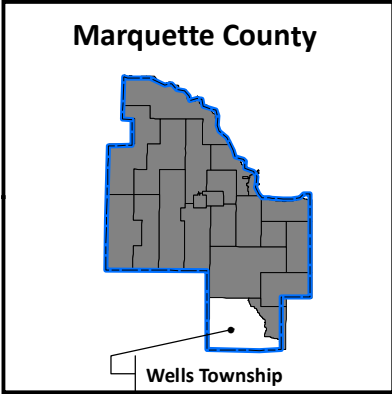
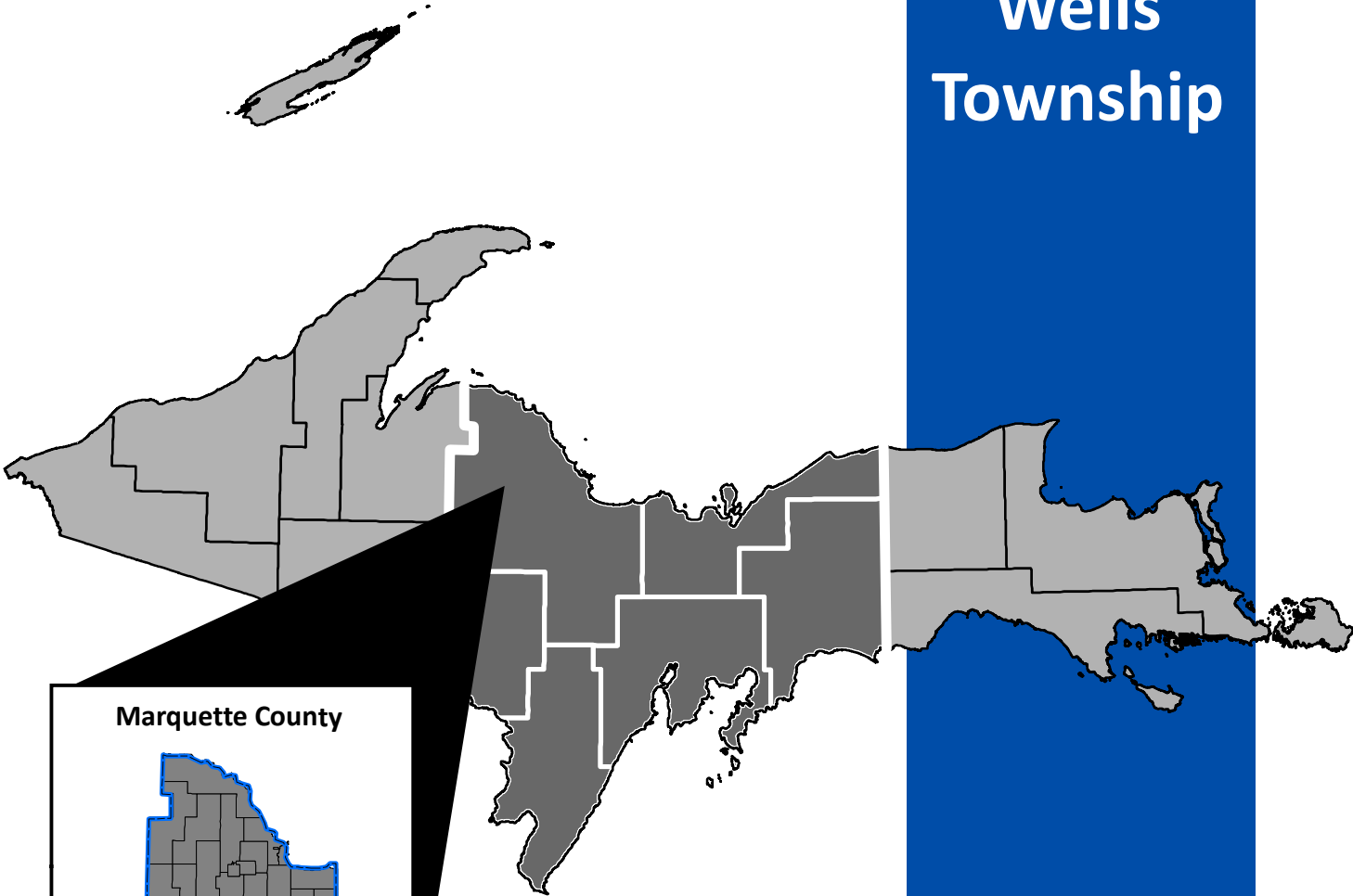


# Wells Township



## Zoning Ordinance

Prepared By:  
Wells Township Planning Commission  
&  
Wells Township Board  
Adopted: September 1996  
Amended: May 20, 2005  
May 9, 2011



## WELLS TOWNSHIP ZONING ORDINANCE

### TABLE OF CONTENTS

	<u>PAGE</u>
<b>ARTICLE I PURPOSE OF ZONING</b>	I - 1
Section 101 Purpose	I - 1
Section 102 Short Title	I - 2
<b>ARTICLE II DEFINITIONS</b>	II - 1
Section 201 Construction of Language	II - 1
Section 202 Definitions	II - 2
<b>ARTICLE III ZONING DISTRICTS AND MAPS</b>	III - 1
Section 301 Establishment of Districts	III - 1
Section 302 Zoning District Maps	III - 1
Section 303 Replacement of Official Zoning Maps	III - 2
Section 304 Application of District Regulations	III - 2
Section 305 Scope of Provisions	III - 2
Section 306 Conflicting Regulations	III - 3
Section 307 Exemptions	III - 3
Section 308 District R: Residential	III - 3
Section 309 District RR-2: Rural Residential	III - 4
Section 310 District LS/R: Lake Shore and River	III - 5
Section 311 District RS-1: Recreational Structures	III - 5
Section 312 District AP-20: Agricultural Production	III - 6
Section 313 District RP-10: Resource Production Ten	III - 7
Section 314 District RP-20: Resource Production Twenty	III - 8
Section 315 District TP-40: Timber Production	III - 10
Section 316 District TD: Town Development	III - 10
Section 317 District I: Industrial	III - 12
Section 318 District RS-10: Recreational Structure Ten	III - 12
<b>ARTICLE IV GENERAL REGULATIONS</b>	IV - 1
Section 401 Height, Bulk and Placement Regulations	IV - 1
Section 402 Minimum Building Floor Area	IV - 3
Section 403 Accessory Buildings and Uses	IV - 3
Section 404 One Principal Structure or Use Per Lot	IV - 4
Section 405 Variance of Requirements for Lots of Record	IV - 4
Section 406 Allocation and Reduction of Lot Area	IV - 5
Section 407 Height Requirement Exceptions	IV - 5
Section 408 Use of Yard or Open Space	IV - 5
Section 409 Off-Street Parking Requirements	IV - 5
Section 410 Required Planting Screens	IV - 8
Section 411 Mineral Extraction	IV - 9

Section 412 Application for Mineral Extraction Permit	IV - 10
Section 413 General Standards	IV - 12
<b>ARTICLE V SIGNS</b>	V - 1
Section 501 Intent	V - 1
Section 502 Residential District Regulations for Signs	V - 1
Section 503 Town Development District Sign Regulations	V - 2
Section 504 Industrial District Sign Regulations	V - 2
Section 505 Conditional Use and Residential Zone - Non-Residential Principal Use Sign Regulation	V - 2
Section 506 Temporary Signs	V - 3
Section 507 Construction Signs	V - 3
Section 508 Exempt Signs	V - 3
Section 509 Lighting of Signs	V - 3
Section 510 Maintenance of Signs	V - 4
Section 511 Nonconforming Signs	V - 4
<b>ARTICLE VI SITE PLAN REVIEW</b>	VI - 1
Section 601 Intent	VI - 1
Section 602 Site Plan Required	VI - 1
Section 603 Site Plans for Single and Two-Family Dwellings, and Residential Accessory Uses and Structures and for Recreational Structures	VI - 1
Section 604 Site Plans for Commercial, Industrial and Multiple Family Development (all other development)	VI - 2
Section 605 Review Procedures	VI - 3
Section 606 Standards for Site Plan Approval	VI - 4
<b>ARTICLE VII CONDITIONAL USE PERMITS</b>	VII - 1
Section 701 Intent	VII - 1
Section 702 Application Procedure	VII - 1
Section 703 Review and Findings	VII - 2
Section 704 General Standards	VII - 2
Section 705 Conditions and Safeguards	VII - 4
<b>ARTICLE VIII NONCONFORMING USES AND STRUCTURES</b>	VIII - 1
Section 801 Intent	VIII - 1
Section 802 Class A Nonconforming Uses and Structures	VIII - 1
Section 803 Procedure For Obtaining Class A Designation	VIII - 2
Section 804 Provisions for Class A Nonconforming Uses and Structures	VIII - 2
Section 805 Regulations Pertaining to Class A Nonconforming Uses and Structures	VIII - 3
Section 806 Class B Nonconforming Uses and Structures	VIII - 3
Section 807 General Standards	VIII - 3
Section 808 Revocation of Class A Nonconforming Uses and Structures	VIII - 3

Section 809 Appeal of Granting, Denying, or Revocation of Class A Status	VIII - 4
<b>ARTICLE IX ADMINISTRATION AND ENFORCEMENT</b>	IX - 1
Section 901 Administration	IX - 1
Section 902 Administrative Standards and Procedures	IX - 1
Section 903 Zoning Administrator	IX - 3
Section 904 Duties of Zoning Administrator	IX - 4
Section 905 Zoning Compliance Permit	IX - 4
Section 906 Enforcement and Violation	IX - 4
Section 907 Special Zoning Orders Book and Map	IX - 5
Section 908 Fees	IX - 5
<b>ARTICLE X ZONING BOARD OF APPEALS</b>	X - 1
Section 1001 Creation and Membership	X - 1
Section 1002 Procedures	X - 1
Section 1003 Duties and Powers	X - 2
Section 1004 Administrative Review	X - 2
Section 1005 Variances	X - 2
Section 1006 Appeals	X - 3
Section 1007 Duties on Matters of Appeal	X - 4
<b>ARTICLE XI TOWNSHIP PLANNING COMMISSION: PLANNING AND ZONING AUTHORITY</b>	XI - 1
Section 1101 Designation	XI - 1
Section 1102 Changes and Amendments	XI - 1
<b>ARTICLE XII INTERPRETATION, SEVERABILITY, VESTED RIGHT, PENALTIES, AND EFFECTIVE DATE</b>	XII - 1
Section 1201 Interpretation and Conflict	XII - 1
Section 1202 Severability	XII - 1
Section 1203 Vested Right	XII - 1
Section 1204 Penalties and Remedies	XII - 1
Section 1205 Effective Dates	XII - 2

**ARTICLE I  
PURPOSE OF ZONING**

An Ordinance to establish zoning districts and regulations governing the development and use of land within Wells Township, in accordance with the provisions of Act 184 of 1943, as amended; to provide for regulations governing nonconforming uses and structures; to provide for a Board of Appeals and for its powers and duties; to provide for permits, fees, penalties and other administrative provisions to enforce this Ordinance; and to provide for regulations regarding conflicts with other ordinances or regulations. [The continued administration of this Ordinance, amendments to this Ordinance and all other matters concerning operation of this Ordinance shall be done pursuant to PA 110 of 2006, as amended, being the Michigan Zoning Enabling Act, MCL 125.3101 et seq., hereinafter referred to as the "Zoning Act."] **Amended 5.9.11**

THE TOWNSHIP OF WELLS HEREBY ORDAINS:

Section 101 Purpose

Pursuant to the authority conferred by the Public Acts of the State of Michigan, this Ordinance has been established for the purpose of:

- A. Promoting and protecting the public health, safety, and general welfare;
- B. Protecting the character and stability of the Township's most valuable natural resources--its minerals and forests;
- C. Promoting the orderly and beneficial development of residential and non-residential areas within Wells Township;
- D. Regulating the intensity of use of land and lot areas and determining the area of open spaces surrounding buildings and structures necessary to provide adequate light, air, access and privacy to protect the public health;
- E. Lessening and avoiding congestion or other traffic related problems on the public highways and roads;
- F. Providing for the needs of mining, forest resource production, agriculture, housing, and commerce in future growth;
- G. Protecting the public and adjacent uses from fire, explosion, noxious fumes or odors, excessive heat, dust, smoke, glare, noise, vibration, radioactivity, and other health and safety hazards;
- H. Preventing the overcrowding of land and undue concentration of buildings and structures so far as possible and appropriate in each zoning district by regulating the use and bulk of buildings in relation to the land surrounding them;
- I. Enhancing social and economic stability in the Township;
- J. Conserving the taxable value of land, buildings and structures in the Township;
- K. Enhancing the aesthetic desirability of the environment throughout the Township; and
- L. Conserving the expenditure of funds for public improvements and services to conform to the most advantageous uses of land.

Section 102 Short Title

This Ordinance shall be known and may be cited as the ~~Interim~~ Zoning Ordinance of the Township of Wells, County of Marquette, Michigan.

## **ARTICLE II DEFINITIONS**

### Section 201 Construction of Language

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

- A. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases that have a peculiar and appropriate meaning in the law, shall be construed and understood according to such peculiar and appropriate meaning.
- B. The particular shall control the general.
- C. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- D. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- E. The word "use" includes the words, structures and buildings associated with such use.
- F. When not inconsistent with the context, words in the present tense shall include the future and words in the singular number shall include the plural.
- G. The word "building" includes the word "structure," and the word "dwelling" includes the word "residence." A "building" or "dwelling" includes any part thereof.
- H. The words "used" or "occupied" include the words "intended," "designed," or "arranged" to be used or occupied.
- I. The word "person" includes any firm, association, organization, partnership, trust, corporation, or similar entity, as well as an individual.
- J. The word "lot" includes the words "plot" and "parcel."
- K. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either...or," the conjunction shall be interpreted as follows:
  - (1) "And" indicates that all connected items, conditions, provisions, or events shall apply.
  - (2) "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
  - (3) "Either...Or" indicates that the connected items, conditions, provisions, or events shall apply single but not in combination.

- L. Words in the singular number shall include the plural number and words in the plural number shall include the singular number. The masculine gender shall include the feminine and the feminine gender shall include the masculine.
- M. Whenever a reference is made to several sections and the section numbers are connected by the word "to," the reference includes both sections whose numbers are given and all intervening sections.

Section 202 Definitions

- A. For the purpose of this Ordinance words pertaining to access, building, property, land use, building use, building measurement and enforcement shall have the following meaning:
  - 1. Accessory Building: A building or structure customarily incidental and subordinate to the principal structure and located on the same lot as the principal building.
  - 2. Accessory Use: A use customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.
  - 3. Adult Foster Care Facility: A government or nongovernmental establishment that provides foster care to adults. Includes facilities and foster care family home for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include convalescent or nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which have been exempted from the definition of adult foster care facility by the Adult Foster Care Facility Licensing Act, MCL 400.701, et. seq.; MSA 16.610 (61), et. seq., as amended. The following additional definitions shall apply in the application of this Article:
    - a. Adult Foster Care Camp: A facility with the approved capacity to receive more than four (4) adults to be provided foster care. An adult foster care camp is located in a natural or rural environment.
    - b. Adult Foster Care Congregate Facility: An facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care.
    - c. Adult Foster Care Small Group Home: An owner-occupied facility with the approved capacity to receive twelve (12) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.



d. Adult Foster Care Large Group Home: A facility with approved capacity to receive at least thirteen (13) but not more than twenty (20) adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.]

Amended 5.9.11

4. Adult Foster Care Family Home: A private residence with the approved capacity to receive six (6) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week and for two (2) or more consecutive weeks for compensation. The adult foster care family home licensee must be a member of the household and an occupant of the residence. Amended 5.9.11

5. Agriculture: The art or science of cultivating the ground, including the harvesting of crops and by extension, the rearing, reproducing and managing of livestock and poultry or other animals upon the ground in fields or pastures or pens.

Agricultural activity shall be further identified on the basis of intensity as:

- a. Light agricultural activity: the cultivation of more than a garden but less than a farm, where the primary land use is residential and the production of crops and husbandry of domesticated animals is primarily for the consumption, enjoyment, and/or use of the occupants.
- b. Traditional agricultural activity: one or more plots of land comprising a farm devoted to the raising of domestic animals and/or the cultivation of crops in quantity for the purpose of producing income.
- c. Intensive agricultural activity: the keeping of animals, either in pens or buildings where one or more of the following conditions exist: i) the quantity of animals exceed traditional farming operations; ii) where animal density would result in destruction of cover vegetation for 50% or more of the enclosure area or where; iii) animals are confined within buildings for extended periods regardless of weather; iv) where the primary food for purposes of preparation of animals for market is produced on other property and where grazing or foraging is minimal or does not occur; v) where processing operations also occur on the same premises; vi) the operation consists of a fur farm, feedlot, or poultry farm; vii) keeping of exotic, other non-domesticated or musk producing species.

6. Agricultural Produce Stand: A structure used for the seasonal sale of items propagated on the premises.

7. Alley: A public or legally established private thoroughfare, other than a street, affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.
8. Apartment: A dwelling unit in a "multiple family dwelling" as defined herein.
9. Area, Sign: The entire area within a circle, triangle, or parallelogram enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background on which it is placed; excluding the necessary support or uprights on which the sign is placed. Where a sign consists solely of lettering or other sign elements printed or mounted on a wall of a building without any distinguishing border, panel, or background, the area of such a sign shall be computed using the dimension of the rectangle which touches the outermost points of the sign. In the case of a two-sided identification sign where both sides are used, only one side shall be considered in calculating the total area.
10. Automotive Repair Garage: A premise where the following services may be carried out in a completely enclosed building: general repairs, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service such as body, frame or fender straightening and repair; painting and undercoating of automobiles.
11. Basement: That portion of a building which is partially or wholly below grade, but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.
12. Berm: A man-made, formed, earth mound of definite height and width used for obscuring purposes; the intent of which is to provide a transition between uses of differing intensity.
13. Block: The property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating) or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river, stream, or other barrier to the continuity of development.
14. Breezeway: A covered structure connecting an accessory building with the principal dwelling unit. For purposes of determining yard and area requirements, such buildings shall be considered as one integral unit.

15. Buffer: A strip of land, including any specified type and amount of planting or structures which may be required to protect one type of land use from another, or minimize or eliminate conflicts between them.
16. Building: Any structure having a roof supported by columns or walls for the shelter, support, enclosure of persons, animals or property.
17. Building Height: The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; to the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building walls.
18. Building, Principal: A building in which is conducted the main or principal use of the lot on which said building is located.
19. Bulletin Board: A sign whose primary purpose is to announce events or other occurrences related to the premise.
20. Carport: A partially open structure, intended to shelter one or more vehicles. Such structure shall comply with all yard requirements applicable to private garages.
21. Cemetery: Property used for the interring of the dead.
22. Child Day Care Center: A facility, other than a private residence, receiving one (1) or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group or drop-in center. **Amended 5.9.11**
23. Church: A building whose primary purpose is the regular assembly for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose.
24. Clinic: A place where medical or dental care is furnished to persons on an outpatient basis by two or more licensed health care professionals.
25. Club: An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics or similar activities, but not operated for profit and open only to members and not the general public.

26. Commercial Vehicle: A vehicle licensed as a commercial vehicle registered to do business in the State of Michigan.
27. Comprehensive Development Plan: The statement of policy by the Township Planning Commission or the Marquette County Planning Commission relative to the agreed upon and officially adopted guidelines for a desirable physical pattern for future community development. The plan consists of a series of maps, charts and written materials representing in summary form, the soundest concept for community growth to occur in an orderly, attractive, economical and efficient manner thereby creating the very best community living conditions.
28. Conditional Use Permit: A permit issued by the Planning Commission to a person or persons intending to undertake the operation of a use upon land or within a structure or building specifically identified in the affected Zoning District under Conditional Uses Authorized by Permit. These Conditional Uses possess unique characteristics and are found to be not injurious to the health, safety, convenience, and general welfare of the Township's inhabitants.
29. Contiguous Property: Any portion of an individual's lot or property which can be identified as one parcel, including those properties in the same ownership which would otherwise be touching except for a public right-of-way or easement running through them. Property which is joined at a common point is not considered contiguous property.
30. County Board: Marquette County Board of Commissioners.
31. Directional Sign: A sign which gives a name, location, and general nature of a specific establishment or attraction and is intended to give directions to that place.
32. District: One zoning district.
33. Dwelling, Single-family: A structure, including a mobile home, designed or used for residential occupancy by one family.
34. Dwelling, Two-family: A structure containing two dwelling units each designed for residential occupancy by one family.
35. Dwelling, Multiple Family: A structure containing more than two dwelling units each designed for residential occupancy by one family, including condominiums.
36. Dwelling Unit: One or more rooms with bathroom, bedroom, and kitchen facilities designed as a self-contained unit for occupancy by one family for living, cooking and sleeping purposes.

37. Earth Sheltered Home: A building which is partially or entirely below grade and is designed and intended to be used as a single-family dwelling.
38. Essential Services: The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface or overhead gas, communication, telephone, electrical, steam, fuel or water transmission or distribution systems, collections, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, convenience, or welfare, but not including office buildings, substations, or structures which are enclosures or shelters for service equipment or maintenance depots.
39. Excavation: Any breaking of ground, except common household gardening, general farming and ground care.
40. Family: An individual, or two or more persons related by blood, marriage or adoption, or parents along with their direct lineal descendants, and adopted or foster children, or a group not to exceed three persons not related by blood or marriage, occupying a premises and living as a single cooking, sleeping, and bathroom housekeeping unit. Every additional group of three or less persons living in such housekeeping unit shall be considered a separate family for the purpose of this Ordinance. Said definition shall not apply in instances of group care centers, or state licensed residential facilities as established under P.A. 395 of 1976, as amended.
41. Family Day Care Home: A private home in which one (1) but fewer than seven (7) minor children are received for care and supervision for periods of less than 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. Family day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year. **Amended 5.9.11**
42. Farm: A tract of land (of at least 20 acres) devoted to agriculture for the purpose of raising crops or animals as a source of income.
43. Feed Lot: The place of confined or concentrated feeding of farm animals which are being fattened for market.
44. Fence: An artificially constructed barrier of wood, metal, stone, or any manufactured materials erected for the separation of yard areas.

45. Filling: The depositing or dumping of any matter into or onto the ground except common household gardening and general maintenance.
46. Floor Area, Gross: The sum of all gross horizontal areas of the several floors of a building or buildings, measured from the outside dimensions of the structure. Unenclosed porches, courtyards, or patios (whether covered or uncovered), basements, and breezeways shall not be considered as a part of the gross floor area unless used for commercial purposes, such as nursery beds or sales of outdoor equipment.
47. Floor Area Ratio: Intensity measured as a ratio, derived by dividing the total floor area of a building(s) by the lot area.
48. Floor Area, Usable: For purposes of computing parking requirements, is that area to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers. Such floor area which is used or intended to be used for the storage or processing of merchandise, for hallways, stairways and elevator shafts or for utilities or sanitary facilities shall be excluded from this computation of "usable floor area." Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of living areas of the building, measured from the interior faces of the exterior walls, including private garages.
49. Fur Farm: The place of confined keeping, raising, or breeding of more than 150 animals for the purpose of producing fur or pelts.
50. Garage, Residential: An accessory building, or portion of a principal building, designed or used solely for the storage of noncommercial motor vehicles, boats, and similar items or equipment, and having no public sales or shop services in connection thereof.
51. Gasoline Service Stations: A structure used for the retail sale or supply of fuels, lubricants, air, water and other operating commodities for motor vehicles, and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for storage, minor motor repair, or servicing, but not including bumping, painting, refinishing, or conveyor type car wash operations.
52. Grade: A ground elevation established for the purpose of controlling the number of stories and the height of any structure. The building grade shall be determined by the level of the ground adjacent to the walls of any structure if the finished grade is level. If the ground is not level, the grade shall be determined by averaging the elevation of the ground for each face of the

structure. The average of all faces shall be used to determine the height of a structure.

53. Group Day Care Home: A state-licensed, owner-occupied private residence in which seven (7) but not more than twelve (12) minor children are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year.  
**Amended 5.9.11**
54. Home Occupation: Home occupation means a use or occupation conducted on the premises either within the main residential dwelling or an accessory building which is clearly incidental and secondary to residential occupancy.
55. Hotel: A structure designed, used, or offered for residential occupancy for any period less than one month, including tourist homes, resorts, lodges, motels and youth camps, but does not include hospitals and nursing homes.
56. Identification Sign: A sign which pertains to the use of a premise and contains any or all of the following information:
- a. The occupant of the use.
  - b. The address of the use.
  - c. The kind of business and/or the principle commodity sold on the premise.
57. Junkyard: Any land or building used for abandonment, storage, keeping, collecting, or baling of paper, rags, scrap metals, other scrap or discarded materials, or for abandonment, demolition, dismantling, storage or salvaging of automobiles or other vehicles not in normal running conditions, machinery or parts thereof.
58. Kennel: The permanent or temporary keeping of more than three dogs that are more than six months of age.
59. Loading Space: An off-street space on the same lot with a building, or group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.
60. Lot: A parcel of land, excluding any portion in a street or road right-of-way, of at least sufficient size to meet minimum requirements for use, coverage and lot area, and to provide such setback area and other open space as required by this Ordinance. Such lot shall have access to a public street, and may consist of:
- a. A single lot of record;
  - b. A portion of a lot of record;

- c. Any combination of complete and/or portions of lots of record; or
  - d. A parcel of land described by metes and bounds in a recorded deed or by number in a recorded plat, provided that in no case of division or combination shall the area of any lot or parcel created, including residuals, be less than that required by this Ordinance.
61. Lot Area: The area of land within the boundary of a lot excluding any part under water, and, in addition, it is the area of land bounded by any front lot lines, the right-of-way line of the highway on which it fronts, and the side lot lines intersecting the front lot line at its ends extended to the rear property (lot) lines.
62. Lot, Corner: A lot which has at least two contiguous sides abutting upon a street for their full length.
63. Lot, Depth of: The average distance from the front lot line of the lot to its opposite rear line measured in the general direction of the side lines of the lot.
64. Lot, Interior: A lot other than a corner lot.
65. Lot Line(s): Any of the lines bounding a lot as defined herein.
- a. Front Lot Line: In the case of an interior lot, it is that line separating said lot from the street. In the case of a through lot, it is each line separating said lot from each street. In the case of a corner lot, both sides abutting the street are considered front yards and consequently both have front lot lines.
  - b. Rear Lot Line: That lot line opposite and most distant from the front lot line. In the case of an irregularly shaped lot, the rear lot line shall be an imaginary line parallel to the front lot line not less than ten (10) feet in length, lying farthest from the front lot line and wholly within the lot. Where the lot has a discontinuous lot line, all lot lines approximately parallel to the front lot line shall be rear lot lines.
  - c. Side Lot Line: Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
66. Lot of Record: A lot in a map recorded with the County Register of Deeds, or described in a deed or land contract or lease agreement which has been perpetual, executed together with an affidavit or acknowledgement of a notary public, prior to the effective date of this Ordinance, and which lot actually exists as shown or described.



67. Lot, Through: A double frontage lot, not a corner lot, having a street for both front and rear lot lines.
68. Lot, Width: The straight line horizontal distance between the side lot lines, measured at the front lot line.
69. Marquee: A roof like structure of a permanent nature projecting from the wall of a building.
70. Mineral: An organic or inorganic substance in the earth having a consistent and distinctive set of physical properties and composition that can be expressed by a chemical formula and includes, but not limited to, iron ore, copper, sand, gravel, stone, gypsum, peat, silver, gold, diamonds and other precious and semi-precious stones, and uranium.
71. Mining: The extraction of minerals including the actual removal, processing and transportation of minerals and attendant by-products.
72. Mobile Home: A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. A mobile home does not include a recreational vehicle.
73. Mobile Home Park: Any lot, parcel or tract of land under the control or management of any person, occupied or designated for occupancy by more than two (2) mobile homes and including any accessory buildings, structures or enclosures comprising facilities used by park residents.
74. Modular (Pre Manufactured) Housing Unit: A dwelling unit constructed solely within a factory, as a single unit, or in various sized modulares or components, which are then transported by truck or other means to a site where they are assembled on a permanent foundation to form a single-family dwelling unit, and meeting all codes and regulations applicable to conventional single-family home construction.
75. Nonconforming Building (Nonconforming Structure): A building or structure (or portion thereof) lawfully existing at the time of adoption of this Ordinance or a subsequent amendment thereto, that does not conform to the provisions of this Ordinance relative to height, bulk, area, placement or yards for the zoning district in which it is located.
76. Nonconforming Use: A use of a building or structure or of a parcel or tract of land, lawfully existing at the time of adoption of this Ordinance or subsequent

amendment thereto, that does not conform to the regulations of the zoning district in which it is situated.

77. Nursing Home: An installation other than a hospital, having as its primary function the rendering of nursing care for extended periods of time to persons afflicted with illness, injury, or an infirmity.
78. Off-Premise Sign: A sign which advertises goods, services, events, and facilities available at a location other than the premises on which the sign has been placed.
79. On-Premise Sign: A sign which advertises only goods, services, facilities, events, or attractions available on the premises where located, or identifies the owner or occupant or directs traffic on the premises. All other signs are off-premise signs.
80. Open Space Ratio: The ratio between open space on the lot, whether required or not, and the total lot area.
81. Open Space, Required: The yard space of a lot which is established by and between the street, or the lot lines and required setback line and which shall be open, unoccupied and unobstructed by any structure or any part thereof, except as otherwise provided in this Ordinance.
82. Parking Lot: A use containing one or more parking spaces located at or above or below grade accessible for the storage or parking of permitted vehicles, including drives and entrance giving access thereto. [A Parking Lot may be provided entirely on the parcel(s) to which it pertains or may include an area defined by a recorded Parking Easement that will be in effect for the duration of the parking use and is located on an immediately adjacent contiguous parcel(s). No Parking Lot can be located where it is required to cross a Public Right-of-Way to access the site requiring it.] **Amended 5.9.11**
83. Parking Space: An accessible area including drives, aisles or entrance giving access thereto, utilized for the parking or temporary storage of permitted vehicles.
84. Personal Services: A type of business providing services for personal atonement and exercise, such as health clubs, spas, chiropractic services, etc.
85. Planning Commission: The Township Planning Commission of the Township of Wells.

86. Poultry Farm: The place of confined keeping, raising, or breeding fowl on a commercial scale for the production of eggs or meat.
87. Premises: A lot as otherwise used in this Ordinance.
88. Principal Structure: The main structure or building to which the premises are devoted.
89. Principal Use: The main use to which the premises are devoted.
90. Public Utility: Any person, firm, corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public; gas, steam, electricity, sewage disposal, refuse removal, transportation, water or communications (including, radio, telephone, telegraph, television, cable, or fiber optics).
91. Reclamation Plan: A plan for reconditioning or rehabilitating of a mining area or portions thereof for useful purposes, and the protection of natural resources, including, but not limited to the control of erosion, visual blight and the prevention of land or rock slides and air and water pollution.
92. Recreational and Residential Storage Facility: A structure or group of structures for the dead storage of customer's residential goods and wares, recreational vehicles and related equipment.
93. Recreational Structure: A cabin, cottage, camp, hunting camp, mobile home or other similar structure used intermittently for recreational or vacation purposes and which is not a permanent place of domicile or residency of the owner, his or her agents, lessees, heirs or assigns.
94. Recreational Vehicle: A vehicle used for pleasure and designed for recreational use and not as a place of domicile, built upon a frame or chassis with wheels attached and not exceeding 40 feet in length.
95. Restaurant: An establishment where food or beverages are cooked or prepared and offered for sale and where consumption is permitted on the premises whether or not entertainment is offered, and includes establishments commonly known as bars, grills, cafes, taverns, nightclubs, drive-ins, and any fast food establishments permitting consumption on the premises.
96. Right-of-Way: A street, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries.

97. Sanitary Landfill: A method of disposing of refuse on land without creating nuisances or hazards to public health or safety.
98. Sawmill: The machinery and appurtenant structures used for the manufacture of wood products. Included but not limited to circular or band saws, planers, debarkers, chippers, and kilns.
99. Screen: A structure providing separation, such as a fence, and a visual barrier between the area enclosed and the adjacent property. A screen may also be non-structured, consisting of shrubs or other living vegetation.
100. Setback: The minimum unoccupied distance between the lot line and the principal and accessory buildings, as required herein.
101. Setback, Front: The minimum unoccupied distance, extending the full lot width, between any building or structure and the front lot line.
102. Setback, Rear: The minimum required unoccupied distance, extending the full lot width, between the principal and accessory buildings and the lot line opposite the front lot line.
103. Setback, Side: The minimum required unoccupied distance, extending from the front setback to the rear setback, between the principal and accessory buildings and the side lot line.
104. Shopping Center: Is a group of businesses providing a variety of merchandise and/or services located on the same lot.
105. Sign: A name, identification, image, description, display, or illustration which is affixed to, painted, or represented directly or indirectly upon a building, structure, or piece of land, and which directs attention to an object, product, place, activity, structure, facility, service, event, attraction, person, institution, organization, or business and which is visible from any street, right-of-way, sidewalk, alley, park, or other public property. Customary displays of merchandise or objects and material without lettering placed behind a store window are not signs or parts of signs.
106. Sign, Free Standing: A sign having its own support mechanism placed in or upon the ground.
107. Site Plan: A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance.

108. Stable, Riding or Boarding: A facility where more than three (3) horses for hire, sale or boarding are kept.
109. Story: That part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the space between the floor and the ceiling next above it. A story thus defined, shall not be counted as a story when more than fifty (50) percent by cubic content, is below the height level of the adjoining ground.
110. Street: A public dedicated right-of-way which affords traffic circulation and principal means of access to abutting property.
111. Structure: Any constructed, erected, or placed material or combination of materials in or upon the ground, including, but not limited to buildings, porches, decks, mobile homes, sheds, free standing signs, storage bins, and satellite dishes, but not including sidewalks, driveways, patios, parking lots, utility poles and fences. Building areas separated by fire walls or bearing walls shall not be considered separate structures under this Ordinance.
112. Township Board: The elected governing body of the Township of Wells.
113. Transfer Station: A tract of land, a building and any appurtenances, or a container, or any combination of land, buildings, or containers that is used or intended for use in the rehandling or storage of solid waste incidental to the transportation of the solid waste, but is not located at the site of generation or the site of disposal of the solid waste.
114. Variance: A modification of the literal provisions of the Zoning Ordinance granted in specific cases when strict enforcement of the Zoning Ordinance would cause practical difficulty or unnecessary hardship owing to circumstances unique to the individual property on which the variance is granted.
115. Wood Yard: A parcel of land where pulp wood and other logs are gathered from various locations and stored for commercial sale.
116. Yards:
- a. Yard, Front: An open space extending the full width of the lot and lying between the front line of the lot and the nearest line of any building or structure.
  - b. Yard, Rear: An open space extending the full width of the lot and lying between the rear line of the lot and the nearest line of any building or structure.

- c. Yard, Side: An open space between the side line of the lot and the nearest line of any building or structure and extending from the front yard to the rear yard.
  
- 117. Zoning Administrator: The Township Board's authorized representative charged with the responsibility of administering this Ordinance.
  
- 118. Zoning Board of Appeals: The Zoning Board of Appeals of the Township of Wells.
  
- 119. Zoning Compliance Permit: A certificate issued by the Zoning Administrator to a party intending to initiate any work or change any use of property or build or construct any buildings or structures in the Township.

**ARTICLE III  
ZONING DISTRICTS AND MAPS**

Section 301 Establishment of Districts

For the purpose of this Ordinance, Wells Township is hereby divided into the following zoning districts, which shall be known by the following respective symbols and names:

R:	Residential
RR-2:	Rural Residential
LS/R:	Lake Shore/River
RS-1:	Recreational Structure
RS-10:	Recreational Structure Ten
AP-20:	Agriculture Production
RP-10:	Resource Production Ten
RP-20:	Resource Production Twenty
TP-40:	Timber Production
TD:	Town Development
I:	Industrial

Section 302 Zoning District Maps

The boundaries of the respective districts enumerated in Section 301 are defined and established as depicted on the maps entitled "Wells Township Official Zoning Map," which is an integral part of this Ordinance. These maps, along with all notations and explanatory matter thereon, shall become as much a part of this Ordinance as if fully described herein. The following list by Township and Range are Wells Township Official Zoning Maps.

- A. T42N-R24W
- B. T42N-R25W
- C. T42N-R26W
- D. T43N-R25W
- E. T43N-R26W

The Wells Township Official Zoning Map shall be identified by the signature of the Township Board Supervisor, attested by the Township Clerk. If, in accordance with the provisions of this Ordinance, changes are made in district boundaries, such changes shall be incorporated on the Wells Township Official Zoning Map and approved by the Township Board together with an entry on the Wells Township Official Zoning Map showing the date and official action taken.

One copy of the Wells Township Official Zoning Maps is to be maintained and kept up-to-date by the Township Clerk, accessible to the public and shall be the final authority as to the current zoning status of properties in Wells Township.

### Section 303 Replacement of Official Zoning Maps

In the event the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes made thereto, the Township Board may adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The Official Zoning Map shall bear the same signatures and certification as required in Section 302. Unless the Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved together with all available records pertaining to its adoption or amendment.

### Section 304 Application of District Regulations

The regulations herein established within each Zoning District shall be the minimum regulations for promoting and protecting the public health, safety and general welfare, and shall be uniform for each class of land or buildings and structures throughout each district. Where there are practical difficulties in the way of carrying out the strict letter of this Ordinance, the Zoning Board of Appeals shall have power in passing upon appeals, in accordance with Article X herein, to vary or modify regulations and provisions of this Ordinance so that the intent and purposes of this Ordinance shall be observed, public safety secured and substantial justice done.

### Section 305 Scope of Provisions

- A. Except as may otherwise be provided in this Ordinance, every building and structure erected, every use of any lot, building or structure established, every structural alteration or relocation of an existing building or structure occurring, and every enlargement of or addition to an existing use, building or structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable in the Zoning District in which such use, building, or structure shall be located.
- B. Uses are permitted by right only if specifically listed as uses permitted by right in the various Zoning Districts. Where not specifically permitted, either by right or conditionally, uses are thereby prohibited unless construed to be similar to an expressly permitted use. The Zoning Board of Appeals shall determine if a use is similar to an expressly permitted use.
- C. Accessory uses are permitted as indicated for the various Zoning Districts and if such uses are clearly incidental to the permitted principal uses.
- D. The uses permitted subject to special conditions are recognized as possessing characteristics of such unique and special nature (relative to location, design, size, etc.) as necessitating individual standards and conditions in order to safeguard the general health, safety and welfare of the community.



### Section 306 Conflicting Regulations

Wherever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than those imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such law or ordinance shall govern. No vested right shall arise to the property owner for any parcel or use created in violation of any preceding township or county adopted zoning ordinance.

### Section 307 Exemptions

The location of pipes, wires, poles, and generating and transmission equipment of public utilities or railroad tracks regulated by the State of Michigan or by the United States are exempt from regulation under this Ordinance.

### Section 308 District R: Residential

- A. Intent: The R, Residential, District is intended for the establishment and preservation of quiet neighborhoods for single-family dwellings and two-family dwellings free from other uses except those which are both compatible with and convenient to the residents in this District. The R District is designed to accommodate residential opportunities for those who are willing to assume the costs of providing their own services, requiring spacious lots, insuring a safe, potable water supply and treatment of wastewater on the same lot.
- B. Permitted Principal Uses:
1. Single-family dwellings.
  2. Two-family dwellings.
  3. Adult foster care family home. **Amended 5.9.11**
  4. Family day care home. **Amended 5.9.11**
- C. Permitted Accessory Uses: The following are permitted accessory uses:
1. Accessory structures normally associated with single-family dwellings, two-family dwellings such as a garage, shed for yard tools, playhouse, pens, bath house, swimming pools, woodshed, and sauna.
- D. Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this District by application for and the issuance of a Conditional Use Permit as provided for in Article VII.
1. Churches.
  2. Schools.
  3. Private and public parks.
  4. Multiple family dwellings.
  5. Mobile home parks.
  6. Child day care center. **Amended 5.9.11**
  7. Township halls, community centers and fire halls.

8. Elevated water storage tanks, wastewater treatment facilities.
9. Cemeteries.
10. Home Occupations, subject to the conditions of Section 403.
11. Group day care home shall be granted if consistent with the standards in Section 704 (I). **Amended 5.9.11**
12. Adult foster care facility. **Amended 5.9.11**

Section 309 District RR-2: Rural Residential

- A. Intent: The RR-2, Rural Residential District, is established to provide for a transition zone between more densely settled residential areas and the more sparsely developed rural, agricultural, or forested areas of the Township. Such areas are accessible and provide for a mix of moderately intensive compatible uses from surrounding zones.
  
- B. Permitted Principal Uses:
  1. Single-family dwellings.
  2. Traditional agriculture (farms) on tracts of 20 acres or more.
  3. Adult foster care family home. **Amended 5.9.11**
  4. Family day care home. **Amended 5.9.11**
  
- C. Permitted Accessory Uses: The following are permitted accessory uses:
  1. Accessory structures normally associated with residential dwellings, such as a private garage, shed for yard tools, playhouse, pens, boat house, swimming pools, woodshed, and sauna.
  2. Light agricultural activity on 5 acres or more.
  3. Accessory structures clearly incidental to the permitted intensity of agricultural activity on the site.
  4. Agricultural produce stands.
  
- D. Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this District by application for and the issuance of a Conditional Use Permit as provided for in Article VII.
  1. Recreational structures.
  2. Churches.
  3. Cemeteries.
  4. Public and private recreational facilities including parks, playgrounds, camps, campgrounds, and similar recreation facilities.
  5. Schools.
  6. Kennels.
  7. Child day care center. **Amended 5.9.11**
  8. Storage yards, transformer stations, substations, microwave relay towers, commercial freestanding towers, and similar facilities associated with public utilities.
  9. Veterinarian offices and animal clinics.
  10. Auction sale barns.

11. Facilities for bulk feed, seed or fertilizer sales, storage or mixing.
12. Agricultural equipment sales, service or repair.
13. Home Occupations, subject to the conditions of Section 403.
14. Transfer stations.
15. Bar/Restaurant. **Amended 5.9.11**
16. Group day care home shall be granted if consistent with the standards in Section 704 (I). **Amended 5.9.11**
17. Adult foster care facility. **Amended 5.9.11**

**Section 310 District LS/R: Lake Shore and River**

- A. **Intent:** The LS/R, Lake Shore and River, District is established to preserve for residential and recreational uses those areas with frontage on inland lakes and rivers which, because of existing development, natural characteristics and accessibility, are suitable for development.
- B. **Permitted Principal Uses:**
1. Single-family dwellings.
  2. Recreational structures.
  3. Adult foster care family home. **Amended 5.9.11**
  4. Family day care home. **Amended 5.9.11**
- C. **Permitted Accessory Uses:** The following are permitted accessory uses:
1. Accessory structures normally associated with single-family dwellings, mobile homes, and seasonal dwellings, such as a private garage, shed for yard tools, playhouse, pens, boat house, swimming pools, woodshed, and sauna.
- D. **Conditional Uses Authorized by Permit:** The following uses of land and structures may be permitted in this District by application for and the issuance of a Conditional Use Permit as provided for in Article VII.
1. Marinas, boat liveries, bathing facilities and fishing piers.
  2. Resorts, lodges and associated facilities.
  3. Two-family and multiple-family dwellings.
  4. Home Occupations, subject to the conditions of Section 403.
  5. Group day care home shall be granted if consistent with the standards in Section 704 (I). **Amended 5.9.11**
  6. Adult foster care facility. **Amended 5.9.11**

**Section 311 District RS-1: Recreational Structures**

- A. **Intent:** The RS-1, Recreational Structure, District is established and maintained for recreational uses. The District is designed for areas with frontage on inland lakes and rivers, which because of their natural characteristics, accessibility, and high cost of providing public services, are suited for less intensive development than the LS/R District and intended for recreational or seasonal development. Governmental services may not be provided on a year-round basis or may not be provided at all.

- B. Permitted Principal Uses:
1. Recreational structures.
- C. Permitted Accessory Uses: The following are permitted accessory uses:
1. Accessory structures normally associated with recreational structures, such as a private garage, shed for yard tools, playhouse, pens, boat house, swimming pools, recreational docks, sauna, and woodshed.
- D. Conditional Uses Authorized by Permit: The following seasonal uses of land and structures may be permitted in this District by application for and the issuance of a Conditional Use Permit as provided for in Article VII.
1. Resorts, lodges and associated facilities.
  2. Marinas, boat liveries, bathing facilities and fishing piers.

Section 312 District AP-20: Agricultural Production

- A. Intent: The AP-20, Agricultural Production District is intended to preserve for productivity and protect from other incompatible uses the lands which have suitable soil characteristics for the growing of crops and animals beneficial to humans and to allow forestry and mineral extraction where such resources exist and their removal will not interfere with the overall operation and productivity of adjoining agricultural land uses.
- B. Permitted Principal Uses:
1. Light agricultural and traditional agricultural activity.
  2. Single-family dwellings.
  3. Mineral extraction subject to Sections 411 through 413.
  4. The growing and harvesting of timber.
  5. Adult foster care family home. **Amended 5.9.11**
  6. Family day care home. **Amended 5.9.11**
- C. Permitted Accessory Uses: The following are permitted accessory uses:
1. Agricultural accessory uses and structures.
  2. Agricultural produce stands.
  3. Accessory structures normally associated with single-family dwellings, such as a private garage, shed for yard tools pens, boat house, swimming pools, woodshed, and sauna.
  4. Accessory uses and structures normally associated with the operation of a mineral extraction process.
- D. Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this District, by the application for and the issuance of a Conditional Use Permit as provided for in Article VII.
1. Intensive agricultural activity.
  2. Commercial riding or boarding stables.
  3. Gun clubs, rifle, trap and pistol ranges.

4. Private airport or landing fields.
5. Commercial free standing towers.
6. Storage yards, transformer stations, substations, microwave relay towers and similar facilities associated with public utilities.
7. Veterinarian offices, commercial kennels and animal clinics.
8. Facilities for bulk feed, seed or fertilizer sales, storage or mixing.
9. Bulk food processing facilities and operations.
10. Auction sale barns.
11. Agricultural equipment sales, service or repair.
12. Single-family homes will be permitted on lots of one acre or more if the Planning Commission determines that they meet all of the following standards:
  - a. Are not located on lands identified as Agriculture on the Current Use Inventory Maps of Marquette County pursuant to Act 204 of 1979;
  - b. Are located on a parcel of land that is not prime or unique farm land as determined by the Marquette County Soil Conservation District;
  - c. Have soils suitable and capable of supporting year-round residential occupancy; and
  - d. The proposed lot is located on a public road serviced year-round.
13. Home occupations, subject to the conditions of Section 403.
14. Group day care home shall be granted if consistent with the standards in Section 704 (I). **Amended 5.9.11**
15. Adult foster care facility. **Amended 5.9.11**

**Section 313 District RP-10: Resource Production Ten**

- A. **Intent:** The RP-10, Resource Production Ten, District is established to maintain low density rural areas which because of their rural character and location, potential mineral content, accessibility, natural characteristics and the potentially high cost of providing public services for intensive uses are more suitable for a wide range of forestry, agriculture, natural resource and recreational uses.

The Resource Production Ten District is similar in many ways to the Resource Production Twenty District. Minimum lot size is one of the major differences. The purpose of establishing this RP-10 District is to allow greater opportunity for low density single family residential development in certain areas. Some of the characteristics necessary for the RP-10 District are having electrical service, being located on a county road serviced year-round.

- B. **Permitted Principal Uses:**
1. The growing and harvesting of timber.
  2. Campgrounds, day camps.
  3. Parks, winter sports facilities, and trails.
  4. Recreational structures.

5. Single-family dwellings.
6. Kennels and stables.
7. Light agricultural and traditional agricultural activity.
8. Mineral extraction, subject to Sections 411 through 413.
9. Adult foster care family home. **Amended 5.9.11**
10. Family day care home. **Amended 5.9.11**

C. Permitted Accessory Uses: The following are permitted accessory uses:

1. Accessory structures normally associated with residential dwellings such as a private garage, shed for yard tools, playhouse, pens, boat house, swimming pools, woodshed, and sauna.
2. Agricultural accessory uses and structures.
3. Agricultural produce stands.
4. Accessory uses and structures normally associated with the operation of a mineral extraction process.

D. Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this District, by application for and issuance of a Conditional Use Permit as provided for in Article VII.

1. Gun clubs, rifle, trap and pistol ranges.
2. Commercial free standing towers.
3. Commercial recreational facilities including golf courses, race tracks, motorcycle hill climbing sites, go-cart tracks and similar facilities.
4. Private airport or landing fields.
5. Public or private sanitary landfills.
6. Resorts and lodges.
7. Auction sale barns.
8. Storage yards, transformer stations, substations, microwave relay towers and similar facilities associated with public utilities.
9. Sawmills.
10. Wood yards.
11. Transfer stations.
12. Home occupations, subject to the conditions of Section 403.
13. Recreational and residential storage facilities.
14. Group day care home shall be granted if consistent with the standards in Section 704 (I). **Amended 5.9.11**
15. Adult foster care facility. **Amended 5.9.11**

Section 314 District RP-20: Resource Production Twenty

- A. Intent: The RP-20, Resource Production Twenty, District is established to maintain very low density rural areas which because of their location, potential mineral content, accessibility, natural characteristics and high cost of providing public services are not suitable for year-round development but rather for a wide range of forestry, agriculture,

mineral extraction, natural resource and recreational uses. Governmental services may not be provided on a year-round basis or may not be provided at all.

B. Permitted Principal Uses:

1. The growing and harvesting of timber.
2. Campgrounds, day camps.
3. Parks, winter sports facilities, and trails.
4. Recreational Structures.
5. Kennels and Stables.
6. Light agricultural and traditional agricultural activities.
7. Mineral extraction subject to Sections 411 through 413.
8. Single-family dwellings when the structure is located within 1/4 mile (1320 feet) of a permanent, all-season road as designated by the Marquette County Road Commission.
9. Adult foster care family home. **Amended 5.9.11**
10. Family day care home. **Amended 5.9.11**

C. Permitted Accessory Uses: The following are permitted accessory uses:

1. Accessory structures normally associated with recreational structures such as a private garage, shed for yard tools, playhouse, pens, boat house, swimming pools, woodshed, and sauna.
2. Agricultural accessory uses and structures.
3. Agricultural produce stands.
4. Accessory uses and structures normally associated with the operation of a mineral extraction process.

D. Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this District, by application for and issuance of a Conditional Use Permit as provided for in Article VII.

1. Gun clubs, rifle, trap and pistol ranges.
2. Commercial free standing towers.
3. Commercial recreational facilities including golf courses, race tracks, motorcycle hill climbing sites, go-cart tracks and similar facilities.
4. Private airport or landing fields.
5. Public or private sanitary landfills.
6. Resorts and lodges.
7. Auction sale barns.
8. Storage yards, transformer stations, substations, microwave relay towers and similar facilities associated with public service uses or facilities.
9. Sawmills.
10. Wood yards.
11. Single-family dwellings more than a quarter mile of a permanent, all-season road as designated by the Marquette County Road Commission.
12. Home occupations, subject to the conditions of Section 403.

13. Intensive agricultural activity.
14. Recreational and residential storage facilities.
15. Group day care home shall be granted if consistent with the standards in Section 704 (I). Amended 5.9.11
16. Adult foster care facility. Amended 5.9.11

Section 315 District TP-40: Timber Production

- A. Intent: The TP-40, Timber Production, District is established to preserve and maintain for timber production purposes those lands which because of their soil, drainage, large tract ownership, potential mineral content, and other characteristics, are especially suited for timber production and mining.
- B. Permitted Principal Uses:
  1. The growing and harvesting of timber.
  2. Sawmills.
  3. Wood yards.
  4. Recreational structures.
  5. Mineral extraction subject to Sections 411 through 413.
- C. Permitted Accessory Uses: The following are permitted accessory uses:
  1. Any structural or mechanical use customarily incidental to the operation of sawmills or woodyards.
  2. Accessory structures normally with recreational structures, such as a private garage, shed for yard tools, playhouse, pens, recreational docks, swimming pools, sauna and woodshed.
  3. Accessory uses and structures normally associated with the operation of a mineral extraction process.
- D. Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this District, by application for and issuance of a Conditional Use Permit as provided for in Article VII.
  1. Public utility substations.
  2. Landfills.

Section 316 District TD: Town Development

- A. Intent: The TD, Town Development, District is established to preserve a district for residential, retail and service establishments, and certain governmental uses that are compatible with a small town setting serving residents and tourists. This district is designed for small unincorporated town areas where a mix of residential and retail is in accord with established patterns of land use and the needs of nearby residents.
- B. Permitted Principal Uses:
  1. Single-family dwellings.
  2. Two-family dwellings.



3. Cemeteries.
4. Township halls.
5. Community centers.
6. Fire halls.
7. Elevated water storage tanks.
8. Post offices.
9. Personal services.
10. Offices.
11. General retail sales to the consumer, production may occur on the premises provided all goods produced on the premises must be sold on the premises.
12. Adult foster care family home. **Amended 5.9.11**
13. Family day care home. **Amended 5.9.11**

C. Permitted Accessory Uses: The following are permitted accessory uses:

1. Accessory structures normally associated with residential dwellings, such as a private garage, shed for yard tools, playhouse, pens, boat house, swimming pools, woodshed, and sauna.
2. Any structural or mechanical building or use customarily incidental to the permitted principal use.
3. Signs, as required and subject to the regulations established in Article V.

D. Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this District, by application for and issuance of a Conditional Use Permit as provided for in Article VII.

1. Churches.
2. Schools.
3. Private and public parks and similar recreational facilities.
4. Multiple family dwellings.
5. Nursing homes and child care facilities.
6. Road Commission, public works buildings and maintenance/ storage facilities, and contractor's yards.
7. Motor vehicles sales and service.
8. Mobile home, camper, recreational vehicle and boat sales and service.
9. Construction and farm equipment sales and service.
10. Hotels and motels.
11. Gas stations.
12. Automotive repair garage.
13. Laundromats.
14. Wastewater treatment facilities.
15. Home occupations, subject to the conditions of Section 403.
16. Transfer stations.
17. Bar/restaurant. **Amended 5.9.11**
18. Group day care home shall be granted if consistent with the standards in Section 704 (I). **Amended 5.9.11**

19. Adult foster care facility. Amended 5.9.11

Section 317 District I: Industrial

- A. Intent: The I, Industrial, District is designed and intended for manufacturing, assembling, fabricating, and processing businesses, storage, mineral extraction, and other commercial activities which may require larger sites and isolation from many kinds of other land uses and to make provisions for commercial uses necessary to service the immediate needs of an industrial area.
- B. Permitted Principal Uses:
1. Manufacturing.
  2. Processing, assembling and fabrication operations.
  3. Contractor yards and shops.
  4. Warehousing.
  5. Auto repair garage.
  6. Lumber yards.
  7. Sawmills.
  8. Concrete and asphalt plants.
  9. Junkyards and salvage yards.
  10. Research laboratories.
  11. Mineral Extraction, subject to Sections 411 through 413.
  12. Transfer stations.
- C. Permitted Accessory Uses: The following are permitted accessory uses:
1. Any structural or mechanical building or use customarily incidental to the permitted principal use.
  2. Signs, as required and subject to the regulations established in Article V.
- D. Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this District by application for and issuance of a Conditional Use Permit as required in Article VII.
1. Other industrial or heavy commercial uses not specifically mentioned in Section 317(B).
  2. Landfills.

Section 318 District RS-10: Recreational Structure Ten

- A. Intent: The RS-10 Recreational Structure District is established and maintained for recreational uses. The District is designed for areas with frontage on inland lakes and rivers, which because of their natural characteristics and accessibility, are suited for less intensive development than the RS-1 District and intended for recreational or seasonal development. Governmental services may not be provided on a year round basis or may not be provided at all.

- B. Permitted Principal Uses:
  - 1. Recreational Structures
  
- C. Permitted Accessory Uses: The following are permitted accessory uses:
  - 1. Accessory structures normally associated with recreational structures, such as private garage, shed for yard tools, playhouse, pens, boat house, swimming pools, recreational docks, sauna, and woodshed.
  
- D. Conditional Uses Authorized by Permit: The following seasonal uses for land and structures may be permitted in this District by application for and the issuance of a Conditional Use Permit as provided for in Article VII.
  - 1. Resorts, lodges, and associated facilities.

**ARTICLE IV  
GENERAL REGULATIONS**

Section 401 Height, Bulk and Placement Regulations

Except as otherwise specifically provided in this Ordinance, no lot or parcel shall be created and no structure shall be erected or maintained except in compliance with the Schedule of Regulations specified below. Any sale of land in violation of this section shall be voidable at the option of the purchaser and shall subject the seller thereof to the forfeiture of any and all consideration received or pledged for the land. The purchaser may take additional action to recover any damages sustained. These remedies shall not preclude enforcement by the Zoning Administrator.

Schedule of Regulations						
District	Minimum Lot Sizes (sq. ft.)	Minimum Lot Width (Feet) <sup>a</sup>	Setback			Maximum Height (Feet)
			Front	Side	Rear	
R	20,000	100	30	10 <sup>b</sup>	35 <sup>c</sup>	30 <sup>d</sup>
RR-2	2 acres	300	30	30	30	30
LS/R	20,000	100	30	10 <sup>b</sup>	30	30 <sup>d</sup>
RS-1	1 acre	150	30	10	30	30 <sup>d</sup>
RS-10	10 acres <sup>g</sup>	300	30	30	30 <sup>k</sup>	30
AP-20	20 acres <sup>f/g</sup> 470	30	10	30 <sup>k</sup>	<sup>e</sup>	
RP-10	10 acres <sup>g</sup>	300	30	30	30 <sup>k</sup>	30
RP-20	20 acres <sup>g</sup>	470	30	30	30 <sup>k</sup>	30
TP-40	40 acres <sup>g</sup>	660	30	30	30 <sup>k</sup>	30
TD	20,000 <sup>h</sup>	100	30	10 <sup>b</sup>	35	30 <sup>d</sup>
I	1 acre	150	40	<sup>e</sup>	20	<sup>e</sup>

- a. Lot width shall be measured at front setback line and shall not include any encumbrances, such as easements or other such restrictions. Regardless of actual lot size, the maximum depth to width ratio shall be 4 to 1.
- b. An accessory building or structure may be located 6 feet from a side lot line.
- c. An accessory building or structure in the R-residential district may be located twenty (20) feet from a rear lot line.
- d. An accessory building or structure shall not exceed fourteen (14) feet in height.
- e. All structures shall be provided with access to their rear yard, with a minimum of thirty (30) feet clear and unobstructed access way or easement. Setbacks from the existing residential parcels shall be: 50 feet for all buildings; 25 feet for driveways, entrances or exits; and 10 feet for parking areas.
- f. Height at any point on a structure shall not exceed the horizontal distance to any lot line.

- g. The minimum lot size may be reduced to one acre by application for and issuance of a Conditional Use Permit meeting the standards set out in Section 312(D) and Section 704. The minimum lot width shall be 150 feet.
- h. The determination of lot size when adjoining a road shall be made as if the road was a part of the lot in question. For example, a 20 acre parcel fronting on a road will lose approximately one-half acre in the road right-of-way. This will then make the parcel size 19.5 acres, however, it will still conform to the 20 acre minimum lot size requirement.
- i. The minimum landscaped open space ratio shall be twenty-five (25) percent in the Town Development District.
- j. Customary accessory buildings or structures shall be at least located thirty (30) feet from the rear lot line and waterfront. Rear setback for parcels not abutting water courses shall be thirty (30) feet for all structures.
- k. Waterfront Development
  - A. Setbacks from Water - All structures on lots abutting any body of water, as defined in Act No. 346 of the Public Acts of 1972, including, but not limited to, inland lakes, rivers, streams, and impoundments, shall maintain a minimum setback of 75 feet as measured from the high water mark or lot line. All uses shall be subject to this setback except private bathing facilities, saunas, storage sheds, and associated facilities which shall maintain a minimum setback of 30 feet as measured from the high water mark or lot line.
  - B. Shore and Bank Area Alterations - The part of that setback which lies within 30 feet of the water edge shall be maintained in its natural condition. Trees and shrubs in a space 50 feet wide may be trimmed or pruned for a view of the fronting waters and for access thereto. No change shall be made in its natural grade. A lot shall be regarded in its natural condition when there is at least one tree or shrub having a height of at least 15 feet for each 75 square feet of area thereof in wooded areas or sufficient natural ground cover in open areas.
  - C. Limitation of "Funnel Development" - Any development in any zoning district which shares a common lakefront or stream area may not permit more than one (1) single-family home, cottage, condominium or apartment unit to the use of each one hundred (100) feet of lake or stream frontage in such common lakefront or stream area as measured along the water's edge of normal high water mark of the lake or stream. This restriction is intended to limit the number of users of the lake or stream frontage to preserve the quality of the waters, avoid congestion, and to preserve the quality of recreational use of all waters and recreational lands within the Township. This restriction shall apply to any parcel regardless of whether access to the water shall be gained by easement, common fee ownership, single fee ownership or lease. This restriction shall not apply to an official public access site.
- l. Where the right-of-way is established under the McKnitt Act (P.A. 130 of 1931 as amended) and varies from the standard 66 feet of width, the setback shall be not less than 63 feet from the centerline of the roadway.

### Section 402 Minimum Building Floor Area

Every single/two-family dwelling, excluding recreational structures, shall have a floor area of not less than 720 square feet, exclusive of unfinished basements, garages, porches and breezeways. Every unit in a multiple family dwelling shall have a minimum floor area of at least 350 square feet. The maximum ground cover ratio for all structures in a multiple family development shall be 40 percent.

### Section 403 Accessory Buildings and Uses

Where a lot is devoted to a permitted principal use, customary accessory uses and buildings are authorized except as prohibited specifically or by necessary implication in this or any other ordinance. The following special rules are applicable:

- A. An accessory building, including carports, attached to the principal building shall be made structurally a part thereof, and shall comply in all respects with the requirements of this Ordinance applicable to the principal building. Breezeways, as an attachment between the garage or carport and the main building, shall be considered a part of the main building, but shall not be considered livable floor space.
- B. An accessory building, unless attached and made structurally a part of the principal building, shall not be closer than ten (10) feet to any other structure on the lot.
- C. Home Occupations: There shall be two classes of home occupations. Home occupation Class I shall be permitted in all districts allowing single family dwellings. Class I home occupations are authorized by application for and issuance of a zoning compliance permit by the Zoning Administrator. Class II home occupations shall be allowed in the RR-2, RP-10, RP-20, and AP-20 zones. Class II home occupations shall be authorized upon application for and issuance of a Conditional Use Permit pursuant to Article VII and upon issuance of a zoning compliance permit by the Zoning Administrator. Class I and II home occupation approvals may be revoked following procedures outlined in Section 705(E). Class I home occupations shall comply with the following conditions:
  - 1. Home occupations shall employ only those members of the family residing on the premises and not more than one non-occupant employee;
  - 2. There shall be no outdoor storage and there shall be no exterior evidence of the conduct of home occupations, other than an approved sign;
  - 3. Specifically excluded is the storage, display and sale of merchandise not produced by such home occupations.
  - 4. If the home occupation is conducted in an accessory building, it shall not exceed fourteen (14) feet in height, and shall occupy not more than three hundred (300) square feet of said accessory building;
  - 5. No traffic shall be generated by such home occupation in greater volumes than would be normally expected in that residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the requirements of Section 409; the home occupation may utilize only stock vehicles,

such as passenger cars, and light utility vehicles, such as pick-ups and vans. These vehicles may be parked outside;

6. The use of the dwelling unit for home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and if such home occupation is conducted in the principal dwelling, not more than twenty-five (25) percent of the usable floor area of the dwelling shall be used in the conduct of home occupation;
7. No equipment or processes shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises;
8. A sign advertising the home occupation shall not exceed six (6) square feet and shall not be illuminated or have working parts; and
9. Class II home occupations shall meet the criteria for Class I home occupations except that the Class II home occupation may:
  - a. Employ not more than two non-occupant employees.
  - b. May utilize larger vehicles and heavy equipment provided they are stored in an enclosed building.
  - c. As a general rule of thumb, to assure that the home occupation remains subordinate to the principal residential use of the property, structures used to store commercial vehicles shall not exceed twice the floor area of the principal structure.
  - d. The Planning Commission may place additional conditions upon Class II home occupations to assure compliance with Section 704 and the intent of the zoning district.

#### Section 404 One Principal Structure or Use Per Lot

No more than one principal structure or use may be permitted on a lot, unless specifically provided for elsewhere in this Ordinance. In the Town Development District there can be both a residential dwelling and a separate building used for commercial purposes on the same lot.

#### Section 405 Variance of Requirements for Lots of Record

Minimum lot size and lot width regulations do not apply to any nonconforming parcel of land shown as a lot in a map recorded with the County Register of Deeds, or described in a deed or land contract or lease agreement which has been perpetual, executed together with an affidavit or acknowledgement of a notary public, prior to the effective date of this Ordinance, and which lot actually exists as shown or described. No vested right shall arise to the property owner for any parcel created in violation of any preceding township or county adopted zoning ordinance. When a nonconforming lot is held in common ownership with abutting parcel(s) of land, the two or more parcels shall be considered combined as necessary to reduce or eliminate the non-conformity.

#### Section 406 Allocation and Reduction of Lot Area

No portion of a lot shall be used more than once in complying with the provisions for lot area and yard dimensions for construction or alteration of buildings.

No setback area or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established herein.

#### Section 407 Height Requirement Exceptions

The following are exempted from height limit requirements, provided that no portion of the excepted structure may be used for human occupancy:

- A. Those purely ornamental in purpose such as church spires, belfries, domes, ornamental towers, flagpoles and monuments;
- B. Those necessary appurtenances to mechanical or structural functions, such as chimneys and smokestacks, water tanks, radio towers, television antennas and satellite dishes, wire transmission structures, and cooling towers. Any commercial communication tower shall be so located that the distance from the base of the tower to the nearest property line shall be either equal to the height of the structure plus the setback in that district or the radius of the collapse/failure zone as certified by a structural engineer plus the setback in that district.
- C. Public utility structures; and
- D. Agriculture related structures such as barns, silos, elevators and the like.

#### Section 408 Use of Yard or Open Space

In a residential district it is prohibited to use the open space surrounding a dwelling for the open air parking, disposition, storage, wrecking, dismantling, accumulation or abandonment, either temporary or otherwise, of disused, discarded, worn-out, wrecked, or dismantled vehicles, machinery, implements, apparatus, furniture, appliances, junk, or any other personal property. A maximum of two unlicensed and temporarily disabled vehicles may be stored on the premises provided they are screened from adjacent residences and the road.

#### Section 409 Off-street Parking Requirements

There shall be provided off-street parking for motor vehicles and the minimum number of parking spaces to be provided is shown in the following list:



<u>Use</u>	<u>Spaces Required</u>
Single and two-family dwellings, recreational structures	2 per dwelling unit
Rooming houses, fraternities, sororities, dormitories, convalescent homes, and housing for the elderly	.4 times maximum lawful number of occupants
Hotels and motels	1.2 per room in addition to spaces required for restaurant facilities
Apartments and townhouses	2 per dwelling unit
Churches, theaters, facilities for spectator sports, auditoriums, concert halls	.35 times the seating capacity
Golf courses	7 per hole
Barber shops and beauty parlors	2 plus 1.5 per chair
Bowling Alleys	5 per lane in addition to spaces required for restaurant facilities
Child-Care Facility	2 per dwelling unit plus .3 per child
Fast food takeout establishments drive-in restaurants	.01 times floor area and square feet
Restaurants (except drive-ins), bars, and taverns	1.2 per 100 sq. ft. of floor space
Furniture and appliance stores	.3 per 100 sq. ft. of floor space
Household equipment, carpet and hardware stores, repair shops including shoe repair, contractor's showrooms and others, museums and galleries	1.2 per 100 sq. ft. of floor space
Funeral parlors	1 per 50 sq. ft. of floor space
Gas stations	1 per pump plus 2 per lift (in addition to stopping places adjacent to pumps)
Automotive Service Center	1 per employee plus 2 per service bay
Laundromats	.5 per washing machine
Doctor's and dentist's offices	1 per 100 sq. ft. of waiting room area and 1 per doctor or dentist
Banks	1 per 150 sq. ft. of floor space
Warehouses	1 per 500 sq. ft. of floor space

<u>Use</u>	<u>Spaces Required</u>
Retail stores and service establishments	1 per 150 sq. ft. of floor space and outdoor sales space
Offices	1 per 300 sq. ft. of floor space
Other business and industrial uses	.75 times maximum number of employees on premises at any one time

Where calculation in accordance with the foregoing lists results in requiring a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.

[Required off-street parking may be provided entirely on the parcel(s) to which it pertains or may include an area defined by a recorded Parking Easement that will be in effect for the duration of the parking use and is located on an immediately adjacent contiguous parcel(s). The Parking Easement must be free of structures and vegetative/ tree cover and improved to permit parking. Access drives may be placed in the required front, side or rear yards so as to provide access to accessory or attached structures. Further, any walk or other pavement serving a like function shall not be considered a structure and shall be permitted in any required yard. Required off-street parking areas shall be designed so that vehicles will not back out directly onto a public roadway, except for those serving one- or two-family dwellings. Additionally no off-street parking area shall be located where it is required to cross a Public Right-of-Way to access the site requiring it.] **Amended 5.9.11**

The use of any required parking space for the storage of any motor vehicle for sale, or for any other purpose other than the parking of motor vehicles is prohibited. For recreational and residential storage facilities and warehousing, loading areas shall be provided adjacent to the openings of the buildings. In no case shall these loading areas including access lanes be less than 26 feet wide when loading occurs on one side of the lane nor less than 30 feet wide when loading would occur from both sides.

The following minimum design standards shall be observed in laying out off-street spaces and providing access lanes to each space. Layouts requiring vehicles to back out onto roads or streets are prohibited.

<u>Parking Stall Angle</u>	<u>Stall Width</u>	<u>Aisle Width</u>	<u>Parking Stall Length</u>	<u>Curb to Curb</u>
0" to 15"	9 ft.	12 ft.	23 ft.	30 ft.
16" to 37"	9 ft.	11 ft.	18 ft.	47 ft.
38" to 57"	9 ft.	13 ft.	18 ft.	54 ft.
58" to 74"	9 ft.	18 ft.	18 ft.	61 ft.
75" to 90"	9 ft.	24 ft.	18 ft.	63 ft.

Section 410 Required Planting Screens

- A. In Districts Town Development (TD) and Industrial (I), wherever any parking lot, trash collection, outdoor storage, merchandising, or service area lies within 50 feet of any Single-Family Residential (R), or Rural Residential (RR-2) District, or adjoins a residential dwelling within the TD or I District, a planting screen of sufficient length to interfere with the view thereof from the adjoining property shall be required except where the view is blocked by a change in grade or other natural or manmade features. Where, because of intense shade or soil conditions, the planting screen cannot be expected to thrive, a six (6) foot high fence whether it be an opaque wooden fence, a chain link fence with interwoven slats, or a masonry wall may be substituted.
  
- B. Planting Screen Specifications. All planting screens required by this Ordinance shall consist of plants, at least 30 inches high when planted, maintained in a healthy condition and so pruned as to provide maximum opacity from the ground to a height of five feet. One of the plant materials in the following list shall be used and plants shall be located no farther apart than the distance indicated in each case.

<u>Plant</u>	<u>Distance Apart</u>
1. Lilac	3 feet
2. Privet	1 ½ feet
3. Arbor Vitae	4 feet
4. Pfitzer	4 feet
5. Scotch Pine	5 feet
6. Jack Pine	5 feet
7. Spruce	5 feet

Substitution of other plant materials shall be permitted only upon certification to the Zoning Administrator that the proposed plantings can be expected to thrive and provide equivalent screening and will create no nuisance or hazard.

- C. Parking Lot Planting. Where the provision of off-street parking for 50 or more vehicles is required, there shall be landscaped open space within the perimeter of the parking area, or areas, in the minimum amount of 18 sq. ft. for each parking space, which shall be so located that no parking space is more than 120 feet from a portion of the landscaped open space required by this Section. Landscaped open space required by this Section shall be kept continuously planted with living vegetation. The required landscaped open space need not be contiguous, but there shall be at least one tree in each separate area. Required trees shall be at least 12 feet high when planted or when this Ordinance becomes applicable thereto, shall be maintained in a healthy condition, and shall not be pruned, except to remove dead wood, in such a manner as to prevent growth to a height of at least 15 feet or to reduce existing height below 15 feet. The following varieties of trees are prohibited in meeting the requirements of this Ordinance: poplars, willows, American elm, seed bearing locusts, and box elders. All

plant materials shall be kept pruned to maximize visibility through them between the heights of three and eight feet except where located so as to create a hazard to drivers or pedestrians.

- D. Time of Completion of Plantings. All plantings required by this Ordinance shall be installed prior to occupancy or commencement of use. Where compliance is not possible because of the season of the year, the Zoning Administrator shall grant an appropriate delay. Any Zoning Compliance Permit may be revoked, after 30 days written notice to the person assessed for taxes on the affected lot and to the occupant, whenever plantings are not maintained as required in this Ordinance.

#### Section 411 Mineral Extraction

Mineral extraction is the extraction and processing of iron ore, copper, gravel, sand, stone, gypsum, peat, topsoil, silver, gold, uranium, and/or other minerals. It is the intent of these regulations to:

Provide for the proper environmental management during the site planning, operational and reclamation stages of the mineral extraction process;

Provide the Township with information important to overall planning and orderly economic growth; and

Provide for the right to extract mineral deposits where located.

- A. The following shall not require an application for a mineral extraction permit:
1. Any active mining operation at the date of enactment of this Ordinance to continue mineral extraction from existing holes or shafts, which may be enlarged on the land constituting the site on the effective date of this ordinance. This exemption does not apply to new holes or shafts.
  2. An extraction of less than five hundred (500) cubic yards of minerals from a parcel.
  3. Site preparation authorized by Zoning Compliance Permit.
- B. No mineral extraction shall be undertaken without first obtaining a mineral extraction permit from the Wells Township Planning Commission and upon payment of a reasonable fee established by the Township Board. A zoning compliance permit shall also be obtained pursuant to Section 905. The Zoning Administrator, upon receipt of the application for mineral extraction permit, shall provide a copy of the same within thirty (30) days to the Planning Commission for their review and action. The Planning Commission shall review the application for mineral extraction permit at a public hearing to be scheduled and in accordance with the provisions of Sections 413 and 902 and approve, approve with conditions, or reject the mineral extraction permit with explanation. If any of the application information is available in the form of an Environmental Impact Assessment or other appropriate documents which are required

to be submitted to various County, State and/or Federal agencies, a copy of that information may be submitted in place of the following appropriate sections.

Section 412 Application for Mineral Extraction Permit

An application for a mineral extraction permit must contain a Site Plan, Operation Plan, and Reclamation Plan as described herein.

The applicant shall submit the following documents, including a cover letter with the signature of the applicant or the applicant's authorized agent to the Zoning Administrator.

A. Site Plan Requirements:

A site plan consisting of eleven identical copies on one or more sheets at a scale adequate to illustrate the proposed operation.

1. A legal description of the lot; the name, address and telephone number of the owner, developer and designer.
2. Date, north point, and scale.
3. The actual dimensions of the proposed developed area (as shown by a surveyor or engineer, with the survey stakes visible) showing the relationship of the subject property to abutting properties.
4. The location of all existing and proposed structures on the subject property and all existing structures on land immediately adjacent to the site within 100 feet of the sites parcel lines.
5. The location of all existing and proposed drives and parking areas.
6. The location of right-of-way widths of all abutting streets, alleys, and private easements.
7. The location of proposed planting and screening, fencing, signs and advertising features.
8. The height and floor area of all proposed structures.
9. The size and location of all existing and proposed public and private utilities and required landscaping.
10. Proposed location, area extent, estimated depth of excavation.
11. Proposed location of waste dumps, tailing ponds, sediment basins, stockpiles, and other permanent or temporary facilities used in mining.
12. Describe the general groundwater conditions and the possible impact of mining operations upon adjacent groundwater levels and quality. The operator must identify plans to alleviate possible problems in the groundwater supply to adjacent land owners.
13. Any other information necessary to establish compliance with this Ordinance.

B. Operation Plan Requirements:

1. A narrative description outlining the estimated time span which the operation will cover; the type of material to be extracted; the type of mining operation and processing equipment to be used; measures to control noise, vibration, and pollution from the operation; effect on groundwater condition; proposed travel

- routes to be used to transport the mined material to processing plant or markets, and the proposed steps to be taken to relieve adverse effects.
2. A narrative description of the social and economic impact on Marquette County and Wells Township, including an estimate of the number of potential employees, proposed transportation routes for employees and any changes in the present road system that might be made necessary by the proposed operation.
  3. Sight buffers as reasonable and practical along all boundaries of the mining operation which abut R, RR-2, LS/R, RS-1, or TD Zoning Districts. These buffers shall be so constructed as to screen the mining operation from view and protect individuals from injury.

The following techniques may be used, but not limited to the following screening methods:

Buffer zone: An area of sufficient depth as to screen the operation from view.

Earth berms: Earth berms, constructed to a height of at least six feet above the mean elevation of the center line of the public highway adjacent to the mining property, or six feet above the general level of terrain along property lines. These berms shall have slopes not in excess of one foot vertical to four feet horizontal, and shall be planted with trees and shrubs.

Plantations: Plantations of coniferous or other suitable species in rows parallel to the boundaries of the property with the spacing of rows and the spacing of trees in the rows sufficient to provide effective screening.

Fencing: Solid fences or masonry walls constructed to a height of six feet and inconspicuous as compared to color.

4. A description of the measures to be taken to assure that any dangerous excavations, pits, pond areas, banks, or slopes be adequately guarded or fenced and posted with signs to prevent injury to individuals.
5. Identify plans for utilities, access roads, drainage, traffic plans, and other site improvements showing appropriate measures that have been, are, or will be provided.

#### C. Reclamation Plan Requirements

A reclamation plan shall include a map and description showing:

1. Final grading, anticipated final slope angles, wall reduction, benching and terracing of slopes, slope stabilization and revegetation, and erosion control, and alternative future land uses.

2. Description of topsoil stripping and conservation during storage and replacement.
3. Plan and description of anticipated final topography, water impoundments, and artificial lakes on property.
4. Plans for disposition of surface structures, roads, and related facilities after cessation of mining.
5. A plan for disposal or treatment of any harmful or toxic materials found in any formation penetrated by the mining operations or produced during the processing of minerals, and of chemicals or materials used during the mining or processing operations.
6. A timetable for completion of reclamation requirements.

#### Section 413 General Standards

The Planning Commission shall review the particular facts and circumstances of each Application for a Mineral Extraction Permit in terms of the following standards and shall find adequate evidence showing that the proposed use:

- A. Will be harmonious with and in accordance with the general policies of Wells Township or with any specific objectives of adopted development plans;
- B. Will provide adequate site drainage so that waters will not adversely affect neighboring properties;
- C. Will not be hazardous or cause serious consequences to existing neighboring uses, including, but not limited to, its affect from noise, traffic, smoke, fumes, glare, or odors;
- D. Will be served adequately by essential public facilities and services;
- E. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community; and
- F. Will protect the public health, safety and welfare of the community.

## **ARTICLE V SIGNS**

### Section 501 Intent

It is hereby determined that regulation of the locations, size, placement, and certain features of signs is necessary to enable the public to locate goods, services, and facilities without difficulty and confusion, to prevent wasteful use of natural resources in competition among business for attention, to prevent hazards of life and property, and to assure the continued attractiveness of the community and protect property values. It is further determined that signs which may lawfully be erected and maintained under the provisions of this Ordinance are consistent with customary usage, and that signs which may not lawfully be erected or maintained under the provisions hereof are not consistent with customary usage, are an abuse thereof, and are unwarranted invasions of the rights of legitimate business interests and of the public.

### Section 502 Residential District Regulations for Signs

Within all districts allowing residential uses, signs shall be permitted as follows:

- A. One sign to announce the sale or rent of property whose area shall not exceed six (6) square feet.
- B. Churches shall be permitted total sign area of 20 square feet. The total sign area may be divided into two signs: one identification sign and one bulletin board.
- C. One sign per vehicle entrance which identifies a platted subdivision development or mobile home park not exceeding 32 square feet and eight feet in height.
- D. Multiple dwellings and nursing homes shall be permitted one identification sign not to exceed 12 square feet and eight feet in height.
- E. One sign shall be permitted to advertise a home occupation not to exceed six (6) square feet and shall not be illuminated or have working parts. It may be attached flush to the building or placed to the front of the lot or parcel and shall not detract from the visual appearance of the neighborhood.
- F. Signs permitted by this Section are exempt from the setback requirements of Section 401. Signs, however, shall not be located on the right-of-way and shall not interfere with traffic visibility.



### Section 503 Town Development District Sign Regulations

Signs are permitted in the Town Development (TD) District on parcels that are already developed. Free-standing (ground) signs are permitted having an area not exceeding six (6) square feet for each ten (10) feet or fraction of frontage, or sixty (60) square feet for each acre or fraction of area of the developed premises, whichever is larger. There shall be a maximum of one hundred (100) square feet of sign area for each developed parcel. Where a premise has more than one occupant, the permitted sign area shall be divided among them in the same proportion as floor space and outdoor sales as occupied by them. Where a premise has more than two occupants and has a name distinct from that of the occupants, as in a shopping center, an additional two (2) square feet of sign area for each ten (10) feet or fraction of street frontage, with a maximum of two hundred (200) square feet, is permitted only for signs identifying the developed premises.

With the exception of area provided for shopping center identification, sign area not utilized by occupants of the premises may be made available for off premise directional signs.

Signs shall be subject to the following setback requirements; minimum of five (5) feet setback when the right-of-way width from the centerline of the road to the property line is less than fifty (50) feet; and may be located at the lot line when the right-of-way width from the centerline of the road to the property line is greater than fifty (50) feet. Setback measurement shall be from the right-of-way to the closest part of the sign, whether it be at or above grade. Signs shall be subject to the height regulations for the Town Development District.

### Section 504 Industrial District Sign Regulations

In the Industrial District, on-premise signs are permitted having a sign area not exceeding one hundred (100) square feet. Off-premise signs are permitted and shall have a maximum sign area of three hundred (300) square feet per sign. Back-to-back signs shall have a maximum of three hundred (300) square feet for each side and shall not be further apart than four (4) feet. Individual signs shall be at least three hundred (300) feet apart and shall maintain a forty (40) foot setback. The maximum height for signs in the Industrial District shall be thirty (30) feet.

### Section 505 Conditional Use and Residential Zone - Non-Residential Principal Use Sign Regulation

On-premise signs are permitted to identify or advertise an approved conditional use or activity and shall not advertise a specific product not produced on the premises. Signs shall have a maximum sign area of sixteen (16) square feet and not exceed eight (8) feet in height. Signs shall be subject to the following setback requirements: minimum of five (5) feet setback when the right-of-way width from the centerline of the road to the property line is less than fifty (50) feet; and may be located at the lot line when the right-of-way width from the centerline of the road to the property line is greater than fifty (50) feet. Setback measurement shall be from the right-of-way to the closest part of the sign, whether it be at or above grade. Sign regulations in this Section shall not apply to any conditional use or non-residential principal use located in the TD or I Districts, or to churches, multiple family dwellings, nursing homes or home occupations which are regulated elsewhere in this section.

### Section 506 Temporary Signs

Signs which are intended to identify or advertise a non-profit annual or one time event or occurrence, such as a fair or other event of general public interest, shall be authorized by the Zoning Administrator for a period of not more than two months by written permits upon finding that the proposed sign is not contrary to the spirit and purpose of this Ordinance and shall conform to all size limitations set forth by this Ordinance. The applicant is responsible for both the erection and removal of all signs. All signs must be removed no later than 10 days after the end of the event.

### Section 507 Construction Signs

One construction sign is permitted per project not exceeding sixteen (16) feet in sign area for residential districts and thirty-two (32) square feet for Town Development or Industrial Districts. Signs shall be erected no more than five (5) days prior to the beginning of construction for which a valid building permit has been issued, shall be confined to the site of construction, and shall be removed prior to occupancy.

### Section 508 Exempt Signs

The following signs shall not exceed nine (9) square feet and are otherwise exempt from this Ordinance:

- A. Public Signs - Signs for a noncommercial nature and in the public interest, erected by, or on the order of a public officer in the performance of official duty.
- B. Political Signs - Those signs which are intended to advertise a public election, individual actively participating in such an election, or other public ballot issue, are permitted on private property with the owner's permission. All political signs must be removed within 10 days after the election date and shall not be located on the public right-of-way.
- C. Signs which announce no hunting or no trespassing.
- D. Signs which identify the name of a farm or farming operation.
- E. Residential Identification Signs - Those signs which have an occupant's name and/or house number.

### Section 509 Lighting of Signs

No lighted signs shall be permitted within the R or RR-2 District. No strobe or other pulsating lights shall be permitted in any district. No sign shall be lighted so as to create a traffic hazard or to adversely affect neighboring land uses. No sign may be lighted to such intensity or in such a manner that it creates a public nuisance or adversely affects the public health, safety, or general welfare.

### Section 510 Maintenance of Signs

Dilapidated sign structures which are likely to cause injury or degrade the surrounding area, and signs which advertise a closed business, past event or political election, are no longer legible, or are otherwise untimely or unsafe, are a nuisance or danger to the public. The zoning administrator is authorized to remove, or to have removed, all dangerous or nuisance signs, the cost of which is to be borne by the sign owner and/or property owner.

### Section 511 Nonconforming Signs

- A. It is the intent and purpose of this Section to eliminate nonconforming signs except as otherwise specifically set forth in this Section as rapidly as the police power of the Township permits. No sign shall be designated as Class A Nonconforming.
  
- B. No nonconforming sign:
  - 1. shall be structurally altered so as to prolong the life of the signs, nor shall the shape, size, type, or design of the sign structure be altered;
  - 2. shall be continued after the activity, business, or usage to which it relates has been discontinued for 30 days or longer; or
  - 3. shall be reestablished after damage or destruction if the estimated expense of reconstruction exceeds 50% of the sign value.
  
- C. No conforming sign may be changed to another nonconforming use.
  
- D. Nonconforming signs may have their face or message updated but not structurally altered.

**ARTICLE VI  
SITE PLAN REVIEW**

Section 601 Intent

It is the purpose of this Section to require site plan review approval for all buildings, structures and uses that can be expected to have a significant impact on natural resources, traffic patterns, adjacent parcels and the character of future development. The regulations contained herein are intended to provide and promote the orderly development of the Township; safe and convenient traffic movement, both within a site and in relation to access streets; the stability of land values and investments by preventing the impairment or depreciation of land values and development, by the erection of structures or additions or alterations thereto, without proper attention to setting or to unsightly or undesirable appearances; harmonious relationship to buildings, other structures and uses, both within a site and/or adjacent sites; and the conservation of natural amenities and resources.

Section 602 Site Plan Required

A site plan is required for and shall accompany the applications for:

- A. Zoning Compliance Permits for:
  - 1. Any proposed construction
  - 2. Any commencement of a new use
  - 3. Any proposed change in use
- B. Conditional Use Permit
- C. Variances
- D. Class A Non-Conforming use designations
- E. Any other request for zoning status where the Zoning Administrator determines a site plan is necessary for accurate review or documentation of the existing development.

The site plan may be drawn on the application form or on a separate sheet of paper as appropriate to the scale and amount of information shown.

Section 603 Site Plans for Single and Two-Family Dwellings, and Residential Accessory Uses and Structures and for Recreational Structures

The site plan for single and two-family dwellings, residential accessory uses and structures and recreational structures shall show the following information:

- A. A legal description of the site.
- B. All lot lines and dimensions of the lot.
- C. All roads and easements.
- D. All existing and proposed buildings shall be shown and labeled.
- E. Proposed use of each building.
- F. Distances between buildings and all lot lines.
- G. Building dimensions.
- H. Natural features affecting development (rock, water, etc.).

- I. Well and septic locations.
- J. A north arrow.

Section 604 Site Plans for Commercial, Industrial and Multiple Family Development (all other development)

Site plans meeting the following standards shall be required for the following: all commercial uses and developments in the Town Development and Industrial Districts; all non-residential Conditional Use Permits; and uses utilizing more than one (1) acre of land (except for timber and agricultural uses). This information shall be provided on six (6) identical copies on one or more sheets. [When off-street parking is located on a parcel other than the parcel requiring the parking, site plan approval for both parcels is required.] **Amended 5.9.11**

- A. A scale adequate to illustrate the proposed activity.
- B. A legal description of the lot; the name, address and telephone number of the owner, developer and designer.
- C. Date, north point, and scale.
- D. The actual dimensions of the proposed developed area (as shown by a licensed surveyor, engineer, architect, or registered landscape architect, with the survey stakes visible) showing the relationship of the subject property to abutting properties.
- E. The location of all existing and proposed structures, including signs, on the subject property and all existing structures on land immediately adjacent to the site within 100 feet of the sites parcel lines.
- F. The location of all existing and proposed drives and parking areas.
- G. The location and right-of-way widths of all abutting streets, alleys, and private easements.
- H. The location of proposed planting and screening, fencing, signs and advertising features.
- I. The height and floor area of all proposed structures.
- J. The size and location of all existing and proposed public and private utilities and required landscaping.
- K. Any other information necessary to establish compliance with this Ordinance or any other applicable ordinances.
- L. Location of all existing and proposed surface water impoundments and surface water drainage pattern.
- M. The location and extent of all earth movement which is planned. Indicate if a sedimentation and erosion control permit has been applied for.
- N. The site plan will be signed and sealed by a registered land surveyor, professional engineer or architect. **Amended 5.9.11**
- O. The name of the proposed project/development/activity. **Amended 5.9.11**
- P. The existing or proposed vehicular, circulation system including all relevant dimensions, parking spaces, sizes and numbers, customer/employer parking areas. **Amended 5.9.11**
- Q. The definition and location of all loading areas, truck docks, service drives and truck wells, with relevant dimensions. **Amended 5.9.11**

- R. The designated access locations for vehicles and emergency apparatus along with lane widths, type of road surface and any turnaround areas along with all relevant dimensions. **Amended 5.9.11**
- S. The locations, names and widths of all existing and proposed public and private right-of-way within 100 feet of the sites' parcel lines including roads, railroads, easements, clear view triangles, utility licenses, and the jurisdiction or ownership status of each. **Amended 5.9.11**
- T. Size and location of existing or proposed public and private utilities. Assessment of site, well, septic and potential ground water impact study may be requested by reviewing authorities from the Marquette County Health Department, MDEQ, if deemed applicable. **Amended 5.9.11**
- U. The existing and proposed topography of the site with elevations utilizing two (2) foot minimum contour intervals, five (5) foot intervals may be used where grades are in excess of ten percent (10%). All benchmark datum, locations, descriptions and elevations shall be noted. **Amended 5.9.11**
- V. All available information relative to on-site soil conditions, profiles, inventories, borings and the source of all related reference material. **Amended 5.9.11**
- W. The location and names of all existing and proposed water courses, water bodies, flood plains, surface drainage ways, either natural or man-made, within 200 feet of the sites' parcel lines. **Amended 5.9.11**
- X. A complete set of sealed architectural floor plans including all relevant square footage calculations, exterior building elevations, and the existing and proposed building grades, heights, and signs. Multiple unit proposals shall include all density and area calculations. **Amended 5.9.11**
- Y. Any existing and proposed exterior lighting plans which may be anticipated for parking areas. **Amended 5.9.11**
- Z. The locations of all proposed trash and refuse receptacles and the method to be used for screening these areas. **Amended 5.9.11**
- AA. The locations of all permanent or temporary signs, existing or proposed, including their design, area size, height, illumination and the type of construction. **Amended 5.9.11**
- BB. Any other information necessary to establish compliance with this ordinance or any other applicable ordinance such as a review by other governmental agencies. **Amended 5.9.11**

#### Section 605 Review Procedures

Upon receipt of any site plan, the Zoning Administrator shall review it to determine whether it is in proper form, contains all of the required information, shows compliance with this Ordinance and all other Ordinances of Wells Township, and demonstrates the adequacy of utility service. Upon demand by the proposer of the site plan, the Zoning Administrator shall, within ten (10) working days, approve or deny in writing, setting forth in detail the reasons which shall be limited to any defect in form or required information, any violation of any provision of this or any other Ordinance and any changes which would make the plan acceptable. The proposer may appeal any denial to the Township Zoning Board of Appeals. The Zoning Administrator and Zoning Board of Appeals shall use the following standards in their review.

#### Section 606 Standards for Site Plan Approval

- A. All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property and the type and size of buildings. The site will be so developed as not to impede the normal and orderly development or improvement or surrounding property for uses permitted in this Ordinance.
- B. The landscaping shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas.
- C. Special attention shall be given to proper site surface drainage so that removal of storm waters will not adversely affect neighboring properties.
- D. The site plan shall provide reasonable visual and auditory privacy for all dwelling units located therein. Fences, walks, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
- E. All buildings or group of buildings shall be so arranged as to permit emergency vehicle access to all sides.
- F. Every structure or dwelling shall have access to a public street, walkway or other area dedicated to common use.
- G. All loading or unloading and outside storage areas, including areas for storage of trash, which face or are visible from residential properties, abut a residential zone or public thoroughfares, shall be screened by a vertical fence consisting of structural (fence) or plant materials no less than six (6) feet in height.
- H. Exterior lighting shall be so arranged that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.
- I. There shall be no off premise parking unless a recorded Parking Easement that will be in effect for the duration of the parking use is furnished. **Amended 5.9.11**

**ARTICLE VII**  
**CONDITIONAL USE PERMITS**

Section 701 Intent

Until recent years, the regulation of all uses of land and structures through zoning has been accomplished by assigning each use to one or more districts. However, the functions and characteristics of an increasing number of new kinds of land uses combined with some of the older, more familiar kinds of uses call for more flexibility and equitable procedure for properly accommodating these activities in the community. It should be recognized that the forces that influence decisions regarding the nature, magnitude, and location of such types of land use activities are many and varied depending upon functional characteristics, competitive situations and the availability of land. Rather than assign all uses to special, individual, and limited zoning districts, it is important to provide controllable and reasonable flexibility in requirements for certain kinds of uses, but that will, at the same time, maintain adequate provision for the security of the health, safety, convenience and general welfare of the community's inhabitants.

In order to accomplish such a dual objective, provision is made in this Ordinance not only for flexibility in individual district regulations, but also for a more detailed consideration of certain specified activities as each may relate to proposed conditions of location, design, size, operation, intensity of use, generation of traffic movements, concentration of population, processes and equipment employed, amount and kind of public facilities and services required, together with many other possible factors. Land and structure uses possessing these particularly unique characteristics are designated as Conditional Uses and may be authorized by the issuance of a Conditional Use Permit with such conditions and safeguards attached as may be deemed necessary for the protection of the public welfare.

The following sections (702 through 705), together with previous references in other sections (308 through 318), designate what uses require a Conditional Use Permit. With any exception noted, the procedures for obtaining such a permit apply to all conditional uses indicated.

Section 702 Application Procedure

- A. Any person having an interest in a property may file an application for a Conditional Use Permit for the zoning district in which the land is situated.
- B. Applications shall be submitted through the Zoning Administrator to the Planning Commission. Each application shall be signed by the property owner and accompanied by the payment of a fee in accordance with the duly adopted "Schedule of Fees" to cover costs of processing the application. No part of any fee shall be refundable.
- C. Data Required in Application: Every application shall be accompanied by one copy of the following information and data:
  1. Conditional use form supplied by the Zoning Administrator filled out by the applicant.



2. Site plan drawn to a readable scale and containing that information specified in Article VI, Section 603 or 604.
  3. A statement with supporting evidence regarding the required findings specified in Section 704.
- D. Approval of a Conditional Use Permit shall be valid regardless of change of ownership, provided that all terms and conditions of the permit are met by all subsequent owners.
- E. In instances where development authorized by a Conditional Use Permit has essentially changed in nature, extent or character, the Planning Commission shall review the permit in relation to the applicable standards and requirements of the Ordinance. Upon finding that there has been a violation in the conditions of the Conditional Use Permit granted under the provisions of this Ordinance, the Planning Commission may declare the permit null and void.
- F. If development of a Conditional Use Permit has not commenced within one year from the date of issuance, said permit shall expire automatically. The Planning Commission can approve an extension for one additional year upon request by the applicant.

Section 703 Review and Findings

The Planning Commission shall approve, approve with conditions, or reject the application within sixty (60) days of the hearing based upon materials received and testimony recorded at the public hearing. The Planning Commission shall set forth the reasons for approval, denial, or modification of the conditional use permit application. All conditions shall be clearly specified in writing and be consistent with Sections 704 and 902(C). The petitioner has one year from date of hearing to comply with all specified conditions. Compliance shall occur prior to issuance of a zoning compliance permit by the Zoning Administrator pursuant to Section 905 and the commencement of the use, unless a specified time is set or implied in the motion granting the Conditional Use Permit.

Section 704 General Standards

The Planning Commission shall review the particular facts and circumstances of each proposal in terms of the following standards [and required findings and shall find and record adequate data, information and evidence that such a use on a proposed site, lot or parcel is appropriate and meets the following requirements:

- A. Relationship to the general safety, health and welfare of the community-at-large. This includes:
1. Accessibility of the property in question to fire and police protection.
  2. Traffic conditions, creating or adding to hazardous situations.
  3. Transportation design requirements, if any, which will be needed to accommodate traffic impact from the use intended.] **Amended 5.9.11**

- B. Will be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the same area;
- C. Will not be hazardous or disturbing to existing or future neighboring uses;
- D. Will not diminish the value of land, buildings, or structures in the District;
- E. Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, or schools, and that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;
- F. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
- G. Will not involve uses, activities, processes, materials and equipment and conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive production of noise, traffic, smoke, fumes, glare, or odors;
- H. Will protect the public health, safety and general welfare of the community; and
- I. Will be consistent with the intent and purpose of the specific zoning district in which it is located.
- J. The following standards shall be used by the Planning Commission when considering [group day care homes] **Amended 5.9.11** :
  1. Is located not closer than 1,500 feet to any of the following:
    - a. Another licensed group day care home.
    - b. Another adult foster care small group home or large group home licensed under the adult foster care facility licensing act, Act No. 218 of the Public Acts of 1979, being Sections 400.701 to 400.737 of the Michigan Compiled Laws.
    - c. A facility offering substance abuse treatment and rehabilitation service to seven or more people licensed under Article 6 of the public health code, Act No. 368 of the Public Acts of 1978, being Sections 333.6101 to 333.6523 of the Michigan Compiled Laws.
    - d. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.
  2. Has appropriate fencing for the safety of the children in the group day-care home as determined by the Township Planning Commission.
  3. Maintains the property consistent with the visible characteristics of the neighborhood.

4. Does not exceed 16 hours of operation during a 24-hour period. The Township may limit but not prohibit the operation of a group day-care home between the hours of 10 p.m. and 6 a.m.
5. Meets regulations, if any, governing signs used by a group day-care home to identify itself.
6. Meets regulations, if any, requiring a group day-care home operator to provide off-street parking accommodations for his or her employees.

#### Section 705 Conditions and Safeguards

- A. Prior to granting any Conditional Use Permit, the Planning Commission may impose conditions or limitations upon the establishment, location, construction, maintenance or operation of the use authorized by the Conditional Use Permit as in its judgment may be necessary for the protection of the public interest. Conditions imposed shall further be designed to protect natural resources, the health, safety and welfare, as well as the social and economic well-being of those who will utilize 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; and be consistent with the general standards listed in Section 704 of this Ordinance and therefore be necessary to meet the intent and purpose of the regulations contained therein. [The decision on a Conditional Use shall be incorporated into a statement of findings and conclusions relative to the Conditional Use which specifies the basis for the decision and any conditions imposed.]  
**Amended 5.9.11**
- B. Conditions and requirements stated as part of Conditional Use Permit authorization shall be a continuing obligation of land holders. The Zoning Administrator shall make periodic investigations of developments authorized by Conditional Use Permit to determine compliance with all requirements.
- C. Conditional Use Permits may be issued for time periods as determined by the Planning Commission. Conditional Use Permits may be renewed in the same manner as originally applied for.
- D. In authorizing a Conditional Use Permit, the Planning Commission may require that a cash deposit, certified check, bond or other financial guarantee acceptable to the Township, of ample sum be furnished by the developer to insure compliance with such requirements as drives, walks, utilities, parking, landscaping and the like. The financial guarantee shall be deposited with the Township Treasurer at the time of issuance of the permit authorizing the use or activity. As work progresses, the Planning Commission may authorize a proportional rebate of the financial guarantee upon completion of significant phases or improvements.
- E. Revocation of a Conditional Use Permit by the Planning Commission shall be made at a public hearing following the same procedures as original approval to the effect that:

1. Such conditions as may have been prescribed in conjunction with the issuance of the original permit included the requirement that the use be discontinued after a specified time period; or
  2. Violations of conditions pertaining to the granting of the permit continue to exist more than thirty (30) days after an order to correct has been issued. Violations of any conditions set by the Planning Commission are violations of this zoning ordinance.
- F. All plans, specifications and statements submitted with the application for a Conditional Use Permit shall become, along with any changes ordered by the Planning Commission, a part of the conditions of any Conditional Use Permit issued thereto.
- G. Any person aggrieved by the Planning Commission's granting or failure to grant a conditional use permit must appeal that decision to the Zoning Board of Appeals within 30 days. The Zoning Board of Appeals shall notify all affected parties and hold a public hearing on the appeal as specified in Section 902.
- H. The standards in Section 704 are basic to all conditional uses. The specific requirements accompanying Sections 308 through 318, relating to particular uses, are in addition to the standards in Section 704 and shall be required in all applicable situations.

**ARTICLE VIII  
NONCONFORMING USES AND STRUCTURES**

Section 801 Intent

Nonconforming uses and structures are those which do not conform to a provision or requirement of this Ordinance but were lawfully established prior to the time of its applicability. Any previous Class A designation authorized by formal action through the Marquette County Planning Commission shall remain in effect. It is recognized that those nonconformities which adversely affect orderly development and the value of nearby property are not permitted to continue without restriction.

The zoning regulations established by this Ordinance are designed to guide the future use of land in Wells Township by encouraging appropriate groupings of compatible and related uses and thus to promote and protect the public health, safety and general welfare. The continued existence of nonconformities is frequently inconsistent with the purposes for which such regulations are established.

This Ordinance distinguishes by class the various nonconforming uses and structures. In general, Class A nonconforming uses and structures have been found by the Planning Commission not to be contrary to the public health, safety, and general welfare, or the spirit of this Ordinance or the Township Comprehensive Plan or other standard in this ordinance and as such should either be encouraged or at a minimum not be discouraged to continue. In contrast, the Class B nonconforming uses and structures are not consistent with the aforementioned, and as such, should be not encouraged to exist by the Township. Different regulations are established for each class. The degree of restriction over each class is a function of the degree to which that class of nonconformity is a nuisance or incompatible with the purposes and regulations of this Ordinance.

Any use or structure created in violation of any preceding adopted township or county zoning ordinance remains a violation.

Section 802 Class A Nonconforming Uses and Structures

Class A nonconforming uses and structures are those which have been so designated by the Planning Commission, after application by any interested person or the Zoning Administrator. The Planning Commission shall find that the continuance thereof would not be contrary to the public health, safety, and general welfare, or to the spirit of this Ordinance; that the use or structure does not and is not likely to significantly depress the value of nearby properties; that the use or structure was lawful at the time of its inception; that it meets the standards set out in Section 704 of this Ordinance; and that no useful purpose would be served by strict application of the provisions or requirements of this Ordinance with which the use or structure does not conform.

### Section 803 Procedure For Obtaining Class A Designation

A written application shall be filed with the Planning Commission utilizing forms obtained from the Zoning Administrator which shall include:

- A. Name and address of property owner and applicant if not same;
- B. A legal description of the property or lot;
- C. A site plan pursuant to Section 603 or 604.
- D. An explanation describing the present nonconforming use or structure.
- E. An explanation of any proposed addition or alteration to the uses or structures.

The Planning Commission shall, upon receipt of said application, schedule a public hearing in accordance with the procedures set out in Section 902 of this Ordinance. Upon hearing the facts and information, the Planning Commission shall make its decision in writing and set forth the findings and reasons on which it is based, pursuant to the standards identified in Section 704. Conditions may be attached, including any time limit, where necessary to assure that the use or structure does not become contrary to the public health, safety, or welfare, or the spirit and purpose of this Ordinance.

### Section 804 Provisions for Class A Nonconforming Uses and Structures

Where, at the effective date of adoption or amendment of this Ordinance, a lawful use of land exists that is no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- A. No such Class A Nonconforming Use or Structure shall be enlarged or increased, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance, except with specific approval of the Planning Commission.
- B. No such Class A Nonconforming Use or Structure shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance, except with specific approval of the Planning Commission.
- C. No Class A Nonconforming Use or Structure shall be extended to displace a permitted (conforming) use.
- D. Class A Nonconforming Use or Structure shall not be changed to another nonconforming use, except with specific approval of the Planning Commission. Before granting such approval, the Planning Commission shall determine that such change in use will have a less deleterious effect on neighboring properties than the existing nonconforming use.

- E. No Class A Nonconforming Use shall be expanded to add another nonconforming use, except with specific approval by the Planning Commission. The proposed nonconforming use shall satisfy the standards as set out in Section 704.
- F. Class A Nonconforming Structures shall not be altered or expanded without the specific approval of the Planning Commission, except that the following structural alterations may be permitted without prior approval of the Planning Commission:
  - 1. Structural alterations or additions increasing the bulk of a structure are permitted provided all regulations contained in this Ordinance are met.
  - 2. Structural alterations which do not add to the bulk of structure or increase the intensity of use of the structure.

#### Section 805 Regulations Pertaining to Class A Nonconforming Uses and Structures

No Class A Nonconforming Use or Structure shall be resumed if it has been discontinued for a continuous period of at least eighteen (18) months or if it has been changed to a conforming use for any period. No Class A Structure shall be used, altered, or enlarged in violation of any condition imposed in its designation.

#### Section 806 Class B Nonconforming Uses and Structures

All nonconforming uses and structures not designated as Class A are considered as Class B. It is the purpose of this Ordinance to eliminate Class B Nonconforming Uses and Structures as rapidly as is permitted by law without payment of compensation. No Class B Nonconforming Use shall be resumed if it has been discontinued for a continuous period of at least eighteen (18) months or if it has been changed to a conforming use for any period, or if the structure in which such use is conducted is damaged by fire or other casualty to the extent that the cost of reconstruction or repair exceeds fifty (50) percent of the reproduction cost of such structure.

No Class B Nonconforming Structure shall be enlarged or structurally altered. No Class B Nonconforming Use shall be changed to a substantially different nonconforming use, nor enlarged so as to make use of more land area than was used at the time of becoming nonconforming. No Class B Nonconforming Use or Structure shall be permitted to continue in existence if it was unlawful at the time of its inception.

#### Section 807 General Standards

The Planning Commission shall review the particular facts and circumstances of each Class A proposal in terms of the intent of this Article and the general standards as set out in Section 704 of this Ordinance. Each individual proposal shall follow the procedure identified in Section 902 of this Ordinance.

#### Section 808 Revocation of Class A Nonconforming Uses and Structures

Any Class A nonconforming use or structure maintained or used in violation of this Ordinance is a nuisance per se. Whenever the Zoning Administrator determines that a violation of this Ordinance exists, said Zoning Administrator shall issue a notice of violation. Such notice shall be directed to each property owner of or a party in interest in whose name the property appears

on the last local tax assessment records. All notices shall be in writing and shall be served upon the person to whom they are directed personally, or in lieu of personal service may be mailed by regular mail, addressed to such owner or party in interest at the address shown on the tax records. An affidavit of mailing shall be maintained.

All violations of Class A nonconforming uses and structures shall be corrected within a period of time as specified on the notice of violation. A violation not corrected within this period shall be reported to the Planning Commission. The Planning Commission shall, upon receipt of said violation, schedule a public hearing in accordance with the procedures set out in Section 902 of this Ordinance. Upon hearing the facts and information, the Planning Commission shall make its decision to consider revocation of the Class A designation in writing and set forth the findings and reasons on which it is based.

Section 809 Appeal of Granting, Denying, or Revocation of Class A Status

Any person aggrieved by the Planning Commission's granting or failure to grant a Class A status must appeal that decision to the Zoning Board of Appeals within 30 days. The Zoning Board of Appeals shall notify all affected parties and hold a public hearing on the appeal as specified in Section 902.



**ARTICLE IX  
ADMINISTRATION AND ENFORCEMENT**

Section 901 Administration

The administration and enforcement of this Ordinance shall be the responsibility of the Township Board. The Township Board shall have the right to delegate said responsibility to appropriate township officers or employees. The person or persons administering and enforcing this Ordinance shall be known as the Zoning Administrator(s).

Section 902 Administrative Standards and Procedures

- A. Whenever, in the course of administration and enforcement of this Ordinance, it is necessary or desirable to make any administrative decision, then, unless other standards are provided in this Ordinance, the decision shall be made so that the result will not be contrary to the spirit and purpose of this Ordinance or injurious to the surrounding neighborhood.
- B. Where a public hearing is required in the administration of this Ordinance, the Zoning Board of Appeals and the Planning Commission:
1. Shall base their decision upon facts presented at a public hearing. Applications which require hearings before the Wells Township Planning Commission or the Zoning Board of Appeals shall be submitted thirty days prior to the regular meeting date of that body. Late applications may be scheduled for hearings upon authorization by the Chairperson after review of the upcoming agenda, and the work load and ability of the staff to meet legal notice deadlines and to prepare reports and recommendations. Under no circumstances may a late application be accepted less than five days prior to a legal notice deadline;
  2. Shall permit interested parties at the hearing to present and rebut information either supporting or opposing the zoning action under consideration;
  3. Shall prepare a comprehensive summary record of the hearing, including an exact record of motions, votes and other official action;
  4. Shall set forth in writing and in detail any denial, approval, conditional approval, or order and the facts supporting such decision;
  5. Shall file the record, written testimony, or documents submitted with regard to the hearing, and the decision with the Township Clerk, and maintain an affidavit of mailing for each mailing made under this section;
  6. Shall comply with all other requirements under the law; and
  7. Shall have all administrative actions recorded in the Official Zoning Orders Book and Map.
- C. [Public Notice: All applications for development approval requiring a public hearing shall comply with the Zoning Act and the other provisions of this Section with regard to public notification.
1. Responsibility: When the provisions of this Ordinance of the Zoning Act require that notice be published, the Zoning Administrator shall publish notice of the

public hearing in a newspaper of general distribution and deposited during normal business hours for delivery with the US Postal Service or other public or private delivery service or personally delivered. ,

2. Content: All mail, personal and newspaper notices for public hearings shall:
  - a. Describe the nature of the request: Identify whether the request is for a rezoning, text amendment, conditional use permit, variance, appeal, ordinance interpretation or other purpose.
  - b. Location: Indicate the property that is the subject of the request. The notice shall include all listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number, identifying the nearest cross street or including a map showing the location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for a zoning amendment, or when the request is for an ordinance interpretation not involving a specific property.
  - c. When and where the request will be considered: Indicate the date, time and place of the public hearing(s).
  - d. Written comments: Include a statement describing when and where written comments will be received concerning the request.
3. Personal and Mailed Notice:
  - a. General: When the provisions of this Ordinance or Zoning Act require that personal or mailed notice be provided, notice shall be provided to:
    - i. The owners of property for which approval is being considered, and the applicant if different than the owner(s) of the property. Except for a zoning amendment or rezoning requests involving eleven (11) or more adjacent properties or an ordinance interpretation that does not involve a specific property; to all property owners to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to all occupants of structures within three hundred (300) feet. The current year's assessment role shall be used as prima facie evidence of record ownership. If a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure;

- ii. All neighborhood organizations, public utility companies, railroads and other persons which have registered with the Township Clerk to received notice by mail.
    - iii. The Zoning Administrator shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.
  - 4. Timing of Notice: Unless otherwise provided in the Zoning Act, or this Ordinance where applicable, notice of a public hearing shall be provided as follows:
    - a. For a public hearing on an application for a rezoning, text amendment, conditional use permit, variance, appeal or ordinance interpretation: not less than fifteen (15) days before the date the application will be considered for approval.] **Amended 5.9.11**
- C. Wherever a discretionary decision is authorized in this Ordinance, such as, but not limited to, the issuance of conditional use permits, conditions (including, but not limited to greater setbacks, parking, screening, drainage, access control and other similar requirements) may be imposed provided they are:
- 1. Designed to protect natural resources, the health, safety and welfare and the social and economic well-being of those who will use the land or activity under consideration, residents and landowners immediately adjacent to the proposed use or activity, and the community as a whole;
  - 2. Related to the valid exercise of the police power, and the purposes which are affected by the proposed use or activity;
  - 3. Necessary to meet the intent and purpose of the zoning ordinance, are related to standards established in the Ordinance for the land use or activity under consideration, and are necessary to insure compliance with those standards; and
  - 4. The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the approving authority and the landowner. A record of changed condition shall also be maintained.
- D. All administrative guides or rules developed to assist the Zoning Board of Appeals or the Planning Commission in the administration of this Ordinance shall be filed with the Township Clerk and be open to public inspection.

Section 903 Zoning Administrator

The Zoning Administrator shall be appointed by the Township Board and shall receive such compensation as the Township Board may, from time to time, determine. The Zoning Administrator may also serve in some other capacity as an employee or appointed officer of this Township. The Zoning Administrator, or their designated employee, shall administer the provisions of this Ordinance and shall have all administrative powers in connection therewith which are not specifically assigned to some other officer or body. They shall have no power to vary or waive Ordinance requirements.

#### Section 904 Duties of Zoning Administrator

- A. The Zoning Administrator shall have the power to issue a Zoning Compliance Permit and to review Site Plans to determine whether they are in proper form, contains all of the required information and is in accordance with the provisions of this Ordinance. The Zoning Administrator shall make inspections of premises and collect such investigative data deemed necessary to carry out his duties in the enforcement of this Ordinance.
- B. If the Zoning Administrator shall find that any provision of this Ordinance is being violated, the Administrator shall order discontinuance of any illegal work being done; or shall take such action as authorized to insure or prevent violation of the provisions of this Ordinance.
- C. The Zoning Administrator shall not vary, change or grant exceptions to any terms of this Ordinance, or to any person making application under the requirements of this Ordinance.
- D. It shall be unlawful for the Zoning Administrator to issue a Zoning Compliance Permit or other such permits, for any construction or use until he has inspected such plans and found them to conform to this Ordinance.

#### Section 905 Zoning Compliance Permit

- A. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered, or enlarged in its use or structure until a Zoning Compliance Permit shall have been issued therefore by the Zoning Administrator. The Permit shall state that the building, structure, and lot, and use thereof, conform to the requirements of this Ordinance.
- B. The Zoning Administrator shall maintain a record of all Zoning Compliance Permits and said record shall be open for public inspection. Failure to obtain a Zoning Compliance Permit shall be a violation of this Ordinance.

#### Section 906 Enforcement and Violation

##### Notice of Violation:

- A. Whenever the Zoning Administrator determines that a violation of this Ordinance exists, said Zoning Administrator shall issue a notice of violation.
- B. Such notice shall be directed to each owner of or a party in interest in whose name the property appears on the last local tax assessment records.
- C. All notices shall be in writing and shall be served upon the person to whom they are directed personally, or in lieu of personal service may be mailed by regular mail, addressed to such owner or party in interest at the address shown on the tax records. An affidavit of mailing shall be maintained.

- D. All violations shall be corrected within a period of time as specified on the notice of violation. A violation not corrected within this period shall be reported to the Township Board who shall initiate prosecution procedures.

Section 907 Special Zoning Orders Book and Map

The Zoning Administrator shall keep a Special Zoning Orders Book, which shall list, with a brief description, all variances, conditional use permits, rezonings, designations of Class A nonconformance, and any terminations of any of them. Each item shall be assigned a number when entered. The Zoning Administrator shall also keep a map, to be known as the Special Zoning Orders Map, on which shall be recorded the numbers in the Special Zoning Orders Book to indicate the locations affected by the items in the book. The Special Zoning Orders Book and Map shall be open to public inspection.

Section 908 Fees

The Township Board shall periodically establish by resolution a schedule of fees for administering this Ordinance. The schedule of fees shall be made available in the office of the Zoning Administrator and may be changed only by the Township Board. No permit shall be issued unless such fees have been paid in full.

**ARTICLE X**  
**ZONING BOARD OF APPEALS**

Section 1001 Creation and Membership

- A. [The Zoning Board of Appeals is hereby established in accordance with the Zoning Act, as amended. The Board shall consist of three (3) members: a member of the Planning Commission; and the remaining members appointed by the Township Board from the electors residing in the unincorporated area of the Township. One member may be a member of the Township Board. The term of office for the member of the Planning Commission shall not exceed the term of office on the Commission.
  
- B. The terms of office for members shall be for three (3) years; members may be reappointed. An elected officer of the Township shall not serve as chairperson of the Zoning Board of Appeals. An employee or contractor of the Township shall not serve as a member of the Board. A member of the Board shall disqualify himself from a vote in which the member has a conflict of interest.
  
- C. The Township Board may appoint not more than two alternate members to the Zoning Board of Appeals for the same term as regular members. The alternate may be called to serve in the absence of a regular member if a regular member is absent or will be unable to attend one (1) or more meetings. An alternate member may also be called to serve as a regular member for the purpose of reaching a decision on a case in which a regular member has abstained for reasons of conflict of interest; the alternate member shall serve in the case until a final decision is made. When called to serve on the Zoning Board of Appeals, the alternate member has the same voting rights as a regular member of the Zoning Board of Appeals.] **Amended 5.9.11**

Section 1002 Procedures

- A. The Zoning Board of Appeals may adopt rules and regulations to govern its procedures. The Zoning Board of Appeals shall appoint one of its members as Chairman. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to revise any order, requirements, decision or interpretation of the Zoning Administrator or to decide in favor of an applicant any matter upon which they are required to pass under this Ordinance or to effect any variation in this Ordinance.
  
- B. Meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such times in its rules of procedure may specify. Minutes shall be kept of each meeting and the Board shall record into the minutes all findings, conditions, facts and other relevant factors, including the vote of each member upon any question or if absent or failing to vote indicating such fact, and all of its official actions. All meetings and records shall be open to the public. All minutes shall be filed in the office of the Township Clerk.

- C. The Zoning Board of Appeals shall fix a reasonable time and date for a hearing. The Board shall give due notice of the hearing by regular mail to the parties of interest and to owners of adjacent property in accordance with the provisions of Section 902.

Section 1003 Duties and Powers

- A. The Zoning Board of Appeals shall perform its duties and exercise its powers as provided in, the Zoning Act as amended, so that the objectives of this Ordinance shall be attained, the public health, safety, and welfare secured, and substantial justice done. The Zoning Board of Appeals shall hear and decide only those matters which it is specifically authorized to hear and decide as provided therein; administrative review, interpretation of the Zoning Ordinance, including the zoning map and variances.
- B. The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor make any change in the terms or intent of this Ordinance, but does have power to act on those matters specifically provided for in this Ordinance.

Section 1004 Administrative Review

- A. The Zoning Board of Appeals shall hear and decide appeals from and review any order, requirements, decision or determination of the Zoning Administrator, with the exception of site plan appeals.
- B. The Zoning Board of Appeals shall have the power to:
  - 1. Interpret, upon request, the provisions of this Ordinance in such a way as to carry out the intent and purpose of this Ordinance;
  - 2. Determine the precise location of the boundary lines between zoning districts when there is dissatisfaction with a decision made by the Zoning Administrator;
  - 3. Determine the parking space requirements of any use not specifically mentioned either by classifying it with one of the groups listed in Section 409 or by an analysis of the specific needs.

Section 1005 Variances

- A. The Zoning Board of Appeals shall have the power and duty to authorize upon appeal in specific cases such variance from the provisions of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in practical difficulty. [A practical difficulty may be demonstrated as follows:
  - 1. That strict compliance with the Ordinance would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity with such restrictions unnecessarily burdensome;
  - 2. That the problem is due to a unique circumstance of the property;
  - 3. The requested variance would do substantial justice to the applicant as well as to other property owners in the district, and the lesser relaxation would not give substantial relief and be more consistent with justice to others;

4. The property problem was not created by the action of the applicant.] Amended 5.9.11
- B. Any nonconforming use of neighboring lands, structures, or buildings shall not be considered grounds for the issuance of a variance.
  - C. The Zoning Board of Appeals shall make findings that the requirements of this Section have been met by the applicant.
  - D. The Zoning Board of Appeals shall further find that the reasons set forth in the application justify the granting of the variance, and that it is the minimum variance that will make possible the reasonable use of the land, building, or structure.
  - E. The Zoning Board of Appeals shall further find that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public interest.
  - F. In granting any variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards consistent with Section 902(C) of this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted shall be deemed a violation of this Ordinance.
  - G. Under no circumstances shall the Zoning Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.
  - H. In exercising the above mentioned powers, the Zoning Board of Appeals may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm wholly or partly or may modify the order, requirements, decision, or determination appealed from and may make such order, requirements, decision, or determination as ought to be made, and to that end shall have the powers of the public official from whom the appeal was taken.

#### Section 1006 Appeals

- A. Appeals concerning interpretation of the administration of this Ordinance shall be made by filing a notice of appeal specifying the grounds thereof with the Zoning Administrator within a period of thirty (30) days from the occurrence of the contested action. The Zoning Administrator shall transmit to the Board copies of all papers constituting the record upon which the action appealed was taken from.
- B. A fee shall be paid to the Township at the time of filing the notice of appeal. The appeal fee shall be established by the Township Board.
- C. Any party or parties may appear at the hearing in person or by agent or attorney.



- D. The Zoning Board of Appeals shall decide upon all matters within a reasonable time. The decision of the Board shall be in the form of a resolution containing a full record of its findings and determinations in each case.
  
- E. An appeal shall stay all proceedings in furtherance of the action appealed, unless the Zoning Administrator certifies to the Board that a stay would in his opinion, cause imminent peril to life or property, in which case the proceedings should not be stayed, other than by a restraining order granted by the courts.

Section 1007 Duties on Matters of Appeal

All questions concerning application of the provisions of this Ordinance shall first be presented to the Zoning Administrator. Such questions shall be presented to the Zoning Board of Appeals only on appeal from the decisions of the Zoning Administrator. Recourse from decisions of the Zoning Board of Appeals shall be to the Circuit Court of Marquette County, as provided by law.

**ARTICLE XI**  
**TOWNSHIP PLANNING COMMISSION: PLANNING AND ZONING AUTHORITY**

Section 1101 Designation

The Wells Township Planning Commission is hereby designated the Commission as specified in the Zoning Act, as amended. Under said act, it shall be the duty of the Commission to advise the Township Board on matters of planning. Further, the Commission shall assume the duties of the Zoning Commission prescribed in the Zoning Act, as amended.

Section 1102 Changes and Amendments

- A. Only the Township Board may amend this Ordinance. Proposals for amendments or changes may be initiated by the Township Board on its own motion, by the Planning Commission or by an individual.
- B. Each petition shall be submitted to the Zoning Administrator, accompanied by the proper fee, and then referred to the Planning Commission for their review at a public hearing, which is held in conformance with Section 902 of this Ordinance.
- C. Following the public hearing, the Planning Commission shall submit the proposed zoning ordinance and any applicable maps to the Marquette County Planning Commission for their review and recommendation. The County has 30 days in which to respond with any comments.
- D. Following receipt of comments from the County Planning Commission, the Planning Commission shall transmit their recommendation and a summary of the comments received at the public hearing to the Township Board.
- E. The Township Board may hold additional public hearings if it considers it necessary. Notice of public hearing held by the Township Board shall be published in a newspaper which circulates in the Township. The notice shall be given [not less than fifteen (15) days] before the hearing. After receiving the recommended change or amendment, the Township Board, at a regular meeting or at a special meeting called for the purpose, shall consider the recommendations and vote upon the adoption of a zoning ordinance for the Township. Any changes or amendments shall be approved by a majority vote of the members of the Township Board. The Township Board shall not make a change or departure from the plans, text, or maps as certified by the Planning Commission unless the proposed change or departure is first submitted to the Planning Commission for its advice or suggestions. The Planning Commission shall have 30 days from and after receipt of the proposed change or departure to send its report to the Township Board.  
**Amended 5.9.11**
- F. No petition for amendment, which has been disapproved by the Township Board, shall be resubmitted for a period of one year from the date of disapproval, except as may be permitted by the Township Board after learning of new and significant facts or

conditions which might result in favorable action upon resubmittal. Resubmittal shall follow the same procedure as outlined in this Section.

- G. If the amendment is to change the text of the ordinance, the petitioner shall transmit proposed language for consideration by the Planning Commission. When the petition involves a change in the Zoning Map, the petitioner shall submit the following information:
  - 1. A legal description of the property;
  - 2. A scaled map of the property, correlated with the legal description, and clearly showing the property's location;
  - 3. The name and address of the petitioner;
  - 4. The petitioner's interest in the property;
  - 5. Date of filing with the Zoning Administrator;
  - 6. Signatures of petitioner(s) and owner(s) certifying the accuracy of the required information; and
  - 7. The desired change and reasons for such change.
  
- H. In viewing any petition for a zoning amendment, the Planning Commission shall identify and evaluate all factors relevant to the petition, and shall report its findings in full, along with its recommendations for disposition of the petition, to the Township Board within thirty (30) days following review by the County Planning Commission. All findings of fact shall be made a part of the public records of the meetings of the Planning Commission and the Township Board.
  
- I. The general standards to be considered by the Planning Commission shall include, but not limited to, the following:
  - 1. Whether the requested zoning change is justified by a change in conditions since the original ordinance was adopted or by an error in the original ordinance;
  - 2. Is the requested zoning change consistent with the Goals and Policies, and other elements of the current county and/or local plans;
  - 3. The precedents, and the possible effects of such precedents, which might likely result from approval or denial of the petition;
  - 4. The ability of the Township or other government agencies to provide any services, facilities, and/or programs that might be required if the petition is approved;
  - 5. Are there any significant and negative environmental impacts which would potentially occur if the petitioned zoning change and resulting permitted structures were built, including but not limited to, surface water drainage problems, wastewater disposal problems, or the loss of locally valuable natural resources; and
  - 6. Effect of approval of the petition on adopted development policies of the Township and other governmental units.
  
- J. Notice of adoption of amendment shall be published in accordance with the Zoning Act.

**ARTICLE XII**  
**INTERPRETATION, SEVERABILITY, VESTED RIGHT, PENALTIES, AND EFFECTIVE DATE**

Section 1201 Interpretation and Conflict

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, prosperity and general welfare. Unless specifically provided for, it is not intended by the Ordinance to repeal, abrogate, annul or in any way impair or interfere with the existing and unrepealed provision of law or ordinance or any rules, regulations, or permits previously adopted or issued pursuant to law relating to the use of building or land, provided, however, that where this Ordinance imposes a greater restriction upon the courtyards or other open spaces that are imposed or required by such existing provisions of law or ordinance or by such rules, regulations or permits, the provisions of this Ordinance shall control.

Section 1202 Severability

This Ordinance and the various parts, sections, subsections, and clauses, thereof, are hereby declared to be severable. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional, or invalid as applied to a particular property; building, or structure, it is hereby provided that the application of such portion of the Ordinance to other property, buildings, or structures shall not be affected thereby. Whenever any condition or limitation is included in an order authorizing any conditional use permit, variance, zoning compliance permit, site plan approval, or designation of Class A nonconformance, it shall be conclusively presumed that the authorizing officer or body considered such condition or limitation necessary to carry out the spirit and purpose of this Ordinance or the requirement of some provision thereof, and to protect the public health, safety, and welfare, and that the officer or board would not have granted the authorization to which the condition or limitation pertains except in the belief that the condition or limitation was lawful.

Section 1203 Vested Right

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

Section 1204 Penalties and Remedies

- (A) Civil Law: Any building, structure, or use constructed, altered, moved or maintained in violation of the provisions of this Ordinance is hereby declared to be a nuisance per se.
  
- (B) Criminal Law: Violations of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with variances and conditional uses and violations of approved site plans,

shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred (\$500) dollars and imprisoned for not more than ninety (90) days, or both, and in addition, shall pay costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

- (C) Remedies: The Township Board may also institute proceedings for injunction, mandamus, abatement or other appropriate remedies to prevent, enjoin, abate or remove any violations of this Ordinance. The rights and remedies provided herein are both civil and criminal in nature. The imposition of any fine or jail sentence of both shall not exempt the violator from compliance with the provisions of this Ordinance.

Section 1205 Effective Dates

This Ordinance shall become effective upon seven days after publication of the notice of adoption in a locally circulated newspaper.

RESOLUTION

Therefore, be it ordained that the Township Board of Wells Township adopts amendments to the 1996 **Zoning** Ordinance for Wells Township, Michigan at a meeting thereof, duly called and held on the 9th day of May, 2011.

Approved by the Township Board of Wells Township, Michigan, on the 9<sup>th</sup> day of May, 2011.

Roll Call Vote:

	<u>Aye</u>	<u>Nay</u>
Henry DeGroot	<u>X</u>	___
Patti Manninen	<u>X</u>	___
Emily Bruce	<u>X</u>	___
Marilyn Manninen	<u>X</u>	___
Robert Therrian	<u>X</u>	___

\_\_\_\_\_  
Patti Manninen, Clerk  
Wells Township, Marquette County

\_\_\_\_\_  
Date

I hereby certify that this is a true copy of the Zoning Ordinance of Wells Township, as adopted by the Township Board of Wells Township on the 9<sup>th</sup> day of May, 2011.

\_\_\_\_\_  
Patti Manninen, Clerk  
Wells Township, Marquette County

\_\_\_\_\_  
Date