan review standards in [Section 5.5](#) and the Special Land Use standards in [Section 6.3](#).

B. Districts.

A Battery Energy Storage System is a Special Land Use in the districts shown in [Section 4.16](#) and shall only be permitted in the solar overlay district as shown in [Section 7.30.B.1](#).

C. Setbacks and Height.

1. **Setbacks.** The setbacks of all buildings and components of Battery Energy Storage Systems shall be at least one hundred-fifty (150) feet from all lot lines of non-participating lots and at least five hundred (500) feet from a residence on a non-participating lot.
2. **Height.** The maximum height of a Battery Energy Storage System or building containing a Battery Energy Storage System shall not exceed the maximum building height in the district.

D. Screening.

- (1) Battery Energy Storage Systems shall be screened from view from any residential district or residential use on non-participating lots by use of a masonry screen wall, berm, evergreen vegetation, or other screening of a similar effectiveness and quality, if determined as necessary by the Planning Commission. The Planning Commission may require screening to be installed which screens the facility fully from view from the time of planting or installation. Screening shall be maintained throughout the life of the facility including replacing dead vegetation within six (6) months or at the earliest feasible time of year dependent on the weather. The Planning Commission may reduce or waive screening requirements provided that any such adjustment is in keeping with the intent of the Ordinance.
- (2) Areas within fifty (50) feet on each side of a Battery Energy Storage System shall be cleared of combustible vegetation and other combustible growth (including stumps of trees).

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E. Lighting.

Lighting of the Battery Energy Storage System shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties.

F. Sound.

The sound pressure level of a Battery Energy Storage System and all ancillary equipment shall not exceed fifty-five (55) dBA (Leq (1 hour)) at the lot line of an adjacent non-participating lot. The site plan shall include modeled sound isolines extending from the sound source to the lot lines to demonstrate compliance with this standard. If ambient sounds are at or above fifty-five (55) dBA (Leq (1 hour)), then the sound pressure level shall not exceed the ambient sound plus five (5) dBA (Leq (1 hour)). The applicant may be required to provide operating sound pressure level measurements from a reasonable number of sampled locations at the perimeter of the Battery Energy Storage System to demonstrate compliance with this standard.

G. Land Clearing.

Land disturbance or clearing shall be limited to what is minimally necessary for the installation and operation of the system. Topsoil distributed during site preparation (grading) on the property shall be retained on site.

H. Access Drives.

New access drives within the Battery Energy Storage Systems shall be designed to minimize the extent of soil disturbance, water runoff, and soil compaction on the premises. The use of geotextile fabrics and gravel placed on the surface of the existing soil for temporary roadways during the construction of the Battery Energy Storage System is permitted, provided that the geotextile fabrics and gravel are removed from those temporary roadways once the Battery Energy Storage System is in operation. Access drives shall be removed upon decommissioning unless the property owner requests the access drives remain in place or the Planning Commission makes a determination that the access drives should remain in place.

I. Fencing.

Battery Energy Storage Systems may be secured with perimeter fencing to restrict unauthorized access. Fencing is not subject to setbacks in [subsection C](#). The Planning Commission may require wildlife-friendly fencing.

J. Safety and Compliance.

1. Construction of a Battery Energy Storage System shall comply with the National Electric Safety Code and the Building Code. In the event of a conflict between the County Building Code and National Electric Safety Code (NESC), the NESC shall prevail.

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2. **System Certification.** Battery energy storage systems and equipment shall be listed by a Nationally Recognized Testing Laboratory to UL 9540 (Standard for Battery Energy Storage Systems and Equipment) or approved equivalent, with subcomponents meeting each of the following standards as applicable:
 - a. UL 1973 (Standard for Batteries for Use in Stationary, Vehicle Auxiliary Power and Light Electric Rail Applications),
 - b. UL 1642 (Standard for Lithium Batteries),
 - c. UL 1741 or UL 62109 (Inverters and Power Converters),
 - d. Certified under the applicable electrical, building, and fire prevention codes as required.
 - e. Alternatively, field evaluation by an approved testing laboratory for compliance with UL 9540 (or approved equivalent) and applicable codes, regulations, and safety standards may be used to meet system certification requirements.
3. **Site Access.** Battery energy storage systems shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department.
4. Battery Energy Storage Systems, components, and associated ancillary equipment shall have required working space clearances, and electrical circuitry shall be within weatherproof enclosures marked with the environmental rating suitable for the type of exposure in compliance with NFPA 70.

K. Increased Storage Capacity.

1. The components of the Battery Energy Storage System may be reconfigured, renovated, or replaced to increase the power storage capacity within the existing project footprint.
2. A proposal to change the project footprint of an existing Battery Energy Storage System shall be considered a new application, subject to the ordinance standards at the time of the request. Expenses for legal services and other studies resulting from an application to modify a Battery Energy Storage System will be reimbursed to the Township by the Battery Energy Storage System owner in compliance with established escrow policy.

L. Emergencies.

The Township may require the owner or operator to provide emergency training and/or equipment to local emergency personnel to be able to provide the required level of emergency services safely. Battery Energy Storage Systems shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department.

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M. Abandonment.

If a Battery Energy Storage System owner or operator has an intent to abandon, and, in fact, does abandon a Battery Energy Storage System for twelve (12) continuous months, the Battery Energy Storage System shall be deemed to be abandoned. The applicant/permit holder will be so notified in writing by the Township and requested to dismantle the site and return it to its original state within one hundred (180) days of receipt of notice from the Township of such abandonment. If there are mitigating circumstances as to why the site has not been used, the applicant/permit holder may contact the Township and request a six-month extension. If a site has been deemed abandoned and no request for an extension is received, the applicant/permit holder will be notified to dismantle the site and return it to its original state. If the applicant/permit holder does not do this within the one hundred (180) day period, the Township will have the removal and restoration done at the owner/applicant's expense.

N. Application Requirements and Performance Guarantee.

1. **Site Plan.** A site plan pursuant to [Section 5.4](#) shall be required. The site plan shall include the following:
 - a. All lot lines and dimensions, including a legal description of each lot comprising the Battery Energy Storage System.
 - b. Names of owners of each lot within the Township that is proposed to be within the Battery Energy Storage System.
 - c. Vicinity map showing the location of all surrounding land uses.
 - d. Location of all proposed battery structures, buildings which house batteries, other buildings or structures, electrical tie lines and transmission lines, security fencing, and all above-ground structures and utilities associated with a Battery Energy Storage System.
 - e. Horizontal and vertical (elevation) to-scale drawings with dimensions.
 - f. Proposed setbacks from the Battery Energy Storage System to all existing and proposed structures on participating and non-participating lots.
 - g. Dwellings on the property and within five hundred five (500) hundred feet of the lot lines (participating and non-participating lots).
 - h. Temporary and permanent access drives.
 - i. Screening/landscape detail and berm detail.
 - j. Signs.

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- k. Plans for land clearing and/or grading required for the installation and operation of the system, and plans for ground cover establishment and management.
- l. Sound modeling study including sound isolines extending from the sound source(s) to the lot lines of adjoining non-participating lots.
- m. Planned security measures to prevent unauthorized trespass and access during the construction, operation, removal, maintenance, or repair of the Battery Energy Storage System.
- n. A written description of the maintenance program to be used for the Battery Energy Storage System, including decommissioning and removal. The description shall include maintenance schedules, types of maintenance to be performed, and decommissioning and removal procedures and schedules if the Battery Energy Storage System is decommissioned.
- o. Planned lightning protection measures.
- p. A preliminary equipment specification sheet that documents the proposed battery energy storage system components and associated electrical equipment that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of zoning permit.
- q. Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the battery energy storage system. Such information of the final system installer shall be submitted prior to the issuance of zoning permit.
- r. **Fire Safety Compliance Plan.** Such plan shall document and verify that the system and its associated controls and safety systems are in compliance with the Fire Code.
- s. **Emergency Operations Plan.** A copy of the approved Emergency Operations Plan shall be given to the system owner, the local fire department, and local fire code official. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, fire code officials, and emergency responders. The emergency operations plan shall include the following information:
 - (1) Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.
 - (2) Procedures for inspection and testing of associated alarms, interlocks, and controls.
 - (3) Procedures to be followed for summoning service and repair personnel, and providing agreed-upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.

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- (4) Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.
 - (5) Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.
 - (6) Procedures for dealing with battery energy storage system equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged battery energy storage system equipment from the facility.
 - (7) Other procedures as determined necessary by the Township to provide for the safety of occupants, neighboring properties, and emergency responders.
 - (8) Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.
- t. Additional detail(s) and information as required by the Special Land Use requirements of the Zoning Ordinance, or as required by the Planning Commission.
2. **Decommissioning Plan.** A decommissioning plan is required at the time of application. The decommissioning plan shall include:
- a. The anticipated manner in which the project will be decommissioned, including a description of which above-grade and below-grade improvements will be removed, retained (e.g. access drive, fencing), or restored for viable reuse of the property consistent with the zoning district. Removal shall include removing equipment, foundations, and other items so that the ground is restored to its preconstruction state and is ready for development as another land use.
 - b. The projected decommissioning costs for removal of the Battery Energy Storage Systems and soil stabilization.
 - c. The method of ensuring that funds will be available for site decommissioning and stabilization (performance guarantee pursuant to [Section 9.8](#)).
3. **Performance Guarantee.** The Township shall require a performance guarantee (pursuant to [Section 9.8](#)) at the time of approval equal to 1.25 times the estimated decommissioning cost. A review of the amount of the performance guarantee based on inflation, salvage value, and current removal costs shall be completed every five (5) years, for the life of the project, and approved by the Township Board. A Battery Energy Storage System owner may at any time:
- a. Proceed with the decommissioning plan approved by the Planning Commission and remove the system as indicated in the most recent approved plan; or

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- b. Amend the decommissioning plan with Planning Commission approval and proceed according to the revised plan.
4. **Additional Studies.** Additional studies may be required by the Planning Commission if reasonably related to the standards of this Ordinance as applied to the application site, including but not limited to:
- a. **Visual Impact Assessment:** A technical analysis by a third party qualified professional of the visual impacts of the proposed project, including a description of the project, the existing visual landscape, and important scenic resources, plus visual simulations that show what the project will look like (including proposed landscape and other screening measures) a description of potential project impacts, and mitigation measures that would help to reduce the visual impacts created by the project and documented on the site plan.
 - b. **Environmental Analysis:** An analysis by a third-party qualified professional to identify and assess any potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, wildlife, endangered and threatened species, historical and cultural sites, and antiquities. If required, the analysis shall identify all appropriate measures to minimize, eliminate or mitigate adverse impacts identified and show those measures on the site plan, where applicable.
 - c. **Groundwater Study:** An analysis by a third-party qualified professional that takes into account the planned groundwater use of the Battery Energy Storage System and the impacts on local water resources.

Section 7.32 Manufactured Housing Developments

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

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Section 7.33 Site Condominiums

A. Intent.

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

B. General Requirements.

1. **Compliance with Federal, State, and Local Laws.** All site condominium projects, including manufactured home condominium developments, shall comply with all applicable federal, state, and local laws and ordinances.
2. **Zoning Requirements.** All site condominium projects shall be located within the zoning district that permits the proposed use and shall comply with all zoning requirements of this Ordinance.
 - a. For the purposes of these regulations, each condominium unit in a site condominium shall be considered as a single zoning lot and shall comply with all regulations of the zoning district in which it is located.
 - b. In a site condominium containing single-family detached dwelling units, not more than one (1) dwelling unit shall be located on a single site condominium unit nor shall a dwelling unit be located on a site condominium unit with any other principal structure or use.
 - c. Setbacks shall be measured from the boundaries of the site condominium unit.

C. Site Plan Review.

Prior to recording a plat or master deed, site condominiums shall undergo site plan review and approval by the Planning Commission in accordance with **Article 5** of this Ordinance. Approval under this Ordinance shall be required as a condition to the right to construct, expand, or convert a site condominium project in the Township.

1. Application.

- a. An application for site plan approval shall be filed for review as per the requirements of **Section 5.4** of this Ordinance. All procedures and standards of **Section 5.3** shall apply to site condominium projects.
- b. All condominium site plans shall include the information required in Section 66 of the **Condominium Act**.

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

2. Deed Restrictions, Master Deed, By-Laws.

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

3. Performance Guarantees. As a condition of approval of the site plan, the Planning Commission may require performance guarantees by the developer in accordance with the provisions of **Section 9.8**, to ensure completion of improvements shown upon the site plan. Upon fulfillment of all requirements, the developer shall apply to the Township for release of any remaining performance guarantees.

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

D. Additional Filings Required.

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

- 1. Three (3) copies of the as-built site condominium plans.
- 2. Two (2) copies of the recorded deed restrictions and/or master deed and by-laws with all pertinent attachments.

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3. Certification from the developer’s engineer that improvements have been installed in conformance with the approved construction drawings and monuments.

Section 7.34 Food Trucks

- A. Food trucks regulated by this Section are intended to be stationary establishments. These regulations do not apply to mobile food trucks which distribute goods as they are driving throughout the community (i.e. mobile ice cream trucks).
- B. Zoning approval is required for food trucks. The property owner shall submit a plot plan pursuant to **Section 5.2**. The plot plan shall show the planned parking for any food trucks on a lot as well as all planned outdoor seating. If a property owner has a lot large enough to accommodate more than one (1) food truck, only one (1) zoning approval is required for all of the food trucks on the property. The number of food trucks allowed on a single lot shall be approved during the approval process. Any increase in the number of food trucks approved shall be considered an amendment and shall require a new approval process.
 - a. **Permitted Use.** The Planning Commission is responsible for issuing zoning permits for temporary food trucks (temporary food trucks are those that remain at a particular location for a maximum of one (1) week).
 - b. **Special Land Use** Food trucks that are proposed to remain on a lot for more than one (1) week require review by the Planning Commission through the Special Land Use process. The property owner shall submit a plot plan pursuant to **Section 5.2**.
- C. Food trucks may be placed as stand-alone units on a property without a principal building or may be placed on a lot in conjunction with a principal building.
- D. Grease and liquid waste may not be disposed of in storm drains, sanitary sewer systems, or public streets.
- E. Vendors must provide at least (1) on-site waste receptacle and shall be responsible for all clean up of waste and refuse on-site.
- F. All areas within one hundred (100) feet of the food truck shall be kept clean and free of debris.
- G. Food trucks on township-owned property are not subject to this Section.

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Section 7.35 Biofuel Production Facilities on Farms

- A. In conformance to the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended, the following regulations shall apply to biofuel production facilities:
1. A biofuel production facility with an annual production capacity of not more than one hundred thousand (100,000) gallons of biofuel is a permitted use of property and is not subject to Special Land Use approval if all of the following requirements are met:
 - a. The biofuel production facility is located on a farm.
 - b. The biofuel production facility is located not less than one hundred (100') feet from the boundary of any contiguous property under different ownership than the property on which the biofuel production facility is located and meets all applicable setback requirements of the Zoning Ordinance.
 - c. On an annual basis, not less than seventy-five (75) percent of the feedstock for the biofuel production facility is produced on the farm where the biofuel production facility is located, and not less than seventy-five (75) percent of the biofuel or another product or by-product produced by the biofuel production facility is used on that farm.
 2. Each of the following requires Special Land Use approval under [subsections A.3 to A.5](#):
 - a. A biofuel production facility with an annual production capacity of not more than one hundred thousand (100,000) gallons of biofuel that meets the requirements of [subsection A.1.a and A.1.b](#) but that does not meet the requirements of [subsection A.1.c](#).
 - b. A biofuel production facility with an annual production capacity of more than one hundred thousand (100,000) gallons but not more than five hundred thousand (500,000) gallons of biofuel that meets the requirements of [subsection A.1.a and A.1.b](#).
 3. An application for Special Land Use approval for a biofuel production facility described in [subsection 2](#) shall include all of the following:
 - a. A site plan including a map of the property and existing and proposed buildings and other facilities.
 - b. A description of the process to be used to produce biofuel.
 - c. The number of gallons of biofuel anticipated to be produced annually.
 - d. An emergency access and fire protection plan that has been reviewed and approved by the appropriate responding police and fire departments.

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- e. For an ethanol production facility that will produce more than ten thousand (10,000) proof gallons annually, completed **United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau**, forms 5000.29 (environmental information) and 5000.30 (supplemental information on water quality considerations under 33 USC 1341(a)), or successor forms, required to implement regulations under the **National Environmental Policy Act of 1969**, 42 USC 4321 to 4347, and the **Federal Water Pollution Control Act**, 33 USC 1251 to 1387.
 - f. Information that demonstrates that the biofuel production facility will comply with the requirements of **subsections A.2** and **A.5**.
 - g. Any additional information requested by the Planning Commission or Zoning Administrator.
4. The Township shall hold a hearing on an application for Special Land Use approval under **subsection A.2** not more than sixty (60) days after the application is filed.
5. Special Land Use approval of a biofuel production facility described in **subsection A.2** shall be made expressly conditional on the facility's meeting all of the following requirements before the facility begins operation and no additional requirements:
- a. Buildings, facilities, and equipment used in the production or storage of biofuel comply with local, state, and federal laws.
 - b. The owner or operator of the biofuel production facility provides the Township with proof that all necessary approvals have been obtained from the state and federal agencies that are involved in permitting any of the following aspects of biofuel production:
 - (1) Air pollution emissions.
 - (2) Transportation of biofuel or additional products resulting from biofuel production.
 - (3) Use or reuse of additional products resulting from biofuel production.
 - (4) Storage of raw materials, fuel, or additional products used in, or resulting from, biofuel production.
 - (5) The biofuel production facility includes sufficient storage for both of the following:
 - (a) Raw materials and fuel.
 - (b) Additional products resulting from biofuel production or the capacity to dispose of additional products through land application, livestock consumption, sale, or other legal use.

B. This Section does not authorize biofuel production facilities that are not located on farms.

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Section 7.36 Commercial Event Facilities

- A. Restaurants with banquet facilities where commercial event facilities are accessory to the restaurant shall not be subject to this Section.
- B. **Parking.** No vehicles associated with the event shall be permitted to be parked on public roadways. All vehicle parking shall be maintained "on site." "On site" is defined as at least one hundred (100) feet from the property boundaries of the zoning lot on which the event is permitted. Adequate parking shall be provided for the guests of the event and those employed in support of the event. At a minimum, at least one (1) parking space for every four (4) persons attending the event shall be provided for on-site parking. The Planning Commission is authorized to take into account, to the extent it deems practicable, the joint use of parking spaces that may exist for a golf course, public restaurant, or other operations on the property during the time of events. The Planning Commission may approve the use of off-site parking as an alternative with transportation provided to the site by attendees through a commercial transportation service.
- C. **Setbacks.** The general event area (the actual location(s) in which the gathering is to occur) shall be located three hundred (300) feet from adjacent owners' lot lines. All activities associated with the use are to be included within the general event area, the only exception being the parking as allowed by [subsection B](#) above.
- D. **Hours of Operation.** Year-round operations may be authorized. Events shall commence no earlier than 11 AM and shall terminate no later than 11 PM. However, the Planning Commission shall have the power to modify the commencement and termination times for a particular site based upon the specifics of the application. For purposes of this Section, "termination" shall mean the termination of food, drinks, service and entertainment, with the understanding that attendees and servers will need a reasonable amount of time after termination to exit the premises.
- E. **Amplified Sound.** Outdoor speakers, outdoor public address systems, or similar sound devices shall not be operated without the written consent of the Planning Commission as part of site plan review. The Planning Commission shall determine that no public nuisance will be established. Sources of amplified sound, including but not limited to recorded music, live musical performances, and spoken word, shall commence no earlier than 12 PM, and shall be terminated by 11 PM. Enclosed buildings, tents, pavilions, and other open/non-enclosed structures shall be considered an acceptable location for the source of amplified sound as referenced in this Section. Strict consideration shall be afforded to the maintenance of ambient outdoor noise levels at the property boundaries. Sources of amplified sound (such as speakers) shall be located no less than one thousand (1,000) feet from the property boundary.
- F. **Overnight Accommodations.** No overnight accommodations shall be provided in temporary structures such as tents or recreational vehicles unless such overnight accommodations are included in the applications and approved through site plan review. Any Commercial Event Facility which provides

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overnight accommodations must comply with all applicable codes and laws related to the provision of said accommodations.

- G. **Capacity.** The number of persons allowed at each proposed Commercial Event Facility shall be compatible with the proposed facilities and infrastructure for each site.
- H. **Sanitary Facilities.** Adequate permanent and/or temporary sanitary restroom facilities shall be provided on site, and the type and location of such facilities shall be subject to the approval of the Planning Commission and the **Health Department**.
- I. **Number of Events.** The Planning Commission may limit the number of events allowed per year.
- J. **Ingress/Egress.** The site of the Commercial Event Facility shall have at least two (2) means of egress, at least one (1) of which is adequate for emergency vehicles, as determined by the Planning Commission in consultation with emergency responders and the County Road Commission, based on its width, length, surface and ability to support the gross vehicle axle weight of emergency vehicles.
- K. **Buffers.** The Planning Commission may require appropriate buffers between the Commercial Event Facility and adjoining properties given the size of lot, the natural topography, and vegetative cover.
- L. **Outdoor Seating.** Seating for events may occur outdoors, under a fabric structure temporarily constructed on the property, or in an event barn or other structure.
- M. **Submittal Requirements.**
 - 1. In addition to the requirements in **Section 5.4**, the site plan must show the area of event, parking, temporary structures, and sanitary restroom facilities.
 - 2. **Event Management Plan.** An event management plan shall be prepared and submitted to the Planning Commission for review and approval. The plan shall include provisions for traffic and parking management, hours of operation, noise abatement, sanitary restroom facilities, and maximum number of guests. The plan shall also include a list of contacts for emergency situations.
 - a. Hours of operation must include setup and takedown times.
 - b. The event plan must provide expected maximum number of persons intended to use the property at one time and collectively, including organizers, employees, vendors, exhibitors, and spectators/participants.
 - c. The event plan must provide the expected number of automobiles and other vehicles intended to use the property at one time and collectively.
 - d. The event plan must provide certification that the property where the event is to take place is not subject to any covenant or restriction limiting its use, or if the use is restricted by easement

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or otherwise, a copy of a survey or diagram depicting the easement area and any reserved area where development rights are intact.

If a change to the approved event management plan is requested by the applicant at any time after the approval of the Special Land Use permit, a new Special Land Use permit process shall be required.

- N. The Planning Commission may grant a deviation from any of the **subsections A through L** above upon the following findings:
 1. Granting the deviation will not cause a substantially adverse effect on neighboring properties and will not produce nuisance conditions for occupants of nearby properties.
 2. Granting the deviation will not otherwise impair the public health, safety, and general welfare of the residents.
 3. Granting the deviation will uphold the spirit and intent of this Ordinance.

A request for deviation shall be considered as part of the Special Land Use permit process. The need/reason for the deviation shall be provided, in writing, by the applicant. If a deviation is requested at a later date, a new Special Land Use permit process shall be required.

Section 7.37 Short Term Rental Facilities

A. **Standards.**

1. **Zoning Permit.** A separate zoning permit is required for each Short Term Rental property regardless of whether or not the properties are under the same ownership.
2. **Exterior.** All exterior premises shall be kept free from any accumulation of junk or garbage.
3. **Trash.** Provisions for trash disposal shall be provided. Trash shall be contained in properly sealed receptacles. There shall be no overflow that will be attractive to vermin.
4. **Nuisance.** Activities on a Short Term Rental property shall not constitute a nuisance to neighboring properties by reason of noise, dust, odor, fumes, glare, lighting, vibrations, or trespass.
5. **Traffic.** Vehicular traffic generated by the Short Term Rental shall not exceed that which would normally be expected in a residential neighborhood.
6. **Parking.** All parking associated with a Short Term Rental shall be out of the roadway and entirely on-site in the garage, driveway, or other improved area.

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7. **Noise.** Noise shall be subject to the [Section 3.26 \(Performance Standards\)](#).
8. **Fireworks.** Fireworks shall not be allowed later than 11 pm except as superseded by Section 7 of [2011 PA 256](#), as amended (Michigan Fireworks Safety Act).
9. **Street Address Posted within Dwelling Unit.** The street address of the property shall be posted in at least two (2) prominent locations within the dwelling unit in order to assist occupants in directing emergency service personnel in the event of an emergency. The address should be posted near the kitchen and near any telephone or pool.

B. Local Agent.

1. Each owner of a Short Term Rental must designate a local agent who has access and authority to assume management of the unit and take remedial measures.
2. The local agent must be available twenty-four (24) hours a day during the rental period and shall reside within forty-five (45) minutes travel time of the property (or portion thereof) used for a Short Term Rental.
3. The Township will provide the phone number of the local agent to all neighbors within a three hundred (300) foot radius of the subject property boundaries.
4. An owner meeting the requirements of [subsections \(1\) through \(3\)](#) above may designate themselves as the local agent.
5. The permit holder shall notify the Township of any changes in ownership or in the local agent.

C. Owner Responsibility.

The owner or local agent shall require the standards in this Section be met by renters as part of all rental agreements. The owner or local agent shall use best efforts to assure that the occupants or guests of the Short Term Rental do not violate this Ordinance by notifying the occupants of the rules regarding Short Term Rentals and taking appropriate action to abate the violation when notified that occupants are violating laws regarding their occupancy. It is not intended that the owner or local agent act as a peace officer or place himself or herself in harm's way.

D. Zoning Permits.

1. Short term rentals require a zoning permit.
2. The following application elements are required prior to receipt of a Short Term Rental zoning permit or permit renewal:

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- a. A fully completed and signed Zoning Permit Application form provided by the Township including all the required supplemental documents.
 - b. Owner contact information.
 - c. Contact information for a local agent available by phone twenty-four (24) hours a day, seven (7) days a week whenever the unit is utilized as a Short Term Rental.
 - d. **More Than One (1) Owner or Ownership by Entity.** Where more than one (1) person has an ownership interest, the required information shall be provided for each owner. In those cases in which the owner is not a person, the information required shall be provided for the organization owning the Short Term Rental dwelling and for the president, general manager, or other chief executive officer of the organization.
3. A Short Term Rental zoning permit shall be issued by calendar year. All permits shall expire at the end of the calendar year and must be renewed each year. If the current owner has not violated the Ordinance, renewal for next year is guaranteed if reapplication is applied for.

E. Violations.

Failure to adhere to the standards in this Section shall be a violation of this Ordinance per [Section 9.12](#).

Section 7.38 Marihuana Primary Caregiver Facilities

A. Intent and Purpose.

The purpose of this Section is to implement land use regulations to address the medical use of marijuana as authorized by the enactment of the [Michigan Medical Marijuana Act](#) (hereinafter referred to as the "MMMA"), Initiated Law 1 of 2008, MCL 333.26423, et seq, and its administrative rules, R 333.101, et seq.

B. Regulations for Primary Caregivers.

The medical use of marijuana by a primary caregiver in a primary caregiver facility is hereby authorized as a use by right in any zoning district with no zoning permit required, provided that all of the following regulations are met:

- 1. The primary caregiver must be issued and at all times must maintain a valid registry identification card by the [Michigan Department of Licensing and Regulatory Affairs](#) or any successor agency under the provisions of the MMMA.
- 2. Except when being transported, all marijuana plants or products must be contained within the primary caregiver facility in an enclosed, locked facility that segregates the marijuana plants and

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products for medical use for each qualifying patient and that permits access only by the primary caregiver.

3. If a room with windows within the primary caregiver facility is utilized to grow marijuana for medical use, any artificial lighting shall be shielded, to prevent glare, must not be visible from neighboring properties, and must not be visible from abutting streets or public ways.
4. Except as provided herein, no more than one (1) primary caregiver shall be permitted to provide primary caregiver services within a single primary caregiver facility. Provided, however, a husband and wife or not more than two (2) unrelated individuals whose relationship is of a permanent and distinct domestic character and who live as a single, nonprofit housekeeping unit with single culinary facilities may both be primary caregivers within the same primary caregiver facility.
5. Except for any qualifying patients who reside with the primary caregiver at the primary caregiver facility, no more than five (5) qualifying patients may be present at the same time at a primary caregiver facility for any purpose directly related to primary caregiver services. This subsection, however, shall not be construed to prohibit the presence of qualifying patients at a primary caregiver facility for purposes unrelated to primary caregiver services.
6. Qualifying patient visits to a primary caregiver facility shall be restricted to between the hours of 8:00 a.m. and 8:00 p.m., except when (1) the qualifying patient resides with the primary caregiver at the primary caregiver facility, or (2) the qualifying patient visits are for purposes unrelated to primary caregiver services.
7. No qualifying patients under the age of eighteen (18) shall be permitted at any time at a primary caregiver facility, except when (1) in the presence of his/her parent or guardian, (2) the qualifying patient resides with the primary caregiver at the primary caregiver facility, or (3) the qualifying patient visits are for purposes unrelated to primary caregiver services.
8. No marijuana for medical use shall be dispensed by the primary caregiver to qualifying patients at the primary caregiver facility, except to a qualifying patient who resides with the primary caregiver at the primary caregiver facility. Except as provided herein, the primary caregiver shall deliver all marijuana for the medical use of such qualifying patient, and such delivery shall take place on private property away from public view. Any such delivery vehicle shall be unmarked and not bear any emblem or sign that would indicate the nature of its cargo. In addition, all marijuana for medical use delivered to a qualifying patient shall be packaged so the public cannot see or smell the marijuana.
9. No marijuana for medical use shall be consumed, smoked, or ingested by a qualifying patient by any method at a primary caregiver facility, except by a qualifying patient who resides with the primary caregiver at the primary caregiver facility.
10. A primary caregiver shall display at the primary caregiver facility indoors and in a manner legible and visible to his/her qualifying patients:

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- a. A notice that qualifying patients under the age of eighteen (18) are not allowed at the primary caregiver facility, except when (a) in the presence of his/her parent or guardian, (b) the qualifying patient resides with the primary caregiver at the primary caregiver facility, or (c) the qualifying patient visits are for purposes unrelated to primary caregiver services, and
 - b. A notice that no dispensing or consumption of marijuana for medical use shall occur at the primary caregiver facility, except to or by a qualifying patient who resides with the primary caregiver at the primary caregiver facility.
11. A primary caregiver facility shall not have any signage visible from the outdoors that would indicate the nature of the primary caregiver services being conducted in the primary caregiver facility.
12. A primary caregiver facility shall not be located within two thousand (2,000) feet of the lot on which another primary caregiver facility is located and shall not be located within two thousand (2,000) feet of a lot on which any of the following uses are located:
- a. Any religious institution, church, or place of worship and its accessory structures.
 - b. Any public or private school, having a curriculum including kindergarten through 12th grade and its accessory structures.
 - c. Any preschool, child care, or day care facility and its accessory structures.
 - d. Any public facility, such as libraries, museums, parks, playgrounds, public beaches, community centers, and other public places where children may congregate.
13. The portion of the primary caregiver facility, including any room or area utilized to grow marijuana for medical use, shall contain electrical service and wiring, certified by an electrician licensed in the State of Michigan, meeting the applicable requirements of the electrical code in effect in the Township.

C. Relationship to Federal Law.

Nothing within this Section is intended to grant, nor shall it be construed as granting, immunity from federal law.

D. Prohibited Uses.

Marijuana Facilities as designed by [2016 PA 281, Medical Marijuana Facilities Licensing Act](#), MCL 333.27101 et seq. and marijuana establishments as defined by [Initiated Law 1 of 2018, Medical Regulation and Taxation of Marijuana Act](#), MCL 333.27951 et seq. are prohibited.

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Zoning Board of Appeals

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Section 8.1 Creation & Membership

A. Authority.

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

B. Membership.

1. Members.

- a. The first member of the Zoning Board of Appeals shall be a member of the Township Planning Commission.
- b. One (1) member may be a member of the Township Board.
- c. The members selected shall be representative of the population distribution and of the various interests present in the Township.
- d. An elected officer of the Township shall not serve as Chairperson on the Board of Appeals.
- e. An employee or contractor of the Township Board may not serve as a member or an employee of the Township Board of Appeals.

2. **Terms.** Terms shall be for three (3) years, except for members serving because of their membership on the Planning Commission or Township Board, whose terms shall be limited to the time they are members of the Planning Commission or Township Board, respectively, and the period

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stated in the resolution appointing them. When members are first appointed, the appointments may be for less than three (3) years to provide for staggered terms. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.

- 3. **Alternates.** The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called to sit as a regular member of the Zoning Board of Appeals in the absence of a regular member if a regular member is absent from or unable to attend one (1) or more meetings of the Zoning Board of Appeals. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.

C. Officers.

The Board shall annually elect a chairperson, a vice chairperson, and a secretary at its first annual meeting following the annual filling of expired terms. An elected officer of the Township shall not serve as chairperson.

D. ZBA Member who is also Planning Commission Member.

A member of the Zoning Board of Appeals who is also a voting member of the Planning Commission shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission. However, the member may consider and vote on other unrelated matters involving the same property.

E. Removal of Member.

A member of the Zoning Board of Appeals may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

F. Expenses.

The total amount allowed any member of said Zoning Board of Appeals in any one (1) year as per diem or as expenses actually incurred in the discharge of his duty shall not exceed a reasonable sum, which sum shall be determined annually in advance by the Township Board.

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Section 8.2 Meetings

A. Meeting Scheduling and Notice.

1. Meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson, in response to the receipt of a Notice of Appeal, and at such other times as such Board may determine or specify in its rules or procedure.
2. **Public Hearing Required.** Public notice of the date, time, and place of a public meeting of the Board shall be given in the manner prescribed in [Section 9.10](#).

B. Open Meetings and Rules of Procedure.

1. All hearings conducted by said Board shall be open to the public in compliance with the [Open Meetings Act, 1976 PA 267](#), as amended.
2. **Rules of Procedure.** The Zoning Board of Appeals may adopt rules of procedure for the conduct of its meetings and the implementation of its duties.

C. Quorum and Majority Vote.

1. A majority of the total membership of the Board shall comprise a quorum. The Zoning Board of Appeals shall not conduct business unless a majority of those Zoning Board of Appeals members qualified to sit for a particular matter are present to constitute a quorum, regardless of whether the members are regular members or alternate members.
2. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator or Planning Commission or to decide in favor of an applicant any matter upon which they are required to pass under this Ordinance or to effect any variation of this Ordinance.

D. Oaths and Witnesses.

The Board shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony, and the production of books, papers, files, and other evidence pertinent to the matters before it to ensure a fair and proper hearing.

E. Records.

The Zoning Board of Appeals shall keep a record of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating said fact. Such records shall contain the grounds for every determination made by the Board and the final ruling on each case. Such records shall be filed in the office of the Township Clerk, which shall constitute a public record.

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Section 8.3 Jurisdiction

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

A. Administrative Review.

The Board of Zoning Appeals shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision, or refusal made by the Zoning Administrator or by any other official or body charged with administering or enforcing the provisions of this Ordinance.

B. Interpretation of the Ordinance.

The Board of Appeals shall hear and decide upon request to:

1. Interpret the provisions of this Ordinance when it is alleged that certain provisions are not clear or that they could have more than one (1) meaning. In deciding upon such a request, the Zoning Board of Appeals shall ensure that its interpretation is consistent with the intent and purpose of the Ordinance and the article in which the language in question is contained.
2. Determine the precise location of the boundary lines between zoning districts when there is dissatisfaction with a decision made by the Zoning Administrator or where the zoning map is not clear.

C. Dimensional Variance.

The Zoning Board of Appeals shall have the power to authorize specific variance from site development requirements such as lot area and width regulations, building height and bulk regulations, yard width and depth regulations, off-street parking and loading space requirements, of this Ordinance, upon the finding of a practical difficulty.

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D. Powers Not Granted.

1. **Special Land Uses.** The Zoning Board of Appeals has no jurisdiction to hear appeals from Planning Commission decisions concerning Special Land Uses or Planned Unit Developments.
2. **Amendments.** Nothing herein contained shall be construed to give or grant to the Zoning Board of Appeals the power or authority to alter or change this Ordinance or the Zoning Map, such power and authority being reserved to the Wilson Township Board in the manner provided by law.
3. **Use Variances.** No variance shall be granted to permit the establishment within a district of any use which is not included as a Permitted Use or for which a Special Land Use permit is required.

Section 8.4 Appeals Procedure**A. Notice of Appeal.**

1. Appeals to the Zoning Board of Appeals may be made by any person aggrieved, or by an officer or department of the Township, by filing a written Notice of Appeal with the Zoning Administrator.
2. **Documents Required.** The applicant shall submit four (4) copies of surveys, plans and data or other information which is requested by the Zoning Administrator or Chairman of the Zoning Board of Appeals and which is reasonably necessary.
3. **Timeframe.**
 1. Any appeal from the ruling of the Zoning Administrator shall be filed within ten (10) days after the date of the Zoning Administrator's decision.
 2. Any appeal from the ruling of the Planning Commission shall be filed within thirty (30) days after the date of the Planning Commission's decision.
 3. An application for appeal shall be submitted at least thirty (30) days prior to the date of the hearing. An electronic copy of surveys, plans, and data may be required.
4. **Fee.** A fee as established by the Township Board shall be paid at the time the petitioner files an application with the Board. The purpose of such fee is to cover the necessary advertisements, investigations, hearing records, and other expenses incurred by the Board in connection with the appeal. No fee shall be charged if the Township or any official body of the Township is the moving party.
5. **Transmittal of Records.** Upon receipt of a Notice of Appeal, the Zoning Administrator shall promptly transmit the records concerning the appealed action to the chairperson of the ZBA.

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B. Review Procedures.

1. **Stay.** An appeal to the Zoning Board of Appeals stays all proceedings in furtherance of the action appealed. However, if the body or officer from whom the appeal is taken certifies to the Zoning Board of Appeals after the notice of appeal is filed that, by reason of facts stated in the certificate, a stay would in the opinion of the body or officer cause imminent peril to life or property, proceedings may be stayed only by a restraining order issued by the Zoning Board of Appeals or a circuit court.
2. **Hearing and Public Notice.** Upon receipt of a Notice of Appeal, the chairperson of the Zoning Board of Appeals shall fix a reasonable time and date for a Public Hearing, not to exceed thirty (30) days from the date of filing of the Notice of Appeal. Upon determination of the date and time of the Public Hearing, the Township shall give public notice pursuant to [Section 9.10](#).
3. **Appearance.** Upon the hearing, any party may appear in person or by agent or attorney. The Board may recess such hearing from time to time, and, if the time and place of the continued hearing are announced at the time of adjournment, no further notice shall be required.
4. **Decision.**
 - a. The Zoning Board of Appeals shall render its decision within thirty (30) days of filing of Notice of Appeal unless an extension of time is necessary, for good cause, to review new information pertinent to making the decision and is agreed upon by the appellant and a majority of members of the Zoning Board of Appeals present.
 - b. The concurring vote of a majority of the members of the Zoning Board of Appeals is necessary to reverse an order, requirement, decision, or determination of the administrative official or body, to decide in favor of the applicant on a matter upon which the Zoning Board of Appeals is required to pass under the zoning ordinance, or to grant a dimensional variance in the zoning ordinance.
 - c. A member of the Zoning Board of Appeals who is also a member of the Planning Commission shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission. However, the member may consider and vote on other unrelated matters involving the same property.
 - d. **Findings of Fact.** In granting or denying a variance, the Board shall state in a written statement of findings of fact the grounds upon which it justifies the granting of a variance.
5. **Conditions.** In granting the variance, the Zoning Board of Appeals may prescribe, in writing, appropriate conditions and safeguards in conformity with this Ordinance pursuant to [Section 9.6](#). Violations of such conditions and safeguards, when made part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and shall automatically invalidate the permit.

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C. Expiration.

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

1. The construction authorized by such variance or permit has commenced within six (6) months of granting of the variance.
2. The occupancy of land, premises, or building has taken place within two (2) years after the granting of the variance provided, however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a Zoning Permit for said erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

D. Resubmittal.

No application for the variance which has been denied, wholly or in part, by the Zoning Board of Appeals shall be resubmitted for a period of one (1) year from the date of the last denial, except on the grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Zoning Board of Appeals to be valid.

Section 8.5 Variance Standards

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

- A. The need for the requested variance is due to unique circumstances or physical conditions of the property involved that do not apply generally to other properties in the surrounding area, such as narrowness, shallowness, shape, water, or topography and is not due to the applicant’s personal or economic hardship.
- B. Strict compliance with the regulations governing area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity unnecessarily burdensome.
- C. Whether granting the requested variance would do substantial justice to the applicant as well as to other property owners in the district, or whether granting a lesser variance than requested would give substantial relief to the property owner and be more consistent with justice to other property owners.
- D. The need for the requested variance is not the result of action of the property owner or previous property owners (self-created).

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- E. That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

Section 8.6 Appeal to Circuit Court

Any party aggrieved by a decision of the Zoning Board of Appeals may appeal to the circuit court for Alpena County.

An appeal from a decision of a Zoning Board of Appeals shall be filed within thirty (30) days after the Zoning Board of Appeals issues its decision in writing signed by the chairperson, if there is a chairperson, or signed by the members of the Zoning Board of Appeals, if there is no chairperson, or within twenty-one (21) days after the Zoning Board of Appeals approves the minutes of its decision. The court may affirm, reverse, or modify the decision of the Zoning Board of Appeals. The court may make other orders as justice requires.

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Section 9.1 Zoning Administrator

A. Zoning Administrator.

The provisions of this Ordinance shall be administered and enforced by a Township Zoning Administrator, appointed by the Township Board of Trustees for such term and subject to such conditions and at such rate of compensation as said Board shall determine as reasonable. The Township Board may also appoint a Deputy Zoning Administrator who, in the absence of the Zoning Administrator, shall have the same duties and powers as the Zoning Administrator.

B. Duties of the Zoning Administrator.

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

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

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2. **Deviations.** The Zoning Administrator may make modifications to minimum dimension requirements of not greater than one (1) foot for yard and/or height where no alternative plan can be suitably developed for a property.
3. **Complaints.** The Zoning Administrator shall respond in writing to all complaints regarding violations of the Zoning Ordinance within sixty (60) days. A record of the complaint and the findings of the investigation shall be maintained. The Zoning Administrator shall report on the status of current complaints at the Planning Commission meetings.
4. **Review Applications for Planning Commission Submittal.** The Zoning Administrator shall receive and review for completeness all applications for plot plan/site plan review and Special Land Uses which the Planning Commission is required to decide under this Ordinance and refer such applications to the Planning Commission for determination.
5. **Review Applications for Zoning Board of Appeals Submittal.** The Zoning Administrator shall receive and review for completeness all applications for appeals, variances, or other matters which the Zoning Board of Appeals is required to decide under this Ordinance and refer such applications to the Zoning Board of Appeals for determination.
6. **Review Applications for Ordinance Amendment.** The Zoning Administrator shall receive and review for completeness all applications for amendments to this Ordinance and refer such applications to the Planning Commission and Township Board for determination.
7. **Records.** The Zoning Administrator shall maintain permanent and correct records of the Ordinance including, but not limited to, zoning permits issued, maps, amendments, Special Land Use permits, variances, and appeals.
8. **Powers Not Granted.** The Zoning Administrator shall under no circumstances be permitted to make changes to this Ordinance or to vary the terms of this Ordinance in carrying out his duties as Zoning Administrator.

Section 9.2 Planning Commission

A. Planning Commission.

The Planning Commission shall be appointed by the Township Board as provided by under the [Michigan Planning Enabling Act, 2008 PA 33](#), MCL125.3815, et. seq. and shall have such duties and responsibilities as are herein set forth. The Planning Commission shall establish rules and procedures for the discharge of its duties and the conduct of its hearings. The Planning Commission is authorized by the provisions of the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended, to perform the duties as specified in the Act.

B. Powers of the Planning Commission.

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1. **Zoning Ordinance.** The Planning Commission shall develop a Zoning Ordinance.
2. **Site Plan Approval.** The Planning Commission shall review plot plans and site plans as specified in [Table 5.1](#) and issue its approval, conditional approval, or denial.
3. **Special Land Use Permits.** The Planning Commission shall conduct a public hearing on any application for a Special Land Use permit. Following a public hearing, the Planning Commission shall review and approve with or without conditions or deny said application.
4. **Review of Rezoning or Text Amendment.** The Planning Commission shall conduct public hearings for proposals to rezone property or amend the text of this Ordinance. 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.
5. In cases where the Planning Commission is empowered to approve certain use of premises under the provisions of this Ordinance, the applicant shall furnish such surveys, plans, or other information as may be reasonably required by said Commission for the proper consideration of the matter.
6. The Planning Commission shall investigate the circumstances of each such case and shall notify such parties who may, in its opinion, be affected thereby of the time and place of any hearing which may be held relative thereto as required under its rules of procedure.
7. **Powers Not Granted.** The Planning Commission shall not have the power to change the zoning classification of any property, nor to grant variances from any terms or requirements of this Ordinance except as specifically granted in this Ordinance.

Section 9.3 Township Board

A. Zoning Ordinance Adoption.

The Township Board adopts the Zoning Ordinance after review by the Planning Commission.

B. Rezoning or Text Amendment.

The Township Board may amend the text of this Ordinance or the boundaries of Zoning Districts (rezoning).

C. Fees.

The Township Board shall, by resolution, set fees to be charged for any administrative action under this Ordinance. The Township Board may also act to waive any fee.

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Section 9.4 Interpretation/Conflicting Regulations

A. Interpretation.

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

B. Conflicting Regulations and Rules.

1. **When this Ordinance is More Restrictive than Another.** Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions, or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern except where legally superseded by such other law or ordinance.
2. **When Another Ordinance is More Restrictive.** Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such law or ordinance shall govern.
3. **Conflicting Regulations within this Ordinance.** Where any provision of this Ordinance differs from any other provision of this Ordinance, the more restrictive requirement shall prevail.

C. Conflicting Graphics, Tables, and Text.

The graphics, tables, and text used throughout this Ordinance are regulatory. In case of a conflict, text shall control over tables or graphics; tables shall control over graphics.

Section 9.5 Zoning Permit Process

A. Zoning Permits.

The following shall apply in the issuance of any permit:

1. **Permits for New Use of Land.** No vacant land shall be used or an existing use of land be changed to a use of a different class or type unless a Zoning Permit is first obtained for the new or different use.
2. **Permits for New Use of Buildings.** No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a Zoning Permit is first obtained for the new or different use. New buildings or structures shall be finished on the outside within twelve (12) months from the date of beginning construction. Time extensions may be granted upon showing diligent progress, as determined by the Zoning Administrator.

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3. **New Buildings or Alterations to Buildings.** No building or usable exterior parts thereof shall be erected, moved, expanded, or diminished in floor area unless a Zoning Permit is issued for such work.
4. **Buildings in Existence.** No Zoning Permit shall be required for any lawful use of any building or structure in existence as of the adoption date of this Ordinance unless one of the above 1-3 applies.
5. **Exemptions.** Exempted from the permit requirements are exterior alterations and ordinary maintenance repairs that do not require a building, mechanical, electrical, or plumbing permit.

B. Permit Validity.

1. **Approvals Issued by Zoning Administrator.** The Zoning Permit will expire after twelve (12) months from the date of issuance in the event that no construction/activity has occurred. The Zoning Administrator or Planning Commission may grant an extension of up to twelve (12) additional months.
2. **Approvals Issued by Planning Commission.** Any approval given by the Planning Commission, under which premises are not used or work is not started within twelve (12) months or when such use or work has been abandoned for a period of twelve (12) months, shall lapse and cease to be in effect. The Planning Commission may grant an extension period of up to twelve (12) additional months.

C. Zoning Permit Applications Process.

1. **Application Submittal.** The application shall be signed by the owner of the premises or his agent and shall certify that all provisions of this Ordinance and other applicable laws and requirements are to be complied with. Any application requiring approval from the Planning Commission must be submitted not less than thirty (30) days prior to a scheduled meeting for consideration at that Planning Commission meeting. The application shall be accompanied by:
 - a. **Plan.** A site plan or plot plan in duplicate, in a scale sufficient to clearly detail and which contains all of the information required in **Section 5.2** for plot plans or **Section 5.4** for site plans.
 - b. **Survey.** Properties smaller than two (2) acres in size may be required to submit a legal survey, sealed by a professional surveyor (not a mortgage survey). The Zoning Administrator shall have the authority to require such a survey in the cases where there may be encroachment on the setbacks by the proposed structures or when the exact locations of lot lines are not known.
 - c. **Copies of Other Permits.** Copies of permits or waivers of permits by other agencies as may be required by statute and/or by the Zoning Administrator. If copies of permits or waivers of permits cannot be obtained, then the applicant shall show evidence that all permits required by other agencies have been filed for.

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- d. **Other Information.** Such other information as may be required to determine compliance with this Ordinance. The Planning Commission may require, at the expense of the applicant, a professional study including but not limited to traffic studies and environmental studies. The Planning Commission may accept studies prepared for another public agency.
2. **Application Review.** The Zoning Administrator shall review the application for completeness.
- a. **Applications Reviewed by the Zoning Administrator.** If the application shows the proposed use will conform to this Ordinance and the Zoning Administrator has authority to issue the Zoning Permit, then the Zoning Administrator shall proceed with the inspection process.
- b. **Applications Reviewed by the Planning Commission.** If the application shows the proposed use will conform to this ordinance and the Planning Commission has authority to issue the approval, then the Zoning Administrator shall forward the application materials to the Planning Commission. After the Planning Commission has reviewed and approved the application, the Zoning Administrator shall proceed with the inspection process and shall issue the Zoning Permit if the use conforms to this Ordinance.
3. **Property Staking and Inspections.**
- a. **Staking of Property.** The location of the property boundaries and all structures shall be staked on the ground for Zoning Administrator approval prior to the issuance of the Zoning Permit. The applicant shall notify the Zoning Administrator when the property has been staked and is available for inspection. The Zoning Administrator may waive the staking of the property with just cause.
- b. **Final Inspection.** The Zoning Administrator shall be given the opportunity to make a final inspection of all sites after completion, before occupancy begins, upon receiving notice from the owner, contractor, or their agent that the site is ready for final inspection. The site improvements shall comply with the statements in the approved application, approved plot plan or site plan, and conditions.
4. **Issuance of Zoning Permits.**
- a. **Zoning Administrator Approval (per Table 5.1).** If the Zoning Administrator finds the application conforms with the requirements of the Ordinance, the copies submitted shall be so marked with his/her signature, including the date. One (1) copy shall be filed at the Township and one (1) returned to the applicant.
- b. **Planning Commission Approval (per Table 5.1).** The Zoning Administrator shall issue a zoning permit for applications that have been approved by the Planning Commission through the site plan review or Special Land Use review process. Two (2) copies of the site plan shall be signed and dated by both the applicant and Planning Commission Chair. One (1) signed and dated site plan

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shall be provided to the applicant and one (1) shall be retained by the Zoning Administrator as part of the Township’s permanent zoning file.

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

5. **Conformance with Approved Plans.** Permits issued on the basis of plans and applications approved by the Zoning Administrator or Planning Commission shall apply only to those uses, arrangements, and construction authorized in the permit. All other uses and structures at variance with the authorized permit shall be deemed in violation of this Ordinance and punishable as provided in [Section 9.12](#).

D. **Failure to Obtain a Zoning Permit.**

1. Any person who fails to obtain any necessary zoning permit shall be subject to [Section 9.12](#) unless a Permit-After-the-Fact is obtained pursuant to [subsection D.2](#) below.

2. **Permit After-the-Fact.** Any building erected, relocated, or altered which requires a zoning permit from the Township which begins without first obtaining the required permit may be issued that permit (and all permits necessary for approval), but this permit (and possibly others) will be considered a permit after-the-fact. An after-the-fact permit form is the same as a standard permit form, but the fee is double the cost of the standard permit fee. This fee doubling applies to all permits and applications necessary for approval of the project. The permits and applications regulated in the Zoning Ordinance which can be filed as after-the-fact permits include but are not limited to zoning permits, site plans, variances, rezoning, and Special Land Use permits. Additional engineering may be requested by the Township and will be paid in full by the applicant. The payment of after-the-fact permit fees and approval of an after-the-fact permit does not constitute a remedy for any citation or court action involving such a project. Citations for violating this Ordinance may also be issued for any project which does not abide by this Ordinance.

Section 9.6 Conditions

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

A. Be designed to protect natural resources, the health, safety, welfare, and social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

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- B. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
- C. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards.

Section 9.7 Fees

- A. To assist in defraying the costs of investigating, reviewing, and administering zoning applications, appeals, rezoning requests from individual property owners, and other types of decisions which result in extra costs to the Township, the Township Board may from time to time adopt by resolution a fee schedule establishing basic zoning fees, such as those fees including but not limited to the following:
 - 1. Zoning permits
 - 2. Special Land Use permits
 - 3. Ordinance interpretations by the Zoning Board of Appeals including appeals of administrative decisions or request for interpretation. Appeals and requests for interpretation initiated by the Township Board, the Planning Commission, or the Zoning Administrator shall not be subject to a zoning fee.
 - 4. Requests for variances from the Zoning Board of Appeals.
 - 5. Requests for rezoning of property by individual property owners or amendments to the zoning ordinance text. Rezoning of property or text amendments initiated by the Township Board, the Planning Commission, or the Zoning Administrator shall not be subject to a zoning fee.
 - 6. Site plan reviews.
 - 7. Requests by the applicant for a special meeting of the Wilson Township Planning Commission.
 - 8. Any other discretionary decisions by the Planning Commission or Zoning Board of Appeals.
- B. No Zoning Permit shall be valid until the required fees have been paid. No separate fee shall be required for accessory buildings or structures when application thereof is made at the same time as the principal building or structure. Applications and petitions filed pursuant to the provisions of this Ordinance shall be accompanied by the filing fees.
- C. The amount of these zoning fees shall cover the costs associated with the review of the application or appeal, including but not limited to the costs associated with conducting public hearings, publishing notices in the newspaper, sending required notices to property owners, postage, photocopying, mileage, time spent by Township staff, and per diem paid to the members of the Planning Commission and/or

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Zoning Board of Appeals. The basic zoning fees shall be paid before any application required under this Ordinance is processed. The basic zoning fees are non-refundable, even when an application or appeal is withdrawn by the applicant.

- D. If the Planning Commission or Zoning Board of Appeals determines that the basic zoning fees will not cover the actual costs of the application review or appeal, or if the Planning Commission or Zoning Board of Appeals determines that review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals is necessary or advisable, then the applicant shall deposit with the Township Treasurer such additional zoning fees in an amount determined by the Planning Commission or Zoning Board of Appeals equal to the estimated additional costs. The additional zoning fees shall be held in escrow in the applicant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than ten percent (10) percent of the initial escrow deposit or less than ten percent (10) percent of the latest additional escrow deposit and review of the application or decision on the appeal is not completed, then the Planning Commission or Zoning Board of Appeals may require the applicant to deposit additional fees into escrow in an amount determined by the Planning Commission or Zoning Board of Appeals to be equal to the estimated costs to complete the review or decide the appeal. Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete thereby justifying the denial of the application. Any unexpended funds held in escrow shall be returned to the applicant following final action on the application or the final decision on the appeal. Any actual costs incurred by the Township in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the issuance of any permit or the release of a final decision.

Section 9.8 Performance Guarantee

In connection with the construction of improvements through site plan approval, Special Land Use approval, or a PUD project, the Planning Commission may require the applicant to furnish the Township with a performance guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township in an amount equal to the estimated costs associated with the construction of public and site improvements. Public improvements mean, by way of example and not limitation, roads, parking lots, and water and sewer systems which are located within the development or which the applicant has agreed to construct even though located outside the development. Site improvements mean landscaping, buffering, site restoration, and the completion of conditions imposed by the Planning Commission which are located within the development. For purposes of this section, the costs covered by the performance guarantee shall include all of the following: (1) the purchase, construction, and/or installation of the improvements, (2) architectural and engineering design and testing fees and related professional costs, and (3) an amount for contingencies consistent with generally accepted engineering and/or planning practice. The performance guarantee shall be deposited with the Township Clerk at or before the time the Township issues the permit authorizing the development, or if the development has been approved in phases, then the performance guarantee shall be deposited with the Township Clerk prior to the commencement of construction of a new phase. The performance guarantee shall ensure completion of the public and site improvements in accordance with the plans approved by the Planning Commission. Any cash deposit or certified funds shall be refunded for the development or each phase of a multi-phase

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development in the following manner:

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

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

Section 9.9 Use of Consultants

From time to time, the Township Board, Planning Commission, and/or Zoning Board of Appeals may employ planning, engineering, legal, traffic, or other special consultants to assist in the review of Special Land Use permits, site plans, rezonings, or other matters related to the planning and development of the Township.

Section 9.10 Public Notification

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

A. Published Notice.

When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published such as but not limited to public hearings for Special Land Uses, Zoning Board of Appeals meetings, and Rezoning Notices, the Township Clerk shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in Wilson Township and mailed or delivered as provided in this Section.

B. Content.

All mail, personal, and newspaper notices for public hearings shall:

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1. Describe the nature of the request: Identify whether the request is for a rezoning, text amendment, Special Land Use, planned unit development, variance, appeal, ordinance interpretation or other purpose.
2. **Location.** Indicate the property that is subject to the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number, identification of the nearest cross street, or the inclusion of a map showing the location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.
3. **Date, Time, and Location.** Indicate the date, time, and place of the public hearing(s).
4. **Written comments.** include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.

C. **Notice.**

1. **General.** Except as noted in [Section 9.10.C.2](#) and [Section 9.10.C.3](#) below, notices for all public hearing notices shall be given as follows:
 - a. Notice of the hearing shall be not less than fifteen (15) days before the date of the public hearing.
 - b. Notice of the hearing shall be published in a newspaper of general circulation.
 - c. Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered and the applicant, if different than the owner(s) of the property.
 - d. Notice shall also be sent by mail to all persons to whom real property is assessed within three hundred (300') feet of the property and to the occupants of all structures within three hundred (300') feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction.
 - (1) If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.
 - (2) Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different

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individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

2. Newspaper publication as required in **Section 9.10.C.1** above shall be the only notice required for an amendment to the Zoning Ordinance or the zoning map that affects eleven (11) or more adjacent properties.
3. For ordinance interpretations and requests that do not affect a specific property, the only notice required shall be to the applicant and by newspaper publication, as required in **Section 9.10.C.1** above.
4. **Notice Deemed Given.** Notice shall be deemed given when personally delivered or by its deposit in the United States mail, first class, property addressed, postage paid. The Planning Commission Secretary shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.
5. **Registration to Receive Notice by Mail.**
 - a. **General.** Each electric, gas, and pipeline utility company, each railroad, each telecommunication service provider, and the airport manager of each airport may register its name and address with the Township to receive written notice of all public hearings. The Township Clerk shall be responsible for providing this notification, as established by the Township Board.
 - b. **Requirements.** The requesting party must provide the Township Clerk information on an official form to ensure notification can be made. All registered persons must register annually to continue to receive notification pursuant to this Section.

Section 9.11 Rehearing Process

A. Final Decisions.

Except as provided in this Section, a decision of the Planning Commission or Zoning Board of Appeals shall be final. The Planning Commission or Zoning Board of Appeals may grant a rehearing under exceptional circumstances for any decision made by it. Exceptional circumstances shall mean any of the following:

1. The applicant who brought the matter before the Planning Commission or Zoning Board of Appeals made misrepresentations concerning a material issue, which was relied upon by the Planning Commission or Zoning Board of Appeals in reaching its decision. In this case, the applicant requesting the rehearing shall be responsible for additional costs incurred by the Township to rehear the case.

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2. There has been a material change in circumstances regarding the Planning Commission or Zoning Board of Appeals' findings of fact, which occurred after the public hearing.
3. The Township attorney by written opinion states that, in the attorney's professional opinion, the decision made by the Planning Commission or Zoning Board of Appeals or the procedure used in the matter was clearly erroneous.

B. Rehearing Procedure.

A rehearing may be requested by the applicant or by the Zoning Administrator, or a rehearing may be granted by the Planning Commission or Zoning Board of Appeals on its own motion.

1. A request for a rehearing which is made by an applicant must be made within twenty-one (21) days from the date of approval of the Planning Commission's or Zoning Board of Appeals' minutes regarding the decision for which the rehearing is being requested.
2. A request for a rehearing made by the Zoning Administrator or a rehearing granted by the Planning Commission or Zoning Board of Appeals on its own motion may be granted at any time as long as the applicant has not been prejudiced by any delay.
3. Whenever the Planning Commission or Zoning Board of Appeals considers granting a rehearing, it shall provide written notice to the applicant that a rehearing will be considered. The notice may be served upon the applicant by first class mail at the applicant's last known address or may be served personally on the applicant. The notice must be served at least nine (9) days before the time set for the hearing if served by mail, or at least seven (7) days before the time set for the hearing if served by personal service. Service by mail shall be complete upon mailing. In addition to serving the above notice on the applicant, all other notice requirements for the type of decision being heard shall be completed before the Planning Commission or Zoning Board of Appeals holds a hearing at which it considers whether to grant a rehearing.
4. If the Planning Commission or Zoning Board of Appeals grants a rehearing, then the rehearing shall not be held until all notice requirements for the type of decision being reheard have been satisfied.

Section 9.12 Enforcement/Violations

The provision of this Ordinance shall be administered in accordance with the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended. Except where otherwise stated, the provisions of this Ordinance shall be administered and enforced by the Zoning Administrator or by such deputies as the Zoning Administrator or the Township Board may delegate to enforce the provisions of this Ordinance. Said officer or officers shall have the power of police officers in the enforcement of this Ordinance.

A. Enforcement Procedures, Penalties.

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1. **Violations.** Buildings, erected, altered, moved, raised, or converted or any use of land or premises carried on in violation of any provision of this Ordinance are declared to be a nuisance per se. Violations of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with variances and conditional uses and violations of approved site plans, shall constitute a municipal civil infraction.
2. **Inspection of Violation.** The Zoning Administrator shall inspect each alleged violation of this Ordinance and shall have the right to inspect any property involved in the alleged violation. The Zoning Administrator also has the right to inspect any property for which a zoning permit has been issued to ensure compliance with the plans and conditions of the zoning permit or approved site plan. Upon finding that a violation has occurred, the Zoning Administrator shall issue a first order to correct the violation to the offender within ten (10) days of his inspection. If the violation is not corrected within thirty (30) days, the Zoning Administrator shall issue a second order to correct the violation to the offender.
3. **Stop Work Order.**
 - a. If construction or land uses are being undertaken contrary to a zoning permit, the Michigan Zoning Enabling Act, or this Ordinance, the Zoning Administrator or any other official authorized by the Township Board is authorized to post a stop work order on the property at a suitable location, such as at an entrance, in order to prevent the work or activity from proceeding in violation of the ordinance.
 - b. A person shall not continue, or cause or allow to be continued, construction or uses in a violation of a stop work order, except with permission of the enforcing agency to abate a dangerous condition or remove the violation, or except by court order. If an order to stop work is not obeyed, the enforcing officer or agency may apply to the circuit court for an order enjoining the violation of the stop work order. This remedy is in addition to, and not in limitation of, any other remedy provided by law or ordinance, and does not prevent civil prosecution for failure to obey the order.
4. **Correction Period.** All violations shall be corrected within a period of thirty (30) days after the second order to correct is issued. The Planning Commission may grant an extension to the correction period not to exceed six (6) months. A violation not corrected within this period shall be reported to the Zoning Administrator who shall initiate prosecution procedures.
5. **Penalties.** Every person, corporation, or firm who violates, disobeys, omits, neglects, or refuses to comply with any provision of this Ordinance or any permit, license, or certificate granted hereunder or any lawful order of the Zoning Administrator, the Planning Commission, the Board of Zoning Appeals, or the Township Board, issued in pursuance of this Ordinance, shall be guilty of a municipal civil infraction. Upon conviction thereof, he shall be punishable by a fine of not to exceed five hundred dollars (\$500.00). Each day during which a violation continues shall be deemed a separate and distinct offense under the provisions of this Ordinance. Nothing in this section shall exempt the offender from compliance with provisions of this Ordinance or prohibit the Township

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from seeking additional and/or equitable relief from any court to ensure compliance with the provisions of this Ordinance.

B. Remedies.

1. The Township Zoning Administrator is hereby designated as the authorized Township official to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court. The Township Board may also designate from time to time other officials to issue municipal infraction citations on behalf of the Township in connection with alleged violations of this Ordinance.
2. The Zoning Administrator, the Board of Zoning Appeals, the Township Board, or any interested party, may institute injunction, mandamus, abatement, or other appropriate proceedings to prevent, enjoin, abate, or remove any violation of this Ordinance. The rights and remedies herein provided are civil in nature.
3. **Scope of Remedies.** The rights and remedies provided in this Ordinance are cumulative and are in addition to all other remedies provided by law. All monies received from penalties assessed shall be distributed in accordance with the prevailing statutes.

Section 9.13 Administrative Summary Table

The following table is a summary of basic requirements for various administrative actions under this Zoning Ordinance. It supplements the preceding text but is not a substitute for it:

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Type of action	Parties who may initiate action	Body making decision	Public hearing required	Published notice(s)- Number of days before hearing	Mailed notice to all owners and occupants within 300 feet - days before hearing	Body to which applicant may appeal a denial
Single-family & two-family dwellings, signs, accessory buildings, signs, fences	Applicant	ZA	No	----	----	ZBA
Multiple-Family Dwellings, Non-Residential Uses	Applicant	PC	No	----	----	ZBA
Special Land Uses	Applicant	PC	Yes	Not less than 15 days	Not less than 15 days	Circuit Court
Planned unit development	Applicant	PC	Yes	Not less than 15 days	Not less than 15 days	Circuit Court
Variance	Applicant	ZBA	Yes	Not less than 15 days	Not less than 15 days	Circuit Court
Interpretation	Applicant, PC or ZA	ZBA	Yes	Not less than 15 days	Not less than 15 days	Circuit Court
Appeal from decision	Any aggrieved party	ZBA	Yes	Not less than 15 days	Not less than 15 days	Circuit Court
Rezoning or Text Change (Amendment)	Applicant, PC	Step 1: PC recommends to TB	Yes	Not less than 15 days	Not less than 15 days	No action until after TB decision
		Step 2: County Planning Commission reviews amendment & provides comment (30 days)				
		Step 3: TB	No	----	----	----
		Step 4: TB publishes Notice of Adoption in newspaper (within 15 days of adoption). Rezoning (map amendment) goes into effect on the 8th day after publication.				
Zoning ordinance enforcement	ZA	----	----	----	----	ZBA
ZA = Zoning Administrator PC = Planning Commission TB = Township Board ZBA = Zoning Board of Appeals						

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Article 10

Adoption & Amendments

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Section 10.1 Amendment to this Ordinance

The Township Board is authorized and empowered to cause this Ordinance to be amended, supplemented, or changed, pursuant to the authority and according to the procedures set forth in [2006 PA 110, the Michigan Zoning Enabling Act](#), as amended.

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

Section 10.2 Amendment Procedures

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

A. Filing of Amendment Application.

1. Each application, by one (1) or more persons, for an amendment shall be submitted to the Zoning Administrator on a standard form provided and shall be accompanied by the fee as prescribed by the Township Board. No part of such fee shall be returnable to a petitioner if the public hearing is held.
 - a. In the case of a Zoning Ordinance text amendment, a letter shall be submitted which shall contain the requested change and the reason for such change.

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- b. In the case of a desired Zoning Map change, a petition shall be submitted which shall describe the property involved, the zone change desired, and the reason for such change.
- 2. The Zoning Administrator shall transmit the amendment request to the Planning Commission.

B. Planning Commission Action.

- 1. **Public Hearing.** The Planning Commission shall hold a public hearing pursuant to the public notice procedure contained in [Section 9.10](#).
- 2. **Deliberation.** The Planning Commission shall consider each proposal for amendment on particular factors related to the individual proposal and in terms of the likely effect on the community's physical development. The Planning Commission may recommend any additions or modifications to the original proposal.
- 3. **Recommendation.** The Planning Commission shall submit a final report/recommendation to the Township Board along with a summary of the comments received at the public hearing.
- 4. **Submission to the County Planning Commission.** Following the public hearing, the Planning Commission shall submit the proposed amendment, including any zoning map changes, to the County Planning Commission. If the recommendation of the County Planning Commission has not been received within thirty (30) days after the receipt of the Ordinance by the County, it shall be conclusively presumed that the County has waived its right for review.
- 5. **Submission to the Township Board.** After receipt of a response from the County Planning Commission or, upon expiration of the thirty (30) day period, if no response is received, the Planning Commission shall submit a final report/recommendation to the Township Board along with a summary of the comments received at the public hearing.

C. Township Board Action.

- 1. **Optional Public Hearing.** The Township Board may hold a public hearing if it considers it necessary or if otherwise required. Notice of such hearing shall be published using the procedures in [Section 9.10](#).
- 2. **Requested Hearing.** The Township Board shall grant a hearing on a proposed Ordinance amendment to a property owner who requests a hearing by certified mail, addressed to the Township Clerk. Notice of such hearing shall be published using the procedures in [Section 9.10](#).
- 3. **Changes Referred to Planning Commission.** The Township Board may refer any proposed changes to the amendments back to the Planning Commission for consideration and comment. The

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Planning Commission shall have a reasonable time, not less than sixty (60) days, for consideration and report.

- 4. **Township Board Decision.** After any such public hearing as allowed under [subsection C.1 or C.2](#) (above), the Township Board shall consider and vote upon the adoption of a Zoning Ordinance amendment. A Zoning Ordinance amendment shall be approved by a majority vote of the members of the Township Board.
- 5. **Notice of Adoption.** Once adopted by the Township Board, amendments to this Ordinance shall be filed with the Township Clerk, and one (1) notice of adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption. Any amendments to this Ordinance shall take effect on the eighth day after publication or at a later date as may be specified by the Township Board at the time of adoption.

D. **Resubmittal.**

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

Section 10.3 Rezoning Factors

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

- A. Is the proposed rezoning consistent with the current Master Plan?
- B. Are all of the allowable uses in the proposed district reasonably consistent with surrounding uses?
- C. Will there be an adverse physical impact on surrounding properties?
- D. Have there been changes in land use or other conditions in the immediate area or in the community in general which justify rezoning?
- E. Will rezoning create a deterrent to the improvement or development of adjacent property in accordance with existing regulations?
- F. Will rezoning grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e. will rezoning result in spot zoning)?
- G. Is the site served by adequate public facilities or is the petitioner able to provide them?

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Section 10.4 Conditional Rezoning

A. Intent.

It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning boundaries if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with Section 405 of the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended, by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

B. Application and Offer of Conditions.

1. An owner of land may voluntarily offer, in writing, conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.
3. The owner's offer of conditions may not authorize uses or developments not permitted in the requested new zoning district.
4. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
5. Any use or development proposed as part of an offer of conditions that would require a Special Land Use permit, variance, or site plan approval under the terms of this Ordinance may only be commenced if the Special Land Use permit, variance, or site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
6. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

C. Planning Commission Review.

The Planning Commission, after a public hearing as set forth in [Section 9.10](#) of this Ordinance and consideration of the factors set forth in [Section 10.3](#) (except 10.3.F) of this Ordinance, may recommend approval, approval with recommended changes, or denial of rezoning provided, however, that any

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recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

D. County Planning Commission Review.

Following the public hearing before the Township Planning Commission, the conditional rezoning application shall be submitted to the County Planning Commission as specified in **Section 10.2.B.3** for not more than thirty (30) day review period, according to the provisions of Section 307 of the **Michigan Zoning Enabling Act, 2006 PA 110**, as amended.

E. Township Board Review.

After receipt of the Planning Commission’s recommendation, the Township Board shall deliberate upon the requested conditional rezoning and may approve or deny the request. Should the Township Board consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Township Board shall, in accordance with Section 401 of the **Michigan Zoning Enabling Act, 2006 PA 110**, as amended, refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board, and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

F. Approval.

1. If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the Ordinance adopted by the Township Board to accomplish the requested rezoning.
2. The Statement of Conditions shall:
 - a. Be in a form recordable with the **County Register of Deeds**, or as an alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.
 - b. Contain the legal description and tax identification number of the land to which it pertains.
 - c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
 - d. Incorporate by attachment or reference any diagram, plans, or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.

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- e. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Township with the **County Register of Deeds**.
 - f. Contain the notarized signatures of all owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
3. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
 4. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the **County Register of Deeds**. The Township Board shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the timeframe within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner of the land.
 5. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

G. Compliance with Conditions.

1. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Ordinance and be punishable accordingly.
2. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

H. Time Period for Establishing Development or Use.

Unless another time period is specified in the Ordinance, the approved development and/or use of the land pursuant to building or other required permits must be commenced upon the land within twenty-four (24) months after the rezoning took effect and thereafter proceeded diligently to completion. This time limitation may upon written request be extended by the Township Board if (1) it is demonstrated to the Township Board’s reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion, and (2) the Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

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I. Reversion of Zoning.

If the approved development and/or use of the rezoned land does not occur within the timeframe specified under **subsection H** above, then the land shall revert to its former zoning classification. The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall be the same as applies to all other rezoning requests.

J. Subsequent Rezoning of Land.

When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification, but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to **subsection I** above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. The Township Clerk shall record with the County Register of Deeds that the Statement of Conditions is no longer in effect.

K. Amendment of Conditions.

1. During the time period for commencement of an approved development and/or use specified pursuant to **subsection H** above or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.
2. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.

L. Township Right to Rezone.

Nothing in the Statement of Conditions or in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the **Michigan Zoning Enabling Act, 2006 PA 110**, as amended.

M. Failure to Offer Conditions.

The Township shall not require any owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner’s rights under this Ordinance.

Section 10.5 Severability

This Ordinance and various parts, sections, subsections, sentences, phrases, and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected

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thereby. The Township Board hereby declared that it would have passed this Ordinance and each part, section, subsection, phrase, sentence and clause thereof irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

Section 10.6 Vested Right

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

Section 10.7 Repeal & Savings Clause

- A. This Ordinance repeals and replaces any previous Wilson Township Zoning Ordinance in its entirety.
- B. The repeal of the Wilson Township Zoning Ordinance, as provided, shall not affect any rights acquired, fines, penalties, forfeitures, or liabilities incurred there under or actions involving any of the provisions of said ordinance or parts thereof. Said ordinance or ordinance sections repealed is hereby continued in force and effect after the passage, approval, and publication of this Ordinance for the purpose of such rights, fines, penalties, forfeitures, liabilities, and actions therefore.

Section 10.8 Effective Date

- A. This Ordinance was adopted on January 10, 2024 by the Wilson Township Board of Trustees and will be effective January 24, 2024. The foregoing Zoning Ordinance and Zoning Map were presented at a public hearing before the Planning Commission on December 6, 2023.
- B. Amendments or revision to this Ordinance or Map of Zoning Districts shall become effective on the eighth (8th) day after publication, or a specified later date, of a notice of adoption of said amendments or revisions within fifteen (15) days of adoption in accordance with the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended.

I hereby certify that the above Ordinance was adopted by the Wilson Township Board at a regular meeting held on January 10, 2024.

Wilson Township Clerk

Published: January 17, 2024

Effective Date: January 24, 2024

Affidavit of Publication Required.

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