

# **WELLS TOWNSHIP**

## **ZONING ORDINANCE**

**ORDINANCE NO. 100**

**2012**

TOWNSHIP OF WELLS ZONING ORDINANCE

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**ZONING ORDINANCE  
TOWNSHIP OF WELLS  
ORDINANCE NO. 100**

AN ORDINANCE to regulate the use of land within the Township of Wells, Tuscola County, Michigan in accordance with the provisions of the Michigan Zoning Enabling Act, being Pubic Act 110 of the Public Acts of 2006, as amended.

THE TOWNSHIP OF WELLS ORDAINS:

**ARTICLE 1**

Title

Section 1.01. This Ordinance shall be known and cited as the Wells Township Zoning Ordinance No. 100.

**ARTICLE 2**

Activities Covered By Ordinance

Section 2.01. No building or structure, or part thereof, shall be erected, constructed, reconstructed, placed, altered, or moved; and no new use or change in use shall be made of any building, structure, or land, or part thereof; except in conformity with the provisions of this Ordinance.

**ARTICLE 3**

Administration

Section 3.01. ZONING ADMINISTRATOR. The provisions of this Ordinance shall be administered and enforced by a Zoning Administrator appointed by the Township Board. The Zoning Administrator shall serve under such terms and at such rate of compensation as the Township Board may determine.

Section 3.02. ZONING PERMITS. A zoning permit shall be acquired from the Zoning Administrator before any construction is undertaken, any structure is moved, any pond is excavated, or any change in the use of any land or structure is undertaken within the Township. A zoning permit shall not be required for accessory structures containing less than 200 square feet. ~~The term “change in use” shall mean a land use which is a new land use on the property and which is not accessory to an existing land use which conforms to the ordinance.~~ The term “change in use” shall mean a land use which is new to or different from how the property was previously used. However, a use that is accessory to an existing land use (and which conforms to this Ordinance) is not considered a change in use. Except that, “Home Occupations” and the “Caregiver Cultivation of Marijuana for Medical Use” within residential dwellings shall be deemed changes in use requiring a zoning permit. Additionally, it will be presumed that a change in use occurs when electrical equipment that has an ampacity of ~~more than 200 amperes~~ 200 amperes or more (amendment 100-06) is to be installed at a residential property. This presumption can be overcome by the Applicant filing a “Accessory Use Affidavit” (in a form to be supplied by the Township) with the Zoning Administrator, which indicates that the purpose for the installation is not for a home occupation or the caregiver cultivation of marijuana for medical use. Township representatives have the right to conduct annual or random notified inspections to verify compliance. Amendment 100-05

A. APPLICATION. A zoning permit shall be applied for in writing on an application form provided by the Township and shall include a plot plan of the proposed land use.

B. PERMIT ISSUANCE. A zoning permit shall be approved by the Zoning Administrator whenever the proposed use complies with the provisions of this Ordinance and any necessary Planning Commission, Board of Appeals, or Township Board approvals have been obtained.

C. EXPIRATION. A zoning permit shall expire one (1) year after the date of issuance unless the proposed use has been commenced within that year. Any amendment to the

Zoning Ordinance shall have the effect of voiding any outstanding zoning permits for uses which have not been commenced and which would violate the amendment.

D. VOID PERMITS. Any zoning permit issued in error or pursuant to an application containing any false statements shall be void.

E. PRIVATE RESTRICTIONS. The Zoning Administrator shall not refuse to issue a zoning permit due to violations of private covenants, agreements, or deed restrictions if the proposed use is permitted by the Zoning Ordinance.

F. FEES. The amount of any fees charged for zoning permits, applications, or inspections shall be established by the Township Board.

G. ADDITIONAL FEES. Any construction or proposed use that has begun without first obtaining a permit shall be subject to an additional fee established by the Township Board. Added under Amendment 100-05.

#### ARTICLE 4

##### Zoning Districts

Section 4.01. DISTRICTS. The Township is hereby divided into the following zoning districts:

AFR	Agriculture - Forestry - Residential
RM	Medium Density Residential
MHP	Manufactured Housing Park
C	Commercial
I	Industrial

Section 4.02. DISTRICT BOUNDARIES AND MAP. The boundaries of the zoning districts are shown on the zoning map which is a part of this Ordinance. The map shall be designated as the Wells Township Zoning Map.



Section 4.03. PRINCIPAL USES PERMITTED. All uses of land or structures listed as "principal uses permitted" shall be permitted throughout the district under which they are listed. Any use not expressly listed as a "principal use permitted" is prohibited in that district, unless approval has been obtained from the Planning Commission for the use as a "use permitted after special approval".

Section 4.04. SPECIAL LAND USES. A use of land or structures listed as a "special land use" shall be permitted within the district under which it is listed, provided that Planning Commission approval has been granted pursuant to this Ordinance.

## ARTICLE 5

### AFR Agriculture - Forestry - Residential District

Section 5.01. PRINCIPAL USES PERMITTED.

A. Farms, farm buildings, and farm uses on parcels of land containing two (2) or more acres.

The keeping of livestock, poultry and rabbits shall be consistent with the Generally Accepted Agricultural Management Practices (GAAMPs) established by the Michigan Department of Agriculture pursuant to the Michigan Right to Farm Act.

B. Forestry, conservation areas, game refuges, publicly owned parks, and similar non-commercial uses.

C. Single-family dwellings (subject to Section 12.05).

D. Farm roadside stands or sales limited to the selling of produce raised primarily on that farm.

E. State licensed family day-care homes for children.

F. State licensed residential facilities for six or fewer residents.

G. Home Occupations within Dwellings.

1. The home occupation must be conducted entirely within a dwelling, which can include attached garages.
2. The home occupation shall be clearly incidental and secondary to the use of the premises as a residence.
3. No noise, odor, fire hazard, or traffic activity shall be created beyond that which is normal in an agricultural or residential area.
4. No outdoor storage or display of merchandise or materials shall be allowed.
5. There shall be no employees, other than family members who reside in the home on the property.
6. Permissible home occupations shall include, but not be limited to, crafts and the teaching of fine arts.

H. ~~Medical marijuana facilities and caregivers, subject to the following:~~ **Repealed under Amendment 100-05.**

1. ~~Any medical marijuana caregiver shall be in continual compliance with all state laws pertaining to the growing, possession, use or distribution of medical marijuana.~~
2. ~~Medical marijuana caregivers shall only be allowed to operate within single family dwellings where they reside. No medical marijuana caregiver shall be allowed to operate in any office building, commercial building, industrial building, apartment building or residential apartment.~~

3. ~~No more than one (1) caregiver shall operate out of any single location. In no event shall more than one caregiver conduct operations on a single parcel of land.~~
4. ~~Any medical marijuana facility shall be at least one thousand (1,000) feet from any school property line and at least five hundred (500) feet from any church, library, or licensed day-care center.~~

- I. Buildings, structures and uses which are accessory to any of the above-permitted uses.

Section 5.02. SPECIAL LAND USES.

- A. Private parks, recreation facilities and activities, campgrounds, shooting ranges, and golf courses.

1. Minimum site size shall be twenty (20) acres.
2. All development features shall be located so as to minimize the possibility of any adverse effect upon adjacent property. This shall include a minimum setback of one hundred (100) feet from property lines.
3. Activities shall be adequately screened from abutting property.
4. The Planning Commission may impose restrictions as to hours of operation, noise levels, and sanitation requirements.
5. Related accessory commercial uses may be permitted in conjunction with the recreation use when it is clearly incidental to the main recreational character of the property.

B. Home Occupations Outside of Dwellings.

1. The home occupation must be conducted entirely within an enclosed building.
2. The home occupation shall be clearly incidental and secondary to the use of the property for residential purposes.
3. No noise, odor, fire hazard, or traffic congestion shall be created beyond that which is normal in an agricultural or residential area.
4. No outdoor storage or display of merchandise or materials shall be allowed.
5. There shall be no more than two (2) employees, other than family members who reside in the home on the property.

C. Dog kennels and the raising of fur bearing animals.

1. All animals shall be housed and maintained in a safe and sanitary manner which complies with American Kennel Club standards.
2. All pens and runways in dog kennels shall be screened from view from any residences or roads by buildings or greenbelt plantings. Kennels shall have restrictive fencing at least six (6) feet in height.
3. Dog kennels shall be set back a minimum of fifty (50) feet from each property line and one hundred fifty (150) feet from the road.
4. For purposes of this section, a dog kennel is defined as any property on which five (5) or more dogs over the age of four (4) months are kept or harbored.

D. Quarrying or removal of soil, sand, clay, gravel or similar materials.

It shall be unlawful for any person, firm, corporation, partnership, or any other organization or entity to stockpile, strip any top soil, sand, clay, gravel, stone or similar material; to tunnel, shaft mine or quarry the mining of metals, coal and lignite, minerals, non-metallic minerals or earth resources; to use lands for filling or to expand an existing operation in the AR Zoning District without first submitting an application and securing approval from the Planning Commission and issuance of a permit by the Zoning Administrator.

1. No permits will be required for the following: **See Amendment 100-01**

~~a) Excavations for building construction purposes, pursuant to a duly issued zoning and building permits.~~

~~b) Minor or incidental grading or leveling of the above materials when used during development, provided no soil erosion conditions result.~~

~~c) Quarrying of less than five thousand (5,000) cubic yards per year on a single parcel of land.~~

**c. Agricultural use within a property owner's own agricultural operation.  
Added under Amendment 100-06.**

2. ~~Each application for special approval shall contain the following: **Amendment 100-06.**~~

**Removal of more than two hundred (200) cubic yards from a parcel requires an application for special approval which shall contain the following:**

a) Names and addresses of property owners and proposed operators of the premises.

- b) Legal description of the premises.
- c) Aerial photograph of property as it exists.
  
- d) Detailed statement as to method of operation, type of machinery or equipment to be used and estimated period of time that the operation will continue.
  
- e) Detailed statement as to the type of deposit or material proposed for extraction.
  
- f) Reclamation plan and detailed statement as to the proposed use of the land after quarrying or fill operations are complete.

3. Operational Requirements for Operations. **See Amendment 100-01**

- ~~a) Operations shall only be conducted on parcels of land containing a minimum of forty (40) acres.~~
- ~~b) The operator shall acquire a haul permit from the Road Commission.~~
  
- ~~c) The use of explosives is prohibited.~~
  
- ~~d) In operations involving excavations over five (5) feet in depth, the operator shall provide adequate safeguards to protect the public safety. The Planning Commission may require fencing, locked gates, warning signs and greenbelts where appropriate.~~
  
- ~~e) The Planning Commission may require that any gravel or dirt roads used for the purpose of ingress and egress to said excavation site be kept dust free by hardtopping or chemical treatment.~~

~~f) — The completed slopes of the banks of any excavation shall in no event exceed a minimum of three (3) feet to one (1) foot (three foot horizontal to one foot vertical).~~

~~g) — No cut, excavation or stockpiling of material shall be allowed closer than two hundred (200) feet from the centerline of the nearest road right-of-way nor closer than one hundred and fifty (150) feet to the nearest property line. The Planning Commission may prescribe more strict requirements in order to give sublateral support to surrounding property where soil or geologic conditions warrant it.~~

~~h) — The Planning Commission shall, to ensure strict compliance with Ordinance provisions and required conditions of a permit for quarrying and reclamation, require the permittee to furnish a bond, letter of credit, or cash deposit in an amount determined by the Planning Commission.~~

E. State licensed residential facilities for seven or more residents.

F. State licensed group child day-care homes.

G. Township and other governmental buildings, structures and facilities.

H. Schools, churches, and cemeteries.

I. Bed and breakfast establishments.

J. Communications and wind generation towers (subject to Section 12.12).

K. Two family dwellings (subject to Section 12.05).

L. Veterinary clinics.

M. Platted subdivisions in compliance with the Michigan Land Division Act.

N. Site condominium developments.

O. Caregiver cultivation of marijuana for medical use as an accessory use to a Single- or Two-Family Dwelling (pursuant and subject to Section 12.17). Added under Amendment 100-05.

Single-family detached condominium developments, subject to the following requirements:

1. Review. Pursuant to authority conferred by Section 141 of the Michigan Condominium Act, all Site Condominium Plans shall require final approval by the Planning Commission before site improvements may be initiated. The review process shall consist of the following two steps:
  - a) Preliminary Plan Review. In the preliminary review phase, the Planning Commission shall review the overall plan for the site including basic road and unit configurations and the consistency of the plans with all applicable provisions of Township ordinances. Plans submitted for preliminary review shall include information specified in items a, b, and c of the submission requirements in subsection 2 below.
  - b) Final Plan Review. Upon receipt of preliminary plan approval, the applicant may prepare the appropriate engineering plans and apply for final approval by the Planning Commission. Final plans shall include information as required by items a-g of the submission requirements. Such plans shall have been submitted for review and comment to all applicable county and state agencies. Final Planning Commission approval shall not be granted until such time as all applicable review agencies have had an opportunity to comment on the plans.



2. Submission Requirements. All Condominium Plans shall be submitted for review pursuant to the standards in Article 16 of this Ordinance (Site Plan Review) and Section 66 of the Michigan Condominium Act, and shall also include the following information:
  - a) A survey of the condominium subdivision site.
  - b) A plan delineating all natural features on the site including, but not limited to ponds, streams, lakes, drains, flood plains, wetlands and woodland areas.
  - c) The location size, shape, area and width of all condominium units, and the location of all proposed streets.
  - d) A copy of the master deed and a copy of all restrictive covenants to be applied to the project.
  - e) A utility plan showing all sanitary sewer, water, and storm drainage improvements, plus any easements granted for installation, repair and maintenance of utilities.
  - f) A street construction, paving, and maintenance plan for all streets within the proposed Condominium Subdivision.
  - g) A storm drainage and storm water management plan, including all swales, drains, basins, and other facilities.
3. Zoning District Requirements. The development of all site condominium projects shall observe the applicable yard setback and minimum floor area requirements for structures within the zoning district within which the project is located. The dwelling unit density of the project shall be no greater and spacing no less than would be permitted if the parcel were subdivided into individual lots.

4. Streets. All streets for a site condominium project shall conform to the Tuscola County Road Commission standards for subdivision streets and shall be dedicated as a public road.
5. Utility Easements. The site condominium plan shall include all necessary easements for the purpose of constructing, operating, maintaining, repairing, altering, replacing and/or removing pipelines, mains, conduits and other installations of a similar character for the purpose of providing public utilities. Easements shall also be provided for any necessary stormwater run-off across, through, and under the property, including excavating and maintenance of ditches and stormwater retention areas.
6. Engineering Reviews. Copies of an "as built" survey shall be provided to the Township demonstrating compliance with applicable Township ordinances.

## ARTICLE 6

### RM Medium Density Residential

#### Section 6.01. PRINCIPAL USES PERMITTED

- A. Single and two family dwellings (subject to Section 12.05).
- B. Crop production.
- C. State licensed family day-care homes for children.
- D. State licensed residential facilities for six or fewer residents.
- E. Home occupations with dwellings (subject to the requirements of 5.01.F.)

- F. Buildings, structures and uses which are necessary to any of the above permitted uses.

Section 6.02. SPECIAL LAND USES.

- A. Multiple family dwellings on parcels at least five (5) acres in size.
  - 1. There shall be no more than six (6) dwelling units per acre unless the units are served by a municipal sewer system.
  - 2. Each dwelling unit shall contain the minimum number of square feet specified in Section 9.02.
- B. Hospitals, convalescent homes, and assisted living facilities.
- C. Site condominium developments in compliance with the requirements of Section 5.02.N.
- D. Bed and breakfast establishments.
- E. Platted subdivisions in compliance with the Michigan Land Division Act.
- F. State licensed residential facilities for seven or more residents.
- G. State licensed group child day-care homes.
- H. Caregiver cultivation of marijuana for medical use as an accessory use to Single- and Two-Family Dwellings, as well as to Multiple Family Dwellings (pursuant and subject to Section 12.17). Added under Amendment 100-05.

## ARTICLE 7

### MHP Manufactured Housing Park

#### Section 7.01. PRINCIPAL USES PERMITTED.

- A. Manufactured housing parks which comply with the regulations of the Michigan Manufactured Housing Commission.
  - 1. The parcel of land on which a manufactured housing park is located shall contain at least twenty (20) acres.
  - 2. Any manufactured housing park development which utilizes a privately owned sewage treatment system, shall post a bond with the Township Treasurer in an amount equal to the estimated cost to replace the system.
- B. Single family dwellings (subject to Section 12.05).
- C. Crop production.
- D. State licensed family day-care homes.
- E. State licensed residential facilities for six or fewer residents.
- F. Buildings, structures and uses which are accessory to any of the above-permitted uses.

#### Section 7.02. SPECIAL LAND USES

- A. Caregiver cultivation of marijuana for medical use as an accessory use to Single-Family Dwellings, as well as to multiple family dwellings. (pursuant and subject to Section 12.17). Added under Amendment 100-05.

**ARTICLE 8**  
C Commercial District

Section 8.01. PRINCIPAL USES PERMITTED.

- A. Any retail business which sells or rents merchandise within a completely enclosed building, except those uses specified in Section 8.02.
  
- B. Personal service establishments which operate within a completely enclosed building such as restaurants (without drive-through services or alcoholic beverages), laundromats, barber shops, beauty shops, photographic studios, bowling alleys, theaters, and dry cleaning establishments.
  
- C. Repair or service shops for consumer items such as watches, shoes, furniture, and appliances.
  
- D. Professional and business offices.
  
- E. Financial institutions.
  
- F. Funeral homes and mortuaries.
  
- G. Mini-storage facilities which provide storage space for personal use.
  
- H. Schools, churches, and publicly-owned buildings or facilities.
  
- I. Single-family dwellings (subject to Section 12.05).
  
- J. Crop production.
  
- K. Medical, dental or veterinary clinics.

- L. Facilities for electricians, plumbers and similar trades within a completely enclosed building.
- M. Buildings, structures and uses which are accessory to any of the above permitted uses.

Section 8.02. SPECIAL LAND USES.

- A. Open-air businesses such as drive-in theaters, fuel or propane sales, race tracks, used car sales, farm machinery sales, outdoor recreational facilities, building supply operations, or any retail business activities which are conducted entirely or partially outside of an enclosed building.
- B. Repair, service, washing, or storage facilities for automobiles, trucks, construction equipment, farm machinery, and similar equipment.
- C. Recycling facilities (not including junk yards).
- D. Communications and wind generation towers (pursuant to Section 12.12).
- E. Taverns, bars, clubs, or other facilities serving alcoholic beverages.
- F. Adult book stores, adult motion picture theaters, adult novelty stores, massage parlors, cabarets, topless bars, or similar establishments, subject to the requirements of this subsection.
  - 1. No two (2) uses listed in this subsection shall be located within one thousand (1,000) feet of each other.
  - 2. No use listed in this subsection shall be located within one thousand (1000) feet of any residential dwelling unit. This prohibition may be waived if the person applying for the waiver shall file with the Planning Commission a petition which indicates approval of the proposed use by fifty-one (51%)

percent of the persons owning property, residing or doing business within a radius of one thousand (1,000) feet of the location of the proposed use. The petitioner shall attempt to contact all eligible locations within this radius and must maintain a list of all addresses where no contact was made.

3. No use listed in this subsection shall be located within one thousand (1,000) feet of any church, school, park, or township hall.
4. Signs shall contain no photographs, silhouettes, drawings, videos, or pictorial representations which include "specified anatomical areas" or "specified sexual activities".
5. Adult related businesses shall not be located within a building in which one (1) or more dwelling units are located.
6. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access, at an illumination of not less than one (1) foot candle measured at floor level.

G. Drive-Through Restaurants.

1. Access to and egress from a drive-in establishment shall be arranged to ensure the free flow of vehicles at all times and to prevent the blocking or endangering of vehicular or pedestrian traffic through the stopping of vehicles on sidewalks or streets.
2. All lighting and audio facilities shall be as designed so as not to disturb nearby residential areas.

H. Wholesale business operations.

- I. Hotels, motels, lodge halls, private clubs, auditoriums, and indoor recreational establishments which do not serve alcoholic beverages.

## ARTICLE 9

### I Industrial District

#### Section 9.01. PRINCIPAL USES PERMITTED.

- A. Factories engaged in manufacturing, assembling, machining, or other industrial or commercial production.
- B. Truck terminals.
- C. Public utility service yards.
- D. Repair facilities.
- E. Laboratories.
- F. Warehousing, storage, or wholesale facilities.
- G. Building material sales operations.
- H. Crop production.
- I. Buildings, structures, and uses which are accessory to any of the above permitted uses.



Section 9.02. SPECIAL LAND USES.

A. Junk or recycling yards.

1. No parcel of land shall be used for the operation of a junk yard unless such parcel shall have an area under single ownership of at least forty (40) acres.
2. The setback from the front road right of way line to any area upon which junk materials are stored shall be not less than one hundred (100) feet.
3. Any junk yard must be completely enclosed by a wall, berm, or fence at least eight (8) feet in height which completely obscures the view of all material within the yard. Any wall or fence shall be kept uniformly painted, neat in appearance and shall not have any signs, posted bills, or advertising symbols painted on it. Any berm shall be landscaped and maintained with trees, shrubs and mowed grass.
4. No junk, scrap, inoperable vehicles or unlicensed vehicles shall be stored, placed or parked outside of the enclosed area.

B. Recycling facilities.

C. Slaughter houses and meat processing facilities.

D. Industries involving the processing, treatment, use or storage of explosives, toxic chemicals, or radioactive materials.

E. Communications or wind generation towers (pursuant to Section 12.12).

F. Fuel storage facilities and fuel transfer facilities, including propane, petroleum, ethanol, and similar fuels.

G. Airports.

**ARTICLE 10**  
**Area, Setback and Height**

Section 10.01. COMPLIANCE.

- A. All lots, structures and ponds shall comply with the area, setback, and height requirements of Section 10.02, unless different requirements are specified as a condition for a use permitted after special approval or pursuant to a variance.

Section 10.02. TABLE OF AREA, SETBACK AND HEIGHT REQUIREMENTS.

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Zoning District	Minimum Lot Area	Minimum Lot Width (In feet) (1)	Minimum Front Yard Setback (In feet) (2)	Minimum Side Yard Setback (In feet)	Minimum Rear Yard Setback (In feet)	Minimum Floor Area Per Dwelling (In Sq. ft.) (6)	Maximum Building Height (In feet)
AFR	2 acres	200	100	25	25	1000 (6)	35 (7)
RM	1 acre(3)	100(3)	100	15(3)	15(3)	1000 (6)	35
MHP	(5)	100	100	25	25	1000 (6)	35
C	1 acre	100	100	25	25	- (6)	35
I	5 acres	330	100	75	75	- (6)	50

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- (1) Measured at minimum front yard setback line.
- (2) Measured from the center of the road right of way.
- (3) The minimums are reduced to 20,000 square feet lot area and 75 feet lot width if served by a central sewer system or if located within a platted subdivision or a condominium subdivision, providing that all Health Department requirements for sewage systems are complied with. The minimum side yard and rear yard setbacks are reduced to 10 feet on such lots.
- (4) The minimum floor space for multiple-family dwelling units unit shall be:

Efficiency	350 Square Feet
One-Bedroom Apartment	500 Square Feet
Two-Bedroom Apartment	700 Square Feet
Three-Bedroom Apartment	800 Square Feet
Four-Bedroom Apartment	900 Square Feet

- (5) Internal development within manufactured housing parks is regulated by the Michigan Manufactured Housing Commission. The minimum site size of a manufactured housing park shall be 20 acres. Any land uses in the district other than manufactured housing parks shall meet the requirements of Section 10.02 for the AFR zoning district.
- (6) In no event shall the total floor area of all buildings on a lot or parcel exceed 20% of the total land area of the lot.
- (7) Agricultural structures shall be exempt.

## ARTICLE 11

### Parking and Loading Requirements

Section 11.01. GENERAL PARKING REQUIREMENTS. In all zoning districts, off-street parking facilities for the storage and parking of motor vehicles shall be provided as required below. The parking spaces shall be maintained and shall not be encroached upon so long as the main building or structure remains, unless an equivalent number of parking spaces are provided elsewhere.

- A. MINIMUM PARKING SPACE SIZE. Each parking space shall be at least ten (10) feet wide and twenty (20) feet long, exclusive of drives.
- B. MINIMUM WIDTH OF ACCESS LANES IN PARKING AREAS. The minimum width of access lanes for parking spaces shall be twenty-five (25) feet.
- C. LOCATION OF PARKING SPACE. The parking facilities shall be located on the same lot or within five hundred (500) feet of the permitted uses requiring the parking.

- D. SEATING. As used in this Article for parking requirements, a seat shall mean either an individual chair or each twenty-four (24) inches of seating facilities.
- E. SIMILAR USES AND REQUIREMENTS. In the case of a use not specifically mentioned, the requirements of off-street parking for a use which is similar shall apply.
- F. EXISTING OFF-STREET PARKING. Off-street parking existing at the effective date of this Ordinance which serves an existing building or use shall not be reduced in size to less than that required under the terms of this Ordinance.
- G. DRAINAGE. All parking areas shall be drained so as to dispose of surface water which might accumulate within or upon such area. Drainage shall be provided to ditches, retention ponds or entirely on to the property on which the parking lot is located.
- H. ILLUMINATION. All illumination for such parking areas shall be deflected away from adjacent residential areas.
- I. HARD SURFACING. All required parking areas for commercial, industrial or institutional uses shall be surfaced with a pavement having an asphalt or concrete binder or with compacted limestone or with compacted, crushed asphalt.

Section 11.02. TABLE OF PARKING REQUIREMENTS. The amount of required off-street parking space for new uses of land, buildings, or additions shall be determined in accordance with the following table:

Use	Required Number Of Parking Spaces	Per Each Unit of Measure as Follows:
A. Auditoriums, Assembly Halls, and Theaters	1	Two seats based upon maximum seating capacity in the main place of assembly therein, plus one space for
B. Churches	1	Four seats based upon maximum seating capacity.
C. Automobile Service Stations	1	Each gasoline pump and lubrication stall plus one space for each employee.
D. Banks and Business or Professional Office of Doctors, Lawyers, Archi- tects, Engineers, or other similar professions	1	Two hundred (200) square feet of usable floor area plus one space for each employee.
E. Barber Shops and Beauty Parlors	2	Each barber or beauty operator plus one space for each employee.
F. Drive-In Restaurants	1	Twenty-five square feet of usable floor area, plus one space

G. Golf Courses	1	<p>for each employee, with a spaces.</p> <p>Each two employees plus one space for every five hundred square feet of usable floor area in the club house, plus a minimum of four parking spaces per hole on the golf course.</p>
H. Industrial Establishments and Warehouse Facilities	1	<p>Each employee computed on the basis of the greatest number of persons employed at any period during the day.</p>
I. Residential dwellings	2	<p>Each dwelling unit.</p>
J. Restaurants or similar establishments in which is conducted the sale and consumption on the premises of beverages, food or refreshments. This shall include private clubs, lodges, and recreational facilities	1	<p>One for each two persons at maximum seating capacity, plus one space for each employee.</p>
K. Retail stores and service establishments other than those specified herein	1	<p>Three hundred square feet of usable floor area, plus one space for each employee. There shall be a minimum of four parking spaces.</p>

L. Sanitariums, convalescent homes and hospitals	1	Two beds plus one space for each employee.
M. Hotels, motels and similar establishments	1	Each sleeping unit, plus one space for each employee.
N. Service garages, auto salesrooms, auto repair, collision or bumping shops, car wash establishments	1	Two hundred square feet of usable floor area, plus one space for each employee on the basis of the maximum number of employees on duty at any one time, plus two spaces for each auto serviced.
O. Repair establishments for appliances, household items, glass, and similar items; lawn and garden establishments	1	Three hundred square feet of usable floor area plus one space for each employee. There shall be a minimum of four parking spaces.

For purposes of this section, the term “usable floor area” shall mean the floor area open to the public for customer, office, or retail use. This excludes areas such as bathrooms, warehousing areas, and mechanical rooms. Also for purposes of this section, references to “each employee” shall mean the maximum number of employees on the premises at any one time.

Section 11.03. OFF-STREET LOADING REQUIREMENTS. On the same property with every building or structure used for manufacturing, storage, warehouse, goods display, department store, wholesale, market, hospital, mortuary, laundry, dry cleaning, or other

uses involving the receipt or distribution of vehicles, materials, or merchandise, there shall be provided and maintained on the lot adequate space for loading and unloading. All such loading and unloading areas shall be paved with a pavement having an asphalt or concrete binder.

Such loading and unloading space, unless adequately provided for within a building, shall be an area at least 12 feet by 40 feet, with minimum 14 foot height clearance, and shall be provided according to the following schedule:

<u>Gross Floor Area (Square Feet)</u>	<u>Loading Spaces Required</u>
0 - 2,000	None
2,000 - 20,000	One space
Over 20,000	One space for each 20,000 square feet.

## ARTICLE 12

### General Provisions

Section 12.01. CONFLICTING REGULATIONS. Whenever any provisions of this Ordinance impose more stringent requirements than are imposed by the provisions of any other ordinance, the provisions of this Ordinance shall govern.

Section 12.02. ROAD FRONTAGE. Every dwelling or other building shall be located on a parcel of land which shall have frontage on a public road or on a private road improved to the standards of the Wells Township Private Road and Driveway Easement Ordinance or



on a private driveway easement at least sixty-six (66) feet in width which is in compliance with the Private Road and Driveway Easement Ordinance.

Section 12.03. DEPTH TO WIDTH RATIO. No property shall be divided in such a manner that the length or depth of any resulting parcel exceeds four (4) times the width of that parcel.

Section 12.04. RESIDENTIAL OCCUPANCY IN BUILDINGS OTHER THAN COMPLETED DWELLINGS. Garages, barns, pole barns, accessory buildings, basements or other structures shall not be occupied as dwellings unless the requirements of Section 12.05 are complied with. However, the Zoning Administrator may grant temporary occupancy pursuant to Section 12.09.

Section 12.05. SINGLE-FAMILY AND TWO-FAMILY DWELLING REQUIREMENTS. Any single-family or two-family dwelling shall comply with the following minimum standards:

- A. MINIMUM SIZE. Each dwelling unit shall contain the minimum number of square feet specified in Section 10.02, prior to any alterations or additions. Replacement of existing mobile homes shall be allowed pursuant to Section 13.02.C.
- B. MINIMUM WIDTH. Each dwelling shall be no less than sixteen (16) feet in width in all directions, prior to any additions or alterations.
- C. FOUNDATION. Each dwelling shall be provided with foundation support in the form of a perimeter masonry or treated wood foundation or cement pillars pursuant to the specifications of the building inspector. Skirting consisting of brick, concrete blocks, wood, vinyl or aluminum shall be constructed completely around the lower edge of any dwelling utilizing pillars for a foundation. Each dwelling shall be securely anchored to the foundation.
- D. ROOF. Each dwelling unit shall have a roof with no less than a 4-12 pitch.

- E. UNIT AGE. In the case of manufactured housing, each unit shall have been manufactured no more than ten (10) years prior to the date that it is brought into the Township.
  
- F. STORAGE FACILITIES. Each dwelling shall have either a basement, garage or storage building containing at least one hundred (100) square feet of storage area. The storage facility shall be constructed at the time of the completion of the dwelling.
  
- G. CONSTRUCTION CODE. Each dwelling and dwelling addition shall comply with building code requirements in effect at the time the dwelling is constructed or moved within the Township.

Section 12.06. SIGNS. All signs shall comply with the requirements of this section.

- A. The following signs specified in items 1-7 may be erected in the Township without Planning Commission site plan approval, provided the other requirements of this section are complied with and provided (in the case of signs specified in items 1-5) that the signs are located on the property being advertised:
  - 1. Signs advertising real estate for sale or rent. Such signs may not exceed sixteen (16) square feet in sign area.
  
  - 2. Signs advertising agricultural produce grown on the premises. Such signs may not exceed sixteen (16) square feet in sign area.
  
  - 3. Signs advertising personal property owned by a resident of the premises; provided such personal property was not purchased for the purpose of resale. Such signs may not exceed sixteen (16) square feet in sign area.
  
  - 4. Signs advertising home occupations which have received approval pursuant to the Zoning Ordinance. Such signs may not exceed sixteen (16) square feet in sign area.

5. Signs stating the name and/or address of a property owner. Homeowner and farm owner signs shall not exceed sixteen (16) square feet in sign area.
  6. Signs promoting political candidates or election issues. Such signs may not exceed thirty-two (32) square feet in sign area. Such signs shall be removed within five (5) days after the election.
  7. Temporary signs advertising non-commercial public events for not to exceed thirty (30) days. Such signs shall not exceed thirty-two (32) square feet in sign area and shall be removed within five (5) days after the event. This shall include events for churches, charitable organizations, and community service groups such as 4H, Kiwanis, Chamber of Commerce, etc.
- B. A sign site plan shall be approved by the Township Planning Commission before any sign is erected, constructed, or altered, except for signs permitted by subsection A above.
- C. The Planning Commission shall review each site plan as to location, height, aesthetics, compatibility with the surrounding buildings and facilities, and compliance with Township ordinances. The Planning Commission may require revisions to the sign site plan.
- D. No sign shall include any flashing, oscillating, or intermittent illumination. However, this section shall not prohibit signs with changing message displays.
- E. All illuminated signs shall be so placed as to prevent the rays and illumination therefrom from being directly cast upon any residences or roadways.
- F. No sign shall rotate nor contain any moving parts.

G. ~~All signs shall be set back from all side property lines no less than the minimum distance required by the Zoning Ordinance for buildings and structures and shall not encroach on any road rights of way.~~ See Amendment 100-01

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H. All signs shall be maintained so that they comply continuously with all requirements of this Ordinance and are kept in a good state of repair.

I. ON-SITE SIGNS.

1. One principal sign shall be permitted on the site of each commercial, industrial, or institutional facility.
2. Principal on-site signs shall not exceed one hundred twenty (120) square feet in sign area.
3. No more than two secondary signs shall be permitted on the site of each commercial, industrial, or institutional facility.
4. Secondary on-site signs shall not exceed sixteen (16) square feet in sign area.

J. OFF-SITE SIGNS. No off-site signs, including billboards, shall be erected within the Township, except for signs that are thirty-two (32) square feet or less in sign area. Such signs shall not require site plan approval but shall be limited to no more than two (2) such signs for the same enterprise anywhere within the Township.

Section 12.07. PONDS. Ponds shall comply with the setback requirements of Section 10.02.

Section 12.08. GREENBELTS.

- A. In all zoning districts, no area within the required front yard setbacks shall be used for any permanent or temporary structures other than signs permitted by Township ordinances. Said front yard setback areas shall be planted and continuously maintained with grass, shrubs, and landscaping materials, except for the portion developed for use as a parking area or driveway.
  
- B. Whenever any property is developed for any use other than agricultural or residential, and the property borders any property zoned for residential use, a greenbelt at least ten (10) feet in width along said borders shall be planted and maintained. The Planning Commission may approve a fence or berm in lieu of a greenbelt.
  
- C. Detailed landscaping plans for all greenbelts for industrial, commercial, or institutional purposes shall be provided on the site plan relating to the development and shall be considered as a material part of the site plan. No construction project shall be deemed to be completed until all landscaping features required on the site plan have been planted or installed.
  
- D. The Planning Commission shall review and approve the type of plantings required to provide a satisfactory greenbelt in any specific situation.

Section 12.09. TEMPORARY DWELLINGS.

- A. The Zoning Administrator may issue a permit for a manufactured home or other structure as a temporary dwelling to be occupied for up to one (1) year during the time that a permanent dwelling is being constructed. A temporary dwelling does not have to comply with the single family dwelling standards contained in Section 12.05. A temporary dwelling permit may be issued if the following requirements are complied with:

1. A building permit for the permanent dwelling must be acquired before the temporary dwelling is placed on the premises or occupied, except in the case of permanent dwellings which have been damaged by fire or other casualty.
  2. The permanent dwelling must be completed and any temporary manufactured home removed from the property before the expiration of the temporary dwelling permit. In the case of garages or other structures, the improvements which make the structure usable as a dwelling must be removed.
  3. The applicant must execute an affidavit guaranteeing that any temporary manufactured home will be removed from the premises at the expiration of the permit period. In the case of garages and other structures, the affidavit must guarantee that the improvements which make the structure usable as a dwelling unit will be removed.
  4. A temporary dwelling permit may be renewed one time by the Zoning Administrator for up to one (1) additional year for completion of the permanent dwelling, providing reasonable progress has been made on construction of the permanent dwelling during the first one (1) year permit period.
  5. A performance bond, letter of credit or cash deposit shall be posted with the Township Treasurer to guarantee removal of the temporary dwelling. The funds shall be released to the applicant upon verification of removal of the temporary dwelling. The Township Board may waive this requirement in hardship cases.
- B. Variances to permit the occupancy of temporary dwellings, including manufactured homes, which do not comply with the single-family dwelling standards of Section

12.05 may be granted by the Board of Zoning Appeals pursuant to the procedures contained in Article 17. Such variances may only be granted for the purpose of housing family members who are unable to reside elsewhere due to age, poor health, or indigence. Any manufactured home approved under this section may not be over ten (10) years old at the time it is placed on the site. All such manufactured homes shall be inspected by the building inspector to verify code compliance prior to being brought into the Township. Any manufactured home approved pursuant to this section shall be placed on a reinforced concrete pad or concrete piers and provided with adequate tie downs and skirting. In the event that a temporary dwelling ceases to be occupied by the persons for which it was granted, the temporary dwelling shall be removed from the property within one hundred twenty (120) days of the date it ceases to be occupied by those persons. An Affidavit to that effect shall be provided to the Township as detailed in Section 12.09.A.3.

Section 12.10. ONE DWELLING PER PARCEL. No more than one (1) single-family dwelling may be constructed or placed on a single parcel of land. If a variance is granted for farm use or other reasons, all dwellings shall be placed on the parcel in such a manner that the property could be later divided with each dwelling being able to independently comply with all lot size and setback requirements.

Section 12.11. PROHIBITED STRUCTURES. No bus, camper, mobile home, manufactured home, semi-trailer, shipping container, railroad car, truck body or other motor vehicle body or similar item shall be placed on any property for use as a storage structure or other building purpose. This section shall not apply to manufactured homes which comply with Sections 12.05 or 12.09 and are used as single-family dwellings. This section shall also not apply to operable semi-trailers that are currently licensed for highway use and have a current Department of Transportation sticker.

Section 12.12. PUBLIC SERVICE FACILITIES, COMMUNICATION TOWERS, AND WIND ELECTRICAL GENERATION TOWERS.

- E. Public Utilities. Certain facilities provided by utility companies or by the Township government shall be permitted in all zoning districts. Facilities permitted by this section shall include transmission lines, sewer lines, water mains, pumping stations, substations, poles, and related equipment. Any equipment enclosures, substations or similar structures shall be subject to the site plan review requirements of Article 15. Any office, warehouse, manufacturing, or sales buildings must be located in the Commercial or Industrial zoning district.
- F. Exempt Antennas and Windmills. Communication antennas, wind generation towers, windmills, and related facilities belonging to farmers, homeowners, or business owners, and used for onsite purposes only shall be exempt from the requirements of this section and shall be allowed as a permitted use in all zoning districts, providing that the antenna, windmill or related facilities do not exceed eighty (80) feet in height. Any towers, windmills, or related facilities shall be set back from any property lines, right of ways for power lines, or road right of ways no less than a distance equal to one hundred (100%) percent of the height of the structure. The height shall be measured from the ground level to the top of the tower, antenna, or windmill blade, whichever is taller.
- G. Commercial Communication Towers. All communication towers, including transmission towers, relay or receiving antennas, and normal accessory facilities involved in telephone, television, radio, microwave, cable systems, cellular, and similar communication services, may be allowed as special land uses in all zoning districts, pursuant to Article 15, subject to the following requirements:
1. The applicant shall submit a written explanation of the design characteristics and the ability of the structure(s) and attendant facilities to withstand winds, ice and other naturally occurring hazards.  
This information shall address the potential for the tower or other



mounting structure and/or antennas to topple over or collapse, and what tower configuration should be expected in such an event.

2. The minimum setback from any property line, road right-of-way, or right of way for power lines, shall be equal to one hundred (100%) percent of the height of the tower.
3. The tower or antenna shall not be unreasonably injurious to the safety or market value of nearby properties.
4. Any electrical, telephone or other utility lines to the tower site shall be placed underground.
5. All tower bases and related equipment shall be surrounded by a full perimeter fence to prevent unauthorized access. The fence shall have locked gates and shall be cyclone fence at least six (6) feet in height. The applicant may propose alternate means of access control which may be approved at the discretion of the Planning Commission. The site shall be maintained in a neat manner.
6. In order to maximize the efficiency of the provision of telecommunication services, while also minimizing the impact of such facilities on the Township, co-location, or the provision of more than one antenna and more than one user on a single tower at a single location, shall be strongly encouraged. Before approval is granted for a new facility, the applicant shall demonstrate that it is not feasible to co-locate at an existing site.
7. Co-location shall be deemed to be "feasible" for the purposes of this section, where all of the following are met:

- (a) The site on which co-location is being considered, including reasonable modification or replacement of a facility, is able to provide structural support.
  - (b) The co-location being considered is technologically reasonable, i.e., the co-location will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.
  - (c) Existing towers or structures are located within the geographic area which meet the applicant's engineering requirements.
  - (d) The fees, costs or contractual provisions required in order to share an existing tower or structure or to adapt an existing tower or structure for co-location are not unreasonable. For the purposes of this paragraph, costs exceeding new tower development are presumed to be unreasonable.
8. Applicants receiving approval for a tower shall agree to allow co-location on the tower for reasonable market compensation as long as the conditions described in subsections C.7. (a)(b)(c) and (d) are met.
9. No communication tower shall be located within three (3) miles of an existing tower.
10. The unit shall be painted a neutral color such as beige or gray. The actual color shall be approved by the Planning Commission.
11. A condition of every approval shall be adequate provision for the removal of the structure whenever it ceases to be used for one year or more. Removal includes the proper receipt of a demolition permit from the Building Official and proper restoration of the site to the

satisfaction of the Zoning Administrator. Removal of the tower and its accessory use facilities shall include removing the top six (6) feet of the caisson upon which the tower is located. This area shall then be filled and covered with top soil and restored to a state compatible with the surrounding vegetation.

12. To ensure proper removal of the structure when it ceases to be used for a period of one (1) year or more, any application for a new tower shall include a description of the financial security guaranteeing removal of the tower which will be posted at the time of receiving a building permit for the facility. The security shall be a: 1) cash bond; 2) irrevocable bank letter of credit; or 3) performance bond in a form approved by the Township. The amount of such guarantee shall be no less than the estimated cost of removal and may include a provision for inflationary cost adjustments. The estimate shall be prepared by the engineer for the developer and shall be approved by the Township. The applicant shall be responsible for the payment of any costs or attorney fees incurred by the Township in securing removal.

D. Commercial Windmills. Wind electrical generation towers and electrical generation windmills, other than those exempted under subsection B, are allowed as special land uses in all zoning districts, pursuant to Article 16 and the following requirements:

1. The applicant shall submit a written explanation of the design characteristics and the ability of the structure(s) and attendant facilities to withstand winds, ice and other naturally occurring hazards. This information shall address the potential for the tower or other mounting structure and/or antennas to topple over or collapse, and what tower configuration should be expected in such an event.

2. The minimum setback from any property line, road right-of-way, or right of way for power lines, shall be equal to one hundred (100%) percent of the height of the windmill blades at the highest point.
3. The tower shall not be unreasonably injurious to the safety or market value of nearby properties.
4. All windmill bases and related equipment shall be surrounded by a full perimeter fence to prevent unauthorized access. The fence shall have locked gates and shall be cyclone fence at least six (6) feet in height. The applicant may propose alternate means of access control which may be approved at the discretion of the Planning Commission.  
The site shall be maintained in a neat manner.
5. The towers, windmills, and related equipment shall comply with all current guidelines published by the Energy Office of the State of Michigan or its successor agency.
6. The unit shall be painted a neutral color such as beige or gray. The actual color shall be approved by the Planning Commission.
7. The provisions of subsections 12.12 C.11 and C.12 shall also be complied with as to electrical generation windmills.

Section 12.13. YARD SALES. No person shall operate or permit to be operated on his property any yard sale, except in compliance with the following requirements:

- A. No yard sale shall be conducted for more than four (4) days.
- B. No more than four (4) yard sales may be held during any calendar year.

- C. Any temporary signs advertising the yard sale shall be removed within twenty-four (24) hours after the completion of the yard sale.
  
- D. For purposes of this Ordinance, the term “yard sale” shall mean any offering for sale of personal property in an area zoned for residential use. The term “yard sale” shall include sales commonly known as “garage sales”, “porch sales”, “basement sales”, and similar operations. The offering for sale of a single item only, such as an automobile or a boat, shall not be considered a “yard sale”. Any sales which are conducted as part of a permanent business enterprise on property zoned for industrial or commercial use shall not be considered to be “yard sales” covered by this Ordinance.

Section 12.14. MOVING OF BUILDINGS, MANUFACTURED HOMES, AND OTHER STRUCTURES.

- A. No building, manufactured home, or other structure in excess of two hundred (200) square feet in floor area shall be moved into or within the Township unless a Zoning Compliance Permit has been issued by the Zoning Administrator prior to the moving of the building, manufactured home, or structure.
  
- B. In the case of new manufactured homes, the Zoning Administrator shall be provided with verification that the manufactured home was constructed pursuant to current standards of the U.S. Department of Housing and Urban Development. In the case of new modular homes, the Zoning Administrator shall be provided with verification that the modular homes were constructed in compliance with the BOCA Code or the Michigan Construction Code.
  
- C. In all other cases (buildings, structures, or used manufactured homes), the Zoning Administrator shall be provided with a Certificate of Code Compliance pursuant to an inspection conducted by a registered Building Inspector approved by the

Township. Any Code deficiencies identified by the Inspector must either be corrected prior to the building, structure, or manufactured home being placed on the property or else the applicant must post a performance bond, bank letter of credit or a cash deposit with the Township Treasurer in an amount sufficient to cover all required repairs. Any repairs covered by a financial guarantee shall be completed within ninety (90) days of the date that the unit is brought into the Township.

- D. The applicant shall be responsible for compensating the registered Building Inspector for all required inspections.
- E. If any building, manufactured home or other structure is moved for any reason, it shall thereafter conform to the regulations for the district in which it is located after it is moved. However, legal non-conforming manufactured housing (single-wide mobile homes) may be replaced with another single-wide as long as the replacement unit is less non-conforming than the unit being replaced and the unit is no more than ten (10) years old when it is placed on the property. Any replacement single-wide mobile home must be fully installed and under a certificate of occupancy within one (1) year of the date of the removal of the prior mobile home.

Section 12.15. OUTDOOR STORAGE OF RECREATIONAL VEHICLES.

- A. For purposes of this section, recreational vehicles shall be deemed to include motor homes, camping trailers, pickup campers, vans, buses, cargo trailers, or other units designed or used for human occupancy and which do not meet the single-family dwelling standards of Section 12.05. Mobile homes and manufactured homes are not included in the definition of recreational vehicles.
- B. Motor homes or campers (not including mobile homes) may be stored outside on property containing an occupied single-family dwelling, provided that there are not more than two (2) such units on the property. Any such recreational vehicle may

be occupied for a maximum of one hundred eighty (180) days in any calendar year.

- C. On properties which do not have an occupied single family dwelling, a maximum of two (2) recreational vehicles may be stored or used. Such storage or use shall not exceed one hundred eighty (180) days during any calendar year **and such usage shall be regulated by a policy adopted by the Wells Township Board. Amendment 100-06.**

Section 12.16. FENCES AND WALLS. All fences and walls, other than on property used for agricultural purposes in an area zoned AFR, shall comply with the following:

1. Fences shall not exceed eight (8) feet in height, measured from the surface of the ground.
2. No residential fence shall contain barbed wire, razor wire, or be charged with electricity.
3. It shall be the obligation and sole responsibility of persons erecting fences to determine the location of property lines.
4. Within the limits of clear vision zones established by the Road Commission or the MDOT, there shall be no fences or hedges allowed except for clear vision fences.
5. Material used in any obscuring fencing shall be painted or stained with a uniform color on both sides and the finished side of the fence shall face out. Fences must be fabricated from standard fencing materials, be in aesthetic harmony with the surrounding structures, and are subject to approval of the Zoning Administrator.

Section 12.17. ~~MEDICAL MARIJUANA FACILITIES AND CAREGIVERS.~~ Repealed under Amendment 100-05.

1. ~~Any medical marijuana caregiver shall be in continual compliance with all state laws pertaining to the growing, possession, use or distribution of medical marijuana.~~
2. ~~Medical marijuana caregivers shall only be allowed to operate in the AFR zoning district within single family dwellings where they reside. No medical marijuana caregiver shall be allowed to operate in any office building, commercial building, industrial building, apartment building or residential apartment.~~
3. ~~No more than one (1) caregiver shall operate out of any single location. In no event shall more than one caregiver conduct operations on a single parcel of land.~~
4. ~~Any medical marijuana facility shall be at least one thousand (1,000) feet from any school property line and at least five hundred (500) feet from any church, library, or licensed day-care center.~~

Section 12.17. CAREGIVER CULTIVATION OF MARIJUANA FOR MEDICAL USE.

The caregiver cultivating marijuana for medical use pursuant to the Michigan Medical Marijuana Act of 2008, found at MCL 333.26421 et seq (as amended), is allowed as a special land use that is accessory to the use of a residential dwelling in any district where residential dwellings are allowed, subject to the following:

A. All caregivers seeking approval to cultivate marijuana for medical use in the Township must submit proof (as part of the zoning application) that he or she is a properly licensed caregiver with the State of Michigan.

B. A caregiver cultivating marijuana for medical use must reside in the dwelling where the



marijuana is being cultivated.

C. The caregiver cultivation of marijuana for medical use shall be clearly accessory, incidental, and subordinate to the residential dwelling use.

D. There shall be no change in the outside appearance of the dwelling or other visible evidence of the conduct of the caregiver cultivation of marijuana for medical use.

E. No outdoor storage or display of equipment, merchandise, and/or materials used in the caregiver cultivation of marijuana for medical use shall be allowed.

F. Traffic generated by the caregiver cultivation of marijuana for medical use shall not be greater than would normally be expected in a residential neighborhood.

G. The caregiver cultivation of marijuana for medical use must be conducted entirely within a dwelling unit or attached garage.

H. Any necessary parking spaces for vehicles generated by the caregiver cultivation of marijuana for medical use shall be provided on the site in a normal driveway or designated parking area, but not within any required yard area.

I. No equipment or process shall be used in the caregiver cultivation of marijuana for medical use which creates noise, vibration, glare, fumes, or odor detectable to the normal senses off the premises on which the caregiver cultivation of marijuana for medical use is located.

J. A floor plan shall be provided to verify the location and type of hazardous material (herbicides, pesticides, fertilizers, etc.) proposed to be stored or used onsite. Material Data Sheets (MDS) sheets shall be provided for all chemicals onsite. An inventory of the chemicals, including quantity and location, shall be provided to the Township. The applicant shall provide the Township with an updated inventory as changes occur, but at minimum the inventory shall be updated on a quarterly basis.

H. Township representatives have the right to conduct annual or random inspections to verify compliance.

L. The Caregiver shall be required to pay any and all fees to the Township for zoning permits, applications, or inspections (this includes any annual and random inspections). These fees shall be established by resolution of the Township Board. Failure to pay these fees may result in revocation of the Caregiver's Special Land Use approval.

Added under Amendment 100-05.

Section 12.18. AIRPORT ORDINANCE COMPLIANCE. All construction and land use activity within the Township shall be in compliance with the requirements of the Tuscola County Airport Ordinance.

### ARTICLE 13

#### Non-conforming Lots, Uses, and Structures

Section 13.01. NON-CONFORMING LOTS OF RECORD. A single-family dwelling and customary accessory buildings may be erected on any lot of record shown on the tax roll at the effective date of adoption of this Ordinance, provided that at least one-half the setback distances required by Section 10.02 can be maintained and provided that septic and well approvals are granted by the County Health Department. Permission to build on smaller recorded lots which lack adequate setbacks may be granted by the Board of Zoning Appeals as long as reasonable living standards can be provided.

Section 13.02. NON-CONFORMING STRUCTURES. Where a lawful structure exists at the effective date of adoption of this Ordinance that could not be built under the terms of this Ordinance, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such non-conforming structure may be enlarged or altered in any way which increases its non-conformity.
- B. Should such non-conforming structure be destroyed by any means to an extent of more than sixty (60%) percent of the physical structure, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
- C. Should such structure be moved for any reason whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved. However, non-conforming manufactured housing (single-wide mobile homes) may be replaced with another single-wide as long as the replacement unit is less non-conforming than the unit being replaced and the unit is no more than ten (10) years old when it is placed on the property. Any replacement single-wide mobile home must be fully installed and under a certificate of occupancy within one (1) year of the date of the removal of the prior mobile home.

Section 13.03. NON-CONFORMING USES OF LAND OR STRUCTURES. Where at the time of passage of this Ordinance lawful use of land or structures exists which would not be permitted by the regulations imposed by this Ordinance, the use may be continued so long as it remains otherwise lawful, provided:

- A. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land or additional structures than that occupied at the effective date of adoption or amendment of this Ordinance.
- B. If any such non-conforming use ceases for any reason for a period of more than twelve (12) months any subsequent use shall conform to the regulations specified by this Ordinance.
- C. No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such non-conforming use of land.

- D. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted.

## ARTICLE 14

### Planning Commission

Section 14.01. ESTABLISHED. The Wells Township Planning Commission has been established as authorized by the Michigan Planning Enabling Act of 2008 and the Wells Township Planning Commission Ordinance.

Section 14.02. POWERS. The Planning Commission shall have the power to review and approve site plans pursuant to Article 15 of this Ordinance, to hear and decide requests for special land uses pursuant to Article 16 of this Ordinance, and to hear and make recommendations on zoning amendment requests pursuant to Articles 18 and 19 of this Ordinance.

## ARTICLE 15

### Site Plan Review Requirements

Section 15.01. SCOPE. A site plan shall be prepared and submitted for every construction project and every proposed change in land use, except that no site plan shall be required for single-family residences, farm buildings, or buildings which are accessory to single-family residences.

Section 15.02. PROCEDURE. All site plans shall be submitted first to the Zoning Administrator, who shall review the plans for compliance with the requirements of the Zoning Ordinance. The Zoning Administrator shall then refer the site plan to the Planning Commission for review and decision. Once a site plan is approved by the Planning Commission, it shall not be altered without the consent of the Planning Commission.

Section 15.03. CONTENT. Each site plan shall include the following:

- A. Area of the site.
- B. Date, north point, and scale of not less than one (1) inch equals one hundred (100) feet.
- C. Dimensions of all property lines.
- D. Location and dimensions of all existing and proposed structures on the property or on adjacent properties within one hundred (100) feet of the property lines.
- E. Location and dimensions of all existing and proposed roads (including rights-of-way), driveways, sidewalks, and parking areas (see Article 11).
- F. Location of all existing and proposed utility lines, wells, septic systems, and storm drainage.
- G. Location, dimensions and details of proposed plantings, greenbelts and landscaped areas (see Section 12.08).
- H. Exterior drawings of proposed new buildings or existing buildings to which major additions are proposed.
- I. Location, dimensions, and drawings of existing and proposed signs (see Section 12.06).
- J. Name, address, and telephone number of the person who prepared the site plan.

Section 15.04. STANDARDS. In determining whether to approve, modify, or deny a site plan, the Planning Commission shall consider the following:

- A. Adequacy of traffic ingress, egress, circulations, and parking.
- B. Adequacy of landscaping to protect adjoining properties and enhance the environment of the community.
- C. Location and design of proposed structures so as to ensure that detrimental effects on adjacent properties will be minimized.
- D. Adequacy of storm drainage.
- E. Location and design of signs so as to prevent highway visibility obstructions, driver distractions, encroachments, and adverse impacts on the community environment.

Section 15.05. DEPOSIT. A cash deposit, performance bond, or bank letter of credit shall be posted with the Township as a guarantee that the project will be completed in accordance with the approved site plan. Upon the completion of the project in accordance with the approved site plan, the deposit shall be released. The amount of the deposit shall be five (5%) percent of the project cost, but in no case less than One Thousand (\$1,000.00) Dollars.

Section 15.06. TIME FOR COMPLETION. Each site plan shall be fully complied with and all construction completed within one (1) year of the date the building permit is issued. Site plan approval shall expire two (2) years from the date the Planning Commission granted initial approval, unless the site plan has been fully completed or unless an extension has been granted by the Planning Commission.

## ARTICLE 16

### Procedures For Special Land Use Approval By Planning Commission

Section 16.01. APPLICATION. For all special land uses, a written application shall be submitted to the Planning Commission. Such application shall contain a description of the proposed use, a legal description and street location of the property on which the proposed use would be located, the signature of the property owner, the signature of the petitioner (if different from the property owner), and a scale drawing of the site. The scale drawing shall show existing and proposed buildings, driveways, points of ingress and egress, parking areas, fencing, landscaping, signs and road right-of-ways.

Section 16.02. HEARING. Requests for special land uses may be heard and decided at any regular or special meeting of the Planning Commission, provided the petitioner has presented all required information and proper notice has been given. Notices of public hearing on special land uses shall be sent to the person requesting the special approval, the owner of the property which is the subject of the request, and to owners of property within a minimum of five hundred (500) feet from the property lines of the property which is the subject of the request. Notice shall be given to property owners as shown on the latest tax assessment roll. Notice shall also be given to any occupants of structures within five hundred (500) feet, if the occupants are different than the owners. A notice shall be published once in a newspaper of general circulation. All notices shall be published, mailed or personally delivered not less than fifteen (15) days prior to the hearing date.

Section 16.03. STANDARDS. Requests for special land uses shall be granted or denied based on the following standards:

- A. The location, size and character of the proposed use shall be in harmony with, and appropriate to the surrounding neighborhood.
- B. The proposed use shall not result in the creation of a hazardous traffic condition.

- C. The site layout, intensity of use, and time periods of use shall not be such as to create a nuisance due to dust, noise, smell, vibration, smoke, lighting, or other causes.
- D. All specific requirements of the zoning district where the proposed use would be located shall be complied with.

Section 16.04. DECISION. The Planning Commission may deny, approve, or approve with conditions any request for a special land use. The decision of the Planning Commission shall be incorporated in a statement containing the findings and conclusions on which the decision is based and any conditions imposed. Any condition imposed shall meet all of the following requirements:

- A. Be designed to protect natural resources, the health, safety, and welfare and the 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.
- B. 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 16.05. EXPIRATION. Planning Commission permission for a special land use shall expire one (1) year from the date of the meeting at which permission is granted unless the premises has actually been utilized for the use permitted or unless construction has been undertaken to prepare the premises for the use permitted within the one-year period.



## ARTICLE 17

### Zoning Board Of Appeals

Section 17.01. MEMBERSHIP. There is hereby established a Zoning Board Of Appeals. The Zoning Board Of Appeals shall consist of five (5) members appointed by the Township Board. One member may be a member of the Township Board. One member shall be a member of the Planning Commission. The remaining members shall be electors who are not employees or contractors of the Township. Each member shall be appointed for a term of three (3) years, except that the term of office of the members who are also members of the Township Board or Planning Commission shall terminate if their membership on the Township Board or Planning Commission terminates before the end of the three-year term. The Township Board may also appoint two (2) alternate members to three (3) year terms to serve whenever a regular member is unable to participate. The Zoning Board Of Appeals shall elect a Chairman, Vice-Chairman, and Secretary. A Township Board member may not serve as Chairman.

Section 17.02. APPEALS. An appeal may be taken to the Zoning Board Of Appeals by any person wishing to appeal for a variance from any ordinance provision or appeal any final decision of the Zoning Administrator or the Planning Commission. The Zoning Board Of Appeals shall also interpret the zoning map and rule on non-conforming uses and structures whenever the determination of the Zoning Administrator is appealed. All appeals must be applied for in writing on forms provided by the Township. The Zoning Board Of Appeals shall give notice of the hearing to the parties involved. The Zoning Board Of Appeals shall publish a notice of public hearing in a newspaper of general circulation and shall give notice to owners of property within a minimum of five hundred (500) feet from the property lines of the property which is the subject of the appeal. Notice shall be given to property owners as shown on the latest tax assessment roll. Notice shall also be given to any occupants of structures within five hundred (500) feet, if the occupants are different than the owners. All notices shall be published, mailed or personally delivered at least fifteen (15) days prior to the hearing date.

Section 17.03. AUTHORITY TO GRANT VARIANCES. The Zoning Board Of Appeals shall have the authority to grant only non-use variances. Non-use variances may be granted whenever there can be shown to be practical difficulties or unnecessary hardships imposed in carrying out the strict letter of the Ordinance. In considering variance requests, the ZBA shall make the following findings:

- A. That there are practical difficulties or unnecessary hardships which prevent carrying out the strict letter of this Ordinance. These hardships or difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.
- B. That a practical difficulty exists because of unique circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that does not generally apply to other property or uses in the same zoning district.
- C. That the hardship or special conditions or circumstances do not result from actions of the applicant.
- D. That the variance will be in harmony with the general purpose and intent of this Ordinance and will not cause a substantial adverse effect upon surrounding property, property values, and the use and enjoyment of property in the neighborhood or district. If a lesser variance would give substantial relief and be more consistent with justice to others, it shall be so decided.
- E. That strict compliance with 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.
- F. That the variance requested is the minimum amount necessary to mitigate the hardship.

Section 17.04. DECISIONS. The Zoning Board Of Appeals may require the appellant to provide such additional information as is necessary to make a decision. In making a decision, the Zoning Board Of Appeals may impose such conditions as it may deem necessary to comply with the spirit and purpose of the Zoning Ordinance. The Zoning Board Of Appeals shall decide appeals in such a manner that the spirit of the Ordinance is observed, public safety secured, and substantial justice done. The Zoning Board Of Appeals shall state findings and the grounds for each decision. Any conditions imposed by the Zoning Board Of Appeals shall meet the following requirements:

- A. Be designed to protect natural resources, the health, safety, and welfare and the 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.
- 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 17.05. QUORUM REQUIREMENTS. The Zoning Board of Appeals may only conduct business if a majority of the regular members are present.

Section 17.06. EXPIRATION OF VARIANCE APPROVALS. Any variance shall expire one (1) year from the date it is granted unless use of the property has begun or construction has been undertaken pursuant to the variance.

## ARTICLE 18

### Amendments and Rezoning

Section 18.01. APPLICATION. The Township Board may, after a public hearing by the Township Planning Commission, amend the regulations or the district boundaries of this Ordinance pursuant to the authority and according to the procedure set forth in the Michigan Zoning Enabling Act. Proposed amendments to the regulations or district boundaries of the Ordinance may be initiated by the Township Planning Commission, the Township Board or an individual petitioner. Whenever an individual petitioner requests a zoning amendment, he shall be the fee owner of the premises concerned or else have the fee owner also subscribe to his petition. A petition for rezoning shall be submitted to the Township Clerk along with a rezoning fee, as established by the Township Board.

Section 18.02. NOTICE OF HEARING. Notice of a Planning Commission public hearing for a zoning amendment or a rezoning of property shall be published in a newspaper of general circulation in the Township for each proposed amendment to the regulations or district boundaries. If property is proposed to be rezoned, notice shall also be delivered personally or by mail to the owner of the property proposed for rezoning and the owners of all property within five hundred (500) feet of the property proposed to be rezoned. Notice shall also be given to any occupants of structures within five hundred (500) feet, if the occupants are different than the owners. The notices shall be published, mailed or personally delivered no less than fifteen (15) days before the hearing date.

Section 18.03. PLANNING COMMISSION HEARING AND RECOMMENDATIONS. After conducting the required public hearing, the Township Planning Commission shall adopt recommendations as to the approval or denial of the proposed rezoning of property or amendment to the Ordinance regulations. Upon completion of action by the Township Planning Commission, the proposed rezoning or amendment shall be submitted to the Tuscola County Planning Commission for review and recommendation.

Section 18.04. TOWNSHIP BOARD. Upon receipt of the recommendations of the Township Planning Commission and the County Planning Commission, the Township Board

shall undertake consideration of the proposed rezoning or amendment. If no recommendation is received from the County Planning Commission within thirty (30) days after it received the proposed rezoning or amendment, the Township Board shall conclusively presume that the County has waived its right for review and recommendation. Any decision by the Township Board which results in the rezoning of property or the amendment of the Ordinance shall be incorporated in an ordinance duly adopted and published by the Township Board.

## ARTICLE 19

### Voluntary Rezoning Agreements

Section 19.01. AUTHORITY. The Township Board may, after a public hearing by the Township Planning Commission, enter into an agreement with a property owner to rezone property pursuant to the authority contained in the Michigan Zoning Enabling Act.

Section 19.02. APPLICATION. Any offer to enter into a rezoning agreement shall be submitted to the Township Clerk along with a rezoning agreement fee, in an amount established by the Township Board. Whenever a petitioner offers to enter into a rezoning agreement, the person shall be the fee owner of the premises concerned or else have the fee owner subscribe to the offer. Proposed rezoning agreements may only be initiated by a property owner and not by the Township.

Section 19.03. PLANNING COMMISSION HEARING AND RECOMMENDATION. After conducting a public hearing, the Township Planning Commission shall adopt recommendations as to the approval, approval with revisions, or denial of a proposed rezoning agreement. All procedural requirements for a rezoning, as contained in Article 18, shall be complied with.

Section 19.04. TOWNSHIP BOARD. Upon receipt of the recommendations of the Township Planning Commission, the Township Board shall undertake consideration of the proposed rezoning agreement. Any decision by the Township Board which results in a rezoning agreement shall be incorporated in a written document duly executed by the

Township Board and the property owner. Any such agreement shall be recorded with the Register of Deeds and shall run with the land.

Section 19.05. STANDARDS FOR DECISION. In deciding whether or not to approve a proposed rezoning agreement, the Planning Commission and the Township Board shall base their decisions on the following factors:

A. The terms of the offer must be reasonably related to the property covered in the agreement.

B. The proposed land use must be designed in such a way as to be compatible with surrounding land uses.

C. The proposed land use must be consistent with the goals and policies of the Township.

Section 19.06. LIMITATIONS ON AGREEMENTS. A rezoning agreement shall not be used to allow anything that would not otherwise be permitted in the proposed new zoning district. Any proposed variations from district requirements such as density, permitted uses, or lot size, shall only be granted by the Board of Zoning Appeals pursuant to the variance standards contained in Article 16. Any agreement shall include a specific time period during which the terms of the agreement must be completed.

Section 19.07. ZONING REVERSION. In the event that the terms of a zoning agreement are not fulfilled within the time specified in the agreement, the Township Board shall initiate a proposed rezoning to revert the property back to the original classification.

## ARTICLE 20

### Violations

Section 20.01. ENFORCEMENT AND PENALTY. ~~Any person, firm or corporation who violates any of the provisions of this Ordinance is responsible for a municipal civil-~~

~~infraction, subject to payment of a civil fine of not less than Fifty (\$50.00) Dollars, plus costs and other sanctions, for each infraction. Repeat offenses under this Ordinance shall be subject to increased fines as provided for in the Wells Township Civil Infraction Ordinance.~~ Repealed under Amendment 100-05

Section 20.01 ENFORCEMENT AND PENALTY. Any person, firm or corporation who violates any of the provisions of this Ordinance is responsible for a municipal civil infraction subject to payment of a civil fine of not less than One Hundred Fifty (\$150) Dollars, plus costs and other sanctions, for each infraction. Repeat offenses under this Ordinance shall be subject to increased fines as provided for in the Wells Township Civil Infraction Ordinance. Added under Amendment 100-05.

Section 20.02. NUISANCE PER SE. Any building or structure which is used, erected, altered, razed, or converted or any use of any premises which is begun or changed and in violation of any provision of this Ordinance, is hereby declared to be a nuisance per se.

## ARTICLE 21

### Definitions

Section 21.01. DEFINITIONS. For the purpose of this Ordinance, certain terms are herewith defined. Terms not herein defined shall have the meanings customarily assigned to them.

ACCESSORY BUILDING. A building related to and secondary to the main use of the premises.

ACCESSORY USE. A use naturally and normally incidental and subordinate to the main use of the premises.

ADULT BOOK OR NOVELTY STORES. An establishment having a substantial or significant portion of its stock in trade, books, magazines, and other items which are

distinguished or characterized by their emphasis on matter depicting, describing or relating to “Specified Sexual Activities” or “Specified Anatomical Areas”, or an establishment with a segment or section devoted to the sale or display of such material or items.

ADULT MOTION PICTURE THEATRE. A building used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “Specified Sexual Activities” or “Specified Anatomical Areas” for observation by patrons.

ALTERATIONS. Any change, addition or modification in construction of the structural members of a building, such as walls, partitions, columns, beams, or girders.

BED AND BREAKFAST ESTABLISHMENTS. A structure which was constructed for single- family residential purposes but which may be used for the purpose of renting bedrooms on a nightly basis to tourists, including the provision of breakfast meals for overnight guests.

BOARD OF APPEALS. The duly appointed Board of Zoning Appeals for the Township of Wells.

BUILDING. A structure, either temporary or permanent, having a roof supported by columns or walls for the shelter, support of enclosure of persons, animals, or personal property. This shall include vehicles, trailers, or manufactured homes situated on private property and used for purposes of a building.

CABARET. An establishment which permits topless and/or bottomless dancers, strippers, exotic dancers, or similar entertainers.

CAREGIVER. A person who is at least 21 years old and who has agreed to assist with a patient’s medical use of marijuana, as defined and used by the Michigan Medical Marihuana Act of 2008, McL 333.26421 et seq (as amended). Added under Amendment 100-05.



CONDOMINIUM, SITE. A condominium development which includes only detached single-family residences located on individual sites.

CONDOMINIUM, UNIT. That portion of a condominium project which is designed and intended for separate ownership, as described in the Master Deed. A condominium unit may consist of either vacant land or space which is enclosed by a building. Any “condominium unit” consisting of vacant land shall be equivalent to the term “lot” for the purposes of determining compliance with minimum lot size or lot width.

CULTIVATION. The act of preparing, growing, tending to, caring for, and/or harvesting a particular plant or crop. Added under Amendment 100-05.

DAY-CARE HOME, FAMILY. A private home in which the operator permanently resides as a member of the household in which at least one (1) but not more than six (6) minor children are received for care and supervision for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day-care homes includes any home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

DAY-CARE HOME, GROUP. A private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption.

DWELLING, DUPLEX OR TWO-FAMILY. A building used or designed as a residence for two (2) families.

DWELLING, MULTIPLE-FAMILY. A building used or designed as a residence for three (3) or more families.

DWELLING, SINGLE-FAMILY. A building used or designed exclusively as a residence for one (1) family.

DWELLING UNIT. Any house, building, manufactured home, or portion thereof which is designed for or occupied as a residence or sleeping quarters for a person, persons, or family as a single unit.

ERECTED. The word "erected" includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required to construct a building. Excavations, fill, or drainage relating to the construction or placement of a structure shall be considered a part of erecting.

EXCAVATING. The removal of sand, stone, gravel or dirt from its natural location.

FAMILY. One (1) adult or an adult couple, with their direct lineal descendants, adopted children or step-children, with not more than two (2) additional unrelated persons, living together as a single housekeeping unit.

FARM. All of the associated land, operated as a single unit on which bona fide farming is carried on, including livestock and poultry raising, stables, dairying, crop production, forestry, tree and shrub nurseries, greenhouses, sod farms, truck gardens and similar enterprises involving agricultural production. This shall include portable sawmills used for the purpose of processing the wood grown on the farm on which the sawmill is located.

FARM BUILDING. Any building or structure, other than a dwelling, which is customarily used on farms for the pursuit of their agricultural activities.

FILLING. The depositing or dumping of any matter onto or into the ground.

FLOOR AREA. The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls. The "floor area" of a building shall

include the basement floor area when more than one-half (½) of the basement height is above the finished lot grade.

FORESTRY. Planting, cultivating, harvesting, sawing, curing, milling and storage of trees, logs or lumber, but not including manufacturing of wood products.

INSTITUTIONAL FACILITY. Any church, school, governmental building or facility, lodge hall, veterans organization building, or similar non-profit facility.

JUNK. Any motor vehicles, machinery, appliances, product, merchandise, scrap metals, broken concrete, or other scrap materials that are deteriorated, or are in a condition which cannot be used for the purpose that the product was manufactured.

JUNK YARD. Any property used for the storage, keeping, dismantling, or abandonment of junk outside of an enclosed building.

KENNEL. Any property on which five (5) or more dogs, or similar animals, four (4) months of age or older, are kept either permanently or temporarily.

LIVESTOCK. Horses, cattle, sheep, goats, mules, donkeys, hogs, and other hoofed animals.

LOT OF RECORD. Any parcel of land which is separately described in a deed, land contract, or similar legal document evidencing a conveyance of ownership and recorded with the Tuscola County Register of Deeds.

MANUFACTURED HOME (includes house trailers, and mobile homes). A dwelling unit designed for long term occupancy and designed to be transported after fabrication on its own wheels or as one or more units. This includes all units which could be licensed under the provision of Act 300 of the Public Acts of 1949, as amended.

MANUFACTURED HOUSING PARK. Any parcel of land which has been designed, improved or used for the placement of three or more manufactured homes or manufactured homes for dwelling purposes.

MARIJUANA (ALSO KNOWN AS MARIHUANA). All parts of the plant *Cannabis sativa* L., growing or not; the seeds of that plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin. Marihuana does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from those stalks, fiber, oil, or cake, or any sterilized seed of the plant that is incapable 5.25.21 1st Draft 5 of germination. Marihuana does not include industrial hemp, as used by the Michigan Medical Marihuana Act of 2008, MCL 333.26421 et seq (as amended), and as defined in the Public Health Code of 1978, MCL 333.7106(4) (as amended). Added under Amendment 100-05

MEDICAL USE (MARIJUANA). The acquisition, possession, cultivation, manufacture, extraction, use, internal possession, delivery, transfer, or transportation of marihuana, marihuana-infused products, or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition, pursuant to the term "Medical Use of Marijuana" as defined and used in the Michigan Medical Marihuana Act of 2008, MCL 333.26421 et seq (as amended). Added under Amendment 100-05

~~MEDICAL MARIJUANA. Marijuana, as defined in Section 7106 of the Michigan Public Health Code (MCL 333.7106), which complies with all requirements of the Michigan Medical Marijuana Act (Initiated Law 1 of 2008).~~ Repealed under Amendment 100-05

~~MEDICAL MARIJUANA CAREGIVER. A person authorized under the Michigan Medical Marijuana Act who is at least 21 years old and who has agreed to assist with a patient's medical use of marijuana and who has never been convicted of a felony involving illegal drugs.~~ Repealed under Amendment 100-05

MEDICAL MARIJUANA FACILITY. ~~Any location at which medical marijuana is grown or distributed.~~ Repealed under Amendment 100-05

PARKING SPACE. An area of not less than ten (10) feet wide by twenty (20) feet long, designed for the parking of a motor vehicle, such space being exclusive of necessary drives, aisles, entrances, or exits and being fully accessible for the storage or parking of permitted vehicles.

PLANNING COMMISSION. The duly appointed Planning Commission of Wells Township.

PLOT PLAN. A scale drawing showing property lines, driveways and roads, location and dimensions of all structures which exist on the property as well as any proposed structures, and water areas such as ponds, lakes, streams or drains. A plot plan may be prepared by the owner and need not be prepared by a surveyor or engineer.

QUARRYING. The removal of sand, clay, gravel, soil or similar material from its natural location for sale or use on a parcel of land other than the parcel on which the material was originally located.

RECYCLING FACILITY. A facility which receives and processes items for the purpose of salvaging metals, paper products, or recyclable materials. A recycling facility does not include a junk yard or other facility for the resale of automobile parts or other machinery parts.

RESIDE. The place that you live in as your permanent residence and if absent intend to return. It shall be the address that appears on your driver's license or Michigan identification card as well as on your voter registration card. Vacation homes, seasonal homes, and income property are not considered where you reside. Amended under Amendment 100-05.

SETBACK. The distance between the base of a building and a road right-of-way line or a property line.

SIGN. Any outdoor sign, display, device, figure, painting, writing, drawing, message, placard, poster, billboard, or other thing designed, intended, or used to advertise or inform persons who are on the public roads.

SIGN AREA. The total surface area of a sign. In the case of signs having two sides back-to-back, the sign area shall be the total surface area of one side of the sign.

SIGN, OFF-SITE (BILLBOARD). A sign advertising something other than a facility or enterprise which is located on the same parcel of land as the sign.

SIGN, PRINCIPAL ON-SITE. A sign advertising the name of a facility located on the same parcel of land as the sign.

SIGN, SECONDARY ON-SITE. A sign advertising a service or product available at a facility located on the same parcel of land as the sign.

SPECIFIED ANATOMICAL AREAS:

- a. Less than completely and opaquely covered: human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and
- b. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES:

- a. Human genitals in a state of sexual stimulation or arousal.
- b. Acts of human masturbation, sexual intercourse or sodomy.

c. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

STRUCTURE. Anything constructed, erected, or placed on a parcel of land which is permanently located in the ground or attached to something having a permanent location. This shall include buildings, manufactured homes, pre-manufactured units, modular units, and similar items. Any structure located on the same premises for more than six months shall be deemed to be permanently located within the meaning of this definition.

TOWNSHIP BOARD. The duly elected or appointed Township Board of the Township of Wells.

TRAVEL TRAILERS (including recreational vehicles, camping trailers, truck campers, and motor homes). Vehicular-type portable structures, primarily designed as temporary living accommodations for recreational camping or travel use. These vehicles can either be towed, hauled, or affixed to another vehicle and driven from one site to another without requiring a special transportation permit for travel.

TRAVEL TRAILER PARK. Any parcel of land designed, improved, or used for the placement of three (3) or more travel trailers used for overnight accommodations.

USE. The purpose for which a parcel of land or a building is designed, arranged, or intended or the purpose for which it is occupied, maintained, or leased.

VARIANCE, NON-USE. A variance granted by the Zoning Board of Appeals which allows for a variation of a dimensional requirement or which allows for a variation of a requirement of the Zoning Ordinance not involving the uses permitted within the zoning district.

VARIANCE, USE. Any variance which allows a land use which is not included in the principal uses permitted or the special land uses permitted within the zoning district.

YARD. An open space of prescribed width or depth on the same land with a building or group of buildings, which open space lies between the building or group of buildings, and the nearest lot line and is unoccupied and unobstructed from the ground upward.

## ARTICLE 22

### Severability and Repeal

Section 22.01. SEVERABILITY. This Ordinance and the various articles, sections, paragraphs, sentences, and clauses thereof, are hereby declared to be severable. If any article, section, paragraph, sentence, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby.

Section 22.02. REPEAL. The former Wells Township Zoning Ordinance, adopted on the 12<sup>th</sup> day of May, 2005, and all amendments thereto, are hereby repealed in their entirety.

## ARTICLE 23

### Enactment

Section 23.01. ORDINANCE ENACTED. The provisions of this Zoning Ordinance No. 100 are hereby enacted and declared to be immediately necessary for the preservation of the public health, safety, and welfare of the people of the Township of Wells.

Section 23.02. EFFECTIVE DATE. This Ordinance is ordered to be given effect seven (7) days after the date of publication specified in Section 23.03, pursuant to the Michigan Zoning Enabling Act.

Section 23.03. CERTIFICATION. The undersigned Supervisor and Clerk of the Township of Wells hereby certifies that this Ordinance is a true copy of the Ordinance which was duly adopted by the Wells Township Board, at a meeting held on the 10th day of May, 2012 and further certifies that a notice of adoption of this Ordinance was duly published in the Tuscola County Advertiser on the \_\_\_\_\_ day of May, 2012, pursuant to the Michigan Zoning Enabling Act.



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Melvin L. Witkovsky  
Wells Township Supervisor

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Karen A. Varney  
Wells Township Clerk