

# **Zoning Ordinance Charter Township of Union Isabella County, Michigan Ordinance No. 20-06**

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## Section 1 Title, Purpose and Scope

### Section 1.1 Short Title

This Ordinance shall be known as, referred to, and cited as the Union Township Zoning Ordinance.

### Section 1.2 Purpose and Intent

Pursuant to the Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended), this Zoning Ordinance is designed to implement the goals, objectives, policies, and strategies of the adopted Master Plan for the Charter Township of Union, through complete, effective and concise regulations to:

- A. Protect the public health, safety, and general welfare of residents and visitors of the Township;
- B. Regulate the use of land and buildings by dividing the Township into districts;
- C. Provide for the orderly development of the Township by regulating the location, height, bulk, erection, and construction of structures and buildings to be used for business, industry, residence, agriculture, energy production, and other specified purposes;
- D. Provide for adequate light, air, and convenience of access to secure safety from fire and other hazards.
- E. Avoid undue concentration of population by establishing minimum setbacks, yards, and open spaces;
- F. Provide for traffic safety and adequate parking and loading space for vehicles;
- G. Facilitate the development of adequate systems of fire protection, education, recreation, and public utilities and services;
- H. Protect the quality of environmentally sensitive areas; and
- I. Conserve natural resources.

### Section 1.3 Application of the Zoning Ordinance

- A. The provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, safety and general welfare. Wherever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive or that imposing the higher standards shall govern.
- B. This Ordinance shall not abrogate or annul any easement, covenant or other private agreement. Where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant, or other private agreement, the provision of this Ordinance shall govern.
- C. Zoning applies to every building, structure or use. No building, structure or land shall be used or occupied, and no building or structure or part thereof shall be erected, moved; placed; reconstructed, extended, enlarged or altered, except in conformity with this Ordinance.
- D. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, safety and general welfare.
- E. Subdivision restrictions documented and filed with the Register of Deeds that are more restrictive than the provisions in this Ordinance are subject to enforcement by the proprietor of the subdivision or the subdivision association.

### Section 1.4 Vested Rights

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 permissible activities therein. Furthermore, such rights as may exist through enforcement of this Ordinance are hereby declared to be subject to subsequent amendment, change or modification as may be necessary for the preservation or protection of public health, safety, and welfare, to the extent that such rights are not protected by the nonconforming use provisions in Section 12.

### **Section 1.5 Relationship to Other Laws and Ordinances**

Whenever regulations imposed by this Ordinance are either more or less restrictive than regulations imposed by any governmental authority through legislation, rule, or regulation, the regulations that are more restrictive or that impose higher standards shall govern. Where two (2) or more regulations in this Ordinance conflict, the more restrictive regulation shall prevail.

### **Section 1.6 Severability**

This Ordinance and its 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 other structure, it is hereby provided that the application of such portion of the Ordinance to other properties, buildings, or structures shall not be affected thereby.

### **Section 1.7 Effective Date and Repeal of Prior Ordinance**

- A. This Zoning Ordinance was adopted by the Township Board of the Charter Township of Union, Isabella County, Michigan at a regular meeting called and held on September 9, 2020. The Ordinance shall take effect on September 21, 2020, said date being seven days after publication of notice of adoption in a newspaper of general circulation in the Township.
- B. The Zoning Ordinance adopted by the Township Board on April 10, 1991, and all amendments thereto are hereby repealed as of the effective date of this Ordinance. The repeal of the above ordinance does not affect or impair any act done, offense committed, or right occurring, accrued or acquired, or liability, penalty, forfeiture, or punishment incurred prior to the time enforced, prosecuted, or inflicted.



## Section 2 Rules of Interpretation and Definitions

### Section 2.1 Rules of Interpretation

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

- A. The particular shall control the general.
- B. Words used in the present tense shall include the future, unless the context clearly indicates the contrary.
- C. Words used in the singular number shall include the plural; and words used in the plural shall include the singular, unless the context clearly indicates the contrary.
- D. Terms referred to in the masculine gender include the feminine and neuter.
- E. The word **shall** is always mandatory and not discretionary; the word **may** is permissive and discretionary.
- F. The word **build** includes the words **erect** and **construct**.
- G. The word **building** includes the word **structure**. A **building** or **structure** includes any part thereof.
- H. The words **include** or **including** shall mean **including but not limited to**.
- I. The phrase **such as** shall mean **such as but not limited to**.
- J. The phrase **used for** includes **arranged for, designed for, intended for, occupied for, and maintained for**.
- K. The word **person** includes an individual, firm, association, organization, public or private corporation, partnership or co-partnership, limited liability company, incorporated or unincorporated association, trust, or any other entity recognizable as a person under the laws of the State of Michigan.
- L. 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**, or **either/or**, the conjunction shall be interpreted as follows:
  - 1. **And** indicates that all the connected items, conditions, provisions, or events shall apply.
  - 2. **Or** indicates that the connected items, conditions, provisions, or events may apply singularly or in any combination.
  - 3. **Either/or** indicates that the connected items, conditions, provisions or events shall apply singularly but not in combination.
- M. All measurements shall be to the nearest integer, unless otherwise specified herein.
- N. Unless otherwise stated, the word **day** shall mean a calendar day; **month** shall mean any consecutive period of 30 calendar days; and **year** shall mean any consecutive period of 365 calendar days.
- O. Unless the context clearly indicates the contrary, where an illustration accompanies any item within this Ordinance, the written text shall have precedence over said illustration.

### Section 2.2 Definitions

The following words, terms, and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning. Words or terms not herein defined shall have the meaning customarily assigned to them.

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#### A

**Access Drive:** Any private street designed to provide access from a public street or road to a mobile home park, apartment or condominium complex, or other private property development.

**Accessory Use, Accessory Building, or Accessory Structure:** A use, building, or structure which is clearly incidental to, customarily found in connection with, subordinate to, and located on the same zoning lot (unless otherwise specifically permitted) as the principal use to which it is related.

**Adult Foster Care Facility:** See *State-licensed residential facility*.

**Adult Regulated Uses:** As used in this Ordinance, the following definitions shall apply to adult regulated uses:

- A. Adult Book or Supply Store: An establishment having twenty (20) percent or more of all usable interior, retail, wholesale, or warehouse space devoted to the distribution, display, or storage of books, magazines, and other periodicals and/or photographs, drawings, slides, films, video tapes, recording tapes, and/or novelty items which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to **specified sexual activities** or **specified anatomical areas**, or an establishment with a segment or section devoted to the sale or display of such material. Such establishment or the segment or section devoted to the sale or display of such material in an establishment is customarily not open to the general public, but only to one or more classes of the public, excluding any minor by reason of age.
- B. Group "A" Cabaret: An establishment which features any of the following: topless dancers and/or bottomless dancers, go-go dancers, strippers, male and/or female impersonators or similar entertainers, or topless and/or bottomless waitpersons or employees.
- C. Adult Motion Picture Theater or Adult Live Stage Performing Theater: An enclosed building with a capacity of twenty-five (25) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to **specified sexual activities** or **specified anatomical areas** for observation by patrons therein. Such an establishment is customarily not open to the general public, but only to one or more classes of the public, excluding any minor by reason of age.
- D. Adult Model Studio: Any place where models who display **specified anatomical areas** are present to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons who pay some form of consideration or gratuity. This definition shall not apply to any bona fide art school or similar educational setting.
- E. Adult Motel: A motel wherein visual displays, graphic materials, or activities are presented which depict, describe, or relate to **specified sexual activities** or **specified anatomical areas**.
- F. Adult Motion Picture Arcade: Any place where motion picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images displayed depict, describe, or relate to **specified sexual activities** or **specified anatomical areas**.
- G. Massage Parlor or Massage Establishment: A place where manipulated massage or manipulated exercises are practiced for pay upon the human body by anyone using mechanical therapeutic, or bathing devices or techniques, other than the following: a duly licensed physician, osteopath, or chiropractor; a registered or practical nurse operating under a physician's directions; or, registered physical or occupational therapists or speech pathologists who treat patients referred by a licensed physician and operate only under such physician's direction. A massage establishment may include, but is not limited to, establishments commonly known as massage parlors, health spas, sauna baths, Turkish bathhouses, and steam baths. Massage establishments, as defined herein, shall not include properly-licensed **hospitals, medical clinics, or nursing homes**, or beauty salons or barber shops in which massages are administered only to the scalp, the face, the neck or the shoulders, nor shall they include establishments engaged in therapeutic massage where all of the practitioners have received training required to be licensed and are licensed by the State of Michigan.
- H. Adult Outdoor Motion Picture Theater: A drive-in theater used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to **specified sexual activities** or **specified anatomical areas** for observation by patrons of the theater. Such establishment is customarily not open to the general public, but only to one or more classes of the public, excluding any minor by reason of age.
- I. Specified Anatomical Areas: Portions of the human body defined as follows:
  1. Less than completely and opaquely covered human genitals, pubic region, buttocks, or female breast below the point immediately above the top of the areola, and
  2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

J. Specified Sexual Activities: The explicit display of one or more of the following:

1. Human genitals in a state of sexual stimulation or arousal.
2. Acts of human masturbation, sexual intercourse, or sodomy.
3. Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast.

**Airport**: A facility designed for the takeoff and landing of manned aircraft.

**Agriculture**: See *Customary Agricultural Operations*.

**Agri-Tourism**: The practice of visiting an agribusiness, horticultural, or agricultural operation, including, but not limited to, a farm, orchard, winery, greenhouse, hunting preserve, a companion animal or livestock show, for the purpose of recreation, education, or active involvement in the operation, other than as a contractor or employee of the operation. Examples of agri-tourism include, but are not limited to a corn maze, harvest festival, petting farm, fishing pond, haunted barns and trails, farm market, educational activities, etc.

**Alley**: A dedicated public vehicular way usually between or behind buildings, which affords a secondary means of access to abutting property but is not intended for general traffic circulation.

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

**Amusement Park**: A large park equipped with such recreational devices as a merry-go-round, Ferris wheel, roller coaster, etc., and usually having booths for games and refreshments.

**Amusement Enterprises**: A business offering arcade games and similar forms of entertainment as well as refreshments.

**Animal**: Any member of the kingdom Animalia, other than humans. All domesticated animals in the Township shall be considered one of the following for the purposes of this Ordinance:

- A. Pet: An animal kept solely for companionship, recreation, and pleasure, regardless of the use of the property where the animal resides. All animals kept for companionship, recreation, and pleasure shall be considered domestic pets for the purposes of this ordinance, except for those defined as "Exotic or Wild Animals."
- B. Domestic Livestock: An animal raised for slaughter or kept for the purposes of contributing to an agricultural use through labor or the production of milk, eggs, manure, wool, or other animal-based products, but for which the proceeds of the animal are used primarily for the use of the owner of the animal and not for commercial purposes. Any livestock animal kept on a premise where there are more than 10 total livestock animals shall be considered commercial livestock, regardless of the use of the animal's proceeds.
- C. Commercial Livestock: An animal raised for slaughter or kept for the purposes of contributing to an agricultural use through labor or the production of milk, eggs, manure, wool, or other animal-based products, for which the proceeds of the animal are used primarily for commercial purposes. Any livestock animal kept on a premise where there are more than 10 total livestock animals shall be considered commercial livestock, regardless of the use of the animal's proceeds.
- D. Exotic or Wild Animal: Any animal not commonly (in Michigan) domesticated, raised for slaughter, or used for agricultural purposes, especially animals that pose a clear and present danger to humans, including but not limited to big cats, venomous snakes, and large apes.

**Animal Hospital**: See *Clinic, Veterinary*.

**Apartment**: See *Dwelling, Multiple-Family*.

**Arcade**: Any establishment which provides on its premises three or more machines which may be operated or used as a game, contest or for amusement of any description, not including devices used solely for playing music.

**Archery Range:** A facility for the safe and secure use of archery equipment. An archery range may be located inside a building or outdoors.

**Assisted Living Facility:** See *Dependent Living (for Seniors)*.

**Attached Wireless Communications Facilities:** **Wireless communication facilities** that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A **wireless communication support structure** proposed to be newly established is not included in this definition.

**Auction:**

**Auction** – An establishment operated for compensation and profit as a public or private market where items are offered for sale through competitive bidding. An auction can be operated on-line or on-site.

An **auction house** is a type of auction that is enclosed. The term “auction house” shall not include flea markets and yard sales.

**Permanent Auction** – A live or on-line auction that is intended to reoccur over an indefinite period of time. A permanent auction may be single purpose (e. g., an agricultural auction, a vehicle auction) or it may exist for the sale of a variety of goods.

- a. **Permanent Agricultural Auction** – A type of permanent auction that exists for the purpose of auctioning livestock and/or agricultural implements.
- b. **Permanent Vehicle Auction** – A type of permanent auction that is designed and licensed to accommodate the auctioning of five (5) or more vehicles on a regular basis.
- c. **Permanent General Purpose Auction** – A type of permanent auction that exists for the sale of a variety of goods, which may include agricultural implements and vehicles on an occasional basis.

**Temporary Auction** – An auction that occurs once only, not to exceed three (3) contiguous days.

- a. **Temporary Real Estate Auction** – An auction held for the sole purpose of offering a particular parcel of property for sale.
- b. **Temporary General Auction** – An auction event that is held once only to facilitate the sale of unwanted goods. An estate auction is an example of a Temporary General Auction.

**Automobile:** Unless specifically indicated otherwise, ‘automobile’ shall mean any vehicle including by way of example, cars, trucks, vans, motorcycles, and the like.

**Automobile Filling Station (Gas Station):** A place used for the retail sale and dispensing of fuel or lubricants together with the fixed equipment from which the fuel is dispensed directly into motor vehicles. ‘Automobile filling stations’ may also incorporate a convenience store operation as an accessory use, provided it is clearly incidental to the filling station use, but no auto repairs shall be permitted.

**Automobile Repair:** Major or minor repair of automobiles, defined as follows:

- A. Minor Repair: Engine tune-ups and servicing of brakes, air conditioning exhaust systems; oil change or lubrication; wheel alignment or balancing; or similar servicing or repairs that do not normally require any significant disassembly or storing the automobiles on the premises overnight.
- B. Major Repair: Engine and transmission rebuilding and general repairs, rebuilding or reconditioning; collision service such as body, frame or fender straightening or repair; steam cleaning, undercoating and rustproofing; and similar servicing, rebuilding or repairs that normally do require significant disassembly or storing the automobiles on the premises overnight.

**Automobile Repair Garage:** An enclosed building where **minor** or **major automobile repair** services may be carried out.

**Automobile Service Station:** A place where gasoline or other vehicle engine fuel, kerosene, motor oil and lubricants, and grease are sold directly to the public on the premises for the purposes of operation of motor vehicles; including the sale of minor accessories (such as tires, batteries, brakes, shock absorbers, window glass) and the servicing of and **minor repair** of motor vehicles.

**Automobile Dealership or Vehicle Dealership:** A building or premises used primarily for the sale of new and used automobiles and other motor vehicles.

**Automobile or Vehicle Storage:** Any storage or parking of inoperable or unlicensed vehicles, boats, trailers, motor homes, or motorcycles in excess of ninety (90) days and not incidental to a public garage.

**Automobile Wash or Car Wash Establishment:** A commercial establishment contained within a building or premises or portion thereof where automobiles are washed.

## **B**

**Bank:** A financial institution dedicated to accepting monetary deposits and providing loans. Credit unions shall be considered banks for the purposes of this Ordinance.

**Barber Shop or Beauty Shop:** A personal service establishment offering any of a variety of health and beauty services including hair, nails, make-up, and other related services.

**Base Flood:** The flood having a one percent chance of being equaled or exceeded in any given year. Also known as the 100-year flood.

**Basement:** That portion of a building which is partially or totally below grade, but is so located that the vertical distance from the average grade to the floor below is greater than the vertical distance from the average grade to the ceiling. This definition shall not apply to **earth-sheltered homes**. A 'basement' shall not be counted as a **story** (see illustration).

**Bed-And-Breakfast:** See "Lodging"

**Bedroom:** A room designed or used in whole or part for sleeping purposes.

**Berm:** See *Landscaping*.

**Big -Box Store:** A large retail store whose physical layout resembles a large square or box when seen from above. A big-box store is characterized by a large amount of floor space (generally more than 50,000 square feet), a wide array of items available for sale, and its location in suburban areas. Big-box stores often can offer lower prices because they buy products in high volume. Also called supercenter, superstore, megacenter.

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

**Bioswale:** A linear, vegetative storm water runoff conveyance system that is designed to store and infiltrate water from small storm events back into the ground and direct water from heavy rain events to appropriate storm sewer inlets or other management facilities.

**Block:** The property bounded by a street or by a combination of streets and public lands, rights-of-way, rivers or streams, boundary lines of the Township, or any other barrier to the continuity of development.

**Boarding House:** A building, other than a **hotel**, where for compensation or by prearrangement for definite periods of time, lodging or lodging and meals are provided for five (5) or more persons. A **rooming house** shall be deemed a 'boarding house' for the purposes of this Ordinance.

**Brewpub:** An eating or drinking establishment that includes the brewing of beer or ale as an accessory use for sale on the same premises of not more than five thousand (5,000) barrels per year. (A barrel is equivalent to thirty-one (31) U. S. gallons.)

**Buildable Area:** The area of a lot which is defined by the minimum setback requirements within which building construction is permitted by the terms of this Ordinance.

**Buildable Area, Net:** The net buildable area is that portion of a site that is not encumbered by regulated wetlands (except as specifically noted), steep slopes, road rights-of-way, easements, structures or lots, or other existing or proposed features that would prevent construction of a building or use of the site for a use permitted in the district in which the site is located.

**Building:** Any structure, either temporary or permanent, having a roof or other covering and used or built for the shelter or enclosure of persons, animals, or property or materials of any kind. A building shall not include such structures as signs, fences, or smokestacks, but shall include structures such as storage tanks, grain elevators, coal bunkers, or similar structures.

- A. **Building, Permanent:** A **building** which is permanently affixed to the ground with footings or a foundation and is permitted to exist for an indefinite period of time exceeding six (6) months.
- B. **Building, Temporary:** A **building** which is not permanently affixed to the ground and is permitted to exist for a specific reason for a specific period of time, such as during a construction project.

**Building, Accessory:** See *Accessory use, building, or structure*.

**Building, Principal:** A **permanent building** or, where the context so indicates, a group of permanent buildings (such as a school or office campus) which are built, used, designed or intended for the shelter or enclosure of the **principal use** of the parcel.

**Building Code:** The State Construction Code adopted and enforced by the Township.

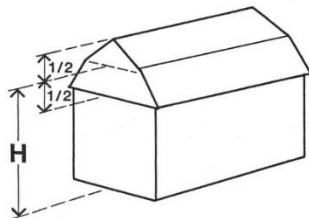
**Building Envelope:** See *Buildable area*.

**Building Height:** The vertical distance measured from the established grade to:

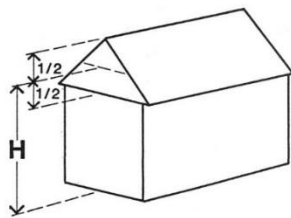
- (1) The highest point of the coping of a flat roof;
- (2) The deck line of a mansard roof;
- (3) The average height between the eaves and the ridge for a gable, hip, studio (shed), or gambrel roof (if the eaves are not even, then the height shall be the average height between the highest eave and the peak of the roof); or
- (4) Seventy-five (75) percent of the height of an A-frame.

## Building Height

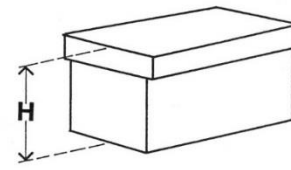
H = Height of building



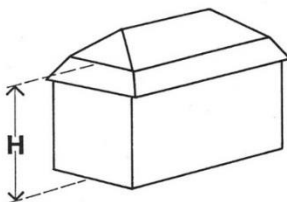
Gambrel Roof



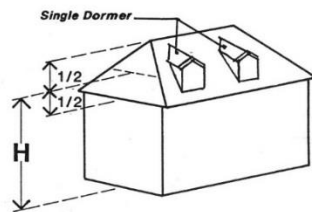
Gable Roof



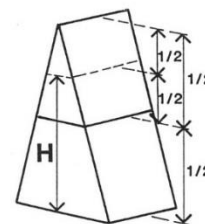
Flat Roof



Mansard Roof

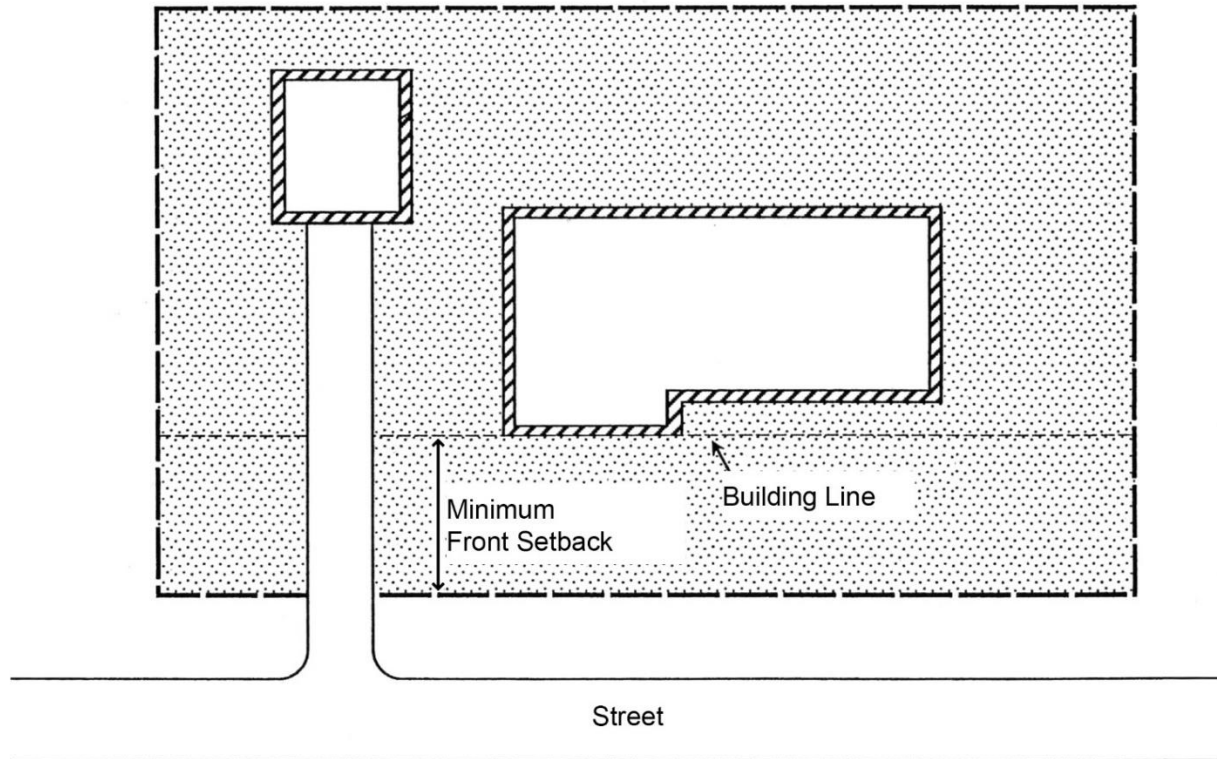


Hip Roof



"A"-Frame

## Building Line



**Building Line:** A line parallel to the front lot line at the minimum required front setback line.

**Building Official:** The officer or other authority designated by the Township Board to administer and enforce the Building Code and make decisions about compliance.

**Bulk:** The term used to indicate the size and setbacks of buildings and structures and the location of same with respect to one another, including standards for the height and area of buildings; the location of exterior walls in relation to lot lines, streets, and other buildings; gross floor area of buildings in relation to lot area; open space; and, the amount of lot area required for each dwelling unit.

**Bulk Plant:** An establishment for the storage of products in bulk or in packages, for the distribution by tank car, tank vehicle, or motor truck.

**Business Districts:** The term **business districts** include the B-4, B-5, B-7 and OS districts, unless otherwise noted.

**Bus Station:** A facility used for boarding and unboarding of buses. Bus repair operations shall be considered auto repair under this ordinance.

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## C

**Campground:** See "Lodging"

**Caretaker's Residence:** An accessory dwelling on a non-residential premises, occupied by the person who oversees the non-residential operation 24 hours per day, and his or her family.

**Carport, Private:** A shelter which has a roof with or without open sides with capacity for not more than three (3) motor vehicles for storage only. Unless otherwise specifically set forth herein, the regulations that apply to garages shall apply to carports.

**Cemetery:** Land used for the burial of the dead, including columbariums, crematories, and mausoleums.

**Child Care Center or Day Care Center:** A facility, other than a private residence, receiving more than twelve (12) preschool or school age children for group care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility that provides care for not less than two (2) consecutive weeks regardless of the number of hours of care per day. The facility is generally described as a child care center. "Child Care Center" or "Day Care Center" does not include instruction solely for religious purposes conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.

**Church:** See *Religious institution*.

**Clinic, Medical or Dental:** An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists, or similar professionals. A 'medical clinic' may incorporate customary laboratories and pharmacies incidental to or necessary for its operation or to the service of its patients but may not include facilities for overnight patient care or major surgery.

**Clinic, Veterinary:** An institution that is licensed by the Michigan Department of Health to provide for the care, diagnosis, and treatment of sick or injured animals, including those in need of medical or surgical attention. A 'veterinary clinic' may include customary pens or cages for the overnight boarding of animals and such related facilities as laboratories, testing services, and offices.

**Club or Fraternal Organization:** An organization of persons for special purposes or for the promulgation of sports, arts, science, agriculture, literature, politics, or similar activities, but not operated for profit or to espouse beliefs or further activity that is not in conformance with the Constitution of the United States or any laws or ordinances. Also, the facilities owned or used by such an organization.

**Colocation.** The location by two or more wireless communication providers of **wireless communication facilities** on a common structure, tower, or building, with the intent to reduce the total number of structures required to support wireless communication antennas in the Township.

**College or University:** A school of higher learning, consisting of a building or buildings and other facilities for teaching and research, and that grants associate's, bachelor's, master's and doctorate degrees.

**Commercial Radio Tower:** A tower used to transmit or receive electromagnetic waves, where such activity is undertaken for the purpose of generating income.

**Commercial Use:** The use of property for retail sales or similar businesses where goods or services are sold or provided directly to the consumer. As used in this Ordinance, 'commercial use' shall not include industrial, manufacturing, or wholesale businesses.

**Commercial Vehicles and Equipment:** All power vehicles and equipment constructed or used for transportation of goods, wares, materials, passengers, merchandise, and/or all other power vehicles and equipment designed and used for drawing other vehicles or used in construction or landscaping, including dump truck, **stake truck**, tank truck, flatbed truck, step van, panel truck, wrecker, car hauler, **truck tractor**, construction and landscaping vehicles and equipment, sprayers, excavating equipment, logging vehicle, bulldozer, backhoe, front loader, bus, hearse, ambulance, or limousine.

**Composting:** The biological decomposition of organic material under specifically created conditions that are maintained and controlled by a person or entity for the purpose of generating usable by-products from the waste materials.

**Composting Facility:** A site where composting occurs as part of a private business, non-profit organization, or government service including, but not limited to, a site where compostable materials are received, processed, or stored for use in the composting process.

**Concrete Plant:** An industrial facility where cement, water, and other products are mixed to produce concrete for delivery to a job site.



**Condominium:** A condominium is a system of separate ownership of individual units in multi-unit projects. In addition to the interest acquired in a particular unit, each unit owner is also a tenant in common in the underlying fee and in the spaces and building parts used in common by all the unit owners. For the purposes of this Ordinance, condominium terms shall be defined as follows:

- A. Condominium Act: Shall mean Public Act 59 of 1978, as amended.
- B. Condominium Lot: That portion of a site condominium project designed and intended to function similar to a platted subdivision lot for purposes of determining minimum yard setback requirements and other requirements set forth in the Schedule of Regulations (Section 4).
- C. Condominium Subdivision Plan: Drawings and information which show the size, location, area, and boundaries of each condominium unit, building locations, the nature, location, and approximate size of common elements, and other information required by Section 66 of Michigan Public Act 59 of 1978, as amended.
- D. Condominium Unit: That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed for the condominium project. A condominium unit is not a lot or condominium lot as those terms are used in this Ordinance.
- E. Common Elements: Portions of the condominium project other than the condominium units.
- F. Detached Condominium: A condominium project of detached units designed to be similar in appearance to a conventional single family subdivision, except that limited common areas are not arranged in such a manner as to create clearly defined condominium lots.
- G. General Common Elements: Common elements other than the limited common elements, intended for the common use of all co-owners.
- H. Limited Common Elements: Portions of the common elements reserved in the master deed for the exclusive use of less than all co-owners.
- I. Master Deed: The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan.
- J. Site Condominium Project: A condominium project designed to function in a similar manner, or as an alternative to a platted subdivision. A residential site condominium project shall be considered as equivalent to a platted subdivision for purposes of regulation in this Ordinance.

**Contractor's Yard:** A site on which a building or construction contractor stores equipment, tools, vehicles, building materials, and other appurtenances used in or associated with building or construction. A contractor's yard may include outdoor or indoor storage, or a combination of both.

**Convalescent Home:** See *Nursing Home*.

**Convenience Store:** Any retail establishment offering for sale convenience goods, such as pre-packaged food items, tobacco, periodicals, limited grocery items, and other household goods.

**Co-Op (Cooperative) Housing:** A group of dwelling units owned by a corporation that leases its units to stockholders on a proprietary lease arrangement.

**Curb Cut:** The entrance to or exit from a property provided for vehicular traffic to or from a public or private road or highway.

**Customary Agricultural Operation:** Any land or building used for orchards, nurseries, animal husbandry, dairying, or for the purposes of producing vegetables, livestock or fowl, grain, or other crops. The term Customary Agricultural Operation does not include the transfer, sale, delivery, production, manufacture or cultivation of marijuana.

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## D

**Day Care Facility:** See *State-Licensed Residential Facility*.

**Deck:** A raised platform, commonly constructed of wood, which does not have a roof and is typically attached to or abuts a house and used for outdoor leisure activities.

**Density (Residential):** The number of dwelling units per acre of land.

- A. **Gross Density:** The number of units per acre of total land being developed.
- B. **Net Density:** The number of units per acre of land not encumbered by regulated wetlands (except as specifically noted), steep slopes, road rights-of-way, easements, structures, lots, or other existing or proposed features that would prevent construction of a building or use of the site for a residential dwelling.

**Dependent Living (for Seniors):** A multiple-family housing form with central dining facilities provided as a basic service to each dwelling unit. Each dwelling unit may or may not contain cooking facilities, but must contain sanitary facilities. One type of dependent living facility is 'assisted living', which is a special combination of dependent housing, with personalized supportive services, and health care designed to meet the needs of those who need help with activities of daily living. Services provided in 'assisted living' residences may include:

- Three meals per day served in a common dining area
- Housekeeping services
- Transportation
- Assistance with eating, bathing, dressing, toileting, and/or walking
- Emergency call systems for each unit
- Health promotion and exercise programs
- Medication management
- Personal laundry services
- Social and recreational activities.

**Detention Basin:** A structure or facility, natural or artificial, which stores stormwater on a temporary basis and releases it at a controlled rate. A detention basin may drain completely after a storm event, or it may be a body of water with a fixed minimum and maximum water elevation between runoff events. See also **Retention Basin**.

**Development:** The construction of a new building, reconstruction of an existing building, or improvement of a structure on a parcel or lot, the relocation of an existing building to another lot, or the improvement of open land for a new use.

**Dismantled Motor Vehicle:** A motor vehicle from which some part or parts that are ordinarily a component thereof have been removed.

**Distiller (Manufacturer of Spirits):** A manufacturer of spirit products that contain more than ten percent (10%) alcohol by volume which manufactures more than 60,000 gallons of spirits a year under a license by the State of Michigan.

**Distilleries, Small:** A small distillery is an establishment licensed by the State of Michigan to manufacture spirits, not to exceed 60,000 gallons annually of all brands combined.

**Distribution Center:** A use which typically involves both warehouse and office/administration functions, where short and/or long-term storage takes place in connection with the distribution operations of a wholesale or retail supply business.

**District, Zoning:** A portion of the Township within which, on a uniform basis, certain uses of land and buildings are permitted and within which certain yards, open spaces, lot areas, and other requirements are established.

**Donation Bin:** A donation bin is a closed container, typically constructed of metal, in which clothing, shoes, books, and/or other goods are placed by the public to be donated to charitable organizations or for recycling in other ways.

**Drive-In:** A business establishment so designed that its operation involves providing service to patrons while they are in their parked car, rather than within a building or structure.

**Drive-Thru:** A facility designed to serve customers in their cars from a window in the building, so that the cars are idled while being served, rather than parked.

**Driveway:** A private lane, designed primarily for use by vehicles, which connects a house, garage, or other buildings with the road.

**Dwelling:** Any building, or part thereof, containing sleeping, kitchen, and bathroom facilities designed for and occupied by a single family. In no case shall a detached or attached garage, travel trailer, motor home, automobile, tent, or other structure or vehicle not defined as a recreational vehicle be considered a 'dwelling'. In the case of a building occupied in part as a dwelling unit ("mixed occupancy"), the part so occupied shall be deemed a dwelling unit for the purposes of this Ordinance.

**Dwelling, Accessory Apartment:** A dwelling unit that is accessory to and contained within a principal single-family dwelling, and which is occupied by either persons related to the occupant of the principal residence by blood, marriage, or legal adoption; domestic servants; or gratuitous guests. An 'accessory apartment' commonly has its own kitchen, bath, living area, sleeping area, and usually a separate entrance.

**Dwelling, Manufactured (Manufactured Housing):** A building designed for long-term residential use and characterized by all of the following:

- (1) The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act, as amended;
- (2) The structure is designed to be transported to the site in a nearly complete form, where it is placed on a foundation and connected to utilities; and
- (3) The structure is designed to be used as either an independent building or as a module to be combined with other elements to form a complete building on the site.

**Dwelling, Mobile Home:** A type of manufactured housing that is transportable in one or more sections, that is built upon a chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities, and includes plumbing, heating, air-conditioning, and electrical systems contained in the structure. Recreational vehicles as regulated herein shall not be considered 'mobile homes' for the purposes of this Ordinance.

**Dwelling, Multiple-Family:** A building designed for and occupied by three or more families living independently, with separate housekeeping, cooking, and bathroom facilities for each. Examples of multiple-family dwellings include:

- A. Apartment: An attached dwelling unit with party walls contained in a building with other apartment units which are typically accessed from a common stair landing or walkway. Apartments are typically rented by the occupants. Apartment buildings often may have a central heating system and other central utility connections. Apartments typically do not have their own yard space. Apartments may also be known as garden apartments or flats.
- B. Efficiency Unit: A type of apartment consisting of one principal room, plus bathroom and kitchen facilities, hallways, closets, and/or a dining alcove located directly off the principal room.

**Dwelling, One-Family or Single-Family:** A detached residential dwelling designed for and used or held ready for use by one (1) family only.

**Dwelling, Two-Family or Duplex:** A detached building designed exclusively for and occupied by two (2) families living independently of each other, with separate housekeeping, cooking, and bathroom facilities for each.

**Dwelling Unit:** One or more rooms, along with bathroom and kitchen facilities, designed as a self-contained unit for occupancy by a single family for living, cooking, and sleeping purposes.

**Dwelling Unit, Accessory.** A second dwelling unit that is located on the same property as a principal dwelling unit, included in the same deed, title, parcel/tax identification number as the principal dwelling unit, and which cannot be sold or leased separately from the principal dwelling unit, and which does not contain a kitchen.

**Dwelling Unit, Single-Family Attached or Townhouse:** An attached dwelling unit with party walls, designed as part of a series of three or more dwellings, each with its own front door which opens to the outdoors at ground level; its own basement; and typically, its own utility connections and front and rear yards. Townhouses are sometimes known as "row houses".

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**E**

**Easement:** A right, created by an express or implied agreement, of one owner of land to make lawful and beneficial use of the land of another. A public easement is any easement enjoyed by the public in general, e.g., the right of passage of the public over the surface of streets, alleys, highways, etc.

**Engineer, Township:** The Township Engineer is the person or firm designated by the Township Board to advise the Township administration, Township Board, and Planning Commission on drainage, grading, paving, storm water management and control utilities, and other related site engineering and civil engineering issues. The Township Engineer may be a consultant or an employee of the Township.

**Enforcement Official:** The Enforcement Official is the person or persons designated by the Township as being responsible for enforcing and administering requirements of this Zoning Ordinance. Throughout this Ordinance the Enforcement Official may be referred to as the Building Official, Zoning Administrator, Township Planner, Public Safety Official, or their agents. Such titles do not necessarily refer to a specific individual, but generally the office or department most commonly associated with the administration of the regulation being referenced.

**Erected:** Any physical change on a site, including construction, reconstruction, or alteration of buildings or structures thereon. Excavation, fill, drainage, and the like shall be considered part of 'erection.'

**Essential Services:** The term "*Essential Services*" means the erection, construction, alteration or maintenance by public utilities or Union Township departments or commissions, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, telephone exchange and/or repeater facilities, electric substations and substation buildings, gas regulator stations and other similar equipment and accessories in connection therewith (but not including any buildings *except those expressly referred to herein*), reasonably necessary for the furnishing of adequate service by such public utilities or Union Township departments or commissions or for the public health or safety or general welfare. This definition does not include towers or other buildings or structures intended specifically to service commercial wireless telecommunications such as cellular, personal communications services, specialized mobilized radio, enhanced specialized mobile radio, paging and similar services. This definition also does not include sales, business, or administrative offices and commercial buildings or activities.

**Ethanol.** A substance that meets the ASTM international standard in effect as the D-4806 specification for denatured fuel grade ethanol for blending with gasoline.

**Excavation:** The removal or movement of soil, sand, stone, gravel, or fill dirt, except for common household gardening, farming, and general ground care.

**Extractive Operation:** An industrial-like operation that involves the removal and export of sand, stone, gravel or other minerals from the earth.

**Exception:** An exclusion from the normal Zoning Ordinance rules and regulations for the purposes of permitting particular uses or structures which are considered essential or appropriate in certain locations or under certain conditions. A **variance** is not required for uses or structures which are permitted because of an exception.

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**F**

**Fabrication:** The stamping, cutting, or otherwise shaping of processed materials into useful objects.

**Family:** This term shall mean "traditional family" or "functional family" as defined below:

- a. Traditional family—an individual or group of two (2) or more persons related by blood, marriage or adoption, together with foster children and domestic household employees of the principal occupants, with not more than three (3) additional unrelated persons, who are domiciled together as a single domestic housekeeping unit in a dwelling.
- b. Functional family—a collective number of individuals domiciled together in one dwelling whose relationship is of a permanent and distinct domestic character, with a demonstrable and recognizable bond characteristic of a cohesive unit, and who are in fact cooking and living as a single nonprofit housekeeping unit.

A "functional family" shall not include any of the following:

- (1) any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or other organization, which is not a recognized religious order.
- (2) any group of individuals whose domestic relationship is transitory, temporary, or resort/seasonal in nature or character.
- (3) any group of individuals whose association is essentially for convenience or economics, or for the limited duration of their education, training or a similar determinate period of time.

Any person or group of persons seeking the rights and privileges of a "family" as defined in subparagraph a or b above in any administrative, judicial, or quasi-judicial proceeding, whether as the proponent or by way of defense, shall have the burden of proving that their domestic relationship satisfies the criteria in either subparagraph a or b above.

**Family Day Care Home:** See *State-licensed residential facility*.

**Farm:** A parcel of land on which Customary Agricultural Operations occur.

**Farm Animals:** Livestock, including beef and dairy cattle, goats, hogs, horses, poultry, sheep, and other fur-bearing animals.

**Farm Market:** According to the Generally Accepted Agricultural and Management Practices for Farm Markets, a farm market is a place or an area where transactions between a farm market operator and customers take place and is considered part of a farm operation. This includes roadside stands. It does not necessarily mean a physical structure such as a building. At least fifty percent (50%) of the products marketed and offered for sale at a farm market (measured as an average over the farm market's marketing season or up to a five-year timeframe) must be produced on and by the affiliated farm. Farm products may be processed more extensively into a form that adds value and makes them more marketable for direct customer sales in accordance with Michigan laws, and then sold at the affiliated farm market, as long as allowed by Township, county, state and federal regulations. A farm market may operate seasonally or year-round. Farm markets may include marketing activities and services to attract and entertain customers and facilitate retail trade transactions, subject to Township, county, state and federal regulations.

**Fence:** An artificially constructed barrier of wood, wire, metal or any other manufactured material or combination of materials, used to prevent or control entrance, confine within, or mark a boundary.

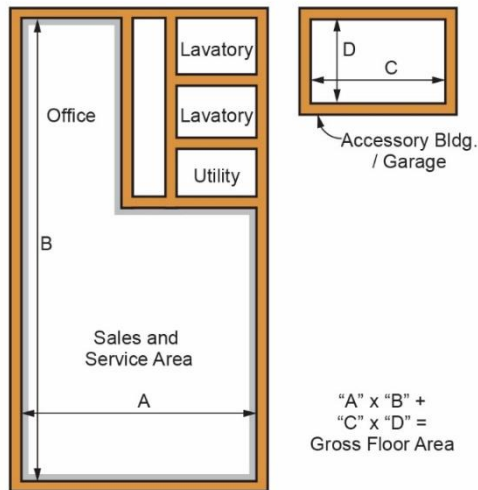
**Fill, Filling:** The deposit or dumping of any matter onto or into the ground, except for common household gardening, farming, and general ground care.

**Flag Lot:** See *Lot, Flag*.

**Floodplain:** Any land area susceptible to being inundated by floodwaters when high amounts of precipitation are experienced or natural cyclic conditions raise the water levels.

**Flood Hazard Area or Special Flood Hazardous Area:** The area covered by the flood water of the base flood is the Special Flood Hazard Area on (SFHA) on National Flood Insurance Program (NFIP) Maps. The SFHA is the area where the NFIP's floodplain management regulations must be enforced. The base flood is the flood having a one percent chance of being equaled or exceeded in any given year. This is regulatory standard also referred to as the "100-year flood."

**Floodway:** The channel of a **river** or other watercourse and the adjacent lands that must be reserved in order to discharge floodwaters without cumulatively increasing the water surface elevation more than one foot.



## Floor Area

 Usable Floor Area

**Floor Area, Gross:** The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

**Floor Area, Net:** See *Floor Area, Usable Residential*, and *Floor Area, Usable Nonresidential*.

**Floor Area, Usable Residential:** The gross floor area minus areas in basements, unfinished attics, attached garages, and enclosed or unenclosed porches.

**Floor Area, Usable Nonresidential:** The sum of the horizontal areas of each floor, measured from the interior faces of the exterior walls, including all areas used for, intended to be used for, and accessible for the production or sale of merchandise, provision of services, or service to patrons, clients or customers. Floor area which is used for or intended to be used for storage or for utilities shall be excluded from the computations of Usable Nonresidential Floor Area (see illustration). If detailed floor plans are unavailable, then Usable Nonresidential Floor Area shall be equal to eighty (80) percent of the Gross Floor Area.

**Foster Family Home or Foster Family Group Home:** See *State-licensed residential facility*.

**Fraternal Organization:** See *Club*.

**Fraternity:** A local or national organization of male students, primarily for social purposes, associated as if by ties of brotherhood.

## G

**Garage, Private:** An accessory building for parking or storage of motor vehicles owned and used by the occupants of the building to which it is accessory. A private garage may be either attached to or detached from the principal structure.

**Garage, Public:** See *Automobile Repair Garage*.

**Garage or Yard Sale:** A temporary retail use located on a lot otherwise used for residential purposes.

**Garbage:** Discarded items, including but not limited to organic refuse and rejected food waste; ashes, i.e. the residue left from burning of paper, leaves, weeds, wood and coal; kitchen rubbish, i.e. all types of food containers and wrappings, including cans, bottles, jars, broken glass, crockery, paper, plastic, wood and metal objects; household rubbish, i.e. all types of household materials commonly discarded such as newspapers, magazines, books, wrappings, cartons, boxes, crates, excelsior, rags, clothing, bedding, floor covering, wallpaper, leather objects and sweepings; and yard rubbish, i.e. all materials which grow on the property such as grass clippings, weeds, leaves, plants, garden trash, clippings from hedges and shrubs, branches, limbs, roots and stumps.

**Gas Station:** See *Automobile Filling Station* and *Automobile Service Station*.

**Grade:** The term 'grade' shall mean the ground elevation established for the purpose of regulating the number of stories or height of a building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

**Greenbelt:** See *Landscaping*.

**Group Day Care Home:** See *State-licensed residential facility*.

**Gun Range:** A facility for the safe and secure discharging of firearms. A gun range may be located inside a building or outdoors. See also *Shooting Range*.

**Gunsmith:** A person who makes or repairs firearms.

## **H**

**Health Club, Exercise Club or Spa:** A building or portion of a building designed and equipped for the conduct of sports, exercise, leisure time activities, or other customary and usual recreational activities that occur in an entirely enclosed building. Such uses are operated for profit or not-for-profit and can be open only to bona fide members and guests of the organization or open to the public for a fee. Such uses may also include massage services, saunas, locker rooms, showers, or personal services.

**Height of Building:** See *Building Height*.

**Highway:** See *Road, Principal Arterial*.

**Higher Education, Institution of:** A facility dedicated to providing education and training primarily to persons that have already earned a high school diploma or equivalent.

**Home-Based Limited Business:** A business, occupation or similar activity of restricted scope and intensity undertaken for compensation by members of the household and a restricted number of non-resident employees, on land occupied by the household's principal dwelling and in a manner that conforms to the specific home-based limited business use standards of this Ordinance and that is incidental and secondary to the use of the dwelling and premises for residential purposes.

**Home for the Aged:** A facility, other than an **adult foster care facility, hotel, hospital, nursing home,** or other **state-licensed residential facility** that provides room, board, and supervised personal care to 21 or more unrelated, non-transient individuals 60 years of age or older.

**Home Occupation:** A business, occupation or similar activity of limited scope and intensity undertaken for compensation exclusively by members of the household, on land occupied by the household's principal dwelling and in a manner that conforms to the specific home occupation use standards of this Ordinance and that is incidental and secondary to the use of the dwelling and premises for residential purposes.

**Hospital:** An institution that is licensed by the Michigan Department of Health to provide in-patient and out-patient medical and surgical services for the sick and injured, and which may include such related facilities as laboratories, medical testing services, central service facilities, and staff offices.

**Hospitality Facility:** A residential facility, typically associated with a hospital or other medical institution, for the purposes of housing patients' families.

**Hospital, Veterinary:** See *Clinic, Veterinary*.

**Hotel:** See "Lodging"

**Household Pet:** Any animal that is not likely to bite without provocation and this is not likely to cause death, maiming, or illness to a human, provided it is not kept, bred, or maintained for commercial purposes. Such animals shall include but are not necessarily limited to birds (caged), fish, rodents (bred), cats (domestic), lizards (nonpoisonous), snakes (nonpoisonous), chinchillas, marmosets (bred), spiders (nonpoisonous), dogs (domestic), and prairie dogs (bred).

**Hunting or Gun Club:** A facility for a group of firearm and/or archery enthusiasts, that has sufficient acreage for safely hunting wild animals, and may also have a building to accommodate meetings and group activities.

## I

**Impervious Surface:** A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water, including but not limited to asphalt, concrete, and building roofs.

**Inoperable or Unlicensed Vehicle:** A vehicle that is incapable of being operated or moved under its own power, dismantled or wrecked, or unlicensed (in the case of vehicles that are required to be licensed by the State of Michigan).

**Independent Living (for Seniors):** Housing specifically designed for independent living for individuals or couples over the age of 55. Such facilities may include a congregate meals program in a common dining area, but exclude institutional care such as medical or nursing care. Although minimal or no extra assistance may be required, some independent facilities may provide hospitality or supportive services, including meals served in a common dining area, transportation, and social and recreational activities.

**Industrial Districts:** The term industrial districts includes the I-1 and I-2 districts, unless otherwise noted.

**Industry, General:** A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

**Industry, Light:** A use engaged in the manufacture, predominantly from previously prepared material of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing.

**Ingress and Egress:** As used in this Ordinance, 'ingress and egress' generally is used in reference to a driveway which allows vehicles to enter or leave a parcel of property, or to a sidewalk which allows pedestrians to enter or leave a parcel of property, a building, or another location.

**Instant Oil Change Shop:** A business that strives to perform oil changes on vehicles in a timely manner. An instant oil change may also provide other minor vehicle services, such as windshield wiper and filter replacements.

## J

**Junk:** Any motor vehicles, machinery, appliances, products or merchandise with parts missing, or other scrap materials that are damaged, deteriorated, or are in a condition which prevents their use for the purpose for which the product was manufactured.

**Junk Yard or Salvage Yard:** An area where waste and used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to: **junk**, scrap iron, metals, paper, rags, tires, bottles and automobiles. A 'junkyard' includes automobile wrecking yards and includes any open area of more than 200 square feet for the storage, keeping, or abandonment of **junk**. The outdoor storage of three (3) or more inoperable or dismantled motor vehicles shall be considered a junk yard.



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**K**

**Kennel, Boarding:** Any lot or premises where four (4) or more dogs or cats over six (6) months of age are boarded and/or trained for compensation.

**Kennel, Breeding:** Any lot or premises where four (4) or more dogs or cats are owned, kept, or harbored for the purpose of breeding for commercial gain.

**Kennel, Non-Commercial:** Any lot or premises, where more than four (4) dogs are owned or kept for the personal enjoyment of the owner or occupants of the property, and for which commercial gain is not the primary objective.

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**L**

**Land Division Act:** Michigan Public Act 288 of 1967, as amended.

**Landscaping:** The treatment of the ground surface with live plant materials such as, but not limited to, **grass, ground cover, trees, shrubs, vines**, and other live plant material. In addition, a landscape design may include decorative non-living materials, such as wood chips, crushed stone, boulders, or **mulch**. Structural features such as fountains, pools, statues, and benches shall also be considered a part of 'landscaping,' but only if provided in combination with live plant material. Artificial plant materials shall not be counted toward meeting the requirements for landscaping. Various landscaping-related terms are defined as follows:

- A. **Berm:** A continuous, raised earthen mound, with flattened top and sloped sides, capable of supporting live plant materials.
- B. **Caliper:** The trunk diameter of a nursery tree in inches, measured twelve (12) inches above grade.
- C. **Diameter at breast height (d.b.h.):** The trunk diameter of a mature tree in inches measured four and one-half (4 ½) feet above grade. Where a mature tree is on a slope, the 4 ½ foot measurement shall be made on the uphill side of the tree. On multi-stem trees, the largest diameter stem shall be measured.
- D. **Grass:** Any of a family of plants with narrow leaves normally grown as permanent lawns in Isabella County, Michigan.
- E. **Greenbelt:** A strip of land of definite width and location reserved for the planting of a combination of shrubs, trees, and ground cover to serve as an obscuring screen or buffer for noise or visual enhancement, in accordance with the requirements of this Ordinance.
- F. **Ground Cover:** Low-growing plants that form a dense, extensive growth after one complete growing season and which tend to prevent weeds and soil erosion.
- G. **Hedge:** A row of closely planted shrubs or low-growing trees which commonly form a continuous visual screen, boundary, or fence.
- H. **Hydro-seeding:** A method of planting grass where a mixture of seed, water, and mulch is mechanically sprayed over the surface of the ground.
- I. **Interior Parking Lot Landscaping:** A landscaped area located in the interior of a parking lot and with the objectives of improving pedestrian and vehicular traffic safety, reducing heat island effect, guiding traffic movement, and enhancing the appearance of the parking lot.
- J. **Mulch:** A layer of wood chips, bark, pine needles, dry leaves, straw, or other organic materials placed on the surface of the soil around plants to retain moisture, prevent weeds from growing, hold the soil in place, and/or aid plant growth.
- K. **Nurse Grass:** Any of a variety of rapidly-growing annual or perennial rye grasses used to quickly establish ground cover to prevent dust or soil erosion.

- L. **Screen or Screening:** A wall, wood fencing, or combination of plantings of sufficient height, length, and opacity to form a visual barrier. If the screen is composed of non-living material, such material shall be compatible with materials used in construction of the main building.
- M. **Shrub:** A self-supporting, deciduous or evergreen, woody plant normally branched near the base, bushy, and less than 15 feet in height.
- N. **Sod:** An area of grass-covered surface soil held together by matted roots.
- O. **Tree:** A self-supporting, deciduous or evergreen woody plant with a well-defined central trunk or stem which normally grows to a mature height of 15 feet or more in Isabella County, Michigan.
  - 1. *Deciduous Tree:* A variety of tree that has foliage that is shed at the end of the growing season.
  - 2. *Evergreen Tree:* A variety of tree that has foliage that persists and remains green throughout the year.
  - 3. *Ornamental Tree:* A deciduous tree which is typically grown because of its shape, flowering characteristics, or other attractive features, and which grows to a mature height of 25 feet or less.
  - 4. *Shade Tree:* For the purposes of this Ordinance, a shade tree is a deciduous tree which has a mature crown spread of 25 feet or greater in Isabella County, Michigan, and has a trunk with at least five feet of clear stem at maturity.
- P. **Vine:** A plant with a flexible stem supported by climbing, twining, or creeping along a surface, and which may require physical support to reach maturity.

**Landscape Contractor's Operation:** A business engaged in the practice of improving building sites or other grounds by contouring the land; planting flowers, shrubs, and trees; and lawn mowing. A 'landscaping contractor's operation' typically consists of equipment, tools, vehicles, and materials used in or associated with such a business.

**Lighting, Exterior:** See defined terms in Section 8.2(B).

**Loading Space, Off-Street:** An off-street space which is safely and conveniently located on the same lot as the building or buildings being served, for the temporary parking of delivery vehicles while loading and unloading merchandise and materials.

**Local Agent:** The individual designated by the owner of a short-term rental to perform obligations under this ordinance and to serve as the contact person for issues related to the short-term rental.

**Lodging:**

- A. **Hotel:** A building occupied as a temporary abiding place for individuals who are lodged, with or without meals, in rooms consisting of a minimum of one bedroom and a bath, occupied for hire, and which typically provides hotel services such as maid service, the furnishing and laundering of linens, telephone and desk service, the use of furniture, a dining room and meeting rooms.
- B. **Bed-And-Breakfast:** A dwelling unit where the owners or live-in operators provide or offer overnight accommodations for temporary guests for compensation, including provisions for a morning meal for overnight guests only.
- C. **Campground:** A facility for overnight stays in non-permanent structures, cabins, or recreational vehicles.

**Lot:** A tract of land that (1) is of sufficient land area to satisfy the requirements of this Ordinance for maximum lot coverage and minimum lot area; (2) is of sufficient land area to provide the minimum buildable area, yard setbacks, and any other open space as required by this Ordinance for a principal building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, as allowed in the zoning district; and (3) has direct frontage on and access to a public or private road right-of-way. A condominium unit established under the Condominium Act, parcel created under the Land Division Act, and any other lot of record shall be a "lot" for purposes of this Ordinance only if the physical characteristics of the unit, parcel or lot of record include all three elements of this definition.

**Lot Area, Net:** The total horizontal area within the **lot lines** of a **lot**, exclusive of any abutting public road rights-of-way or private road easements, or the area of any **lake**. The 'net lot area' shall be used in determining compliance with Minimum Lot Area standards.

**Lot Area, Gross:** The **net lot area** plus one-half (1/2) of the area of any public right-of-way area or private road easement immediately adjacent to or abutting the lot.

**Lot, Contiguous:** Lots adjoining each other.

**Lot, Corner:** A **lot** abutting on and at the intersection of two or more streets, provided that the streets intersect at an angle of not more than 135 degrees.

- (1) Where a lot is on a curve, if the tangents through the extreme point of the street lines of such lot make an interior angle of not more than 135 degrees, it shall be considered a corner lot. In the case of a corner lot with a curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents described above (see illustration). A tangent is a straight line extended from the outer edges of a curve which intersect to form a corner.
- (2) For the purposes of this definition, the 'street lot line' shall be the line separating the lot from the street or road right-of-way.

**Lot Coverage, Building:** The part or percent of a **lot** that is occupied by buildings and structures.

**Lot Coverage, Impervious Surface:** The part or percent of a **lot** that is occupied by impervious surface.

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

**Lot, Double Frontage (or Through Lot):** A **lot**, other than a **corner lot**, having frontage on two streets. In the case of a row of double frontage lots, one street shall be designated as the front street for all lots in the plat and in the request for a zoning compliance permit. If there are existing buildings in the same block fronting on one or both of the streets, the required minimum front yard setback shall be observed on those streets where buildings presently front.

**Lot, Flag:** A **lot** located behind other parcels or lots fronting on a public road, but which has a narrow extension providing access to the public road. For the purposes of this Ordinance, the extension, which provides access to the buildable portion of the lot, shall comply with the lot width standards for the district in which the lot is located.

**Lot, Interior:** Any lot, other than a **corner lot**, with only one lot line fronting on a street.

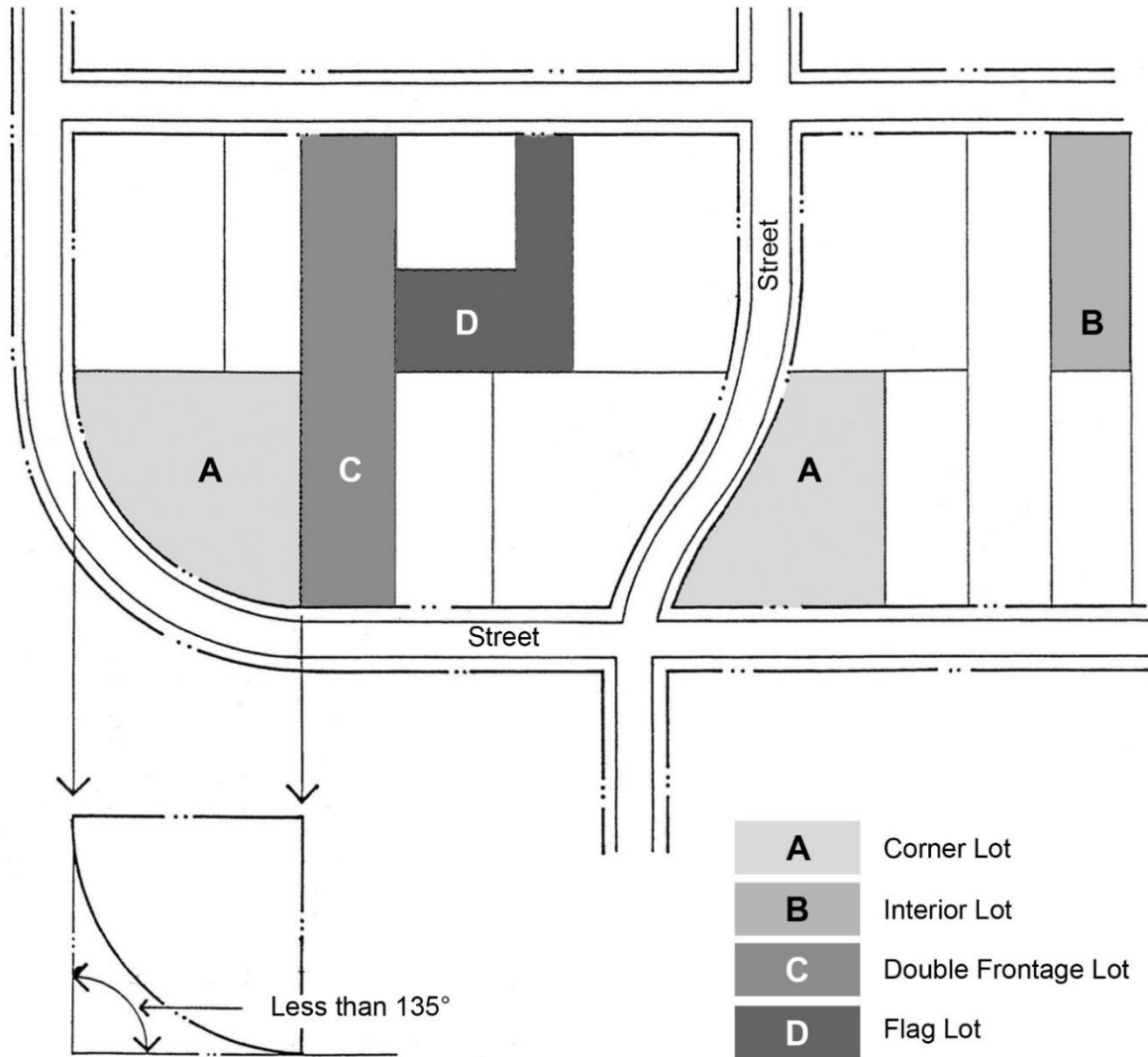
**Lot Lines:** The lines bounding a **lot** as follows:

- A. **Front Lot Line:** The line separating said lot from the public or private road right-of-way. In the case of a corner lot or double frontage lot, the 'front lot line' shall be that line that separates said lot from the right-of-way for the road which is designated as the front on the plat, or which is designated as the front on the site plan review application or request for a building permit, subject to approval by the Zoning Administrator. On a flag lot, the 'front lot line' shall be the interior lot line most parallel to and nearest the street from which access is obtained.
- B. **Rear Lot Line:** Ordinarily, that lot line which is opposite and most distant from the front lot line. In the case of irregular, triangular, wedge-shaped, or lots that are pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, 10 feet in length, lying farthest from the front lot line and wholly within the lot.
- C. **Side Lot Line:** Any lot line other than the front or rear lot lines. A side lot line separating a lot from a road right-of-way is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
- D. **Waterfront Lot Line:** Any lot line that abuts an inland body of water, regardless of whether the lot line meets the definition of Front, Rear, or Side Lot Line.

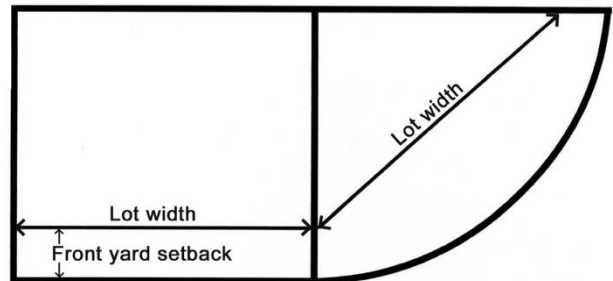
**Lot of Record:** A parcel of land, the dimensions and configuration of which are shown on a subdivision plat recorded in the offices of the Isabella County Register of Deeds and Township Treasurer, or a **lot** or parcel described by metes and bounds, and accuracy of which is attested to by a land surveyor registered and licensed in the State of Michigan and is recorded with the Isabella County Register of Deeds and Township Treasurer.

**Lot Width:** The straight line distance between the **side lot lines**, measured at the two points where the minimum front yard setback line intersects the side lot lines (*see illustration*).

### Corner, Interior & Double Frontage Lots



### Lot Width



**Lot Split or Lot Consolidation:** The dividing or uniting of lots by virtue of changes in the deeds in the office of the Isabella County Register of Deeds and the Township Treasurer.

**Lumber and Planking Mill:** A factory for dressing logs by splitting and sawing them into planks and boards to prepare them for market.

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## **M**

**Manufacturing:** A use engaged in the creation of products, predominantly from previously prepared material of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products.

- A. **Manufacturing, Light:** Light manufacturing is industrial activity that uses small or moderate amounts of raw or partially processed materials to produce items of relatively high value per unit weight. Light manufacturing is most often associated with batches or discrete production runs. Typically, light manufacturing does not require heavy machinery, welding operations, cranes, or hazardous materials. Examples of light manufacturing include the manufacturing of clothing, furniture, consumer electronics, household items, jewelry, pottery, food, and beverages.
- B. **Manufacturing, General:** General manufacturing includes moderate- and high-impact industrial operations that need to be separated from residential and other uses due to potential land use conflicts. General manufacturing typically involves continuous processing, as in the assembly of motor vehicles or the manufacturing of chemicals, and may involve the manufacturing, processing, or packaging of raw or unprocessed materials that are inherently dangerous or hazardous due to flammability, radioactivity, explosiveness, or toxicity. General manufacturing shall also include any establishment that has extensive outdoor storage or uses large unscreened outdoor structures, such as conveyor belt systems, cooling towers, cranes, storage silos, or similar equipment that cannot be integrated into the building design. Any industrial use that generates noise, odor, vibration, illumination, or particulate matter that may be offensive or obnoxious to nearby land uses, or that requires a significant amount of on-site chemical storage, shall be classified General Manufacturing.

**Marginal Access Road:** See *Service drive*.

**Massage Therapist:** A person trained and licensed in manipulation of the soft tissues of the body by rubbing, stroking, kneading, etc., for therapeutic or healing purposes.

**Master Plan:** A document prepared under the guidance of and adopted by the Planning Commission, consisting of graphic and written materials which indicate the general location for streets, parks, schools, public buildings and all physical development of the Township.

**Medical Marihuana Processing Facility:** Any site, facility, location, use, cooperative, or business where more than one registered primary caregiver intends to or does distribute, exchange, process, deliver or give away marihuana for medical purposes to qualifying patients.

**Medical Marihuana Provisioning Center:** A commercial facility licensed under Public Act 281 of 2016 that purchases marihuana from a licensed grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly, or through the patients' registered primary caregivers. The term "provisioning center" shall include any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the department's marihuana registration process in accordance with the Michigan Medical Marihuana Act is not a provisioning center for purposes of this Ordinance.

**Medical Marihuana Safety Compliance Facility:** A commercial facility licensed under Public Act 281 of 2016 that receives marihuana from a licensed grow operation, licensed processing facility, or licensed caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.

**Medical Marihuana Secure Transporter:** A commercial facility licensed under Public Act 281 of 2016 that stores marihuana and transports marihuana between marihuana facilities for a fee.

**Medical Marihuana Grow Facility:** A commercial facility licensed under Public Act 281 of 2016 that cultivates, dries, trims, or cures marihuana for sale to a processor or provisioning center.

**Medical Marihuana Primary Caregiver:** A person who is at least 21 years old, has agreed to assist with a patient's medical use of marihuana, has never been convicted of a felony involving illegal drugs, and is licensed under the Michigan Medical Marihuana Act.

**Medical Marihuana Qualifying Patient:** A person who has been diagnosed by a physician as having a debilitating medical condition and is currently registered pursuant to the Michigan Medical Marihuana Act.

**Medical Use of Marihuana:** The acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with debilitating medical condition.

**Mezzanine:** An intermediate level or levels between the floor and ceiling of any story with an aggregate floor area of not more than one-third (1/3) of the floor area of the story in which the level or levels are located.

**Microbrewery:** A brewery that produces less than thirty thousand (30,000) barrels of beer or ale per year, as allowed by state law. (A barrel is equivalent to thirty-one (31) U. S. gallons.)

**Micro Wireless Facility:** A small cell wireless facility that is not more than 24 inches in length, 15 inches in width, and 12 inches in height and that does not have an exterior antenna more than 11 inches in length.

**Mini-Warehouse, Self-Storage Facility:** A building or group of buildings, each of which contains several individual storage units, each with a separate door and lock and which can be leased on an individual basis. Mini-warehouses are typically contained within a fenced, controlled-access compound. Also known as self-storage businesses.

**Mixed Use:** In the context of this Ordinance, mixed use refers to zoning districts in which a mixture of different types of land uses are permitted.

**Mobile Home:** See *Dwelling, Mobile Home*.

**Mobile Home Park:** A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home, subject to conditions set forth in the Manufactured Housing Commission Rules and Michigan Public Act 96 of 1987, as amended.

**Mobile Home Site or Lot:** The entire area within a mobile home park that is designated to be used for a specific mobile home.

**Modular Home:** A residential structure on a permanent foundation that is constructed of factory-fabricated, transportable building units.

**Mortuary or Funeral Home:** An establishment where the dead are prepared for burial or cremation and where wakes or funerals may be held.

**Motor Freight Facility:** Buildings and premises used for the temporary storage of freight in transit and the parking of truck tractors and trailers employed in such business while awaiting the loading or unloading of freight. This definition shall not include any retail gas station or "truck stop."

**Municipality:** The Charter Township of Union, Isabella County, Michigan.

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## N

**Natural Area:** A land area or water body which is generally not occupied by structures, roads, or other artificial elements and which contains floral, faunal, geologic or other similar features having scenic, educational, or scientific value to residents. An area may be considered 'natural' even though excavation, filling, or other similar activity may have previously occurred.

**Natural Resources:** Natural resources shall include land, soils, **wetlands, floodplains**, surface and ground water, topography, trees and other types of vegetative cover, subsurface strata, geologic formations, animal life, and naturally occurring substances and living organisms that can be useful to people. Natural resources are of two types: renewable (e.g., plants and trees) and nonrenewable (e.g., mineral resources). Natural resources may also be referred to as 'natural features' in this Ordinance.

**Nonconformity:** Any structure, lot, or use of any lot, land or structure, which does not conform at the time of adoption of this Ordinance or any amendment thereto, to the regulations for the district in which it is located (see also definitions in Section 12).

**Non-Motorized Pathway:** A designated path that may be paved or unpaved and is designed for travel on foot or by bicycle, rather than by motorized vehicle.

**Nuisance:** Any offensive, annoying, or disturbing practice or object, which prevents the free use of one's property, or which renders its ordinary use or physical occupation uncomfortable. 'Nuisance' commonly involves continuous or recurrent acts which give offense to the senses, violate the laws of decency, obstruct reasonable and comfortable use of property, or endangers life and health.

**Nursery, Day Nursery, or Nursery School:** See *Child Care Center*.

**Nursery, Plant Material:** A space, building, and/or structure, or combination thereof, where live trees, shrubs, and other plants used for gardening and landscaping are propagated, stored, and/or offered for sale on the premises, but not including any space, building or structure used principally for the sale of fruits, vegetables, or Christmas trees.

**Nursing Home:** A facility that provides organized nursing care and medical treatment to two or more unrelated individuals suffering or recovering from illness, injury, or infirmity. 'Nursing home' does not include a **hospital**, a veterans' facility, a correctional facility, a hospice, or a hospice residence.

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## O

**Occupancy, Change of:** A discontinuance of an existing use and the substitution of a use of a different kind or class, or, the expansion of a use.

**Occupied:** Used in any way at the time in question.

**Office, Professional:** A room, suite of rooms, or building in which are located desks, chairs, tables, couches, bookcases (accounting, filing, recording, communication and/or stenographic) equipment for current use in the office business and personnel engaged in executive, administrative, professional, political, informative, research and/or clerical duties.

**Off-Road Course, Private:** A private, unpaved track or route, often in rough terrain, for the operation of motorized and nonmotorized off-road vehicles such as ATVs, BMXs, and bicycles.

**Oil or Gas Processing Plant:** A facility designed for separating, metering, holding and marketing of oil and gas production, including sweetening plants designed for the removal of sulfur compounds from natural gas, but not including oil refineries.

**Open Air Business:** Any **commercial use** that is conducted primarily out-of-doors. Unless otherwise specified herein, open air business shall include:

- (1) Retail sales of garden supplies and equipment, including but not limited to: trees, shrubbery, plants, flowers, seed, topsoil, trellises, and lawn furniture.
- (2) Various outdoor recreation uses, including but not limited to: tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving ranges, and amusement parks.
- (3) Outdoor display and sale of garages, swimming pools, and playground equipment.

**Open Space:** Any **parcel** or area of land or water that is typically free of structures and that is set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space. 'Open space' may be required for recreation, resource protection, aesthetics, or other purposes.

**Open Space, Usable:** **Open space** that is accessible to a majority of residents in a development for recreation or leisure activities. Examples of 'usable open space' include, but are not limited to, open fields and woodlands. Swamps or marshes are not generally considered usable open space, except as specifically exempted elsewhere in this Ordinance.

**Outdoor Event (Temporary):** A gathering of more than 50 people in an outdoor location that does not feature permanent structures and facilities designed for events, such as parking, restrooms, or an amphitheater.

**Outdoor Storage:** The keeping, in an unroofed area, of any goods, material, merchandise or vehicles in the same place for more than 24 hours.

**Outlot:** A parcel of land which is designated as an 'outlot' on the recorded plat, and which is usually not intended to be used for the same purposes as other lots in the plat.

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## P

**Parcel:** A continuous area, tract, or acreage of land that has not been subdivided according to the provisions of the Subdivision Control Act and that has frontage on a public or private street.

**Parking Lot, Off-Street:** An area on private property that provides vehicular parking spaces along with adequate drives and aisles for maneuvering, so as to provide safe and convenient access for entrance and exit and for parking of more than three vehicles.

**Parking Space:** An area of definite length and width as designated in this Ordinance for parking an automobile or other vehicle, and which is fully accessible for such purposes.

**Performance Guarantee:** A financial guarantee to ensure that all improvements, facilities, or work required by this Ordinance will be completed in compliance with the Ordinance, regulations, and approved plans and specifications of the development.

**Personal Fitness Center:** A facility which provides indoor exercise facilities, such as exercise machines and weight-lifting equipment, usually in a structured physical activity program supervised by professional physical fitness instructors. As defined herein, "personal fitness center" shall not include court sports facilities or spectator seating for sports events. A personal fitness center may or may not be enclosed within a gym.

**Personal Service:** A business that provides services directly to customers on the premises. Uses that fit this definition but are defined elsewhere in this Ordinance shall be considered to fall under the more specific definition.

**Pet Grooming:** A personal service business that provides cleaning, fur trimming, and related services for pets.

**Pet Obedience School:** A facility where pets are trained, housebroken, etc., in exchange for financial consideration.

**Pet Shop:** A retail business that sells live animals to be kept as pets.

**Planned Unit Development:** A planning or construction project involving the use of special zoning requirements and review procedures which are intended to provide design and regulatory flexibility, so as to encourage innovation in land use planning and design and thereby achieve a higher quality of development than might otherwise be possible.

**Planner, Township:** The Director of the Township's Community and Economic Development Department or their designee with responsibility to advise the Township administration, Township Board, Planning Commission, and Zoning Board of Appeals on planning, zoning, land use, housing and other related planning and development issues.

**Planning Commission:** The Planning Commission of the Charter Township of Union.

**Plat, Subdivision:** The division of a tract of land for the purpose of sale, lease or building development, in accordance with Subdivision Control Act, Michigan Public Act 288 of 1967, as amended, or any successor thereto, and subdivision control regulations as may be adopted by the Township.



**Plot Plan:** A plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and all salient features required to adequately evaluate whether the approvals sought by an applicant are in compliance with this Ordinance.

**Porch:** A raised platform with walls and a roof, which is typically attached to or abuts a house and used for outdoor leisure activities. The walls need not fully enclose the platform in order for a structure to be considered a porch. A porch without a roof is considered a “Deck” for the purposes of this Ordinance.

**Power Plant:** A facility for generating electricity from non-renewable resources, such as natural gas or methane, for commercial sale.

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

**Private Street or Private Road:** See *Road*.

**Property Line:** The line separating a piece of property from the street right-of-way and the lines separating a parcel of property from adjacent parcels. See also *Lot line*.

**Public and Institutional Buildings and Uses:** Principal structures dedicated to the use by the public or government operations. For the purposes of this Ordinance, Public and Institutional Buildings shall include libraries, museums, municipal offices, County, State, or Federal Offices, police and fire stations, and other buildings used by the public or government. Exceptions: K-12 Schools, Institutions of Higher Education, public recreational facility buildings shall be defined as described in this section, and shall not be considered Public and Institutional Buildings.

**Public Safety Official:** Public Safety Official refers generally to the departments or persons who perform police, fire fighting, and other public safety functions for the Township.

**Public Utility:** Any persons, firm, corporation, municipal department, or board, duly authorized to furnish under federal, state, or local regulations a service which is of public consequence and need. The principal distinctive characteristics of a public utility are that: (1) because of the nature of its business, it has characteristics of a natural monopoly, and (2) it provides a service to an indefinite public (or portion of the public) which has a legal right to demand and receive its services.

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## Q

**Medical Marihuana Qualifying Patient:** A person who has been diagnosed by a physician as having a debilitating medical condition for the purposes of receiving medical marijuana, pursuant to the Michigan Medical Marihuana Act.

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## R

**Racetrack:** A facility that is open to the general public, typically consisting of a track that is laid out for auto or horse racing, grandstands, lounges, and ancillary facilities.

**Rain Garden:** Shallow, depressed garden that is designed and positioned on a site to capture stormwater runoff and allow for the infiltration of water back into the ground.

**Real Property:** Includes the surface, whatever is attached to the surface (such as buildings or trees), whatever is beneath the surface (such as minerals), and the area above the surface, i.e., the sky.

**Reception Antenna:** An apparatus installed out-of-doors which is capable of receiving communications for radio and/or television purposes, including satellite dish reception antennas, but excluding such facilities that have been preempted from Township regulation by applicable state or federal laws or regulations.

**Recognizable and Substantial Benefit:** A clear benefit, both to the ultimate users of the property in question and to the community, which would reasonably be expected to accrue, taking into consideration the reasonably foreseeable detriments of the proposed development and uses. Such benefits may include: long-term protection or preservation of **natural resources** and **natural features**, historical features, or architectural features; or, elimination of or reduction in the degree of nonconformity in a nonconforming use or structure.

**Recreational Facilities:** Uses that are designed to provide the user with the opportunity to relax, engage in athletic activity, or engage in other leisure pursuits, including the following subcategories. Conservation and/or preservation easements shall not be considered recreational facilities unless they specifically allow for public access and use that meets this definition.

- A. Public: Recreational facilities that are owned and operated by the Township, County, State, Federal Government, or other public body, and which are open to the general public.
- B. Private: Recreational facilities that are owned and operated by a private for-profit or non-profit organization and are open to members or others that pay an entry fee. Park facilities that are only open to residents of a specific neighborhood or community shall be considered Private Recreational Facilities.
- C. Indoor: Recreational Facilities that are located predominantly within an enclosed building. Examples include bowling establishments, billiard halls, indoor archery ranges, indoor tennis courts, indoor skating rinks, etc.
- D. Outdoor: Recreational Facilities that are located predominantly outside of an enclosed building.

**Recreational Vehicle:** A class of vehicle that shall include the following:

- A. Travel Trailer: A portable vehicle on a chassis, which is designed to be used as a temporary dwelling during travel, recreational, and vacation uses, and which may be identified as a "travel trailer" by the manufacturer. Travel trailers generally contain sanitary, water, and electrical facilities.
- B. Pickup Camper: A structure designed to be mounted on a pickup or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling during the process of travel, recreational, and vacation uses.
- C. Motor Home: A recreational vehicle intended for temporary human habitation, sleeping, and/or eating, mounted upon a chassis with wheels and capable of being moved from place to place under its own power. Motor homes generally contain sanitary, water, and electrical facilities.
- D. Folding Tent Trailer: A folding structure, mounted on wheels and designed for travel and vacation use.
- E. Boats, Boat Trailers: Boats, floats, rafts, canoes, etc., plus the normal equipment used to transport them on the highway.
- F. Other Recreational Equipment: Snowmobiles, all terrain or special terrain vehicles, utility trailers, etc., plus the normal equipment to transport them on the highway.

**Recycling Center:** A facility at which used material is separated and processed prior to shipment to others who will use the materials to manufacture new products.

**Recycling Collection Station:** A facility for the collection and temporary storage of recoverable resources, prior to shipment to a recycling center for processing. A recycling collection station may be a standalone principal permitted use in an industrial district, or an accessory use on the same premises as a public or institutional building or use.

**Religious Institution:** Any structure primarily and regularly used for religious assembly and/or activity. Accessory uses and structures commonly associated with religious institutions include, but are not necessarily limited to parsonages, convents, and similar living arrangements; assembly halls; kitchens, food pantries, and similar food preparation facilities; classrooms; gyms; and playgrounds.

**Research and Development:** A facility that conducts experiments and testing on products and technology.

**Residential Districts:** The term **residential districts** includes the R-1, R-2A, R-2B, R-3A, R-3B and R-4 districts, unless otherwise noted.

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

- A. Restaurant, Carry-Out: A restaurant whose method of operation involves sale of food, beverages, and/or frozen desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption primarily off the premises. Carry-out restaurants include, by way of example, cafes, delis, and coffee shops.
- B. Restaurant, Drive-In: A restaurant whose method of operation involves delivery of prepared food so as to allow its consumption in a motor vehicle or elsewhere on the premises, but outside of an enclosed building.
- C. Restaurant, Drive-Through: A restaurant whose method of operation involves the delivery of the prepared food to the customer in a motor vehicle, typically through a drive-through window, for consumption off of the premises.

- D. **Restaurant, Fast-Food:** A restaurant whose method of operation involves minimum waiting for delivery of ready-to-consume food to the customer at a counter or cafeteria line for consumption at the counter where it is served, or at tables, booths, or stands inside the structure or out, or for consumption off the premises, but not in a motor vehicle at the site.
- E. **Restaurant, Standard:** A restaurant whose method of operation involves either:
  1. The delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building, or
  2. The prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers at tables within a completely enclosed building.
- F. **Bar/Lounge:** A type of restaurant operated primarily for the dispensing of alcoholic beverages, although the sale of prepared food or snacks may also be permitted. If a bar or lounge is part of a larger dining facility, it shall be defined as that part of the structure so designated or operated.

**Retail:** A business that sells products on the premises directly to consumers. Uses that fit this definition but are defined elsewhere in this Ordinance shall be considered to fall under the more specific definition.

**Retention Basin:** A wet or dry stormwater holding area, either natural or artificial, which has no outlet other than an emergency spillway.

**Right-of-Way:** The strip of land over which an easement exists to allow facilities such as streets, roads, highways, and power lines to be built.

**Road or Street:** Any public or private thoroughfare or **right-of-way**, other than a public or private alley, dedicated to or designed for travel and access to any land, lot or parcel whether designated as a thoroughfare, road, avenue, highway, boulevard, drive, lane, place, court, or any similar designation. Various types of roads are defined as follows:

- A. **Private Road or Street:** Any **road or street** that is privately maintained and has not been accepted for maintenance by the Isabella County Road Commission, the State of Michigan or the federal government, but is subject to approval by the Township.
- B. **Public Road or Street:** Any **road or street** or portion thereof which has been dedicated to and accepted for maintenance by the Isabella County Road Commission, State of Michigan or the federal government. For the purposes of funding, public roads are classified as either **County Primary Roads** or **County Local Roads**, pursuant to Michigan Public Act 51 of 1951, as amended. The **County Primary Roads** are those selected by the board of county road commissioners and certified to the Michigan Department of Transportation as being of greatest general importance to the county. All roads not included in the **County Primary** system shall constitute and be the **County Local Road** system.

The National Functional Classification (NFC) is a system of classifying all streets, roads, and highways according to their function, which was developed by the Federal Highway Administration (FHWA). The NFC contains the following categories:

1. **Principal Arterials** generally carry long-distance, through-travel movements. They also provide access to important traffic generators, such as airports or regional shopping centers. Examples of principals arterials are interstates and other freeways, state routes between large cities, and important surface streets in large cities.
2. **Minor Arterials** are similar in function to principal arterials, except they carry trips of shorter distance and to lesser traffic generators. Examples of minor arterials are state routes between smaller cities, surface streets of medium important in large cities, and important surface streets in smaller communities.
3. **Collectors** provide more access to property than do arterials. Collectors also funnel traffic from residential or rural areas to arterials. Examples of collector roads are various connecting streets in large and small communities.
4. **Local roads** primarily provide access to property. Examples of local roads are residential streets and lightly traveled county roads. A cul-de-sac is a local road that terminates in a vehicular turnaround.

**Roadside Farm Stand:** A temporary structure or use operated for the purpose of seasonally selling agricultural products. A roadside stand shall not include small operations consisting of a portable table that are operated intermittently.

**Room:** For the purpose of determining lot area requirements and density in a multiple-family district, a room is a living room, dining room or bedroom, equal to at least 80 square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways and storage. Plans presented showing 1, 2 or 3 bedroom units and including a den, library, or other extra room shall count such extra room as a bedroom for the purpose of computing density.

**Rooming House:** See *Boarding House*.

## S

**Salvage Yard:** See *Junk Yard*.

**School, K-12:** An educational institution serving students in any combination of grades between Kindergarten and high school graduation. The institution may be public, private, charter, or any other type of school and shall still fall under the definition of "K-12 School" for the purposes of this Ordinance.

**Self-Storage Facility:** See *Mini-Warehouse*.

**Senior Housing:** Any multiple-unit housing development intended for adults aged 55 or older. 'Senior housing' does not include an **adult foster care facility, home for the aged, hospital, hotel, nursing home, or other state-licensed residential facility.**

- A. Senior apartments: A **senior housing** development with dwelling units intended for adults who are able to care for themselves.
- B. Senior congregate housing: A **senior housing** development that may provide supportive services such as meals, housekeeping, social activities, and/or transportation, but not **adult foster care** or continuous medical or nursing care.

**Service Drive:** A road that is generally parallel to and adjacent to an arterial road or street and that is designed to provide access to abutting properties so that these properties are separated from the through traffic on the arterial road or street and so that the flow of traffic on the arterial road is not impeded by direct driveway access from a large number of abutting properties.

**Setback:** The horizontal distance between any lot line and the nearest part of a structure on a lot. The 'minimum required setback' is the minimum distance between a front, side or rear lot line and the nearest part of a structure in order to conform to the required yard setback provisions of this Ordinance (see **Yard**).

**Shed:** An accessory building, constructed typically for storage, which may or may not be permanently affixed to the ground.

**Shooting Range:** An indoor or outdoor area designed and operated for the use of archery, rifles, shotguns, pistols, silhouettes, sheet, trap, black powder, or any other similar sport shooting.

**Shopping Center:** A group of retail and other commercial establishments that is planned, developed, owned, and managed as a single property. On-site parking is provided. The center's size and orientation are generally determined by the market characteristics of the trade area served by the center. The two main configurations of shopping centers are malls and open-air strip centers.

**Short-Term Rental:** A dwelling unit that is available for use or is used for accommodations or lodging of guests, paying a fee or other compensation, for a period of less than thirty (30) nights at a time.

**Sign:** Any device, structure, fixture, or placard which uses words, numbers, figures, graphic designs, logos or trademarks for the purpose of informing or attracting the attention of persons. Unless otherwise indicated, the definition of "sign" includes interior and exterior signs which are visible from any public street, sidewalk alley, park, or public property, but not signs which are primarily directed at persons within the premises upon which the sign is located. Various types of signs and sign-related terms are defined in Section 11 of this Ordinance.

**Slope, Steep:** A slope with a moderate or high erosion hazard (often 7% or greater) as defined in the Michigan Soil Erosion and Sedimentation Control Guidebook. Percent slope shall be computed by dividing the change in elevation by the horizontal distance, times 100.

**Solar Energy Facility:** Solar Energy Facility (SEF) means an energy facility, principally used to convert solar energy to electricity, which includes, but is not limited to, the use of one or more solar energy systems.

**Solar Energy Facility – Direct Use:** A SEF designed and installed to provide on-site energy demand for any legally established use of the property.

**Solar energy Facility – Primary Use:** A SEF that is devoted to solar electric power generation primarily for use off-site.

**Sorority:** A society or club of women or girls, especially in a college or university.

**Special Event:** An occurrence or noteworthy happening of seasonal, civic, or religious importance, which is organized and sponsored by a non-profit Union Township community group, organization, club or society, and which offers a distinctive service to the community, such as public entertainment, community education, civic celebration, or cultural or community enrichment. Special events typically run for a short period of time (less than two weeks) and are unlike the customary or usual activities generally associated with the property where the special event is to be located.

**Special Use/Special Land Use:** Special uses are uses, either public or private, which possess unique characteristics and therefore cannot be properly classified as a permitted use in a particular zoning district or districts. After due consideration of the impact of each such proposed use upon the neighboring land and of the public need for the particular use at the proposed location, such special uses may be permitted following review and approval subject to the terms of this Ordinance.

**Special Use Permit:** See *Special Use/Special Land Use*.

**Spirits:** Any beverage that contains alcohol obtained by distillation, mixed with potable water or other substances, or both, in solution, including wine containing an alcoholic content of more than 21% by volume, except for sacramental wine and mixed spirit drink.

**Stable, Private:** An enclosed building intended for the keeping of not more than two (2) horses for the noncommercial use of the residents of the principal residential use on the site.

**Stable, Public:** An enclosed building intended for the keeping of more than two (2) horses for commercial purposes and/or use by the general public.

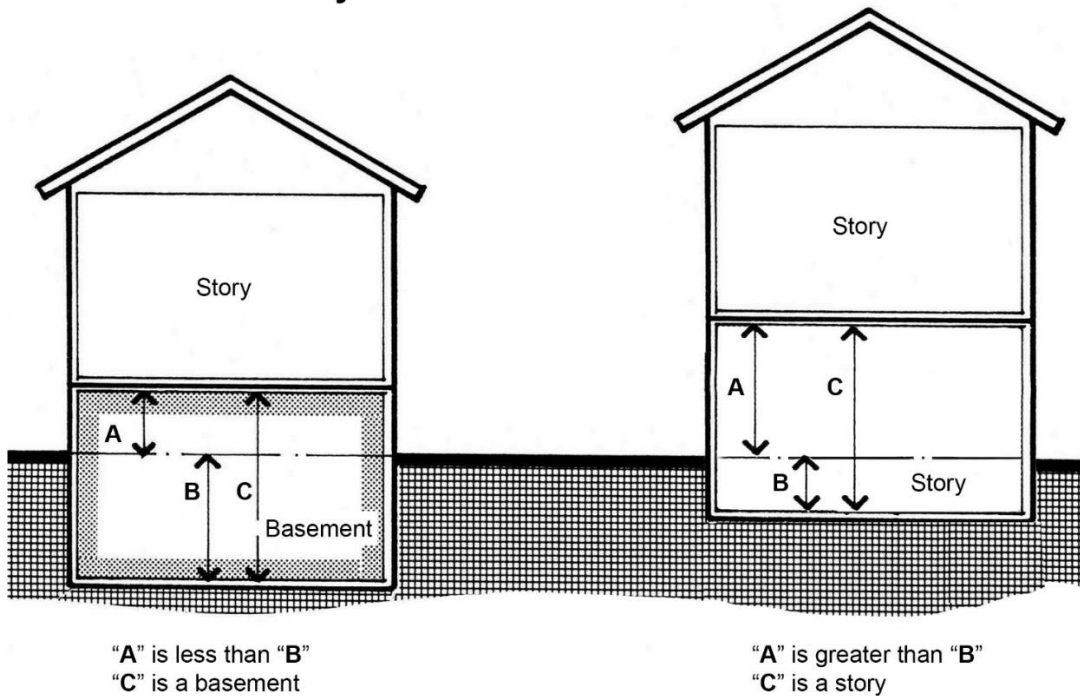
**State-Licensed Residential Facility:** Any structure constructed for residential purposes and licensed by the State of Michigan pursuant to Michigan Public Act 116 of 1973 (the Child Care Licensing Act) or Michigan Public Act 218 of 1979 (the Adult Foster Care Facility Licensing Act), including **adult foster care facilities, foster family homes, foster family group homes, family day care homes, and group day care homes.**

A. Adult foster care: The provision of supervision, personal care, and protection, in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks for compensation.

- (1) *Adult foster care facility:* A residential structure that is licensed to provide **adult foster care**, but not continuous nursing care, for unrelated adults over the age of 17. An 'adult foster care facility' does not include any of the following: a licensed child caring institution, children's camp, **foster family home**, or **foster family group home**; an alcohol or substance abuse rehabilitation center; a residential facility for persons released from or assigned to adult correctional institutions; a maternity home; a **hotel** or rooming house that does not provide or offer to provide foster care; or a veterans' facility.
- (2) *Adult foster care family home:* A **private home** with the approved capacity to receive not more than six adults to be provided with **adult foster care**.
- (3) *Adult foster care small group home:* An **adult foster care facility** with the approved capacity to receive not more than 12 adults.
- (4) *Adult foster care large group home:* An **adult foster care facility** with the approved capacity to receive at least 13 but not more than 20 adults.

- (5) *Adult foster care congregate facility*: An **adult foster care facility** with the approved capacity to receive more than 20 adults.
- B. **Child day care**: The care and supervision for periods of less than 24 hours a day of minor children, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption.
- (1) *Family child care home*: A **private home** in which one but fewer than seven minor children are received for **child day care**, including a home in which care is given to an unrelated minor child for more than four weeks during a calendar year.
  - (2) *Group child care home*: A **private home** in which more than six but not more than 12 minor children are received for **child day care**, including a home in which care is given to an unrelated minor child for more than four weeks during a calendar year.
  - (3) *Child Care Center*: A facility, other than a **private home**, where one (1) or more children are received for care and supervision.
- C. **Child foster care**: The care and supervision for 24 hours a day, for four or more days a week, and for two or more consecutive weeks, of minor children who are not related to an adult member of the household by blood or marriage, are not placed in the household under the Michigan adoption code, and are unattended by a parent or legal guardian.
- (1) *Foster family home*: A **private home** in which one but not more than four children are provided with **child foster care**.
  - (2) *Foster family group home*: A **private home** in which more than four but fewer than seven minor children are provided with **child foster care**.
- D. **Private home**: For the limited purpose of defining a **state-licensed residential facility**, a 'private home' means a private residence in which the facility licensee or registrant permanently resides as a member of the household.

### Basement and Story



**Story**: That portion of a building, other than a **basement** or **mezzanine** as defined herein, included between the upper surface of any floor and the upper surface of the floor or roof next above it.

- A. A mezzanine shall be deemed a full story when it covers more than one-third of the area of the story underneath, or, if the vertical distance from the floor next below the mezzanine to the floor above it is 24 feet or more.
- B. A basement shall be deemed a full story when the vertical distance from the average grade to the floor below is less than the vertical distance from the average grade to the ceiling.

**Story, Half:** The uppermost **story** lying under a pitched roof, the usable floor area of which does not exceed two-thirds of the floor area of the uppermost full story. The usable floor area of a half story shall be at least 160 square feet with a minimum clear height of seven feet, six inches.

**Street:** See *Road*.

**Street Lot Line:** A dividing line between the street and a lot, also known as the right-of-way line.

**Structure:** Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having location on the ground. Structures include, but are not limited to, principal and accessory buildings, towers, decks, fences, privacy screens, walls, antennae, swimming pools, signs, and public roads.

**Structural Alteration:** Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

**Subdivision Plat:** See *Plat, Subdivision*.

**Swimming Pool:** Any permanent, non-portable structure or container located either above or below grade designed to hold water to a depth of greater than 24 inches, intended for swimming or bathing. On a single-family parcel a permanent swimming pool shall be considered an accessory structure for purposes of computing lot coverage.

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## T

**Temporary Use or Building:** A use or building permitted to exist for a limited period of time (typically six (6) months or less) under conditions and procedures as provided for in this Ordinance.

**Thoroughfare:** See *Road*.

**Theater:** A facility designed to accommodate groups of people viewing an artistic performance or motion picture. Theaters may be drive-in or indoor.

**Tire and Battery Shop:** A business engaged in the sale and installation of tires and batteries, and minor automotive repair.

**Township:** The Charter Township of Union, Isabella County, Michigan.

**Township Board:** The Supervisor, Clerk, Treasurer, and Trustees of the Charter Township of Union, Isabella County, Michigan.

**Township Engineer:** See *Engineer, Township*

**Township Planner:** See *Planner, Township*

**Trailer:** A vehicle without motive power that is designed to be drawn by a motor vehicle and used for carrying property or persons.

**Transition Zone:** A transition zone generally refers to a zoning district, an arrangement of lots or land uses, a landscaped area, or similar means of providing a buffer between land uses or districts.

**Truck Stop:** A use consisting of a gas station with accessory retail and/or restaurants that also allows overnight parking of vehicles with more than two axles.

**Truck Terminal:** A structure to which goods, except raw or unprocessed agricultural products, natural mineral or other resources, are delivered for immediate distribution or to be amalgamated or divided for delivery in larger or smaller units to other points, or for distribution, amalgamation, or division involving transfer to other modes of transportation.

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## U

**Underlying Zoning:** The zoning classification and regulations applicable to the property immediately preceding the approval of an application to designate a parcel as a Planned Unit Development.

**Use:** The purpose for which land, lots, or buildings thereon is designed, arranged or intended, or for which it is occupied, maintained, let or leased.

- A. Use, Accessory: See **Accessory Use, Building, or Structure**.
- B. Use, Permitted: A use which may be lawfully established in a particular district or districts provided it conforms with all requirements, regulations, and standards of such district.
- C. Use, Principal: The main use of land and buildings and the main purpose for which land and buildings exist.
- D. Use, Special: See **Special Use**.

**Utility:** A service provider, which may be a company or a governmental agency, which provides such services as electric power, natural gas, sanitary sewers, water, telephone, etc.

**Utility Trailer:** A small trailer that is designed to be pulled by an automobile, van, or pick-up truck.

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## V

**Variance:** A modification of the literal provisions of the Zoning Ordinance granted by the Zoning Board of Appeals when strict enforcement of the Zoning Ordinance would cause practical difficulties owing to circumstances unique to the individual property on which the variance is granted.

**Vehicle Impoundment Lot:** A facility for the storage of vehicles that have been confiscated or towed.

**Veterinary Hospital:** See **Clinic, Veterinary**.

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## W

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

**Warehouse:** A building used primarily for storage of goods and materials. See also **Distribution Center**.

**Wetland:** Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, and which is commonly referred to as a bog, swamp, or marsh. A wetland is further characterized by the presence of hydric soils and prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions. A wetland that exhibits these characteristics may be dry on the surface during part or all of the year.

**Wholesale:** The sales of goods generally in large quantities and primarily to customers engaged in the business of reselling the goods.

**Wild Animal:** Any animal that is likely to bite, without provocation, or is likely to cause the death, maiming, or illness of a human. Wild animals include but are not limited to alligators (family), deer (family), opossums (family), badgers, dogs (wild family), primates (family), bears, dog-wolves, raccoons, birds (wild), ferrets, skunks, cats (wild family), lemurs, spiders (poisonous), coyotes, lizards (poisonous), weasels (family), and martens. Wild animal also means any animal that a person is prohibited from possessing by State or Federal law.



**Wind Energy Conversion System:** A system for the conversion of wind energy into electricity. A common type of wind energy system consists of a turbine, blades, tower, as well as related electrical equipment, although other technology may be used to convert wind energy into electricity. Definitions related to Wind Energy Conversion are set forth in Section 5.4(B).

**Wine Maker:** A manufacturer of wine which manufactures more than 50,000 gallons of wine a year under a license issued by the State of Michigan.

**Wine Maker, Small:** A manufacturer of wine which manufactures 50,000 or fewer gallons of wine a year under a license issued by the State of Michigan.

**Wireless Communications Facility.** All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, microwave relay towers, telephone transmission equipment building and commercial mobile radio service facilities.

- A. Antenna(e). Equipment used for the transmission or reception of wireless communication signals.
- B. Amateur Radio Antenna. An antenna and associated support structure that is owned and operated by a federally licensed amateur radio station operator for personal use. Also referred to as "ham radio antenna".
- C. Collocation. The location of two (2) or more wireless communication facilities on a common structure, tower or building.
- D. Ground Equipment. Equipment used in the operation of the facility, other than antennae or towers, and the structure or enclosure within which the equipment is stored, maintained, and serviced.
- E. Provider. An entity that is properly licensed by the Federal Communications Commission (FCC) and other appropriate governmental authorities to provide services through wireless communications facilities.
- F. Satellite Dish Antenna. An antenna structure designed to receive from or transmit to orbiting satellites.
- G. Tower. A structure, and any support thereto, that is intended to hold apparatus which transmits or receives radio, television, pager, telephone, or similar communications, including self-supporting lattice towers, guyed towers, light poles, wood poles or monopole towers. The term includes radio and television transmission towers and antenna arrays, microwave towers, common-carrier towers, cellular telephone and wireless Internet towers, alternative tower structures, and similar communication antennae support structures.

**Wireless Communication Support Structures.** Structures erected or modified to support wireless communication antennas, including but not limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

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## Y

**Yard:** A required open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise permitted in this Ordinance. The 'minimum required setback' is the minimum depth of a front, rear or side yard necessary to conform to the required yard setback provisions of this ordinance (see illustrations).

- A. Yard, Front: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the principal building, excepting steps and unenclosed porches. Unless otherwise specified, on corner lots and through lots there shall be maintained a front yard along each street frontage.
- B. Yard, Rear: An open space extending the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and the nearest line of the principal building. On corner lots, the rear yard may be opposite either street frontage, but there shall only be one rear yard.
- C. Yard, Side: An open space between a principal building and the side lot line, extending from the front yard to the rear yard, the width of which shall be the horizontal distance from the nearest point of the side lot line to the nearest point on the principal building.

- D. Yard, Interior Side/Street Side: A **side yard** that abuts an adjacent lot (in contrast to a 'street side yard', which abuts a street or road right-of-way).
- E. Waterfront Yard: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the ordinary high water elevation of a river, stream, or body of water and the nearest line of the principal building.

**Yard Sale**: An informal, irregularly scheduled event for the sale of used goods by individuals at their residence. A yard sale may also be called a garage sale, rummage sale, tag sale, attic sale, moving sale, or junk sale. A yard sale may also include a fundraising event for a nonprofit group when conducted in a district that is not zoned commercial or industrial.

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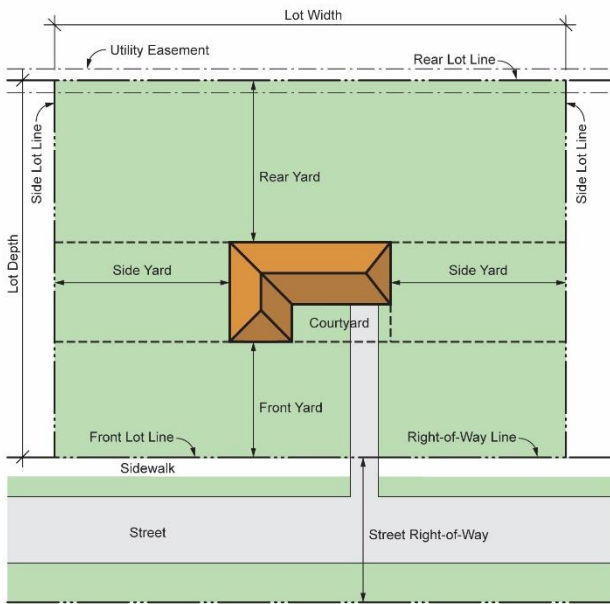
## Z

**Zoning Administrator**: The Director of the Township's Community and Economic Development Department and any person, persons or firm as delegated by the Director to have responsibility for administration and/or enforcement of the provisions of this Ordinance.

**Zoning Board of Appeals**: The Zoning Board of Appeals for the Charter Township of Union, which is a quasi-judicial body authorized to hear appeals, pursuant to Michigan Public Act 110 of 2006, as amended.

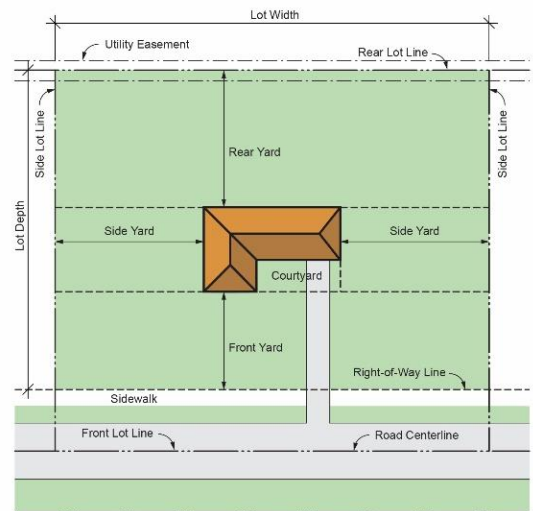
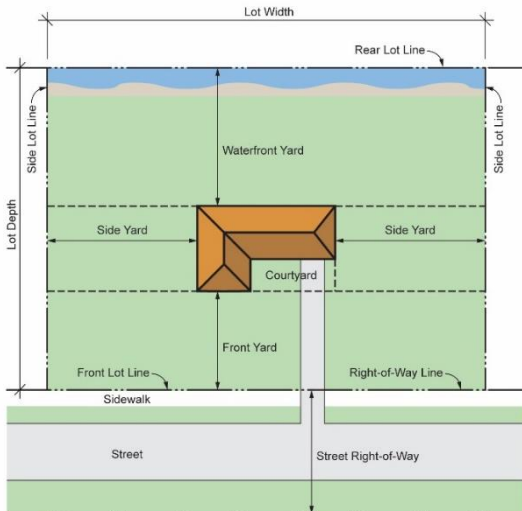
**Zoning Permit**: A written statement issued by the Zoning Administrator authorizing buildings, structures, or uses that meet the requirements of this Ordinance.

**Yard Terms**



**Interior Lot**

**Corner Lot**



**Waterfront Lot**

**Interior Unplatted Lot**

Courtyard = Non-required Front Yard

## Section 3 Zoning Districts and Map

### Section 3.1 Establishment of Zoning Districts

For the purposes of this Ordinance the Township is hereby divided into the following zoning districts as named and described in Sections 3.6 through 3.19:

- A. AG, Agricultural District
- B. R-1, Rural Residential District
- C. R-2A, One- and Two-Family, Low-Density Residential District
- D. R-2B, One- and Two-Family, Medium-Density Residential District
- E. R-3A, Multiple-Family Residential District
- F. R-3B, Medium-Density Multiple-Family Residential District
- G. R-4, Mobile Home Park District
- H. B-4, General Business District
- I. B-5, Highway Business District
- J. B-7, Retail and Service Highway Business District
- K. I-1, Light Industrial District
- L. I-2, General Industrial District
- M. OS, Office Service District
- N. PUD, Planned Unit Development District

### Section 3.2 Official Zoning Map

The boundaries of the Zoning Districts listed in Section 3.1 are hereby established as shown on the Official Zoning Map of the Charter Township of Union. The Zoning Map with all notations, references, and other information shown thereon shall be, and is hereby declared to be a part of this Ordinance as if fully described herein.

In accordance with the provisions of this Ordinance and Michigan Public Act 110 of 2006, as amended, changes made in district boundaries and other matters portrayed on the Zoning Map shall be entered on the Zoning Map after the amendment has been approved by the Township Board and has been published in a newspaper of general circulation in the Township. No other changes of any nature shall be made to the Official Zoning Map except in conformity with the procedures set forth in Section 3.19 or Section 14.5 of this Ordinance.

Regardless of the existence of copies of the Zoning Map which may, from time to time, be made or published, the official Zoning Map shall be located at the Township Hall and shall be the final authority with regard to the current zoning status of all land in the Township.

### Section 3.3 Interpretation of Zoning District Boundaries

The following rules shall apply to the interpretation of zoning district boundaries:

- A. Boundaries indicated as approximately following the center lines of streets, roads, railroad rights-of-way, or alleys shall be construed to follow such center line.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following Township limits shall be construed as following such limits.
- D. Boundaries indicated as approximately following the center lines of streams, rivers, or other bodies of water shall be construed to follow such center lines.
- E. Boundaries indicated as approximately following the shoreline of a body of water shall be construed to follow such shoreline; in the event of a change in the shoreline, the boundary shall be construed as moving with the actual shoreline.
- F. Boundaries indicated as parallel to or as an extension of features cited in paragraphs A through E above shall be construed as being parallel to or an extension of the features cited. Distances not specified on the official Zoning Map shall be determined using the scale on the map.
- G. Where there is any uncertainty, contradiction, or conflict concerning the intended location of zoning district boundaries, the Zoning Board of Appeals shall interpret the exact location of zoning district boundaries.

- H. Insofar as some or all of the various districts may be indicated on the zoning map by patterns that, for the sake of map clarity, do not cover public rights-of-way, it is intended that such district boundaries do extend to the center of the rights-of-way.
- I. Whenever any street, alley, or other public way within the Township is vacated, such street, alley, or other public way shall be automatically be classified in the same Zoning District as the property to which it attaches, and shall be subject to the standards for said Zoning District.
- J. Whenever any fill is permitted in any stream or other body of water, the land created automatically and without further governmental action becomes subject to the same zoning regulations that are applicable to the land to which the newly-created land attaches

Section 3.4 Permitted Uses by District

**Key:** A=Accessory Use  
 P=Principal Permitted Use  
 S=Special Use  
 [blank]=Use Not Permitted

Land Use	AG	R-1	R-2A	R-2B	R-3A	R-3B	R-4	B-4	B-5	B-7	I-1	I-2	OS	Use Standards
<b>Residential and Agricultural Uses</b>														
Accessory Use, Building, or Structure	A	A	A	A	A	A	A							<a href="#">Section 7.5</a>
Adult Foster Care Family Home	P	P	P	P	P	P	P							
Adult Foster Care Small Group Home	S	S	S	S	S	S								
Adult Foster Care Large Group Home					S	S								
Agri-Tourism	S													<a href="#">Section 6.51</a>
Auction, Permanent Agricultural	S													<a href="#">Section 6.45</a>
Child or Day Care, Family Home	P	P	P	P	P	P	P							
Child or Day Care, Group Home	S	S	S	S	S	S								<a href="#">Section 6.13</a>
Customary Agricultural Operations	P	P												
Dwellings, Multiple-Family (4-units or less)					P	P								
Dwellings, Multiple-Family (5-units or more)					S	S								<a href="#">Section 6.27</a>
Dwelling, One Family or Single Family	P	P	P	P									S	<a href="#">Section 6.16</a>
Dwelling, One Family on a Farm	P	P												
Dwellings, Two Family (Duplex)			P	P									S	
Foster Family Home	P	P	P	P	P	P								
Foster Family Group Home	S	S	S	S	S	S								
Home Based Limited Business	S	S	S	S										<a href="#">Section 6.19</a>
Home Occupation	A	A	A	A										<a href="#">Section 6.19</a>
Kennel, Breeding	P	S												<a href="#">Section 6.8</a>
Kennel, Non-Commercial	P	S	S											<a href="#">Section 6.8</a>
Mobile Home Parks							P							<a href="#">Section 3.12</a>
Nursery, Plant Material	P	P												
Roadside Farm Stands	P													
Rural and Agricultural Uses	P													
Second Living Quarters on a Farm	S													<a href="#">Section 6.37</a>
Mobile or Modular Dwellings, not in a Mobile Home Park	P	P	P	P										<a href="#">Section 6.16</a>
Short-Term Rental Housing	S	S	S	S										<a href="#">Section 6.58</a>
Stable, Private	P	P												
Stable, Public	S	S												
Swimming Pools, Private	A	A	A	A	A	A	A							<a href="#">Section 7.5</a>
<b>Lodging Uses</b>														
Bed and Breakfast	S	S	S											<a href="#">Section 6.9</a>
Dependent Living for Seniors		P			P	P								<a href="#">Section 6.59</a>
Fraternity or Sorority					S	S								
Home for the Aged	S	S	S	S	S	S								
Hospitality Facility	S	S	S	S	S	S		P	P	P				
Hotels								P	P	P				
Independent Living for Seniors					P	P								
Nursing Home					S	S		S	S	S				<a href="#">Section 6.29</a>
Boarding House	S	S	S	S	S	S								<a href="#">Section 6.17</a>
<b>Medical Uses</b>														
Medical or Dental Offices								P	P	P			P	
Pharmacy, Optical, or other Medical Sales													A	
Veterinary Clinic	S							P	P	P				<a href="#">Section 6.41</a>
<b>Public and Quasi-Public Uses</b>														

Land Use	AG	R-1	R-2A	R-2B	R-3A	R-3B	R-4	B-4	B-5	B-7	I-1	I-2	OS	Use Standards
Airports, Public or Private	S													<a href="#">Section 6.3</a>
Bus, Train, and other Forms of Transportation Systems, Passenger Stations								P	P	P				
Business Schools, Colleges, and Private Schools Operated for Profit								P	P	P				
Campgrounds or Recreation Grounds	S													<a href="#">Section 6.10</a>
Cemeteries, Public or Private, including Mausoleums	S													<a href="#">Section 6.11</a>
Conservation Areas, Public or Private	S													
Country Clubs and Golf Courses	S	S	S	S	S	S								<a href="#">Section 6.12</a>
Mortuary Establishments, Funeral Homes								S	P	P			S	<a href="#">Section 6.26</a>
Municipal Public Utility Uses, such as Water Treatment Plants and Reservoirs, Sewage Treatment Plants, including outdoor storage												P		
Private Clubs, Fraternal Organizations, and Lodge Halls								P	P	P				
Public and Institutional Buildings and Uses	S	S	S	S	S	S								<a href="#">Section 6.34</a>
Religious Institutions	P	P	P	P	P	P		P	P	P				<a href="#">Section 6.34</a>
Theaters, Assembly Halls, Concert Halls, and Similar Places of Assembly								P	P					
Trade or Industrial Schools											P	P		
<b>Commercial and Retail Uses</b>														
Adult Regulated Uses									P	P				<a href="#">Section 6.1</a>
Amusement Parks								S						<a href="#">Section 6.4</a>
Amusement Enterprises									P					
Auction, Permanent								P	P	P				<a href="#">Section 6.45</a>
Automobile Wash when Completely or Partially Enclosed in a Building								P	P	S				<a href="#">Section 6.7</a>
Automobile Repair Shop or Garage, if all operations are conducted in an enclosed building								P	P	S	P	P		
Automobile Service Station	S							S	S	S				<a href="#">Section 6.18</a>
Bar, Grill, and Cocktail Lounges									P	P				
Beauty and Barber Shops								P	P	P				
Boarding Kennels	S							S	S	S	P	P		<a href="#">Section 6.8</a>
Brewpub								P	P	P				
Convenience Store								P	P					
Dealership, Vehicle, Automobile Dealership and Farm Equipment Sales								S	P	S				
Distillery, Small								P	P	P				<a href="#">Section 6.48</a>
Donation Bins								A	A	A				
Financial Institutions								P	P	P			S	
Gunsmiths	S	S	S	S				P	P	P				<a href="#">Section 6.19</a>
Health, Exercise Club, or Spa								P	P	P				
Home Improvement Store								P	P					
Indoor Commercial Recreation								P	P					<a href="#">Section 6.47</a>
Indoor Gun and Archery Range								S	S	S				
Instant Oil Change Shop								P	P	P				
Massage Therapist								P	P	P			P	
Medical and Dental Offices								P	P	P			P	
Microbrewery								P	P	P				
Miniature Golf and/or Driving Ranges	S							S						<a href="#">Section 6.23</a>
Mobile and Modular Home Sales							P			S				<a href="#">Section 6.25</a>
Office, Professional								P	P	P			P	

Land Use	AG	R-1	R-2A	R-2B	R-3A	R-3B	R-4	B-4	B-5	B-7	I-1	I-2	OS	Use Standards
Open Air Businesses								S	S	S				
Outdoor Temporary Retail Sales								A	A	A				<a href="#">Section 6.32</a>
Personal Fitness Center								P	P	P				
Personal Service Establishments								P	P	P				
Pet Grooming	P							P	P	P				
Pet Obedience School	P							P	P	P				
Pet Shop								P	P	P				
Pharmacy								P	P	P			A	
Plumbing, Heating, and Electrical Shops									P					
Restaurants, Carry-Out								P	P	P				
Restaurants, Standard								P	P	P				
Restaurants, With Drive-Through									P	P				
Retail, General								P	P	P				
Shopping Centers and Big-Box Stores								P	P					<a href="#">Section 6.33</a>
Sign Painting and Servicing Shops									P					
Supermarket								P	P	P				
Tire and Battery Shops								P	P	P				
Wine Maker, Small								P	P	P				
<b>Industrial Uses</b>														
Automobile or Vehicle Storage											S	S		<a href="#">Section 6.31</a>
Concrete or Asphalt Paving Plant												S		
Contractor's Yard											S	P		<a href="#">Section 6.31</a>
Distiller											P	P		
Distribution Center											P	P		<a href="#">Section 6.31</a>
Dry Cleaning Plant, Commercial Laundry											P	P		
Industrial Uses Not Otherwise Listed												S		
Junkyards												S		<a href="#">Section 6.21</a>
Landscape Contractor's Operation	S										P	P		<a href="#">Section 6.31</a>
Limited Retail and Showroom Operations											A	A		<a href="#">Section 6.46</a>
Lumber and Planing Mills												P		<a href="#">Sections 6.50, 6.31</a>
Major Repair and Maintenance Operations											P	P		
Manufacturing, General											S	P		
Manufacturing, Light											P	P		
Motor Freight Facility											P	P		
Oil or Gas Processing Plant	S										S	P		
Outdoor Storage, General											P	P		<a href="#">Section 6.31</a>
Recycling Center											P	P		
Recycling Collection Station											P	P		
Research Laboratories, Prototype Design and Development											P	P		
Storage, Bulk											S	S		<a href="#">Section 6.31</a>
Truck Stop											S	S		
Truck Terminal											S	P		<a href="#">Section 6.31</a>
Vehicle Impoundment Lot											S	S		<a href="#">Section 6.31</a>
Warehousing and Wholesale Trade Establishments											S	P		
Wine Maker											P	P		
<b>Other Uses</b>														
Auctions	P										P	P		<a href="#">Section 6.45</a>
Biofuel Production Facility – Option A	P													<a href="#">Section 6.35</a>
Biofuel Production Facility – Option B	S													<a href="#">Section 6.35</a>
Biofuel Production Facility – Capacity More Than 100,000 Gallons	S													<a href="#">Section 6.35</a>
Essential Services	P	P	P	P	P	P	P	P	P	P	P	P	P	



Land Use	AG	R-1	R-2A	R-2B	R-3A	R-3B	R-4	B-4	B-5	B-7	I-1	I-2	OS	Use Standards
Extraction Operations	P													<a href="#">Section 6.28</a>
Greenhouses	P											P		
Hunting Clubs or Gun Clubs, Outdoor Gun and Archery Ranges	S													<a href="#">Section 6.20</a>
Mixed Use Building								P	P	P				<a href="#">Section 6.24</a>
Power Plant	S											S		
Private Off-Road Courses	A													<a href="#">Section 6.36</a>
Racetracks	S													<a href="#">Section 6.36</a>
Self-storage Facilities (Mini-Warehouse, Mini-Storage)								S	S		P	P		<a href="#">Section 6.38</a>
Solar Energy Facility – Direct Use	A	A	A	A	A	A		A	A	A	A	A	A	<a href="#">Section 6.39</a>
Solar Energy Facility – Primary Use	S													<a href="#">Section 6.39</a>
Wind Energy Conversion System On-Site	S	S									S	S		<a href="#">Section 5.4</a>
Wind Energy Conversion System, Utility Scale	S										S	S	S	<a href="#">Section 5.4</a>
Wireless Communication Towers	S							S	S	S	P	P		<a href="#">Section 5.5</a>

### Section 3.5 Uses Not Otherwise Included in a District

A land use which is not cited by name as a permitted use in a zoning district may be permitted upon determination that such use is clearly similar in nature and compatible with the listed or existing uses in that district. Such a determination shall be made by the Zoning Administrator or Planning Commission in the normal course of their duties. In the event of a disagreement or appeal of an administrative decision, the Zoning Board of Appeals shall have the authority to make the determination. In making such a determination, the following shall be considered:

**A. Determination of Compatibility.**

In making the determination of compatibility, the specific characteristics of the use in question shall be compared to the characteristics of the uses that are expressly permitted in the district. Such characteristics shall include, but are not limited to, traffic generation, types of service offered, types of goods produced, methods of operation, and building characteristics.

**B. Conditions by which Use May Be Permitted.**

If it is determined that the proposed use is compatible with permitted and existing uses in the district, the decision must be made whether the proposed use shall be permitted by right, as a special use, or as a permitted accessory use. The proposed use shall be subject to the review and approval requirements for the district in which it is located. Additional requirements and conditions under which a use may be permitted in a district may be established.

No use shall be permitted in a district under the terms of this section if the use is specifically listed as a use permitted by right or as a special or conditional use in any other district.

Section 3.6: AG, Agricultural District

**STATEMENT OF PURPOSE**

This district is established to achieve the following objectives:

1. Create a stable environment for agricultural production,
2. Permit services and uses that are necessary to support agriculture,
3. Allow limited low-density single-family detached non-farm development, and
4. Preserve open space, protect flood-prone areas, protect wetlands and woodlands, and preserve significant natural features.

It is not intended that this district will be served by public water and sanitary sewer utilities.

PRINCIPAL PERMITTED USES	SPECIAL USES
<ul style="list-style-type: none"> <li>• Adult Foster Care Family Home</li> <li>• Auctions</li> <li>• Child or Day Care, Family Home</li> <li>• Customary Agricultural Operations</li> <li>• Dwelling, One Family or Single Family</li> <li>• Dwelling, One Family on a Farm</li> <li>• Essential Services</li> <li>• Extraction Operations</li> <li>• Foster Family Home</li> <li>• Greenhouses</li> <li>• Kennel, Breeding</li> <li>• Kennel, Non-Commercial</li> <li>• Mobile or Modular Dwellings, not in a Mobile Home Park</li> <li>• Nursery, Plant Material</li> <li>• Pet Obedience School</li> <li>• Roadside Farm Stands</li> <li>• Rural and Agricultural Uses</li> <li>• Stable, Private</li> </ul>	<ul style="list-style-type: none"> <li>• Adult Foster Care Small Group Home</li> <li>• Agri-Tourism</li> <li>• Airports, Public or Private</li> <li>• Auction, Permanent Agricultural Auction</li> <li>• Bed and Breakfast</li> <li>• Boarding House</li> <li>• Boarding Kennels</li> <li>• Campgrounds or Recreation Grounds</li> <li>• Cemeteries, Public or Private, including Mausoleums</li> <li>• Child or Day Care, Group Home</li> <li>• Conservation Areas, Public or Private</li> <li>• Country Clubs and Golf Courses</li> <li>• Filling Station, Gas Station</li> <li>• Foster Family Group Home</li> <li>• Gunsmith</li> <li>• Home-Based Limited Business</li> <li>• Hospitality Facility</li> <li>• Hunting Clubs or Gun Clubs; Outdoor Gun and Archery Range</li> <li>• Landscape Contractor's Operation</li> <li>• Miniature Golf and/or Driving Ranges</li> <li>• Oil or Gas Processing Plant</li> <li>• Power Plant</li> <li>• Public and Institutional Buildings and Uses</li> <li>• Racetracks</li> <li>• Religious Institutions</li> <li>• Second Living Quarters on a Farm</li> <li>• Short-Term Rental Housing</li> <li>• Solar Energy Facility – Primary Use</li> <li>• Stable, Public</li> <li>• Veterinary Clinic</li> <li>• Wind Energy Systems</li> <li>• Wireless Communication Towers</li> </ul>
	<b>ACCESSORY USES</b>
	<ul style="list-style-type: none"> <li>• Accessory Use, Building, or Structure</li> <li>• Swimming Pools, Private</li> <li>• Home Occupation</li> <li>• Private Off-Road Courses</li> <li>• Solar Energy Facility – Direct Use</li> </ul>

*The above list is a summary of uses permitted in the district. Refer to Section 6 for requirements applicable to specific uses. In case of a conflict between Section 3.4 and the above list, Section 3.4 shall prevail.*

REQUIRED DIMENSIONS			
<i>Lot Standards</i>		<i>Minimum Setbacks (ft.)</i>	
Minimum Lot Width (ft.):	165	Front Yard:	50
Minimum Lot Area (sq. ft.):	43,560	Side Yard (one) <sup>(c)(d)</sup> :	16.5
Minimum Lot Depth (ft.):	165	Side Yard (total of two):	33
Maximum Lot Depth:	<sup>(a)</sup>	Rear Yard:	50
Minimum Floor Area Per Unit (sq. ft.):	800		
Maximum Building Height (ft.):	35 <sup>(b)</sup>		
Minimum Dwelling Width (ft.):	30		

Maximum Lot Coverage	40%	
Municipal Sewer Required:	No	

**Footnotes:** See Section 4.3.

The above list of Required Dimensions is a summary. Refer to Section 4 for dimensions applicable in each district. In case of a conflict between Section 4 and the above list, Section 4 shall prevail.

<b>REFERENCES TO ADDITIONAL STANDARDS</b>		
<b>Definitions</b> Section 2.2	<b>General Provisions</b> Section 7	<b>Environmental Performance Standards</b> Section 8
<b>Landscaping and Screening</b> Section 10	<b>Accessory Uses and Structures</b> Section 7.5	<b>Exterior Lighting</b> Section 8.2
<b>Signs</b> Section 11	<b>Building Design Standards</b> Section 6.16	<b>Parking</b> Section 9
<b>Nonconformities</b> Section 12		

Section 3.7: R-1, Rural Residential District

**STATEMENT OF PURPOSE**

This district is intended to address conditions in those portions of the Township where agriculture is acceptable, but where it is reasonable to allow limited low density single-family detached non-farm development. The standards in this district are intended to assure that permitted uses peacefully coexist, while preserving the rural-like features and character of the Township. It is not intended that this district will be served by public water and sanitary sewer utilities.

PRINCIPAL PERMITTED USES	SPECIAL USES
<ul style="list-style-type: none"> <li>• Adult Foster Care Family Home</li> <li>• Child or Day Care, Family Home</li> <li>• Customary Agricultural Operations</li> <li>• Dependent Living for Seniors</li> <li>• Dwelling, One Family or Single Family</li> <li>• Dwelling, One Family on a Farm</li> <li>• Essential Services</li> <li>• Foster Family Home</li> <li>• Religious Institutions</li> </ul>	<ul style="list-style-type: none"> <li>• Adult Foster Care Small Group Home</li> <li>• Bed and Breakfast</li> <li>• Boarding House</li> <li>• Child or Day Care, Group Home</li> <li>• Country Clubs and Golf Courses</li> <li>• Gunsmith</li> <li>• Home-Based Limited Business</li> <li>• Kennel, Breeding</li> <li>• Kennel, Non-Commercial</li> <li>• Public and Institutional Buildings and Uses</li> <li>• Short-Term Rental Housing</li> <li>• Wind Energy Systems</li> </ul>
	ACCESSORY USES
	<ul style="list-style-type: none"> <li>• Accessory Use, Building, or Structure</li> <li>• Swimming Pools, Private</li> <li>• Home Occupation</li> <li>• Solar Energy Facility – Direct Use</li> </ul>

*The above list is a summary of uses permitted in the district. Refer to Section 6 for requirements applicable to specific uses. In case of a conflict between Section 3.4 and the above list, Section 3.4 shall prevail.*

**REQUIRED DIMENSIONS**

<b>Lot Standards</b>		<b>Minimum Setbacks (ft.)</b>	
Minimum Lot Width (ft.):	150	Front Yard:	50
Minimum Lot Area (sq. ft.):	43,560	Side Yard (one) <sup>(c)(d)</sup> :	15
Minimum Lot Depth (ft.):	N/A	Side Yard (total of two):	30
Maximum Lot Depth:	N/A	Rear Yard:	50
Minimum Floor Area Per Unit (sq. ft.):	1,000		
Maximum Building Height (ft.):	35 <sup>(b)</sup>		
Minimum Dwelling Width (ft.):	30		
Maximum Lot Coverage	40%		
Municipal Sewer Required:	No		

**Footnotes:** See Section 4.3.

*The above list of Required Dimensions is a summary. Refer to Section 4 for dimensions applicable in each district. In case of a conflict between Section 4 and the above list, Section 4 shall prevail.*

**REFERENCES TO ADDITIONAL STANDARDS**

<b>Definitions</b> Section 2.2	<b>General Provisions</b> Section 7	<b>Environmental Performance Standards</b> Section 8
<b>Landscaping and Screening</b> Section 10	<b>Accessory Uses and Structures</b> Section 7.5	<b>Exterior Lighting</b> Section 8.2
<b>Signs</b> Section 11	<b>Building Design Standards</b> Section 6.16	<b>Parking</b> Section 9
<b>Nonconformities</b> Section 12		

## Section 3.8: R-2A, One- and Two-Family, Low-Density Residential District

**STATEMENT OF PURPOSE**

The intent of this district is to provide areas in the Township for the development and continued use of single family detached and duplex dwellings within safe, stable neighborhoods. It is further intended that this district permit a limited range of residentially related uses, while prohibiting multiple family, commercial, and industrial uses that would interfere with the quality of residential life. It is intended that this district will be served by public water and sanitary sewer utilities.

<b>PRINCIPAL PERMITTED USES</b>	<b>SPECIAL USES</b>
<ul style="list-style-type: none"> <li>• Adult Foster Care Family Home</li> <li>• Child or Day Care, Family Home</li> <li>• Dwelling, One Family or Single Family</li> <li>• Dwellings, Two Family (Duplex)</li> <li>• Essential Services</li> <li>• Foster Family Home</li> <li>• Mobile or Modular Dwellings, not in a Mobile Home Park</li> <li>• Religious Institutions</li> </ul>	<ul style="list-style-type: none"> <li>• Adult Foster Care Small Group Home</li> <li>• Bed and Breakfast</li> <li>• Boarding House</li> <li>• Child or Day Care, Group Home</li> <li>• Country Clubs and Golf Courses</li> <li>• Foster Family Group Home</li> <li>• Gunsmith</li> <li>• Home-Based Limited Business</li> <li>• Kennel, Non-Commercial</li> <li>• Public and Institutional Buildings and Uses</li> <li>• Short-Term Rental Housing</li> </ul>
	<b>ACCESSORY USES</b>
	<ul style="list-style-type: none"> <li>• Accessory Use, Building, or Structure</li> <li>• Home Occupation</li> <li>• Solar Energy Facility – Direct Use</li> </ul>

The above list is a summary of uses permitted in the district. Refer to Section 6 for requirements applicable to specific uses. In case of a conflict between Section 3.4 and the above list, Section 3.4 shall prevail.

**REQUIRED DIMENSIONS**

<b>Lot Standards</b>	<b>One Family</b>	<b>Two Family</b>	<b>Minimum Setbacks (ft.)</b>	
Minimum Lot Width (ft.) <sup>(e)</sup> :	100	120	Front Yard <sup>(g)</sup> :	35
Minimum Lot Area (sq. ft.) <sup>(e)</sup> :	14,000	17,000	Side Yard (one) <sup>(c)</sup> :	10
Minimum Dwelling Unit Width (ft.):	30	30	Side Yard (total of two):	20
Minimum Floor Area Per Unit (sq. ft.):	600	750	Rear Yard:	35
Maximum Building Height (ft.):	35	35		
Maximum Lot Coverage	40%	40%		
Municipal Sewer Required:	No	No		

**Footnotes:** See Section 4.3.

The above list of Required Dimensions is a summary. Refer to Section 4 for dimensions applicable in each district. In case of a conflict between Section 4 and the above list, Section 4 shall prevail.

**REFERENCES TO ADDITIONAL STANDARDS**

<b>Definitions</b> Section 2.2	<b>General Provisions</b> Section 7	<b>Environmental Performance Standards</b> Section 8
<b>Landscaping and Screening</b> Section 10	<b>Accessory Uses and Structures</b> Section 7.5	<b>Exterior Lighting</b> Section 8.2
<b>Signs</b> Section 11	<b>Building Design Standards</b> Section 6.16	<b>Parking</b> Section 9
<b>Nonconformities</b> Section 12		

Section 3.9: R-2B, One- and Two-Family, Medium-Density Residential District

**STATEMENT OF PURPOSE**

The intent of this district is to provide areas in the Township for the development and continued use of single family detached and duplex dwellings within safe, stable neighborhoods, while permitting smaller lots than are allowed in the One- and Two-Family, Low-Density Residential District. It is further intended that this district permit a limited range of residentially related uses, while prohibiting multiple family, commercial, and industrial uses that would interfere with the quality of residential life. It is intended that this district will be served by public water and sanitary sewer utilities.

PRINCIPAL PERMITTED USES	SPECIAL USES
<ul style="list-style-type: none"> <li>• Adult Foster Care Family Home</li> <li>• Child or Day Care, Family Home</li> <li>• Dwelling, One Family or Single Family</li> <li>• Dwellings, Two Family (Duplex)</li> <li>• Essential Services</li> <li>• Foster Family Home</li> <li>• Mobile or Modular Dwellings, not in a Mobile Home Park</li> <li>• Religious Institutions</li> </ul>	<ul style="list-style-type: none"> <li>• Adult Foster Care Small Group Home</li> <li>• Boarding House</li> <li>• Child or Day Care, Group Home</li> <li>• Country Clubs and Golf Courses</li> <li>• Foster Family Group Home</li> <li>• Gunsmith</li> <li>• Home-Based Limited Business</li> <li>• Public and Institutional Buildings and Uses</li> <li>• Short-Term Rental Housing</li> </ul>
	ACCESSORY USES
	<ul style="list-style-type: none"> <li>• Accessory Use, Building, or Structure</li> <li>• Home Occupation</li> <li>• Solar Energy Facility – Direct Use</li> </ul>

*The above list is a summary of uses permitted in the district. Refer to Section 6 for requirements applicable to specific uses. In case of a conflict between Section 3.4 and the above list, Section 3.4 shall prevail.*

**REQUIRED DIMENSIONS**

<b>Lot Standards</b>	<b>One Family</b>	<b>Two Family</b>	<b>Minimum Setbacks (ft.)</b>
Minimum Lot Width (ft.):	70	90	Front Yard <sup>(g)</sup> : 30
Minimum Lot Area (sq. ft.):	8,400	10,800	Side Yard (one) <sup>(c)</sup> : 6
Minimum Dwelling Unit Width (ft.):	30	30	Side Yard (total of two): 12
Minimum Floor Area Per Unit (sq. ft.):	500	650	Rear Yard: 35
Maximum Building Height (ft.):	35	35	
Maximum Lot Coverage	40%	49%	
Municipal Sewer Required:	Yes	Yes	

**Footnotes:** See Section 4.3.

*The above list of Required Dimensions is a summary. Refer to Section 4 for dimensions applicable in each district. In case of a conflict between Section 4 and the above list, Section 4 shall prevail.*

**REFERENCES TO ADDITIONAL STANDARDS**

<b>Definitions</b>	<b>General Provisions</b>	<b>Environmental Performance Standards</b>
Section 2.2	Section 7	Section 8
<b>Landscaping and Screening</b>	<b>Accessory Uses and Structures</b>	<b>Exterior Lighting</b>
Section 10	Section 7.5	Section 8.2
<b>Signs</b>	<b>Building Design Standards</b>	<b>Parking</b>
Section 11	Section 6.16	Section 9
<b>Nonconformities</b>		
Section 12		

## Section 3.10: R-3A, Multiple-Family Residential District

**STATEMENT OF PURPOSE**

The intent of this district is to address the varied housing needs of Township residents by providing locations for development of multiple-family housing, such as apartments and condominiums, at a higher density than permitted in single family districts. Multiple family housing should be provided with necessary services and utilities, including public water and sanitary sewer utilities, usable outdoor recreation space, and well-designed internal road and pedestrian networks.

<b>PRINCIPAL PERMITTED USES</b>	<b>SPECIAL USES</b>
<ul style="list-style-type: none"> <li>• Adult Foster Care Family Home</li> <li>• Child or Day Care, Family Home</li> <li>• Dependent Living for Seniors</li> <li>• Dwellings, Multiple-Family (4-units or less)</li> <li>• Essential Services</li> <li>• Foster Family Home</li> <li>• Independent Living for Seniors</li> <li>• Religious Institutions</li> </ul>	<ul style="list-style-type: none"> <li>• Adult Foster Care Large Group Home</li> <li>• Adult Foster Care Small Group Home</li> <li>• Boarding House</li> <li>• Child or Day Care, Group Home</li> <li>• Country Clubs and Golf Courses</li> <li>• Dwellings, Multiple-Family (5-units or more)</li> <li>• Foster Family Group Home</li> <li>• Fraternity, Sorority, or Similar Organization</li> <li>• Nursing Home</li> <li>• Public and Institutional Buildings and Uses</li> </ul>
	<b>ACCESSORY USES</b>
	<ul style="list-style-type: none"> <li>• Accessory Use, Building, or Structure</li> <li>• Solar Energy Facility – Direct Use</li> </ul>

*The above list is a summary of uses permitted in the district. Refer to Section 6 for requirements applicable to specific uses. In case of a conflict between Section 3.4 and the above list, Section 3.4 shall prevail.*

**DIMENSION REGULATIONS**

<b>Lot Standards</b>		<b>Minimum Setbacks (ft.)</b>	
Minimum Lot Width (ft.):	N/A	Front Yard <sup>(g)</sup> :	35
Minimum Lot Area (sq. ft.):	<sup>(f)</sup>	Side Yard(one) <sup>(c)</sup> :	30
		Side Yard (total of two):	60
Minimum Floor Area Per Unit (sq. ft.):	500	Rear Yard:	25
Maximum Building Height (ft.) <sup>(h)</sup> :	35		
Maximum Lot Coverage	40%		
Municipal Sewer Required:	Yes		

*Footnotes: See Section 4.3.*

*The above list of Required Dimensions is a summary. Refer to Section 4 for dimensions applicable in each district. In case of a conflict between Section 4 and the above list, Section 4 shall prevail.*

**REFERENCES TO ADDITIONAL STANDARDS**

<b>Definitions</b> Section 2.2	<b>General Provisions</b> Section 7	<b>Environmental Performance Standards</b> Section 8
<b>Landscaping and Screening</b> Section 10	<b>Accessory Uses and Structures</b> Section 7.5	<b>Exterior Lighting</b> Section 8.2
<b>Signs</b> Section 11		<b>Parking</b> Section 9
<b>Nonconformities</b> Section 12		

**Section 3.11: R-3B, Medium-Density Multiple-Family Residential District**

**STATEMENT OF PURPOSE**

The intent of this district is to address the varied housing needs of Township residents by providing locations for development of multiple-family housing, such as apartments and condominiums, at a higher density than permitted in single family districts, but at a lower density than permitted in the R-3A District. Multiple family housing should be provided with necessary services and utilities, including public water and sanitary sewer utilities, usable outdoor recreation space, and well-designed internal road and pedestrian networks.

PRINCIPAL PERMITTED USES	SPECIAL USES
<ul style="list-style-type: none"> <li>• Adult Foster Care Family Home</li> <li>• Child or Day Care, Family Home</li> <li>• Dependent Living for Seniors</li> <li>• Dwellings, Multiple-Family (4-units or less)</li> <li>• Essential Services</li> <li>• Foster Family Home</li> <li>• Independent Living for Seniors</li> <li>• Religious Institutions</li> </ul>	<ul style="list-style-type: none"> <li>• Adult Foster Care Small Group Home</li> <li>• Adult Foster Care Large Group Home</li> <li>• Boarding House</li> <li>• Child or Day Care, Group Home</li> <li>• Country Clubs and Golf Courses</li> <li>• Dwellings, Multiple-Family (5-units or more)</li> <li>• Foster Family Group Home</li> <li>• Fraternity, Sorority, or Similar Organization</li> <li>• Nursing Home</li> <li>• Public and Institutional Buildings and Uses</li> </ul>
	ACCESSORY USES
	<ul style="list-style-type: none"> <li>• Accessory Use, Building, or Structure</li> <li>• Solar Energy Facility – Direct Use</li> </ul>

*The above list is a summary of uses permitted in the district. Refer to Section 6 for requirements applicable to specific uses. In case of a conflict between Section 3.4 and the above list, Section 3.4 shall prevail.*

**REQUIRED DIMENSIONS**

<b>Lot Standards</b>		<b>Minimum Setbacks (ft.)</b>	
Minimum Lot Width (ft.):	N/A	Front Yard <sup>(g)</sup> :	35
Minimum Lot Area (sq. ft.):	<sup>(f)</sup>	Side Yard (one) <sup>(c)</sup> :	30
		Side Yard (total of two):	60
Minimum Floor Area Per Unit (sq. ft.):	500	Rear Yard:	25
Maximum Building Height (ft.) <sup>(h)</sup> :	35		
Maximum Lot Coverage	40%		
Municipal Sewer Required:	Yes		

**Footnotes:** See Section 4.3.

*The above list of Required Dimensions is a summary. Refer to Section 4 for dimensions applicable in each district. In case of a conflict between Section 4 and the above list, Section 4 shall prevail.*

**REFERENCES TO ADDITIONAL STANDARDS**

<b>Definitions</b> Section 2.2	<b>General Provisions</b> Section 7	<b>Environmental Performance Standards</b> Section 8
<b>Landscaping and Screening</b> Section 10	<b>Accessory Uses and Structures</b> Section 7.5	<b>Exterior Lighting</b> Section 8.2
<b>Signs</b> Section 11		<b>Parking</b> Section 9
<b>Nonconformities</b> Section 12		



Section 3.12: R-4, Mobile Home Park District

**STATEMENT OF PURPOSE**

The Mobile Home Park District is intended to provide for the location and regulation of mobile home parks. It is intended that mobile home parks be provided with necessary community services, including public water and sanitary sewer utilities, in a setting that provides a high quality of life for residents. These districts should be designed to be compatible with adjacent uses.

The regulations established by state law (Michigan Public Act 96 of 1987, as amended) and the Manufactured Housing Rules govern all mobile home parks. When regulations in this Section exceed the state law or the Manufactured Housing Rules they are intended to insure that mobile home parks meet the development and site plan standards established by this Ordinance for other comparable residential development and to promote the health, safety and welfare of the Township's residents.

PRINCIPAL PERMITTED USES	ACCESSORY USES
<ul style="list-style-type: none"> <li>• Adult Foster Care Family Home</li> <li>• Child or Day Care, Family Home</li> <li>• Essential Services</li> <li>• Mobile and Modular Home Sales</li> <li>• Mobile Home Parks</li> </ul>	<ul style="list-style-type: none"> <li>• Accessory Use, Building, or Structure</li> </ul>

*The above list is a summary of uses permitted in the district. Refer to Section 6 for requirements applicable to specific uses. In case of a conflict between Section 3.4 and the above list, Section 3.4 shall prevail.*

**DIMENSION REGULATIONS**

<b>Lot Standards</b>		<b>Minimum Setbacks (ft.)</b>	
Minimum Lot Width (ft.):	N/A	Front Yard:	50
Minimum Lot Area (sq. ft.):	N/A	Side Yard (one):	10
Minimum Floor Area Per Unit (sq. ft.):	N/A	Side Yard (total of two):	20
Maximum Building Height (ft.):	N/A	Rear Yard:	10
Municipal Sewer Required:	Yes		

**ADDITIONAL REQUIREMENTS**

**A. Site Plan Review**

Pursuant to Section 11 of Michigan Public Act 96 of 1987, as amended, a preliminary plan shall be submitted to the Township for review by the Planning Commission. The preliminary plan shall include the location, layout, general design, and general description of the project. The preliminary plan shall not include detailed construction plans.

In preparing the preliminary plan and when reviewing the plan, the developer and Planning Commission shall generally follow the procedures and requirements in Section 14.2 of this Ordinance, where applicable, except where said procedures and requirements are superseded by requirements in Public Act 96 of 1987, as amended, or the Manufactured Housing Commission Rules.

Pursuant to Section 11 of Public Act 96 of 1987, as amended, the Planning Commission shall take action on the preliminary plan within sixty (60) days after the Township officially receives the plan.

**B. Minimum Requirements**

Mobile home parks shall be subject to all the rules and requirements as established and regulated by Michigan Public Act 96 of 1987, as amended, and the Manufactured Housing Commission Rules and, in addition, shall satisfy the following minimum requirements:

1. Required Distances between Homes and Other Structures  
Mobile homes shall comply with the minimum distances set forth in Rule 125.1941 of the Manufactured Housing Commission Rules.
2. Setbacks from Property Boundary Lines  
Mobile homes, permanent buildings and facilities, and other structures shall comply with the setback requirements in Rule 125.1944 of the Manufactured Housing Rules.
3. Roads

All internal roads shall be hard surfaced with concrete or bituminous asphalt. Roads shall satisfy the minimum dimensional, design, and construction requirements as set forth in the Manufactured Housing Rules, including the following:

- a. Two-way streets shall have a minimum width of 21 feet where no parallel parking is permitted, 31 feet where parallel parking is permitted on one side only, and 41 feet where parallel parking is permitted on both sides of the street.
- b. The main entrance to the park shall have access to a public thoroughfare or shall be connected to a paved public collector or arterial road by a permanent easement which shall be recorded by the developers. Sole access to the park via an alley is prohibited.

5. Parking

- a. All mobile home sites shall be provided with two (2) parking spaces per Manufactured Housing Commission Rules 925 and 926.
- b. In addition, a minimum of one (1) parking space for every three (3) mobile home sites shall be provided for visitor parking located convenient to the area served.

6. Sidewalks

Sidewalks having a minimum width of three (3) feet shall be provided along each side of the street upon which mobile home sites front.

7. Skirting. All mobile homes shall be skirted within ninety (90) days of placement within a mobile home park in accordance with Rule 125.1604 of the Manufactured Housing Rules.

8. Anchoring. All mobile homes shall be anchored when installed in a mobile home park in accordance with Part 6 of the Manufactured Housing Rules dealing with Home Installation.

9. Open Space

Open space shall be provided in any mobile home park containing fifty (50) or more home sites. A minimum of two percent (2%) of the mobile home park's gross acreage, but not less than 25,000 square feet, shall be dedicated to usable open space.

10. Landscaped Screening

Mobile home parks shall be screened with landscaping as follows:

- a. If the mobile home park abuts an existing residential development, the park shall be required to provide screening along the park boundary abutting the residential development.
- b. If the mobile home park abuts a nonresidential development, the park need not provide screening.
- c. In all cases, a mobile home park shall provide screening along the park boundary abutting a public right-of-way.
- d. The landscaped screening shall consist of evergreen trees or shrubs having a minimum height of three (3) feet at the time of planting, that are spaced so that they will provide a continuous screen within three (3) years. Alternative screening may be used if it conceals the mobile home park as effectively as the evergreen landscaped screening.

11. Utilities

All public and private utilities must be placed underground.

12. Operational Requirements

No mobile home shall be permitted to be placed in a mobile home park until a license has been issued by the Michigan Department of Labor and Economic Growth. No individual mobile home site shall be occupied until the required improvements, including utilities and access roads which serve the site are in place and are functioning.

13. Sale of Mobile Homes

The sales of new or used mobile homes shall be permitted only on sites approved for permanent occupancy and accessory to the use of the park for dwelling purposes.

14. Accessory Buildings and Uses. Accessory buildings and uses are permitted in conformance with this Ordinance, provided they are customarily incidental to the principal residential uses, and provided further that accessory buildings and uses shall not be used for commercial or industrial purposes, including, but not limited to, retail, manufacturing, or storage.

Section 3.13: B-4, General Business District

**STATEMENT OF PURPOSE**

The intent of this district is to provide for commercial development that offers a broad range of goods and services to meet the convenience and comparison shopping needs of Township residents. Because of the variety of business types permitted in the B-4 District, special attention must be focused on site layout, building design, vehicular and pedestrian circulation, and coordination of site features between adjoining uses. General Business developments should be compatible in design with adjacent commercial development and buffered from or located away from residential areas.

PRINCIPAL PERMITTED USES	SPECIAL USES
<ul style="list-style-type: none"> <li>• Auction, Permanent Auction</li> <li>• Automobile Wash when Completely or Partially Enclosed in a Building</li> <li>• Automobile repair shop or garage if all operations are conducted in an enclosed building</li> <li>• Beauty and Barber Shops</li> <li>• Brewpub</li> <li>• Bus, Train, and other Forms of Transportation Systems, Passenger Stations</li> <li>• Business Schools, Colleges, and Private Schools Operated for Profit</li> <li>• Convenience Store</li> <li>• Distillery, Small</li> <li>• Essential Services</li> <li>• Financial Institutions</li> <li>• General Retail Business</li> <li>• Gunsmith</li> <li>• Health, Exercise Club, or Spa</li> <li>• Home Improvement Store</li> <li>• Hotels</li> <li>• Indoor Commercial Recreation</li> <li>• Instant Oil Change Shop</li> <li>• Medical or Dental Offices</li> <li>• Microbrewery</li> <li>• Mixed Use Buildings</li> <li>• Office, Professional</li> <li>• Personal Fitness Center</li> <li>• Personal Service Establishments</li> <li>• Pet Grooming</li> <li>• Pet Obedience School</li> <li>• Pet Shop</li> <li>• Pharmacy</li> <li>• Private Clubs, Fraternal Organizations, and Lodge Halls</li> <li>• Religious Institutions</li> <li>• Restaurants, Carry-Out</li> <li>• Restaurants, Standard</li> <li>• Shopping Centers and Big-Box Stores</li> <li>• Supermarket</li> <li>• Theaters, Assembly Halls, Concert Halls, and Similar Places of Assembly</li> <li>• Tire and Battery Shops</li> <li>• Veterinary Clinic</li> <li>• Wine Maker, Small</li> </ul>	<ul style="list-style-type: none"> <li>• Amusement Parks</li> <li>• Automobile Filling Station, Gas Station</li> <li>• Boarding Kennels</li> <li>• Dealership, Vehicle, Automobile Dealership and Farm Equipment Sales</li> <li>• Indoor Gun and Archery Ranges</li> <li>• Miniature Golf and/or Driving Ranges</li> <li>• Mortuary Establishments, Funeral Homes</li> <li>• Nursing Home</li> <li>• Open Air Businesses</li> <li>• Self-storage Facilities (Mini-Warehouse, Mini-Storage)</li> <li>• Wireless Communication Towers</li> </ul>
	ACCESSORY USES
	<ul style="list-style-type: none"> <li>• Donation Bins</li> <li>• Outdoor Temporary Retail Sales</li> <li>• Solar Energy Facility – Director Use</li> </ul>

*The above list is a summary of uses permitted in the district. Refer to Section 6 for requirements applicable to specific uses. In case of a conflict between Section 3.4 and the above list, Section 3.4 shall prevail.*

**REQUIRED DIMENSIONS**

<b>Lot Standards</b>		<b>Minimum Setbacks (ft.)</b>	
Minimum Lot Width (ft.):	80	Front Yard <sup>(1)</sup> :	50
Minimum Lot Area (sq. ft.):	12,000	Side Yard <sup>(1)</sup> :	20
Maximum Lot Coverage:	30%	Rear Yard <sup>(1)</sup> :	25
Minimum Floor Area Per Unit (sq. ft.):	--		
Maximum Building Height (ft.):	35		

**Footnotes:** See Section 4.3.

The above list of Required Dimensions is a summary. Refer to Section 4 for dimensions applicable in each district. In case of a conflict between Section 4 and the above list, Section 4 shall prevail.

<b>REFERENCES TO ADDITIONAL STANDARDS</b>		
<b>Definitions</b> Section 2.2	<b>General Provisions</b> Section 7	<b>Environmental Performance Standards</b> Section 8
<b>Landscaping and Screening</b> Section 10	<b>Accessory Uses and Structures</b> Section 7.5	<b>Exterior Lighting</b> Section 8.2
<b>Signs</b> Section 11	<b>Nonconformities</b> Section 12	<b>Parking</b> Section 9

Section 3.14: B-5, Highway Business District

**STATEMENT OF PURPOSE**

The intent of this district is to provide areas along major roads and highways for commercial development that caters to the traveling public. Whether freestanding or in a planned shopping center, businesses should be designed to achieve a harmonious design along the corridor, with coordinated access, parking, sidewalks, landscaping and screening.

**PRINCIPAL PERMITTED USES**

- Adult Regulated Uses
- Amusement Enterprises
- Auction, Permanent Auction
- Automobile Wash when Completely or Partially Enclosed in a Building
- Automobile repair shop or garage, if all operations are conducted in an enclosed building
- Bar, Grill, and Cocktail Lounges
- Beauty and Barber Shops
- Brewpub
- Bus, Train, and other Forms of Transportation Systems, Passenger Stations
- Business Schools, Colleges, and Private Schools Operated for Profit
- Convenience Store
- Dealership, Vehicle, Automobile Dealership, and Farm Equipment Sales
- Distillery, Small
- Essential Services
- Financial Institutions
- General Retail Business
- Gunsmith
- Health, Exercise Club, or Spa
- Home Improvement Store
- Hotels
- Indoor Commercial Recreation
- Instant Oil Change Shop
- Medical or Dental Offices
- Microbrewery
- Mixed Use Buildings
- Mortuary Establishments, Funeral Homes
- Office, Professional
- Personal Fitness Center
- Personal Service Establishments
- Pet Grooming
- Pet Obedience School
- Pet Shop
- Pharmacy
- Plumbing, Heating, and Electrical Shops
- Private Clubs, Fraternal Organizations, and Lodge Halls
- Religious Institutions
- Restaurants, Carry-Out
- Restaurants, Standard
- Restaurants, With Drive-Through
- Shopping Centers and Big-Box Stores
- Sign Painting and Servicing Shops
- Supermarket
- Theaters, Assembly Halls, Concert Halls, and Similar Places of Assembly
- Tire and Battery Shops
- Veterinary Clinic
- Wine Maker, Small

**SPECIAL USES**

- Boarding Kennels
- Automobile Filling Station, Gas Station
- Indoor Gun and Archery Ranges
- Nursing Home
- Open Air Businesses
- Self-storage Facilities (Mini-Warehouse, Mini-Storage)
- Wireless Communication Towers

**ACCESSORY USES**

- Donation Bins
- Outdoor Temporary Retail Sales
- Solar Energy Facility – Direct Use

*The above list is a summary of uses permitted in the district. Refer to Section 6 for requirements applicable to specific uses. In case of a conflict between Section 3.4 and the above list, Section 3.4 shall prevail*

<b>REQUIRED DIMENSIONS</b>			
<b>Lot Standards</b>		<b>Minimum Setbacks (ft.)</b>	
Minimum Lot Width (ft.):	100	Front Yard <sup>(1)</sup> :	50
Minimum Lot Area (sq. ft.):	16,000	Side Yard <sup>(1)</sup> :	20
Maximum Lot Coverage:	30%	Rear Yard <sup>(1)</sup> :	25
Minimum Floor Area Per Unit (sq. ft.):	--		
Maximum Building Height (ft.):	35		

**Footnotes:** See Section 4.3.

The above list of Required Dimensions is a summary. Refer to Section 4 for dimensions applicable in each district. In case of a conflict between Section 4 and the above list, Section 4 shall prevail.

<b>REFERENCES TO ADDITIONAL STANDARDS</b>		
<b>Definitions</b> Section 2.2	<b>General Provisions</b> Section 7	<b>Environmental Performance Standards</b> Section 8
<b>Landscaping and Screening</b> Section 10	<b>Accessory Uses and Structures</b> Section 7.5	<b>Exterior Lighting</b> Section 8.2
<b>Signs</b> Section 11	<b>Nonconformities</b> Section 12	<b>Parking</b> Section 9

Section 3.15: B-7, Retail and Service Highway Business District

**STATEMENT OF PURPOSE**

The intent of this district is to promote the high quality commercial and office development in the vicinity of M-20 and Pickard Road. Requirements and incentives are provided to promote vehicular and pedestrian safety, control traffic congestion, and improve the visual appearance of the district through proper landscaping, buffering and screening.

PRINCIPAL PERMITTED USES	SPECIAL USES
<ul style="list-style-type: none"> <li>• Adult Regulated Uses</li> <li>• Auction, Permanent Auction</li> <li>• Bar, Grill, and Cocktail Lounges</li> <li>• Beauty and Barber Shops</li> <li>• Brewpub</li> <li>• Bus, Train, and other Forms of Transportation Systems, Passenger Stations</li> <li>• Business Schools, Colleges, and Private Schools Operated for Profit</li> <li>• Distillery, Small</li> <li>• Essential Services</li> <li>• Financial Institutions</li> <li>• General Retail Business</li> <li>• Gunsmith</li> <li>• Health, Exercise Club, or Spa</li> <li>• Hotels</li> <li>• Instant Oil Change Shop</li> <li>• Medical or Dental Offices</li> <li>• Microbrewery</li> <li>• Mixed Use Buildings</li> <li>• Mortuary Establishments, Funeral Homes</li> <li>• Office, Professional</li> <li>• Personal Fitness Center</li> <li>• Personal Service Establishments</li> <li>• Pet Grooming</li> <li>• Pet Obedience School</li> <li>• Pet Shop</li> <li>• Pharmacy</li> <li>• Private Clubs, Fraternal Organizations, and Lodge Halls</li> <li>• Religious Institutions</li> <li>• Restaurants, Carry-Out</li> <li>• Restaurants, Standard</li> <li>• Restaurants, With Drive-Through</li> <li>• Supermarket</li> <li>• Tire and Battery Shops</li> <li>• Veterinary Clinic</li> <li>• Wireless Communication Towers</li> <li>• Wine Maker, Small</li> </ul>	<ul style="list-style-type: none"> <li>• Automobile Filling Station, Gas Station</li> <li>• Automobile Wash when Completely or Partially Enclosed in a Building</li> <li>• Automobile repair shop or garage if all operations are conducted in an enclosed building</li> <li>• Boarding Kennels</li> <li>• Dealership, Vehicle, Automobile Dealership, and Farm Equipment Sales</li> <li>• Indoor Gun and Archery Ranges</li> <li>• Mobile and Modular Home Sales</li> <li>• Nursing Home</li> <li>• Open Air Businesses</li> </ul>
	ACCESSORY USES
	<ul style="list-style-type: none"> <li>• Donation Bins</li> <li>• Outdoor Temporary Retail Sales</li> <li>• Solar Energy Facility – Direct Use</li> </ul>

*The above list is a summary of uses permitted in the district. Refer to Section 6 for requirements applicable to specific uses. In case of a conflict between Section 3.4 and the above list, Section 3.4 shall prevail.*

**REQUIRED DIMENSIONS**

<b>Lot Standards</b>		<b>Minimum Setbacks (ft.)</b>	
Minimum Lot Width (ft.) <sup>(1)</sup> :	130	Front Yard:	15
Minimum Lot Area (sq. ft.):	20,000	Side Yard:	10
Maximum Lot Coverage <sup>(1)</sup> :	30%	Rear Yard:	10
Minimum Floor Area Per Unit (sq. ft.):	--		
Maximum Building Height (ft.):	35		

**Footnotes:** See Section 4.3.

*The above list of Required Dimensions is a summary. Refer to Section 4 for dimensions applicable in each district. In case of a conflict between Section 4 and the above list, Section 4 shall prevail.*

**REFERENCES TO ADDITIONAL STANDARDS**

<b>Definitions</b> Section 2.2	<b>General Provisions</b> Section 7	<b>Environmental Performance Standards</b> Section 8
<b>Landscaping and Screening</b> Section 10	<b>Accessory Uses and Structures</b> Section 7.5	<b>Exterior Lighting</b> Section 8.2
<b>Signs</b> Section 11	<b>Nonconformities</b> Section 12	<b>Parking</b> Section 9



### Section 3.16: I-1, Light Industrial District

#### STATEMENT OF PURPOSE

It is the intent of this district to provide sufficient land area in appropriate locations to meet the Township's expected needs for light industrial, wholesale, and warehousing activities. It is intended that the external physical effects from such operations be confined to the I-1 District, to avoid detrimental impact on adjoining lands. Industrial uses that are prone to fire, explosions, toxic hazards, offensive noise, vibrations, smoke, odors, or other nuisances are prohibited.

This district is intended for manufacturing, compounding, processing, packaging, assembly and/or treatment of finished or semi-finished products from previously prepared material. It is not intended for the processing of raw material for shipment in bulk form to be used in an industrial operation in another location.

Light Industrial Districts should be thoughtfully planned to separate industrial activities from less intensive land uses, make efficient use of the land, and conserve property values.

PRINCIPAL PERMITTED USES	SPECIAL USES
<ul style="list-style-type: none"> <li>• Auctions</li> <li>• Automobile repair shop or garage if all operations are conducted in an enclosed building</li> <li>• Boarding Kennels</li> <li>• Distiller</li> <li>• Distribution Center</li> <li>• Dry Cleaning Plant, Commercial Laundry</li> <li>• Essential Services</li> <li>• Landscape Contractor's Operation</li> <li>• Major Repair and Maintenance Operations</li> <li>• Manufacturing, Light</li> <li>• Motor Freight Facility</li> <li>• Recycling Center</li> <li>• Recycling Collection Station</li> <li>• Research Laboratories, Prototype Design and Development</li> <li>• Self-storage Facilities (Mini-Warehouse, Mini-Storage)</li> <li>• Trade or Industrial Schools</li> <li>• Wine Maker</li> <li>• Wireless Communication Towers</li> </ul>	<ul style="list-style-type: none"> <li>• Automobile or Vehicle Storage</li> <li>• Contractor's Yard</li> <li>• Manufacturing, General</li> <li>• Oil or Gas Processing Plant</li> <li>• Racetracks</li> <li>• Storage, Bulk</li> <li>• Truck Stop</li> <li>• Truck Terminal</li> <li>• Vehicle Impoundment Lot</li> <li>• Warehousing and Wholesale Trade Establishments</li> <li>• Wind Energy Systems</li> </ul>
	ACCESSORY USES
	<ul style="list-style-type: none"> <li>• Limited Retail and Showroom Operations</li> <li>• Solar Energy Facility – Direct Use</li> </ul>

*The above list is a summary of uses permitted in the district. Refer to Section 6 for requirements applicable to specific uses. In case of a conflict between Section 3.4 and the above list, Section 3.4 shall prevail.*

REQUIRED DIMENSIONS			
Lot Standards		Minimum Setbacks (ft.)	
Minimum Lot Width (ft.):	100	Front Yard <sup>(l)</sup> :	75
Minimum Lot Area (sq. ft.):	43,560	Side Yard <sup>(k)</sup> :	30
Maximum Lot Coverage:	40%	Rear Yard <sup>(k)</sup> :	50
Minimum Floor Area Per Unit (sq. ft.):	--		
Maximum Building Height (ft.):	35		

**Footnotes:** See Section 4.3.

*The above list of Required Dimensions is a summary. Refer to Section 4 for dimensions applicable in each district. In case of a conflict between Section 4 and the above list, Section 4 shall prevail.*

REFERENCES TO ADDITIONAL STANDARDS		
<b>Definitions</b> Section 2.2	<b>General Provisions</b> Section 7	<b>Environmental Performance Standards</b> Section 8
<b>Landscaping and Screening</b> Section 10	<b>Accessory Uses and Structures</b> Section 7.5	<b>Exterior Lighting</b> Section 8.2
<b>Signs</b> Section 11	<b>Nonconformities</b> Section 12	<b>Parking</b> Section 9

**Section 3.17, I-2, General Industrial District**

**STATEMENT OF PURPOSE**

It is the intent of this district to provide sufficient land area in appropriate locations to meet the Township’s expected needs for all types of manufacturing, wholesale, and warehousing activities. It is intended that the external physical effects from such operations be confined to the I-2 District, to avoid detrimental impact on adjoining lands. It is the intent of this district to promote manufacturing that is free from danger of fire, explosions, toxic hazards, offensive noise, vibrations, smoke, odors, or other nuisances.

This district is intended for manufacturing, compounding, processing, packaging, assembly and/or treatment of finished or semi-finished products. It is not intended for the processing of raw material for shipment in bulk form to be used in an industrial operation in another location.

General Industrial Districts should be thoughtfully planned to separate industrial activities from less intensive land uses, make efficient use of the land, and conserve property values.

PRINCIPAL PERMITTED USES	SPECIAL USES
<ul style="list-style-type: none"> <li>• Auctions</li> <li>• Automobile repair shop or garage if all operations are conducted in an enclosed building</li> <li>• Boarding Kennels</li> <li>• Contractor’s Yard</li> <li>• Distiller</li> <li>• Distribution Center</li> <li>• Dry Cleaning Plant, Commercial Laundry</li> <li>• Essential Services</li> <li>• Greenhouses</li> <li>• Landscape Contractor’s Operation</li> <li>• Lumber and Planning Mills</li> <li>• Major Repair and Maintenance Operations</li> <li>• Manufacturing, General</li> <li>• Manufacturing, Light</li> <li>• Motor Freight Facility</li> <li>• Municipal Public Utility Uses, such as Water Treatment Plants and Reservoirs, Sewage Treatment Plants, including outdoor storage</li> <li>• Recycling Centers</li> <li>• Recycling Collection Stations</li> <li>• Research Laboratories, Prototype Design and Development</li> <li>• Self-storage Facilities (Mini-Warehouse, Mini-Storage)</li> <li>• Storage, Bulk</li> <li>• Trade or Industrial Schools</li> <li>• Truck Terminal</li> <li>• Warehousing and Wholesale Trade Establishments</li> <li>• Wine Maker</li> <li>• Wireless Communication Towers</li> </ul>	<ul style="list-style-type: none"> <li>• Automobile or Vehicle Storage</li> <li>• Concrete or Asphalt Paving Plant</li> <li>• Industrial Uses Not Otherwise Listed</li> <li>• Junkyards</li> <li>• Oil or Gas Processing Plant</li> <li>• Power Plant</li> <li>• Truck Stop</li> <li>• Vehicle Impoundment Lot</li> <li>• Wind Energy Systems</li> </ul>
	ACCESSORY USES
	<ul style="list-style-type: none"> <li>• Limited Retail and Showroom Operations</li> <li>• Solar Energy Facility – Direct Use</li> </ul>

*The above list is a summary of uses permitted in the district. Refer to Section 6 for requirements applicable to specific uses. In case of a conflict between Section 3.4 and the above list, Section 3.4 shall prevail.*

**REQUIRED DIMENSIONS**

Lot Standards		Minimum Setbacks (ft.)	
Minimum Lot Width (ft.):	100	Front Yard <sup>(l)</sup> :	75
Minimum Lot Area (sq. ft.):	50,000	Side Yard <sup>(k)</sup> :	20
Maximum Lot Coverage:	--	Rear Yard <sup>(k)</sup> :	50
Minimum Floor Area Per Unit (sq. ft.):	--		
Maximum Building Height (ft.):	35		

**Footnotes:** See Section 4.3.

*The above list of Required Dimensions is a summary. Refer to Section 4 for dimensions applicable in each district. In case of a conflict between Section 4 and the above list, Section 4 shall prevail.*

<b>REFERENCES TO ADDITIONAL STANDARDS</b>		
<b>Definitions</b> Section 2.2	<b>General Provisions</b> Section 7	<b>Environmental Performance Standards</b> Section 8
<b>Landscaping and Screening</b> Section 10	<b>Accessory Uses and Structures</b> Section 7.5	<b>Exterior Lighting</b> Section 8.2
<b>Signs</b> Section 11	<b>Nonconformities</b> Section 12	<b>Parking</b> Section 9

## Section 3.18: OS, Office Service District

**STATEMENT OF PURPOSE**

The intent of this district is to provide locations in the Township to accommodate offices and business services, particularly where such uses can serve as transitional uses between residential uses and thoroughfares or commercial districts. It is intended that buildings and sites in the Office Service District be designed to be compatible with adjoining residential neighborhood.

<b>PRINCIPAL PERMITTED USES</b>	<b>SPECIAL USES</b>
<ul style="list-style-type: none"> <li>• Essential Services</li> <li>• Medical or Dental Offices</li> <li>• Mortuary Establishments, Funeral Homes</li> <li>• Office, Professional</li> </ul>	<ul style="list-style-type: none"> <li>• Dwelling, One Family or Single Family</li> <li>• Dwellings, Two Family (Duplex)</li> <li>• Financial Institutions</li> </ul>
	<b>ACCESSORY USES</b>
	<ul style="list-style-type: none"> <li>• Pharmacy, Optical, or other Medical Sales</li> <li>• Solar Energy Facility – Direct Use</li> </ul>

The above list is a summary of uses permitted in the district. Refer to Section 6 for requirements applicable to specific uses. In case of a conflict between Section 3.4 and the above list, Section 3.4 shall prevail.

<b>REQUIRED DIMENSIONS</b>			
<b>Lot Standards</b>		<b>Minimum Setbacks (ft.)</b>	
Minimum Lot Width (ft.):	90	Front Yard <sup>(m)</sup> :	30
Minimum Lot Area (sq. ft.):	15,000	Side Yard:	20
Maximum Lot Coverage:	30%	Rear Yard:	50
Minimum Floor Area Per Unit (sq. ft.):	--		
Building Height (ft.):	35		

**Footnotes:** See Section 4.3.

The above list of Required Dimensions is a summary. Refer to Section 4 for dimensions applicable in each district. In case of a conflict between Section 4 and the above list, Section 4 shall prevail.

<b>REFERENCES TO ADDITIONAL STANDARDS</b>		
<b>Definitions</b> Section 2.2	<b>General Provisions</b> Section 7	<b>Environmental Performance Standards</b> Section 8
<b>Landscaping and Screening</b> Section 10	<b>Accessory Uses and Structures</b> Section 7.5	<b>Exterior Lighting</b> Section 8.2
<b>Signs</b> Section 11	<b>Nonconformities</b> Section 12	<b>Parking</b> Section 9

## Section 3.19: PUD, Planned Unit Development District

### STATEMENT OF PURPOSE

The Planned Unit Development District is intended for the purposes of encouraging the use of land in accordance with its character and adaptability; conserving natural resources, natural features and energy; encouraging innovation in land use planning; providing enhanced housing, employment, shopping, traffic circulation and recreational opportunities for the people of the Township; ensuring compatibility of design and use between neighboring properties; and, encouraging development that is consistent with the Township's Master Plan.

Planned Unit Development is not intended as a device for ignoring the Zoning Ordinance and specific standards set forth therein, or the planning upon which it has been based. To that end, Planned Unit Development regulations are intended to result in land development substantially consistent with the zoning standards generally applied to the proposed uses, allowing for modifications and departures from generally applicable standards in accordance with guidelines in this Ordinance to insure appropriate, fair, and consistent decision making.

### PLANNED UNIT DEVELOPMENT REQUIREMENTS

#### A. Eligibility Criteria

To be eligible for Planned Unit Development approval, the applicant must demonstrate that the following criteria will be met:

1. Minimum Size. The minimum size of a Planned Unit Development site shall be five (5) acres of contiguous land, unless the proposed PUD site is located in the Downtown Development Authority or Bluegrass area, in which case the site size may be less than five (5) acres. Furthermore, in the interest of maximizing the use of Planned Unit Development as a tool to promote high quality planning and development, the Planning Commission may permit a smaller Planned Unit Development outside of the DDA or Bluegrass area if: (a) the proposed project has unique characteristics and benefits (including historic and/or architectural value), and/or (b) the parcel in question has unique characteristics that significantly impact development, such as unusual topography, tree stands, wetlands, poor soil conditions on portions of the parcel, water courses, unusual shape or proportions, or utility easements which cross the parcel.

In such case, the applicant shall submit a letter to the Township requesting a waiver of the minimum Planned Unit Development size requirements. The request shall be submitted prior to submittal of a site plan and application for Planned Unit Development approval. The Planning Commission shall review the request and make the final decision concerning a request to waive the Planned Unit Development size requirements.

2. Unified Control. The proposed development shall be under single ownership or control such that there is a single person or entity having responsibility for completing the project, or assuring completion of the project, in conformity with this Ordinance. The property owner must have a physical street address.

The applicant shall provide legal documentation of single ownership or control in the form of agreements, contracts, covenants, and deed restrictions which indicate that the development can be completed as shown on the plans. These legal documents shall bind all development successors in title to any commitments made as a part of the documents. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is given to the Township Clerk.

#### B. Regulatory Flexibility

Unless otherwise modified as part of an approval in accordance with this Section, all regulations in this Ordinance shall be applicable to uses in a Planned Unit Development. Limited deviations from specific Ordinance standards may be approved as part of PUD approval by the Township Board, after recommendation by the Planning Commission and subject to the following:

1. Proposed deviations shall be identified on the PUD Concept Plan.
2. Such deviations may include limited modifications to specific requirements found in Sections 4 through 10 of this Ordinance that apply to the PUD project, and to specific PUD project design standards found in this Section.
3. Such deviations shall be consistent with the PUD Statement of Purpose and shall result in a higher quality of development than would be possible without the granting of the deviations.
4. Such deviations shall not include broad waivers of Ordinance requirements or modifications determined to be incompatible with the Master Plan or the purpose and intent of this Ordinance as specified in Section 1.2.
5. Permitted deviations shall be accompanied by adequate safeguards, features or planning mechanisms designed into the project for the purpose of achieving the objectives intended to be accomplished with respect to each of the regulations from which a deviation is sought.

**C. Permitted Uses and Density**

1. Permitted Uses. The following uses shall be permitted in a Planned Unit Development, unless a broader mixture of uses is called for on the land in question in the Master Plan:
  - a. If the underlying zoning is R-1, R-2A, R-2B, R-3A, or R-3B: any use allowed as principal permitted use or special use within the specified district.
  - b. If the underlying zoning is B-4: any use allowed as principal permitted use or special use within the B-4 district, housing for the elderly, and shopping centers.
  - c. If the underlying zoning is B-5: any use allowed as principal permitted use or special use within the B-5 district and shopping centers.
  - d. If the underlying zoning is B-7: any use allowed as principal permitted use within the B-7 district, one- and two-family dwellings, and multiple-family dwellings.
  - e. If the underlying zoning is I-1 or I-2: any use allowed as principal permitted use within the specified district and industrial parks.
  - f. If the underlying zoning is OS: any use allowed as principal permitted use within the OS district.
2. Residential Density. The overall density of residential uses within a Planned Unit Development shall not exceed the density that could be achieved with the underlying zoning. In determining the density achievable with the underlying zoning, only the net buildable area of the site shall be considered. The "net buildable area" consists of the portion of a site which is not encumbered by regulated wetlands, steep slopes, existing and proposed road rights-of-way (including proposed road rights-of-way within the development), easements, existing structures or lots, or other existing or proposed features that would prevent construction of a building or use of the site for residential purposes.
  - a. To assist in determining net buildable area, the Planning Commission may require the applicant to submit an alternate plan that shows how the site could be developed economically and legally under the underlying zoning.
  - b. An increase in density may be permitted by the Township Board, upon recommendation from the Planning Commission, upon finding that the increase is justified because certain characteristics of the proposed development would result in a substantial benefit to the users and the community as a whole. Among the characteristics which the Planning Commission and Township Board may consider in making this determination are the following:
    - i. The planned unit development exhibits extraordinary design excellence, examples of which include, but are not limited to: innovative energy efficient design; provision of additional open space above the required amount; added improvements to assure vehicular and pedestrian safety; or, added landscaping or other site features to assure a long-term aesthetically pleasing appearance.
    - ii. The proposed arrangement of uses and residential densities within the Planned Unit Development enhances the compatibility of proposed development with existing or planned land use on adjacent land.

**D. Project Design Standards**

Proposed Planned Unit Developments shall comply with the following project design standards:

1. Location. A Planned Unit Development may be approved only in any location, regardless of pre-existing zoning.

2. Perimeter Setbacks. Planned Unit Developments shall comply with the perimeter setbacks specified in the underlying zoning district. However, modification to setback requirements may be approved by the Township Board, upon recommendation from the Planning Commission, upon making the determination that other setbacks would be more appropriate because of the topography, existing trees and other vegetation, proposed grading and landscaping, or other existing or proposed site features.
3. Distances between Buildings. Buildings within a Planned Unit Development shall comply with the following spacing requirements:
  - a. Minimum horizontal distance between one(1) story residential buildings where the relationship is front to front, rear to rear, or front to rear: 50 ft.
  - b. Minimum horizontal distance between multi-story residential buildings where the relationship is front to front, rear to rear, or front to rear: 50 ft. plus 5 feet for every story added.
  - c. Minimum horizontal distance between residential buildings where the relationship is end to end: 20 ft.
  - d. Minimum horizontal distance between one (1) story residential buildings where the end of one building is opposite the front or rear of another building: 30 ft.
  - e. Minimum horizontal distance between multi-story residential buildings where the end of one building is opposite the front or rear of another building: 30 ft. plus 5 feet for every story added.
  - f. The distance between adjacent, freestanding, nonresidential structures shall be based on good planning and design principles, taking into account the need for: free access for emergency vehicles, adequate amounts of light and air between buildings, and proper amounts of landscaping.
  - g. Modification to these building spacing requirements may be approved by the Township Board, upon recommendation from the Planning Commission, upon making the determination that other building spacing requirements would be more appropriate because of the particular design and orientation of buildings.
4. Parking and Loading. Planned Unit Developments shall comply with the parking and loading requirements specified in Section 9 of the Zoning Ordinance.
5. Landscaping. Planned Unit Developments shall comply with the following landscaping requirements:
  - a. General Site Requirements. All unpaved portions of the site that are not left in a natural state shall be planted with grass, ground cover, shrubbery, or other suitable live plant material, which shall extend to any abutting road shoulder or curb edge. Seeded areas shall be watered and fertilized regularly so as to provide a healthy lawn within ninety (90) days after planting.
  - b. Landscaping Adjacent to Roads. All commercial, office, and multiple family uses shall comply with the requirements for landscaping adjacent to roads in Section 10.3.
  - c. Screening. Screening in the form of a landscaped berm, greenbelt, wall or fence shall be required wherever a commercial or office use is located adjacent to a residential use, school, park, or other public area. A landscaped berm or greenbelt is preferred rather than a wall or fence by itself. Depending on the design, a wall or fence with some landscaping could be found to be equally desirable. Landscaped screening shall comply with the requirements in Section 10.3. If a wall or fence is used instead of landscaping, the following requirements shall be complied with:
    - i. Location. Required obscuring walls or fences shall be placed inside and adjacent to the lot line except where underground utilities interfere with placement of the wall or fence at the property line, in which case the wall or fence shall be placed on the utility easement line located nearest the property line.
    - ii. Corner Clearance. No wall or fence shall be erected that will obstruct the view of drivers in vehicles approaching an intersection of two roads or the intersection of a road and a driveway.

- iii. Wall Specifications. Required walls shall be constructed of masonry material that is architecturally compatible with the materials used on the facade of the principal structure on the site, such as face brick, decorative block, or poured concrete with simulated brick or stone patterns.
  - iv. Fence Specifications. Fences used for screening shall be constructed of cedar, or No. 1 pressure-treated wood, or durable synthetic wood-like material. Chain link fences shall not be permitted for screening purposes. Hedges may be used in place of fences. All fences shall meet the requirements of Section 7.6, unless a requirement is specifically waived through the PUD process.
  - v. Height Requirements. Walls or fences used for screening shall be a minimum of six (6) feet in height.
  - vi. Parking Lot Landscaping. Off-street parking areas containing greater than ten (10) spaces shall be provided with interior landscaping in compliance with Section 10.3.
  - vii. Standards for Plant Material. Proposed plant materials shall comply with the standards set forth in Section 10.4.
  - viii. Treatment of Existing Plant Material. In instances where healthy plant material exists on the site prior to its development, the Township may permit substitution of such plant material in place of the requirements set forth previously, provided such substitution is in keeping with the spirit and intent of this Article and the Ordinance in general, subject to the regulations in Section 10.6.
  - ix. Variation from Specific Requirements. The Township Board, upon receiving a recommendation from the Planning Commission, may allow variation from the specific requirements set forth herein, upon finding that the substitute landscaping is in keeping with the spirit and intent of this Article, and has equal landscape value as the required landscaping. In evaluating landscape values, the Township Board and Planning Commission shall consider preservation of natural features, aesthetic qualities, numbers of plants, and similar considerations.
6. Open Space Requirements. Planned developments containing a residential component shall provide and maintain usable open space that is accessible to all residents, which shall comply with the following requirements:
- a. A minimum of twenty (20) percent of the *gross* area of the site or portion thereof that is designated for residential use shall be set aside for such common open space.
  - b. Any pervious land area that is available for the common use of all residents may be included as required open space, except as follows:
    - i. No more than twenty five percent (25%) of the required usable open space shall include the area of any water bodies or wetlands which are covered only periodically with standing water (such as hardwood swamps or "wet" meadows). Required usable open space shall not include the area of any designated wetland that is covered by water or muck such that it is not a suitable environment for walking or similar passive leisure pursuits.
    - ii. Required usable open space shall not include the area of any public or private road, the area of any easement providing access to the site, the area of any commercial recreation use (such as a golf course), or the area of any required setbacks.
  - c. The Township Board, upon receiving a recommendation from the Planning Commission, may require open space to be set aside by the developer through an irrevocable conveyance, such as deed restrictions or covenants that run with the land or through a conservation easement, whereby all rights to develop the land are conveyed to a land conservation organization or other public body, assuring that the open space will be developed according to the site plan. Such conveyance shall:
    - i. Indicate the proposed use(s) of the required open space.
    - ii. Indicate how the leisure and recreation needs of all segments of the population residing in or using the planned development will be accommodated.



- iii. Provide for the privately-owned open space to be maintained by private property owners with an interest in the open space.
  - iv. Provide maintenance standards and a maintenance schedule.
  - v. Provide notice of possible assessment to the private property owners by Union Township for the cost of maintenance of the open space in the event that it is inadequately maintained and becomes a public nuisance.
7. **Frontage and Access.** Planned Unit Developments shall front onto a paved public road and the main means of access to the development shall be via the paved public road. The nearest edge of any entrance or exit drive shall be located no closer than two hundred (200) feet from any street or road intersection (as measured from the nearest intersection right-of-way line).

Individual residential dwelling units or residential lots in a Planned Unit Development shall not have direct access onto a major thoroughfare, collector road, or state trunkline. The Planned Unit Development should be designed so that through-traffic, including traffic generated by nonresidential uses within the Planned Unit Development, is discouraged from traveling on residential streets.

8. **Natural Features.** The development shall be designed to promote preservation of natural resources and features. If natural animal or plant habitats of significant value exist on the site, the Planning Commission or Township Board may require that the Planned Unit Development preserve the areas in a natural state and adequately protect them as open space preserves or passive recreation areas. One hundred percent (100%) of any preserved natural area may be counted toward meeting the requirements for open space.
9. **Pathways and Sidewalks.** A pathway or sidewalk shall be required along any adjoining major thoroughfare, collector road, or state trunkline. In addition, sidewalks shall be installed on both sides of streets within proposed single and multiple family residential developments. Pathways and sidewalks shall comply with the Union Township Sidewalk and Pathway Ordinance.
10. **Stormwater Detention or Retention.** Required stormwater detention or retention shall be provided in open unfenced detention or retention basins. These basins shall be incorporated into the landscaping or open space plan for the development so that they have the appearance of an appealing natural feature. Stormwater detention or retention shall comply with the Union Township Stormwater Management Ordinance.
11. **Other Infrastructure.** The scope and intensity of the proposed development shall not exceed the capacity of existing and available public services, including but not necessarily limited to utilities, public roads, police and fire protection services, and educational services, unless the PUD Concept Plan includes an acceptable plan for providing necessary services or evidence that such services will be available by the time the development is completed. Infrastructure maintenance shall be ensured through a special assessment district or other means of providing for equitable participation in maintenance costs by all owners within the development.

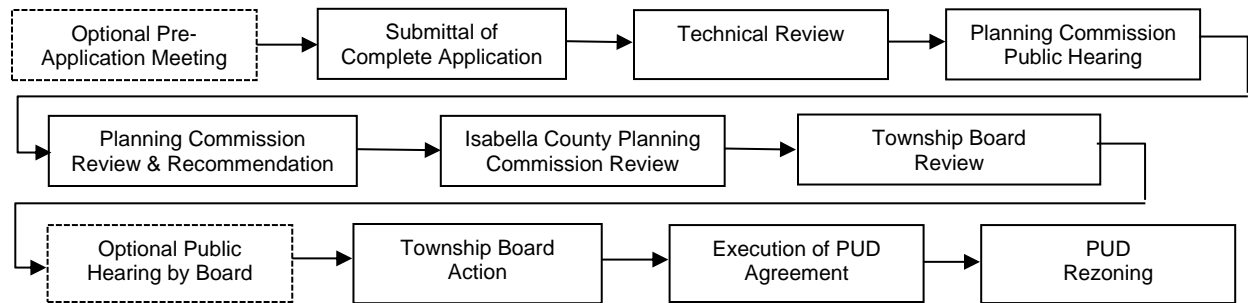
Utility, road, and other infrastructure improvements shall meet or exceed the applicable requirements of the regulatory agencies with jurisdiction. All utilities shall be installed underground, where feasible. Surface mounted equipment for underground wires shall be shown on the final site plan and shall be screened from view. A standard pattern of streetlights shall be required for the PUD, unless it is demonstrated to the Township Board after recommendation by the Planning Commission that such a system would be inappropriate or unnecessary to the development.

## **E. Approval Procedures**

1. **Intent.** The procedures in this subsection are intended to provide a uniform method for review of Planned Unit Development proposals. These procedures are intended to assure full compliance with the requirements in this Ordinance and other applicable local, county, state and federal laws.

The approval of a Planned Unit Development application shall require an amendment to the Zoning Ordinance to revise the zoning map and designate the subject property as "PUD, Planned Unit Development." Approval granted under this Section, including all aspects of the Concept Plan and the conditions imposed on it shall constitute an inseparable part of the zoning amendment.

## Planned Unit Development Review and Approval Procedures



2. General Application Requirements. The application for Planned Unit Development shall be made on the forms and according to the guidelines approved by the Planning Commission. The application shall be submitted to the Union Township Planning Department and shall be accompanied by all required fees and documents specified herein. The applicant or a designated representative shall be present at all scheduled review meetings or consideration of the plan may be postponed due to lack of representation.
3. Optional Pre-Application Meeting. In order to facilitate review of a Planned Unit Development in a timely manner, the applicant may request a pre-application meeting with the Township Planner and Zoning Administrator, or with the Planning Commission. The purpose of such a meeting is to provide information and guidance to the applicant that will assist in preparation of the application.

The applicant shall present at such a meeting, at minimum, a sketch plan of the proposed Planned Unit Development, plus a legal description of the property in question, the total number of acres in the project, a statement of the approximate number of residential units and the approximate number of acres to be occupied by each use; the number of acres to be preserved as open or recreational space; and, all known natural resources or natural features to be preserved.

No formal action shall be taken at a pre-application meeting. There shall be no fee for a pre-application meeting.

4. Initial Planning Commission Review.
  - a. Submittal of a Complete Application. Formal review of a Planned Unit Development rezoning proposal and Concept Plan shall be initiated by submitting one (1) completed and signed copy of the required application form, the required fee and any required escrow deposit, and eleven (11) paper copies and one (1) digital copy in PDF format of the complete set of application materials at the Union Township Hall.
  - b. Technical Review. Prior to Planning Commission consideration, the application materials shall be distributed to the Township Planner for review and comment. The Township Planner or Planning Commission may also request comments from other Township departments, consultants, or outside agencies having jurisdiction. Applications that are found to be incomplete or inaccurate shall be returned to the applicant without further consideration.
  - c. Public Hearing. The Planning Commission shall hold a public hearing on any Planned Unit Development proposal before it is approved, with notice provided in accordance with Section 307 of the Michigan Zoning Enabling Act, Act 110 of 2006, as amended.
  - d. Planning Commission Review and Recommendation. Following the public hearing, the Planning Commission shall review the proposed Planned Unit Development and Concept Plan, together with any reports and recommendations, and any public comments. The Planning Commission shall report its findings of fact and conclusions, and recommend approval, approval subject to conditions, or denial to the Township Board.

5. Isabella County Planning Commission Review. The Township shall submit the proposed Planned Unit Development to the Isabella County Planning Commission for review and comment, pursuant to Section 307 of the Michigan Zoning Enabling Act, Act 110 of 2006, as amended.
6. Township Board Review. Following receipt of the report and recommendation from the Planning Commission, and any comments from the Isabella County Planning Commission (or expiration of the 30-day waiting period for county review), the Township Board shall consider and take action on the adoption of the proposed Planned Unit Development amendment and Concept Plan.
  - a. Optional Public Hearing. The Township Board may hold additional public hearings on the proposed Planned Unit Development amendment, with notice provided in accordance with Section 307 of the Michigan Zoning Enabling Act, Act 110 of 2006, as amended.
  - b. Township Board Action. Based on the requirements in this Ordinance, and in consideration of the Planning Commission's recommendation, public hearing comments, and other reports and recommendations, the Township Board shall approve, approve subject to conditions, or deny the Planned Unit Development rezoning and Concept Plan.
7. Planned Unit Development Agreement. If the Township Board approves the Planned Unit Development proposal, the Township and applicant shall execute a Planned Unit Development Agreement, subject to Township Legal Counsel approval, which shall be recorded in the office of the Isabella County Register of Deeds. Final approval of the Planned Unit Development shall become effective upon recording of the Agreement and evidence of the recording being presented to the Township.
8. Effect of Planned Unit Development Rezoning and Concept Plan Approval. Following Township Board adoption of the amendatory ordinance to approve the Planned Unit Development rezoning and Concept Plan, notice of adoption shall be published in accordance with Section 401 of Michigan Public Act 110 of 2006, as amended. Once the amendatory ordinance takes effect, the PUD designation shall be noted on the Official Zoning Map in accordance with Section 3.2.

Approval of the Planned Unit Development rezoning and Concept Plan by the Township Board shall indicate its acceptance of the overall development concept and any requested deviations from the Zoning Ordinance requirements, including acceptance of the general site layout, conceptual building design and location(s), preliminary street network, list of allowable uses on the Concept Plan, types of dwellings, lot sizes, and maximum number of dwelling units for residential projects.

Planned Unit Development rezoning and Concept Plan approval does not authorize construction, but rather authorizes the applicant to file for subdivision plat, site plan, or other development approvals in accordance with applicable ordinances.

9. Recording of Planning Commission and Township Board Action. Each action taken with reference to a Planned Unit Development shall be duly recorded in the minutes of the Planning Commission or Township Board, as appropriate. The grounds for the action taken shall also be recorded in the minutes.

#### **F. Application Data Requirements**

Applications for Planned Unit Development rezoning and Concept Plan approval shall include all data requirements specified in this sub-section. All information required to be furnished under this sub-section shall be kept updated until a Certificate of Occupancy has been issued.

1. Requirements for Review. The following information shall be submitted for rezoning and Concept Plan review:
  - a. The name, address and telephone number of:
    - i. All persons with an ownership interest in the land on which the Planned Unit Development project will be located together with a description of the nature of each entity's interest (for example, fee owner, optionee, lessee, or land contract vendee).
    - ii. All engineers, attorneys, architects or registered land surveyors associated with the project.
    - iii. The developer or proprietor of the Planned Unit Development project.

- b. The legal description of the land on which the Planned Unit Development project will be developed together with appropriate tax identification numbers.
- c. The area of the land (in acres) on which the Planned Unit Development project will be developed.
- d. An overall plan for the Planned Unit Development which shows all of the following information:
  - i. A general location map.
  - ii. The location of existing roads and highways adjacent to the proposed development.
  - iii. The general layout of dwelling units, parking, open space, and recreation and park areas.
  - iv. General locations and setbacks of each structure and use in the development.
  - v. Typical layouts and facade designs for each type of use or building.
  - vi. In the case of single family detached development, the plan should indicate the setbacks and outline of the area within which a house could be constructed on each lot.
  - vii. The vehicular circulation system planned for the proposed development.
  - viii. Conceptual landscaping and screening plan.
- e. Topographic survey and soils inventory based on the Isabella County Soils Survey.
- f. General locations and approximate dimensions of wetland areas and significant site features such as tree stands, unusual slopes, streams and water drainage areas.
- g. A description of the proposed sewage treatment and water supply systems.
- h. A general description of the proposed stormwater drainage system.
- i. A map showing existing zoning designations for the subject property and all land within one quarter mile.
- j. A map and written explanation of the relationship of the proposed Planned Unit Development to the Township's Master Plan and Future Land Use Map.
- k. Where deemed necessary by the Planning Commission or Township Board to understand the scope and potential impacts of the project, a **Transportation Impact Study** shall be required for the following types of projects:
  - i. Residential projects containing 100 or more dwelling units in the total project.
  - ii. Commercial, office, industrial, warehouse, institutions, entertainment, and mixed used development proposals involving 100,000 square feet or more in gross floor area.

The traffic analysis shall be based on accepted engineering standards and methods established by the Institute of Transportation Engineers, Michigan Department of Transportation, and/or Isabella County Road Commission. The traffic analysis shall address, at a minimum, the following considerations: estimated 24-hour and peak hour traffic prior to and after development, percentage and numerical increase in traffic volumes on adjoining roads, proximity and relationship to intersections, adequacy of sight distances, required vehicular turning movements, roadway geometrics, provisions for pedestrian traffic, and adaptability of the development to non-motorized transportation. The traffic analysis shall further assess the degree to which the development will cause an increase in traffic congestion or traffic safety concerns. The traffic analysis shall indicate road improvements or modifications necessary to accommodate the traffic generated by the development.

- l. Where deemed necessary by the Planning Commission or Township Board to understand the scope and impacts of the projects, an **Analysis of the Fiscal Impact** (costs and revenues) of the proposed Planned Development on Union Township and the school district in which the development is located shall be provided. The fiscal impact analysis shall consider the amount of revenue generated from all sources, including but not limited to property taxes and state shared revenues. In determining the estimated property tax revenue, the analysis shall consider the estimated state equalized value of the development at each phase in relation to the current millage rate of each taxing jurisdiction. In determining the impact on school costs, the analysis shall estimate the total number of school-age children living in the development at each phase, based on regional demographic data or on demographic data collected by the school district. This information shall be compared with the average annual cost of education per pupil, based on school budgetary information. The fiscal impact analysis shall also consider the need for new school buildings and other capital expenditures to accommodate increased enrollment. In determining the impact on Township costs, the analysis shall assess the need for additional police, fire, recreation, administrative, library, or other fiscal impacts.
  - m. Documentation that the applicant has sufficient development experience to complete the proposed project in its entirety.
  - n. A general schedule for completing the Planned Unit Development, including the phasing or timing of all proposed improvements.
  - o. The number of non-residential and residential units to be developed on the subject parcel.
  - p. Location of sidewalks along roads and elsewhere within the development.
2. Planned Unit Development Agreement. A draft Planned Unit Development Agreement shall be submitted in accordance with Section 5.3.

#### **G. Concept Plan Amendments**

1. Decisions of the Township Board shall be final. The Zoning Board of Appeals shall have no authority to consider any appeal of a decision by Township Board or Planning Commission concerning a Planned Unit Development.
2. Amendments to an approved PUD Concept Plan shall be prohibited, except in accordance with this subsection. The Planning Commission shall have authority to determine whether a requested amendment is major or minor in accordance with this subsection. The Planning Commission shall record its determination and reasons therefore in the meeting minutes.
3. Requests for approval of a major or minor amendment to an approved PUD Concept Plan shall be made by the applicant in writing to the Planning Commission. The request shall be filed with the Township Clerk or designee, who shall transmit the request to the Planning Commission for review and action. The burden shall be on the applicant to show good cause for any requested change, subject to the standards of this subsection.
4. The applicant shall clearly state the reasons for the request, which may be based upon changing social or economic conditions, potential improvements in layout or design features, unforeseen difficulties, or advantages mutually affecting the interest of the Township and applicant; such as technical causes, site conditions, state or federal projects, or changes in state or federal laws.
5. All required review fees and escrow deposits shall be paid to the Township at the time the request is submitted. A request submitted without the required fees and escrow deposits shall be considered incomplete and shall be returned to the applicant.
6. The Planning Commission shall determine whether the requested amendment is a major or minor amendment. Major amendments shall require an amendment to the approved PUD Concept Plan following the procedures and requirements of this Section for a new PUD application. Amendments to be considered major shall include, but shall not be limited to the following:
  - a. Change in concept of the development.
  - b. Change in use or character of the development.
  - c. Change in type of dwelling unit(s) as identified on the approved Concept Plan.

- d. Change in the number of dwelling units.
  - e. Increase in non-residential floor area of over five percent (5%).
  - f. Increase in development area lot coverage of more than one percent (1%).
  - g. Rearrangement of lots, blocks or building tracts.
  - h. Change in the character or function of any road or street.
  - i. Reduction in land area set aside for common area open space or the relocation of such area(s).
  - j. Increase in building height.
  - k. A change in residential floor area of plus or minus ten percent (10%).
  - l. Any change that will have an adverse impact on neighboring properties or uses.
7. Where not determined to be major by the Planning Commission, the proposed amendment shall be considered minor, and shall be subject only to Planning Commission approval. The Planning Commission may require that a revised PUD Concept Plan or individual plan sheet(s) be submitted showing such minor amendments for purposes of the Township's official record. The Planning Commission shall notify the Township Board and other applicable agencies if it approves a minor amendment.

#### H. Criteria for PUD Rezoning and Concept Plan Approval

In considering any application for PUD rezoning and Concept Plan approval, the Planning Commission and Township Board shall make their determinations based on consistency with the following criteria:

1. The application and Concept Plan are compatible with the goals and policies of the Master Plan and any other Township planning documents.
2. The application and Concept Plan conform to all requirements of this Section 3.19, and all other applicable requirements of this Ordinance and other Township ordinances.
3. The overall Concept Plan site layout and mix of land uses are compatible with the natural resources and environment, adjacent uses and development, the surrounding neighborhood, and the Township as a whole.

#### I. Phasing

Where a project is proposed for construction in phases, the project shall be so designed that each phase, when completed, shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to insure protection of natural resources and the health, safety, and welfare of the users of the Planned Unit Development and the residents of the surrounding area.

In addition, proposed phasing shall comply with the following requirements:

1. Coordination of Residential and Non-Residential Components. In developments that include residential and non-residential components, the residential component shall be completed at the same rate or prior to the non-residential component. For example, if fifty percent (50%) of the non-residential component is proposed to be completed in a certain phase, then at least fifty percent (50%) of the residential component should be completed in the same phase. One hundred percent (100%) of the residential component shall be completed prior to the final phase of non-residential construction. The construction of roads, utilities, and other infrastructure shall be considered completion of a residential component, where the intent is to sell lots or building sites to others who will construct the housing units.

The purpose of this provision is to ensure that Planned Unit Developments are constructed in an orderly manner and to ensure that the planned unit development approach is not used as a means of circumventing restrictions on the location or quantity of certain types of land use. For purposes of carrying out this provision, the percentages shall be approximations as determined by the Planning Commission based on the floor area and land area allocated to each use. Such percentages may be varied should the Township Board, upon recommendation from the Planning Commission determine that the applicant has presented adequate and effective assurance that the components of the project shall be completed within the specified period.

2. Commencement of Construction. Construction of any facility may commence at any time following site plan approval, provided that construction shall be commenced for each phase of the project within twenty-four (24) months of the schedule set forth on the approved plan for the Planned Unit Development. However, the applicant may submit a revised phasing plan for review and approval by the Planning Commission. The applicant shall also submit a statement indicating the conditions which made the previous phasing plan unachievable. Once construction of a Planned Unit Development has commenced, approval of a revised phasing plan shall not be unreasonably withheld or denied, provided that the revised phasing does not materially change the integrity of the approved Planned Unit Development proposal.

In the event that construction has not commenced within the required time period and a revised phasing plan has not been submitted, the Township may initiate proceedings to amend the zoning classification of the undeveloped portion of the site. For the purposes of this Section, "commencement of construction" shall mean sustained progress resulting in, by way of example, construction of utilities, roads, foundations, or similar substantial improvements.

## Section 4 Schedule of Regulations

### Section 4.1 Scope of Regulations to Limit Height, Bulk, Density, Area, and Placement by District

Except as otherwise specifically provided in this Ordinance, no building or structure or part thereof shall hereafter be erected, constructed, altered, or maintained, and no new use or change in use shall be made or maintained, of any building, structure or land, or part thereof, except in conformity with the Schedule of Regulations in Section 4.2 and the footnotes thereto in Section 4.3. Furthermore, no lot shall be divided or altered so as to make the area or lot dimensions less than required in Section 4.2. Where the land use regulations in any other section of this Ordinance impose different requirements than Section 4.2 for lot area, lot width, setbacks, and height, the requirements of the other section shall prevail.

### Section 4.2 Schedule of Regulations

#### Part A – Agricultural and Residential Districts

Zoning District	Minimum Lot Dimensions			Minimum Setback Requirements				Maximum Building Height (ft.)	Minimum Building Width (ft.)	Minimum Floor Area per Unit (sq. ft.)	Maximum Lot Coverage by all Buildings
	Area (sq. ft.)	Width (ft.)	Depth (ft.)	Front Yard (ft.)	Side Yards (ft.)		Rear Yard (ft.)				
					Smallest Side	Total of Both					
AG	43,560	165	165 <sup>(a)</sup>	50	16.5 <sup>(c)(d)</sup>	33	50	35 <sup>(b)</sup>	14	800	40%
R-1	43,560	150	N/A	50	15 <sup>(c)(d)</sup>	30	50	35 <sup>(b)</sup>	18	1,000	40%
R-2A, One Family	14,000 <sup>(e)</sup>	100 <sup>(e)</sup>	N/A	35 <sup>(g)</sup>	10 <sup>(c)</sup>	20	35	35	18	600	40%
R-2A, Two Family	17,000 <sup>(e)</sup>	120 <sup>(e)</sup>	N/A	35 <sup>(g)</sup>	10 <sup>(c)</sup>	20	35	35	18	600	40%
R-2B, One Family	8,400	70	N/A	30 <sup>(g)</sup>	6 <sup>(c)</sup>	12	35	35	18	500	40%
R-2B, Two Family	10,800	90	N/A	30 <sup>(g)</sup>	6 <sup>(c)</sup>	12	35	35	18	650	40%
R-3A	(f)	N/A	N/A	35 <sup>(g)</sup>	30 <sup>(c)</sup>	60	25	35 <sup>(h)</sup>	N/A	500	40%
R-3B	(f)	N/A	N/A	35 <sup>(g)</sup>	30 <sup>(c)</sup>	60	25	35 <sup>(h)</sup>	N/A	500	40%
R-4	See Section 3.12										



**Part B – Commercial and Industrial Districts**

Zoning District	Minimum Lot Dimensions		Minimum Setback Requirements			Maximum Building Height (ft.)	Maximum Lot Coverage by All Buildings
	Area (sq. ft.)	Width (ft.)	Front Yard (ft.)	Side Yard (ft.)	Rear Yard (ft.)		
<b>B-4</b>	12,000	80	50 <sup>(i)</sup>	20 <sup>(i)</sup>	25 <sup>(i)</sup>	35	30%
<b>B-5</b>	16,000	100	50 <sup>(i)</sup>	20 <sup>(i)</sup>	25 <sup>(i)</sup>	35	30%
<b>B-7</b>	20,000	130 <sup>(i)</sup>	15	10	10	35	30%
<b>I-1</b>	43,560	100	75 <sup>(i)</sup>	30 <sup>(k)</sup>	50 <sup>(k)</sup>	35	40%
<b>I-2</b>	50,000	100	75 <sup>(i)</sup>	20 <sup>(k)</sup>	50 <sup>(k)</sup>	35	N/A
<b>OS</b>	15,000	90	30 <sup>(m)</sup>	20	50	35	30%
<b>PUD</b>	See Section 3.19.						

**Section 4.3 Footnotes to Schedule of Regulations**

- a. The depth of the lot shall not exceed four (4) times the lot width, measured at the front building line.
- b. No building or structure shall exceed a height of two and one-half (2 ½) stories or thirty-five (35) feet, except that silos, elevators, barns and other structures customarily necessary to farming shall have a maximum height of ninety-nine (99) feet, provided that any required setback shall be increased by one (1) foot for each foot that the structure exceeds thirty-five (35) feet.
- c. Side yards facing a street shall comply with front yard setback requirements.
- d. For one-family dwellings, no side yard shall be less than ten (10) percent of the required lot width. For all others uses, no side yard shall be less than thirty (30) feet.
- e. The minimum lot width and lot area for lots having municipal sewer may be reduced to the following requirements:
  - 1. One-Family Unit  
 Lot Width: 80 feet  
 Lot Area: 12,000 square feet
  - 2. Two-Family Unit  
 Lot Width: 100 feet  
 Lot Area: 15,000 square feet
- f. The minimum lot area in the R-3A and R-3B districts shall be based on the number of units, as reflected in the following chart:

	Required Land Area Per Unit (sq. ft.)	
	R-3A District	R-3B District
<b>3 or 4 units</b>	4,000	9,400
<b>5 or 6 units</b>	3,600	9,000
<b>7 to 24 units</b>	3,200	8,600
<b>25 or more units</b>	2,900	8,300

- g. The front yard setback along the following roads shall be fifty (50) feet if the right-of-way width is sixty-six (66) feet or less. Portions of roads shall be automatically removed from the list of either if the following conditions are met:
  - 1. The total right-of-way is increased to one hundred (100) feet or more.
  - 2. The right-of-way on one side of the road is increased to fifty (50) feet or more, in which case that side of the road shall be removed from the list.

- Lincoln Road, from Pickard Road to Broomfield Road.
  - That portion of Bradley Street in the Township, from Remus Road north to the City boundary.
  - That portion of Crawford Road in the Township, from Millbrook Road to the City boundary.
  - Isabella Road, from the US-27 Overpass to its termination at Business 27.
  - Pickard Road, from Lincoln Road to Bamber Road (Bradley Street).
  - Broadway Street Extension, from the City boundary to Lincoln Road.
  - Broomfield Road, from Lincoln Road to the US-27 overpass.
  - Bluegrass Road, from Isabella Road to Mission Road.
  - Deerfield Road, from Meridian Road to Mission Road.
- h. No building or structure shall exceed thirty-five (35) feet in height, except that the maximum height of apartments shall be seventy (70) feet, provided that any required setback shall be increased by one (1) foot for each foot in height that the structure exceeds thirty-five (35) feet.
- i. Off-street parking shall be permitted to occupy a portion of the required front yard, provided that there shall be maintained a minimum landscape setback of ten (10) feet between the nearest point of the off-street parking and the nearest road right-of-line as indicated on the Master Thoroughfare Plan.
- j. A forty (40) foot side and rear year setback shall be provided when abutting a residential district.
- k. A sixty (60) foot side and rear year setback shall be provided when abutting a residential district.
- l. Site Access Alternatives: If one of the following site access alternatives is provided, the minimum lot frontage requirement shall be reduced to one hundred (100) feet and the maximum lot coverage shall be increased to fifty percent (50%).
1. A service road paralleling M-20 is provided across the entire parcel and primary ingress and egress to the parcel is via such service road.
  2. Alternative ingress and egress to the parcel is available, such as by way of a rear access road or a street intersecting M-20.
  3. Ingress and egress to the parcel from M-20 is via a driveway shared with adjoining properties.
  4. Ingress and egress to the parcel is through inter-connected parking areas with adjacent properties, if approved by the Planning Commission upon determining there will be safe and efficient vehicular and pedestrian circulation.
- m. The front yard setback in the OS district shall be no less than the front yard setbacks on adjacent lots. If the front yard setbacks on the adjacent lots are unequal, then the required front yard setback shall be the average of the setbacks on the adjacent lots, provided that the minimum required setback shall not be less than thirty (30) feet.

### Section 4.4 Permitted Encroachments into Yard Setbacks

The following table indicates permitted encroachments into required yard setbacks.

Projection	Front Yard	Rear Yard	Interior Side Yard	Street Side Yard	Courtyard	Additional Regulations
<b>Air conditioning equipment</b>	X	P	P	X	P	
<b>Architectural features (e.g., cornices, eaves)</b>	P	P	P	P	P	May project up to 2.5 feet into any required setback.
<b>Access drives</b>	P	P	P	P	P	Access drives shall be set back a minimum of 2.0 feet from any side or rear property line.
<b>Arbors or trellises</b>	P	P	P	P	P	
<b>Awnings and canopies</b>	P	P	P	P	P	May project into yard by up to 10% of the yard depth.
<b>Balconies</b>	X	X	X	X	X	

Projection	Front Yard	Rear Yard	Interior Side Yard	Street Side Yard	Courtyard	Additional Regulations
Bay windows	P	P	P	P	P	May project up to 2.5 feet into any required setback.
Chimneys	P	P	P	P	P	May project up to 2.5 feet into any required setback.
Decks (open)	P	P	X	X	X	May project up to 10 feet into a required front or rear yard, provided there is a minimum setback of 5 feet from the front or rear lot line.
Decks (enclosed)	X	X	X	X	X	
Fences and walls	P	P	P	P	P	See Section 7.6.
Flagpoles	P	P	P	P	P	
Gutters and downspouts	P	P	P	P	P	
Live landscape materials	P	P	P	P	P	
Laundry drying equipment	X	P	P	X	X	
Light poles, ornamental	P	P	P	P	P	
Open porches, terraces	P	P	X	X	P	May project up to 10 feet into a required front or rear yard, provided there is a minimum setback of 5 feet from the front or rear lot line.
Sidewalks	P	P	P	P	P	
Signs (approved)	P	P	P	P	P	See Section 11.
Stairways, steps, barrier-free ramps	P	P	P	P	P	
Television and towers and antennas	X	P	P	X	X	
Window air conditioning units	P	P	P	P	P	

### Section 4.5 Exemptions from Height Regulations

The height limitations of this Ordinance shall not apply to chimneys, public monuments, wireless transmission towers, elevated water towers, cooling towers, elevator penthouses, fire towers, grain elevators, radio and television towers, and flag poles, provided that the following requirements are complied with:

- A. **Flagpoles.** Flagpoles in residential and agricultural districts shall not exceed thirty-five (35) feet in height. Flagpoles in non-residential districts shall not exceed forty (40) feet in height.
- B. **Airport Regulations.** Notwithstanding the above exceptions, structures in proximity to the Mt. Pleasant Municipal Airport are subject to the Airport's height restrictions.
- C. **Wireless Transmission Towers.** See Section 5.5 for height restrictions for wireless transmission towers and other types of wireless communication facilities.

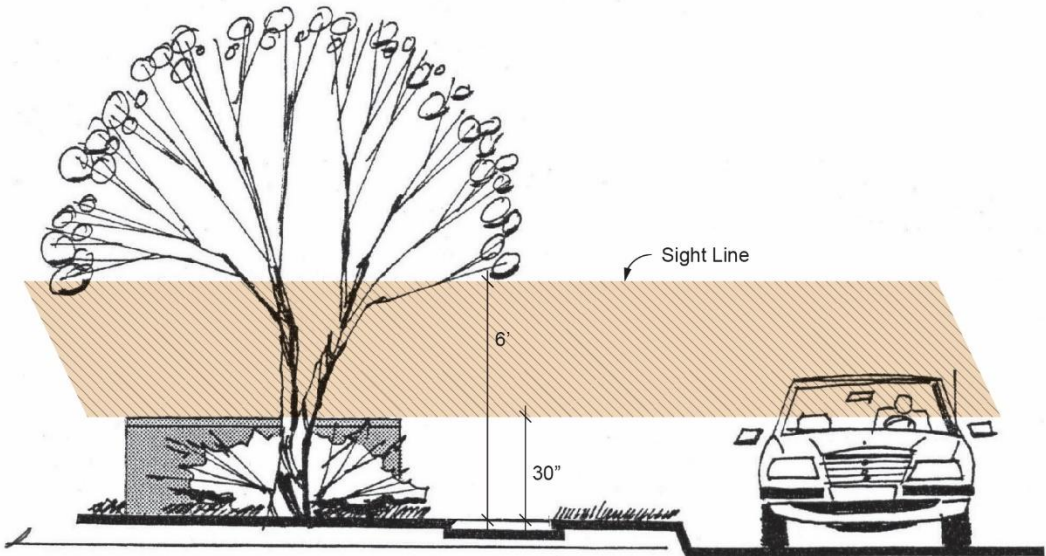
### Section 4.6 Clear Vision Triangle

No new fence, wall, or structure shall be erected or established on any lot that will obstruct the view of drivers in vehicles approaching an intersection of two roads or the intersection of a road and a driveway. Fences, walls and structures located in the triangular areas described below shall not be permitted to obstruct cross-visibility between a height of 30 inches and six (6) feet above the lowest point of the intersecting road(s).

The unobstructed clear vision triangular area is described as follows (see illustration):

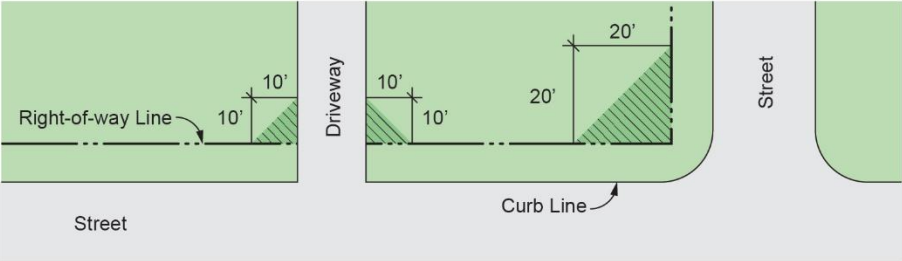
- A. The area formed at the corner intersection of two public right-of-way lines, the two sides of the triangular area being twenty (20) feet in length measured along abutting public rights-of-way lines, and third side being a line connecting these two sides, or

- B. The area formed at the corner intersection of a public right-of-way and a driveway, the two sides of the triangular area being 10 feet in length measured along the right-of-way line and edge of the driveway, and the third side being a line connecting these two sides.



### Clear Vision Area

Maximum Height 30" for Shrubs and Other Landscape Features



### Clear Vision Area

## Section 4.6, Unobstructed Sight Area/Clear Vision Triangle

# Section 5 Supplemental Zoning Requirements

## Section 5.1 Condominium Developments

### A. Site Plan Review

Any development that would provide for the establishment of more than one (1) principal use on a parcel shall require site plan review pursuant to Section 14.2, including for example, a single family site condominium or similar project where a parcel includes two (2) or more detached single family dwellings.

### B. Supplemental Information Required

In addition to the information typically required for site plan review in Section 14.2(E), the following supplemental information shall be provided with all site plan proposals involving condominium development:

Condominium documents, including the proposed Master Deed, condominium Bylaws, and Condominium Subdivision Plan (Exhibit B). The Master Deed shall contain provisions describing the responsibilities of the condominium association, condominium owners, and public entities, with regard to maintenance of the property in accordance with the approved site plan on a continuing basis. The Master Deed shall further establish the means of permanent financing for required maintenance and improvement activities which are the responsibility of the condominium association.

Condominium subdivision plan requirements, as specified in the Condominium Rules promulgated by the Department of Licensing and Regulatory Affairs, Bureau of Commercial Services and Corporations, or successor agency.

### C. Condominium Approval Requirements

In addition to the the site plan review requirements listed in Section 14.2(F), condominium developments shall comply with the following requirements:

1. General Requirements. The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, open space, density and all other requirements set forth in the Schedule of Regulations unless otherwise provided in this Ordinance.
2. Site Condominiums. In the case of site condominiums, these regulations shall be applied by requiring the site condominium unit to be equal in size to the minimum lot size and lot width requirements for the district in which the project is located. The site condominium unit shall be at least equivalent to the minimum lot area requirements. In addition, site condominium projects shall comply with all applicable design requirements that have been developed for similar types of development in the Township, as described in the Zoning Ordinance and other applicable local, county, and state ordinances, laws and regulations, including but not necessarily limited to requirements for streets, blocks, lots, utilities, and storm drainage. These requirements and specifications are hereby incorporated and are made a part of this Ordinance by reference.
3. Detached Condominiums. In the case of detached condominiums, these regulations shall be applied by requiring that the detached condominium units comply with the requirements governing minimum distance between buildings, attachment of buildings, and other applicable requirements for the district in which the project is located. Proposed detached condominium projects shall not exceed the maximum permitted density for the district in which the project is located, as determined on the basis of minimum lot size standards in this Ordinance.

Detached condominium projects shall comply with all applicable design requirements that have been developed for similar types of development in the Township, as described in the Zoning Ordinance and other applicable local, county, and state ordinances, laws and regulations, including but not necessarily limited to requirements for streets, blocks, lots, utilities, and storm drainage. These requirements and specifications are hereby incorporated and are made a part of this Ordinance by reference.

**D. Recorded and As-Built Condominium Documents**

Upon approval of the site plan for a condominium project, the developer shall furnish the Township with the following:

1. One (1) copy of the recorded Master Deed.
2. One (1) copy of the recorded Condominium Bylaws.
3. One (1) copy of the recorded Condominium Subdivision Plan (Exhibit B).
4. Upon completion of the project, the developer shall furnish the Township with two (2) copies of an as-built survey.
5. The as-built survey shall be reviewed by the Township Board for completeness and compliance with Township Ordinances. Fees for this review shall be established by the Township Board.

**Section 5.2 Transportation Impact Study Requirements**

**A. Developments Requiring a Transportation Impact Study (TIS).**

A TIS shall be required prior to approval of any of the following types of projects:

1. Businesses that have drive-up or drive-through service.
2. Residential projects containing 100 or more dwelling units in the total project.
3. Commercial, office, industrial, warehouse, institutional, entertainment, and mixed-use development proposals involving 100,000 square feet or more in gross floor area.

On multi-phase projects, a TIS shall be required if the entire project exceeds the threshold levels cited above, even if one or more phases of the project do not meet the threshold levels.

The Planning Commission may require a TIS for a proposed development even though it does not meet the criteria listed above where there is evidence that the traffic that would be generated by the development would cause or aggravate unsafe traffic conditions. In making this determination, the Planning Commission may consider the design of proposed roads, driveways, and parking lots as well as conditions that exist on or around the site that may contribute to traffic safety concerns.

**B. Qualifications of Person Preparing the TIS.**

The TIS shall be prepared by a traffic or transportation engineer or community planner who has a minimum of three (3) years of experience preparing traffic impact studies. The resume and qualifications of the person who prepared the TIS shall be included in the study.

**C. Contents of the TIS.**

The TIS shall contain the following elements, at minimum:

1. Description of Project. A description of the project and site plan shall be provided, showing the location of buildings, driveways, parking, adjoining roads, nearby intersections, and driveways on adjacent parcels. The project description should identify the proposed use, the gross and net square footage, and the number of parking spaces proposed.
2. Existing Conditions. Maps and narrative shall be used to identify all roads within the impact area of the project, the number of lanes and right-of-way of each road, the most recent a.m. and p.m. peak hour traffic counts, and Average Daily Traffic (ADT) counts on each road.

The historical growth rate of traffic on adjacent roads shall be determined by examining traffic counts over the past three (3) to five (5) years. The growth rate shall be used to project background growth for the next five (5) years or for the number of years to complete the proposed project, whichever is longer. Where information is available from the Township Planner, trips from proposed projects in the impact area shall be included in the background growth projections.

Where existing traffic counts are more than three (3) years old, new counts shall be taken. Traffic counts shall be taken during average or higher than average volume conditions, generally on a Tuesday, Wednesday or Thursday of a non-holiday week. For commercial development, additional Saturday counts shall also be taken.

The description of existing conditions shall also include accident history within five hundred (500) feet of the site and for any intersection that is expected to experience a traffic volume increase of at least five percent (5%) per 24-hour period or during peak hour due to the proposed project.

3. Projections. Maps and narrative shall be used to estimate the impact of the proposed project on traffic. Morning and evening peak hour shall be forecast for the proposed development, based on the data and procedures outlined in the most recent edition of the Institute of Traffic Engineers Trip Generation Manual. The preparer may use other commonly accepted sources of data or supplement the ITE data with empirical data from similar projects in Michigan.

The directional distribution of the projected traffic shall be distributed onto the existing road network (inbound v. outbound, left turn v. right turn) to project turning movements at major site access points, intersections, and interchange ramps. The rationale for the directional distribution shall be provided.

**D. Analysis of Data.**

The TIS shall contain the following analysis, at minimum:

1. Capacity Analysis. The impact of the projected traffic on the capacity of roads serving the proposed development shall be analyzed, using procedures outlined in the most recent edition of the Highway Capacity Manual published by the Transportation Research Board. Pre- and post-construction capacity analysis shall also be performed at all street intersections and expressway ramps where the expected traffic will comprise five percent (5%) or more of the existing intersection capacity.
2. Gap Analysis. A "gap study" shall be completed to analyze the frequency and duration of gaps in the flow of through traffic.
3. Access Analysis. Maps and narrative shall be used to:
  - Identify the location and design of proposed access driveways and new road intersections,
  - Identify sight distance limitations,
  - Determine the distance to adjacent driveways and intersections, and
  - Provide sufficient evidence that the design and number of driveways proposed is the fewest necessary, that the driveways will provide safe and efficient movement of traffic, and that all driveways comply with the sight distance requirements of the Isabella County Road Commission.

**E. Mitigation Measures.**

The TIS shall identify realistic public and private mitigation measures needed to accommodate the projected traffic including the following, at minimum:

1. The TIS shall identify improvements to intersections and roads to accommodate future volumes and provided adequate capacity.
2. Using Isabella County Road Commission standards, the TIS shall identify taper lanes, turn lanes, and passing lanes necessary to provide safe and adequate ingress and egress to the site.
3. The TIS shall identify opportunities to accommodate bicyclists and pedestrians.
4. The TIS shall identify opportunities to coordinate development and access with adjoining sites so as to alleviate the impact of increased traffic on public roads.

### Section 5.3 Development Agreement

Where required, A Development Agreement shall set forth the terms and conditions negotiated and agreed to by the applicant and the Township, and upon which approval of the development proposal will be based. The Development Agreement shall, at minimum, include the following:

- A. A description of the land that is subject to the agreement.
- B. A description of the permitted uses of the property, the density or intensity of use, and the maximum height and size of proposed buildings.
- C. History of the review procedures and action taken by the Planning Commission and Township Board
- D. List of all plans, documents, and other materials submitted by the applicant that constitute the final approval
- E. Review and explanation of all special provisions agreed to by the applicant and Township during the course of review of the development proposal.
- F. A description of all public improvements to be undertaken by the applicant or the Township in conjunction with the proposed development project.
- G. Description of any required dedications and permits.
- H. Confirmation that the proposed development is consistent with applicable Township ordinances and planning objectives.
- I. Duration of the Development Agreement, along with terms under which a termination date may be extended by mutual agreement.
- J. Applicability of future amendments to the general zoning regulations to land that is subject to the proposed Development Agreement.
- K. Extent to which the development plan may be modified subject to administrative approval, Planning Commission approval, or Township Board approval.

### Section 5.4 Wind Energy Conversion Systems

A wind energy conversion system (WECS), as defined in sub-section B, below, is allowed as a Special Use when approved by the Planning Commission in accordance with the process defined herein. In addition to the standards and requirements for issuance of a Special Use permit specified in Section 14.3 of this Ordinance, the Planning Commission shall not approve the issuance of a Special Use Permit unless the following requirements are met:

**A. Purpose and Intent.**

The purpose of this Section is to establish requirements and procedures for the installation and operation of a Wind Energy Conversion System (WECS) for both residential and commercial use in the Township, to protect the health, welfare, safety, and quality of life of the general public, and to ensure compatible land uses in the vicinity of the areas affected by wind energy facilities.

Union Township recognizes the potential impact on the broad landscape and rural character currently enjoyed throughout the community. On a site-specific scale, safety implications such as falling towers and ice throw are a concern, as are the potential impositions of constant or cyclical sound and shadow flicker. For these reasons, and others, the Township finds it prudent and necessary to develop regulations for the responsible placement of wind energy conversion systems.

**B. Supplementary Definitions.**

1. **Ambient Sound Level:** The decibel measurement (dB(A) or dB(C)) of background sound pressure level exceeded 90% of the time at a given location prior to the installation of the WECS (also known as L<sub>90</sub>).
2. **Anemometer Tower:** A freestanding tower containing instrumentation such as anemometers, that is designed to provide present moment wind data for use by the supervisory control and data



acquisition (SCADA) system, which is an accessory land use to a Utility - Scale Wind Energy Conversion System.

3. **dB(A):** The sound pressure level in decibels on the “a” weighted scale defined by ANSI S1.32 (1997 or most recent) for sound frequencies below the 1,000 HZ octave band.
4. **dB(C):** The sound pressure level in decibels on the “c” weighted scale defined by ANSI S1.32 (1997 or more recent) for acoustic energy from the 20 HZ octave band and higher.
5. **Decibel:** The unit of measure used to express the magnitude of sound pressure and sound intensity.
6. **FAA:** The Federal Aviation Administration
7. **IEC:** The International Electrotechnical Commission
8. **ISO:** The International Organization for Standardization
9. **LMax (LAMax or LCMax):** The maximum dB(A) or dB(C) sound level measured using the “fast response” setting of the sound meter (equivalent to 0.125 second exponential averaging time).
10. **Lease Unit Boundary:** The boundary around a property(ies) that is leased or purchased for purposes of operating a Wind Energy Facility, including adjacent leased or purchased parcels. For purposes of minimum setbacks, the Lease Unit Boundary shall not crossroad rights-of-way.
11. **On-Site Wind Energy Conversion System:** A wind energy conversion system intended to generate electric power from wind solely for use on the site on which the system is located. A WECS primarily intended to provide on-site power, but contribute surplus energy to the grid, may also be considered an On-Site WECS.
12. **Participating and Non-Participating Parcels:**
  - a. Participating Parcel shall mean a parcel of record that is to be used, occupied, maintained, let, leased or authorized to be used for developing or operating a WECS, including construction of improvements, providing access to improvements, providing space for collection or distribution lines, or to meet requirements and regulations set forth herein.
  - b. Non-Participating Parcel shall mean a parcel of record that is not a Participating Parcel.
13. **Shadow Flicker:** Alternating changes in light intensity caused by the moving blade of a WECS casting shadows on the ground and stationary objects.
14. **Sound Pressure:** An average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.
15. **Sound Pressure Level:** The sound pressure mapped to a logarithmic scale and reported in decibels (dB).
16. **Utility-Scale Wind Energy Conversion System:** A WECS intended to generate power primarily to supplement the electric utility grid. Utility-scale WECS may include accessory uses such as, but not limited to, SCADA towers, anemometers, or electric substations.
17. **Wind Energy Conversion System (WECS):** A combination of the following components:
  - a. A surface area (typically a blade, rotor, or similar device), either variable or fixed, for utilizing the wind for electrical powers;
  - b. A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device;

- c. The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and
- d. The tower, pylon, or other structure upon which any, all or some combination of the above are mounted.
- e. Other components not listed above but associated with the normal construction, operation, and maintenance of a WECS such as substations, anemometer towers, cables and wires and other buildings accessory to such facility.

18. **Wind Energy Facility:** Clusters of two or more Utility - Scale Wind Energy Conversion Systems, placed upon a lot or parcel with the intent to provide electricity to sites or locations other than the premises upon which the Wind Energy Conversion Systems are located. Said Wind Energy Conversion Systems may or may not be owned by the owner of the property upon which they are placed.

**C. On-Site Wind Energy Conversion Systems.**

The following requirements shall apply to on-site WECS, including accessory Anemometer Towers, in addition to the general Special Use approval requirements in Section 14.3 of this Ordinance:

1. Purpose. On-site WECS shall be designed to primarily serve the needs of a home, farm, or small business.
2. Maximum Height. The maximum height of an on-site WECS shall be 75 ft., except where state and federal regulations require a lesser height, or where, as a condition of Special Use approval, the Planning Commission requires a lesser height. Height shall be measured from the average grade at the base of the pole to the highest point of WECS when a blade is in its vertical orientation.
3. Minimum Setbacks. The distance between an on-site WECS and the property lines shall be equal to 150% of the height of the tower, as measured in sub-section C.2. The distance between an Anemometer Tower and the owner's property lines shall be equal to 150% of the height of the tower. No part of the WECS structure, including guy wire anchors, may extend closer than 20 feet to the owner's property lines, or the distance of the required setback in the respective zoning district, whichever results in the greater setback.
4. Minimum Lot Area Size. The minimum lot size for a property to be eligible to have an on-site WECS shall be two (2) acres.
5. Minimum Ground Clearance. The minimum vertical blade tip clearance from grade and any structure, adjoining property, or tree shall be twenty (20) feet for an on-site WECS employing a horizontal axis rotor.
6. Noise Emission. An on-site WECS shall not exceed fifty-five (55) dB(A) ( $L_{max}$ ) or sixty (60) dB(C) ( $L_{max}$ ) at the property line closest to the WECS. If the ambient sound pressure level exceeds these limits, then the requirement shall be ambient sound pressure level plus 5 dB.
7. Construction Codes, Towers, & Interconnection Standards. All on-site WECS, including towers, shall comply with all applicable state construction and electrical codes and local building permit requirements. On-site WECS, including towers, shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act, the Michigan Tall Structures Act, and other applicable local and state regulations. An interconnected on-site WECS shall comply with Michigan Public Service Commission (MPSC) and Federal Energy Regulatory Commission (FERC) standards. Off-grid systems are exempt from MPSC and FERC requirements.
8. Safety. All on-site WECS shall meet the following safety requirements:
  - a. The WECS shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present.

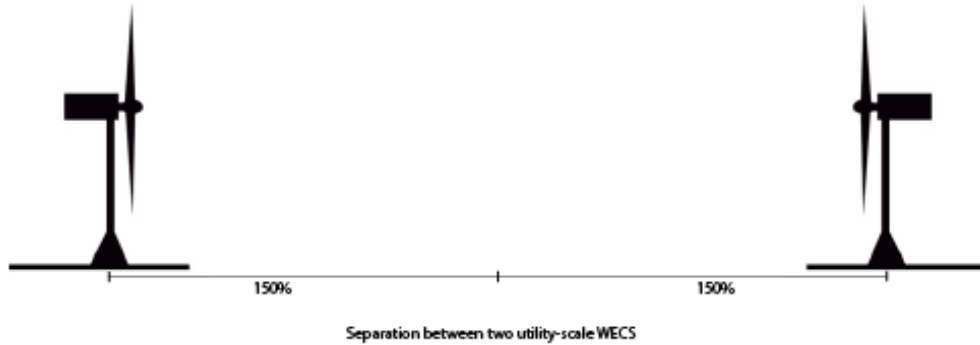
- b. All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site of the WECS.
  - c. A sign shall be posted near the tower or operations and maintenance office building that shall contain emergency contact information. Signage placed at the road access shall warn visitors about the potential danger of falling ice.
  - d. All collection system wiring shall comply with all applicable safety and stray voltage standards.
  - e. WECS towers shall not be climbable on the exterior.
  - f. Each WECS shall be equipped with both a manual and automatic braking device capable of stopping the WECS operation in high winds within 80% of design limits of the braking system.
  - g. A copy of the un-redacted Safety Manual from the turbine manufacturer shall be submitted to the Township and the turbine must comply with all requirements therein.
9. Shadow Flicker.
- a. On-site WECS shall produce no off-site shadow flicker. Measures to eliminate the effects of shadow flicker on adjacent properties, such as programming the WECS to stop rotating during times when shadow crosses occupied structures, may be required.
  - b. The shadow flicker restriction may be waived if the owner of the affected property submits a signed and notarized letter of acknowledgement that verifies the owner's understanding that shadow flicker at the residence or structure may result from the installation and waives the Township requirement for no shadow flicker on the property. If the affected property owner wants this waiver to apply to future owners of the affected property, the signed and notarized letter of acknowledgment must be recorded with the Isabella County Register of Deeds.

**D. Utility-Scale Wind Grid Energy Conversion System.**

The following requirements shall apply to utility-scale WECS, including accessory Anemometer Towers, in addition to the general Special Use approval requirements of Section 14.3 of this Ordinance:

- 1. Maximum Height. The maximum height of any utility-scale WECS shall 500 feet. The height of a WECS shall be measured from the average grade at the base of the pole to the highest point of the WECS when a blade is in its vertical orientation.
- 2. Minimum Setbacks.
  - a. Utility-scale WECS shall be set back a distance equal to 150% of the height of the tower, measured from the outside edge of the base of the tower to all Non-Participating parcel property lines.
  - b. Any operations or maintenance office building, substation, or ancillary equipment shall be set back a minimum of (50) feet from any single-family property lines, lease unit boundary line, and overhead transmission lines power poles. Such buildings and equipment shall be bordered by green space and screened by trees and shrubs, subject to review by the Planning Commission.

3. Minimum Tower Separation. The distance between any two (2) utility-scale WECS towers shall be no less than 150 percent of the height of both towers (see illustration).



4. Minimum Lot Size. The size of a single property, or a leased unit to be used for a utility-scale WECS shall be sufficient to comply with all setback requirements in this section.
5. Minimum Ground Clearance. The minimum vertical blade tip clearance from grade and any structure, adjoining property, or tree shall be 75 feet for a utility-scale WECS employing a horizontal axis rotor.
6. Transmission Lines. New transmission lines required to connect a WECS with a new or existing network for the distribution of electricity shall be installed underground. This requirement applies to all new transmission lines associated with the WECS, regardless of whether they are within the property boundary or lease unit boundary or outside of said boundary.
7. Sound Pressure Level. Utility-scale WECS shall not exceed fifty-five 55 dB(A) ( $L_{max}$ ) or sixty (60) dB(C) ( $L_{max}$ ) at the property line or lease unit boundary closest to the WECS, measured in accordance with the protocol set forth herein. If the ambient sound pressure level exceeds these limits, then the requirement shall be ambient sound pressure level plus 5 dB.
8. Construction Codes, Towers, & Interconnection Standards. All utility-scale WECS, including towers, shall comply with all applicable state construction and electrical codes and local building permit requirements. Utility-scale WECS, including towers, shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act, the Michigan Tall Structures Act, and other applicable local and state regulations. An interconnected utility-scale WECS shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards.
9. Safety. All utility-grade WECS shall meet the following safety requirements:
  - a. The WECS shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present.
  - b. All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site of the WECS.
  - c. A sign shall be posted near the tower or operations and maintenance office building that shall contain emergency contact information. Signage placed at the road access shall warn visitors about the potential danger of falling ice.
  - d. All collection system wiring shall comply with all applicable safety and stray voltage standards.
  - e. WECS towers shall not be climbable on the exterior.
  - f. Each WECS shall be equipped with both a manual and automatic braking device capable of stopping the WECS operation in high winds within 80% of design limits of the braking system.
  - g. A copy of the un-redacted Safety Manual from the turbine manufacturer shall be submitted to the Township and the turbine must comply with all requirements therein.

10. Visual Impact.

- a. Utility-grade WECS shall be mounted on tubular towers, painted a non-reflective, non-obtrusive neutral color.
- b. The appearance of turbines, towers, and buildings shall be maintained throughout the life of the wind energy facility pursuant to industry standards (i.e. condition of exterior paint, signs, landscaping).
- c. Projects consisting of several WECS shall use a similar design, size, and appearance for each WECS.
- d. Lettering, company insignia, advertising, and graphics are not permitted on the tower, hub, or blocks. Identification of the owner or manufacturer may be placed on the nacelle.
- e. A registered engineer and authorized factory representative shall certify that the construction and installation of the WECS meets or exceeds the manufacturer's construction and installation standards.
- f. The design of the wind energy facility's buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening, and landscaping that shall blend facility components with the natural setting and the environment existing at the time of installation.

11. Shadow Flicker.

- a. No amount of Shadow Flicker may fall on or in a Non-Participating Parcel. Site plan and other documents and drawings shall show mitigation measures to eliminate potential impacts from shadow flicker, as identified in the Shadow Flicker Impact Analysis (see Section 5.4(E)(12)(e)). Measures to eliminate all effects of shadow flicker on all Non-Participating parcels beginning at the property lines, such as programming the WECS to stop rotating during times when shadow crosses occupied structures, shall be required.
- b. If the Shadow Flicker Impact Analysis shows potential for shadow flicker to fall on any Non-Participating Parcel and the affected property owners wishes to waive his/her rights to the protections provided by this Ordinance, the property owner shall submit a signed and notarized letter of acknowledgement that verifies the owner's understanding that shadow flicker on his/her parcel may result from the installation and waives the Township requirement for no shadow flicker on the Non-Participating Parcel. If the affected property owner wants this waiver to apply to future owners of the affected property, the signed and notarized letter of acknowledgment must be recorded with the Isabella County Register of Deeds.

12. Lighting. A lighting plan that includes all proposed lighting for each WECS shall be submitted for approval by the Planning Commission. The plan shall include, but is not limited to, the planned number and location of lights, light color, whether any lights shall be flashing, and all proposed shielding mechanisms. All tower-mounted lighting shall be of the radar-activated variety and shielded from view at ground level, unless otherwise directed by the FAA. All tower lighting shall comply with FAA regulations and guidance and shall be consistent with U.S. Fisheries and Wildlife Service/Michigan Department of Natural Resources guidelines.

13. Interference. No utility-scale WECS shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennae for radio, television, or wireless phone or other personal communication systems would produce interference with signal transmission or reception. Any signal interference incurred following the installation of a WECS shall be resolved to the satisfaction of the person receiving that signal interference. No utility-scale WECS shall be installed in any location within the line of sight of an existing microwave communications link where operation of the WECS is likely to produce interference in the link's operation unless the interference is insignificant.

14. Accessory Buildings and Structures. Accessory buildings and structures related to a WECS shall be subject to the dimensional and locational standards for the zoning district in which it is located.

Where structures are visible from adjacent properties, vegetative or manmade screening may be required to minimize visual impact off-site.

15. Inspection. The Township shall have the right upon issuing any WECS or wind energy facility Special Use Permit to inspect the premises on which each WECS is located at any reasonable time. The Township may hire a consultant to assist with any such inspections at a reasonable cost to be charged to the operator of the WECS.
16. Decommissioning.
  - a. The applicant shall engage a professional engineer registered in the State of Michigan to estimate the total cost of decommissioning the structure in accordance with the requirements of this ordinance, including reclamation of the site to its original condition. The cost of decommissioning shall be reviewed between the operator and the Township every two (2) years to ensure adequate funds are allocated for decommissioning. The security bond, defined herein, shall be appropriately adjusted to reflect the then current decommissioning estimate.
  - b. All above and below ground materials shall be removed when the WECS is decommissioned.
  - c. The ground shall be restored to its original condition within sixty (60) days of removal of the structures. Acceptable ground covers include grasses, trees, crops, or other material demonstrated to be characteristic of the surrounding land.
  - d. In the event that the WECS owner or operator fails to comply with the decommissioning requirements of this Ordinance, the Township may, upon thirty (30) days written notice to the WECS owner and/or operator, utilize the security bond referenced in subsection (D) (19) to complete the decommissioning process.
17. Abandonment. Any WECS that is not used to produce energy for a period of six (6) successive months or longer shall be deemed to be abandoned and shall be promptly dismantled and removed from the property in accordance with the decommissioning regulations of this ordinance, unless the applicant receives a written extension of that period from the Township Board in a case involving an extended repair schedule for good cause.
18. Reasonable Conditions. In addition to the requirements of this section, the Planning Commission may impose additional reasonable conditions on the approval of WECS as a Special Use.
19. Security Bond.
  - a. The owner(s) and/or operator of the WECS shall post a security bond in a form acceptable to the Township equal to one-hundred fifty (150) percent of the total estimated decommissioning and reclamation costs. The cost of decommissioning and reclamation shall be reviewed between the operator and the Township Board every two (2) years to ensure adequate funds are allocated for this purpose. The security bond shall be appropriately adjusted to reflect the current decommissioning estimate.
  - b. The security bond shall be posted and maintained with a bonding company licensed in the State of Michigan or a Federal- or State-chartered lending institution acceptable to the Township.
  - c. Any bonding company or lending institution shall provide the Township with ninety (90) days' notice of the expiration of the security bond. Lapse of a valid security bond is grounds for the actions defined in subpart e., below.
  - d. In the event of sale or transfer of ownership and/or operation of the WECS, the security bond shall be maintained throughout the entirety of the process.
  - e. If at any time during the operation of the WECS or prior to, during, or after the sale or transfer of ownership and/or operation of the WECS the security bond is not maintained, the Township may take any action permitted by law, including revoking the Special Use Permit, ordering a cessation of operations, and ordering removal of the structure and reclamation of the site.

20. Transfer or Sale.

- a. In the event of a transfer or sale of the WECS, the Township shall be notified and the Special Use Permit, without a public hearing, may be amended administratively by the Township.
- b. Any proposed changes to the operating procedure or approved site plan shall be submitted for Township review according to the procedures for all WECS as outlined herein, including a public hearing.
- c. Upon transfer or sale, the security bond shall be maintained at all times, the estimated costs of decommissioning shall be resubmitted, and the security bond adjusted to account for the new estimate.

E. **Wind Energy Conversion System Review Procedures.**

An application for a WECS shall be reviewed in accordance with the requirements for Site Plan Review (Section 14.2) and Special Use (Section 14.3). Site plans and supporting documents for WECS shall include the following additional information, as appropriate:

1. Documentation that noise emissions, construction code, tower, and safety requirements have been reviewed by the appropriate third-party professionals, and the submitted site plan has been prepared to show compliance with these issues.
2. Proof of the applicant's public liability insurance for the project.
3. A copy of the applicant's lease(s) with the land owner(s) granting authority to install the WECS and/or Anemometer Tower; legal descriptions of the property(ies), and Lease Unit(s); a site plan showing the boundaries of the leases as well as the boundaries of the Lease Unit Boundary; and, copies of any letters waiving the sound and/or shadow flicker limit on Non-Participating Parcels.
4. An un-redacted safety manual from the turbine manufacturer and a statement from the applicant verifying that the WECS is or will be operated in compliance with all requirements therein.
5. A schedule showing the phases of construction.
6. A drawing showing the project area boundaries.
7. The location, height, and dimensions of all existing and proposed structures and fencing.
8. A description of the routes to be used by construction and delivery vehicles and of any road improvements that shall be necessary in the Township to accommodate construction vehicles, equipment or other deliveries, and an agreement or bond which guarantees the repair of damage to public roads and other areas caused by construction of the WECS. The applicant shall obtain required permits from the Isabella County Road Commission prior to moving equipment or materials or installing driveways.
9. All new infrastructure above and below ground related to the project, including transmission line locations.
10. A copy of Manufacturers' Material Safety Data Sheet(s) which shall include the type and quantity of all materials used in the operation of all equipment including, but not limited to, all lubricants and coolants.
11. Description of operations, including anticipated regular and unscheduled maintenance.
12. Additional Requirements for Utility-Scale Wind Energy Conversion Systems only:
  - a. A Wind Assessment Study conducted within a potential project area shall be completed within 18 months of the date of application for a WECS. The study must show analysis for a period of time no less than one (1) year. The height of an anemometer (or similar) device measuring wind availability shall be placed within the potential vertical swept blade area of the proposed WECS. Temporary (one-year) installation of said device may be applied for through the Township site plan approval process and may be approved for a

height acceptable to determine feasibility of a WECS height allowed by this ordinance. The anemometer shall be decommissioned in accordance with Section 5.4(D) (16) and (17), including the provision of a security bond covering decommissioning costs.

- b. A Noise Modeling and Analysis Report completed by a third-party acoustician shall be submitted to the Township for review. The report shall include a site plan that shows the locations of noise-producing equipment, with placement so as not to exceed the maximum sound pressure levels permitted by this Ordinance. The noise modeling and analysis shall conform to the most current protocol for The International Electrotechnical Commission (IEC) 61400, Parts 11 and 14, The International Organization for Standardization (ISO) 9613-2, and ANSI S12.62, including all tolerances and uncertainties. After installation of the WECS, sound pressure level measurements shall be performed by a third party acoustician acceptable to the Township according to the procedures in the most current version of The American National Standards Institute (ANSI) S12.9, Part 3 and ANSI S12.100 for measurements (with an observer). All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a Type II sound meter. Documentation of the actual sound pressure level measurements shall be provided to Union Township within 60 days of the commercial operation of the project and when requested by the Township in response to a noise complaint from a resident.
- c. A Visual Impact Simulation showing the completed site as proposed on the submitted site plan shall be submitted. The visual impact simulation shall be from four viewable angles.
- d. An Environmental Analysis by a third party qualified professional acceptable to the Township shall be prepared to identify and assess any potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, historical and cultural sites, and antiquities. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis, and shall show those measures on the site plan. The applicant shall identify and evaluate the significance of any net effects or concerns that shall remain after mitigation efforts.
- e. A Shadow Flicker Impact Analysis shall be prepared on Non-Participating Parcels to identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year. The site plan shall identify problem areas where shadow flicker may affect the owners and/or occupants of the Non-Participating Parcels and show measures that shall be taken to eliminate the problems.
- f. An Avian and Wildlife Impact Analysis by a third-party qualified professional shall be prepared to identify and assess any potential impacts on wildlife and endangered species. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis, and shall show those measures on the site plan. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.

Sites requiring special scrutiny include wildlife refuges, other areas where birds are highly concentrated, bat hibernacula, wooded ridge tops that attract wildlife, sites that are frequented by federally and/or state listed endangered species of birds and bats, significant bird migration pathways, and areas that have landscape features known to attract large numbers of raptors. At a minimum, the analysis shall include a thorough review of existing information regarding species and potential habitats in the vicinity of the project area. Where appropriate, surveys for bats, raptors, and general avian use should be conducted. The analysis shall include the potential effects of the project on species listed under the federal Endangered Species Act and Michigan's Endangered Species Protection Law. The analysis shall indicate whether a post construction wildlife mortality study will be conducted and, if not, the reasons why such a study does not need to be conducted.

- g. A Decommissioning and Restoration Plan shall be submitted which includes the following supporting documentation, at minimum:



- i. The anticipated life of the project.
  - ii. The estimated decommissioning costs as defined in this ordinance.
  - iii. The security bond, or similar Township-approved security, ensuring that funds shall be available for decommissioning and restoration.
  - iv. The anticipated manner in which the project shall be decommissioned, and the site restored.
- h. The name and contact information for a person to which any notice of complaint may be sent shall be submitted to the Township.

**F. Fees.**

To administer the provisions relating to WECS, the Township may hire consultants and experts as are reasonably necessary in the sole discretion of the Township. The applicant shall pay the Township in advance for the costs of such consultants and experts. The Township may charge an annual fee to be determined by the Union Township Board and assess additional fees in order to execute its responsibilities related to a project. Any fees charged must be reasonable considering efforts required.

## Section 5.5 Wireless Communications Facilities

- A. General Requirements.** The following requirements shall apply to wireless communication equipment as referred and defined in Section 3514 of the Michigan Zoning Enabling Act, Act 110 of 2006, as amended:
1. Standard A. Wireless communications equipment is a permitted use of property and is not subject to special use approval or any other approval if all the following requirements are met:
    - a. The wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing equipment compound.
    - b. The existing wireless communications support structure or existing equipment compound is in compliance with the Township Zoning Ordinance or was approved by the Township Planning Commission.
    - c. The proposed collocation will not do any of the following:
      - i. Increase the overall height of the wireless communications support structure by more than twenty (20) feet or ten percent (10%) of its original height, whichever is greater.
      - ii. Increase the width of wireless communications support structure by more than the minimum necessary to permit collocation.
      - iii. Increase the area of the existing equipment compound to greater than 2,500 sq. ft.
    - d. The proposed collocation complies with the terms and conditions of any previous final approval by the Planning Commission.
  2. Standard B. Wireless communications equipment is subject to special use approval, in accordance with Section 14.3 of the Zoning Ordinance, if the equipment does not meet requirements "(c)" and "(d)" under Standard A, but the equipment meets all of the following requirements:
    - a. The wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing equipment compound,
    - b. The existing wireless communications support structure or existing equipment compound is in compliance with the Township Zoning Ordinance or was approved by the Township Planning Commission.

3. Standard C. Wireless communication equipment is subject to special use approval, in accordance with Section 14.3 of the Zoning Ordinance if the proposal does not involve colocation (e.g., is a new facility).

**B. Approval Procedures.**

The following procedures have been established to achieve approval of a proposed wireless communications facility:

1. Standard A. Standard A Wireless communication equipment proposals require no zoning approval. However, plans for Standard A improvements shall be submitted to the Township.
2. Standard B. Standard B wireless communication equipment proposals require special use approval. Accordingly, such proposals are subject to the procedures in Section 14.3 and the following special procedures.

Steps    Action

1. Applicant submits plan and \$1,000 fee.
  2. Within 14 days Township administration determines if application is complete.
  3. If application is incomplete, administration notifies applicant.
  4. If application is complete, administration initiates SLU review by scheduling special use public hearing. Special use review must be complete (60) days after the application is considered complete.
  5. Township Planner reviews plan, transmits letter to Planning Commission.
  6. Planning Commission reviews plan, makes recommendation to Township Board.
  7. Township Board approves or denies application.
3. Standard C. Standard C wireless communication equipment proposals require special use approval. Accordingly, such proposals are subject to the procedures outlined for Standard B, except that in Step 4 the special use review must be complete not more than ninety (90) days after the application is considered complete.

**C. Requirements.**

All applications for wireless communication facilities that require special use approval shall be reviewed in accordance with the following standards and conditions. If approved, such facilities shall be constructed and maintained in accordance with such standards and conditions and any additional conditions imposed by the Planning Commission and Township Board.

1. Public Health and Safety. Facilities and/or support structures shall not be detrimental to the public health, safety and welfare.
2. Harmony with Surroundings. To the extent feasible, facilities shall be designed to be harmonious with the surrounding areas.
3. Compliance with Federal, State and Local Standards. Wireless communication facilities shall comply with applicable federal and state standards, including requirements promulgated by the Federal Aviation Administration (FAA), Federal Communication Commission (FCC), and Michigan Aeronautics Commission. Wireless communication support structures shall comply with all applicable building codes.
4. Maximum Height. Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights. The maximum height of a new or modified support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant (and by other entities to collocate on the structure) but shall not exceed two hundred (200) feet. Higher towers may be permitted, however, if necessary, to achieve colocation. The buildings, cabinets, and other accessory structures shall not exceed twenty (20) feet in height.
5. Minimum Setbacks. The setback of a new or modified support structure from any residential-zoned district or existing or proposed right-of-way or other publicly traveled road shall be no less than the total height of the structure and attachments thereto.

Where the proposed new or modified support structure abuts a parcel of land zoned for a use other than residential, the support structure shall comply with the required setbacks for principal buildings specified in the Schedule of Regulations for the zoning district in which the facility is located.

Buildings and facilities accessory to the wireless communication facility (other than the support structure) shall be set back a minimum distance of fifty (50) feet from all property lines.

6. Access. Unobstructed permanent access to the support structure shall be provided for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement. The permitted type of surfacing, dimensions and location of such access route shall be subject to approval by the Planning Commission, based on evaluation of the location of adjacent roads, layout of buildings and equipment on the site, utilities needed to service the facility, proximity to residential districts, disturbance to the natural landscape, and the type of vehicles and equipment that will visit the site.
7. Division of Property. The division of property for the purpose of locating a wireless communication facility shall be permitted only if all zoning requirements, including lot size and lot width requirements are met.
8. Equipment Enclosure. If an equipment enclosure is proposed as a building or ground-mounted structure, it shall comply the required setbacks and other requirements specified for principal buildings in the Schedule of Regulations for the zoning district in which the facility is located. If an equipment enclosure is proposed as a roof appliance on a building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building.
9. Design Objectives. The support structure and all accessory buildings shall be designed to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. Accordingly, support structures shall be grey or white and shall not have lights unless required otherwise by the Federal Aviation Administration (FAA). Only monopole towers are permitted; lattice towers and towers with guy wires are prohibited. Equipment buildings shall have a brick exterior. No signs or logos visible from off-site shall be permitted on a support structure.
10. Fencing. Wireless communication facilities shall be enclosed by an open weave, green or black vinyl-coated, chain link fence having a maximum height of six (6) feet. Barbed wire may be permitted.
11. Structural Integrity. Wireless communication facilities and support structures shall be constructed and maintained in structurally sound condition, using the best available technology, to minimize any threat to public safety.
12. Maintenance. A plan for the long term, continuous maintenance of the facility shall be submitted. The plan shall identify who will be responsible for maintenance and shall include a method of notifying the Township if maintenance responsibilities change.
13. Proximity to Airports. Wireless communication facilities shall be subject to the approval of the Federal Aviation Administration (FAA) and Michigan Bureau of Aeronautics with respect to location, height, and lighting in relation to public airports, airstrips, and helipads.
14. Interference with Reception. Wireless communication facilities shall not interfere with television and radio reception in nearby areas.

**D. Removal of Unused or Obsolete Facilities.**

1. A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events:
  - a. When the facility has not been used for one hundred eighty (180) days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of no use.

- b. Six (6) months after new technology is available at reasonable cost, as determined by the Township Board, which permits the operation of the communication system without the requirement of the support structure.
2. The situations in which removal of a facility is required, as set forth in paragraph (1) above, may be applied and limited to portions of a facility.
3. Upon the occurrence of one or more of the events requiring removal, the property owner or persons who had used the facility shall immediately apply for any required demolition or removal permits, and immediately proceed with and complete the demolition, removal, and site restoration.
4. If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the Township may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected and/or enforced from or under the security posted at the time application was made for establishing the facility.

**E. Application Requirements.**

1. Site Plan and Special Use Review. A site plan prepared in accordance with Section 14.2 shall be submitted, showing the location, size, screening and design of all buildings, outdoor equipment, and structures. Where the wireless communication facility is subject to special use approval the procedures and standards in Section 14.3 shall be followed.
2. Landscape Plan. A detailed landscaping plan shall be submitted illustrating the number, species, location, and size at the time of planting of all proposed trees and shrubs. The purpose of landscaping is to provide screening and aesthetic enhancement for the structure base, accessory buildings and enclosure.
3. Structural Specifications. Structural specifications for the support structure and foundation shall be submitted for review. The structural specifications shall state the number of various types of antennae capable of being supported on the structure. A soils report prepared by a geotechnical engineer licensed in the State of Michigan shall also be submitted confirming that the soils on the site will support the structure. Structural plans shall be subject to review and approval by the Township Engineer.
4. Security. The application shall include a description of security to be posted immediately upon issuance of a building permit for the facility to ensure removal of the facility when it has been abandoned or is no longer needed, as previously noted. In this regard, the security shall, at the election of the applicant, be in the form of: (1) cash; (2) surety bond; (3) letter of credit; or, (4) an agreement in a form approved by the Township Attorney and recordable at the office of the Register of Deeds, establishing a promise of the applicant and owner of the property to remove the facility in a timely manner as required herein, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorney's fees incurred by the Township in securing removal.
5. Contact Person. The application shall include the name, address and phone number of the person to contact for engineering, maintenance and other notice purposes.

**F. Small Cell Wireless Communication Facilities.**

1. Definition. A "small cell wireless facility" is a wireless facility that meets both of the following requirements:
  - a. Each antenna is located inside an enclosure of not more than six (6) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements would fit within an imaginary enclosure of not more than six (6) cubic feet.
  - b. All other wireless equipment associated with the facility is cumulatively not more than twenty-five (25) cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meters,

concealment elements, communication demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

- c. **A micro wireless facility** is a small cell wireless facility that is not more than 24 inches in length, 15 inches in width, and 12 inches in height and that does not have an exterior antenna more than 11 inches in length.
2. **Township Review Authority.** Pursuant to Section 17(1) of Michigan Public Act 365 of 2018, the Small Wireless Communications Facilities Deployment Act, the following activities are subject to Township review, whether they take place within or outside of the public right-of-way:
    - a. The modification of existing or installation of new small cell wireless facilities.
    - b. The modification of existing or installation of new wireless support structures used for such small cell wireless facilities.
  3. **Approval Procedures.** Application for small cell wireless communication facility approval shall require site plan approval. Accordingly, such applications are subject to the procedures in Section 14.2 and the following special procedures:

Steps	Action
1.	Applicant submits application, plans and fee <sup>1</sup>
2.	Within 30 days Township Planner determines if application is complete
3.	If application is incomplete, Township Planner notifies applicant in writing
4.	If application is complete, Township Planner initiates site plan review process by preparing written review and forwarding application and plans to Planning Commission
5.	Planning Commission reviews the application and plans and makes a final decision within the following time frames: <ul style="list-style-type: none"> <li>• Application for a <i>modification</i> of a wireless support structure <u>or</u> installation of a small cell wireless facility: 90 days</li> <li>• Application for a <i>new</i> support structure: 150 days</li> </ul>

<sup>1</sup> An application fee shall not exceed the following, pursuant to Act 365 of 2018:

- \$500 for a new small cell wireless facility or modification of an existing small cell wireless facility.
- \$1,000 for a new wireless support structure or modification of an existing wireless support structure.

4. **Approval Criteria.** When evaluating a small cell wireless communication facility proposal, the Planning Commission shall consider the following criteria:
  - a. *The compatibility of the proposed facilities in appearance with other nearby facilities and the surrounding environment.* Small cell wireless communication facilities shall be designed and located to be as inconspicuous as possible. Cabinet color shall be white or grey.
  - b. *The ability to achieve colocation on existing utility poles or other types of existing support structures.*
  - c. *Coordination with other users of the right-of-way.*
  - d. *Height of the facilities relative to other existing facilities in the right-of-way.*
5. **Invalid Review Criteria.** Pursuant to Section 17(3)(b) of Act 365 of 2018, the Planning Commission shall not evaluate a small cell wireless communication facility proposal on the basis of:
  - a. The need for a wireless support structure or small cell wireless facilities.
  - b. The applicant's service, customer demand for the service, or the quality of service.

**G. Requirements for Amateur Radio Antennae and Similar Facilities:**

The following additional requirements shall apply to all amateur radio antennae, short wave facilities, citizen band radio base station antennae, contractor's business antennae, television reception antennae, wireless Internet antennae, and associated antenna structures, which shall be allowed in any zoning district subject to approval per Section 5.5(J) and the following:

1. The antennae and antenna structure shall be accessory to a principal building or land use on the same lot and shall be limited to lots with adequate lot area to accommodate the minimum requirements of this subsection.
2. The antennae and any associated antenna structure shall be set back from all lot boundaries and road rights-of-way a minimum distance equal to fifty percent (50%) of the overall height of the antennae and antenna structure or the required yard setback area for the zoning district, whichever is greater.
  - a. For retractable, telescoping, or tilt-down antennae, the height shall be established by the height of the antennae and antenna structure in the "down" or retracted position. Such antennae shall be maintained in the "down" or retracted position when not in use.
  - b. For a ground-mounted antenna structure that is adjacent to and permanently secured to a principal building or accessory structure on the lot, the height shall be established by the distance between the highest point of the antennae or antenna structure and the highest anchor point to the principal building or accessory structure.
3. The height of an antenna that is permanently mounted on a principal building or accessory structure shall not exceed the height limitations that apply to the building or structure in the zoning district by more than fifteen (15) feet, as measured from grade level to the highest point of the antenna.

**H. Requirements for Satellite Dish Antennae:**

The following additional requirements shall apply to all satellite dish antennae, which shall be allowed in any zoning district subject to approval per Section 5.5(J) and the following:

1. The antennae shall be accessory to a principal building on the same lot and shall be located outside of all required yard setback areas.
2. Satellite dish antennae shall be limited to lots with adequate lot area to accommodate the minimum requirements setback of this subsection.
3. One (1) satellite dish antenna with a diameter 1.5 meters or larger shall be permitted per lot.
4. Construction and placement of satellite dish antennae shall meet manufacturers' specifications and shall conform to the State Construction Code and all applicable electrical and fire codes.
5. Satellite dish antennae with a diameter of 1.5 meters or larger and located within 100 feet of a road right-of-way or the boundary of a lot occupied by a dwelling shall be screened by a wall, fence, berm, evergreen plantings, or combination of these elements so as not to be visible from the neighboring residence or road. If the antenna is a mesh type, screening need not exceed six (6) feet in height.
6. Setbacks. Ground-mounted satellite dish antennae shall comply with the setback requirements for the district in which they are located and shall not be located in front yards unless suitable reception cannot be achieved in any other location on the site.

**I. Requirements for Other Antennae Mounted on a Structure.**

The following additional requirements shall apply to other wireless communication antennae mounted on a principal building or accessory structure, which shall be allowed in any zoning district subject to approval per Section 5.5(J) and the following:

1. The antenna and mounting apparatus shall be permanently secured to the structure, and shall not exceed the height limitations that apply to the building or structure in the zoning district by more than fifteen (15) feet as measured from grade level to the highest point of the antenna.

2. The antenna and mounting apparatus shall be designed and arranged to minimize visibility and to blend with the principal materials and colors.
3. The antenna and mounting apparatus shall not be illuminated, unless required by the FAA, Michigan Aeronautics Commission or other agency with jurisdiction.
4. Roof-mounted antennae shall be permitted on the side of the building facing the road only if there is no other option available to achieve adequate reception.

**J. Summary of Review Requirements.**

The following chart summarizes review requirements for wireless communications facilities:

Type of Wireless Communications Facility		Required Review and Approval			
		Township Board	Planning Commission	Zoning Administrator	Exempt
<b>ANTENNAE &amp; ANTENNA STRUCTURES</b>					
Installation of any amateur radio transmission or reception antenna or antenna structure, short wave facility, contractor’s business antenna structure, television reception antenna, wireless Internet antenna, citizen’s band base station antenna or similar antennae or antenna structure:	Exceeding 130.0 feet in height		●		
	Up to 130.0 feet in height			●	
<b>SATELLITE DISH ANTENNAE</b>					
Installation of a satellite dish antenna with a diameter of:	1.5 meters or larger			●	
	Less than 1.5 meters				●
<b>OTHER ANTENNAE MOUNTED ON A STRUCTURE</b>					
Antenna(e) installation on an existing principal building or accessory structure that also includes use of an outside ground equipment enclosure area.			●		
Antenna(e) installation on an existing principal building or accessory structure where all accessory equipment is installed within the building or structure			●		
<b>OTHER WIRELESS COMMUNICATION FACILITIES</b>					
Construction of a new wireless communication facility not otherwise addressed in this table.		●	●		
Alteration or enlargement of an existing tower that would conform to maximum height requirements:	With an increase in the overall tower height by more than 20 feet or 10% of its original height, whichever is greater. <b>Also see Sections 5.5(A) and (B)</b>		●		
	Without increasing the overall tower height by more than 20 feet or 10% of its original height, whichever is greater			●	
Construction or expansion of equipment building(s) within an approved ground equipment enclosure				●	
Expansion of a previously approved ground equipment enclosure to a total area greater than 2,500 square feet. <b>Also see Sections 5.5 (A) and (B)</b>			●		
Collocation of new antennae on an existing tower that would conform to maximum height requirements:	With an increase in the overall tower height by more than 20 feet or 10% of its original height, whichever is greater. <b>Also see Sections 5.5 (A) and (B)</b>		●		
	Without increasing the overall tower height by more than 20 feet or 10% of its original height, whichever is greater			●	
Expansion of a previously approved ground equipment enclosure area to a total area less than or equal to 2,500 square feet				●	
Installation of new ground equipment within an approved ground equipment building or enclosure				●	



OTHER PROJECTS EXEMPT FROM TOWNSHIP REVIEW				
Installation of municipal and other facilities subject to federal or state preemption of local authority				●
Repair, service or maintenance of an existing wireless communications facility, provided that all work conforms to approved plans and applicable codes				●

### Section 5.6 Open Space Preservation Development Option

Open Space Preservation developments may be approved in the AG and R-1 districts, subject to the standards and review procedures set forth herein.

- A. **Purpose.** The purpose of Open Space Preservation is to preserve undeveloped land, thereby maintaining rural character and agricultural lands. The regulations in this sub-section propose to accomplish this purpose by providing for grouping of homes onto the most buildable portions of a site so that the remainder of the site can be preserved in an undeveloped state.

As used in this subsection, the term “undeveloped state” shall have the meaning given to it in Section 102 of the Michigan Zoning Enabling Act (P.A. 110 of 2006), which states the following:

“Undeveloped state” means a natural state preserving natural resources, natural features, or scenic or wooded conditions, agricultural use, open space, or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children’s play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.

- B. **Applicability.** Parcels measuring twenty (20) acres or larger in the AG and R-1 districts may be developed according to the Open Space Preservation requirements in this sub-section. If developed as an Open Space Preservation subdivision, the property shall be developed under the conditions and requirements in this sub-section, other applicable zoning regulations, and other applicable Township ordinances.
- C. **Review and Approval Process.** Proposals for Open Space Preservation development shall be reviewed following the same procedures used for conventional subdivision or condominium proposals, except that the applicant shall complete a site features inventory prior to development. The inventory shall consist of maps and written analysis which shall identify, describe and quantify the following features, at minimum: existing vegetation, topography at two-foot contour intervals, water courses, drainage patterns, wildlife habitats, roads and road rights-of-way, easements, soils (based on Natural Resources Conservation Service soils information or soil borings), MDEGLE-regulated wetlands, floodplains, woodlands and tree lines, rare and endangered species habitats, and any additional features uniquely affecting the site.
- D. **Permitted Density.** The overall density of residential uses in an Open Space Preservation development shall not exceed the density that would be permitted if the site were developed as a conventional single-family subdivision as specified in the following chart:

Zoning District	Overall Density	Maximum Number of Units Per Acre
AG	1 unit/acre	1.0
R-1-S	1 unit/acre	1.0

The permitted density shall be based on the net buildable area of the site which consists of the portions of the site that are not encumbered by regulated wetlands (except that one-quarter of the total wetlands may be counted as buildable), steep slopes, existing and proposed road rights-of-way, easements, existing structures or lots, or other existing or proposed features that would prevent construction of a building or use of the site for residential purposes.

To assist the Planning Commission in determining net buildable area and maximum density, the applicant shall submit an alternative plan that shows how the site could be developed under conventional zoning.

Modifications permitted under the Open Space Preservation Option that result in reduction in land area dedicated to individual dwelling units shall be compensated for by an equivalent amount of open space, which shall be maintained and preserved in accordance with the standards specified in this subsection.

**E. Dimensional Standards.**

1. Setbacks. Open Space Preservation developments shall comply with the following minimum yard setback requirements:

**Building Setbacks**

Along perimeter adjacent to public road	50 ft.
Along perimeter, but not adjacent to a road	35 ft.
Along an internal collector or local road	40 ft.
Along an internal arterial road	50 ft.
Setback from a lake, pond, stream or wetlands	60 ft.

The minimum rear and side yard setback for detached single family structures and accessory structures thereto shall be based on sound planning and design principles, taking into account the degree of compatibility between adjoining uses, sensitivity to the characteristics of the site, the need for free access for emergency vehicles, the need for adequate amounts of light and air between buildings, and the need for proper amounts of open space for the use of residents on the site.

**Parking Lot Setbacks**

Along perimeter adjacent to public road	50 ft.
Along perimeter, but not adjacent to a road	20 ft.
Setback from lakes, ponds, streams, and wetlands	60 ft.

Docks, bulkheads, patios, terraces, decks, gazebos, and pathways shall be permitted within the 60-ft. waterfront/wetland setback, subject to review and approval by the Township Board, upon receiving a recommendation from the Planning Commission.

2. Minimum Lot Size. Open Space Preservation developments shall comply with the following minimum lot size requirements:

Zoning District	Minimum Lot Size
AG	21,780 sq. ft.
R-1	21,780 sq. ft.

Variation from these lot size standards may be required or permitted where the Planning Commission finds that either of the following circumstances exists:

- a. A larger lot size is required to satisfy Central Michigan District Health Department septic system standards, or
  - b. A smaller lot size is required to achieve the density permitted under sub-section, above.
3. Distances between Buildings. Any detached single-family structure (or accessory structure thereto) shall be located at least thirty (30) feet from any other detached single-family structure or accessory structure.
  4. Floor Area and Height Standards. Buildings in an Open Space Preservation development shall comply with the floor area and height standards for the district in which the development is located.

**F. Open Space Requirements.** Open Space Preservation developments shall provide and maintain open space in an undeveloped state, which shall comply with the following requirements:

1. Open Space Preservation developments shall reserve at least fifty percent (50%) of the parcel in an undeveloped state.
2. Open space shall be located on the parcel to meet the following objectives:
  - a. To preserve distinctive natural features, scenic or wooded conditions, and rural characteristics.
  - b. To preserve farmlands.
  - c. To minimize impact from development on wetlands, streams, and other sensitive environmental areas.
  - d. To maintain open, rural character along main roads.

In addition, no more than twenty-five percent (25%) of the open space may be developed with children's play facilities, picnic facilities, trails, and similar passive recreational facilities to satisfy the needs of future residents of the development, provided that all such facilities shall be compatible in design with other open space requirements and objectives.

3. Required open space shall not include the area of any public or private road, the area of any easement providing access to the site, the area of any commercial recreation use (such as a golf course), or the area of any storm water retention or detention pond.
  4. The required open space shall be set aside by the developer through an irrevocable conveyance, such as a deed restriction, conservation easement, plat dedication, restrictive covenant, or other means that runs with the land, whereby all rights to develop the land are conveyed to a land conservation organization or other public body, assuring that the open space will remain undeveloped. Such conveyance shall:
    - a. Indicate the proposed use(s) of the required open space.
    - b. Provide for the privately-owned open space to be maintained by private property owners having an interest in the open space.
    - c. Provide maintenance standards and a maintenance schedule.
    - d. Provide notice of possible assessment to the private property owners by the Union Township for the maintenance of the open space in the event that it is inadequately maintained and becomes a public nuisance.
    - e. After approval from the Township, the developer shall record with the Isabella County Register of Deeds notice of the restrictions to all persons having or seeking an interest in the property contained in the Open Space Preservation development. Evidence that the document has been recorded shall be provided to the Township prior to issuance of any permits to commence construction.
- G. **Building Location.** Where feasible, Open Space Preservation developments shall comply with the following building location requirements. Modification to these locational requirements may be approved by the Township as part of the review process, upon making the determination that other building locations would be more appropriate because of topography, existing trees or vegetation, proposed grading or landscaping, or other existing or proposed site features or conditions.
1. Buildings shall be located on the edges of fields and in wooded areas to minimize the visual impact of development. Buildings should not be located in open fields.
  2. Buildings shall not be located on the tops of ridge lines or in areas with slopes that exceed 35 percent.
  3. Buildings shall not be located in wetlands or floodplains.
  4. Buildings shall be set back as far back from public roads as possible so as to maintain the rural appearance of the Township from the road. This goal can also be achieved by placing buildings behind or within a woodlands or tree line that screens the buildings from the road.
- H. **Roads and Driveways.** The amount of site disruption caused by road and driveway construction and associated grading required for construction shall be minimized in Open Space Preservation developments. Accordingly, Open Space Preservation developments shall comply with the following standards:
1. Roads shall follow existing contours to minimize the amount of cut and fill.
  2. Where sites include linear features, such as existing access roads, tree lines, and stone rows, roads shall follow these features to minimize the visual impact of the roads.
  3. Roads shall not be located in open fields.
- I. **Storm Water Management.**
1. Existing natural drainage shall be maintained to the maximum extent feasible.
  2. Retention and detention basins, where proposed or required, shall resemble natural ponds with gradual slopes and shall be landscaped with plant material that enhances the wildlife habitat.

**J. Landscaping and Lawns.**

1. Existing trees and other plant growth shall be preserved in areas where disturbance is not necessary outside of the building envelope.
2. Conversion of woods, meadows, and other natural features into lawns shall be avoided, except where lawn areas are a part of the open space design or serve as residential yard space.
3. Where landscaping is proposed, native species shall be used, where appropriate.

**K. Existing Structures.**

1. When a parcel contains existing structures deemed to be of historic, cultural or architectural significance (such as farm structures), and where these structures are suitable for rehabilitation, the structures shall be retained.
2. Adaptive reuse of existing structures for residential use or permitted accessory residential uses shall be permitted.

## Section 6 Standards Applicable to Specific Land Uses

### Section 6.1 Adult Entertainment Uses

- A. **History and Findings.** Subsequent to being sued in Eastern District Court (*Intimate Ideas v Charter Township of Union*, Case No. 03-10085), the Charter Township of Union Board directed the Planning Commission to research and develop zoning regulations for sexually oriented businesses (aka Adult Entertainment Uses). The Planning Commission reviewed sixty (60) studies and reports about the secondary effects of sexually oriented businesses. Based on review of the studies and reports, as well as several court decisions, the Planning Commission and Township Board made the following findings:
1. Sexually oriented businesses featuring nudity and sexual activities produce negative secondary effects, such as increased crime, declining or depressed property values, and a diminished sense of safety and security for the general public when walking in the vicinity of these businesses.
  2. The negative secondary effects of sexually oriented businesses can be reduced by dispersing the businesses and requiring minimum distances between such businesses.
  3. The negative secondary effects of sexually oriented businesses are exacerbated by being in proximity to bars serving alcoholic beverages by the glass.
  4. To minimize the negative secondary effects of sexually oriented businesses on residential neighborhoods and the community at large, the sexually oriented businesses should be located a minimum distance from any residential zoning district, school, church, or public park.
  5. The zoning regulations must allow for the location of sexually oriented businesses within specified zoning districts in the Charter Township of Union, and a reasonable number of sites must be available to be acquired and used by sexually oriented businesses.
  6. The negative secondary effects of public nudity, live nude performances, and the combination of nudity and businesses serving alcoholic beverages by the glass, can be minimized by local ordinance prohibiting public nudity, as authorized by MCL 41.181 and the decisions of the United States Supreme Court.
  7. Requiring dancers and other performers to wear a minimal amount of clothing, such as pasties and a G-string, in order to comply with ordinance will have little or no effect on the expressive element of the performances.
  8. Ordinance provisions prohibiting public nudity, live nude performances, and the combination of nudity and businesses serving alcoholic beverages by the glass must be narrowly drawn to apply to businesses and performers that offer nude performances on a regular basis.
- B. **Intent.** The intent of the regulations in Section 6.1 is to define and regulate sexually oriented businesses and prohibit public nudity, in order to minimize or eradicate the negative secondary effects of sexually oriented businesses and public nudity. The zoning regulations are intended to define and disperse sexually oriented businesses and regulate their location and site requirements, without restricting the content of communication protected by the First Amendment to the U. S. Constitution.
- C. **Coordination with Liquor Control Commission Regulations.** Sexually oriented business, as defined, described, and permitted herein, are subject to the regulations against public nudity and nudity in businesses licensed by the Michigan Liquor Control Commission.
- D. **Definitions.** Definitions of Adult Regulated Uses are in Section 2.2. The following definition relates specifically to this Section 6.1:
- “Regularly,” as used in this Section, means once per month or more often.
- E. **Districts in which Uses Are Permitted.** Sexually oriented businesses are principal permitted uses in the B-5 and B-7 zoning districts only and are not permitted in any other zoning district.

F. **Approval Required.** Before establishing a sexually oriented business, Township approval shall be required. Section 14.2 sets forth the requirements for site plan review if new construction is proposed. Re-occupancy of an existing building or space shall require zoning approval, in accordance with Section 14.1.

G. **Dispersal and Spacing.**

1. No sexually oriented business shall be located closer than 1,500 feet to another sexually oriented business.
2. No sexually oriented business shall be located closer than 1,500 feet to a school.
3. No sexually oriented business shall be located closer than 500 feet to a bar.
4. No sexually oriented business shall be located closer than 600 feet to a church, residential district, public park, or licensed day care.
5. Measurement of Distance. Distances shall be measured along a straight line from property line to property line, or property line to zoning district boundary.

H. **Site Requirements.** In addition to the site requirements that apply to commercial uses generally, sexually oriented businesses shall comply with the following site requirements:

1. Off-street parking shall be located in front of the building or on the side of the building only. Parking in the rear of the building is prohibited.
2. Parking shall be properly illuminated, pursuant to Section 8.2.
3. If signs or window displays are used, they shall not depict specified anatomical areas or specified sexual activities.
4. The face of the building shall be set back a minimum distance of fifty (50) feet from any public sidewalk.

I. **Operational Requirements.** Sexually oriented businesses shall comply with the following operational requirements:

1. Persons under the age of 18 shall be prohibited from entering the business.
2. The business shall be closed between the hours of 1:00 a.m. and 8:00 a.m.
3. Employees and customers shall not be allowed to engage in specified sexual activities on the site.
4. Prostitution or the soliciting of acts of prostitution shall not be allowed on the site.
5. The distribution of controlled substances shall not be allowed on the site.

## Section 6.2 Adult Foster Care Small Group Home, Large Group Home, and Congregate Facility

- A. **Licensing Requirements.** Adult foster care small group homes, large group homes, and congregate facilities shall be licensed by the Michigan Department of Licensing and Regulatory Affairs, pursuant to Michigan Public Act 218 of 1979, as amended.
- B. **Spacing.** No adult foster care small group home, large group home, or congregate facility shall be closer than 500 feet to a similar home or facility.
- C. **On-Site Manager.** All adult foster care small group homes, large group homes, and congregate facilities shall have a manager on duty on the site at all times.
- D. **Notification.** At the time of special use review, the notification of public hearing shall be mailed to all residents within 1,500 feet of the proposed home or facility.

### Section 6.3 Airports, Public and Private

- A. **Compliance with State and Federal Regulations.** Airports shall comply with regulations promulgated by the Michigan Aeronautics Commission and Office of Aeronautics and the Federal Aviation Administration (FAA).
- B. **Ingress and Egress.** Points of ingress and egress shall be designed in accordance with the Isabella County Road Department's requirements and the following additional requirements:
  - 1. All points of ingress and egress shall be onto a major thoroughfare or other public road. Traffic within the site shall be accommodated to facilitate smooth movement in and out.
  - 2. All points of ingress and egress shall be located no closer than two hundred (200) feet from the intersection of any two (2) roads or highways, measured between right-of-way lines.
  - 3. As they approach within one hundred (100) feet of a public road, vehicles shall have a clear vision for a distance of five hundred (500) feet in both directions along the road.
  - 4. Where points of ingress and egress are located on a major street or thoroughfare, deceleration/acceleration lanes shall be provided.
- C. **Parking.** Driveways and off-street parking shall comply with the regulations in Section 9, except that driveways and parking shall be located a minimum of fifty (50) feet from adjacent property lines and a minimum of two hundred (200) feet from any existing residential dwelling located on adjacent property.

### Section 6.4 Amusement Parks

- A. **Ingress and Egress.** Points of ingress and egress shall be designed in accordance with the Isabella County Road Department's requirements and the following additional requirements:
  - 1. All points of ingress and egress shall be onto a major thoroughfare or other public road. Traffic within the site shall be accommodated to facilitate smooth movement in and out.
  - 2. All points of ingress and egress shall be located no closer than two hundred (200) feet from the intersection of any two (2) roads or highways, measured between right-of-way lines.
  - 3. As they approach within one hundred (100) feet of a public road, vehicles shall have a clear vision for a distance of five hundred (500) feet in both directions along the road.
  - 4. Where points of ingress and egress are located on a major street or thoroughfare, deceleration/acceleration lanes shall be provided.
- B. **Parking.** Driveways and off-street parking shall comply with the regulations in Section 9, except that driveways and parking shall be located a minimum of fifty (50) feet from adjacent property lines and a minimum of two hundred (200) feet from any existing residential dwelling located on adjacent property.
- C. **Building Setbacks.** Principal and accessory buildings shall be set back a minimum of one hundred (100) feet from any abutting residential zoning district and a minimum of two hundred (200) feet from any existing residential dwelling located on adjacent property.

### Section 6.5 Animals, Keeping of

- A. **Household Pets.** Up to four (4) customary household pets may be kept per lot or dwelling unit in all districts, except as noted in item D, below.
- B. **Livestock and Fowl.** Except as specified in the R-1 district, no livestock or fowl may be kept in any residential district or within one hundred (100) feet of a residential district boundary.
- C. **Predatory and Wild Animals.** Predatory and wild animals may not be kept in any district.

**D. Exceptions.**

1. The keeping of more than four (4) dogs, six (6) months or older, may be permitted on any residential lot subject to all of the following conditions:
  - a. The minimum lot size is five (5) acres.
  - b. The animals shall be housed at least one hundred (100) feet from any adjoining property line.
  - c. A kennel permit shall be obtained from the Isabella County Animal Control Department.
  - d. The keeping of dogs must be for personal use only and not for commercial purposes.
2. Up to four (4) fowl or fur bearing animals may be kept in any residential district for educational programs, subject to the following conditions:
  - a. Animals shall be confined in an enclosure so that they cannot wander beyond the property line.
  - b. Animals shall be kept in the rear yard only.
  - c. The educational program shall consist of a planned and coordinated group of activities for a specific written purpose.

**E. Boarding Kennels.** See Section 6.8.

### Section 6.6 Automobile or Vehicle Storage

Storage of up to two (2) automobiles or vehicles is permitted in the rear or side yard only (not in the front yard), provided that the automobiles or vehicles are kept locked at all times to prevent access by children. Outdoor storage of three (3) or more inoperable or dismantled vehicles is considered a junkyard, which is regulated under Section 6.21.

### Section 6.7 Auto Wash Establishments

Auto wash establishments shall be fully contained within a building. However, accessory facilities, such as self-service vacuums, may be located outside, subject to Planning Commission approval. When reviewing an auto wash proposal, the Planning Commission shall consider the following:

- A. The noise generated by outside vacuum facilities relative to the location of residentially zoned or used land.
- B. Traffic circulation and the ease of ingress and egress.
- C. The availability of sufficient on-site vehicle stacking space.
- D. The availability of adequate space for post-wash drying and drainage before entering the public road.

### Section 6.8 Boarding and Breeding Kennels

**A. Boarding Kennels.** The following regulations shall apply to boarding kennels:

1. Types of Animals. Boarding kennels may house customary household pets only. Exotic and wild animals are not permitted.
2. Setbacks. The boarding kennel shall be located a minimum of one hundred (100) feet from any property line and a minimum of five hundred (500) feet from any residential district boundary.
3. Type of Building. The design of the building shall be compatible with the buildings in the surrounding neighborhood. Boarding kennels shall not exceed one (1) story.
4. Emissions. The kennel shall be designed so that no noise is detectable at the property line. The building shall not emit any noxious odors.
5. Kennel Runs. Kennel runs shall be incorporated within the building.



6. Screening. Boarding kennels that abut residential uses shall be screened in accordance with Section 10.
  7. Animal Waste. Fecal waste shall be disposed of in a manner that complies with Health Department standards.
  8. Grooming. Grooming and/or bathing of boarded animals is permitted.
  9. Miscellaneous. Off-street parking shall be required pursuant to Section 9. Signs shall be permitted pursuant to Section 11. Site plan review shall be required pursuant to Section 14.2.
- B. Breeding Kennels.** The regulations that follow are intended to ensure that a breeder has the facilities to successfully whelp, raise, and assure the future well-being of any resulting litter.
1. Building Specifications.
    - a. Floors shall be constructed of solid materials, such as sealed concrete, which provide a smooth surface that is easy to clean and sanitize. Wire or slatted flooring is unacceptable
    - b. Ventilation and heating systems shall be designed to supply fresh air and enable adequate exchange of air and maintenance of optimal environmental conditions for all seasons. Additional ventilation shall be provided by using exhaust fans and/or air conditioning when ambient temperatures reach more than 78°F.
    - c. The HVAC system shall be designed to control indoor humidity levels to maintain animal comfort, minimize the risk of transmission of animal disease, prevent damage to the structural integrity of the building, and prevent accumulation of excess moisture that can promote the growth of mold.
    - d. Adequate lighting shall be provided so that all areas of the interior of the kennel can be clearly seen.
    - e. Materials that optimize soundproofing shall be used so as to maintain an environment in which the average sound level is less than 85 dB.
  2. Minimum Animal Housing Standards.
    - a. Facilities shall be designed so that females in heat are not housed with non-neutered males.
    - b. Puppies younger than ten (10) weeks shall be housed in an enclosure with their dam separate from other dogs.
    - c. Any primary dog enclosure shall have at least one side through which a caretaker can observe the dog and the dog can see the exterior.
    - d. Any primary dog enclosure shall provide a distinct activity area large enough to allow dogs to exercise, and to socialize and play freely with other dogs or humans, allowing access to the outdoors when weather permits.
    - e. Primary dog enclosure space shall adhere to the following minimum requirements. (These minimum primary enclosure space requirements apply to the keeping of one adult dog. Dams and their puppies up to eight (8) weeks of age shall be provided with an additional space of ten percent (10%) per puppy. If two or more adult dogs are kept in one enclosure, the minimum dimensions for the enclosure shall be increased by sixteen (16) square feet for each dog kept in the enclosure.)

Height of dog measured at the shoulder of the dog (inches)	Area (sq. ft.)	Width (inches)	Height (inches)
28 or greater	161	94	71
15.8 to 27.9	108	71	71
7.9 to 15.7	65	55	47
Less than 7.9	43	39	47

3. Primary Outdoor Enclosure. The primary outdoor enclosure shall be protected from direct sunlight, wind, rain, sleet, snow, and extreme cold or hot temperatures.
4. Whelping Area. The whelping box shall have a floor area two and a half (2 ½) times the size of the dam. A supplemental source of safe heating must be provided until the puppies are able to successfully thermoregulate.
5. Waste Management.
  - a. All enclosures shall be cleared of debris and cleaned of feces and urine at least twice daily, or more often as necessary to maintain a sanitary environment and good health.
  - b. Waste products shall be disposed of promptly in a hygienic manner.
  - c. Ammonia levels shall be maintained so as to comply with applicable health and safety regulations.

## Section 6.9 Bed and Breakfast Facility

### A. Physical Requirements

1. Room Size. A minimum room size of seventy (70) square feet shall be required for the first occupant and an additional fifty (50) square feet shall be required for each occupant thereafter.
2. Percent of Total Floor Area. Not more than forty percent (40%) of the total floor area of the dwelling unit shall be used for bed and breakfast sleeping rooms.
3. Spacing. A site occupied by a bed and breakfast facility shall not be located within six hundred (600) feet of a site occupied by another such facility, measured along the road right-of-way line. In historic districts, the Planning Commission may reduce this spacing requirement.
4. Design. On the interior, the building shall retain its inherent single-family residential appearance. The exterior design must conform to the predominant residential character of the neighborhood. Building modifications or additions shall be designed to blend with the architecture of the existing structure and neighborhood.
5. Signs. Signs must comply with the requirements in Section 11.

### B. Parking

1. Hard-surfaced, off-street parking shall be required in the rear yard. At minimum of one (1) space shall be provided per sleeping room, plus two (2) spaces for the owner. The total hard surface shall not exceed fifty percent (50%) of the rear yard. Parking shall be located no closer than ten (10) feet to an adjacent property line.
2. Parking areas shall be designed so as to not disrupt the appearance of the neighborhood. The Planning Commission may require additional screening and/or landscaping to preserve the neighborhood appearance in accordance with Section 10.

### C. Operational Requirements

1. The dwelling in which the bed and breakfast facility is located shall be the principal residence of the owner. The owner shall live on the premises while the facility is in use.
2. There shall be no separate cooking facilities in guest quarters.
3. The maximum stay for any paying guest shall be fifteen (15) consecutive days.
4. Bed and breakfast facilities are subject to annual inspection by the Mt. Pleasant Fire Department, the Township Building Official, and the Central Michigan District Health Department.

### 6.10 Campgrounds and Recreation Grounds, Private

- A. **Ingress and Egress.** Points of ingress and egress shall be designed in accordance with the Isabella County Road Department's requirements and the following additional requirements:
  - 1. All points of ingress and egress shall be onto a major thoroughfare or other public road. Traffic within the site shall be accommodated to facilitate smooth movement in and out.
  - 2. All points of ingress and egress shall be located no closer than two hundred (200) feet from the intersection of any two (2) roads or highways, measured between right-of-way lines.
  - 3. As they approach within one hundred (100) feet of a public road, vehicles shall have a clear vision for a distance of five hundred (500) feet in both directions along the road.
  - 4. Where points of ingress and egress are located on a major street or thoroughfare, deceleration/acceleration lanes shall be provided.
- B. **Parking.** Driveways and off-street parking shall comply with the regulations in Section 9, except that driveways and parking shall be located a minimum of fifty (50) feet from adjacent property lines and a minimum of two hundred (200) feet from any existing residential dwelling located on adjacent property.
- C. **Greenbelt and Screening.** A 25-foot wide landscaped greenbelt shall be provided around the perimeter. Where the abutting property is zoned residential, or where there is an existing residential dwelling within one hundred (100) feet of the property line, screening shall be required pursuant to Section 10.3.
- D. **Setbacks.** All buildings, entertainment activity, and displays shall be set back a minimum distance of one hundred (100) feet from all property lines.
- E. **Sanitation Facilities.** Adequate sanitation facilities shall be provided, which shall meet the approval of the Central Michigan District Health Department.
- F. **Planning Commission Approval.** All uses and activities proposed for campgrounds and recreation grounds shall require prior Planning Commission approval.

### 6.11 Cemeteries, Public or Private (including Mausoleums)

- A. **Ingress and Egress.** Points of ingress and egress shall be designed in accordance with the Isabella County Road Department's requirements and the following additional requirements:
  - 1. All points of ingress and egress shall be onto a major thoroughfare or other public road. Traffic within the site shall be accommodated to facilitate smooth movement in and out.
  - 2. All points of ingress and egress shall be located no closer than two hundred (200) feet from the intersection of any two (2) roads or highways, measured between right-of-way lines.
  - 3. As they approach within one hundred (100) feet of a public road, vehicles shall have a clear vision for a distance of five hundred (500) feet in both directions along the road.
  - 4. Where points of ingress and egress are located on a major street or thoroughfare, deceleration/acceleration lanes shall be provided.
- B. **Parking.** Driveways and off-street parking shall comply with the regulations in Section 9, except that driveways and parking shall be located a minimum of fifty (50) feet from adjacent property lines and a minimum of two hundred (200) feet from any existing residential dwelling located on adjacent property.
- C. **Setbacks.** All buildings shall be set back a minimum distance of fifty (50) feet from any residentially zoned property line. All buildings shall be set back a minimum distance of two hundred (200) feet from any residential dwelling on abutting property.

## 6.12 Country Clubs and Golf Courses

- A. **Ingress and Egress.** Points of ingress and egress shall be designed in accordance with the Isabella County Road Department's requirements and the following additional requirements:
1. All points of ingress and egress shall be onto a major thoroughfare or other public road. Traffic within the site shall be accommodated to facilitate smooth movement in and out.
  2. All points of ingress and egress shall be located no closer than two hundred (200) feet from the intersection of any two (2) roads or highways, measured between right-of-way lines.
  3. As they approach within one hundred (100) feet of a public road, vehicles shall have a clear vision for a distance of five hundred (500) feet in both directions along the road.
  4. Where points of ingress and egress are located on a major street or thoroughfare, deceleration/acceleration lanes shall be provided.
- B. **Parking.** Driveways and off-street parking shall comply with the regulations in Section 9, except that driveways and parking shall be located a minimum of fifty (50) feet from adjacent property lines and a minimum of two hundred (200) feet from any existing residential dwelling located on adjacent property.
- C. **Setbacks.** All buildings shall be set back a minimum distance of fifty (50) feet from any residentially zoned property line. All buildings shall be set back a minimum distance of two hundred (200) feet from any residential dwelling on abutting property. A minimum front setback of one hundred (100) feet shall be required for all buildings, uses, and operations. The front setback shall be landscaped in accordance with Section 10.3.
- D. **Fairway Setback.** Adequate land area shall be provided, and fairways shall be set back a sufficient distance from the road and perimeter to ensure that adjacent properties and road rights-of-way are not adversely affected. Use of netting to contain balls on the golf course is prohibited.

## Section 6.13 Group Day Care Home (for 7 to 12 Children)

- A. **Licensing and Approval.** Group day care homes shall be licensed by the Michigan Department of Health and Human Services prior to commencement of the use. Group day care homes may be permitted in all residential districts and the agricultural district, subject to special use approval.
- B. **Requirements.** Pursuant to Public Act 110 of 2006, as amended, a group day care home shall be issued a special use permit if the facility meets of the following standards:
1. Spacing. The Group Day Care Home shall not be located closer than 1,500 feet to any of the following:
    - a. Another licensed group day care home.
    - b. An adult foster care small group home or large group home licensed under the adult foster care facility licensing act, Michigan Public Act 218 of 1979, as amended.
    - c. A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people licensed under Article 6 of the public health code, Michigan Public Act 218 of 1979, as amended.
    - d. A community correction center, resident home, halfway house, or other similar facility that houses an inmate population under the jurisdiction of the Department of Corrections.
  2. Fence Enclosure. For the safety of the children, the play yard shall be enclosed with a four (4) foot high fence, which shall comply with the requirements in Section 7.6 of the Zoning Ordinance.
  3. Maintenance. The property shall be maintained in a manner that is consistent with the characteristics of the residential neighborhood.
  4. Hours of Operation. The facility shall not exceed 16 hours of operation during a 24-hour period.
  5. Signs. Signs shall comply with Section 11 of the Zoning Ordinance.

### Section 6.14 Day Care, Family Home (for 1 to 6 Children)

Family day care homes shall be licensed by the Michigan Department of Health and Human Services prior to commencement of the use. Family day care homes are principal permitted uses in all residential and agricultural districts.

### Section 6.15 Drive-Through Facilities

- A. **Building Design.** Drive-through facilities shall be built as an integral architectural element of the primary structure. Exterior building materials shall be the same as used on the primary structure. Except for stand-alone ATM facilities, drive-through facilities separate from the primary structure are prohibited.
- B. **Setbacks.** Drive-through facilities, including the drive-through window and any canopies, shall be located to the rear or side of the primary structure, except that on a corner parcel one (1) frontage of the building may be used for drive-through window service. Drive-through service windows shall be set back a minimum of eight (8) feet from the front building wall of the primary structure.
- C. **Stacking Lane.** Stacking lanes shall not be located in a required front yard setback. The configuration of stacking lanes and curb opening shall not create hazardous conditions for pedestrians.
- D. **Headlight Glare.** Drive-through facilities shall be designed and/or screened so that the glare from the headlights of vehicles in the stacking lane is obstructed from shining into neighboring residential properties, and so that headlight glare does not create a driving hazard on adjacent streets or roads.
- E. **Landscaping.** A landscaped buffer, with a minimum width of ten (10) feet that meets the requirements of Section 10.3, shall be provided along the rear and side lot lines of a drive-through facility located adjacent to residentially zoned or used property.

### Section 6.16 Residential Design Requirements

All single family detached dwelling units located outside of a mobile home park shall comply with the following requirements:

- A. **Dimensional Requirements.** All dwelling units shall comply with the dimensional requirements, including minimum floor area requirements, for the district in which they are located. The minimum width of the front elevation shall be thirty (30) feet and the minimum dimension along any side or rear elevation shall be twenty-four (24) feet.
- B. **Minimum Width.** Dwelling units shall comply with the minimum width requirements throughout the entire length of the dwelling unit. Width shall be measured on the exterior walls.
- C. **Removal of Wheels, Towing Mechanisms.** Dwelling units assembled off-site and moved to the site in a fully constructed condition (e.g., mobile home) shall have all wheels, towing mechanisms, and tongue removed. None of the undercarriage shall be visible from the exterior.
- D. **Exterior Building Materials.** Exterior building materials shall extend to the foundation on all sides.
- E. **Attachment to Foundation.** All single family detached dwelling units shall be firmly attached to a foundation so as to form a complete watertight seal under the exterior walls, as required by the Building Code.
- F. **Water and Sanitary Facilities.** All dwellings shall be connected to a public sanitary sewer system and water supply system or a well and septic system approved by the Central Michigan District Health Department.
- G. **Ingress and Egress.** All dwellings shall provide a minimum of two (2) points of ingress and egress. Where there is an elevation difference of more than one (1) foot between any door and the surrounding grade, steps or a porch shall be provided, which shall be permanently attached to the foundation.
- H. **Additions.** Additions to dwellings must comply with all requirements of this Ordinance.

- I. **Aesthetic Compatibility.** Dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity. The compatibility of design and appearance shall be determined by the Zoning Administrator upon review of the plans for a particular dwelling in comparison to existing dwellings in the neighborhood. This requirement shall not be construed to prohibit innovative design concepts to provide solar energy, address unique land contours, respond to particularly appealing views or vistas, etc.
- J. **Applicable Codes.** Single family detached dwellings shall comply with the adopted building code of the Township, with the exception that mobile homes shall meet the standards for mobile home construction promulgated by the U. S. Department of Housing and Urban Development (HUD).

## Section 6.17 Dwellings, Boarding House

- A. **Approval Requirements.** Rooming and boarding dwellings shall comply with the following requirements:
  - 1. **Maximum Occupancy.** The Maximum occupancy for a boarding house shall be five (5) occupants, regardless of familial status, or one (1) family plus two (2) additional occupants. Occupancy may be further limited as a condition of special use approval where conditions do not warrant the maximum allowable occupancy.
  - 2. **Housing License.** Boarding houses shall conform to the Township's Housing Licensing Code Ordinance.
  - 3. **Contact Information.** Contact information for the property owner and individual (s), partnership or other legal entity responsible for operating the boarding house shall be provided to the Township with the application for approval.
  - 4. **Residential Design Requirements.** Boarding houses in the AG, R-1, R-2A, and R-2B zoning districts shall comply with the Residential Design Requirements in Section 6.16.
  - 5. **Parking.** A minimum of (4) off-street parking spaces shall be provided, which shall be designed so that no vehicle will be blocked by another parked vehicle. Parking shall comply with the requirements in Section 9.5. Where a garage is provided and counted as a parking space, it shall remain available for parking at all times. More than one (1) parking area may be provided to fulfill these requirements.
  - 6. **Bedrooms and Bathrooms.** A minimum of three (3) bedrooms and one (1) bathroom (sink, toilet, bath) shall be provided. Bedrooms shall be a minimum of seventy (70) square feet for a single occupant, and one hundred (100) square feet for each additional occupant in the bedroom. When approved for five (5) occupants, each unit so approved shall provide a minimum of one (1) bathroom and a half bathroom (sink and toilet only).
  - 7. **Lot Area.** No rooming or boarding dwelling unit shall be approved on a lot that does not comply with the minimum lot area requirements in Section 3.
  - 8. **Common Entrance(s).** All occupants of rooming or boarding dwellings shall enter or exit the structure through one (1) or more common entrances. Any entrance to the residence that creates a separate or exclusive living area, with or without sanitary or cooking facilities, shall be deemed an additional unit. A one-unit rooming dwelling located in an R-2 zoning district may be converted to a two (2) unit rooming dwelling, subject to special use approval. Three-unit dwellings are not permitted in any R-1 or R-2 zone.
  - 9. **Solid Waste Disposal.** If a dumpster is provided, then it shall be screened pursuant to Section 7.14. Plastic trash bags shall not be stored outside unless they are stored in an animal-proof container.
  - 10. **Septic System Approval.** If the structure uses a septic system, a system evaluation by the Central Michigan District Health Department shall be required prior to the addition of any bedrooms.
  - 11. **Revocation of Permit.** A special use permit may be revoked by the Planning Commission following a show cause hearing, if any of the following conditions occur:

- a. Failure to maintain the property in compliance with the conditions of approval of the special use permit.
- b. Failure to comply with the Union Township Rental Housing Code.

If the special use permit is revoked, the dwelling may be occupied by no more than one family.

### Section 6.18 Filling Stations for the Sale of Gasoline, Oil, Propane, and Vehicle Accessories

- A. **Access.** Curb cuts for access to a filling station shall be located no closer than twenty-five (25) feet to a street intersection (measured from the road right-of-way) or from an adjacent residential district. In the interest of traffic safety, the Planning Commission may limit the number of curb cuts.
- B. **Minimum Lot Size.** The minimum lot size for filling stations is fifteen thousand (15,000) square feet, unless the filling station is intended solely for the sale of gasoline, oil, and minor accessories (no facilities for repair or servicing), in which case the minimum lot size shall be as specified for the district in which the filling station is located.
- C. **Setbacks.** Buildings shall be set back a minimum distance of fifty (50) feet from any residentially zoned property and a minimum of one hundred (100) feet from any existing residential dwellings located on adjacent property.
- E. **Parking.** Driveways and off-street parking shall comply with the regulations in Section 9, except that driveways and parking shall be located a minimum of fifty (50) feet from adjacent property lines and a minimum of two hundred (200) feet from any existing residential dwelling located on adjacent property.
- F. **Lighting.** Exterior lighting shall comply with Section 8.2, Except that the maximum light level under the pump island canopy structure is twenty (20) foot candles.

### Section 6.19 Home Occupations and Home-Based Businesses

- A. **Approval and Permit Requirements.**
  - 1. Planning Commission Approval. Home occupations and home-based businesses, as defined in Section 2.2, are subject to Planning Commission approval. Property owners within three hundred (300) feet of the site on which the home occupation is proposed shall be notified by mail of the Planning Commission meeting at which the proposal will be considered.
  - 2. Zoning Permit. Upon approval by the Planning Commission, and payment of fees, a permit for a home occupation or home-based business may be issued by the Zoning Administrator. A permit is initially valid for one (1) year. Thereafter, it may be renewed every three (3) years if the Zoning Administrator finds that the home occupation or home-based business is in compliance with the conditions of approval.
  - 3. Other Permits. The holder of the permit shall be responsible to carry adequate insurance and apply for any other licenses or permits as may be required by any other local, state or federal agency.
  - 4. Transferability of Permit. A permit is not transferable to another location.
  - 5. Expansion. Any expansion of a home occupation or home-based business shall require a new permit.
  - 6. Revocation of Permit. Failure to comply with the requirements in this section or with the conditions of approval shall be grounds for revocation of the permit.
  - 7. Compliance with Zoning District Requirements. The dwelling unit and home occupation or home-based business shall comply with all applicable zoning district requirements.
- B. **Application.** The application for a home occupation or home-based business shall contain the following information:
  - 1. Identification of who will be working in the home occupation or home-based business.

2. Thorough description of the home occupation or home-based business and any materials required.
3. Hours of operation, which must be harmonious with the neighborhood.
4. Provisions for parking.
5. Storage requirements.
6. A floor plan, drawn to scale, which identifies areas to be occupied by the home occupation or home-based business.
7. A site plan, drawn to scale, which illustrates all buildings, structures, paved areas, and other site features, and identifies areas to be occupied by the home occupation or home-based business.

**C. General Requirements.**

1. Home Occupation or Home-Based Business an Incidental Use. Any business activity must be clearly incidental to the use of the dwelling as a residence.
2. Exterior Appearance. The exterior appearance of any structure shall not be altered due to the business activity.
3. Maintain Residential Character. No business activity shall be conducted in such a manner so as to cause the premises to differ from a residential character, whether by the use of colors, materials, construction, lighting, signs (except as permitted in this Section), or the emission of sounds or vibrations.
4. Delivery and Pickup. The delivery and pickup of goods and materials used and/or produced in the operation of a home occupation shall be limited to the customary activity of the United States Postal Service and/or alternative private package services common to residential property in the area.
5. Vehicular and Parking Increase. A home occupation or home-based business may increase vehicular traffic flow and parking demand by no more than two (2) additional vehicles at a time. No more than ten (10) customers or clients shall visit the dwelling unit for services or products during any one day. Any demand for parking generated by a home occupation or home-based business, including one (1) space for each non-resident employee of a home-based business, shall be met off the street and behind the required front setback line.
6. No Outdoor Activity. The entire home occupation or home-based business shall be fully contained within a principal or accessory structure. No outdoor display and/or storage of materials, goods, supplies, or equipment used in the home occupation shall be allowed on the premises in any zoning district.
7. Allowable Uses. The following uses shall be permitted as home occupations and home-based limited businesses:
  - a. Home offices for such professionals as architects, doctors, brokers, engineers, insurance agents, lawyers, accountants, writers, salespersons, and similar occupations.
  - b. Personal services, including beauty and barbershops (one-chair operations only) and animal grooming (provided there is no overnight keeping of animals).
  - c. Home office for a massage therapist.
  - d. Music, dance, arts and crafts classes, and private tutoring and instruction for a maximum of five (5) pupils at any given time.
  - e. Studios and workshops for artists, sculptors, musicians, and photographers; and for weaving, lapidary jewelry making, cabinetry, woodworking, sewing, tailoring and similar crafts.
  - f. Repair services, limited to watches and clocks, small appliances, computers, electronic devices, and similar small devices.
  - g. A lemonade stand or similar incidental sales activity operated under adult supervision by one (1) or more minor residents of the premises shall be permitted as a temporary home occupation, provided that; signage is limited to temporary signs permitted in the zoning district.



- h. Any use not specifically listed may be approved with a special use permit as a home-based limited business, subject to the requirements of this Section and Section 14.3.
8. **Prohibited Use.** The following uses are expressly prohibited as a home occupation or home-based limited business.
- a. General repair and servicing of motor vehicles or recreational vehicles, body and paint shops, welding shops, and storage or dismantling yards.
  - b. Kennels and veterinary clinics.
  - c. Medical or dental clinics.
  - d. Retail stores and eating or drinking establishments.
  - e. Adult regulated uses and sexually oriented businesses.
  - f. Any use or process that creates noise, vibration, glare, fumes, odor, electrical interference, or similar nuisances to persons off the premises; creates or exacerbates any hazard of fire, explosion, or radioactivity; or causes visual or audible interference or fluctuations in line voltages off the premises.
  - g. Any use involving outdoor display, parking or storage of materials, goods, supplies, vehicles or equipment; or the use of machinery, equipment or facilities not commonly incidental or accessory to a residential dwelling.

**D. Requirements for Home Occupations.**

- 1. **Residents Only.** Any person who is not a resident occupant of the dwelling unit shall not be employed in a home occupation located there.
- 2. **Sign.** One non-illuminated nameplate, not more than two square feet in area, shall be allowed per residence to identify a home occupation. The permitted sign shall not be located in any road right-of-way and shall not obstruct the clear vision of drivers. No other sign shall be used on the premises to advertise a home occupation.
- 3. **Accessory Building Use.** One (1) detached accessory building may be occupied by a home occupation, provided that there is no external evidence of the business activity. Any accessory building used for a home occupation shall be in full compliance with the standards for accessory buildings, as provided in Section 7.5 of this Ordinance.
- 4. **Total Area of Home Occupation.** The total area within the principal dwelling devoted to a home occupation shall not exceed forty percent (40%) of the residential floor area of one (1) story of the dwelling unit. If the home occupation occupies a detached accessory building, then it shall not exceed ten percent (10%) of the residential floor area of one (1) story of the dwelling unit.
- 5. **Craft or Fine Art Instruction.** Pursuant to Section 204 of Michigan Public Act 110 of 2006, as amended (MCL 125.3204), individual instruction in a craft or fine art within a residence is a permitted home occupation.

**E. Requirements for Home-Based Businesses.**

- 1. **One per Residence.** No more than one home-based business shall be permitted per residence.
- 2. **Employees.** A home-based business shall be conducted solely by the resident occupants of the dwelling unit, plus not more than one (1) full-time equivalent non-resident employee or independent contractor per residence.
- 3. **Sign.** One non-illuminated, freestanding or wall sign, not to exceed four (4) square feet in area, shall be permitted for a home-based business. The sign shall not be located in the road right-of-way and shall not obstruct the clear vision of drivers. A freestanding sign associated with a home-based business shall not exceed five (5) feet in height.

4. **Total Area of the Home-Based Business.** The total area within the principal dwelling devoted to a home occupation shall not exceed fifty (50%) percent of the residential floor area of one (1) story of the dwelling unit.
5. **Accessory Buildings.** Accessory buildings may be occupied by a home-based business, provided that there is no external evidence of the business activity and the total area of accessory buildings devoted to a home-based business does not exceed 4,000 square feet per residence. Any accessory building used for a home-based business shall be in full compliance with the standards for accessory buildings, as provided in Section 7.5 of this Ordinance.

### Section 6.20 Hunting Clubs and Gun Clubs

Driveways and off-street parking shall comply with the regulations in Section 9, except that driveways and parking shall be located a minimum of two hundred (200) feet from adjacent property lines. No person may hunt with a firearm within four hundred fifty (450) feet of an occupied building, dwelling, house, residence or cabin, or any barn or other building used in connection with a farm operation, without obtaining the written permission of the owner, renter, or occupant of the property.

### Section 6.21 Junk Yards or Salvage Yards

- A. **Licensing.** Junk yards shall be licensed under the provisions of Michigan Public Act 641 of 1978, as amended. Junk yards shall be operated in accordance with all applicable state laws.
- B. **Permits.** All required Township, County, and State permits shall be obtained prior to establishing a junk yard or salvage yard.
- C. **Minimum Lot Size.** The minimum lot size for junk yards is five (5) acres.
- D. **Screening.** The entire junk yard or salvage yard site shall be screened with an eight-foot obscuring masonry wall or solid wood fence constructed in accordance with the Section 7.6. the wall or fence shall be uniformly painted and maintained in neat appearance and shall not have any signs or symbols painted on it.
- E. **Enclosure.** All activities shall be confined within the fence or wall enclosure. No material shall be stocked higher than the fence or wall, except that movable equipment used on the site may exceed the wall or fence height. No equipment, material, signs, or lighting shall be used or stored outside the enclosure.
- F. **Stacking.** Junk, automobiles, or other debris shall not be stacked in a manner such that the material could be visible outside the site. Junkyards shall not be located in areas where it would be impossible to screen them from view from adjacent properties or public roads.
- G. **Regulated Activities.** Open burning shall be prohibited. All fluids shall be drained from vehicles and disposed of in a proper manner prior to the vehicles being stored on the site.
- H. **Setbacks.** A minimum setback of 250 feet shall be maintained between the front property line and the portion of the lot on which junk materials are placed or stored. All buildings and salvage materials shall be set back at least 250 feet from any road or highway right-of-way line, and at least 300 feet from any property line which abuts a residentially zoned district or property in residential use.
- I. **Surfacing.** All roads, driveways, parking lots, and loading and unloading areas shall be paved or treated in a manner approved by the Building Official so as to confine any wind-borne dust within the boundaries of the
- J. **Ingress and Egress.** Points of ingress and egress shall be designed in accordance with the Isabella County Road Department's requirements and the following additional requirements:
  1. All points of ingress and egress shall be onto a major thoroughfare or other public road. Traffic within the site shall be accommodated to facilitate smooth movement in and out.
  2. All points of ingress and egress shall be located no closer than two hundred (200) feet from the intersection of any two (2) roads or highways, measured between right-of-way lines.
  3. As they approach within one hundred (100) feet of a public road, vehicles shall have a clear vision for a distance of five hundred (500) feet in both directions along the road.

4. Where points of ingress and egress are located on a major street or thoroughfare, deceleration/acceleration lanes shall be provided.
- K. **Parking.** Driveways and off-street parking shall comply with the regulations in Section 9, except that driveways and parking shall be located a minimum of fifty (50) feet from adjacent property lines and a minimum of two hundred (200) feet from any existing residential dwelling located on adjacent property.

## Section 6.22 Reserved

## Section 6.23 Miniature Golf and Driving Ranges

- A. **Ingress and Egress.** Points of ingress and egress shall be designed in accordance with the Isabella County Road Department's requirements and the following additional requirements:
1. All points of ingress and egress shall be onto a major thoroughfare or other public road. Traffic within the site shall be accommodated to facilitate smooth movement in and out.
  2. All points of ingress and egress shall be located no closer than two hundred (200) feet from the intersection of any two (2) roads or highways, measured between right-of-way lines.
  3. As they approach within one hundred (100) feet of a public road, vehicles shall have a clear vision for a distance of five hundred (500) feet in both directions along the road.
  4. Where points of ingress and egress are located on a major street or thoroughfare, deceleration/acceleration lanes shall be provided.
- B. **Parking.** Driveways and off-street parking shall comply with the regulations in Section 9, except that driveways and parking shall be located a minimum of fifty (50) feet from adjacent property lines and a minimum of two hundred (200) feet from any existing residential dwelling located on adjacent property.
- C. **Setbacks.** All uses, operations, and structures shall be set back a minimum of one hundred (100) feet in front. The front yard setback shall be landscaped in accordance with Section 10.3. Buildings shall be set back a minimum distance of fifty (50) feet from any residentially zoned property and a minimum of two hundred (200) feet from any existing residential dwellings located on adjacent property.
- D. **Safety Screening.** Adequate land area shall be provided within the premises to ensure that adjacent properties and road rights-of-way are not adversely affected. Safety screening to contain balls on the site is prohibited.

## Section 6.24 Mixed-Use Buildings

The following requirements shall apply to mixed-use buildings:

- A. **Approval Requirements.** Site plan approval shall be required per Section 14.2.
- B. **Building Height.** Mixed use buildings shall not exceed three (3) stories in height and shall conform to the maximum height allowed in the zoning district.
- C. **Non-Residential Use Requirements.** Use of the ground floor or street level of the building shall be limited to medical uses, public and quasi-public uses, and/or commercial and retail uses allowed by right as principal permitted uses in the zoning districts where the mixed use building is located.
1. These uses may also be located on an upper floor of a mixed-use building but shall be fully separated from any residential uses on the same upper floor.
  2. The Planning Commission shall have authority to limit the hours of operation or place additional conditions on an allowable non-residential use in a mixed-use building to ensure compatibility with residential uses in the building.
- D. **Residential Use Requirements.** The following requirements shall apply to allowable residential uses in a mixed-use building:

1. Residential units shall all be on the upper floor(s) above the ground floor or street level of the building, except as otherwise provided for in this Section.
  2. Use of the ground floor or street level of the building for residential parking or household storage shall be prohibited.
  3. Each residential unit shall include adequate sleeping, kitchen, bathroom, living, and household storage space to accommodate the maximum allowable unit occupancy, independent of other residential units in the building and in compliance with applicable Building Code and Fire Code requirements. This provision shall not preclude the inclusion of additional common areas on an upper level that are reserved for the use of the building residents and their guests.
  4. The scope and extent of allowable residential uses in a mixed-use building shall remain secondary to the principal use of the building and site for commercial business purposes, consistent with the zoning district's statement of purpose. The Planning Commission shall have authority to limit the number, size, type, and arrangement of allowable dwelling units in a mixed-use building to ensure compliance with this requirement.
- E. **Parking.** The minimum required off-street parking facilities for the building and all allowable land uses shall conform to the requirements and standards of Section 9. At least one (1) parking space per allowable residential unit shall be reserved for the occupants by use of signage.
- F. **Access.** Separate access to the residential units shall be provided, without having to enter the business portion of the building. Secondary access to the residential units may be provided from the business area of the building.
- G. **Legal Nonconforming Structures.** Legal nonconforming structures in business districts may be converted to mixed-use structures under the following conditions:
1. If the structure is single story, then only one (1) residential unit may be permitted on the first floor.
  2. If a second story is present or added, then only the second story may be used for residential purposes.

### Section 6.25 Mobile and Modular Home Sales

- A. **Approval Requirements.** Special use and site plan approval are required.
- B. **Ingress and Egress.** Points of ingress and egress shall be designed in accordance with the Isabella County Road Department's requirements and the following additional requirements:
1. All points of ingress and egress shall be onto a major thoroughfare or other public road. Traffic within the site shall be accommodated to facilitate smooth movement in and out.
  2. All points of ingress and egress shall be located no closer than two hundred (200) feet from the intersection of any two (2) roads or highways, measured between right-of-way lines.
  3. As they approach within one hundred (100) feet of a public road, vehicles shall have a clear vision for a distance of five hundred (500) feet in both directions along the road.
  4. Where points of ingress and egress are located on a major street or thoroughfare, deceleration/acceleration lanes shall be provided.
- C. **Parking.** Driveways and off-street parking shall comply with the regulations in Section 9, except that driveways and parking shall be located a minimum of fifty (50) feet from adjacent property lines and a minimum of two hundred (200) feet from any existing residential dwelling located on adjacent property.
- D. **Landscaping.** Mobile and modular home sales lots shall comply with the landscaping requirements in Section 10.3.

- E. **Site Access.** Mobile and modular home sales lots shall comply with the access management requirements in Section 9.7.
- F. **Maximum Lot Coverage.** No more than thirty percent (30%) of the gross lot area shall be covered by buildings and display models. However, if the Planning Commission determines that the site is in compliance with the access management requirements in Section 9.7, it may allow the maximum lot coverage to increase to fifty percent (50%).
- G. **Repair or Restoration.** Any repair or restoration of mobile or modular homes or other equipment shall occur within a fully enclosed building.
- H. **Service Vehicles.** Service vehicles shall be parked on a paved surface and completely screened from view from adjacent properties.
- I. **Exterior Lighting.** Outdoor display lights shall be shielded to deflect light away from adjacent properties and streets. Lighting shall comply with Section 8.2.
- J. **Spacing.** The minimum distance between display models shall be ten (10) feet.
- K. **Skirting.** Display models shall be skirted immediately upon placement on the sales lot.
- L. **Location of Display Models.** Models on display shall not be located within required yard setbacks, within required landscaping and screening areas (see Section 10), and in the clear vision triangle (see Section 4.6).

### Section 6.26 Mortuary Establishments, Funeral Homes

- A. **Ingress and Egress.** Points of ingress and egress shall be designed in accordance with the Isabella County Road Department's requirements and the following additional requirements:
  - 1. All points of ingress and egress shall be onto a major thoroughfare or other public road. Traffic within the site shall be accommodated to facilitate smooth movement in and out.
  - 2. All points of ingress and egress shall be located no closer than two hundred (200) feet from the intersection of any two (2) roads or highways, measured between right-of-way lines.
  - 3. As they approach within one hundred (100) feet of a public road, vehicles shall have a clear vision for a distance of five hundred (500) feet in both directions along the road.
  - 4. Where points of ingress and egress are located on a major street or thoroughfare, deceleration/acceleration lanes shall be provided.
- B. **Parking.** Driveways and off-street parking shall comply with the regulations in Section 9, except that driveways and parking shall be located a minimum of fifty (50) feet from adjacent property lines and a minimum of two hundred (200) feet from any existing residential dwelling located on adjacent property.
- C. **Assembly Area.** Adequate off-street assembly area, separate from the required off-street parking, shall be provided for vehicles to be used in funeral processions. Assembly of vehicles for funeral processions shall occur on the premises and not in the road right-of-way.
- D. **Caretaker's Residence.** The main building of the mortuary establishment may contain a caretaker's residence.

### Section 6.27 Multiple-Family Dwellings

- A. **Access.** The multiple-family structure or complex shall have direct access to a major street or thoroughfare.
- B. **Parking.** Parking is prohibited in the required front and side yard setbacks. The Planning Commission may require parking beyond the minimum requirements specified in Section 9.3 to accommodate visitors.

- C. **Landscaped Open Space.** A minimum of twenty-five percent (25%) of the side and rear yard setbacks shall be retained as landscaped open space.

### Section 6.28 Extraction Operations

Extraction operations shall conform to all applicable federal, state, and county regulations and the requirements of the Township's Extraction Ordinance No. 20-01.

### Section 6.29 Nursing Home, Convalescent Home

- A. **Lot Area.** The minimum lot size for such facilities shall be three (3) acres.
- B. **Frontage and Access.** Such uses shall front onto a paved arterial or collector road and the main means of access for residents or patients, visitors, and employees shall be via the paved road. In no case shall access to a nursing home, be off of a residential street.
- C. **Setbacks.** The principal building and all accessory buildings shall be set back a minimum distance of seventy-five (75) feet from all property lines.
- D. **State and Federal Regulations.** Nursing homes, shall be constructed, maintained, and operated in conformance with applicable state and federal laws.
- E. **Service Entrances.** Service entrances shall be screened from view of adjacent residential properties or streets.

### Section 6.30 Oil and Gas Drilling and Processing

Pursuant to Section 205 of Michigan Public Act 110 of 2006, as amended, the Township shall not control the drilling, completion, or operation of oil or gas wells or other wells drilled for oil or gas exploration purposes and shall not have jurisdiction with reference to the issuance of permits for the location, drilling, completion, operation, or abandonment of such wells. The following regulations shall apply to oil and gas processing or sweetening plants:

- A. **Setbacks.**
  - 1. Oil and gas processing plants shall be located a minimum of 1,300 feet from any existing residential or commercial establishments, wetlands, or surface water.
  - 2. Oil and gas processing plants shall be located a minimum of 2,640 feet from population concentrations, such as subdivisions, apartment buildings, residential developments, or mobile home parks, and from uses whose occupants would be difficult to evacuate, such as hospitals or nursing homes.
- B. **Density.** There shall be no more than one (1) oil and gas processing facility in operation per square mile section of land. Such facilities shall be designed to service all oil and gas wells that are expected to need such service within a two (2) mile radius.
- C. **Screening.** Oil and gas processing facilities shall be screened in accordance with Section 10.
- D. **Air Pollution Control.** Emissions from the plant shall meet or exceed all applicable state and federal pollution standards, including state standards in Michigan Public Act 451 of 1994, as amended, and the rules adopted pursuant to that Act. Monitors/sensors shall be installed in at least four locations along the perimeter of the site. In addition, monitors shall be installed in all process buildings. These monitors shall be set to alarm and automatically cause the plant to be shut down upon detection of excessive concentrations of hydrogen sulfide, sulfur dioxide, methane, or other gases. The plant operator shall provide the Township with the instrument shut down set points, which shall be subject to review and approval. All monitors shall be maintained in proper working order at all times.
- E. **Fire Detection.** The fire detection and suppression system shall be constructed and maintained in accordance with state and local fire and building codes and shall be subject to approval by the Fire Chief. Fire eyes shall be installed in storage tank areas and in process buildings.
- F. **Noise.** Oil and gas processing plants shall comply with the noise standards set forth in Section 8.1.

- G. **Automatic Alarm System.** In the event that instruments, sensors, or monitors detect a malfunction of the system, including but not limited to the detection of gas leaks, odors, fire, flare failure, or improper operation of the processing equipment, an alarm system shall be set to automatically operate. The alarm system shall be operated through a bonded alarm company approved by the Township. The alarm company shall be instructed to contact the Mt. Pleasant Fire Department dispatcher and plant operating personnel.
- H. **Site Security.** The following security measures shall be maintained on the site:
  - 1. Fencing. The site shall be fully enclosed with a six-foot-high chain link fence with three strands of barbed wire along the top of the fence.
  - 2. Locking of the Facility. All building doors and fence gates shall be kept closed and locked, except when personnel are at the site during the daytime hours.
  - 3. Signs. "Poisonous Gas" or other appropriate warning signs shall be placed at fifty (50) foot intervals along the fence surrounding the facility. The warning signs shall have a reflective surface.
  - 4. Lighting. The site shall be adequately lit, in accordance with Section 8.2
  - 5. Telephone Monitoring System. In the event of a break-in or other lapse of security, the bonded alarm system shall automatically be put into operation, and operating personnel and local law enforcement officials shall be notified.
- I. **Preventative Maintenance.** The facility shall be maintained in proper operating condition at all times. Manufacturer's recommendations concerning periodic maintenance shall be adhered to.
- J. **Site Closure.** In the event that operation of the facility is terminated for a period exceeding six (6) months, all equipment and surface piping shall be removed, and foundations shall be destroyed to a depth of 36 inches below grade. The entire site shall be evenly graded and re-seeded.
- K. **Other Approvals.** The applicant shall submit proof of permits and approvals from all state or county agencies having jurisdiction.
- L. **Hours of Operation.** The Planning Commission may restrict truck traffic to day-time hours where the oil or gas well or processing facility being served is located near a residential area.
- M. **Performance Guarantee.** Prior to issuance of a building permit, the Township may require submission of a performance guarantee, in accordance with Section 14.7.

### Section 6.31 Outdoor Storage, General

- A. **Enclosure.** All outdoor storage shall be enclosed by a solid wood or vinyl fence or a wall, which shall be no less than six (6) feet or more than ten (10) feet in height. The fence or wall shall comply with Section 7.6. Materials stored on the site shall not exceed the height of the fence.
- B. **Noxious Impacts.** Materials that might generate fumes, odors, or dust, cause a fire hazard, or attract rodents or insects, shall be stored in closed containers. Outdoor storage of materials that might cause a fire hazard shall be subject to approval by the Fire Chief.
- C. **Accumulation of Materials.** Materials, particularly waste materials, shall not be allowed to accumulate on the site in such a manner as to be unsightly, constitute a fire hazard, or contribute to unsanitary conditions.
- D. **Securing of Materials.** Materials and waste must be secured to prevent wind-blown debris off the premises.
- E. **Retail Display of Goods.** The outdoor display of goods for sale by retailers shall not be considered outdoor storage for the purposes of this Section and shall not require enclosure.

### Section 6.32 Outdoor Temporary Retail Sales

- A. **General Requirements.** Temporary retail sales areas may be permitted to occupy not more than twenty-five percent (25%) of the existing or required parking spaces on the site. Temporary retail sales operations are permitted for a duration of not more than ninety (90) days in any twelve (12) month period.
- B. **Site Coordination.** The location of sales merchandise and temporary structures shall not interfere with pedestrian accessibility, traffic patterns, or access to the remaining parking spaces.
- C. **Required Approval.** Before establishing a temporary retail sales area zoning permit approval is required. A sketch must be submitted to the Community and Economic Development Department showing the location of the sales area relative to other permanent features on the site. The sketch must be drawn to scale and must show any temporary structures (including tents) and storage areas. The application must also note the date of removal. Approvals by the Zoning Administrator and Fire Chief are required.
- D. **Outdoor Food and Beverage Service on Private Property.** Outdoor food and beverage service on private property is subject to the following requirements:
  - 1. Accessibility. Outdoor food and beverage service shall be located in a manner that will not interfere with vehicular or pedestrian mobility or access. Outdoor food and beverage service areas shall not obstruct the any sidewalk or entrance to any building, or any barrier-free ramp or access aisle. If outdoor food and beverage service areas are located on a private sidewalk, then a minimum five (5) foot wide unobstructed pathway shall be maintained on the sidewalk for pedestrian travel.
  - 2. Location of Outdoor Food and Beverage Service Areas. Tables and chairs shall remain within a well-defined and clearly marked area. The Township may require enclosures consisting of metal railings, brick walls, wrought iron fencing, landscape planters or other suitable materials.
  - 3. Health Department Approval. Outdoor food and beverage services are subject to approval by the Central Michigan District Health Department.

### Section 6.33 Shopping Centers and Big-Box Stores

- A. **Purpose.** The requirements in this section are intended to promote the development of successful commercial facilities that are properly planned to provide safe and convenient access, with minimal traffic congestion and other adverse impacts.
- B. **Approval Requirements.** Shopping Centers and big box stores shall comply with the following approval requirements:
  - 1. Site Plan. A site plan, prepared in accordance with Section 14.2, shall be submitted. If the shopping center exceeds 100,000 sq. ft. in gross floor areas then the site plan shall be accompanied by a Transportation Impact Study (TIS), prepared by a qualified, registered traffic engineer, in accordance with the guidelines in Section 14.2. Approval by the Isabella County Road Department shall be required.
  - 2. Special Use Approval. Special use approval shall be required for shopping centers and big-box stores that exceed 100,000 sq. ft. in gross floor area.
  - 3. Proposed Uses. A list of the proposed uses shall be provided, along with the area (in square feet) to be allocated to each use.
  - 4. Engineering Plans. Engineering plans shall be submitted to demonstrate how the site will be served with sanitary sewer and public water utilities, and to demonstrate how storm water management will be addressed on the site.
  - 5. Miscellaneous Requirements. The following information shall be submitted:
    - a. Proposed hours of operation.
    - b. Estimated number of employees and customers anticipated during peak business hours.
    - c. Time schedule for completion of construction.



- C. **Parking.** Driveways and off-street parking shall comply with the regulations in Section 9, except that driveways and parking shall be located a minimum of fifty (50) feet from adjacent property lines and a minimum of two hundred (200) feet from any existing residential dwelling located on adjacent property.

### Section 6.34 Public and Institutional Uses

- A. **Maximum Height Exception.** The maximum height of the principal building containing or intended to be occupied by any public or institutional uses or religious institution shall be subject to the following exceptions:
  - 1. The building height shall be permitted to exceed maximum requirements up to a maximum height equal to twice the permitted maximum height of the zoning district, provided that the minimum required front, side and rear yard setbacks shall be increased by one (1) foot for each foot of additional building height above the maximum.
  - 2. The highest point of chimneys, stage towers of scenery lofts, church spires, cupolas, and domes may be erected to a height not exceeding one-hundred-fifty percent (150%) of the height of the building, provided that no such structure shall occupy more than twenty percent (20%) of the roof area of the building.
- B. **Conformity with Neighborhood Character.** Public and institutional uses shall conform to the character of the adjacent neighborhood. Conformity can be achieved through style of architecture, provision of screening in accordance with Section 10.3, providing ample setbacks, providing amenities needed by the surrounding neighborhood, providing sufficient lot size, and similar means.
- C. **Ingress and Egress.** Points of ingress and egress shall be designed in accordance with the Isabella County Road Department’s requirements and the following additional requirements:
  - 1. All points of ingress and egress shall be onto a major thoroughfare or other public road. Traffic within the site shall be accommodated to facilitate smooth movement in and out.
  - 2. All points of ingress and egress shall be located no closer than two hundred (200) feet from the intersection of any two (2) roads or highways, measured between right-of-way lines.
  - 3. As they approach within one hundred (100) feet of a public road, vehicles shall have a clear vision for a distance of five hundred (500) feet in both directions along the road.
  - 4. Where points of ingress and egress are located on a major street or thoroughfare, deceleration/acceleration lanes shall be provided.
- D. **Parking.** Driveways and off-street parking shall comply with the regulations in Section 9, except that driveways and parking shall be located a minimum of fifty (50) feet from adjacent property lines and a minimum of two hundred (200) feet from any existing residential dwelling located on adjacent property.

### Section 6.35 Biofuel Production Facility

The following requirements shall apply to biofuel production facilities:

- A. **Production Capacity Not More than 100,000 Gallons – Option A.** A biofuel production facility with an annual production capacity of not more than 100,000 gallons of biofuel is a permitted use of property in an AG District and is *not subject to special use approval* if all of the following requirements are met:
  - 1. Located on a Farm. The biofuel production facility is located on a farm.
  - 2. Compliance with Setbacks. The biofuel production facility is located not less than 100 feet from the boundary of any contiguous property under different ownership than the property on which the biofuel production facility is located and meets all applicable setback requirements for the district in which it is located.
  - 3. Production and Use of Biofuel. On an annual basis, not less than 75% of the feedstock for the biofuel production facility is produced on the farm where the facility is located, and not less than

75% of the biofuel or another product or by-product produced by the biofuel production facility is used on that farm.

- B. Production Capacity Not More than 100,000 Gallons – Option B.** A biofuel production facility with an annual production capacity of not more than 100,000 gallons of biofuel is a permitted use of property in an AG District *subject to special use approval* if all the following requirements are met:
1. Located on a Farm. The biofuel production facility is located on a farm.
  2. Compliance with Setbacks. The biofuel production facility is located not less than 100 feet from the boundary of any contiguous property under different ownership than the property on which the biofuel production facility is located and meets all applicable setback requirements for the district in which it is located.
- C. Production Capacity More than 100,000 but Not More than 500,000 Gallons.** A biofuel production facility with an annual production capacity of more than 100,000 gallons but not more than 500,000 gallons of biofuel is a permitted use of property in an AG District *subject to special use approval* if all the following requirements are met:
1. Located on a Farm. The biofuel production facility is located on a farm.
  2. Compliance with Setbacks. The biofuel production facility is located not less than 100 feet from the boundary of any contiguous property under different ownership than the property on which the biofuel production facility is located and meets all applicable setback requirements for the district in which it is located.
- D. Special Use Application Requirements.** An application for special use approval for a biofuel production facility shall include all of the following:
1. Site Plan. A site plan as described in Section 14.3.
  2. Description. A description of the process to be used to produce biofuel.
  3. Emergency Plans. An emergency access and fire protection plan that has been reviewed and approved by the appropriate responding police and fire departments (Isabella County Sheriff and Mt. Pleasant Fire Department).
  4. Federal Forms. For an ethanol production facility that will produce more than 10,000 proof gallons annually, completed United States Department of Treasury, Alcohol and Tobacco Tax and Trade Bureau, forms 5000.29 (environmental information) and 5000.30 (supplemental information on water quality considerations), or successor forms.
  5. Additional Relevant Information. Information that demonstrates that the biofuel production facility will comply with the requirements of subsection (B), (C), and (E).
  6. Information Requested by the Planning Commission or Township Board. Any additional information requested by the Planning Commission or Township Board that is necessary to make a determination on the special use application.
- E. Special Use Requirements.** Special use approval of a biofuel production facility shall be made expressly conditional on the facility's meeting all of the following requirements before the facility begins operation and no additional requirements:
1. Compliance with Local, State and Federal Laws. Buildings, facilities, and equipment used in the production or storage of biofuel shall comply with local, state and federal laws.
  2. Outside Agency Approvals. The owner or operator of the biofuel production facility shall provide the Township with proof that all necessary approvals have been obtained from the Department of Environment, Great Lakes, and Energy and other state and federal agencies that are involved in permitting any of the following aspects of biofuel production:
    - a. Air pollution emissions.

- b. Transportation of biofuel or additional products resulting from biofuel production.
  - c. Use or reuse of additional products resulting from biofuel production.
  - d. Storage of raw materials, fuel, or additional products used in, or resulting from biofuel production.
3. Sufficient Storage. The biofuel production facility shall have sufficient storage for both of the following:
- a. Raw materials and fuel.
  - b. Additional products resulting from biofuel production or the capacity to dispose of additional products through land application, livestock consumption, sale, or other legal use.

F. **Prohibited Facilities.** Biofuel production facilities that are not located on farms are prohibited.

## Section 6.36 Racetracks and Private Off-Road Courses

### A. Racetracks

1. Ingress and Egress. Points of ingress and egress shall be designed in accordance with the Isabella County Road Commission's requirements and the following additional requirements:
  - a. All points of ingress and egress shall be onto a major thoroughfare or other public road. Traffic within the site shall be accommodated to facilitate smooth movement in and out.
  - b. All points of ingress and egress shall be located no closer than two hundred (200) feet from the intersection of any two (2) roads or highways, measured between right-of-way lines.
  - c. As they approach within one hundred (100) feet of a public road, vehicles shall have a clear vision for a distance of five hundred (500) feet in both directions along the road.
  - d. Where points of ingress and egress are located on a major street or thoroughfare, deceleration/acceleration lanes shall be provided.
2. Parking. Driveways and off-street parking shall comply with the regulations in Section 9, except that driveways and parking shall be located a minimum of fifty (50) feet from adjacent property lines and a minimum of two hundred (200) feet from any existing residential dwelling located on adjacent property.
3. Screening. Racetracks shall be enclosed by an obscuring screen fence that is at least eight (8) feet in height. Fences shall be of permanent finish and construction and shall comply with Section 7.6.
4. Hours of Operation. Racetrack hours of operation shall be limited to:
  - Fridays, between 6:00 p.m. and 11:00 p.m.
  - Saturdays, between 1:00 p.m. and 11:00 p.m., provided no more than six (6) hours
  - Sundays, between 1:00 p.m. and 6:00 p.m.

### B. Private Off-Road Courses.

1. Incidental Use. A private off-road course shall be incidental and secondary to the principal residential or agricultural use of the property.
2. Limited Use. Private off-road courses shall be limited for the use of residents of the premises, residents' family, and gratuitous guests.
3. Setbacks. Private off-road courses shall be designed to minimize impact on neighboring properties. Accordingly, no part of the track shall be closer than fifty (50) feet to a property line that abuts a residentially-used or zoned property. Elsewhere, the minimum track setback shall be twenty-five (25) feet.

4. Loudspeakers. Use of loudspeakers or similar sound equipment is prohibited.
5. Hours of Operation. Private off-road courses may be used between the hours of 10:00 a.m. and 8:00 p.m., unless the Zoning Administrator determines that other hours of operation would be more appropriate.
6. Zoning Permit Approval. Private off-road courses shall require zoning permit approval.

### Section 6.37 Second Living Quarters on a Farm

The use of a second single-family dwelling unit or one (1) two-family dwelling unit as a second living quarters on a farm may be permitted for a member or members of the farm owner's family or for an unrelated family that has permanent employment on the farm, subject to the following conditions:

- A. **Lot Area**. Compliance with the lot area requirements in the AG district shall be required.
- B. **Front Yard Setback**. No dwelling permitted under this section may be located closer to the front lot line than the principal dwelling. At minimum, the dwelling shall be set back fifty (50) in front.
- C. **Other Setbacks**. No dwelling permitted under this section shall be located closer than thirty (30) feet to the side or rear wall of the principal dwelling, any barn or accessory farm structure, or and side or rear lot line.
- D. **Well and Septic System Approval**. Approval from the Central Michigan District Health Department shall be obtained for the well and septic system.

### Section 6.38 Self-Storage Buildings

- A. **Roof Design**. Self-storage buildings shall have a mansard, gable, hip, or gambrel roof design. A flat roof is prohibited.
- B. **Ingress/Egress**. Entrances and exits shall be designed in accordance with the requirements of the Isabella County Road Department. Self-storage facilities shall have direct access to a paved public road. Local traffic movements shall be accommodated within the site so that entering and exiting vehicles can make normal and uncomplicated movements onto or off of the public road.
- C. **Screening**. Evergreen screening shall be required whenever a self-storage facility is located within two hundred fifty (250) feet of a residentially zoned property. Screening shall consist of evergreen trees, not less than eight (8) feet in height at the time of planting, planted and maintained in live condition not less than fifteen (15) feet on-center (see Section 10).
- D. **Dimensions**. The maximum length of any self-storage building shall be two hundred fifty (250) feet.
- E. **Prohibited Storage**. Storage of combustible or flammable liquids, combustible fibers, or explosive materials, as defined by the Fire Prevention Code, or toxic materials shall be prohibited within self-storage buildings or anywhere upon the premises.
- F. **Outside Storage Prohibited**. No storage outside of the self-storage buildings shall be permitted.
- G. **Limitations on Use**. The use of the premises shall be limited to storage only and shall not be used for operating any other business, for maintaining or repairing of vehicles, recreational equipment, or other items, for recreational activity, hobby, or any purpose other than the storage of personal and business items as described herein.
- H. **Hard-Surfacing Required**. All entrances, exits, driveways, parking areas, and maneuvering areas shall be hard surface with asphalt or concrete and shall be drained to move storm water away from the storage units.

### Section 6.39 Solar Energy Systems

- A. **Purpose**.  
The purpose of this section is to facilitate the construction, installation and operation of Solar Energy Facilities (SEFs) in Union Township in a manner that protects public health, safety and welfare and avoids significant impacts to protected resources such as important agricultural lands, endangered species, high

value biological habitats and other protected resources. It is the intent of this section to encourage solar facilities that reduce reliance on petroleum supplies, increase local economic development and job creation, reduce greenhouse gas emissions, and/or promote economic development diversification.

**B. Applicability.**

1. This section applies to the construction of any new SEF within the Township.
2. Direct Use Solar Energy Facilities (designed to address on-site energy demand) shall require zoning permit approval, in addition to any required building permits.
3. A SEF legally established or permitted prior to the effective date of this section shall not be required to meet the requirements of this section, however:
  - a. Physical modification or alteration to an existing SEF that materially alters the size, type or components of the SEF shall be subject to this section. Only the modification or alteration is subject to this section; and
  - b. Routine operations and maintenance activities or like-kind replacements do not require a permit.

**C. Parcel Line Setbacks.**

The minimum setbacks from the Parcel line to the closest part of the SEF structure, such as panels, racking, or inverters, shall be as shown in Table 1. Fencing, roads, landscaping, and utility interconnection infrastructure may occur within the required setback.

**Table 1. Minimum Setbacks**

	Direct Use Facility	Primary Use Facility
<b>Minimum Setback from All Property Lines</b>	Shall conform to the setbacks per zoning for that district.	75 feet

**D. Height.**

For ground mounted systems, height restrictions shall be measured from finished grade below each module in the event the site has topographic changes.

**Table 2. Maximum Height Limits**

Type	Maximum Height
Ground Mounted	20'
Roof Mounted	5' above roof surface not to exceed the roof ridge

**E. General Requirements.**

The following requirements apply to all SEF uses unless otherwise noted.

1. Building Permits Are Required
  - a. Nothing in this Section modifies the minimum building requirements to construct a SEF, consistent with applicable building and fire codes. The SEF components and all accessory equipment shall comply with the most recently adopted Building Code as determined by the Building Official and Fire Code as determined by the Fire Official.
  - b. A site plan shall be provided at the time of the Building Permit application demonstrating compliance with the minimum setbacks in Table 1.
  - c. The Building Permit application shall be reviewed by local permitting departments

including, but not limited to, the local Fire Authority, for health and safety requirements.

2. Supplemental Information Required for Primary Use SEFs
  - a. The manufacturer's or installer's identification and appropriate warning sign shall be posted on or near the panels in a clearly visible manner.
  - b. On site power lines between solar panels and inverters shall be placed underground, unless site conditions or a utility does not allow.
  - c. If the solar energy facility consists of battery storage, adequate design must be provided to ensure all local, state and federal requirements regulating battery storage have been met.
  - d. A copy of the project's interconnection application with the utility shall be provided to the Township.
  - e. An affidavit or evidence of an agreement between the property owner and the facility's owner or operator confirming the owner or operator has permission of the property owner to apply for the necessary permits for construction and operation of the solar energy facility shall be provided to the Township.
  - f. A description of the proposed technology to include type of solar panel and system, fixed mounted verses solar tracking, estimated number of panels, and angles of orientation shall be provided to the Township.
  - g. An information sign shall be posted and maintained at the entrance(s) to the site that lists the name and phone number of the operator.
  - h. For ground mounted SEFs, a description of the groundcover beneath and around the solar panels (i.e. grass, plantings) shall be provided, along with a plan for maintaining the groundcover.
  
3. Off-Site Facilities. When the SEF is located on more than one Parcel, there shall be proper easement agreements or other approved methods for the notification of all impacted parties.
  
4. Glare. Glass, plastic, or metal panels must not produce excessive glare that is visible from the street or any neighboring home.
  
5. Septic System Avoidance. SEFs shall not be located over a septic system, leach field area or identified reserve area unless approved by the County Health Department.
  
6. Conformance with Development Requirements for Underlying Zone. When located on a structure, the SEF shall conform to the development standards for a principal structure in the zone in which the SEF is located, except as otherwise provided herein.
  
7. Abandonment, Unsafe Facilities, Violations.
  - a. A SEF that ceases to produce energy on a continuous basis for 12 months will be considered abandoned unless the current responsible party (or parties) with ownership interest in the SEF provides substantial evidence to the Township of the intent to maintain and reinstate the operation of that facility. It is the responsibility of the responsible party (or parties) to remove all equipment and facilities and restore the Parcel to its condition prior to development of the SEF, unless otherwise approved by the Township.
  - b. Upon determination of abandonment or other violation(s), the Township shall notify the party (or parties) responsible that they must remove the SEF and restore the site to its condition prior to development of the SEF within ninety (90) days of notice by the Township.
  - c. If the responsible party (or parties) fails to comply, the Township may remove the SEF. Primary Use SEFs shall be removed in accordance with the Decommissioning Plan required in Section 6.39.H. The Township may initiate judicial proceedings or take any other steps legally authorized against the responsible parties to recover the costs required to remove the SEF and restore the site to a nonhazardous pre-development condition, including sale of removal materials.
  - d. Facilities deemed by the Township to be unsafe and facilities erected in violation of this section shall also be subject enforcement action. The Zoning Administrator or any other authorized employee of the Community and Economic Development Department shall

have the right to request documentation and/or affidavits from the Applicant regarding the system's operation and shall make a determination as to compliance with the regulations in this section.

**F. Direct Use Solar Energy Facilities.**

1. General Requirements. Direct Use Solar Energy Facilities are ground mounted or rooftop SEFs that provide energy primarily for on-site use. Rooftops or ground mounted systems covering developed parking areas or other hardscape areas are encouraged. In addition to the General Requirements in subsection F, and the development requirements for the underlying zone, the following requirements shall apply to all Direct Use SEFs:
  - a. Lot Coverage. Rooftop systems can be any size provided they do not extend beyond the edges of the roof. The size of ground mounted systems shall be limited by the allowable lot coverage of the underlying zoning district.
  - b. Setbacks. Ground mounted structures shall conform to the minimum setbacks for the district in which they are located.
  - c. Height Limits. Facilities shall conform to the height limits of Table 2.
  - d. Floodplain. A Direct Use SEF shall not be located in a Floodplain.
2. Biological Resources. The protection of high value biological resources is an important consideration. Direct Use SEF projects shall demonstrate that they have completed due diligence so as to minimize impacts on rare species or features protected by local, state, or federal agencies. If approvals are required, the Applicant shall obtain them from the applicable agency prior to construction.

**G. Primary Use Solar Energy Facilities.**

1. General Requirements. Primary Use SEFs are required to obtain to a Special Use permit. In addition to the General Requirements in sub-section F and the development requirements for the underlying zone, the following requirements shall apply to all Primary SEFs:
  - a. Maximum Lot Coverage. The size of ground mounted structures shall be limited by the maximum lot coverage of the underlying zoning district.
  - b. Setbacks. Ground mounted structures shall conform to the setbacks as shown in Table 1. The buffer may be reduced if the decision-making body determines that the facility will be substantially screened because of topography, vegetation, an operational management plan, or an agricultural easement.
  - c. Height Limits. Facilities shall conform to the height limits of Table 2;
  - d. Grading. Grading within the Township shall be minimized whenever possible.
  - e. Permit Validity. An applicant for a Primary Use SEF shall have up to two (2) years to obtain a building permit and start construction, with options for extension from the Township when progress and need has been demonstrated.
2. Biological Resources. The protection of high value biological resources is an important consideration. Primary Use SEF projects shall demonstrate that they have completed due diligence as to minimize impacts on rare species or features protected by local, state, or federal agencies. If approvals are required, the Applicant shall obtain them from the applicable agency prior to construction.
3. Soil Stabilization, Erosion Control and Ground Water Management.
  - a. To the extent feasible and compatible with the climate and pre-project landscaping the site shall be restored with native vegetation. The re-vegetation plans shall be reviewed and approved by the Township.
  - b. A storm water management plan shall be submitted, which shall show existing and proposed grading and drainage, demonstrating the project is in compliance with applicable storm water regulations.
  - c. Prior to issuance of a building permit, a maintenance plan shall be submitted for the continuing maintenance of the SEF, which may include, but is not be limited to, planned maintenance of vegetation or ground cover, equipment maintenance, and plans for

cleaning of solar panels if required.

- d. After construction is completed, as-built surveys for the project must be prepared by a licensed professional surveyor or other approved qualified professional. The as-built surveys shall be submitted to the Township Planner for review and record keeping. The surveys shall show that the as-built conditions are substantially the same as those submitted for building permit.

4. Visibility.

- a. Through the Special Use review process the Planning Commission may evaluate screening and buffering requirements on a site-by-site basis to assure the proposed SEF is appropriately screened from adjacent land uses. When it is properly demonstrated there exists no need to buffer due to existing natural vegetation or lack of impact on adjoining land uses (for example because the adjoining site is limited to crop production or is occupied by a wood lot), screening and buffering requirements may be waived provided, however, that SEFs located in a residential area shall have a minimum landscape buffer of twenty-five (25) feet. The buffer in a residential area shall contain evergreen trees planted no more than fifteen (15) feet apart. The trees shall be at least eight (8) feet tall at time of planting. A buffer area will not be required between a solar energy facility and an industrial or commercial use. A planted buffer will not be required if an opaque fence is installed. The Planning Commission has the authority to reduce the buffer requirements based on site conditions. Landscaped screening requirements shall comply with applicable requirements in Section 10.2 (E). Fences shall comply with applicable requirements in Section 7.6.

5. Miscellaneous Requirements

- a. If lighting is required for site access or safety, it shall be activated by motion sensors, fully shielded and downcast so that the light does not spill onto the adjacent property.
- b. No display advertising is permitted, except for reasonable identification of the panel, inverter or other equipment manufacturer, warning signs, and the facility owner;
- c. SEFs shall be enclosed by a fence, or other appropriate barriers. Fences or barriers shall work to incorporate wildlife friendly design, when identified as appropriate.

6. Decommissioning Plan.

- a. The SEF project must contain a Decommissioning Plan to ensure it is properly decommissioned upon the end of its project life or facility abandonment.
- b. Decommissioning shall include: Removal of all structures (including transmission equipment and fencing) and equipment to a depth of four (4) feet, restoration of the soil, and restoration of vegetation within ninety (90) days of the end of project life or facility abandonment.
- c. The Decommissioning Plan shall state how the facility will be decommissioned, the Professional Engineer's estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the type of surety to be provided prior to issuance of a building permit.
- d. Surety:
  - i. The owner(s) and/or operator of the SEFs shall post a surety in a form acceptable to the Township, such as security bond, irrevocable letter of credit, escrow, or other form deemed acceptable by the Township equal to one-hundred fifty (150) percent of the total estimated decommissioning and reclamation costs, prior to issuance of a building permit. The cost of decommissioning shall be reviewed between the operator and the Township Board every five (5) years to ensure adequate funds are allocated for decommissioning; the surety shall be appropriately adjusted to reflect the current decommissioning estimate.
  - ii. The surety shall be established and maintained with a company licensed in the State of Michigan and/or a Federal- or State-chartered lending institution acceptable to the Township.
  - iii. The company providing the surety shall provide the Township with 90 days' notice of the expiration of the surety. Lapse of a valid security bond is grounds



for the actions defined in subpart v, below.

- iv. In the event of sale or transfer of ownership and/or operation of the SEF, a surety shall be maintained throughout the entirety of the process.
- v. If at any time during the operation of the SEF or prior to, during, or after the sale or transfer of ownership and/or operation of the SEF the surety is not maintained, the Township may take any action permitted by law to revoke the conditional use permit and to order a cessation of operations and order removal of the structure and reclamation of the site in accordance with the decommissioning plan.
- vi. The Township shall have access to surety for the expressed purpose of completing decommissioning if decommissioning is not completed by the owner(s)/operator within ninety (90) days of the end of the project life or facility abandonment.
- vii. The Township is granted right of access to the site, pursuant to reasonable notice, in the event that decommissioning is not completed by the owner(s)/operator within ninety (90) days of the end of the project life or facility abandonment.

#### Section 6.40 Reserved

#### Section 6.41 Veterinary Services

- A. **Building Setback.** Buildings housing veterinary facilities shall be set back a minimum distance of fifty (50) feet from all property lines.
- B. **Outdoor Animal Enclosures.** Outdoor animal enclosures shall be set back a minimum distance of one hundred (100) feet from all property lines and a minimum distance of five hundred (500) feet from any residentially zoned property.
- C. **Boarding Kennels.** Boarding kennels shall comply with the requirements in Section 6.8(A).

#### Section 6.42 Reserved

#### Section 6.43 Reserved

#### Section 6.44 Yard Sales, Garage Sales

Yard or garage sales shall be permitted subject to the following conditions:

- A. **Number of Days.** Sales shall not operate more than three (3) consecutive days, unless a national holiday falls on a Monday, in which case sales may take place for four (4) consecutive days including the holiday. Material for sale and sales displays shall not be set out prior to the sale and shall be taken in on the evening of the last day of the sale.
- B. **Number of Sales per Year.** Sales shall not occur more than three (3) times per calendar year.
- C. **Confine to Owner's Property.** Sales shall be conducted entirely on the owner's property. However, several owners can join together to hold a joint sale on the property of one of the participants.
- D. **Resale of Goods.** No goods purchased for resale may be offered for sale.
- E. **Traffic and Access.** No portion of the sale shall be located in the road right-of-way or conducted in such a manner as to impede the flow of traffic or access to other properties in the vicinity.
- F. **Permit Required.** A permit shall be obtained from the Township prior to the sale. The permit fee shall be established by the Board of Trustees in the Schedule of Fees.
- G. **Signs.** Signs shall be permitted as specified in Section 11.

### Section 6.45 Auctions

Auctions shall comply with the following regulations:

- A. **Approval Requirements.** Auction types that are permitted by Special Use shall comply with the requirements of Sections 14.2 and 14.3 of the Zoning Ordinance. Accordingly, site plan review and special use applications shall be completed and submitted along with a site plan. The requirements in this sub-section shall not apply to auctions that are Principal Permitted Uses; site plan review is not required for such auctions.
- B. **Noise.** Outside permanently affixed public address systems are prohibited. Portable address systems are permitted for use during the auction only. Auctions shall comply with the noise standards in Section 9.02, sub-section A.
- C. **Parking.** Permanent live auctions that are permitted by special use shall provide off-street parking at the rate of 1 space per 125 square feet of gross floor area. Permanent on-line auctions shall provide off-street parking at the rate of 1 space per 200 square feet of gross floor area. The applicant may provide data to justify need for fewer parking spaces for consideration by the Planning Commission and Township Board. Parking for permanent auctions shall be paved, pursuant to Section 9.5.
- D. **Hours of Operation.** Auctions shall not begin earlier than 8:00 a.m. and shall not continue beyond 10:00 p.m. The proposed hours of operation shall be specified in the application, which shall be subject to approval by the Township.
- E. **Retail Operations.** Retail operations shall not be conducted at an auction facility, unless the facility is located in a district that provides for retail use and site plan approval has been obtained.
- F. **Storage.** Auction facilities shall not be used for long-term storage. Storage of goods shall be limited to those that will be sold in the next scheduled auction or within six (6) months, as appropriate. Outside storage shall be screened in accordance with Section 10.3.
- G. **Signs.** Auction facilities shall comply with the sign requirements for the districts in which they are located.
- H. **Minimum Size.** The parcel size for permanent agricultural auctions shall be a minimum of twenty (20) acres.

### Section 6.46 Limited Retail and Showroom Operations in Industrial Districts

- A. **Retail Sales or Showroom.** A showroom for display and limited accessory retail sales of primarily products produced by or integral to a permitted use located on the premises, where such operations are intended to serve the general public, shall be permitted in the I-1 and I-2 districts, subject to the following requirements:
  - 1. Character of the Principal Use. The principal use of the site shall be industrial in character.
  - 2. Percent of Floor Area. Retail operations shall occupy no more than twenty-five percent (25%) of the total gross floor area of the business.
  - 3. Products Offered for Sale. Retail sales shall be limited primarily to products on the premises. If the sale of limited specialty products not produced on the premises is essential to installation or use of the principal products sold, then such sales may also be permitted.
  - 4. Compatibility of Traffic. The type and quantity of traffic generated by the retail sales operation shall be compatible with the permitted industrial uses in the district.
- B. **Accessory Retail and Service Uses.** Accessory retail and service uses that are intended to serve the employees and patrons of the principal use shall be an incidental use occupying no more than five percent (5%) of the gross floor area of the building that accommodates the principal permitted use. Permitted accessory retail and service uses shall be limited to the following:
  - 1. Retail establishments that deal directly with the consumer and generally serve the convenience shopping needs of workers and visitors, such as convenience stores, drug stores, uniform supply stores, or similar retail businesses.
  - 2. Personal service establishments which are intended to serve workers or visitors in the district, such

as dry-cleaning establishments, travel agencies, tailor shops, or similar service establishments.

3. Restaurants, cafeterias, or other places serving food and beverages for consumption within the building.
4. Financial institutions, including banks, credit unions, and savings and loan associations.

### Section 6.47 Indoor Commercial Recreation Uses

Indoor commercial recreation uses shall be setback a minimum distance of one hundred (100) feet from any residentially zoned property.

### Section 6.48 Brewpubs, Microbreweries, Small Distillers, and Small Wine Maker

A. **Brewpubs.** The following regulations shall apply to **brewpubs**, as defined in Section 2.2:

1. Capacity. Brewpub production shall not exceed five thousand (5,000) barrels of beer per year.
2. On-Premise Sales. On-premise sale of alcoholic liquor by a brewpub is permitted, subject to the license obtained pursuant to the Michigan Liquor Control Act, as amended.
3. Sales to Retailers and Wholesalers. A brewpub may not sell its beer to other retailers or wholesalers.
4. Storage. Hops, barley, wheat or other grain used in the brewing process may be stored in a detached structure, such as a silo, provided that any such accessory structure 1) complies with the setback requirements for the district in which it is located, and 2) is compatible in color and materials with the principal building. No open storage of bottles, pallets, or other containers shall be permitted. Storage in tractor trailers shall be permitted for periods not exceeding twenty-four (24) hours.
5. Performance Standards. Brewpubs shall comply with the Performance Standards specified in Section 8.
6. Taproom or Restaurant. Brewpubs shall include a taproom or restaurant that provides full meal service for consumption by patrons while seated on the premises. Twenty-five percent (25%) of the gross sales of the restaurant shall be derived from the sale of food and nonalcoholic beverages. (The provision regarding “25% of the gross sales” is a State of Michigan requirement and would not be subject to local enforcement.)
7. Floor Space Allocation. No more than fifty percent (50%) of the total gross floor space of the establishment shall be used for the brewery function, such as the brewhouse, fermentation tanks, conditioning tanks, bright beer tanks/filter, bottling and kegging lines, malt milling and storage, serving tanks and boiler and water treatment areas.
8. Outside Service. No outside beer tent shall be permitted in any off-street parking lot or off-street loading/unloading area except as may be permitted as a temporary use pursuant to Section 7.12. Outside table service may be permitted in areas not designated for parking or loading/unloading.
9. Parking. Off-street parking shall comply with the requirements in Section 9. For the purposes of the parking requirements, areas dedicated to brewery production shall not be counted as usable floor area.
10. Hours of Operation. A brewpub’s taproom or restaurant shall comply with State of Michigan regulations with respect to hours of operation.

B. **Microbreweries.** The following regulations shall apply to **microbreweries**, as defined in Section 2.2:

1. Capacity. Microbrewery production shall not exceed thirty thousand (30,000) barrels of beer per year.
2. Sales to Retailers and Wholesalers. A microbrewery may sell beer it manufactures to a licensed wholesaler who may resell the beer to licensed retailers.

3. Storage. Hops, barley, wheat or other grain used in the brewing process may be stored in a detached structure, such as a silo, provided that any such accessory structure 1) complies with the setback requirements for the district in which it is located, and 2) is compatible in color and materials with the principal building. No open storage of bottles, pallets, or other containers shall be permitted. Storage in tractor trailers shall be permitted for periods not exceeding twenty-four (24) hours.
4. Performance Standards. Microbreweries shall comply with the Performance Standards specified in Section 8.
5. Food Service. Microbreweries shall provide food service for consumption by patrons while seated on the premises. The term "food service" does not imply the need for a full-scale restaurant with a complete kitchen.
6. Floor Space Allocation. No more than sixty-five percent (65%) of the total gross floor space of the establishment shall be used for the brewery function, such as the brewhouse, fermentation tanks, conditioning tanks, bright beer tanks/filter, bottling and kegging lines, malt milling and storage, serving tanks and boiler and water treatment areas.
7. Outside Service. No outside beer tent shall be permitted in any off-street parking lot or off-street loading/unloading area except as may be permitted as a temporary use pursuant to Section 7.12. Outside table service may be permitted in areas not designated for parking or loading/unloading.
8. Parking. Off-street parking shall comply with the requirements in Section 9. For the purposes of the parking requirements, areas dedicated to brewery production shall not be counted as usable floor area.

C. **Small Distillers**. The following regulations shall apply to small distillers, as defined in Section 2.2:

1. Capacity. Small distiller production shall not exceed 60,000 gallons of spirits annually, of all brands combined.
2. On-Premise Sales. On-premise sale of alcoholic liquor by a brewpub is permitted, subject to the license obtained pursuant to the Michigan Liquor Control Act, as amended.
3. Sales to Retailers and Wholesalers. A small distiller may not sell its spirits to other retailers or wholesalers.
4. Performance Standards. Small distillers shall comply with the Performance Standards specified in Section 8.
5. Tasting Room or Restaurant. Small distillers that sell spirits for on-premise consumption shall have a tasting room or restaurant where food service is offered for consumption by patrons.
6. Outside Service. Outside table service may be permitted in areas not designated for parking or loading/unloading.
7. Parking. Off-street parking shall comply with the requirements in Section 9. For the purposes of the parking requirements, areas dedicated to spirit production shall not be counted as usable floor area.

D. **Small Wine Maker**. The following regulations shall apply to small wine makers, as defined by Michigan Compiled Laws (MCL) 436.112(12):

1. Capacity. Small wine maker production shall not exceed 50,000 gallons of wine per year.
2. On-Premise Sales. Wine produced at a winery that possess a Small Wine Maker license may be sold to customers for consumption on or off the premises at a tasting room located on its

manufacturing premises, provided that the wine maker also holds an On-Premises Tasting Room Permit issued by the Michigan Liquor Control Commission.

3. Sales to Retailers and Wholesalers. Small wine makers may sell to licensed wholesalers or self-distribute to retailer licensees.
4. Performance Standards. Small wine makers shall comply with the Performance Standards specified in Section 8.
5. Parking. Off-street parking shall comply with the requirements in Section 9. For the purposes of the parking requirements, areas dedicated to wine production shall not be counted as usable floor area.

### Section 6.49 Donation Bins

- A. **Application for a Permit.** Prior to placement of a donation bin anywhere in the Township, a permit application shall be completed and submitted to the Township. The permit application shall include, but not necessarily be limited to, the name, address, and telephone number of the person, business entity, corporation or organization applying for the permit; the proposed location (address) where the bin is to be placed; the name and telephone number of the person who will be placing the bin; the manner and schedule for emptying or removing the bin; and the destination of the clothing, shoes, books, and/or other goods to be removed from the bin. The application shall also include written consent from the owner of the property on which the bin is to be located. The permit shall be subject to review and approval by the Zoning Administrator, based on the regulations in this subsection.
- B. **Fee.** An application processing fee in an amount determined by the Township Board shall be charged for each application.
- C. **Permitted Type of Bin.** Any donation bin shall be of the type that is enclosed by use of a receiving door (also known as a chute) and locked so that the contents of the bin may not be accessed by anyone other than those responsible for retrieval of its contents. A bin shall not cover a ground surface in excess of five (5) feet by five (5) feet, nor be more than six (6) feet in height. Bins shall be placed on a paved surface.
- D. **Number.** A maximum of one (1) donation bin shall be permitted per lot.
- E. **Location.** Donation bins shall comply with the following location requirements:
  1. Donation bins are considered accessory structures. Therefore, they shall not be located on any lot unless a principal structure is already located on the lot.
  2. Donation bins shall be permitted only in non-residential zoning districts.
  3. Donation bins shall be located no closer to the front of the lot than any portion of the principal structure.
  4. Donation bins shall not be placed where they would block the vision of drivers entering or exiting the site.
  5. Donation bins shall not be placed in a location where they would interfere with required landscaping or parking.
- F. **Identification.** All donation bins shall have clearly identified, in writing, on the same side of the bin as the chute used for deposit of the goods, the entity or organization that is responsible for placement and maintenance of the bin. The address and phone number for such entity shall also be written on the bin.
- G. **Maintenance Responsibility.** Each bin shall be regularly emptied of its contents so that it does not overflow, resulting in clothing or other goods being strewn around the surrounding area. The owner, lessee, or other person or legal entity in control of the property where the donation bin is located and the person or entity that owns, maintains or operates the donation bin shall be jointly and severally liable for any violations.

### Section 6.50 Lumber and Planing Mills

Lumber and planing mills shall be completely enclosed and located in the interior of the I-2 district so that no property line shall form the exterior of the I-2 district.

### Section 6.51 Agri-Tourism

The following provisions shall apply to agri-tourism operations, as defined in Section 2.2:

- A. **Buildings.** More than one (1) building may be permitted per parcel. Unless a building is exempt because it is an agricultural structure, all buildings shall be subject to inspection under the Building Code.
- B. **Trash Containers.** A sufficient number of trash containers shall be placed on the premises for public use based on evaluation of the following features: type of event, anticipated number of attendees, duration of event, geographic size of the event, and use of disposable beverage or food containers.
- C. **Restrooms.** A sufficient number of restrooms shall be available for public use, based on evaluation of the following features: type of event, number of attendees, duration of event, availability of food and beverages, and special needs of attendees (e.g., families with children, people with disability needs, etc.).
- D. **Building Setbacks.** Buildings shall comply with the setbacks for the district in which they are located.
- E. **Building Height.** Buildings related to agri-tourism shall not exceed thirty-five (35) feet in height.
- F. **Parking.** All parking shall be provided in off-street parking lots, designed in accordance with the regulations in Section 9, except as follows:
  - 1. Off-street parking shall be set back a minimum of forty (40) feet from any property that is zoned or used for residential purposes.
  - 2. The number of parking spaces shall be determined on a case-by-case basis, upon consideration of the character of the specific agri-tourism use being proposed.
  - 3. The Planning Commission may waive the requirement for parking lot paving, upon making the determination that a grass or gravel surface will be adequate to handle the anticipated level of traffic. In making a determination regarding paving the Planning Commission shall consider the types of vehicles anticipated (e.g., volume of bus traffic, size and weight of vehicles, etc.). If paving is not required, then the site plan shall include a commitment to provide dust control.
  - 4. The Planning Commission may waive parking lot lighting requirements upon making the determination that the facility will be used only during daylight hours.
  - 5. The Planning Commission may waive parking lot landscaping requirements upon making the determination that existing vegetation to be retained on the site satisfies the objectives of the Ordinance and maintains the rural, non-commercial character of the site.
- G. **Signs.** Agri-tourism uses shall comply with the requirements for Wall Signs and Freestanding Signs in Section 11.11.
- H. **Exterior Lighting.** Parking lot and pedestrian route lighting shall be required for any agri-tourism use that operates after dusk or before dawn, subject to Section 8.2. Adequate lighting shall be provided to assure the safety of pedestrians and drivers.
- I. **Overnight Accommodations.** Overnight accommodations related to an agricultural tourism operation shall comply with the regulations for bed-and-breakfast establishments in Section 6.9.

- J. **Hours of Operation.** The Planning Commission shall establish the hours of operation for agri-tourism uses to assure compatibility with nearby uses as a condition of special use approval.
- K. **Examples.** In combination with a conventional farm, the following activities may constitute an agri-tourism event: bakery, bonfires, carnival rides, cider mill, cooking demonstrations, corn mazes, fishing pond, food service, haunted barn/trails, petting farms, and playscapes. This list is not intended to be all inclusive of activities that may be considered agri-tourism.
- L. **Impact on Surrounding Properties.** The location, layout, design and operation of such a facility shall not impair the continued enjoyment, use, and future development of adjacent and nearby properties.

### Section 6.52 Reserved

### Section 6.53 Reserved

### Section 6.54 Reserved

### Section 6.55 Reserved

### Section 6.56 Accessory Apartment

Accessory apartments shall comply with the following regulations:

- A. **Accessory Apartment Defined.** An accessory apartment is a dwelling unit that is accessory to and contained within a principal single-family dwelling, and which is occupied by either persons related to the occupant of the principal residence by blood, marriage, or legal adoption; domestic servants; or gratuitous guests. An accessory apartment typically has its own kitchen, bath, living area, sleeping area, and usually a separate entrance.
- B. **Residence an Incidental Use.** The accessory apartment shall be clearly incidental to the principal residence on the site. Accordingly, the following conditions shall be met:
  - 1. Accessory apartments shall be established in and attached to owner-occupied homes only by means of a fully enclosed, insulated and heated space.
  - 2. Only one (1) such accessory residence shall be permitted on each parcel.
  - 3. The total floor area of the accessory apartment shall not exceed eight hundred (800) square feet.
- C. **Setbacks and Placement on the Parcel.** Accessory residences shall comply with all setback requirements for the district in which they are located.
- D. **Compatibility with Surrounding Land Use.** The design of the accessory residence shall not detract from the single-family character and appearance of the principal residence or the surrounding neighborhood. The accessory residence shall not have a front entrance visible from the front yard, other than the entrance that serves the principal residence. When viewed from the outside, it shall appear that only one household occupies the site.
- E. **Parking and Access.** In addition to required parking for the principal residence, one additional parking space shall be provided for the accessory residence.
- F. **Termination.** An accessory apartment that is no longer needed for the purposes outlined herein shall be incorporated into and become a part of the single-family home to which it is attached.

### Section 6.57 Multiple Family and Single Family Attached Housing Requirements

The following site development standards shall apply to attached housing developments, including development in the R-3A, Multiple-Family Residential and R-3B, Medium-Density Multiple-Family Residential Districts:

- A. **Permitted Density.** See footnote 'f', Section 4.3.

- B. **Building Length.** Multiple family buildings shall not exceed one hundred and fifty (150) feet in overall length, measured along the front line of connecting units, inclusive of any architectural features which are attached to or connect the parts of the building together.
- C. **Building Spacing.** The minimum distance between any two (2) buildings shall be based on the following table:

Relationship Between Buildings	Minimum Distance Between Buildings
Front to Front	70 ft.
Front to Rear	70 ft.
Rear to Rear	70 ft.
Side to Side	30 ft.
Front to Side	50 ft.
Rear to Side	50 ft.

- D. **Street Address.** The address of each dwelling unit must be clearly posted so that the unit can be readily identified from the roadway or adjacent parking area.
- E. **Access and Circulation.** Multiple family developments shall comply with the following requirements for access and circulation (see illustration):
  1. Access to Roads. R-3A and R-3B developments shall have direct access to a paved collector or arterial road. However, alternate means of access may be permitted by the Planning Commission upon finding that, due to special circumstances, substantial improvements in traffic safety could be achieved by reducing the number of driveways. Furthermore, an alternate means of access shall be permitted only if one or more of the following conditions exists:
    - a. The property directly across the street from the development under consideration is zoned for multiple family or non-residential use, or
    - b. The property directly across the street is developed with permanent uses other than single family residences, or
    - c. The proposed development is in an area which, based on study by the Planning Commission, will eventually be used for purposes other than single family use.
  2. Emergency Access. All dwelling units, including those under construction, shall be readily accessible by fire and emergency vehicles from a paved public street, paved private access road, or other approved paved area. Private roads or driveways dedicated as fire lanes shall be posted with signs indicating "Fire Lane, No Parking." To facilitate emergency vehicle access, the following guidelines shall be complied with:
    - a. All roadways shall be paved and bi-directional allowing for both ingress and egress. A boulevard may be utilized to provide bi-directional traffic movement, provided that the median strip is a minimum of twenty-five (25) feet in width, and the width of each paved moving lane in each direction is at least fifteen (15) feet.
    - b. Streets with no outlet shall be terminated with a T-turnaround or cul-de-sac, designed in accordance with standards established and periodically updated by the Isabella County Road Commission. Such streets with no outlet shall not exceed three hundred (300) feet in length.
    - c. Gatehouses and/or barricades at entrances to private roadways shall be designed so as not to impede fire and emergency vehicle access.
  3. Street Dimensions. Roads throughout a multiple-family development must be paved with curb and gutter with a minimum width of twenty-four (24) feet. Entrance roads shall have a minimum width of twenty-seven (27) feet.



- F. **Sidewalks.** Sidewalks shall be provided within the development, located no less than five (5) feet from and parallel to access drives. Such sidewalks shall provide convenient access to community buildings and between parking areas and dwelling units. The sidewalks shall be designed and constructed in accordance with Section 7.10.
- G. **Parking.** In addition to the requirements set forth in Section 9, multiple family developments shall comply with the following requirements:
  - 1. Location. Required parking shall be located in parking lots or individual driveways, and not in streets or access drives. Parking may be permitted in required side and rear yard setback areas provided that parking lots and access drives shall be located a minimum of ten (10) feet from any property line or public right-of-way. Parking lots and access drives shall not be located closer than twenty-five (25) feet to a wall of any residential structure which contains windows or doors, nor closer than ten (10) feet to a wall of any residential structure which does not contain openings.
  - 2. Distance from Dwelling Units. Parking shall be located within one hundred and fifty (150) feet of the dwelling units the parking is intended to serve, measured along the sidewalk leading to the parking lot.
  - 3. Parking for Community Building. Parking shall be provided for community buildings as specified in Section 9.
- H. **Lighting.** All parking areas, building entrances, sidewalks, and ramps shall be illuminated to ensure the security of property and the safety of persons using such areas, in accordance with the requirements set forth in Section 8.2.
- I. **Landscaping.** Multiple family developments shall be landscaped in accordance with Section 10.3.
- J. **Open Space.** Open space shall be provided in any multiple family development containing eight (8) or more units. The open space shall comply with the following requirements:
  - 1. Size. Total open space required shall be based on the number and size of units, as indicated in the following chart, provided that each development shall contain a minimum of ten thousand (10,000) square feet of open space.
 

Type of Unit	Open Space Required per Unit
Efficiency unit	170 sq. ft. per unit
1 bedroom unit	250 sq. ft. per unit
2 bedrooms or more	350 sq. ft. per unit
  - 2. Location. Open space shall be located conveniently in relation to the majority of dwelling units intended to be served. Swamp areas, marshy areas, and similar limited-use areas shall not be included in the required open space.
  - 3. Use of Open Space. Uses permitted within the required open space include picnic and sitting areas, playground and park space, play equipment, tennis courts, shuffleboard courts, and similar outdoor recreation facilities.
  - 4. Phasing. Open space improvements shall be completed in proportion to the number of units constructed in each phase.
- K. **Garages.** Garages shall be permitted for each unit, in accordance with the provisions for accessory uses in Section 7.5.

**Section 6.58 Short-Term Rental Housing**

Short-term rental housing shall be subject to the following regulations:

**A. Short-Term Rental Housing Requirements**

- 1. General Standards. All short-term rentals shall conform to the following general standards:

- a. The dwelling is an allowable land use in the zoning district and there are no unresolved Township ordinance violations associated with the lot, structure or other improvements.
  - b. The dwelling and premises shall be maintained in good repair at all times. There shall be no change in the appearance of the dwelling or premises, or other visible evidence of the rental. External and internal alterations not customary for a single-family dwelling are prohibited.
2. Zoning Permit Required. In addition to the required Special Use Permit approval, an annual zoning permit must be obtained from the Zoning Administrator prior to establishing a short-term rental. Annual zoning permits must be renewed each year prior to the date of permit expiration.
3. Period of Time. The short-term rental may be for any period from one (1) night to thirty (30) nights. A maximum of one (1) short-term rental event shall occur in any four (4) night period.
4. Occupancy. The maximum occupancy for the short-term rental shall be no more than two (2) persons per bedroom lawfully established within the principal dwelling consistent with applicable Building Code requirements.
5. Designation of a Local Agent. If the property owner does not qualify as, or does not desire to be, a local agent, then the property owner shall designate a local agent and authorize in writing the local agent to act as the property owner's agent for acts required of the property owner under these regulations. The local agent must reside or maintain a physical place of business within 25.0 miles of the short-term rental premises.
6. Information Updates. Notification information for the property owner and local agent shall be kept current and up to date. The Zoning Administrator shall be notified in writing within 24 hours of any changes to ownership, local agent or their contact information.
7. Parking. The number of vehicles on any premises subject to this Ordinance shall not exceed one (1) motor vehicle per lawfully established bedroom, in addition to the owner's personal vehicle(s). The owner shall provide off-street parking facilities for all owner and occupant motor vehicles, recreational vehicles, and trailers on the premises in accordance with the following requirements:
  - a. Parked vehicles shall be located outside of any road right-of-way and shall not block or impede the use of sidewalks, pedestrian pathways, fire lanes or emergency access to the premises.
  - b. Parking shall be limited to an accessory garage or carport, private driveway or improved off-street parking pad adjacent to the driveway.
  - c. Parking and associated improvements shall also conform to the requirements of Section 9 of this Ordinance and other applicable Township ordinances.
8. Waste Disposal. Documentation shall be submitted that occupants of the short-term rental will be notified prior to occupancy that they are not allowed to leave, and others are not allowed to leave, trash, rubbish, refuse, or garbage within public view, except in proper waste or recycling containers for the purposes of collection and disposal. No commercial dumpsters shall be allowed on the premises of a short-term rental.
9. Safety Requirements. All short-term rentals shall conform to the following safety standards:
  - a. Prior to any rental occupancy, the owner shall be responsible for compliance with all Building Code and Township Housing Code Ordinance requirements that apply to use of the dwelling for rental purposes.
  - b. The street address of the premises and emergency contact phone numbers shall be clearly displayed in the short-term rental for the benefit of occupants.
  - c. Each sleeping room shall have two (2) legal means of egress to the exterior (for example, a door and a legal egress window).

- d. The street address for the short-term rental shall be a minimum of four (4) inch numbers, which shall be posted both on the mailbox and on the building in a location that is clearly visible from the street.
10. Encroachments and Nuisance Conditions Prohibited. Occupants during a rental period shall not encroach on neighboring lots and shall not create a nuisance. For purposes of this subsection, a nuisance includes but shall not be limited to outside noise that is clearly audible at a road right-of-way or lot boundary of the premises, and that unreasonably interferes with the comfort, quiet and repose of others in the area between 10:00 p.m. and 7:00 a.m. on Sunday, Monday, Tuesday, Wednesday or Thursday nights; and between 11:00 p.m. and 7:00 a.m. on Friday or Saturday nights.
  11. Wastewater Disposal. For short-term rentals not connected to a public sewer system, the wastewater disposal system shall be properly functioning, be maintained in properly functioning condition, and examined by a commercial septic hauler a minimum of once every three (3) years to determine if the septic tank needs to be pumped out.
  12. Required Occupant Notifications. Occupants of short-term rentals shall be provided with the following information in writing by the property owner or local agent prior to occupancy:
    - a. The name of the property owner or any local agent responsible to perform obligations related to the short-term rental, their telephone number(s), and an email address at which that individual may be reached on a 24-hour basis.
    - b. The maximum number of occupants allowed at any time in the short-term rental, based on the requirements of this Section.
    - c. Instructions as to parking, operation of mechanical equipment and appliances, restrictions on use of the premises, and all other rules for the premises.
    - d. Notification that an occupant may be cited or fined by the Township, in addition to any other legal remedies available to the Township, for violation of this Ordinance.
    - e. The requirement that all pets shall be secured on the premises or on a leash at all times.
    - f. The requirement that the person who rents a short-term rental shall pay any applicable sales tax and/or required Michigan Use Tax.
    - g. A copy of this Section and written record of the approved Special Use Permit.
- B. **Application Information.** In addition to the other applicable requirements of this Ordinance, any Special Use Permit or Zoning Permit application for a short-term rental shall include the following additional required information:
1. The name, address, telephone numbers (home, work, and cell phone), and email address of the owner of the proposed short-term rental.
  2. If the property owner of the proposed short-term rental does not qualify as, or does not desire to be, the local agent, then the property owner shall designate in writing a local agent.
  3. The name, address, telephone numbers (home, work, and cell phone), and email address of the local agent, if different from the property owner.
  4. The address of the proposed short-term rental.
  5. Parcel identification number for the proposed short-term rental.
  6. Proof of property ownership.
  7. Copies of any deed restrictions or use limitations in the subdivision covenants or condominium master deed and/or bylaws applicable to the short-term rental premises.

8. A floor plan of the proposed short-term rental with all bedroom and bathroom locations, dimensions, and floor areas labeled.
9. The proposed frequency for rental use and maximum occupancy of the short-term rental.
10. A survey drawing of the parcel on which the short-term rental building is located that includes all buildings and structures on the premises and the locations where motor vehicles, recreational vehicles, and trailers will be parked in accordance with this Section.

### Section 6.59 Senior Housing

Senior housing shall be subject to the following regulations:

- A. **Intent.** It is the intent of these regulations to permit the development of senior housing in the Township upon determining that the location, size, design, and operating characteristics of the use will be compatible with the surrounding neighborhood. In making this determination, consideration shall be given to the scale, coverage, and density of development; to the availability of utilities and services; to the generation of traffic and capacity of surrounding roads; and to other relevant impacts.
- B. **Minimum Site Size.** The minimum site size for a senior housing development shall be based on compliance with setbacks, maximum coverage, parking, open space, and other requirements set forth herein.
- C. **Project Density.** The number of dwelling units within the facility shall not exceed twelve (12) units per net acre for senior apartments, congregate housing and other types of independent living, and twenty-four (24) units per net acre for assisted living and other types of dependent living. Wetlands on the site may be counted as part of the net acreage for the purposes of determining project density. However, the overall density on the upland portion of the site, together with the wetlands-related density, shall not exceed 130% of the density allowed on the upland portion alone.
- D. **Setbacks.** The minimum setbacks for senior housing shall be as follows:
  1. Front: 40 feet from the planned road right-of-way line
  2. Each Side: 30 feet
  3. Rear: 30 feet
- E. **Spacing between Buildings.** Where more than one building is proposed in a senior housing complex, the minimum spacing between buildings shall be in accordance with the following requirements:

Building Relationship	Minimum Building Separation
Front to Front	60 feet
Front to Rear	60 feet
Rear to Rear	60 feet
Side to Side	20 feet
Front to Side	50 feet
Rear to Side	50 feet

- F. **Minimum Floor Area Per Unit.** The minimum floor area per dwelling unit shall be as follows:

Type of Unit	Independent Living (including senior apartments and congregate housing)	Dependent Living (including assisted living)
Studio or Efficiency	450 sq. ft.	325 sq. ft.
1 bedroom	600 sq. ft.	425 sq. ft.
2 bedrooms	800 sq. ft.	600 sq. ft.
3 or more bedrooms	800 sq. ft. + 150 sq. ft. for each additional room over four	600 sq. ft. + 150 sq. ft. for each additional room over four

- G. **Building and Site Design.**

1. **Building Length.** The maximum permitted building length along any one continuous plane shall be 225 feet. A continuous plane is defined as an uninterrupted wall, without breaks or corners, other than architectural features customarily found, such as porches, bay windows, projections and/or recesses. A building that turns a corner of at least a 90-degree angle shall be considered an “end” at that corner.
  2. **Building Articulation.** Building facades of greater than one hundred (100) feet in length shall incorporate recesses or projections to break up the expanse of the building elevation.
  3. **Sidewalks.** Sidewalks shall be provided from the main building entrance(s) to parking areas and to sidewalks along adjacent public or private roads.
  4. **Resident Access.** The pick-up/drop-off of residents shall be provided at the front entrance of the building with a covered canopy.
- H. **Building Height.** The senior housing facility shall comply with the maximum building height for the district in which it is located.
- I. **Maximum Coverage.** The maximum coverage of the site by buildings shall be limited to twenty-five percent (25%) of the net site area (not including planned right-of-way).
- J. **Parking.** Parking for senior housing shall comply with the following requirements:

Use	Required Number of Parking Spaces per Unit of Measure*
Senior Apartments	2 spaces per dwelling unit
Dependent Living, Assisted Living	One (1) per four (4) units, plus one (1) per employee based on the greatest number of employees in any one shift
Congregate Care	One (1) per two (2) units, plus one (1) per employee based on the greatest number of employees in any one shift
Independent Living	One (1) per unit, plus one (1) per employee based on the greatest number of employees in any one shift

\* The Planning Commission may reduce the parking requirements set forth in this table if the applicant provides credible evidence that fewer spaces are needed due to, for example, the operation of a transportation system for residents.

- K. **Loading.** Loading areas shall be located to the side or rear of the building being served such that it is screened from view from adjoining roads and adjacent residential area.
- L. **Vehicular Access.** All vehicular access to the site shall be from a paved collector or primary road. The Planning Commission may allow secondary access from local streets upon making the determination that such access will not create or exacerbate traffic congestion or create unsafe traffic or pedestrian conditions. Vehicles must be able to easily circulate within and through the site to designated pick-up/drop-off areas with impeding circulation on the site or traffic on adjacent roads.
- M. **Open Space.** Common outdoor landscaped open space shall be provided for residents, subject to the following:
1. Landscaped open space for residents shall constitute a minimum of fifteen percent (15%) of the total site. Enclosed courtyards may be counted as landscaped open space.
  2. Recreation facilities such as paved walkways and covered sitting areas shall be provided in a manner that meets the needs of the resident population.
  3. Road rights-of-way required setback areas, and access drives shall not be counted as required landscaped open space. Ten percent (10%) of the submerged land areas of a pond, lake, or stream, and wetlands may be counted as required landscaped open space.

- N. **Lighting.** All parking areas, building entrances, sidewalks, and ramps shall be illuminated to ensure the safety of persons using such areas and the security of property, in accordance with the requirements set forth in Section 8.2.
- O. **Landscaping and Screening.** Senior housing developments shall comply with the landscaping and screening requirements in Section 10.3.
- P. **Resident Services.** Support services offered solely to residents may be permitted provided that such services are contained with the principal building and are accessory to the principal senior residential use. Such support services include, but are not necessarily limited to: congregate dining, health care, personal services, private meeting rooms, and social, recreational and educational facilities and programs.

### Section 6.60 Model Homes

Model homes in subdivisions shall comply with the following standards:

- A. **Permitted Use.** The model home shall be used solely as a sales and promotion office for the subdivision in which the home is located. The model home shall not be used to conduct other business, or as a model home to promote sales in other subdivisions.
- B. **Termination.** Use of the home for sales and promotion shall cease as soon as all lots in the subdivision are sold to potential end users or in two (2) years, whichever occurs sooner, whereupon the model home shall be offered for sale for use as a dwelling unit. Prior to expiration of the initial or subsequent approvals, the applicant may seek a one (1) year extension from the Planning Commission.
- C. **Appearance.** The model home and site shall be maintained to look like a typical single-family dwelling at all times. However, one identification sign shall be permitted, subject to the following requirements:
  - Maximum size: six (6) square feet
  - Maximum height: six (6) feet
  - Type: ground or wall
  - Location: sign shall comply with setback requirements for district
- D. **Parking.** A minimum of two (2) temporary paved off-street parking spaces shall be provided per employee. Off-street parking shall comply with the requirements in Section 9.

## Section 7 General Provisions

### Section 7.1 One Principal Use per Lot

There shall be no more than one (1) principal use on a lot, except where groups of apartments, commercial, or industrial buildings are deemed a principal use collectively. No more than one (1) single family dwelling unit may be located on a lot, except as specifically permitted (e.g., second living quarters on a farm).

### Section 7.2 Reserved

### Section 7.3 Reserved

### Section 7.4 Reserved

### Section 7.5 Accessory Uses, Buildings, and Structures

#### A. General Requirements.

1. Timing of Construction. No accessory building, structure, or use shall be constructed or established on a parcel unless there is a legally established principal building, structure, or use being constructed or already established on the same parcel of land.
2. Site Plan Approval. If submission of a site plan for review and approval is required, then the site plan shall indicate the location of proposed accessory buildings, structures, or uses.
3. Nuisances. Accessory uses such as household animal enclosures, dog runs, central air conditioning units, heat pumps, outdoor wood-fired boilers, and other mechanical equipment that could produce noise, odors, or other nuisances shall not be located adjacent to an adjoining property owner's living or sleeping area where windows and/or doors would be exposed to the nuisance. These restrictions shall not be construed to limit or prevent activities permitted by the Michigan Right to Farm Act.
4. Impact on Adjacent Buildings or Uses. The location and characteristics of an accessory building shall not have an adverse impact on existing adjacent buildings or uses. In evaluating impact on adjacent buildings or uses, factors that shall be considered include, but are not limited to:
  - The potential for generation of nuisances, as might be caused by increased traffic or noise.
  - The orientation of doors and access routes.
  - Site drainage patterns.
  - Impact on views.
5. Location in Proximity to Easements or Rights-of-Way. Accessory buildings, structures, or uses shall not be located within dedicated easements or rights-of-way.
6. Use of Accessory Buildings and Structures. Attached and detached accessory buildings or structures in residential districts shall not be used as dwelling units or for any business, profession, trade or occupation, or as storage space that is offered for rent, except that an accessory building may be used to house a permitted home occupation or home-based business, subject to the provisions of Section 6.19. An accessory garage on a residential parcel shall be used only for the storage of vehicles or equipment or materials used by the occupants of the residence to which it is accessory.
7. Applicability of Other Codes and Ordinances. Accessory buildings and structures shall be subject to all other applicable codes and ordinances regarding construction, installation, and operation.
8. Accessory Farm Buildings. The requirements in this section shall not apply to accessory buildings (such as barns and silos) used in the agricultural operations on a farm, as defined in Section 2.2,

except that farm buildings shall comply with the setback requirements for the districts in which they are located.

**B. Attached Accessory Buildings.**

Unless otherwise specified in this Section, accessory buildings or structures which are attached to the principal building (such as an attached garage, breezeway, or workshop) shall be considered a part of the principal building for the purposes of determining conformance with area, setback, height, and bulk requirements. An accessory building or structure shall be considered as attached to the principal building when integrally connected by a fully enclosed structure. A breezeway, portico, colonnade or similar architectural device is not sufficient to meet this standard.

**C. Detached Accessory Buildings.**

1. Location. Detached accessory buildings (for example, garages or sheds) shall not be located in a front yard or a required side yard area, except as follows:
  - a. *Commercial and Industrial Districts*. The following accessory uses may be permitted in the front or side yards of commercial or industrial districts, subject to the approval of the Planning Commission: buildings for parking attendants, guard shelters, gate houses, and transformer pads.
  - b. *Agricultural District*. In the AG district, detached accessory buildings related to agricultural use may be permitted in front of the principal residence on the lot if they comply with all setback requirements for accessory buildings.
2. Setbacks. Detached accessory buildings, including any and all roof overhangs, shall comply with the following setback requirements. A stake survey may be required by the Zoning Administrator to determine exact distances from the lot line. The location of the proposed building shall be approved by the Zoning Administrator prior to construction.
  - a. *Front Yard Setback*. Any accessory building in the front yard shall conform to the minimum required front and side yard setbacks for principal buildings in the zoning district.
  - b. *Side Yard Setback*. The required side yard setback for detached accessory buildings is five (5) feet.
  - c. *Rear Yard Setback*. Accessory buildings shall be located no closer than five (5) feet to the rear lot line or alley line.
  - d. *Distance from other Buildings*. Detached accessory buildings shall be located at least ten (10) feet from any building on the site.
  - e. An accessory building or structure over 14.0 feet in height, 50 feet in length adjacent to a lot boundary, or 1,500 sq. ft. in floor area, shall conform to the minimum required yard setbacks for principal buildings in the zoning district.



3. Size, height, and number. Detached buildings and structures in the following zoning districts accessory to single-family and two-family residential uses shall conform to the following requirements:

Zoning Districts	Parcel Size	Maximum Total Accessory Building and Structure Floor Area	Accessory Building		Other Accessory Structures	
			Max. per lot	Max. Height	Max. per Lot	Max. Height
AG and R-1	Up to 2.49 acres	1,500 sq. ft.	1	14.0 feet	2	14.0 feet
	2.5 to 9.99 acres	2,400 sq. ft.	2	15.0 feet		
	10.0 acres or greater	3,600 sq. ft.	3	16.0 feet		
R-2A, R-2B, and Other Districts	Up to 1.0 acres	900 sq. ft.	1	14.0 feet	1	12.0 feet
	1.01 to 4.99 acres	1,200 sq. ft.	1			
	5.0 acres or greater	1,500 sq. ft.	2			

“Other Accessory Structures” include sheds, gazebos, covered pavilions, and similar structures.

**D. Accessory Structures.**

1. General Requirements. Accessory structures (for example, tennis courts, wind generators, antennas) shall be located in the rear yard and shall comply with height, setback, and lot coverage requirements for accessory buildings, unless otherwise permitted in this Ordinance.
2. Exceptions to Accessory Structure Standards. Wind energy systems shall comply with the height requirements specified in Sections 5.4. Reception antennas facilities shall comply with the requirements in Section 5.5.
3. Solar Panels. Freestanding solar panels shall be subject to the requirements specified in Section 6.39.
4. Donation Bins. Donation bins shall be subject to the requirements specified in Section 6.49.
5. Private Swimming Pools.
  - a. *Applicability.* The requirements in this subsection apply to any basin or structure for holding water for swimming, diving, and other aquatic recreation, except that these requirements do not apply to plastic, canvas, vinyl or rubber pools temporarily erected on the ground that hold less than three hundred (300) gallons of water.
  - b. *Building Code.* Private swimming pools shall be subject to the requirements in the Building Code.
  - c. *Filtration System.* The pool shall be equipped with filtration, circulation, and chlorination systems adequate to maintain the water in a clean and healthy condition in accordance with the requirements of the Central Michigan District Health Department.
  - d. *Pool Discharge.* The discharge pipe leading from a private swimming pool shall be composed of durable material and size approved by the Building Official. A private swimming pool shall not be wholly or partially emptied onto another property unless written permission is first obtained from the property owner.
  - e. *Plumbing Permit.* A plumbing permit shall be required if the pool system is connected to a potable water supply.
  - f. *Enclosure.* Every private swimming pool shall be completely enclosed by a permanent fence and lockable gate that complies with the requirements in the Building Code.

- g. *Setbacks.* Private swimming pools shall not be located in the front yard; on corner lots, no part of any pool shall be constructed within the front yard of either street. Swimming pools shall be set back a minimum distance of twenty (20) feet from any side or rear lot line.
- h. *Lighting, Electrical.* No electrical wiring shall overhang the surface of the water or be located where there is a danger of falling in the water. Lighting of the pool and surrounding area shall be focused to not shine on adjacent properties and buildings.

**E. Zoning Permit**

Permit approval shall be required per Section 14.1(A) (Zoning Permits) for construction, alteration or relocation of all accessory buildings and accessory structures, except swimming pools that do not require a building permit under the State Construction Code; or where such buildings or structures are 100 square feet or less in floor area or are associated with customary agricultural operations, provided that such buildings and structures shall otherwise conform to the requirements of this Section. Where an accessory building or accessory structure is associated with a project subject to site plan approval, the approved site plan shall satisfy this requirement.

**F. Accessory Uses**

Accessory uses, as defined in Section 2.2 and as regulated by this Ordinance, are allowed in a manner secondary and incidental to the principal use on the same premises. Gardening shall be considered an accessory use customary to and commonly associated with allowable residential uses in the zoning district.

**Section 7.6 Fences and Walls**

Fences and walls shall conform to the following requirements:

**A. Height.**

Fences or walls not more than six (6) feet in height are permitted in all yards. Fences or walls over six (6) feet in height are subject to approval by the Zoning Board of Appeals, unless specifically authorized elsewhere in this Zoning Ordinance.

**B. Clear Vision Triangle.**

Walls and fences shall comply with the specification for maintenance of unobstructed vision for drivers in Section 4.6.

**C. Fence and Wall Maintenance.**

Fences and walls shall be maintained in good condition. Rotten, crumbled, or broken components shall be replaced, repaired, or removed. As required, surfaces shall be painted, stained or similarly treated.

**D. Zoning Permit.**

Permit approval shall be required per Section 14.1(A) (Zoning Permits) for construction, alteration, or relocation of all fences and walls, except short decorative fence elements less than ten (10) feet in length and fences associated with customary agricultural operations that otherwise conform to the requirements of this Section. Where a fence or wall is associated with a project subject to site plan approval, the approved site plan shall satisfy this requirement.

**Section 7.7 Administrative Regulations**

**A. Scope of Regulations.**

No structure or tract of land shall hereafter be used or occupied, and no structure, or part thereof, shall be erected, altered, or moved, except in conformity with the provisions of this Ordinance.

However, where a building permit for a building or structure has been issued in accordance with law prior to the effective date of this Ordinance and construction is begun within six months of the effective date, said building or structure may be completed in accordance with the approved plans. Furthermore, upon completion the building may be occupied under a Certificate of Occupancy for the use for which the building was originally designated, subject thereafter to the provisions of Section 12 concerning nonconformities. Any subsequent text or map amendments shall not affect previously issued valid permits.

**B. Minimum Requirements.**

The provisions of this Ordinance shall be held to be the minimum requirements for the promotion of public health, safety, and welfare.

**C. Relationship to Other Ordinances or Agreements.**

This Ordinance is not intended to abrogate or annul any ordinance, rule, regulation, permit, easement, covenant, or other private agreement previously adopted, issued, or entered into and not in conflict with the provisions of this Ordinance.

However, where the regulations of this Ordinance are more restrictive or impose higher standards or requirements than other such ordinances, rules, regulations, permits, easements, covenants, or other private agreements, the requirements of this Ordinance shall govern.

**D. 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 permissible activities therein.

Furthermore, such rights as may exist through enforcement of this Ordinance are hereby declared to be subject to subsequent amendment, change or modification as may be necessary for the preservation or protection of public health, safety, and welfare, to the extent that such rights are not protected by the nonconforming use provisions in Section 12.

**E. Continued Conformity with Yard and Bulk Regulations.**

The maintenance of yards and other open space and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located, for as long as the building is in existence.

No portion of a lot used in complying with the provisions of this Ordinance in connection with an existing or planned building, shall again be used to qualify or justify any other building or structure existing or intended to exist at the same time.

**F. Division and Consolidation of Land.**

The division and consolidation of land shall be in accordance with the Subdivision Control Act (Michigan Public Act 288 of 1967, as amended). No lot or parcel shall hereafter be divided into two or more lots and no portion of any lot shall be sold, unless all zoning lots resulting from each such division or sale conform to all regulations of the zoning district in which the property is located.

**G. Unlawful Buildings, Structures, Site Designs and Uses.**

A building, structure, or use which did not lawfully exist at the time of adoption of this Ordinance shall not be made lawful solely by adoption of this Ordinance. In case any building, or part thereof, is used, erected, occupied or altered contrary to the provisions of this Ordinance, such building or use shall be deemed an unlawful nuisance and may be required to be vacated, torn down or abated by any legal means, and shall not be used or occupied until it has been made to conform to the provisions of this Ordinance. Public expenditures toward abating any such nuisance shall become a lien upon the land.

**Section 7.8 Razing of Buildings**

No building, excluding farm buildings, shall be razed until a permit has been obtained from the Zoning Administrator, who shall be authorized to require a performance bond in an amount that would cover the full cost of demolition and restoration of the site by a date certain as established in the permit. Conditions of the bond shall also include proper termination of utility connections, full removal of foundations, complete fill of any excavations with clean fill, and seeding of the finished site.

**Section 7.9 Restoration of Unsafe Buildings**

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of a building or structure declared unsafe under applicable codes and Township ordinances by the Building Official, except that compliance with Section 12 dealing with nonconformities is required.

**Section 7.10 Sidewalks and Pathways**

Sidewalks and pathways shall be subject to the following regulations:

- A. **Where Required.** Sidewalks or pathways shall be required wherever construction is proposed that requires site plan review pursuant to Section 14.2. In addition, sidewalks shall be required on both sides of the road in single family subdivisions and condominiums and on streets designated by the Sidewalk and Pathways Prioritization Committee.

- B. **Location and Width.** Required sidewalks shall be a minimum of five (5) feet in width and pathways shall be a minimum of eight (8) feet in width. Sidewalks and pathways shall generally be located one foot (1) off the property line in the road right-of-way, except where the planned right-of-way is greater in width than the existing right-of-way, in which case the sidewalk or pathway shall be located one (1) foot inside the planned right-of-way. The Planning Commission may modify this requirement in consideration of the location of utilities, existing or proposed landscaping, or other site improvements.
- C. **Design Standards.** Sidewalks shall be constructed of concrete, and bicycle paths shall be constructed of asphalt, in accordance with the Sidewalk and Pathway Ordinance and established engineering standards for the Township.
- D. **Alignment with Adjacent Sidewalks and Pathways.** Sidewalks and pathways shall be aligned horizontally and vertically with existing sidewalks and pathways on adjacent properties. The Planning Commission may modify this requirement if existing adjacent sidewalks or bicycle paths are not constructed in conformance with the requirements set forth herein.
- E. **Signage.** The Planning Commission may require the installation of signage for the purposes of safety where it necessary to separate vehicular traffic from pedestrian and bicycle traffic or where it is necessary to alert vehicular traffic of the presence of sidewalks or pathways.
- F. **Maintenance.** The owner of the property that fronts on a sidewalk or pathway shall be responsible for maintenance of the sidewalk or pathway, including patching deteriorated or cracked pavement, snow removal, and removal of glass and other debris. Where a sidewalk or pathway located along a collector or arterial road adjoins a subdivision or condominium, maintenance shall be the collective responsibility of the property owners in the subdivision or condominium.
- G. **Permits.** It shall be the responsibility of the owner or developer to secure any required permits from the Isabella County Road Commission or Michigan Department of Transportation to allow sidewalk or pathway construction in the right-of-way.

**Section 7.11 Allowable and Prohibited Uses**

- A. **Allowable Uses.**  
Only the following uses of land, buildings and structures shall be allowed in the Township:
  - 1. Uses lawfully established on the effective date of this Ordinance.
  - 2. Uses for which a Building Permit has been issued in accordance with the Building Code.
  - 3. Permitted principal and accessory uses in the applicable zoning districts, subject to the requirements specified.
  - 4. Special uses in the applicable zoning districts, subject to the conditions and requirements specified.
  - 5. Temporary uses subject to the requirements in Section 7.12.
- B. **Prohibited Uses.**
  - 1. The following uses shall not be allowed anywhere in the Township:
    - a. Medical marihuana growers.
    - b. Medical marihuana processors.
    - c. Medical marihuana provisioning centers.
    - d. Medical marihuana secure transporters.
    - e. Medical marihuana safety compliance facilities.
    - f. Marihuana establishments, as defined in the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018.
  - 2. Uses and structures that are not expressly permitted in this ordinance are prohibited.

## Section 7.12 Temporary Buildings, Uses, and Structures

Temporary buildings and structures shall comply with the following requirements:

### A. Temporary Buildings or Structures Used for Residential Purposes.

A building or structure may be approved for temporary residential use only while damage to the principal dwelling due to fire, flood, ice, wind, or other natural disaster is being repaired. Any such temporary building shall not be used as a residence without prior review and approval by the Police, Fire, and Building Officials.

A mobile home or other approved living quarters may be occupied as a residence on a temporary basis on sites for which a building permit has been issued for construction of a new dwelling unit or for major repair or remodeling of an existing dwelling unit.

Permits for temporary buildings or structures for residential purposes shall be subject to the following:

1. Such permits may be issued by the Building Official for up to six months in duration and may be renewed for a period of up to six months, provided that work is proceeding in an expeditious manner.
2. The total duration of a temporary permit shall not exceed 12 months.
3. Temporary buildings and structures shall comply with the setback standards for the district in which they are located.
4. Electrical and plumbing connections shall be approved by the Isabella County Community Development Department. Water and sanitary sewer connections shall be approved by the Township Department of Public Services.
5. An approved temporary building or structure may be moved onto a site 14 days prior to commencement of construction and shall be removed within 14 days following issuance of a Certificate of Occupancy for the permanent dwelling.
6. The applicant shall furnish the Township with a performance guarantee in the amount of no less than \$500.00, as determined by the Building Official, to ensure removal of the temporary building or structure.

### B. Temporary Structures Used for Nonresidential Purposes.

Temporary buildings or structures for nonresidential use, including semi-trucks/trailers and concrete batch plants, shall be permitted only when the intended use is by a contractor or builder in conjunction with a construction project, and only after review and approval by the Building Official. Such temporary buildings or structures shall be removed immediately upon completion of the construction project and prior to a request for a Certificate of Occupancy for the project.

### C. Permits.

Permits for the utilization of temporary structures shall be issued by the Building Official. The permit shall specify a date for the removal of the temporary structure, and the Building Official may require posting of a bond to insure removal. A Certificate of Occupancy shall be required for such structures.

### D. Use as an Accessory Structure.

A temporary building or structure shall not be used as an accessory building or structure, except as permitted herein.

### E. Special Events and Other Temporary Uses.

The Zoning Administrator may grant temporary use of land and structures for special events and other temporary uses subject to the following general conditions:

1. Adequate off-street parking shall be provided.
2. The applicant shall specify the exact duration of the temporary use.
3. Electrical and utility connections shall be approved by the Building Official.
4. The Zoning Administrator may require a performance bond to assure proper clean-up.

5. The following conditions apply to specific temporary uses:
- a. Carnival or Circus.
    - Maximum duration: 10 days.
    - Operator or sponsor: Non-profit entity
    - Location: Shall not be located in or adjacent to any developed residential area except on church, school or park property.
  - b. Sidewalk Display and Sale of Bedding Plants.
    - Maximum duration: 90 days.
    - Location: In commercial districts only.
    - Sidewalk Coverage: Shall not cover more than 50 percent of the width of the sidewalk.
  - c. Christmas Tree Sales.
    - Maximum duration: 45 days.
    - Location: Shall not be located in or adjacent to any developed residential area.
    - Clean-up: Stumps, branches, and other debris shall be completely removed from site.
  - d. Garage Sales.
    - See Section 6.44.

### Section 7.13 Required Water Supply and Sanitary Sewerage Facilities

No structure for human occupancy shall be erected, altered, or moved upon any lot or premises and used in whole, or in part, for dwelling, business, industrial, or recreational purposes unless it is provided with a safe potable water supply and system for treatment and disposal of human excrete and other domestic, commercial and industrial wastes. All such installations and facilities shall conform to the minimum requirements of the Central Michigan District Health Department, the Michigan Department of Health and Human Services, and Isabella County.

Septic tanks, drain fields, and similar private buried water disposal facilities are permitted where approved by the Central Michigan District Health Department where a public sanitary sewer waste water collection system is not reasonably available.

### Section 7.14 Trash Removal and Collection

Dumpsters may be permitted or required as accessory to any use other than single and two-family residential uses, subject to the following conditions:

- A. **Location.**  
Dumpsters shall be located in the rear yard, provided any such dumpster shall not encroach on a required parking area, is clearly accessible to servicing vehicles, and is located at least ten feet from any building. Dumpsters shall comply with the accessory structure setback requirements for the district in which they are located, and shall be located as far as practicable from any adjoining residential district.
- B. **Concrete Pad.**  
Dumpsters shall be placed on a concrete pad. The concrete pad should extend a minimum of ten (10) feet in front of the dumpster enclosure.
- C. **Screening.**  
Dumpsters shall be screened from view from adjoining property and public streets and thoroughfares. Dumpsters shall be screened on three sides with a permanent building, decorative masonry wall, or solid wood fencing, not less than six (6) feet in height or at least one foot above the height of the enclosed dumpster, whichever is taller. Durable, lockable and visually opaque gates of equivalent height shall be provided on the fourth side of the enclosure.
- D. **Wood Screening Standards.**  
If wood fencing is selected as the desired dumpster screening alternative, the following standards shall apply:
  1. Materials. Only solid No. 1 pressure-treated wood shall be permitted.

2. **Posts.** Posts shall be set in concrete 42 inches below grade level. Two types of posts shall be permitted:
  - a. 6-inch x 6-inch pressure-treated wood, or
  - b. 3-inch diameter galvanized steel posts.
- E. **Bollards.**  
Bollards (concrete filled metal posts) shall be installed at the opening to prevent damage to the screening wall or fence.
- F. **Site Plan Requirements.**  
The location and method of screening of dumpsters shall be shown on all site plans and shall be subject to the approval of the Planning Commission.

### Section 7.15 Essential Services

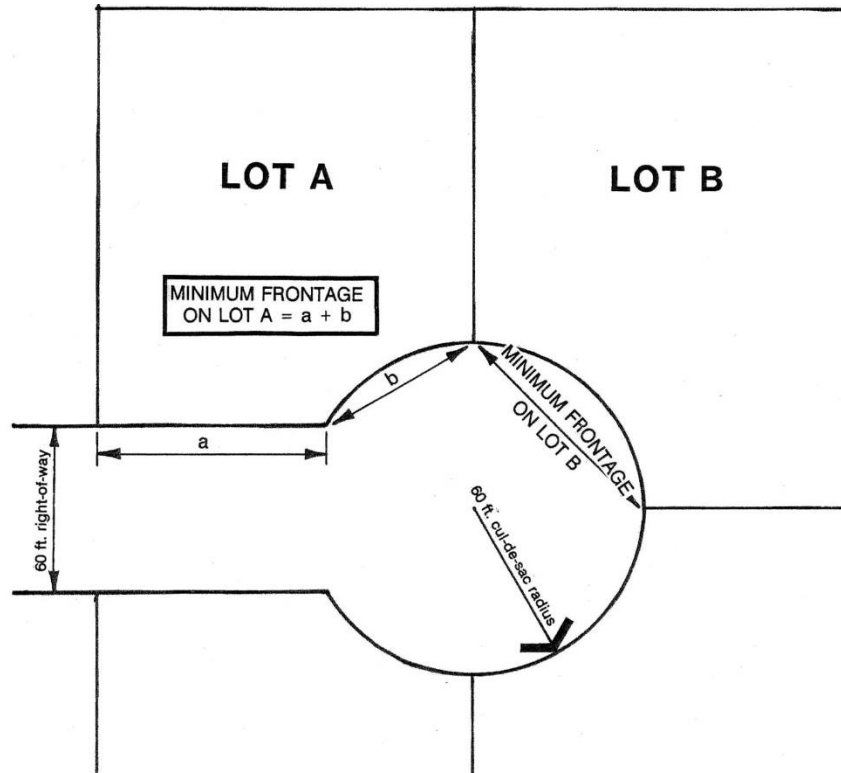
Essential services, as defined in Section 2.2, shall be permitted as authorized and regulated by franchise agreements and federal, state, and local laws and ordinances, it being the intention of this ordinance to permit modification to regulations governing lot area, building or structure height, building or structure placement, and use of land in the Township when strict compliance with such regulations would not be practical or feasible.

Although essential services may be exempt from certain regulations, proposals for construction of essential services shall still be subject to site plan review and special use review, it being the intention of the Township to achieve efficient use of the land and alleviate adverse impact on nearby uses or lands. Essential services shall comply with all applicable regulations that do not affect the basic design or essential operation of said services.

### Section 7.16 Reserved

### Section 7.17 Streets, Roads, and Other Means of Access

- A. **Intent.**  
Unimpeded, safe access to parcels of land throughout the Township is necessary to provide adequate police and fire protection, ambulance services, and other public services, and to otherwise promote and protect the health, safety, and welfare of the public. The standards and specifications set forth herein are determined to be the minimum standards and specifications necessary to meet the above stated intentions.
- B. **Public Access Required/Minimum Frontage.**  
The front lot line of all lots shall abut onto a publicly dedicated road right-of-way. The required frontage on an approved road right-of-way shall be equal to or greater than the minimum lot width for the district in which the lot is located, as specified in Section 4; except that the minimum frontage of lots that abut the turnaround at the end of a cul-de-sac shall be equal to or greater than 50% of the minimum lot width. On lots located on a curve, frontage shall be measured along a straight line between the two points where the side lot lines intersect the curved right-of-way line (see drawing). Frontage on a "T" turnaround shall not be counted toward the minimum road frontage requirements.



**Section 7.17(B): Measurement of Lot Frontage**

**C. Access on Residential Through Lots.**

On through lots in residential districts, the driveway providing the primary means of vehicular access shall intersect the road on which lot frontage is greatest. However, if the property line abutting the other road has been designated as the "front lot line" on an approved lot split application, subdivision plat, or condominium plan, then the driveway providing the primary means of vehicular access shall intersect the road that abuts said front lot line.

The Planning Commission may approve a primary means of access that varies from these requirements upon finding that such access would facilitate traffic safety (for example, by limiting access on an arterial street) or achieve consistency with existing adjacent and nearby residences.

**D. Road and Driveway Standards.**

Public roads shall comply with the requirements of the Isabella County Road Commission or Michigan Department of Transportation, as applicable. Driveways shall comply with the following minimum requirements in addition to engineering standards that are enforced by the Township.

1. Minimum Driveway Setbacks. Driveways shall be set back a minimum of four (4) feet from any side or rear property line, unless otherwise specified.
2. Residential Road and Driveway Requirements.

Type of Road or Driveway	Minimum Width	Pavement Required	Curb and Gutter Required?
Driveways to individual detached units in a plat or site condominium	9 feet	Paved	--
Driveways to individual detached lots not in a plat or site condominium	9 feet	Gravel or Paved	--



Type of Road or Driveway	Minimum Width	Pavement Required	Curb and Gutter Required?
Roads throughout a single-family development, including entrance roads (see note 1)	Must comply with Isabella County Road Commission requirements.		
Driveways to individual single-family attached units	9 feet	Paved	--
Roads throughout a multiple-family development	24 feet	Paved	Curb and gutter
Multiple-family development entrance roads (see note 1)	27 feet	Paved	Curb and gutter
Roads/driveways within a parking area	See Section 9		
Roads in a Mobile Home Park	See Section 3.11		

- Notes on Table:**
1. An entrance road extends from the edge of the public road to the edge of any parking lot, intersection, tee, or similar terminus within a development.
  2. Shared driveways for adjoining single-family parcels may be permitted, provided that an access easement is recorded that provides for joint use and maintenance of the driveway. Both parcels shall comply with minimum road frontage and lot width requirements.

3. Commercial/Office/Industrial Road and Driveway Requirements.

Type of Road or Driveway	Minimum Width	Pavement Required	Curb and Gutter Required?
Driveways serving two or more parcels (e.g., office or industrial park)	31 feet	Paved	Curb and gutter
Main access driveways (commercial/office uses)	31 feet	Paved	Curb and gutter
Main access driveways and internal circulation routes for <u>three or fewer</u> buildable industrial parcels	27 feet	Paved	Curb and gutter No on-street parking
Main access driveways and internal circulation routes for <u>four or more</u> buildable industrial parcels	31 feet	Paved	Curb and gutter
Internal circulation truck routes	31 feet	Paved	Curb and gutter
Internal circulation routes (no trucks)	24 feet	Paved	Curb and gutter
Entrance roads (see note 1)	31 feet	Paved	Curb and gutter
Roads/driveways within a parking area	See Section 9		

- Notes on Table:**
1. An entrance road extends from the edge of the public road to the edge of any parking lot, intersection, tee, or similar terminus within a development.
  2. Curb and gutter requirements are not applicable for access routes through parking lots.

4. Miscellaneous Road Requirements.

Type of Road	Minimum Width	Pavement Required	Curb and Gutter Required?
Boulevard entrances with median (not public)	18 feet <i>each direction</i>	Paved	Curb and gutter
Service drives ( <i>minimum 30-foot setback from parallel public road</i> )	24 feet	Paved	--
"T" turnaround	Must comply with Isabella County Road Commission requirements.		
Cul-de-sac	Minimum cul-de-sac right-of-way or easement radius is 60 feet.		

5. Vertical Clearance. Driveways and roads needed for emergency and fire department access in commercial and industrial districts shall maintain a minimum vertical clearance of 13.5 feet.

E. **Access across Residential District Land.**

No land which is located in a residential district shall be used for a driveway, walkway, or other access to any land which is located in a nonresidential district, unless such access is by way of a public road. This provision is not intended to prevent access across residential district land to gain access to adjacent agricultural lands.

F. **Service Drives/Secondary Access Roads.**

If the Planning Commission determines that proposed or anticipated development will result in an excessive number of entrance or exit drives onto a public road, thereby creating potentially hazardous traffic conditions and diminishing the carrying capacity of the road, the Commission may permit or require construction of service drives across abutting parcels and generally parallel to the public road to allow traffic to circulate from one parcel to another without re-entering the public road. The service drive shall comply with the following requirements:

1. An easement shall be recorded with the Isabella County Register of Deeds allowing free vehicular access across the service drive between adjoining parcels. The easement shall be in a form acceptable to the Township Board, and it shall be recorded prior to issuance of a Certificate of Occupancy for the principal building.
2. The service drive shall comply with the design requirements set forth previously in sub-section D. The service drive shall comply with the engineering and construction standards established by the Township Board.
3. In anticipation of a future need for a service drive, the Planning Commission may require, as a condition of site plan approval, granting of an easement to allow future vehicular access between adjoining parcels.
4. In lieu of a designated service drive, the Planning Commission may require the development of parking to permit vehicular circulation between parking lots on contiguous lots or parcels.
5. Each property owner shall be responsible for continued maintenance of the service drive and easement so that it continues to provide a safe means of access from one parcel to another.
6. Backing from parking spaces onto the service drive shall not be permitted except on a temporary basis.
7. The site plan shall indicate the proposed elevation of the service drive at the property line and the Zoning Administrator shall maintain a record of all service drive elevations so that their grades can be coordinated. Service drive elevations shall conform to elevations established by the Zoning Administrator.

## Section 7.18 Grading Regulations

### A. Intent and Scope of Requirements.

1. Intent. Grading regulations are established to control the excavation and filling of land, to assure adequate drainage away from structures and to a natural or established drainage course, and to establish procedures and requirements for grading permits and inspection of finished grading.
2. Scope of Application. A Grading Permit shall be required in all instances where grading, excavating, filling, stockpiling, or other alterations to the land are proposed, except for the following circumstances which are exempt from this requirement:
  - a. Moving, grading, leveling, filling or excavation of land not exceeding 50 cubic yards in a single Instance and 100 cubic yards total in any calendar year in compliance with Section 7.1BC.
  - b. Finish grading of an individual lot for the construction of a building or structure, and excavation below finished grade for a building foundation or basement, retaining wall, swimming pool, cemetery plot or similar circumstance.
  - c. Incidental grading, leveling, filling or excavation of land needed for Installation of municipal or private utilities, or for construction of a sidewalk, driveway, road, or similar improvement.
  - d. Customary agricultural operations, plant material nurseries, tree removals, and incidental changes associated with gardening, landscape maintenance, and similar activities.
  - e. Temporary stockpiling of soil, sand, clay, gravel, and similar material for a construction project associated with an approved site plan or subdivision plat in compliance with Section 7.18C.
  - f. Extraction operations, processing or stockpiling of rock, sand, soil or aggregate in areas properly zoned for such uses, and environmental remediation activities conducted in accordance with the applicable Township ordinance requirements and any outside agency permits or approvals.
3. Grading Permits shall also be subject to requirements in the Building Code for when permits are required, exempted work, hazards, grading permit requirements, bonds, cuts and fills, setbacks, drainage and terracing, erosion control, grading inspection, and completion of work.
4. Fee. The Grading Permit fee shall be established by resolution of the Township Board.

### B. Grading Permit Requirements.

1. Coordination with Site Plan Review. When a grading plan is submitted in conjunction with a final site plan, the Planning Commission shall review the plan per Section 14.2 procedures and requirements.
2. Grading Permit Plan Review. If a Grading Permit is required, the applicant shall submit a complete and accurate application along with two (2) paper copies and one (1) digital copy of a Grading Plan for review and approval. Grading plans shall be subject to review and approval by the Township Engineer or Zoning Administrator.
3. Subdivision Grading Plans. For any proposed subdivision, a grading plan prepared by a registered land surveyor or civil engineer shall be submitted with the preliminary subdivision plan. The grading plan shall show the topography of the area to be platted, the existing drainage pattern, and the proposed surface water drainage pattern. Drainage easements shall be provided across private property where necessary for handling surface drainage from adjacent properties.

### C. Grading Standards.

1. Slope Away from Buildings. All buildings and structures shall be constructed at an elevation which provides a sloping grade away from the building or structure, thereby causing surface water to drain away from the walls of the building to a natural or established drainage course. Unless insufficient space exists on a site, a minimum five percent (5%) slope away from all sides of a building or structure shall be provided for a minimum distance often (10) feet.
2. Impacts to Adjacent Properties. New grades shall not be established that would permit an increase in the runoff of surface water onto adjacent properties, adversely impact any established drainage courses or drainage patterns, or be detrimental to drainage of surrounding land.

3. Matching of Grades. Lots shall be graded to match the existing grades at road rights-of-way and the lot boundaries with adjoining parcels.
4. Clean Fill. Fill material brought into the Township shall be free of contamination from hazardous substances, debris, junk, or waste. The Zoning Administrator may require verification from a qualified soil testing laboratory that the fill is free of all contamination.
5. Excavations of Holes. The excavation or continued existence of unprotected holes, pits, or wells that constitute or are reasonably likely to constitute a danger or menace to the public health, safety, and welfare is prohibited. However, this restriction shall not apply to excavations for which a permit has been acquired from the Township, provided such excavations are property protected with fencing, guard rails, and warning signs. This section also shall not apply to lakes, streams, ditches, reservoirs, or other bodies of water under the jurisdiction of the State of Michigan, Isabella County, Union Township, or another governmental agency.
6. Inspection. Compliance with a grading plan and permit shall be verified by the Township Engineer or Zoning Administrator after a visual on-site inspection. Before final inspection and issuance of a certificate of occupancy, the rough grading must be completed; final grading shall be completed within six months after a Certificate of Occupancy has been issued.

## Section 7.19 Landfills

### A. Landfills

1. General Requirements.
  - a. *Design and Operation Standards.* Any such use shall conform to current standards established by the U. S. Environmental Protection Agency, the U. S. Department of Agriculture, the Michigan Department of Environment, Great Lakes, and Energy, and other regulatory agencies.
  - b. *Environmental Impact Assessment.* An environmental impact assessment shall be prepared and submitted to the Township Board for review and approval.
2. Landfills and Dumping.
  - a. *Intent.* These regulations are established to control the storage, piling, placing, or dumping of garbage, sewage, refuse, trash, debris, rubbish, or other waste in the Township, including in landfills.
  - b. *Scope of Application.* No person shall pile, place, store, dump, bury, dispose of, or keep in open containers on any land within the Township any garbage, sewage, refuse, trash, debris, rubbish or other solid waste, including cans, bottles, waste paper, cartons, boxes, crates, or other offensive or obnoxious matter, except in strict conformity with the provisions of this Ordinance. In no instance shall any landfill, dump, parcel of land, or other facility be used for the disposal of gasoline, tanks containing gasoline, or hazardous substances, unless the landfill is specifically licensed to accept such material.
  - c. *Exceptions.* These provisions shall not prevent the reasonable use of fertilizers, manure and similar materials for improvement of land being lawfully utilized for farming purposes, provided that such use is carried out in a healthy and sanitary manner without creating a nuisance for the surrounding area.
3. Permit Requirements for Landfills and Dumping.
  - a. *Issuance.* A permit shall be required in all instances where landfill or dumping activity is proposed in the Township.
  - b. *Review Procedures.* Applications for landfill or dumping permits shall be reviewed in accordance with the procedures for review of Special Uses in Section 14.3. Permits for such uses shall be issued by the Township Board for a one-year period. Permits may be renewed for one-year periods unless the owner or operator violates any conditions of approval.

- c. *Performance Guarantee.* To assure conformance with the requirements specified herein, the Township may require the applicant or owner to provide a performance guarantee, in accordance with Section 14.9. The performance guarantee shall be held in escrow and may be released to the applicant in proportion to the work completed on the various restoration activities, provided an inspection report has been submitted to the Township Engineer and approved by the Township Board. No more than ninety percent (90%) of the performance guarantee shall be returned until all work has been completed and inspected.

The amount of the performance guarantee shall be reevaluated on an annual basis when the permit is renewed to ensure that it is adequate to complete the project as proposed, based on current construction costs.

The Township Board may approve a performance guarantee that covers less than the total site, provided that no excavation or dumping may take place in an area until a performance guarantee has submitted to assure proper completion of the activities proposed for the area.

- d. *Application Requirements.* The following information shall be provided on an application for a landfill or dumping permit:
- i. Aerial Photography. Vertical aerial photographs of the site, enlarged to a scale of one inch equals 200 feet. The aerial photograph shall include all land included in the application, all contiguous land which is proposed to be used or has been used by the owner or operator, and all surrounding public roads.
  - ii. Survey. A metes and bounds survey of the subject site, prepared by a registered land surveyor and drawn to a scale of one inch equals 200 feet. The survey shall include the boundary of the entire site and topography of the site at two-foot contour intervals.
  - iii. Engineering Report. An engineering report by a qualified soil scientist, soils engineer, or geologist regarding the effect of the proposed operation on the watershed of the area. Particular attention should be focused on the potential pollution or contamination of groundwater.
  - iv. Master Plan. A detailed plan for the landfill, including a timetable for various stages of the operation. A specific timetable for dumping and restoration shall be included with each annual permit request.
  - v. Restoration Plan. A detailed restoration plan indicating how the area will be re-used in a manner compatible with the Township Master Plan. The restoration plan shall include the proposed use of the restored area and the proposed topography drawn at two foot contour intervals.
  - vi. Operating Specifications. A detailed description of operating procedures, so as to demonstrate conformance with the requirements in sub-section 4, following.

4. Requirements. All landfill and dumping activity shall be subject to the following standards:
- a. *Limits of Approval.* All landfill and dumping activities shall be carried on within the boundary limits approved for such activities.
  - b. *Setbacks.* Landfilling, dumping, and stockpiling shall not be conducted closer than 100 feet to the approved outer boundary for the operation, and not closer than 500 feet to any property line that abuts a residentially zoned or used district. The required setback area may be used only for access roads and greenbelt plantings and landscaping. All equipment for sorting, processing, storing, weighing, and other operations shall be located at least 300 feet from any public street right-of-way line or adjacent property line.
  - c. *Noise, Dust, Debris.* All processing equipment and activities and all storage areas shall be treated, covered, muffled, or otherwise controlled to prevent excessive noise, dust, debris, or other impacts beyond the property line. Any trucks hauling material to or from the site shall be enclosed or covered to prevent materials from blowing or falling out of the trucks.
  - d. *Road Treatment.* All private access roads shall be paved or treated to create a dust-free surface. The operator shall work with the Township to minimize dust on public access roads serving the site.
  - e. *Frontage and Access.* The subject site shall have a minimum frontage of 250 feet on an arterial or collector road.

- f. *Fencing.* Landfill and dumping operations shall comply with the following fencing requirements:
    - i. Where slopes steeper than thirty (30) degrees exist for a period of one month or more, the proposed operation shall be enclosed with a six foot high cyclone fence or similarly effective barrier located at least fifty (50) feet outside the edge of the excavation area.
    - ii. Where collection of water greater than one foot in depth occurs for a period of one month or more in an area occupying two hundred (200) square feet or more, fencing shall be required as previously noted.
  - g. *Slopes.* Finished slopes shall not exceed a four to one grade (4 feet horizontal per 1 foot vertical). These requirements shall be complied with as each phase of the excavation or dumping proceeds. The finished slopes shall be achieved within 12 months after work has begun on any section.
  - h. *Topsoil and Seeding.* Sufficient topsoil shall be stockpiled so that a minimum of two (2) feet of topsoil will be placed on the top of the finished operation. The topsoil shall be planted immediately with grass or other groundcover, subject to approval by the Township Board.
  - i. *Berms.* A ten (10) foot high berm with side slopes of no greater than four on one grade shall be required around any active cell which is adjacent to a road or exterior property line. This requirement may be waived when the existing topography or other screening exists that would accomplish the purpose of the berm.
5. Violations. To ensure compliance with these regulations, the Zoning Administrator shall conduct periodic inspections. In the event that a violation is found, the Zoning Administrator shall send a written notice to the permit holder. Failure to correct the violation within thirty (30) days shall automatically void the permit. No new permits shall be issued until the violation has been corrected.

Section 7.20 Reserved

Section 7.21 Reserved

Section 7.22 Reserved

Section 7.23 Soil Erosion and Sedimentation Control

**Scope of Requirements.**

All development in Union Township shall comply with the requirements and promulgated by Isabella County Township's Stormwater Management Ordinance. All site plans shall include sufficient information to demonstrate compliance with the soil erosion and sediment control requirements. The applicant shall bear the full responsibility for the installation and construction of all such required erosion control measures.

## Section 8 Environmental Performance Standards

### Section 8.1 General Requirements

#### A. Intent and Scope of Application.

1. Intent. The purpose of this Section is to establish controls on the impacts generated by permitted uses so as to prevent an unreasonable negative impact that might interfere with another person's use of his or her property, or that might cause harm to the public health, safety, and welfare.
2. Scope of Application. After the effective date of this Ordinance, no structure or tract of land shall hereafter be used, created or occupied, and no structure, or part thereof, shall be erected, altered, reconstructed, or moved, except in conformity with all applicable performance standards set forth in this Section. No site plan or other land use or development application shall be approved unless evidence is presented to indicate conformity with the requirements of this Section.
3. Submission of Additional Data. Nothing in this Section shall preclude the applicant or other interested party from submitting additional data or evidence related to a specific case. In consideration of such data or evidence, the Planning Commission may waive or modify the regulations set forth in this Article, provided that the Planning Commission finds that no harm to the public health, safety and welfare will result and that the intent of this Ordinance will be upheld.

#### B. Performance Standards.

No activity, operation or use of land, buildings, or equipment shall be permitted if such activity, operation, or use produces an environmental impact or irritant to sensory perception which exceeds the standards set forth in this Section. Agricultural operations are exempt from these performance standards provided the agricultural operations are in compliance with Generally Accepted Agricultural Management Practices (GAAMPs).

1. Noise. A new or substantially modified structure shall be approved for construction only if the owner or developer of such land demonstrates that the completed structure and the activities associated with it on the same property will comply with the noise limits established in the Township's Anti-Noise and Anti-Nuisance Ordinance at the time of initial full-scale operation of such activities.
2. Surface Water Flow. No site plan review application and no proposal for division of land shall be approved if subsequent development within the required setbacks would result in identifiable disruption to the existing or natural flow of water within drainage ditches, natural water courses, or drains having a recorded easement, unless evidence of a feasible alternate method of drainage is presented and approved by the Isabella County Drain Commissioner.
3. Dust, Smoke, Soot, Dirt, Fly Ash and Products of Wind Erosion. Dust, smoke, soot, dirt, fly ash, and products of wind erosion shall be subject to the regulations established in conjunction with the Natural Resources and Environmental Protection Act, Michigan Public Act 451 of 1994, as amended, or other applicable state or federal regulations. No person, firm or corporation shall operate or maintain any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, unless such processes or devices use or are equipped with recognized and approved equipment, methods, or technology to reduce the quantity of gas-borne or airborne solids or fumes emitted into the open air.

The drifting of air-borne matter beyond the lot line, including wind-blown dust, particles or debris from open stock piles, shall be prohibited. Emission of particulate matter from material products, or surfaces subject to wind erosion shall be controlled by paving, oiling, wetting, covering, landscaping, fencing, or other means.

4. Odor. Offensive, noxious, or foul odors shall not be allowed to escape into the atmosphere in concentrations which are offensive, which produce a public nuisance or hazard on adjoining property, or which could be detrimental to human, plant, or animal life.
5. Glare and Heat. Any operation or activity which produces glare shall be conducted so that direct and indirect illumination from the source of light does not exceed one-half (1/2) of one (1) foot candle when measured at any point along the property line of the site on which the operation is located. Any operation which produces intense glare or heat shall be conducted within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot lines. If heat is a result of an industrial operation, it shall be so insulated as to not raise the temperature at any property line at any time.

6. Impacts from Other Activities. Proper owners shall provide the Township with evidence of compliance with county, state and federal laws, ordinances, rules and regulations related to any of the following activities:
  - a. Storage and handling of flammable liquids, liquefied petroleum, and explosives.
  - b. Use of above or below ground storage tanks to contain flammable or toxic material.
  - c. The storage, use or manufacture of detonable material.
  - d. Operation of a waste water treatment plant.
  - e. Emission of gasses that could be injurious or destructive to life or property.
  - f. Use of electronic equipment in an industrial, commercial or other operation.
  - g. Use of radioactive material and production of radioactive waste.

**C. Procedures for Determining Compliance.**

In the event that the Township receives complaints or otherwise acquires evidence of possible violation of any of the performance standards set forth in this Section, the following procedures shall be used to investigate, and if necessary, resolve the violation:

1. Official Investigation. Upon receipt of evidence of possible violation, the Zoning Administrator shall make a determination whether there is reasonable cause to suspect the operation is indeed in violation of the performance standards. The Zoning Administrator may initiate an official investigation in order to make such a determination.

Upon initiation of an official investigation, the Zoning Administrator is empowered to require the owner or operator of the facility in question to submit data and evidence deemed necessary to make an objective determination regarding the possible violation. Failure of the owner or operator to supply requested data shall constitute grounds for taking legal action to terminate the use and/or deny or cancel any permits required for continued use of the land. Data which may be required includes, but is not limited to the following:

- a. Plans of the existing or proposed facilities, including buildings and equipment.
  - b. A description of the existing or proposed machinery, processes, and products.
  - c. Specifications for the mechanisms and techniques used or proposed to be used to control emissions regulated under the provisions of this Section.
  - d. The of the amount or rate of emissions of the material purported to be in violation.
2. Method and Cost of Determination. The Zoning Administrator shall take measurements and complete investigation necessary to make an objective determination concerning the purported violation. Where required measurements and investigation can be accurately made by the Zoning Administrator using equipment and personnel normally available to the Township without extraordinary expense, such measurements and investigation shall be completed before notice of violation is issued. If necessary, skilled personnel and special equipment or instruments shall be secured in order to make the required determination.

If the alleged violation is found to exist in fact, the costs of making such determination shall be charged against those responsible, in addition to such other penalties as may be appropriate. If it is determined that no substantive violation exists then the costs of this determination shall be paid by the Township.

3. Appropriate Remedies. If, after appropriate investigation, the Zoning Administrator determines that a violation does exist, the Zoning Administrator shall take or cause to be taken lawful action as provided by this Ordinance to eliminate such violation. The owners or operators of the facility deemed response shall be given written notice of the violation. The Zoning Administrator shall take appropriate action in accordance with the owner or operator's response to the notice of violation. Appropriate action includes the following:
  - a. *Correction of Violation within Time Limit.* If the alleged violation is corrected within the specified time limit, even if there is no reply to the notice, the Zoning Administrator shall note "Violation Corrected" on the Township's copy of the notice, and the notice shall be retained on file. If necessary, the Zoning Administrator may take other action as may be warranted by the circumstances of the case, pursuant to the regulations in this and other ordinances.



- b. *Violation Not Corrected and No Reply from Owner or Operator.* If there is no reply from the owner or operator within the specified time limits (thus establishing admission of violation), and the alleged violation is not corrected in accordance with the regulations set forth in this Section, then the Zoning Administrator shall take such action as may be warranted to correct the violation.
- c. *Reply Requesting Extension of Time.* If a reply is received within the specified time limit indicating that an alleged violation will be corrected in accordance with the regulations set forth in the Zoning Ordinance, but that more time is required than was granted by the original notice, the Zoning Administrator may grant an extension if-
  - The Zoning Administrator deems that such extension is warranted because of the circumstances in the case, and
  - The Zoning Administrator determines that such extension will not cause imminent peril to life, health, or property.
- d. *Reply Requesting Technical Determination.* If a reply is received within the specified time limit request further review and technical analysis even though the alleged violations continue, then the Zoning Administrator may call in properly qualified experts to complete such analysis and confirm or refute the initial determination of violation.

If expert findings indicate that violations of the performance standards do exist in fact, the costs incurred in making such a determination shall be paid by the persons responsible for the violations, in addition to such other penalties as may be appropriate under the terms of this Ordinance. Such costs shall be billed to those owners or operators of the subject use who are deemed responsible for the violation. If the bill is not paid within thirty (30) calendar days, the Township shall take whatever appropriate action is necessary to recover such costs, or alternately, the cost shall be charged against the property where the violation occurred. If no substantial violation is found, cost of determination shall be paid by the Township.

## Section 8.2 Exterior Lighting

### A. Intent.

The regulations in this section are intended to require sufficient lighting for parking areas, walkways, driveways, building entrances, loading areas, and common areas to ensure the security of property and safety of persons; prevent the adverse effects of inappropriate lighting, including disability glare, light trespass onto adjoining properties, light pollution and sky glow, and energy waste; and permit and encourage the use of lighting that complements and enhances the environment in which the lighting is used.

### B. Definitions.

Words and phrases used in this Section shall have the meanings set forth below. Words and phrases not defined herein but defined in Section 2.2 shall be given the meanings set forth in Section 2.2. All other words and phrases shall be given their common, ordinary meaning, unless context clearly requires otherwise.

**Bulb (or Lamp):** The source of electric light (to be distinguished from the whole assembly, which is called the luminaire). “Lamp” is often used to denote the bulb and its housing.

**Disability Glare:** An intense and blinding light that results in reduced visual performance and visibility, and is often accompanied by discomfort.

**Filtered Fixture:** A light fixture that has a glass, acrylic, or translucent enclosure to filter the light.

**Fixture:** The assembly that holds the lamp in a lighting system. The Fixture includes the elements designed to give light output control, such as a reflector (mirror), refractor (lens), ballast, housing, and the attachment parts.

**Floodlight:** A fixture or lamp designed to flood an area with light.

**Foot-candle:** A measure of light intensity; the level of illuminance produced on a surface one foot from a uniform point source of one candela, or, when one lumen is distributed into an area of one square foot. Foot-candle measurements are made with a light meter at five (5) feet above ground level.

**Fully Shielded Fixture:** An outdoor lighting fixture that is shielded or constructed so that all light emitted is projected onto the site and away from adjoining properties. Light from a fully shielded fixture is not visible from adjoining properties and does not cause glare or interfere with the vision of motorists.

**High Pressure Sodium (HPS) Lamp:** High-intensity discharge lamp where radiation is produced from sodium vapor at relatively high partial pressures (100 torr).

**Incandescent Lamp:** A lamp that produces light by a filament heated to a high temperature by electric current.

**Laser Source Light:** An intense beam of light, in which all photons share the same wavelength.

**LED Light:** A light fixture that uses a light-emitting diode, which is a semi-conductor diode that emits light when conducting electrical current.

**Light Trespass:** Light falling where it is not wanted or needed (also called spill light).

**Low Pressure Sodium (LPS) Lamp:** A discharge lamp where the light is produced by radiation from sodium vapor at a relatively low partial pressure (about 0.001 torr). A LPS lamp produces monochromatic light.

**Mercury Vapor Lamp:** A high-intensity discharge lamp where the light is produced by radiation from mercury vapor.

**Metal Halide Lamp:** A high-intensity discharge mercury lamp where the light is produced by radiation from metal-halide vapors.

**Non-Essential Lighting:** Outdoor lighting which is not required for safety or security purposes.

**Recessed Canopy Fixture:** An outdoor lighting fixture recessed into a canopy ceiling so that the bottom of the fixture is flush with the ceiling.

**C. General Requirements.**

1. **Illumination Level.** Sufficient lighting shall be required for parking areas, walkways, driveways, building entrances, loading areas, and public common areas to ensure the security of property and safety of persons. At the same time, it is a goal of this ordinance to prevent lighting that is so bright that it would cause disability glare, light pollution, and sky glow.

Location	Maximum Level of Illumination (Foot-candles)
Parking Areas (nonresidential)	10
Loading Areas	10
Sidewalks in Residential Areas	10
Sidewalks in Commercial Areas	10
Building Entrances – Infrequent Use	10
Building Entrances – Active Use	10
Lot Boundary or at Road Right-of-Way	0.5

2. **Fixture Orientation and Shielding.** Unless otherwise noted herein, lighting fixtures shall be focused downward and shall be fully shielded to prevent glare and sky glow and to minimize light trespass onto adjoining properties. Full cut-off fixtures shall be used to prevent light from projecting above a ninety degree (90°) horizontal plane (see illustration at end of Section 8.2).
3. **Non-Essential Lighting.** Non-essential lighting shall be turned off after business hours, leaving only that lighting that is necessary for site security. Proposed security lighting shall be identified on the site plan.

4. Light Trespass at Property Line. Light trespass from a property shall not exceed 0.5 foot-candles at the property line, measured five feet from the ground.
5. Uplighting. Uplighting of buildings for aesthetic purposes shall be confined to the target surface as much as possible to prevent sky glow.
6. Canopy Lights. Light fixtures mounted on the underside of a canopy or similar structure shall be fully recessed into the canopy (see illustration at end of Section 8.2).

**D. Permitted Lighting Sources and Shielding Requirements.**

Outdoor lighting shall comply with the following use and shielding requirements:

Lamp Type	Permitted Use	Shielding Requirement
High Pressure Sodium; Low Pressure Sodium; LED	Street lighting; parking and security areas; sports parks, tennis courts; residential or agricultural security lighting	Fully
Metal Halide <i>(filtered and in enclosed luminaries only)</i>	Signage, display and sports lighting, where color rendering is critical	Fully
Incandescent, more than 100 watts	Sensor activated residential lighting	None
Incandescent, 100 watts or less	Porch lighting and other residential uses	None
Low output decorative lighting	Sidewalk lighting	None
Other sources	Subject to administrative review.	

**E. Height.**

Lighting fixtures on parcels used for non-residential purposes shall not exceed a height of twenty-two (22) feet measured from the ground level to the centerline of the light source.

The Planning Commission may modify these height standards in industrial districts, based on consideration of the following: the position and height of buildings, other structures, and trees on the site; the potential off-site impact of the lighting; the character of the proposed use; and, the character of surrounding land use. In no case shall the lighting exceed the maximum permitted building height in the district in which it is located.

**F. Sign Lighting.**

Illuminated signs shall comply with the regulations set forth in Section 11.

**G. Prohibited Lighting.**

1. Recreational Facility Lighting. No outdoor recreational facility, public or private, shall be illuminated after 11:00 p.m., except to conclude a permitted recreational or sporting event or other activity in progress prior to 11:00 p.m.
2. Outdoor Building and Landscaping Lighting. Unshielded illumination of the exterior of a building or landscaping is prohibited except with incandescent fixtures having lamps of 100 watts or less, or an equivalent.
3. Mercury Vapor and Wall Pack Lighting. The installation of mercury vapor fixtures is prohibited. Wall pack fixtures are also prohibited, except where the lens is fully shielded.

**H. Exceptions.**

The following exterior lighting shall be exempt from the regulations in this Section 8.2:

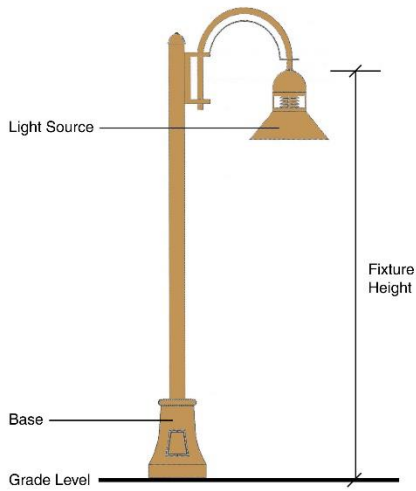
1. Fossil Fuel Light. Fossil fuel light produced directly or indirectly from the combustion of natural gas or other utility-type fossil fuels (e.g., gas lamps).
2. Temporary Carnival and Civic Uses. Lighting for a permitted temporary circus, fair, carnival, or civic uses is exempt from the provisions of this Section.

3. Construction and Emergency Lighting. Lighting necessary for construction or emergencies is exempt from the provisions of this article provided that said lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency.
4. Special Conditions. Additional exception may be permitted, subject to site plan review, and upon finding that unique or special conditions on the site warrant the exception.
5. Low Illuminance Lights. The shielding requirements specified herein shall not apply to incandescent lights of 100 watts or less.
6. Traditional or Decorative Fixtures. The cut-off, orientation, and shielding requirements may be waived or modified for traditional-style or decorative lighting fixtures, upon making the determination that the fixtures will comply with the illumination levels specified herein, will not cause glare or interfere with the vision of motorists, and will be consistent with the spirit and intent of this Ordinance.

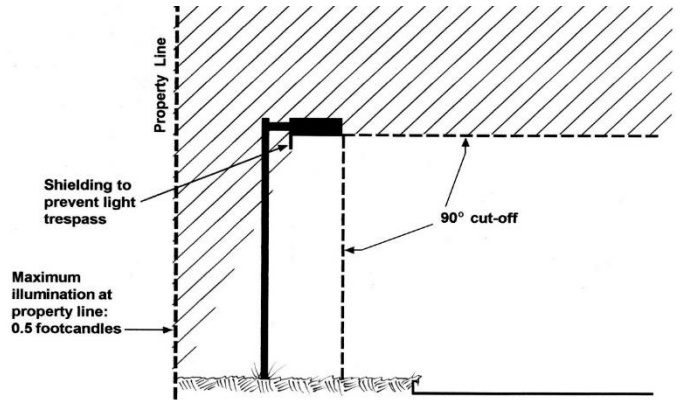
**I. Application for a Permit.**

1. Any person applying for site plan approval or for a building, electrical or sign permit to install outdoor lighting fixtures, whether for new or replacement lighting, shall submit evidence that the proposed work will comply with this Section.
2. The site plan or building, electrical, or sign permit application shall identify the location, type, height, method of mounting, and intensity of proposed lighting. If available, the manufacturer's catalog specifications and documents, drawings (including a photometric map showing proposed illumination levels on the site), and certified test reports shall be submitted. The information submitted shall be sufficiently complete to demonstrate compliance with Ordinance requirements.

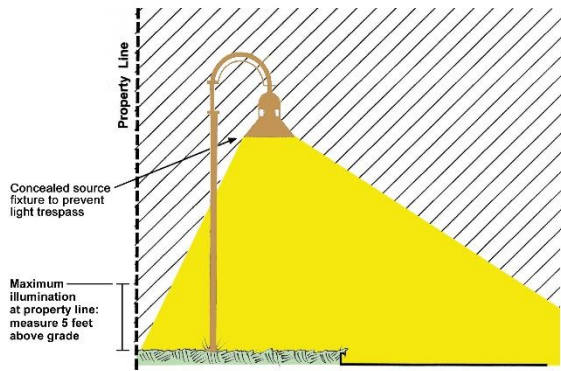
### Section 8.2 – Exterior Lighting Illustrations



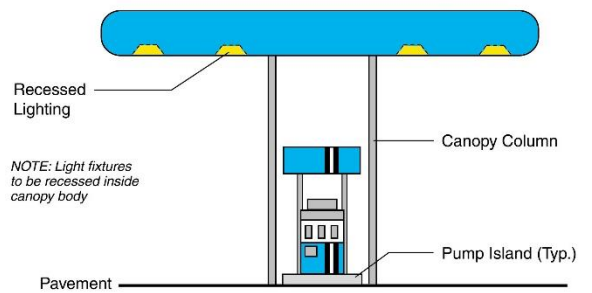
**Decorative Light Fixture Height**



**Parking Lot Fixture Orientation and Shielding**



**Decorative Light Fixture Orientation and Shielding**



**Pump Island Canopy Lighting**

### Section 8.3 Storm Water Management

#### A. Storm Water Management Ordinance.

Compliance with the Township's adopted Storm Water Management Ordinance shall be required for the purposes listed in Section 1.02 of said Ordinance.

#### B. Storm Water Management Plan.

In accordance with the requirements in Sections 3.03 and 3.04 of the Storm Water Management Ordinance, a Storm Water Management Plan Is subject to review and approval as part of the plat or site plan review process.

### Section 8.4 Safety Requirements

#### A. Public Service Access.

All structures shall be provided with adequate access for fire, police, sanitation, and public works vehicles.

#### B. Fire Protection.

All structures shall be provided with adequate fire protection, which may include adequate water supply for firefighting purposes, adequate internal fire suppression system, use of fire walls and fire-proof materials, and other fire protection measures deemed necessary by the Fire Chief or Building Official.

1. Fire Protection Systems. The Fire Chief or Building Official shall have the authority to require fire protection systems installed in any zoning district.
2. Site Development Standards. To facilitate fire protection during site preparation and construction of buildings, consideration shall be given to the following:
  - a. If public water is available, water mains and fire hydrants shall be installed prior to construction above the foundation. Hydrants shall be spaced to provide adequate firefighting protection for all buildings and uses, subject to applicable codes and review by the Township officials.
  - b. Prior to construction of buildings and other large structures, a hard-surfaced roadbed shall be provided to accommodate access of heavy firefighting equipment to the immediate job site at the start of construction. The roadbed shall be maintained until all construction is completed or until another means of access is constructed.
  - c. Free access from the street to fire hydrants and to outside connections for standpipes, sprinklers, or other fire extinguishing equipment, whether permanent or temporary, shall be provided and maintained at all times.
  - d. The Building Permit holder shall provide scheduled daily cleanup of scrap lumber, paper products, corrugated cardboard and other debris. Construction debris shall be disposed of in accordance with methods approved by the Building Official.

#### C. Excavations and Holes.

Excavations and holes created in conjunction with a construction project shall be adequately barricaded and illuminated if not filled in at the end of the working day. Where such excavations or holes are located in a public right-of-way, it shall be the responsibility of the contractor to notify the Isabella County Sheriff of their existence.

#### D. Building Demolition.

Before a building or structure is demolished, the owner, wrecking company, or person who requests the demolition permit shall notify all utilities providing service to the building. A demolition permit shall not be issued until all utilities have provided notification that service has been properly terminated.

### Section 8.5 Floodplains

#### A. Purpose.

It is the purpose of this Section to significantly reduce hazards to persons and damage to property as a result of flood conditions in Union Township, and to comply with the provisions and requirements of the National Flood Insurance Program, as constituted in accord with the National Flood Insurance Act of 1968,

and subsequent enactments and the rules and regulations promulgated in furtherance of this program by the Federal Emergency Management Agency.

Further, the objectives of this Section include:

1. The protection of human life, health, and property from the dangerous and damaging effects of flood conditions;
2. The minimization of public expenditures for flood control projects, rescue and relief efforts in the aftermath of flooding, repair of flood damaged public facilities and utilities, and the redevelopment of flood damaged homes, neighborhoods, commercial, and industrial areas;
3. The prevention of private and public economic loss and social disruption as a result of flood conditions;
4. The maintenance of stable development patterns not subject to the blighting influence of flood damage;
5. To ensure that the public has access to information indicating the location of land areas subject to periodic flooding; and
6. To preserve the ability of floodplains to carry and discharge a base flood.

**B. Delineation of Special Flood Hazard Area.**

1. Special Flood Hazard Area. The regulations in this Section apply to the Special Flood Hazard Area. The boundaries of the Flood Hazard Area, for the purposes of these regulations, shall coincide with the boundaries of the 100-year flood area delineated on the Flood Boundary and Floodway Maps for Union Township. These maps are adopted by reference, appended, and declared to be a part of this Ordinance, and include the following:

<u>Map No.</u>	<u>Effective Date</u>
26073193D	2/5/2014
26073194D	2/5/2014
26073200D	2/5/2014
26073305D	2/5/2014
26073306D	2/5/2014
26073307D	2/5/2014
26073308D	2/5/2014
26073330D	2/5/2014

The most recent base flood elevation data received from the Federal Emergency Management Agency shall take precedence over data from other sources.

2. Boundary Disputes. Where there are disputes as to the location of a Special Flood Hazard Area boundary, the Zoning Board of Appeals shall resolve the dispute in accord with Section 13.4.
3. In addition to other requirements of this Ordinance, compliance with the requirements of this Section shall be necessary for all development occurring within the Special Flood Hazard Area. If there is a conflict between the requirements of this Section and other requirements of this Ordinance or any other ordinance, the requirement that furthers the objectives of this Section to the greatest extent shall apply.

**C. Permitted Uses in the Special Flood Hazard Area.**

Within the Special Flood Hazard Area, no land shall be used except for one or more of the following uses, which have a low flood damage potential and present no, or minimal obstruction to flood flows. Such uses are permitted to the extent that they are not prohibited by any other ordinance and provided they do not require new structures, fill, or storage of materials or equipment, unless specifically permitted by the regulations herein. No use shall in any manner affect the capacity of the channels or floodways of any tributary to the main stream, drainage ditch, or any other drainage facility or system.

1. Agriculture, pastureland, and animal grazing.
2. Site grading.
3. Harvesting of a native or wild crop permitted by law, such as wild rice, marsh hay, berries, and seeds.
4. Harvesting of trees.
5. Parks, picnic areas, playgrounds, playfields, athletic fields, golf courses, par three golf courses, golf driving ranges, bridle paths, nature paths, and trails.
6. Wildlife preserves.
7. Fishing, trapping, and hunting in compliance with current laws and regulations.

8. Hunting and conservation clubs, and noncommercial archery, rifle, and shooting ranges.
9. Historic sites and structures.
10. Swimming beaches, fishing, and boating docks in accord with the provisions of Part 301 of the Natural Resources and Environmental Protection Act, Michigan Public Act 451 of 1994, as amended.
11. Required open space or lot area for permitted uses that are outside of the Flood Hazard Area.
12. Uses incidental to single family dwellings, including lawns, gardens, and play areas.
13. The following accessory buildings, structures and uses are permitted, subject to the requirements that generally apply to such accessory buildings, structures and uses in Section 7.5: off-street parking, streets, roads, bridges, outdoor play equipment, sheds and garages, boathouses, boat hoists, utility lines, pump houses, bank protection structures, signs, fences, and similar outdoor equipment and appurtenances, provided each of the following requirements are met:
  - a. Any such accessory building, structure, or use shall not cause an increase in water surface elevation, obstruct flow, or reduce the impoundment capacity of the floodplain.
  - b. All equipment, buildings and structures shall be anchored to prevent flotation and lateral movement.
  - c. Lot coverage of an accessory structure shall not exceed 500 square feet.
  - d. Compliance with these requirements shall be certified by a licensed engineer.
14. Extraction of sand, gravel, and other materials, provided that the owner and/or operator of the extractive operation demonstrates to the satisfaction of the Township Board that no threat of ground water or surface water contamination will result from any part of the operation (including, but not limited to mining, processing, sorting, operation of vehicles and equipment, fueling, or any other part of the operation).

**D. Filling and Dumping.**

Dredging and fill and/or dumping or backfilling with any material in any manner is prohibited unless through compensating excavation and shaping of the floodplain, the flow and impoundment capacity of the floodplain will be maintained or improved, and unless all applicable state regulations are met including but not limited to regulations set forth in Parts 31, 301, 303 and 315 of the Natural Resources and Environmental Protection Act, Michigan Public Act 451 of 1994, as amended.

**E. Standards for Special Flood Hazard Areas.**

1. Except as noted in sub-section C, all new construction shall be prohibited in the Special Flood Hazard Area. Substantial improvements to existing structures shall be prohibited in the Special Flood Hazard Area, except where the improvements would clearly lessen the impact of the structure on the floodplain.
2. No existing building or structure shall be converted, or substantially improved or replaced unless the lowest floor, including the basement, is elevated to or above the base flood level.
3. No existing building or structure shall be converted, or substantially improved or replaced, and no land shall be filled or building or structure used in a flood hazard area unless the proposed improvements are in full compliance with the Zoning Ordinance. Any proposed conversion, substantial improvement, or replacement of an existing structure shall also comply with Building Code. Approval shall not be granted until permits have been submitted from the Department of Environment, Great Lakes and Energy under authority of Parts 31 of the Natural Resources and Environmental Protection Act, Michigan Public Act 451 of 1994, as amended; and the Isabella County Drain Commissioner.
4. Relocation of a building or structure may be permitted only where the relocation would clearly lessen the impact of the structure on the floodplain.
5. All public utilities and facilities shall be designed, constructed, and located to minimize or eliminate flood damage.
6. Land shall not be divided in a manner that creates parcels or lots which cannot be used in conformance with the requirements of this Section.
7. The flood-carrying capacity of any altered or relocated watercourse not subject to state or federal regulations designed to ensure flood carrying capacity shall be maintained.



8. Available flood hazard data from federal, state, or other sources shall be used to determine compliance with this Section. Data furnished by the Federal Emergency Management Agency shall take precedence over data from other sources.
9. Developers of substantially improved or relocated structures within the Special Flood Hazard Area shall submit written documentation to the Zoning Administrator indicating:
  - a. The elevation of the lowest floor in the structure, including basement.
  - b. The elevation to which a structure has been floodproofed, if floodproofing methods have been employed.
10. Proposed specifications and as-built drawings shall be kept on record and made available for public inspection and for use in determining flood insurance risk premium rates.
11. When floodproofing measures are employed, a licensed engineer or architect shall certify that the methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and any other factors associated with the intermediate regional floodplain elevation. Such certification shall indicate the elevation to which the structure is floodproofed.
12. Improvements made to existing structures, including mobile homes, shall be firmly anchored to prevent flotation and lateral movement, and shall be constructed with flood resistant materials and methods.
13. If new and replaced utility and sanitary facilities must be located below the 100-year flood elevation, they shall be constructed so as to be watertight, to resist hydrostatic and hydrodynamic loads and to be resistant to the effects of buoyancy. All measures to flood proof utility and sanitary facilities are subject to approval of the Township Engineer.
14. On-site waste disposal systems, such as septic tanks and leach fields, and service facilities, such as electrical and heating equipment, shall not be located in a floodplain.
15. The application or discharge of persistent toxic compounds whose direct or indirect effects through residuals have a half-life greater than six months onto land within the Special Flood Hazard Area shall not be permitted.
16. Fill shall be protected from erosion by rip-rap, vegetative cover, bulkheading, or other appropriate technique approved by the Isabella County Drain Commissioner.
17. Should any watercourse relocation or alteration be proposed, notification of said change in the watercourse shall be sent by the developer to adjacent affected communities, the Michigan Department of Environment, Great Lakes and Energy, and the Federal Emergency Management Agency. Such modifications shall not impair the flow and impoundment capacity of the floodplain.
18. In no case shall any permanent structure be erected closer than fifty (50) feet to the banks of the Chippewa River or to the center of any open county drain. The banks of the Chippewa River shall be determined by legal survey. The center of public drains shall be determined from legal descriptions which are on public record.
19. New subdivisions and other developments shall be designed and located to minimize flood damage within the Special Flood Hazard Area, and to prevent adverse impact in the Special Flood Hazard Area as a result of chemical contamination (for example, from fertilizer, herbicide, and pesticide usage; tree cutting; expanding impervious surface area, etc.). Public utilities in subdivisions, including sewer, gas, electrical, and water systems, shall be located and designed to minimize potential flood damage.
20. Where relocation of an existing structure is permitted, the structure shall be placed on the site so as to minimize obstruction to the flow of floodwaters; accordingly, whenever possible, the structure shall be placed with its longitudinal axis parallel to the direction of flood flow.
21. No approval shall be granted for the substantial improvement or relocation of existing structures, or development of any kind within the floodway hazard area when such improvement, relocation, or development would cause any increase in flood level associated with a 100-year flood.

**F. Disclaimer of Liability.**

Approval of the use of land under this Section shall not be considered a guarantee or warranty of safety from flood damage. Any such approval shall not be considered a guarantee or warranty that areas outside the flood hazard area will be free from flood damage.

## Section 9 Parking, Loading, and Access Management

### Section 9.1 Off-Street Parking Requirements

#### A. Scope of Off-Street Parking Requirements.

Compliance with the off-street parking regulations shall be required as follows:

1. General Applicability. Off-street parking shall be provided for all buildings and uses established after the effective date of this Ordinance prior to issuance of a Certificate of Occupancy, as required in this Article. However, where a building permit has been issued prior to the effective date of the Ordinance and construction has been diligently carried on, compliance with the parking requirements at the time of issuance of the building permit shall be required.
2. Change in Use or Intensity. Whenever use of a building, structure, or lot is changed, parking facilities shall be provided as required by this Ordinance for the new use, regardless of any variance which may have been in effect prior to change of use. If the intensity of use of any building, structure, or lot is increased through the addition of dwelling units, increase in floor area, increase in seating capacity, or through other means, additional off-street parking shall be provided for such increase in intensity of use.
3. Existing Parking Facilities. Off-street parking facilities in existence on the effective date of this Ordinance shall not thereafter be reduced below, or if already less than, shall not be further reduced below the requirements for the use being served as set forth in this Ordinance. An area designated as required off-street parking shall not be changed to any other use unless equal facilities are provided elsewhere in accordance with the provisions of this Ordinance.
4. Additional Off-Street Parking; Maximum Parking. Nothing in this Ordinance shall be deemed to prevent voluntary establishment of off-street parking facilities to serve an existing use of land or buildings, or to prevent provision of additional parking facilities beyond what is required by the Ordinance, provided all such parking is in conformance with the regulations herein. Except for single-family detached residential uses, any person proposing the provision of greater than 125% of the minimum required off-street parking as specified in this Article shall demonstrate to the Planning Commission sufficient justification for the additional parking.
5. Review Procedures. Compliance with the requirements in this Section shall be subject to site plan review and approval as specified in Section 14.2.

#### B. General Requirements.

In all zoning districts, off-street vehicle parking facilities shall be provided and maintained as herein prescribed.

1. Location.
  - a. *Proximity to Building or Use Being Served.* Off-street parking for multiple-family and non-residential uses shall be located on the same lot or parcel as the building or use being served or within three hundred (300) feet of the building it is intended to serve (measured from the nearest point of the building or use to the nearest point of the parking).
  - b. *Within Yards.* Off-street parking in commercial, office, multiple-family, and industrial districts may only be located in a side or rear yard or non-required front yard, provided that all landscaping requirements in Section 10 are complied with, and provided further that off-street parking shall not be permitted within twenty (20) feet of a single-family residential or agricultural district boundary.

2. **Residential Parking.** Off-street parking spaces in single-family residential districts shall consist of a parking strip, driveway, garage, or combination thereof, and shall be located on the premises they are intended to serve. No parking shall be permitted on a regular basis on lawns or other unpaved areas on residential lots, with the exception of approved gravel parking areas. Commercial and recreational vehicle parking in residential districts shall comply with the standards in Section 9.1, sub-section E.
3. **Control of Off-Site Parking.** It shall be unlawful to park or store any motor vehicle on another's private property without the written consent of the owner, holder, occupant, lessee, agent, or trustee of said private property.
4. **Access to Parking.** Each off-street parking space shall open directly onto a clearly-defined aisle or driveway of sufficient width and design as to provide safe and efficient access to or from a public street or alley in a manner that will least interfere with the smooth flow of traffic. Parking designed for backing directly onto a street or road is prohibited. Access to off-street parking which serves a non-residential use shall not be permitted across land that is zoned or used for residential purposes.
5. **Collective Use of Off-Street Parking.** Off-street parking for separate buildings or uses may be provided collectively subject to the following:

The total number of spaces provided collectively shall not be less than the sum of spaces calculated according to the procedure below.

- Multiply the minimum parking required for each use, as set forth in Section 9.1(C)(6), by the appropriate percentage indicated in the Shared Parking Factors table for each of the six designated time periods.
- Add together the resulting figures for each of the six columns. The minimum collective parking requirement shall be the highest sum among the six columns.
- If a particular land use proposing to make use of collective parking facilities (e.g., religious institution, municipal use) does not conform to the general classifications in the Shared Parking Factors table (as determined by the Township Planner), the applicant shall submit sufficient data to indicate the principal operating hours of the proposed use. Based upon this documentation, the Township Planner shall determine the appropriate collective parking requirement (if any) for the proposed use.

Shared Parking Factors						
Land Use	Weekdays			Weekends		
	1 AM – 7 AM	7 AM – 7 PM	7 PM - 1 AM	1 AM – 7 AM	7 AM – 7 PM	7 PM - 1 AM
Residential	95%	25%	95%	95%	75%	95%
Commercial/Retail	0%	95%	75%	0%	90%	75%
Office/Service	5%	95%	5%	0%	10%	0%

- Each use served by collective off-street parking shall have direct access to the parking without crossing streets.
- The collective off-street parking shall not be located farther than three hundred (300) feet from the building or use being served.
- Written easements which provide for continued use and maintenance of the parking shall be submitted to the Township for approval before filing with the Isabella County Register of Deeds.

**Example of Collective Parking Calculation (see Section 9.1, sub-section B.5)**

Proposed Uses: (on shared site)	30 townhouse residential units, requiring 15,000 square feet of retail space, requiring 5,000 square feet of office space, requiring	60 parking spaces 48 parking spaces 20 parking spaces
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	Weekdays 1 AM – 7 AM	Weekdays 7 AM – 7 PM	Weekdays 7 PM – 1 AM	Weekends 1 AM – 7 AM	Weekends 7 AM – 7 PM	Weekends 7 PM – 1 AM
<i>Residential</i>	95% of 60 = <b>57</b>	25% = <b>15</b>	95% = <b>57</b>	95% = <b>57</b>	75% = <b>45</b>	95% = <b>57</b>
<i>Retail</i>	0% of 48 = <b>0</b>	95% = <b>46</b>	75% = <b>36</b>	0% = <b>0</b>	90% = <b>43</b>	75% = <b>36</b>
<i>Office</i>	5% of 20 = <b>1</b>	95% = <b>19</b>	5% = <b>1</b>	0% = <b>0</b>	10% = <b>2</b>	0% = <b>0</b>
<b>Total</b>	58 spaces	80 spaces	<b>94 spaces</b>	57 spaces	90 spaces	93 spaces

The shared parking factors table predicts the parking demand to be highest during weekday evenings, with a total demand of 94 spaces across the three uses. A total of 94 parking spaces would be required in a shared lot, provided all of the other requirements for collective off-street parking are met.

If the parking were not to be provided collectively, the three proposed uses would have to construct a total of 128 parking spaces.

6. Cross Access. Common, shared parking facilities are encouraged in the Township. Wherever feasible, cross-access connections between adjacent parking lots (or a reserved connection when no adjacent parking lot exists but can reasonably be expected to be constructed at a future date) are required. Blanket cross-access easements across the entire parking lot area shall be provided for connected lots under separate ownership or management. The cross-access easements shall be without limitation and shall be recorded with the County Register of Deeds.
7. Storage and Repair Prohibited. The storage of merchandise, sale of motor vehicles, storage of inoperable vehicles, or repair of vehicles are prohibited in required off-street parking lots or areas. Emergency service required to start vehicles shall be permitted.
8. Duration. Except when land is used as permitted storage space in direct connection with a legitimate business, a twenty-four (24) hour time limit for parking in non-residential off-street parking areas shall prevail provided that it shall be unlawful to permit the storage of wrecked, inoperable, or junked vehicles in any parking area in any district for any period of time.
9. Parking Structures. Parking structures shall be permitted subject to the following standards:
  - a. Any parking structure shall comply with the required building setbacks for the district in which it is located.
  - b. Parking structures shall be designed as integral elements of the overall site plan, considering the relationship to the principal building and other structures on the site.
  - c. The facade of the parking structure shall be compatible in design, color, and type of material to the principal building(s) on the site.
  - d. Landscaping shall be placed around the parking structure in accordance with an approved landscape plan. Any such landscaping shall be compatible with the overall landscape plan for the entire site.

**C. Off-Street Parking Requirements.**

The following standards shall be used in determining the required number and characteristics of off-street parking spaces:

1. Units of Measurement.
  - a. *Floor Area*. For the purposes of determining required number of parking spaces, "floor area" shall be measured in accordance with the definitions in Section 2.2. If the usable floor area of a building is not known at the time of review, eighty percent (80%) of the gross floor area shall be used as the basis for parking calculations.

- b. *Fractional Spaces.* When calculations for determining the required number of parking spaces results in a fractional space, any fraction of less than one-half (1/2) may be disregarded, while a fraction of one-half (1/2) or more shall be counted as one space.
  - c. *Employee Parking.* Parking spaces required for employees shall be based on the maximum number of employees on the premises at any one time during the largest typical daily work shift. However, the number of required parking spaces may be reduced if an employer provides documentation of participation in an organized rideshare program.
  - d. *Places of Assembly.* For religious institutions, sports arenas, or similar places of assembly in which those in attendance occupy benches, pews, or similar seating, each twenty-four (24") inches of such seating shall be counted as one seat.
  - e. *Persons.* Any parking standard calculated on the basis of 'persons', 'students', 'employees', or a similar group shall be based upon the maximum permitted occupancy of the structure or facility.
2. Use of Loading Space. Required loading space shall not be counted or used for required parking.
  3. Parking During Construction. Temporary off-street parking shall be provided for workers during construction a rate of one (1) space per employee. Gravel surfacing may be permitted for such temporary parking.
  4. Banked Parking. If the minimum number of required parking spaces exceeds the amount necessary to serve a proposed use, the Planning Commission may approve the construction of a lesser number of parking spaces, subject to the following:
    - a. The banked parking shall be shown on the site plan and set aside as landscaped open space.
    - b. Banked parking shall be located in areas suitable for future parking and that meet Ordinance requirements.
    - c. The Township may require construction of the banked parking upon finding that vehicles are regularly parked on unpaved surfaces, on the road, or off-site.
  5. Bicycle Parking. Parking facilities for short- and long-term bicycle parking shall be provided to meet the needs of the business or residential use (see table). Bicycle parking facilities shall allow a cyclist to safely secure a bicycle from incidental damage or theft, while not hindering access for pedestrians or other vehicles. Bicycle parking facilities shall be located in highly visible and accessible areas. Bicycle parking facilities shall be located at least 3 feet from adjacent walls, poles, landscaping, street furniture, drive aisles, and primary pedestrian routes and at least 6 feet from vehicle parking spaces.

Minimum Bicycle Parking Space Requirements		
Use Category	Secured/Sheltered Spaces	Open Short-Term Spaces
Multiple Family Residential	1 per unit	1 per 20 units
Group Living (e.g., Fraternity, Sorority)	1 per 8 residents	None
General Retail	None	1 per 5,000 sq. ft. UFA
Office	1 per 10,000 sq. ft. UFA	1 per 40,000 sq. ft. UFA
Industrial, Manufacturing	1 per 15,000 sq. ft. UFA	None
Restaurant	None	5% of capacity
Health/Sports Facility	None	5% of capacity
UFA = Usable Non-Residential Floor Area		

6. **Barrier-Free Parking Requirements.** Each parking lot that serves a building, except single- and two-family dwelling units, shall have a number of level parking spaces, identified by an above-grade sign which indicates the spaces are reserved for physically handicapped persons. Barrier-free parking shall comply with the State of Michigan Barrier-Free Rules, Michigan Public Act No. 1 of 1966, as amended, the Building Code, and the Federal Americans with Disabilities Act.
- a. *Dimensions of Barrier-Free Parking Spaces.* Each barrier-free parking space shall have no more than a nominal three percent (3%) grade and shall be not less than eight (8) feet in width and be adjacent to an access aisle not less than five (5) feet in width. Required van-accessible barrier-free spaces must be eight (8) feet in width and be adjacent to an access aisle not less than eight (8) feet in width.
  - b. *Minimum Required Number of Barrier-Free Parking Spaces.* The number of barrier-free spaces required is as follows:

Total Number of Parking Spaces Provided in Lot	Minimum Number of Barrier-Free Spaces Required	Number of Van-Accessible Barrier-Free Spaces Required
Up to 25	1	1
26 to 50	2	1
51 to 75	3	1
76 to 100	4	1
101 to 150	5	1
151 to 200	6	1
201 to 300	7	1
301 to 400	8	1
401 to 500	9	2
501 to 1000	2% of total parking provided	1/8 of total barrier-free spaces
1001 and over	20, plus 1 for each 100 over 1000	1/8 of total barrier-free spaces

**Section 9.2 Schedule of Required Parking**

**A. Parking Spaces Required.**

The amount of required off-street parking (including stacking spaces for certain uses) shall be determined in accordance with the schedules which follow. Applicants are encouraged to minimize the amount of parking provided in order to minimize excessive areas of pavement, which negatively impact aesthetic standards and contribute to high volumes of storm water runoff. The Planning Commission may modify the numerical requirements for off-street parking, based on evidence that another standard would be more reasonable, because of the level of current or future employment and/or level of current or future customer traffic.

**B. Uses Not Cited.**

For those uses not specifically mentioned, the requirements for off-street parking for a similar use shall apply, subject to review by the Zoning Administrator.

**C. Electric Vehicle Charging Facilities.**

Off-street parking spaces may be equipped with electric vehicle charging equipment. Such spaces shall be included in the count of total required off-street parking spaces.

### Section 9.2(D) – Schedule of Off-Street Parking: Residential, Agricultural and Lodging Uses

Land Use	Minimum Parking Required
Adult Foster Care Facility	0.3 spaces per bedroom, plus 1 space per employee
Agri-tourism	To be determined at site plan review
Boarding House	4 spaces per boarding house
Child care center †	1 space per 350 sq. ft. UFA <sup>a</sup>
Customary Agricultural Operations	None specified
Dependent Living for Seniors	0.39 spaces per bed
Foster Family Home, Foster Family Group Home	1 space per employee on the largest working shift
Fraternity, sorority, dormitory	0.5 spaces per person
Hotel	1.15 spaces per room/suite <sup>c</sup>
Independent Living for Seniors	0.3 spaces per dwelling unit
Mobile Home Park	See Section 3.11, <i>Additional Requirements</i>
Multiple-Family	0.7 spaces per bedroom
Senior Adult Housing—Attached	0.61 spaces per dwelling unit
Single-Family Attached	2 spaces per dwelling unit
Single-Family Detached Two-Family / Duplex	2 spaces per dwelling unit

### Section 9.2(E) – Schedule of Off-Street Parking: Public and Quasi-Public Uses

*Parking requirements based on persons or students shall be based upon maximum facility occupancy.*

Land Use	Minimum Parking Required
Default standard if not specified	0.33 spaces per person, based on maximum capacity
Airport	0.40 spaces per daily emplanements
Business Schools	0.33 spaces per school population (students, faculty and employees)
Hospital	3.75 spaces per bed
Nursing Home Home for the Aged	0.43 spaces per bed
Public and Institutional Buildings and Uses (post office, museum, library, etc.)	1 space per 1,000 sq. ft. GFA <sup>a</sup>
Place of Assembly † (theater, arena, etc.)	0.33 spaces per seat
Religious Institution	9.44 spaces per 1,000 sq. ft. GFA
School, elementary <sup>b</sup>	0.15 spaces per student
School, junior high <sup>b</sup>	0.15 spaces per student



School, senior high <sup>b</sup>	<b>0.26</b> spaces per student
Trade or Industrial Schools	<b>0.2</b> spaces per school population (students, faculty and employees)
Transit Stations	<b>136</b> spaces per 1,000 daily boardings
<p><sup>a</sup> UFA = usable non-residential floor area; GFA = gross floor area.</p> <p><sup>b</sup> Schools shall additionally provide one (1) space for every three (3) seats in each public assembly space (e.g., gymnasium, theater, auditorium, stadium).</p> <p><sup>‡</sup> In addition to the parking requirement specified above, one automobile parking space shall be required for each employee on the largest typical daily work shift.</p>	

## Section 9.2(F) – Schedule of Off-Street Parking: Commercial, Retail and Office Uses

*Parking requirements based on persons shall be based upon maximum facility occupancy.*

Land Use	Minimum Parking Required
Automobile Service and Repair <sup>‡</sup>	<b>2</b> spaces per service bay
Automobile Sales, Vehicle Dealership, Farm Equipment Sales <sup>‡</sup>	<b>1</b> space per 200 sq. ft. UFA <sup>a</sup> (exclusive of spaces for dealer stock)
Automobile Wash <sup>‡</sup>	<i>Stacking spaces only; see Section 4.01(D)(8)</i>
Gas Station / Filling Station, Automobile Service Station <sup>‡</sup>	<b>1.5</b> spaces per fueling location
<i>The above uses shall additionally provide one space per 200 sq. ft. UFA<sup>a</sup> of any associated retail sales area.</i>	
Auction	To be determined at site plan review, based on type of auction
Banks & Financial Institutions	<b>1</b> space per 200 sq. ft. UFA <sup>a</sup>
Beauty and/or Barber Shops <sup>‡</sup> Nail Salons <sup>‡</sup>	<b>1.5</b> spaces per chair
Bed and Breakfast Establishment	<b>1.15</b> spaces per occupied room
Brewpub	<b>1</b> space per 50 sq. ft. UFA or 0.5 spaces per seat, whichever is greater <sup>‡</sup>
Business & Professional Offices, except as otherwise specified	<b>2.39</b> spaces per 1,000 sq. ft. GFA <sup>a</sup>
Convenience Stores	<b>1</b> space per 200 sq. ft. UFA <sup>a</sup>
Exhibition & Assembly Halls <sup>‡</sup>	<b>0.5</b> spaces per person based on maximum capacity
General Retail Sales	<b>1</b> space per 250 sq. ft. UFA <sup>a</sup>
Gunsmith	<b>2.0</b> spaces per 1,000 sq. ft. GLA <sup>a</sup>
Home Based Limited Business	<i>See Section 6.19</i>
Home Improvement Stores <sup>‡</sup> Lumber Yards <sup>‡</sup> Machinery/Equipment Sales <sup>‡</sup> Construction Showroom <sup>‡</sup>	<b>0.75</b> space per 1,000 sq. ft. GLA <sup>a</sup>
Instant Oil Change Business	<b>5</b> spaces per 1,000 sq. ft. GFA <sup>a</sup>

Kennel	<b>0.1</b> spaces per unit
Laundromat	<b>0.5</b> spaces per machine
Microbrewery	<b>1</b> space per 50 sq. ft. UFA or 0.5 spaces per seat, whichever is greater <sup>‡</sup>
Mortuaries Funeral Homes	<b>1</b> space per 50 sq. ft. UFA <sup>a</sup> in parlor area
Medical, Dental, Veterinary Offices	<b>3.23</b> spaces per 1,000 sq. ft. GFA <sup>a</sup>
Mini-warehouse; Self-storage units	<b>0.1</b> spaces per storage unit, plus <b>5</b> spaces at site office
Open Air Business <sup>b</sup>	<b>1</b> space per 200 sq. ft. sales area
Personal Service Establishment	<b>1</b> space per 500 sq. ft. UFA
Pet Grooming Business	<b>1</b> space per employee plus 2 spaces for customers
Pet Supplies Shop	<b>4.0</b> spaces per 1,000 sq. ft. GLA <sup>a</sup>
Pharmacy without Drive-Through	<b>2.19</b> spaces per 1000 sq. ft. GLA <sup>a</sup>
Pharmacy with Drive-Through	<b>2.27</b> spaces per 1000 sq. ft. GLA <sup>a</sup>
Plant Material Nursery	<b>10</b> spaces per acre
Real Estate Offices	<b>1</b> space per 125 sq. ft. UFA <sup>a</sup>
Restaurant, Quality	<b>17</b> spaces per 1,000 sq. ft. GLA <sup>a</sup> or <b>0.5</b> spaces per seat, <i>whichever is greater</i>
Restaurant – Lounge/Bar	<b>14.12</b> spaces per 1,000 sq. ft. GLA <sup>a</sup>
Restaurant – Fast Food with Drive Through	<b>12.41</b> spaces per 1,000 sq. ft. GLA <sup>a</sup>
Roadside Stand	<b>10</b> spaces
Shopping Center	<b>3</b> spaces per 1,000 sq. ft. GLA <sup>a</sup>
Small Distillers	<b>1</b> space per 50 sq. ft. UFA or 0.5 spaces per seat, whichever is greater <sup>‡</sup>
Small Wine Maker	<b>1</b> space per 50 sq. ft. UFA or 0.5 spaces per seat, whichever is greater <sup>‡</sup>
Supermarket	<b>3</b> spaces per 1,000 sq. ft. GLA <sup>a</sup>
Commercial uses not otherwise specified and not deemed similar to above uses <sup>‡</sup>	<b>1</b> space per 250 sq. ft. UFA <sup>a</sup>

<sup>a</sup> UFA = usable non-residential floor area; GLA = gross leasable area; GFA = gross floor area.

<sup>b</sup> Any indoor retail sales area associated with an open-air business shall additionally provide parking at the rate of 1 space for every 250 square feet of usable non-residential floor area.

<sup>c</sup> Any use(s) accessory to a hotel, motel, or other lodging (e.g., restaurant/bar, assembly room) shall provide additional parking according to the type of accessory use, as provided for in this Section. The total parking provided for such multi-use establishments shall not be less than 90% of the sum of the minimum requirements for each use individually. Swimming pools reserved for the exclusive use of overnight guests shall not require additional parking.

<sup>‡</sup> In addition to the parking requirement specified above, one automobile parking space shall be required for each employee on the largest typical daily work shift.

### Section 9.2(G) – Schedule of Off-Street Parking: Industrial Uses

Land Use	Minimum Parking Required
Contractor's Operation or Construction Uses <sup>b</sup>	1 space per employee
General Manufacturing	0.92 spaces per 1,000 sq. ft. GFA <sup>a</sup>
Industrial Park	1.20 spaces per 1,000 sq. ft. GFA <sup>a</sup>
Light Manufacturing Uses <sup>c</sup>	0.65 spaces per 1,000 sq. ft. GFA <sup>a</sup>
Limited Retail and Showroom Operations	2.5 spaces per 1,000 sq. ft. GFA <sup>a</sup>
Lumber and Planing Mills	0.64 spaces per employee on the largest working shift
Research Laboratories, Prototype Design and Development	2.58 spaces per 1,000 sq. ft. GFA <sup>a</sup>
Wholesale Trade <sup>c</sup> Warehousing Establishments <sup>c</sup>	0.39 spaces per 1,000 sq. ft. GFA <sup>a</sup>

<sup>a</sup> UFA = usable non-residential floor area; GFA = gross floor area.

<sup>b</sup> Equipment storage shall be provided separately from any required parking area.

<sup>c</sup> Any accessory retail or office use shall provide additional parking at the rates specified in this Section for general retail or office uses.

### Section 9.2(H) – Schedule of Off-Street Parking: Recreation Uses<sup>§</sup>

*Parking requirements based on persons shall be based upon maximum facility occupancy.*

Land Use	Minimum Parking Required
Amusement Park	To be determined at site plan review
Arcade <sup>‡</sup>	0.5 spaces per machine
Archery Facilities	1.5 spaces per target
BMX Course	50 spaces per course
Bowling	4 spaces per lane
Clubs and Lodges <sup>‡</sup>	0.5 spaces per person
Field Sports (e.g., baseball, football)	25 spaces per field
Golf Course (standard or miniature) <sup>‡</sup>	8.5 spaces per hole
Golf Driving Range <sup>‡</sup>	1 space per tee
Health, Exercise Club, or Spa	1 space per 330 sq. ft. UFA
Hunting or Gun Clubs	0.15 spaces per member
Indoor Recreation <sup>‡</sup> (fitness centers, pool or billiard halls, skating rinks, etc.)	5.80 spaces per 1,000 sq. ft. GFA
Racetrack	0.4 spaces per seat, based on total seating capacity
Stable, Private or Public	0.5 spaces per stall
Stadium or Sports Arena <sup>‡</sup>	0.33 spaces per seat
Swimming Pools or Swim Clubs <sup>‡</sup>	0.25 spaces per person

### Section 9.2(H) – Schedule of Off-Street Parking: Recreation Uses<sup>§</sup>

*Parking requirements based on persons shall be based upon maximum facility occupancy.*

Land Use	Minimum Parking Required
Tennis Clubs Other Court-based Recreation	4 spaces per court

<sup>§</sup> Any use(s) accessory to a recreation use (e.g., pro shop, game room, restaurant/bar) shall provide additional parking according to the type of accessory use and as provided for in this Section. The total parking provided for such multi-use establishments shall not be less than 90% of the sum of the minimum requirements for each use individually.

<sup>‡</sup> In addition to the parking requirement specified above, one automobile parking space shall be required for each employee on the largest typical daily work shift.

### Section 9.2(I) – Schedule of Off-Street Parking: Stacking Spaces

Land Use	Minimum Stacking Spaces Required
Banks and Financial Institutions	6 spaces per service lane
Car Wash, automatic	8 spaces before wash lane, plus 2 spaces after
Car Wash, self-service	3 spaces before each wash bay, plus 2 spaces after
Drive-Through Restaurants	10 spaces per service lane
Other Drive-Through Uses	6 spaces per service lane

Stacking spaces shall have a minimum width of 8 feet and a minimum length of 20 feet.

## Section 9.3 Parking Layout and Construction

Off-street parking facilities containing four (4) or more spaces shall be designed, constructed, and maintained in accordance with the following requirements:

### A. Review and Approval Requirements.

Plans for the construction of any parking lot in conjunction with a new development shall be submitted for review and approval according to the normal site plan review procedures. Plans for expansion of an existing parking lot that is not associated with other new development shall be submitted to the Zoning Administrator and/or Township Engineer for review and approval prior to the start of construction. Upon completion of construction, the parking lot must be inspected and approved by the Zoning Administrator and/or Township Engineer before a Certificate of Occupancy can be issued for the parking lot and for the building or use the parking is intended to serve.

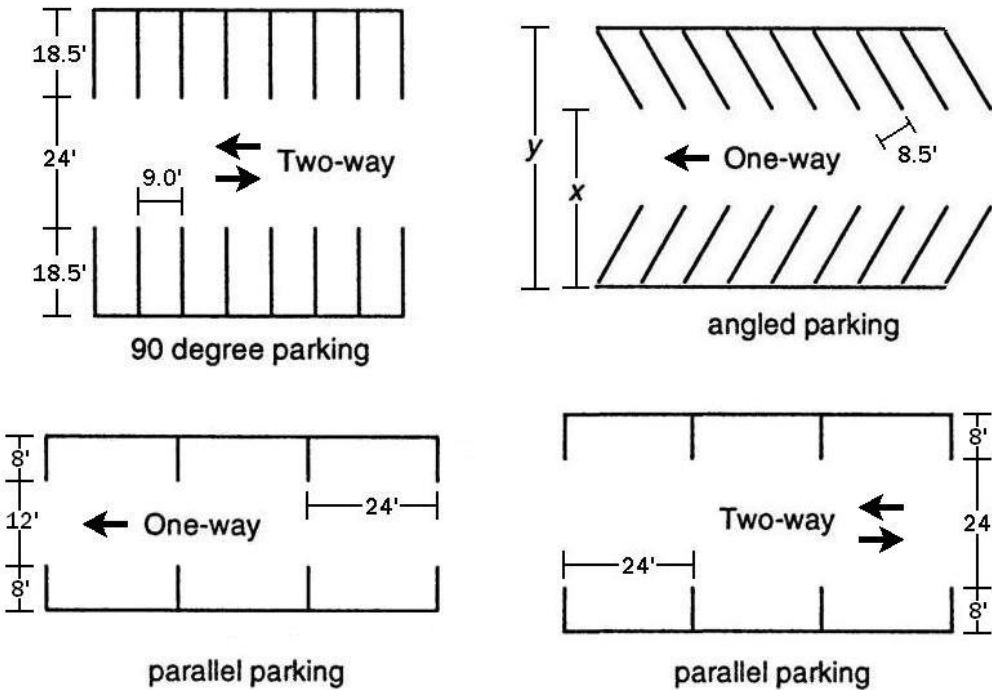
Plans shall be prepared at a scale of not less than fifty (50) feet equal to one (1) inch. Plans shall indicate existing and proposed grades, drainage, water mains and sewers, surfacing and base materials, and the proposed parking layout.

In the event that required parking cannot be completed because of cold or inclement weather, a temporary Certificate of Occupancy may be issued by the Zoning Administrator and/or Township Engineer provided the applicant first deposits a performance guarantee in accordance with Section 14.7.

**B. Dimensions.**

1. Off-street parking shall be designed in conformance with the following standards and diagram:

Parking Angle	Parking Stall Dimensions		Drive Aisle Width	Total Width of Drive Aisle and Parking	
	Width	Length		One Row of Stalls (x)	Two Rows of Stalls (y)
0° (parallel)	8.0 feet	24.0 feet	12.0 ft ( <i>one-way</i> ) 24.0 ft ( <i>two-way</i> )	20.0 feet ( <i>one-way</i> ) 32.0 feet ( <i>two-way</i> )	28.0 feet ( <i>one-way</i> ) 40.0 feet ( <i>two-way</i> )
Up to 45°	8.5 feet	16.6 feet	12.0 feet ( <i>one-way only</i> )	28.6 feet	45.2 feet
46° to 60°	8.5 feet	18.2 feet	16.0 feet ( <i>one-way only</i> )	34.2 feet	52.4 feet
61° to 75°	8.5 feet	18.5 feet	20.0 feet ( <i>one-way only</i> )	38.5 feet	57.0 feet
76° to 90°	9.0 feet	18.5 feet	24.0 feet ( <i>two-way</i> )	42.5 feet	61.0 feet



2. Spaces. Adjacent to Landscape Area. Any parking space abutting a landscaped area on the driver's or passenger's side of the vehicle shall provide an additional 18 inches above the minimum stall width requirement to allow for access without damaging the landscaped area.
3. Driveways. Driveways providing access to residential, commercial or industrial uses shall comply with the standards in Section 7.17.

**C. Layout.**

1. *Ingress and Egress.* All spaces shall be provided with adequate access by means of clearly defined maneuvering lanes and driveways. Spaces backing directly onto a street shall be prohibited. Entrances and exits from off-street parking lots shall be located at least twenty-five (25) feet from the nearest point of any adjacent property zoned for single-family residential use.
2. *Parking Rows.* Continuous rows of parking shall be limited to not more than 20 contiguous spaces. Longer rows shall provide landscaped breaks (e.g., islands or bio-swales) with shade trees.
3. *Consolidated Landscaping.* Parking spaces and rows shall be organized to provide consolidated landscape areas and opportunities for on-site storm water management. The use of bio-swales and/or rain gardens is encouraged.
4. *Pedestrian Circulation.* The parking lot layout shall accommodate direct and continuous pedestrian circulation, clearly divided from vehicular areas. Pedestrian crosswalks shall be provided, distinguished by textured paving or pavement striping and integrated into the sidewalk network.

**D. Surfacing and Drainage.**

1. All off-street parking areas, access lanes, driveways and other vehicle maneuvering areas shall be hard-surfaced with concrete or plant-mixed bituminous material. Porous paving materials may be permitted at the discretion of the Planning Commission, provided that installation and maintenance plans are in accordance with the manufacturer's guidelines. A written maintenance plan must be submitted for the Planning Commission's review.

The Planning Commission may permit a gravel surface for heavy machinery storage areas, provided the applicant or property owner provides sufficient evidence that a paved surface could not support the heavy machinery without being damaged and dust control is provided to the satisfaction of the Township.

2. Off-street parking areas, access lanes, and driveways shall be graded and drained so as to dispose of surface waters. Surface water shall not be permitted to drain onto adjoining property, unless in accordance with an approved drainage plan.
3. Grading, surfacing and drainage plans shall be subject to review and approval by the Zoning Administrator and/or Township Engineer. Where appropriate, on-site storm water management shall be provided to 1) capture and hold water during storms to be released later at an agricultural rate, and 2) to screen pollutants so they do not enter streams, wetlands, or the Chippewa River.

**E. Curbs, Wheel Chocks.**

A curb of at least six (6) inches in height shall be installed to prevent motor vehicles from being driven or parked so that any part of the vehicle extends within two (2) feet of abutting landscaped areas, sidewalks, streets, buildings, or adjoining property. Curbs shall be continuous except as part of an overall storm water management design incorporating bio-swales and/or rain gardens. In lieu of a curb, wheel chocks may be provided to prevent vehicles from extending over grass areas, setback lines, or lot lines.

**F. Lighting.**

All parking areas, driveways, and walkways shall be illuminated to ensure the security of property and the safety of persons using such areas, in accordance with the requirements in Section 8.2. Parking lot entrances shall be illuminated.

**G. Signs.**

Accessory directional signs shall be permitted in parking areas in accordance with Section 11.

**H. Screening and Landscaping.**

All off-street parking areas, except those serving single and two-family residences, shall be screened and landscaped in accordance with the provisions set forth in Section 10.

**I. Maintenance.**

All parking areas shall be maintained free of dust, trash, and debris. Surfacing, curbing, lighting fixtures, signage, and related appurtenances shall be maintained in good condition.

**J. Electric Vehicle Charging Stations.**

When appropriate, charging stations shall be provided for electric-powered vehicles. The placement of charging stations shall be subject to review by the Planning Commission.

**Section 9.4 Commercial and Recreational Vehicle Parking in Residential Districts**

**A. Commercial Vehicle Parking.**

1. One (1) commercial vehicle with a rated capacity of less than one (1) ton and owned/operated by a resident of the premises, or one (1) piece of commercial equipment, may be parked on each lot located in a residential district, provided that the vehicle or piece of equipment is not a utility truck, such as a wrecker, septic tank pumper, or a truck that carries flammable or toxic materials.
2. The parking or storage of vehicles with a rated capacity of over one (1) ton may be permitted where such vehicles are used in conjunction with an agricultural operation on a farm that is five (5) acres or greater in size.
3. The parking of no more than one (1) commercial vehicle with a rated capacity of over one (1) ton, or one (1) piece of commercial equipment, may be permitted on a residential parcel subject to the following conditions and review and approval by the Planning Commission:
  - a. The parcel of land must be at least five (5) acres in size and shall not be part of a recorded plat or other single or multiple-family residential development.
  - b. The parcel of land shall have a minimum width of at least three hundred thirty (330) feet.
  - c. The commercial vehicle or equipment must be owned and operated by a resident of the premises.
  - d. The vehicle or equipment shall be screened when parked. Such screening may be provided by parking the vehicle in a garage, or by parking the vehicle in a rear yard which provides complete screening from adjacent properties. Screening of vehicles or equipment located outdoors may be accomplished with existing or new landscaping, topographic barriers, or through construction of screening walls or fences.
  - e. Approval to park a commercial vehicle or equipment shall not constitute approval to park additional trailers, parts, or other equipment or materials associated with the operation of the commercial vehicle or equipment.
  - f. In considering whether to permit parking of a commercial vehicle or equipment on a site, the Planning Commission shall consider the potential off-site impacts, including: the impact from additional dust, odors, fumes, and noise generated by the vehicle or equipment; the disruption from additional vehicular traffic at various times during the day; and, possible safety hazards related to operation of a commercial vehicle or equipment on public or private residential roads.

**B. Recreational Vehicle Parking.**

Recreational vehicles as defined in Section 2.2, including campers and other recreational equipment, may be parked or stored by the owner on residentially-used property subject to the following requirements. Unless otherwise noted, the requirements in this sub-section apply to recreational vehicles that are parked or stored for a period of more than forty-eight (48) hours.

1. Connection to Utilities. Recreational vehicles parked or stored shall not be connected to electricity, water, gas, or sanitary sewer facilities.
2. Use as Living Quarters. At no time shall recreational vehicles parked or stored in residential districts be used for living or housekeeping purposes.
3. Location. Recreational vehicles that are not parked or stored in a building may be parked or stored on a lot provided that the vehicles are located no closer to the front of the lot than any portion of the principal

structure and no closer than ten (10) feet from a side or rear property line. If any portion of a recreational vehicle is parked or stored within a required side or rear yard setback, or if more than two (2) vehicles are parked or stored, then the vehicle(s) shall be screened from adjoining property in accordance with Section 10. Vehicles shall be stored in a location where they are readily accessible and capable of being moved.

4. Lot Coverage. Recreational vehicles may occupy no more than twenty percent (20%) of the required rear yard.
5. Temporary Parking. Notwithstanding the above provisions concerning "Location", recreational vehicles may be parked elsewhere on the premises prior to or after a trip for loading or unloading purposes for a period of not more than 48 hours prior to and 48 hours after use of the vehicle within a seven (7) day period.
6. Condition. Parked or stored recreational vehicles must be kept in good repair. Vehicles capable of being moved from place to place under their own power must be maintained in good running condition. All such vehicles must be properly registered in the name of the occupant of the dwelling unit.
7. Storage of Mobile Homes. The parking or storage of an unoccupied mobile home as defined in Section 2.2, being designed as a permanent structure for residential occupancy, is prohibited, except as may be permitted in the Mobile Home Park District.
8. Waiver of Regulations. The provisions concerning connection to utilities, use as living quarters, and location may be waived for a period of up to two weeks to permit repair of the occupant's or owner's equipment or to permit the parking of a recreational vehicle of a guest. Permits for any such waiver shall be obtained from the Zoning Administrator. No more than two (2) permits shall be issued for each activity (repair, storage of guest vehicle) per calendar year.
9. Multiple Family Complexes and Mobile Home Parks. The Planning Commission may require that a screened storage area be provided on the site of a multiple family complex or mobile home park for parking and storage of recreational vehicles.

## Section 9.5 Loading Space Requirements

### A. Scope of Loading Space Requirements

Compliance with the loading space regulations set forth herein shall be required in order to avoid interference with the public use of streets, alleys, parking areas, driveways, sidewalks, and other public areas.

1. General Applicability. On the same premises with every building, or part thereof, erected and occupied for manufacturing, storage, warehousing, display and sale of goods, including department stores, wholesale stores, markets, hotels, hospitals, mortuaries, laundries, dry cleaning establishments, and other uses involving the receipt or distribution of materials, merchandise, or vehicles, there shall be provided and maintained adequate space for loading and unloading as required in this section.
2. Change in Use or Intensity. Whenever use of a building, structure, or lot is changed, loading space shall be provided as required by this Ordinance for the new use, regardless of any variance which may have been in effect prior to change of use.

### B. General Requirements.

1. Location. Required loading space shall be located to the rear of the building being served such that it is screened from view from adjoining roads. Loading/unloading operations shall not interfere with traffic on public streets or off-street parking. No loading space shall be located closer than fifty (50) feet to a residential district.
2. Size. Unless otherwise specified, each required loading space shall be a minimum of ten (10) feet in width and fifty (50) feet in length, with a vertical clearance of fifteen (15) feet.
3. Surfacing and Drainage. Loading areas shall be hard-surfaced with concrete or plant-mixed bituminous material. Loading areas shall be graded and drained so as to dispose of surface waters. Surface water shall not be permitted to drain onto adjoining property, unless in accordance with an approved drainage



plan. Grading, surfacing, and drainage plans shall be subject to review and approval by the Zoning Administrator and/or Township Engineer.

4. Storage and Repair Prohibited. The storage of merchandise, sale of motor vehicles, storage of inoperable vehicles, or repair of vehicles is prohibited in a required loading space.
5. Use of Loading Space. Required loading space shall not be counted or used for required parking.
6. Central Loading. Central loading facilities may be substituted for individual loading spaces serving businesses on separate lots provided that all of the following conditions are fulfilled:
  - a. Each business served shall have direct access to the central loading area without crossing streets or alleys.
  - b. Total loading space provided shall meet the minimum requirements specified herein, in consideration of total floor area of all businesses served by the central loading space.
  - c. No building served shall be more than three hundred (300) feet from the central loading area.
7. Minimum Number of Loading Spaces. The amount of required loading space shall be determined in accordance with the schedule that follows. The Planning Commission may modify these requirements upon making the determination that another standard would be more appropriate because of the number or type of deliveries experienced by a particular business or use.

**Schedule of Loading Space Requirements**

Gross Floor Area	Number of Loading Spaces
0 - 4,999 sq. ft.	<i>see note below</i>
5,000 - 19,000 sq. ft.	1 space
20,000 - 99,999 sq. ft.	1 space, plus 1 space for each 20,000 sq. ft. in excess of 20,000 sq. ft.
100,000 - 499,999 sq. ft.	5 spaces, plus 1 space for each 50,000 sq. ft. in excess of 100,000 sq. ft.
500,000 sq. ft. and over	13 spaces, plus 1 space for each 80,000 sq. ft. in excess of 500,000 sq. ft.

Establishments containing less than 5,000 square feet of gross floor area shall be provided with adequate off-street loading space that is accessible by motor vehicle, but which does not interfere with pedestrian or vehicular traffic. The size of any such loading space shall be based on the types of delivery vehicles typically utilized by the establishment, provided that in industrial districts sufficient land area must be available to provide a 10 ft. by 50 ft. space if the use of the property changes.

## Section 9.6 Access Management

### A. Findings.

The Michigan Department of Transportation (MDOT), City of Mt. Pleasant, and Union Township completed an Access Management Plan in 2006 for the US-127 BR and M-20 corridors. The Plan found that continued development along the corridors will increase traffic volumes and introduce additional conflict points that could erode traffic operations and increase the potential for crashes. Numerous studies document the relationship between the design of a road system and traffic operations and safety. Those studies and experiences of other communities demonstrate that regulation of the number of access points (driveways and side street intersections) can preserve the capacity of a road and reduce the potential for crashes. Preservation of road capacity through access management protects the substantial public investment in the road system and helps avoid the need for costly reconstruction, which disrupts business operations and traffic flow.

### B. Purposes.

The purposes of the access management requirements in this section are as follows:

1. Preserve the capacity of roads by limiting and controlling the number, location, and design of access points and requiring alternate means of access through shared driveways, service drives, and access off of cross streets in certain locations.
2. Improve safety and reduce the potential for crashes.
3. Establish requirements that treat all properties in a fair and uniform manner.
4. Avoid the proliferation of unnecessary curb cuts and driveways and eliminate or reconfigure existing access points that do not conform to the standards herein, when opportunities arise.
5. Require coordinated access between adjacent lands where possible.
6. Improve safety for pedestrians and other non-motorized travelers by reducing the number of conflict points and access crossings.
7. Provide landowners with reasonable access, even though such access may be restricted to a shared driveway or service drive or via a side street.

### C. Definitions.

The following words, as used in this Section, shall have the meaning ascribed to them.

**Access Management:** Controlling vehicular access so as to balance the need to provide reasonable access to property with the need to maintain safety, capacity and speed on the adjoining road.

**Access Point:** A means of obtaining access to a lot or parcel. An access point may be an individual driveway, a shared access with an adjacent use, or access via service drive or frontage road.

**Driveway:** An Access Point designed to provide traffic movement directly from a road or highway to adjoining property. A **Shared Driveway** is one that serves two (2) or more contiguous properties.

**Reasonable Access:** The minimum number of direct and indirect access points necessary to provide safe ingress and egress between a parcel and a public road, consistent with the purpose of this Section, Public Act 200 of 1969, as amended, and other applicable State laws. Reasonable access does not necessarily mean direct access.

**Service Drive:** A private drive that is located on private property and is intended to provide traffic movement between adjoining lots or parcels. Service drives are generally parallel to the front property line and may be located in front of, adjacent to, or behind the principal buildings. A **Frontage Road** is a Service Drive that located at the front of a lot or parcel.

**Sight Distance:** The distance that a driver of a stopped vehicle can see along a road when deciding whether to enter onto or cross the road. Safe Sight Distance is the minimum sight distance necessary to

perceive and react to an oncoming vehicle and to turn onto the road and accelerate to the posted speed before being reached by an oncoming vehicle.

**D. Applicability.**

The requirements in this Section shall apply to all lots with frontage on US-127 BR, M-20/Pickard Road, and M-20/Remus Road and along intersecting roads within three hundred fifty (350) feet of the right-of-way of US-127 BR, M-20/Pickard Road, and M-20/Remus Road. The requirements herein apply in addition to, and simultaneously with, the other applicable regulations in the Zoning Ordinance.

**E. Access Management Requirements.**

Access points (**not including driveways that serve a single-family home, two family home, or essential service**) shall comply with the following requirements. The spacing requirements specified below apply to existing and proposed driveways and roads, with the exception of single-family driveways. If there is a change in use from single family residential to another use, the access point shall be brought into compliance with the requirements of this Section, where feasible.

1. **One Access Point Permitted.** Each lot shall be permitted one access point. This access point may be an individual driveway, a shared access with an adjacent use, or access via a service drive or frontage road subject to the standards that follow. An individual driveway may be permitted where the standards of this Article are met, provided that such driveway is located to facilitate shared access by adjacent parcels.
2. **Shared Access Easement.** The location of the access point shall comply with the standards of this section and shall provide the opportunity for shared access with adjoining lots, where applicable. Each lot developed under this ordinance shall be required to grant shared access easements to adjoining lots to allow for future shared access. Where a proposed parking lot is located adjacent to the parking lot of a similar use, there shall be a vehicular connection where feasible.
3. **New Driveway.** A new driveway may be permitted by the Planning Commission upon finding the conditions (a) or (b), below exist. The additional driveway may be required to be along a side street or a shared access with an adjacent site.
  - a. The site has adequate frontage to meet the spacing standards between driveways specified herein, and the new driveway will not prevent adjacent lands from complying with the access spacing standards when such lands develop or redevelop in the future, or
  - b. A traffic impact study, prepared in accordance with accepted practices, demonstrates the site will generate over 300 trips in a peak hour or 3,000 trips daily, or 400 and 4,000 respectively if the site has access to a traffic signal, and the traffic study demonstrates the new driveway will provide improved traffic conditions (e.g., less congestion, safer ingress/egress) and will not negatively impact through traffic flow.
4. **Driveway Spacing.** Driveways shall be separated from other driveways along the same side of the public street the distances specified in Table 1 (measured from centerline to centerline as shown in the figure), based on the posted speed limit. Driveways that serve a single or two-family residence shall be disregarded.

Table 1 Minimum Spacing between Driveways Located on the Same Side of the Road	
Posted Speed (mph)	Driveway Spacing (in feet) *
25	130
30	185
35	245
40	300
45	350
50+	455

\*Unless greater spacing is required by MDOT

5. Service to Adjoining Sites. Where feasible, access points shall be located to ensure the adjacent site( s) can also meet the access location standards.
6. Alignment of Driveways on Opposite Sides of Road. Driveways shall either be aligned directly across from driveways on the opposite side of the street or offset the distance indicated in Table 2, measured centerline to centerline. The Planning Commission may reduce the offset to not less than 150 feet where the offsets are aligned to not create left-turn conflicts.

<b>Table 2 Spacing Between Driveways on Opposite Sides of Road</b>	
<b>Posted Speed (mph)</b>	<b>Driveway Spacing (in feet)</b>
25	255
30	325
35	425
40	525
45	630
50 +	750

7. Driveway Spacing from Intersections. Spacing of driveways from intersections shall comply with the distances specified in Table 3 (measured from pavement edge to pavement edge as shown in the figure).

<b>Table 3 Minimum Driveway Spacing from Intersections *</b>			
<b>Location of Access Point</b>	<b>Type of Intersecting Road</b>	<b>Minimum Spacing for a Full Movement Driveway**</b>	<b>Minimum Spacing for a Driveway Restricting Left-turns</b>
US-127 BR, M-20	Another arterial	300	125
	Collector or local	200	125
Along a county road	US-127 BR, M-20	Isabella County Road Commission (ICRC)	

\* Unless greater spacing is required by MDOT or ICRC, or is required to meet other standards herein.

\*\* Greater spacing may be required based upon the posted speed of the road and the spacing distances required by Table 1.

8. Service Drives. Where direct access consistent with the previous standards cannot be achieved, access should be via a shared driveway or service drive, and/or a side street. The Planning Commission may require a front or rear service drive where such a facility can provide access to signalized locations, or where such a facility can minimize the number of driveways, and provide safer ingress and egress.
9. Shared Access with Public or Private Roads. Where a new public or private road is proposed to intersect with US-127 BR or M-20, the road shall be designed to facilitate shared access with adjacent parcels. Where a private road is proposed to adjoin a side lot line, an access easement shall be granted to allow the adjoining parcel to have driveway access to the road. The Township may require construction of stub roads to allow future shared and lateral cross access to adjoining lots.
10. Service Drive Requirements. Where the Planning Commission determines that reducing the number of driveways may have a beneficial impact on traffic operations and safety while preserving the property owner's right to reasonable access, a shared driveway, or front or rear service drive connecting two or more lots or uses may be required. In particular, these facilities may be required near existing traffic signals or near locations having potential for future signalization; along major arterial roadways with high traffic volumes; along segments having high accident rates; and where there is limited sight distance. Service drives shall be constructed in accordance with the following standards:

- a. *Location and Alignment.* Service drives shall generally be parallel with or perpendicular to the front property line and may be located either in front of, adjacent to, or behind, principal buildings. In considering the most appropriate alignment for a service drive, the Planning Commission shall consider the setbacks of existing buildings and anticipated traffic flow for the site.
  - b. *Access Easement.* The service drive shall be within an access easement that permits traffic circulation between properties. This easement shall be at least twenty-four (24) feet wide and recorded with the Isabella County Register of Deeds. The required width shall remain free and clear of obstructions, unless otherwise approved by the Planning Commission. Each property owner shall be responsible for maintenance of the easement and service drive on the owner's property.
  - c. *Setback from Public Road.* Service drives shall be set back as far as reasonably possible from the intersection of the access driveway with the public road. A minimum of twenty (20) feet shall be maintained between the public road right-of-way and the pavement of the frontage road. A minimum of sixty (60) feet of throat depth shall be provided at the access point, measured between the public road right-of-way and the pavement of the parallel section of the service road.
  - d. *Pavement.* Service drives shall have a minimum pavement width of twenty (20) feet and shall be constructed with the curb and gutter in accordance with public street standards. The Planning Commission may modify these standards based upon site conditions, anticipated traffic volumes, and anticipated types of traffic.
  - e. *Parking on Service Drives.* Service drives are intended to be used exclusively for circulation, not as a parking maneuvering aisles. The Planning Commission may require the posting of "no parking" signs along the service drive. However, one-way or two-way service drives constructed with additional width for parallel parking may be allowed if it will not significantly affect the capacity, safety or operation of the service drive.
  - f. *Elevation.* The site plan shall indicate the proposed elevation of the service drive at the property line and the Township shall maintain a record of all service drive elevations so that grades between adjoining sites can be coordinated.
  - g. *Alignment Modifications.* The alignment of the service drive can be refined to meet the needs of the site and anticipated traffic conditions, provided the resulting terminus allows the drive to be extended through the adjacent site(s). This may require use of aerial photographs, property line maps, topographic information and other supporting documentation
  - h. *Service Drive Alternative.* Where it is not possible to develop a separate service drive (for example, on shallow sites or on redevelopment sites), the Planning Commission may require a drive connecting parking lots.
11. Temporary Direct Access. Where the Planning Commission determines that shared access is needed, but it is not yet available, temporary direct access may be permitted, provided the plan is designed to accommodate a future service drive, and a written agreement is submitted that the temporary access will be removed by the applicant when the alternative access becomes available. This may require posting of a financial performance guarantee.
12. Safe Sight Distance. Driveways shall be located to provide safe sight distance, as determined by the applicable road agency.
13. Interference with Municipal Facilities. No driveway shall interfere with municipal facilities such as street lights or traffic signal poles, signs, fire hydrants, crosswalks, bus loading zones, utility poles, fire alarm supports, drainage structures, or other necessary street structures, unless the applicant makes provisions for relocation of such facilities.

14. Timing of Improvements. Road or intersection control or driveway design improvements shall be made to improve overall traffic operations prior to the project completion or occupancy of the first building.
15. Subdivision and Condominium Roads. Roads to serve new subdivision or condominiums shall comply with the driveway spacing requirements specified above.

## Section 10 Landscaping and Screening

### Section 10.1 Intent and Scope of Requirements

**A. Intent.**

Landscaping enhances the visual image of the Township, while preserving natural features, improving property values, and alleviating the impact of noise, traffic, and visual distraction associated with certain uses. Screening is important to protect less intensive uses from the noise, light, traffic, litter and other impacts of more intensive, nonresidential uses. These provisions are intended to set minimum standards for the design and use of landscaping, greenbelts, and screening, and for the protection and enhancement of the Township's environment. More specifically, the intent of these provisions is to:

1. Improve the appearance of off-street parking areas, vehicular use areas, and property abutting public rights of way,
2. Protect and preserve the appearance, character, and value of the neighborhoods that abut non-residential areas, parking areas, and other intensive use areas, thereby protecting the public health, safety and welfare,
3. Reduce soil erosion and depletion, and
4. Increase soil water retention, thereby helping to prevent flooding.

**B. Scope of Application.**

No site plan shall be approved unless it shows landscaping consistent with the requirements of Section 10. A building permit shall not be issued until the required landscape plan is submitted and approved, and a certificate of occupancy shall not be issued unless provisions set forth in this section have been met or a performance guarantee has been posted in accordance with the provisions set forth in Section 14.9. The requirements in Section 10 shall not apply to single family detached homes, unless otherwise specifically noted.

**C. Minimum Requirements.**

The requirements in this Article are minimum requirements, and under no circumstances shall they preclude the developer and the Township from agreeing to more extensive landscaping.

**D. Design Creativity.**

Creativity in landscape design is encouraged. Accordingly, required trees and shrubs may be planted at uniform intervals, at random, or in groupings, depending on the designer's desired visual effect and, equally important, the intent of the Township to coordinate landscaping on adjoining properties.

**E. Summary of Regulations.**

The following tables summarize the landscaping regulations contained in Section 10. In the case of a discrepancy between the table and the text of Section 10, the text shall control.

Summary of Minimum Landscaping Requirements (see Section 10.2)						
				Minimum Plant Material Quantities		
	General Landscaping Ratio	Plant Height	Minimum Planting Area Width	Deciduous or Evergreen Trees	Ornamental Trees	Shrubs
Landscaping Adjacent to Roads	--	--	15 feet	One tree per 40 linear feet	One tree per 100 linear feet	Eight shrubs per 40 linear feet
Berms in Front Yard	--	3 feet, maximum	<i>see text</i>	One tree per 40 linear feet	One tree per 100 linear feet	Eight shrubs per 40 linear feet
Greenbelts	--	--	20 feet <sup>b</sup>	One tree per 30 linear feet	--	<sup>c</sup>
Landscape Screening	--	6 feet, minimum	<sup>d</sup>	<sup>e</sup>	--	--
Parking Lot Landscaping	30 sq. ft. per parking space	--	9 feet	One shade tree per 5 spaces	--	--

<sup>a</sup> Multiple-family residential developments shall provide 2 trees and 4 shrubs per dwelling unit or lot.  
<sup>b</sup> Greenbelts provided in conjunction with a screening wall shall be a minimum of nine feet in width.  
<sup>c</sup> Shrubs may be substituted for up to 50% of the total number of required trees, at a rate of eight (8) shrubs for each tree.  
<sup>d</sup> The minimum width of landscape screening shall be equal to the minimum width for the installation used (i.e., greenbelt or berm).  
<sup>e</sup> Landscaped screening shall consist of closely-spaced (not more than 15 feet on center) evergreens, arranged to form a complete visual barrier within three years of planting.

**The Clear Vision Area requirements of Section 4.6 shall be observed for all landscaping installations.**

Summary of Plant Material Specifications (see Section 10.4, sub-section C)			
	Minimum Caliper	Minimum Height	Minimum Spread
Deciduous Trees	2.5 inches <i>measured at 12 inches above grade</i>	4 feet to first branch	--
Ornamental Trees	2.0 inches <i>measured at 6 inches above grade</i>	4 feet to first branch	--
Evergreen Trees	--	8 feet	3 feet
Shrubs	--	3 feet	2 feet
Hedges	--	<b>3 feet</b>	--

## Section 10.2 General Landscaping Requirements

### A. General Site Requirements.

All unpaved portions of the site shall be planted with grass, ground cover, shrubbery, or other suitable live plant material, except where specific landscape elements, such as a greenbelt, berms, or screening are required. Such plant material shall extend to the edge of any abutting paved area, roadway, or gravel shoulder, except that trees and shrubs shall be set back a minimum of ten (10) feet from the edge of any uncurbed paved area, roadway, or gravel shoulder. Grass areas in the front yard of all non-residential uses shall be planted with sod or hydro-seeded.



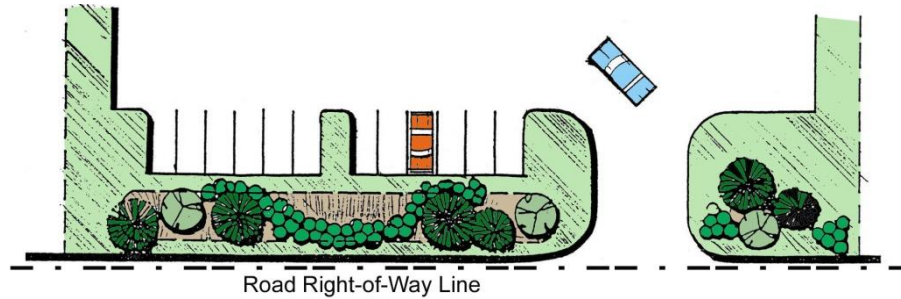
**B. Landscaping Adjacent to Roads.**

1. Planting Requirements. Where required, landscaping adjacent to roads shall comply with the following planting requirements:

Type of Plant Material	Minimum Amount Required
Deciduous Street Tree	1 per 40 linear feet of road frontage
Ornamental Tree	1 per 100 linear feet of road frontage
Shrubs	8 per 40 linear feet of road frontage

For the purposes of computing length of road frontage, openings for driveways and sidewalks shall not be counted (see diagram). Trees and shrubs may be planted at uniform intervals, at random, or in groupings. Fractional amounts shall be rounded up to the next whole tree or shrub.

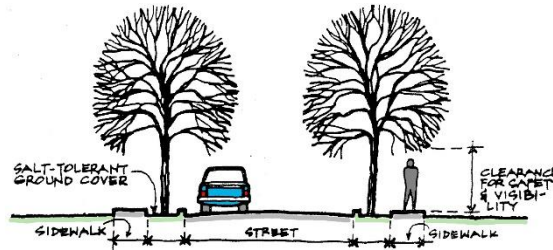
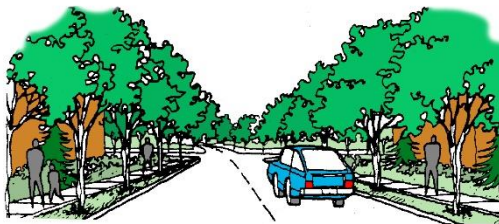
2. Location and Dimensions. Deciduous street trees may be planted in the road right-of-way if allowed by the road agency that has jurisdiction. Otherwise, required landscaping adjacent to roads shall be located on private property within a planting strip adjacent to the road right-of-way. The minimum width of the planting strip shall be fifteen (15) feet.



**Example Calculation for Landscaping Adjacent to Roads (Section 10.2, sub-section B)**

Total Parcel Width = 250 feet      Driveway Width = 30 feet      Road Frontage = 250-30 = 220 feet

Deciduous or Evergreen Trees Required = 220 feet / 40 = 5.5 → 6 trees required  
 Ornamental Trees Required = 220 feet / 100 = 2.2 → 3 ornamental trees required  
 Shrubs Required = 220 feet / 40 = 5.5 x 8 = 44 shrubs required

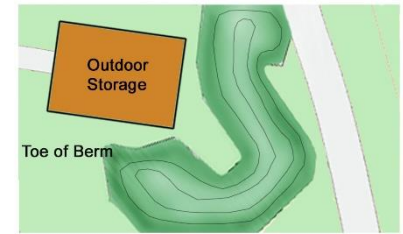
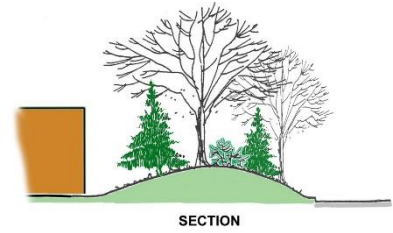


**Street Trees**

**C. Berms.**

Berms shall conform to the following standards (see illustration):

1. Dimensions. Unless otherwise indicated or appropriate, required berms shall be measured from the grade of the parking lot or flat ground adjacent to the berm, and shall be constructed with slopes no steeper than one (1) foot vertical for each three (3) feet horizontal (33 percent slope), with at least a two (2) foot flat area on top. Berms may undulate in height, subject to review and approval of berm design as shown on the site plan. Unless otherwise indicated, the maximum height of required berms shall be three (3) feet.
2. Protection from Erosion. Any required berm shall be planted with sod, ground cover, or other suitable live plant material to protect it from erosion so that it retains its height and shape. The use of railroad ties, cement blocks, and other types of construction materials to retain the shape and height of a berm shall be prohibited unless specifically reviewed and approved by the Planning Commission.

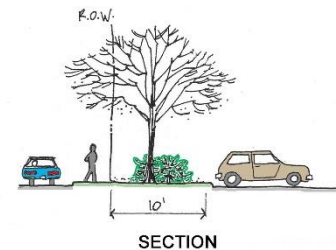
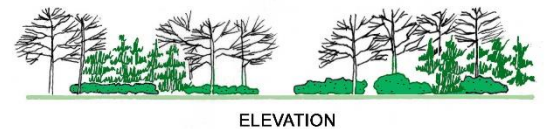
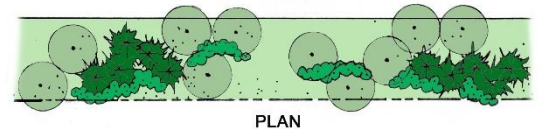


3. Required Plantings.
  - a. Front Yard Berms  
Berms located in the front yard of non-residential parcels shall be landscaped in accordance with the requirements for Landscaping Adjacent to Roads, Section 10.2, sub-section B.
  - b. Screening Berms  
Berms used for screening other than in the front yard shall be landscaped in accordance with the requirements for Screening, Section 10.2, sub-section E.
4. Measurement of Berm Length. For the purposes of calculating required plant material, berm length shall be measured along the exterior edge of the berm.

**D. Greenbelts.**

Where required, greenbelts shall conform to the following standards (see illustration):

1. Measurement of Greenbelt Length. For the purposes of calculating required plant material, greenbelt length shall be measured along the exterior edge of the greenbelt.
2. General Planting Requirements.
  - a. Grass or Ground Cover Requirements  
Grass, ground cover, or other suitable live plant materials shall be planted over the entire greenbelt area, except where paved walkways are used.
  - b. Tree and Shrub Requirements  
Except where the greenbelt is used for screening, a minimum of one (1) deciduous or evergreen tree shall be planted for each thirty (30) linear feet or portion thereof of required greenbelt. Shrubs may be substituted for up to fifty percent (50%) of the total number of required trees, at a rate of eight (8) shrubs for each tree. Trees and shrubs may be planted at uniform intervals, at random, or in groupings.

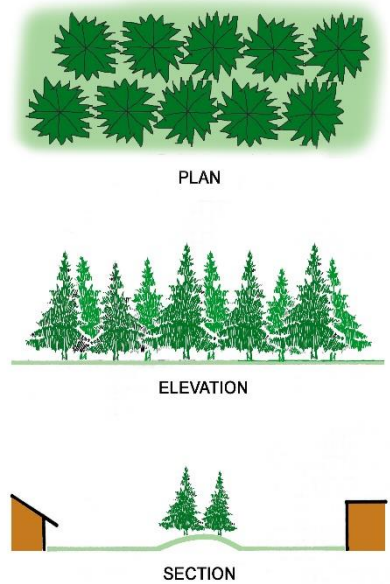


**Greenbelt**

- c. **Greenbelt Width**  
The minimum width of any required greenbelt shall be twenty (20) feet, except where used to obscure a screening wall as noted below, in which case the greenbelt shall be at least nine feet in width.
  - d. **Distance from Sidewalk**  
Plant materials other than turf grass or ground cover shall not be placed closer than four (4) feet to the right-of-way line where the greenbelt abuts a public sidewalk.
3. **Greenbelts Used for Screening.** Greenbelts used for screening shall be landscaped in accordance with the requirements for Screening, Section 10.2, sub-section E.
  4. **Linking Greenbelts.** Every effort shall be made to link greenbelts on adjacent parcels so as to provide a continuous landscaped or natural area.

**E. Screening.**

1. **General Screening Requirements.** Unless otherwise specified, wherever an evergreen or landscaped screen is required, screening shall consist of closely spaced evergreen plantings (i.e., no farther than fifteen (15) feet apart) which can be reasonably expected to form a complete visual barrier that is at least eight (8) feet above ground level within three (3) years of planting. Wherever screening is required adjacent to residentially zoned or used property, the screening must be installed prior to the beginning of site grading and general construction, except where such activity would result in damage to the screening.
2. **Screening of Equipment.** Mechanical equipment, such as air compressors, pool pumps, transformers, sprinkler pumps, satellite dish antennae, and similar equipment shall be screened on at least three (3) sides. Insofar as practical, said screening shall exceed the vertical height of the equipment being screened by at least six (6) inches within two (2) years of planting.



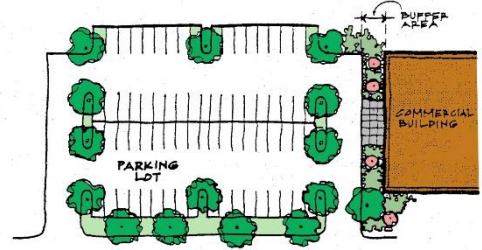
**Evergreen Screening**

**F. Parking Lot Landscaping.**

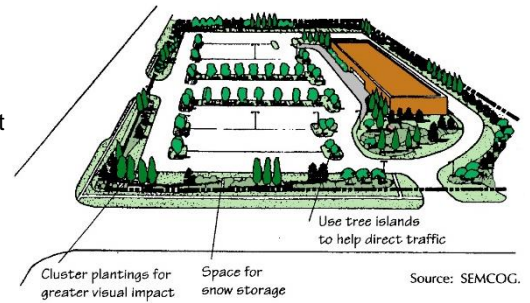
In addition to required screening, all off street parking areas shall be landscaped as follows (see illustration):

1. **Landscaping Ratio.** Off street parking areas containing greater than ten (10) spaces shall incorporate at least thirty (30) square feet of interior landscaping per parking space.
  - a. Interior parking lot landscaping shall include the following:
    - i. Internal islands and medians
    - ii. Landscaped areas surrounded on three sides by a parking area (i.e., peninsulas or fingers)
    - iii. Landscaped areas at the corners of a parking area and bordered by parking on at least two sides
  - b. Interior parking lot landscaping shall be located within the parking area to improve its appearance and screen lot edges, reinforce circulation routes, define pedestrian routes through the parking lot, and maximize shade and storm water benefits.
  - c. Interior parking lot landscape areas should be coordinated with the location of light poles and other utilities.
2. **Minimum Dimensions.**
  - a. Landscaped areas in parking lots shall be no less than nine (9) feet in any single dimension and no less than 300 square feet in area.

- b. Landscaped areas in or adjacent to parking lots shall be protected with curbing to prevent encroachment of vehicles. Curbs shall be a minimum of six inches in height and shall be continuous around the parking area, except for curb cuts required for integrated on-site storm water management or pedestrian accessibility.
3. **Other Landscaping.** Required landscaping elsewhere on the parcel shall not be counted in meeting the parking lot landscaping requirements.



4. **Required Plantings.**
- a. At least fifty percent (50%) of each interior landscaped area shall be covered by living plant material, such as sod, shrubs, ground cover, or trees. Plant materials other than turf grass or ground cover shall not be placed closer than four (4) feet to the curbed edge of any interior parking lot landscape area. Trees shall be set back a minimum of four (4) feet from the curbed edge of any interior parking lot landscape area.
  - b. A minimum of one (1) deciduous shade tree shall be planted within the parking lot for every five (5) vehicle parking spaces in the lot.
  - c. Plantings within parking lots shall comply with the requirements for unobstructed sight distance set forth in Section 4.6. The landscape plan shall indicate the types, sizes, and quantities of all plant material proposed for interior parking lot landscape areas.



**Landscaping Within Parking Lots**

**G. Landscaping of Rights-of-Way.**

Public rights-of-way located adjacent to required landscaped areas and greenbelts shall be planted with grass or other suitable live ground cover, and shall be maintained by the owner or occupant of the adjacent property as if the rights of way were part of the required landscaped areas or greenbelts.

**H. Maintenance of Unobstructed Visibility for Drivers.**

No landscaping shall be established or maintained on any parcel or in any parking lot that will obstruct the view of drivers. Accordingly, all landscaping shall comply with the provisions concerning Unobstructed Sight Distance set forth in Section 4.6.

**I. Potential Damage to Utilities.**

In no case shall landscaping material be planted in a way that will interfere with or cause damage to underground utility lines, public roads, or other public facilities. Species of trees whose roots are known to cause damage to public roadways, sewers, or other utilities shall not be planted closer than fifteen (15) feet from any such roadways, sewers, or utilities. Trees shall be set back from overhead utility lines as indicated in the following chart:

Mature Tree Height	Minimum Distance from Center of Trunk to Nearest Overhead Utility Line
Up to 15 feet	10 feet
15 to 25 feet	20 feet
25 to 45 feet	30 feet
Over 45 feet	50 feet

**J. Landscaping of Divider Medians.**

Where traffic on driveways, maneuvering lanes, private roads, or similar vehicle access ways is separated by a divider median, the median shall be curbed and have a minimum width of ten (10) feet. A minimum of one (1) deciduous or evergreen tree shall be planted for each thirty (30) linear feet or portion thereof of median. Plant materials other than turf grass or ground cover shall not be placed closer than four (4) feet to

the curbed edge of any landscaped median. Trees shall be set back a minimum of four (4) feet from the curbed edge of any landscaped median.

**K. Irrigation.**

The site plan shall indicate the proposed method of watering landscaped areas. Although not required, installation of an in-ground irrigation/sprinkler system is encouraged, particularly in front yards.

### Section 10.3 Specific Landscaping Requirements for Zoning Districts

**A. Requirements for Commercial, Office, and Industrial Districts.**

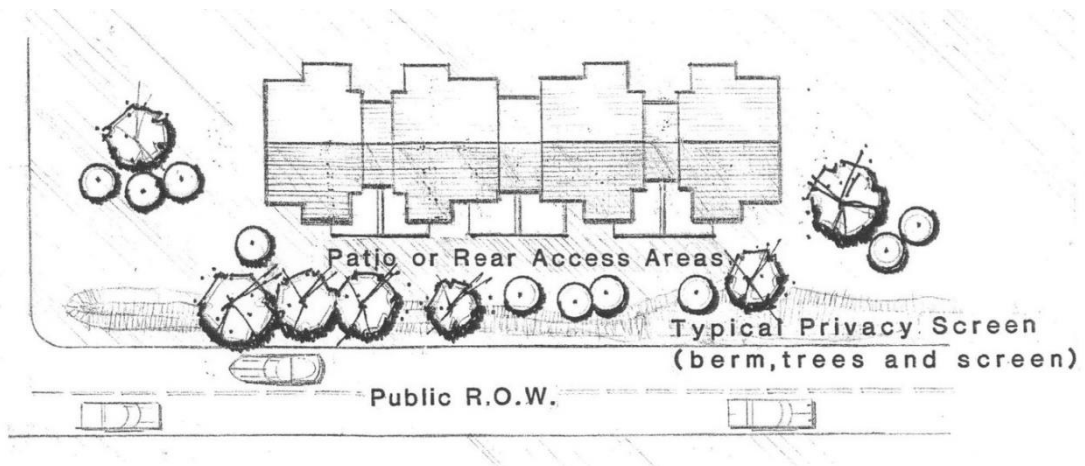
All lots or parcels of land located in the B-4, B-5, B-7, OS, I-1 and I-2 zoning districts shall comply with the following landscaping requirements:

1. General Site Landscaping. All developed portions of the site shall conform to the General Site Requirements in Section 10.2, sub-section A, except where specific landscape elements are required.
2. Landscaping Adjacent to Road. All commercial, office, and industrial developments shall comply with the requirements for landscaping adjacent to the road in Section 10.2, sub-section B.
3. Berm Requirements. A berm shall be used to screen off-street parking from view of the road if the parking is located forty (40) feet or closer to the road right-of-way. Berms shall be a maximum of three (3) feet in height and shall be planted in accordance with Section 10.2, sub-section B. Berms shall be located totally on private property, adjacent to the road right-of-way.
4. Screening. Screening in the form of a landscaped berm, greenbelt, or wall shall be required wherever a non-residential use in a commercial, office, or industrial district abuts directly upon land zoned for residential purposes, and/or where loading areas would be visible from residential districts. Landscaped screening shall comply with the requirements in Section 10.2, sub-section E. If a wall is used instead of landscaping, the wall shall comply with the requirements in Section 7.6, but a landscaped greenbelt (planted in accordance with Section 10.2, sub-section D) shall be required on the side of the wall facing the residential or agricultural district.
5. Parking Lot Landscaping. Off-street parking areas containing greater than ten (10) spaces shall comply with the requirements for parking lot landscaping in Section 10.2, sub-section F.

**B. Requirements for Multiple Family Districts.**

All lots or parcels of land located in the R-3A and R-3B zoning districts shall comply with the following landscaping requirements:

1. General Site Landscaping. A minimum of one (1) deciduous or evergreen trees plus four (4) shrubs shall be planted per dwelling unit. Unless otherwise specified, required landscaping elsewhere in the multiple family development shall not be counted in meeting these requirements for trees.
2. Landscaping Adjacent to Road. All multiple family developments shall comply with the requirements for landscaping adjacent to the road in Section 10.2, sub-section B.
3. Berm Requirements. A berm shall be used to screen off-street parking from view of the road if the parking is located forty (40) feet or closer to the road right-of-way. Berms shall be a maximum of three (3) feet in height and shall be planted in accordance with Section 10.2, sub-section B. Berms shall be located totally on private property, adjacent to the road right-of-way.
4. Perimeter Greenbelt. A perimeter greenbelt shall be required on all sides of a multiple family development. The greenbelt shall comply with the requirements in Section 10.2, sub-section D.
5. Parking Lot Landscaping. Off-street parking areas containing greater than ten (10) spaces shall comply with the requirements for parking lot landscaping in Section 10.2, sub-section F.
6. Privacy Screen. Where multiple family dwellings are designed so that rear open areas or patio areas front onto a public street, a landscaped privacy screen shall be provided (see illustration). The screen may consist of a combination of trees, shrubs, and berms, subject to review and approval by the Planning Commission.



**Privacy Screen (see Section 10.3, sub-section B.6)**

**C. Requirements for Non-Residential Uses in Residential or Agricultural Districts.**

All non-residential uses developed in residential or agricultural zoning districts shall comply with the following landscaping requirements:

1. General Site Landscaping. All developed portions of the site shall conform to the General Site Requirements in Section 10.2, sub-section A, except where specific landscape elements are required.
2. Landscaping Adjacent to Road. All non-residential developments located in residential districts shall comply with the requirements for landscaping adjacent to the road in Section 10.2, sub-section B.
3. Berm Requirements. A berm shall be used to screen off-street parking from view of the road if the parking is located forty (40) feet or closer to the road right-of-way. Berms shall be a maximum of three (3) feet in height and shall be planted in accordance with Section 10.2, sub-section B. Berms shall be located totally on private property, adjacent to the road right-of-way.
4. Screening. Screening in the form of a landscaped berm, greenbelt, or wall shall be required wherever a non-residential use abuts directly upon land zoned for residential purposes. Landscaped screening shall comply with the requirements in Section 10.2, sub-section E. If a wall is used instead of landscaping, the wall shall comply with the requirements in Section 7.6, and a

landscaped greenbelt (planted in accordance with Section 10.2, sub-section D) shall be provided on the side of the wall facing away from the non-residential use.

5. Parking Lot Landscaping. Off-street parking areas containing greater than ten (10) spaces shall comply with the requirements for parking lot landscaping in Section 10.2, sub-section F.

## Section 10.4 Standards for Landscape Materials

Unless otherwise specified, all landscape materials shall comply with the following standards:

### A. **Plant Quality.**

Plant materials used in compliance with the provisions of this Ordinance shall be nursery grown, free of pests and diseases, hardy in central Michigan, in conformance with the standards of the American Association of Nurserymen and shall have passed inspections required under state regulations.

### B. **Non-Living Plant Material.**

Plastic and other non-living plant materials shall not be considered acceptable to meet the landscaping requirements of this Ordinance.

### C. **Plant Material Specifications.**

The following specifications shall apply to all plant material proposed in accordance with the landscaping requirements of this Ordinance:

1. Deciduous Shade Trees. Deciduous shade trees shall be a minimum of two and one half (2.5) inches in caliper measured twelve (12) inches above grade with the first branch a minimum of four (4) feet above grade when planted.
2. Deciduous Ornamental Trees. Deciduous ornamental trees shall be a minimum of two (2) inches in caliper measured six (6) inches above grade with a minimum height of three (3) feet above grade when planted.
3. Evergreen Trees. Evergreen trees shall be a minimum of eight (8) feet in height when planted. Furthermore, evergreen trees shall have a minimum spread of two and one-half (2.5) feet, and the size of the burlapped root ball shall be at least ten (10) times the caliper measured six (6) inches above grade.
4. Shrubs. Shrubs shall be a minimum of three (3) feet in height when planted. Low growing shrubs shall have a minimum spread of twenty four (24) inches when planted.
5. Hedges. Hedges shall be planted and maintained so as to form a continuous, unbroken, visual screen within two (2) years after planting, barring unusual growing conditions, such as drought or disease. Hedges shall be a minimum of three (3) feet in height when planted.
6. Ground Cover. Ground cover used in lieu of turf grasses in whole or in part shall be planted in such a manner as to present a finished appearance and reasonably complete coverage after one (1) complete growing season.
7. Grass. Grass area shall be planted using species normally grown as permanent lawns in central Michigan. Grass, sod, and seed shall be clean and free of weeds, pests, and diseases. Grass may be sodded, plugged, sprigged or seeded. When grass is to be established by a method other than complete sodding or seeding, nurse grass seed shall be sown for immediate effect and protection until complete coverage is otherwise achieved. Straw or other mulch shall be used to protect newly seeded areas.
8. Mulch. Mulch used around trees, shrubs, and vines shall be a minimum of three (3) inches deep, and installed in a manner as to present a finished appearance.

9. Ornamental Grasses: Grasses grown as ornamental plants, particularly the clump-forming types, maybe designated for use in a landscape plan as a substitute for required shrubs, subject to review and approval.
10. Undesirable Plant Material. Use of plant materials that are invasive to natural habitats, that cause disruption to storm drainage, or that are susceptible to pests or disease is not encouraged. The following plant materials exhibit such characteristics, and therefore their use is not encouraged in the Township:

Box Elder <i>Acer negundo</i>	Norway Maple <i>Acer platanoides</i>	Silver Maple <i>Acer saccharinum</i>	Tree of Heaven <i>Ailanthus altissima</i>
European Barberry <i>Berberis vulgaris</i>	Northern Catalpa <i>Catalpa speciosa</i>	Ash <i>Fraxinus spp.</i>	Ginkgo (female) <i>Ginkgo biloba</i>
Honeysuckle <i>Lonicera spp.</i>	Mulberry <i>Morus spp</i>	Cottonwood, Aspen <i>Populus spp</i>	Horse Chestnut <i>Aesculus hippocastanum</i>
Buckthorn <i>Rhamnus spp</i>	Willow <i>Salix spp.</i>	Elm <i>Ulmus spp.</i>	Russian-olive <i>Elaeagnus angustifolia</i>

## Section 10.5 Installation and Maintenance

### A. Installation.

Landscaping shall be installed in a sound, workmanlike manner to ensure the continued growth of healthy plant material. Trees, shrubs, hedges, and vines shall be generously mulched at the time of planting.

### B. Installation of Perimeter Landscaping.

Landscaping along the perimeter shall be installed prior to construction, except where such landscaping would be destroyed during construction.

### C. Seeding or Sodding.

Lots or parcels shall be seeded or sodded within ninety (90) days after occupancy.

### D. Protection from Vehicles.

Landscaping shall be protected from vehicles through use of curbs or wheel stops in parking lots. Except for storm water management features such as bio-swales, landscape areas shall be elevated above the pavement to a height that is adequate to protect the plants from snow removal, salt, and other hazards.

### E. Off-Season Planting Requirements.

If development is completed during the off season when plants cannot be installed, the owner shall provide a performance guarantee to ensure installation of required landscaping in the next planting season, in accordance with Section 14.9

### F. Maintenance.

1. General Maintenance. Landscaping required by this Ordinance shall be maintained in a healthy, neat, and orderly appearance, free from refuse and debris. All unhealthy and dead plant material shall be replaced immediately upon notice from the Zoning Administrator, unless the season is not appropriate for planting, in which case such plant material shall be replaced at the beginning of the next planting season.
2. Irrigation. Underground irrigation of required plant material is strongly recommended. All landscaped areas shall be provided with a readily available and acceptable supply of water, with at least one spigot located within three hundred (300) feet of all plant material to be established and maintained. Trees, shrubs, and other plantings and lawn areas shall be watered regularly throughout the growing season.
3. Maintenance of Manufactured Landscaped Elements. All constructed or manufactured landscape elements, such as but not limited to benches, retaining walls, edging, and so forth, shall be maintained in good condition and neat appearance. Rotted, deteriorated, or damaged landscape elements shall be repaired, replaced, or removed.



### Section 10.6 Treatment of Existing Plant Material

The following regulations shall apply to existing plant material:

**A. Consideration of Existing Elements in the Landscape Design.**

Where healthy plant material exists on a site prior to its development, the Planning Commission may permit substitution of such plant material in place of the requirements set forth previously in Section 10, provided such substitution is in keeping with the spirit and intent of Section 10 and the Ordinance in general.

Existing hedges, berms, walls, or other landscape elements may be used to satisfy the requirements set forth previously, provided that such landscaping is in conformance with the requirements of this section.

**B. Preservation of Existing Plant Material.**

Site plans shall show all existing trees which are located in the portions of the site that will be built upon or otherwise altered, and are six (6) inches or greater DBH. (Diameter at breast height, or DBH, is a standard method of expressing the diameter of a standing tree. For the purposes of this ordinance, breast height diameter should be measured at a height of 4.5 feet above ground.)

Trees shall be labeled "To Be Removed" or "To Be Saved" on the site plan. If existing plant material is labeled "To Be Saved" on the site plan, protective measures should be implemented, such as the placement of fencing or stakes at the drip line around each tree. No vehicle or other construction equipment shall be parked or stored within the drip line of any tree or other plant material intended to be saved.

In the event that healthy plant materials which are intended to meet the requirements of the Ordinance are cut down, damaged or destroyed during construction, said plant material shall be replaced with the same species as the damaged or removed tree, in accordance with the following schedule, unless otherwise approved by the Planning Commission based on consideration of the site and building configuration, available planting space, and similar considerations:

Damaged Tree Size	Replacement Tree Size	Replacement Ratio
Less than 6 inches DBH	2½ to 3 inches caliper	Tree-for-tree
Greater than 6 inches DBH	2½ to 3 inches caliper	One replacement tree for each six inches DBH (or fraction thereof) of damaged tree

### Section 10.7 Modifications to Landscape Requirements

In consideration of the overall design and impact of a specific landscape plan, and in consideration of the amount of existing plant material to be retained on the site, the Planning Commission may modify the specific requirements outlined herein, provided that any such adjustment is in keeping with the intent of Section 10 and the Ordinance in general. In determining whether a modification is appropriate, the Planning Commission shall consider whether the following conditions exist:

- Topographic features or other unique features of the site create conditions such that strict application of the landscape regulations would result in a less effective screen than an alternative landscape design.
- Parking, vehicular circulation, or land use are such that required landscaping would not enhance the site or result in the desired screening effect.
- The public benefit intended by the landscape regulations could be better achieved with a plan that varies from the strict requirements of the Ordinance.

## Section 11 Signs

### Section 11.1 Purposes

These regulations are intended to promote the health, safety, and welfare of the community by permitting signs and other displays that are needed for the purposes of identification or communication, subject to the following objectives:

- A. **Public Safety.** By reason of their size, location, spacing, construction or manner of display, signs shall not endanger life or limb, confuse or mislead motorized or non-motorized traffic, obstruct vision necessary for traffic safety, or otherwise endanger the public health or safety. The regulations contained in Section 11 are based on a determination that an excessive amount and improper placement of signs results in reduced ability of motorists to see and clearly interpret signs and to safely and efficiently maneuver to their desired destination.
- B. **Community Aesthetics.** Signs should enhance the aesthetic appeal of the Township, including the preservation of its historic and cultural resources, scenic areas and view sheds, and the dark night sky. Therefore, these regulations are intended to regulate oversized signs that are out-of-scale with surrounding buildings and structures, prevent an excessive accumulation of signs which cause visual clutter, and prevent blight.
- C. **Community Character and Property Values.** The placement and design of signs should further the land use planning objectives of the Township and minimize the possible adverse effect of signs on nearby public and private property. Signs should be compatible with neighborhood character and protect the value of surrounding properties.
- D. **Free Speech.** These regulations are intended to ensure that the constitutionally guaranteed right of free speech is protected and allow signs as a means of communication.
- E. **Economic Development.** These regulations recognize that businesses and other land uses in the Township require an amount of signage sufficient to provide awareness to passing motorists of the location and nature of the business. Having clear sign regulations allows for consistent expectations from property owners and promotes the Township's ability to attract sources of economic development and growth.
- F. **Effective Communication.** These regulations are intended to encourage the appropriate design, scale, and placement of signs in a manner that communicates effectively to the intended reader.

### Section 11.2 Scope of Requirements

It shall be unlawful for any person, firm, or corporation to erect, construct, or alter any sign in the Township except in conformance with the provisions of Section 11, subject to issuance of a permit, except as otherwise provided herein.

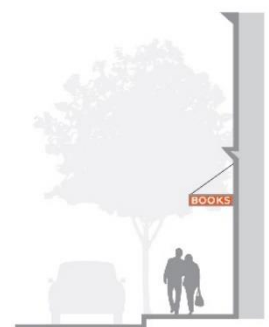
### Section 11.3 Definitions

For the purposes of Section 11, the following definitions shall apply:

**Awning or Canopy Sign:** A sign which is made of non-rigid material such as heavy canvas that is supported by a framework, which is attached to a building's substrate. An awning sign extends outward from the building and so provides shaded cover and protection from weather for customers and pedestrians. For the purposes of this Ordinance, an awning or canopy sign shall be considered a type of wall sign.



Awning Sign



Canopy Sign

**Balloon Sign:** A balloon sign is an inflatable device, regardless of size, that is designed for use as an on-premises advertising device for a commercial promotional event.

**Banner Sign:** A sign made of fabric, cloth, paper, or other non-rigid material.

**Banner, Feather:** A feather banner is a type of banner sign comprised of a metal or plastic frame, pole, and/or base to which a vinyl, nylon, canvas or polyester fabric sign face is attached (see illustration).



Banner Sign

**Changeable Copy Sign (Manual):** A sign, which has a reader board for the display of information (e.g., text, alphanumeric characters, graphics or symbols) that is changed manually.

**Commodity Sign.** A sign advertising a product produced on the property.

**Construction Sign:** A sign that identifies the name of a proposed development project, along with the project developers, contractors, engineers, architects, and landscape architects, and may include a description of lots and other pertinent details regarding a proposed development.

**Courtesy Sign:** A sign that provides information of a non-advertising or courtesy nature, including but not limited to, No Smoking, Restrooms, No Solicitors, Self Service, Vacancy/No Vacancy, Credit Cards Accepted, etc. Also called Incidental Sign.

**Directional Sign:** An on-premises sign that is located and sized in a manner to safely and efficiently direct the flow of vehicular and pedestrian traffic to, from, and within a development site.

**Electronic Display Signs:** A sign that uses changing lights to form a sign message or messages in text or graphic or video display form wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.

**Festoon:** A string of ribbons, tinsel, small flags, pennants, pinwheels or lights, typically strung overhead in loops.

**Flag:** A sign made of cloth, fabric, or other durable, flexible material and attached to a permanent or temporary conforming pole.

**Flashing Sign:** A sign that contains an intermittent or sequential flashing light source. Electronic Display Signs, as defined herein, shall not constitute a flashing sign for the purpose of this ordinance.

**Freestanding Sign:** Any on-site sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure, including the following:

- a. **Pole Sign:** A type of freestanding sign that is elevated above the ground on poles or braces (also known as a **Freestanding Elevated Sign**).



Pole Sign

- b. **Monument Sign:** A three-dimensional, self-supporting, base-mounted freestanding sign, consisting of two (2) or more sides extending up from the base, and upon which a message is painted or posted. A monument sign may also consist of a base-mounted cylindrical structure upon which a message is painted or posted. (Also known as a **Ground Sign**.)



Ground or Monument Sign

**Illegal Sign:** A sign that does not meet the requirements of this ordinance and which has not received legal nonconforming status.

**Illuminated Sign:** Any sign which contains a mechanism that emits artificial light, including the following:

- a. **Externally Illuminated Sign:** Any sign with lights designed for illumination and not located within the sign itself.
- b. **Internally Illuminated Sign:** Any sign with lights designed for illumination from within the sign itself.

**Incidental Sign:** A small sign, emblem, or decal designed and located to be read only by people within the site and generally not visible or legible from the road right-of-way or adjacent properties. Examples of incidental signs include, but are not limited to, credit card signs, signs indicating the hours of business, no smoking signs, signs used to designate bathrooms, and barrier-free signs. Also called **Courtesy Signs**.

**Inflatable Sign:** A sign consisting of flexible material or fabric that takes on a three-dimensional shape when filled with a sufficient volume of air or other gas. Inflatable signs are commonly used as temporary signs to draw attention to a site.



**Interior Sign:** A sign placed within a building, but not including a window sign as defined herein, that is not visible from any public street, sidewalk, alley, park, or public property.

**Mansard:** A sloped roof or roof-like facade. Signs mounted on the face of a mansard roof shall be considered wall signs.

**Message Center Sign:** A sign that uses an illuminated message board that is capable of being programmed and changed electronically.

**Marquee:** A permanent roof-like structure or canopy, supported by and extending from the face of the building.

**Marquee Sign:** A sign attached to or supported by a marquee structure.

**Moving Sign:** Any sign in which the sign itself or any portion of the sign moves or revolves. A "rotating sign" and a "revolving sign" are types of moving signs. Such motion does not refer to the method of changing the message on the sign.

**Neon Sign:** A sign consisting of glass tubing, filled with a gas such as neon, which glows when electric current is sent through it.

**Noncommercial Message Sign:** A sign that is not related to or connected with trade or commerce in general, including, but not limited to, signs pertaining to politics, sports, educational institutions, and general messaging.

**Nonconforming Sign:**

- a. A sign which is prohibited under the terms of this Ordinance but was erected lawfully, with a permit and was in use on the date of enactment of this Ordinance, or amendment thereto.
- b. A sign which does not conform to the requirements of this Ordinance, but for which a variance has been granted.

**Off-Premises Advertising Sign (Billboard):** A sign containing a message regarding services or products, activities, persons or events that are not made, produced, assembled, stored, distributed, leased, sold or conducted on the premises upon which the sign is located.

**Parapet:** The extension of a false front or wall above a roof line. Signs mounted on the face of a parapet shall be considered wall signs.

**Permanent Sign:** Any sign constructed and intended to be displayed for an indefinite, or long-term period of time. Any sign, regardless of construction and intention, that is in place for more than six (6) months shall be considered a permanent sign.

**Political Sign:** A type of temporary **Noncommercial Message Sign** relating to matters to be voted on in a local, state, or national election or referendum.

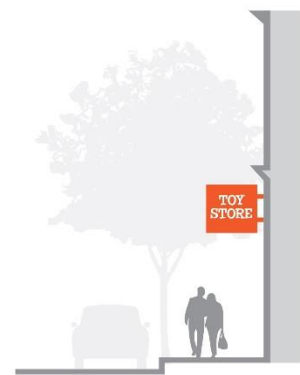
**Portable Sign:** A sign designed to be moved easily and not permanently affixed to the ground or to a structure. This also includes signs worn or carried by a person.

**Portable Message Center Sign:** A sign designed to be transported easily and not permanently affixed to the ground or to a structure. A portable message center sign includes a manual and electronic changeable copy sign, an electronic graphic display sign, a video display sign or multi-vision/tri-vision sign that may be displayed or affixed to a movable object such as but not limited to a car, truck, trailer or similar transportation device. The following are examples of portable message center signs:



**Projected Wall Sign:** A sign, other than a flat wall sign, that projects more than three (3) inches and up to (15) inches from the face of the building or structure upon which it is located

**Projecting Sign:** A sign, other than a flat wall sign, that projects more than fifteen (15) inches from the face of the building or structure upon which it is located and is designed to attract the attention of drivers. A projecting roof sign is one that projects beyond the face or exterior wall surface of the building upon which the roof sign is mounted.



Projecting Sign

**Public Sign:** A sign erected in the public interest by or upon orders from a local, state, county, or federal public official. Examples of public signs include, but are not limited to, legal notices, safety signs, traffic signs, signs of historical interest, and similar signs. (Also known as **Public Agency Signs**.)

**Public Interest Sign:** Signs of a non-commercial nature that address a subject of interest to the general public, examples of which include names of buildings, date of erection, names on monuments, commemorative tablets, memorial plaques, centennial farm or home signs, historical signs, etc.

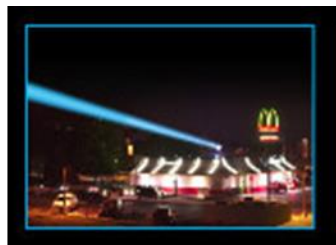
**Residential Entranceway Sign:** A sign that is located at the entrance to a residential development (e.g., subdivision, apartment complex, condominium development, or other residential development) in a residential zoning district.

**Roof Sign:** Any sign that extends above the roofline or is erected over the surface of the roof.

**Rotating or Revolving Sign:** A moving sign that rotates or revolves around an axis driven by wind or electromechanical devices. See "Moving Sign."

**Sandwich Board Sign:** An "A-frame" shaped sign that consists of two sign boards that are hinged together at the top and on which the message has been factory-imprinted, handwritten, or displayed using manual changeable copy display.

**Search lights (portable) :** A search light, sometimes referred to as a spotlight, is a sign that is intended to visually communicate or attract the public's attention to a specific location.



**Setback, Sign:** The distance from the lot line to the nearest part of a sign structure.

**Street Furniture Sign:** A sign applied to or affixed to a bench, trash receptacle, or any other street furniture.

**Support Pole Sign:** A temporary sign that is attached as an appendage to a sign, sign support, light pole, utility pole, or any part of a pole or support.

**Suspended Sign:** A sign suspended from the ceiling of an arcade, marquee, or canopy.

**Temporary Sign:** A sign that is to be displayed for a limited period of time. Temporary signs may include temporary noncommercial message signs, signs posted for the purposes of marketing property for sale or lease, and banners, balloons, festoons, or other advertising devices constructed of cloth, canvas, fabric, cardboard, plastic, or other light temporary material, with or without a structural frame. Temporary signs do not include decorative displays for holidays or public demonstrations. Other types of temporary signs include, for example, garage sale and yard sale signs, grand opening signs, model home signs, and temporary window signs.

**Vehicle Signs:** Signs painted or mounted on the side of a vehicle, including signs on the face of a truck trailer. Vehicle Signs do not include Portable Message Center Signs.

**Wall Sign:** A sign painted on, incorporated in or attached directly to the exterior wall of a building, with the exposed face of the sign in a plane parallel to the building wall, and projecting no more than six (6) inches from the wall face. Permanent signs which are not affixed directly to a window or are positioned next to a window so that they are visible from the outside shall also be considered wall signs.



**Window Sign:** A temporary sign located in or on a window which is intended to be viewed from the outside. Permanent window signs which are not affixed directly to a window or are positioned next to a window so that they are visible from the outside shall be considered wall signs. Temporary signs affixed to a window for more than thirty (30) days shall be considered wall signs.

**Yard Signs:** Temporary portable signs that are freestanding and temporarily anchored or secured to the ground.

## Section 11.4 Substitution Clause

Any lawful sign that can be displayed under the provisions of Section 11 may contain a noncommercial message.

## Section 11.5 Enforcement

### A. Plans, Specifications and Permits.

1. **Permits.** Any person or entity desiring to construct, reconstruct, replace, modify, or alter any permitted sign shall first obtain a permit authorizing the sign. Written application for a sign permit, on forms provided for such by the Township, shall be submitted to the Zoning Administrator. A permit shall require payment of a fee, which shall be established by the Township Board.
2. **Applications.** Application for a sign permit shall be made upon forms provided by the Zoning Administrator. Where several signs are proposed for the same use, all such signs may be included in a single permit application. The following information shall be required:
  - a. Name, address, and telephone number of the applicant.
  - b. Location of the building, structure, or lot on which the sign is to be attached or erected.
  - c. Position of the sign in relation to nearby buildings, structures, property lines, and right-of-way lines.
  - d. A permit fee in an amount established by resolution of the Township Board.
  - e. Plans of the sign drawn to scale, accurately depicting the sign dimensions, height and location in relation to surrounding lot lines and public rights-of-way.
  - f. Identification of means of illumination of the sign, if any.
  - g. Copies of stress sheets and calculations, if deemed necessary, showing the structure as designed for dead load and wind pressure.
  - h. Name and address of the person, firm, or corporation owning, erecting, and maintaining the sign.

- i. Information concerning required electrical connections.
  - j. Insurance policy or bond, as required herein.
  - k. Written consent of the record owner of the property upon which the sign is proposed to be located, or other evidence that the applicant is entitled to erect and maintain the sign as proposed.
  - l. Other information required by the Zoning Administrator to make the determination that the sign is in compliance with all applicable laws and regulations.
3. Review of Application.
- a. *Planning Commission Review.* If proposed signs are illustrated on the plans for construction of a new building or addition to an existing building, then the signs shall be reviewed by the Planning Commission as a part of the required site plan review.
  - b. *Zoning Administrator Review.* The Zoning Administrator shall be responsible for review of all sign permit applications that are not reviewed by the Planning Commission, including for any sign proposed on a site or existing building where no other new construction is proposed.
  - c. *Approval of Application.* An application for a sign permit shall be approved if the application, plans and other supporting information are in conformance with the provisions of Section 11.
  - d. *Issuance of Permit.* Following review and approval of a sign application by the Planning Commission or Zoning Administrator, as appropriate, the Zoning Administrator shall have the authority to issue a sign permit.
4. Exceptions. A sign shall not be enlarged or relocated except in conformity with the provisions set forth herein for new signs, nor until a proper permit has been secured. However, a new permit shall not be required for ordinary servicing or repainting of an existing sign message, cleaning of a sign, or changing of the message on the sign where the sign is designed for such changes (such as, but not limited to, changeable copy on a marquee or monument sign). Furthermore, a permit shall not be required for certain exempt signs listed in Section 11.6(B).
5. Removal Agreement or Bond. The Zoning Administrator may require a performance guarantee to guarantee the future removal of a sign. All signs erected by a business must be removed within thirty (30) days if that business closes. Freestanding sign structures may remain in place, but must be fitted with a blank face or a real estate sign until put in use again by a new business.

#### **B. Inspection and Maintenance.**

1. Inspection of New Signs. All signs for which a permit has been issued shall be inspected by the Zoning Administrator when erected. Approval shall be granted only if the sign has been constructed in compliance with the approved plans and applicable Zoning Ordinance and Building Code standards.

In cases where fastenings or anchorages are to be eventually bricked in or otherwise enclosed, the sign erector shall advise the Zoning Administrator when such fastenings are to be installed so that inspection may be completed before enclosure.

2. Inspection of Existing Signs. The Zoning Administrator shall have the authority to routinely enter onto property to inspect existing signs. In conducting such inspections, the Zoning Administrator shall determine whether the sign is located in the permitted area, adequately supported, painted to prevent corrosion, and so secured to the building or other support as to safely bear the weight of the sign and pressure created by the wind.



3. **Removal of Unsafe or Unlawful Signs.** Signs that are unlawful or deemed to be unsafe by the Zoning Administrator shall be removed or made safe in conformity with the provisions of Section 11.
4. **Notice.**
  - a. When the whole or any part of a sign or sign structure is found to be in a dangerous or unsafe condition or otherwise not in compliance with this Ordinance, the Zoning Administrator shall then issue a notice of noncompliance.
  - b. Such notice shall be directed to the owner, agent or lessee if registered with the Zoning Administrator for that purpose. If no owner, agent or lessee has been registered, then such notice shall be directed to each owner of or party in interest in the property on which the sign is located in whose name that certain real property appears on the last local tax assessment records.

- C. **Removal of Obsolete Signs.** Any sign that no longer identifies a business that is in operation, or that identifies an activity or event that has already occurred shall be considered abandoned and shall be removed by the owner, agent, or person having use of the building or structure. Upon vacating a commercial or industrial establishment, the proprietor shall be responsible for removal of all signs used in conjunction with the business.

However, where a conforming sign structure and frame are typically reused by a current occupant in a leased or rented building, the building owner shall not be required to remove the sign structure and frame in the interim periods when the building is not occupied, provided that the sign structure and frame are maintained in good condition.

- D. **Nonconforming Signs.** No nonconforming sign shall be altered or reconstructed, unless the alteration or reconstruction is in compliance with Section 12.2 of this Ordinance, except that nonconforming signs shall comply with the following regulations:
1. **Repairs and Maintenance.** Normal maintenance shall be permitted, provided that any nonconforming sign that is destroyed by any means to an extent greater than fifty percent (50%) of the sign's pre-catastrophe fair market value, exclusive of the foundation, shall not be reconstructed. Normal maintenance shall include painting of chipped or faded signs; replacement of faded or damaged surface panels; or, repair or replacement of electrical wiring or electrical devices.
  2. **Nonconforming Changeable Copy Signs.** The message on a nonconforming changeable copy sign or nonconforming bulletin board sign may be changed provided that the change does not create any greater nonconformity.
  3. **Substitution.** No nonconforming sign shall be replaced with another nonconforming sign.
  4. **Modifications to the Principal Building.** Whenever the principal building on a site on which a nonconforming sign is located is modified to the extent that site plan review and approval is required, all nonconforming signs shall be removed.
- E. **Appeal to the Zoning Board of Appeals.** Any party who has been refused a sign permit for a proposed sign may file an appeal with the Zoning Board of Appeals, in accordance with Section 14.4 of this Ordinance. In determining whether a variance is appropriate, the Zoning Board of Appeals shall study the sign proposal, giving consideration to any extraordinary circumstances, such as those listed below, that would cause practical difficulty in complying with the sign standards. The presence of any of the circumstances listed may be sufficient to justify granting a variance; however, the Zoning Board of Appeals may decline to grant a variance even if certain of the circumstances are present.
1. Permitted signage could not be easily seen by passing motorists due to the configuration of existing buildings, trees, or other obstructions, which cannot be legally and/or practically removed.
  2. Permitted signage could not be seen by passing motorists in sufficient time to permit safe deceleration and exit. In determining whether such circumstances exist, the Zoning Board of Appeals shall consider the width of the road, the number of moving lanes, the volume of traffic, and speed limits.

3. Existing signs on nearby parcels would substantially reduce the visibility or advertising impact of a conforming sign on the subject parcel.
4. Construction of a conforming sign would require removal or severe alteration to natural features on the parcel, such as but not limited to removal of trees, alteration of the natural topography, filling of wetlands, or obstruction of a natural drainage course.
5. Construction of a conforming sign would obstruct the vision of motorists or otherwise endanger the health or safety of passers-by.
6. Variance from certain sign regulations would be offset by increased building setback, increased landscaping, or other such enhancements, so that the net effect is an improvement in appearance of the parcel, compared to the result that would be otherwise achieved with construction of a conforming sign.
7. A sign which exceeds the permitted height or area standards of the Ordinance would be more appropriate in scale because of the large size or frontage of the parcel or building or within a building setback significantly greater than required by ordinance.

## Section 11.6 General Provisions

- A. **Permitted Exempt Permanent Signs.** A sign permit shall not be required for the following permanent signs, which shall be permitted subject to applicable provisions herein:
1. Address numbers with a numeral height no greater than six (6) inches for residences and eighteen (18) inches for businesses.
  2. Memorial signs or tablets.
  3. Signs on a bus, truck, trailer, or other vehicle while operated and used for transport in the normal course of a business, provided that the primary use of the vehicle displaying the sign shall not be for the purpose of advertising a business on the premises where the vehicle is parked.
  4. Public signs, including the authorized signs of a government body or public utility, including traffic signs, legal notices, railroad crossing signs, warnings of a hazard, and similar signs.
  5. Flags bearing the official design of a nation, state, municipality, educational institution, or noncommercial organization.
  6. Incidental signs, provided that the total of all such signs shall not exceed four (4) square feet.
  7. Public and private traffic control signs which conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices.
  8. Permanent signs on vending machines, gas pumps, propane cages, and ice containers, which may indicate only the contents and brand of contents, provided that the sign area of each device shall not exceed four (4) square feet. One such sign shall be permitted on each face of the device.
  9. "Help wanted" signs soliciting employees for the place of business where posted, provided that the maximum area for all such signs shall be four (4) square feet.
  10. Any sign which is located completely within an enclosed building, and which is not visible from outside the building.
  11. Plaques or signs designating a building as a historic structure.
  12. "No Trespassing," "No Hunting," and "No Dumping" signs. Such signs shall not exceed two (2) sq. ft. in area and six (6) feet in height.
  13. Directional signs used to direct vehicular or pedestrian traffic to parking areas, loading areas, or to certain buildings or locations on the site, subject to the following conditions:

- a. A directional sign may display a logo, which shall not exceed one (1) square foot in area.
- b. Directional signs shall not exceed six (6) square feet in area, or four (4) feet in height.
- c. Directional signs may be located in the front setback area, provided they are set back at least fifteen (15) feet from the existing or planned right-of-way line.
- d. Such signs shall comply with the Unobstructed Sight Distance requirements, as specified in Section 4.6, to maintain visibility for drivers.

**B. Permitted Exempt Temporary Signs:** A sign permit shall not be required for the following temporary signs, which shall be permitted subject to applicable provisions herein:

- 1. **Construction Signs.** Temporary construction signs shall be subject to the requirements in the following chart:

Construction Sign Requirements	
<b>Maximum number of signs per parcel</b>	One (1) sign per road front of the development parcel
<b>Minimum setbacks</b>	Signs shall be located outside of any road right-of-way and corner clearance area, as defined and regulated by this Ordinance; and ten (10) feet from any side or rear lot boundary and the edge of pavement for any internal access drive.
<b>Maximum sign area</b>	32 square feet per sign
<b>Maximum sign height</b>	10 feet
<b>Method of illumination</b>	External light sources only
<b>Display period</b>	Signs may be erected following final site plan or final preliminary plat approval, and shall be removed within fourteen (14) calendar days after completion of the project's final phase, or upon expiration of site plan or permit approval.

- 2. **Temporary Window Signs.** Temporary window signs are permitted in the Business, Industrial, and Office districts, subject to the requirements in the following chart:

Temporary Window Sign Requirements	
<b>Maximum Coverage</b>	No more than ten percent (10%) of the total window area on the address side only.
<b>Permitted Location</b>	On ground floor windows on address side only.
<b>Method of Illumination</b>	Illumination not permitted.

- 3. **Other Temporary Signs.** Temporary signs not otherwise provided for in this subsection, including Noncommercial Message Signs, shall be subject to the following requirements:

- a. Maximum Height and Sign Area. Temporary signs shall comply with the maximum height and sign area requirements specified in the following chart:

Zoning Districts	Maximum Sign Height	Maximum Total Sign Area
<b>Agricultural District (AG)</b>	6 ft.	32 sq. ft.
<b>Residential Districts (R-1, R-2A, R-2B, R-3A, R-3B, R-4)</b>	5 ft.	16 sq. ft.
<b>Business Districts (B-4, B-5, B-7, OS)</b>	10 ft.	32 sq. ft.
<b>Other Districts (I-1, I-2, PUD)</b>	10 ft.	32 sq. ft.

- b. Minimum Setbacks. Temporary signs shall be located outside of any road right-of-way and corner clearance area, as defined and regulated by this Ordinance; and ten (10) feet from any side or rear lot boundary and the edge of pavement for any internal access drive.
- c. Off-premises Temporary Signs. A maximum of two (2) off-premises temporary signs shall be permitted accessory to a property offered for sale in the Township or accessory to an active farm operation in the Township that sells farm products at a lawfully-established roadside stand, or that operates a farm market or agri-tourism business, subject to the following requirements:
  - i. Such signs shall be located on private property, with permission of the property owner, that is within one (1) mile of the property posted for sale or the farm operation.
  - ii. Each such sign shall not exceed nine (9) square feet in area and six (6) feet in height.
  - iii. Such signs shall be located outside of any road right-of-way and corner clearance area, as defined and regulated by this Ordinance.
- d. Removal. Temporary signs shall be removed by the property or business owner, agent, or person responsible for creating or placing the sign on the lot within five (5) calendar days following completion or discontinuation of the event, action, or activity to which the sign pertains.

**C. Prohibited Signs.** The following signs are prohibited in all districts:

1. Any sign not expressly permitted.
2. Flashing signs.
3. Festoons, spinners, and streamers, unless specifically permitted elsewhere in Section 11.
4. String lights used for commercial purposes, other than holiday decorations.
5. Moving signs, including any sign which has any visible moving parts, visible revolving parts, visible mechanical movement, or other visible movement achieved by electrical, electronic, or mechanical means, including intermittent electric pulsations or movement caused by normal wind current or multi-vision signs, as defined herein.
6. Any sign or sign structure which:
  - a. Is structurally unsafe;
  - b. Constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment;
  - c. Is capable of causing electric shock to a person who comes in contact with it; or
  - d. Is not kept in good repair, such that it has broken parts, missing letters, or non-operational lights.
7. Any sign attached to a tree or utility pole, except signs of a government or utility.
8. Obsolete signs, as specified in Section 11.5(C).
9. Portable signs, except where expressly permitted in this Ordinance.
10. Any sign which obstructs free access to or egress from a required door, window, fire escape, or other required exit.

11. Any sign which makes use of the words "Stop", "Look", or "Danger", or any other words, phrases, symbols, or characters, in such a manner as to interfere with, mislead, or confuse traffic.
  12. Any sign containing obscene, indecent, or immoral matter.
  13. Any sign unlawfully installed, erected, or maintained.
  14. Roof signs.
  15. Signs on street furniture, such as benches and trash receptacles.
  16. Real estate signs no longer valid due to the sale, rental, or lease of the property.
  17. Video display signs.
  18. Any sign erected on any property, public or private, without the consent of the property owner.
  19. Signs on a parked bus, truck, trailer, or other vehicle, where the primary use of the vehicle is advertising a business.
- D. **Off-Premises Advertising Signs (Billboards).** Freestanding off-premises advertising signs shall be permitted in the I-1, Light Industrial District, and I-2, General Industrial District, subject to the following regulations:
1. Permit Required. A permit must be obtained from the Township prior to erecting an off-premises advertising sign.
  2. Maximum Size. Off-premises advertising signs shall not exceed three hundred (300) square feet in area per sign face.
  3. Maximum Height. Off-premises advertising signs shall not exceed twenty-five (25) feet in height, measured from grade level at the sign pedestal.
  4. Setbacks. Off-premises advertising signs shall comply with the following minimum setback requirements:
    - a. Off-premises advertising signs shall conform to the front, side, and rear setback requirements for the district in which they are located, except that, at the intersection of any state or federal highway with a major or minor street there shall be a minimum setback of one hundred (100) feet from the established right-of-way of each such highway or street.
    - b. Off-premises advertising signs shall be set back a minimum distance of two hundred fifty (250) feet from any residentially-zoned district.
  5. Distance from Other Signs.
    - a. There shall be a minimum distance of one thousand (1,000) feet between off-premises advertising signs, except that a sign utilizing a digital billboard permit issued by the state of Michigan shall not be closer than 1,750 feet to another sign utilizing a digital billboard permit on either side of the highway facing the same direction of oncoming traffic.
    - b. There shall be a minimum of one hundred (100) feet between any off-premises advertising sign and any other on-premises sign.
  6. Location.
    - a. Off-premises advertising signs shall not be located on or over the roofs of buildings.
    - b. An off-premises advertising sign shall not be placed on any lot that does not have a minimum width of five hundred (500) feet.

7. Electronic Display Signs. Electronic changeable copy, electronic graphic display, and tri-vision signs shall be permitted.
- E. **Signs for Religious Institutions, Other Institutional Buildings, and Public Buildings.** Signs for religious institutions, other institutional buildings, and public buildings shall be permitted subject to the same standards as other signs in the district in which the institution is located. However, a religious institution in a residential district may erect signs for the purposes of: identification of the religious institutions or affiliated school, parsonage, or other facility; advertising the time or subject of services; or, presenting other related information. Such signs shall be subject to the following standards:
1. Number. There shall be no more than one (1) sign per parcel, except on a corner parcel, two (2) signs; one (1) facing each street shall be permitted. One (1) additional sign shall be permitted for each school, parsonage, or other related facility.
  2. Size. The maximum size of each such sign shall be twenty-four (24) square feet.
  3. Location. Signs shall comply with the setback requirements for the district in which they are located.
  4. Height. The maximum height of such signs shall be six (6) feet.
  5. Electronic Display Technology. Electronic changeable copy and electronic graphic display may be permitted on freestanding signs.
- F. **Electronic Display Technology.** Electronic changeable copy and electronic graphic display technology is permitted on freestanding signs in office, commercial, and industrial districts, subject to the following regulations:
1. Message Frequency/Duration. Copy change shall not be more frequently than once per ten (10) seconds.
  2. Illumination. Glare shall be reduced/minimized in such a manner as to maintain an appropriate level of contrast during the day and an automatic dimmer shall be required to control brightness at night, reduce drive distraction and light trespass into residential areas. A photometric plan which identifies the proposed illumination levels (in foot-candles) shall be provided. Illumination levels shall not exceed 0.3 foot-candles over ambient light levels measured at a distance of 150 feet for those sign faces less than or equal to three hundred (300) square feet.
  3. Area. An electronic changeable copy or electronic graphic display area shall not exceed more than 80% of the actual sign area of any ground sign face.
  4. Integration into Sign. The electronic changeable copy or electronic graphic display areas on ground signs shall be part of the same sign face as a ground sign without electronic display technology and shall be integrated into the face of such sign by use of a border or similar design treatment that provides a visual linkage to the remainder of the sign.
  5. Motion, Animation and Video. Video display, animation, scrolling text, flashing, whirling or dissolving transitions, or any other type of motion associated with an electronic sign shall be prohibited.
- G. **Entranceway Signs.** Entranceway signs are permitted for the purposes of identifying the entrances to residential subdivisions or condominium developments, apartment complexes, mobile home parks, industrial subdivisions or condominium developments, office parks, and similar developments. Such signs shall comply with the following regulations:
1. Maximum Sign Size. Entranceway signs may not exceed forty-eight (48) square feet in area except for multi-tenant business parks, where entranceway signs may be up to one hundred (100) sq. ft. in size. However, the structure on which the sign is mounted may exceed forty-eight (48) square feet.
  2. Height. Maximum sign height: 6 ft. Maximum structure height: 8 ft.
  3. Minimum Setback. No part of an entranceway sign shall be located in the road right-of-way, except

that entranceway island signs may be located in the road right-of-way subject to compliance with the regulations in paragraph 6, following.

4. Easement Required. If sign is on private property, evidence of an easement must be submitted.
  5. Type of sign permitted: Ground sign only.
  6. Entryway Island Option. An entranceway sign may be located on a landscaped entranceway island, provided that:
    - a. The nearest edge of the sign must be set back a minimum of ten (10) feet from the right-of-way of the intersecting street.
    - b. Such signs shall comply with the requirements related to Unobstructed Sight Distance in Section 4.6, to maintain visibility for drivers.
    - c. If sign is in the road right-of-way, then a copy of the permit from the Isabella County Road Commission must be submitted.
  7. Number. One (1) entranceway sign is permitted per major point of entry.
- H. **Community Organization Signs**. Signs that identify local service clubs, fraternal and veterans' organizations, and religious institutions by name or logo and address shall be permitted in any B-4, B-5, B-7, I-1 or I-2 district, subject to the following requirements:
1. Dimensions. The maximum area of any such sign is one hundred (100) square feet and the maximum height is ten (10) feet.
  2. Application. Any service club, fraternal or veterans' organization, or religious institution may apply for such a sign. The applicant shall notify in writing all service clubs, fraternal and veterans' organizations, and religious institutions in Union Township, including any incorporated areas, to extend an opportunity to have their name or logo placed on the sign. Sixty (60) days after notification, the applicant shall provide the Zoning Administrator with a drawing of the proposed sign and a list of the names and addresses of all organizations notified.
  3. The sign may be composed of individual elements provided by each organization. Lettering shall be uniform.
  4. Space shall be set aside for future organizations.
  5. No slogans, mottos, or products shall be placed on the sign.
  6. Maintenance. The agency applying for the sign shall be responsible for maintenance of the sign, providing space for new organizations to be placed on the sign, and administration of any leases and fees.

## Section 11.7 Sign Design Standards

### A. Construction Standards.

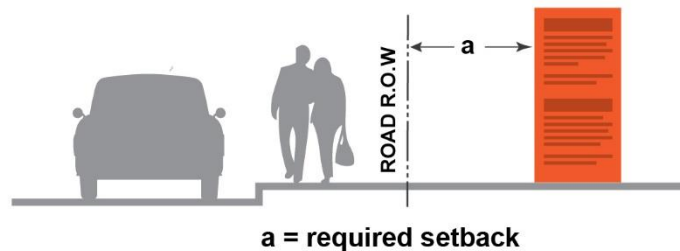
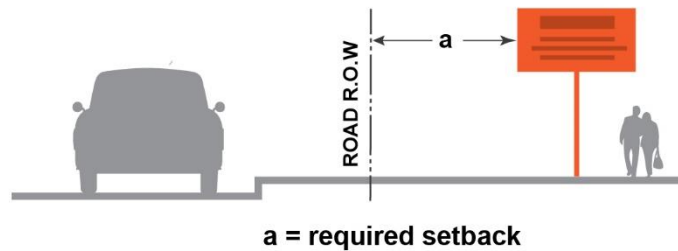
1. General Requirements. All signs shall be designed and constructed in a safe and stable manner in accordance with the Township's Building Code and electrical code. All electrical wiring associated with a freestanding sign shall be installed underground.
2. Building Code. All signs shall be designed to comply with minimum wind pressure and other requirements set forth in the Building Code.
3. Framework. All signs shall be designed so that the supporting framework, other than the supporting poles on a freestanding sign, is contained within or behind the face of the sign or within the building to which it is attached so as to be totally screened from view.

**B. Illumination.**

1. General Requirements. Signs shall be illuminated only by steady, stationary, shielded light sources directed solely at the sign, or internal to it. Temporary signs may be externally illuminated. Permanent signs may be internally or externally illuminated, except where prohibited in Section 11.
2. Non-Glare, Shielded Lighting. Use of glaring undiffused lights or bulbs shall be prohibited. The source of illumination shall not be visible, shall be fully shielded, and shall cause no glare hazardous to pedestrians, motorists or adjacent residential uses or districts.
3. Bare Bulb Illumination. Illumination by bare bulbs or flames is prohibited, except that bare bulbs are permitted on electronic changeable copy signs and theatre marquees.

**C. Location.**

1. Within a Public Right-of-Way. No sign shall be located within, project into, or overhang a public right-of-way, except as otherwise permitted herein.
2. Compliance with Setback Requirements. All signs shall comply with the setback requirements for the district in which they are located (as set forth in Sections 11.8 through 11.13), except as otherwise specified herein.



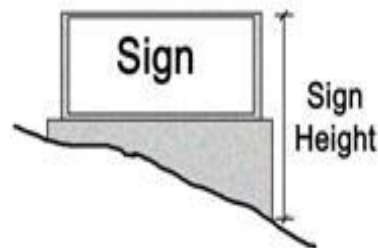
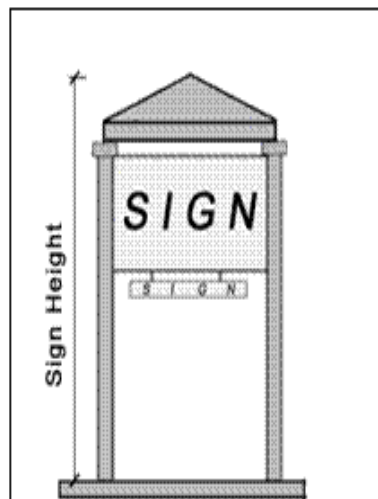
3. Sight Lines for Motorists. Signs shall comply with the requirements for unobstructed motorist visibility in Section 7.4.

**D. Measurement.**

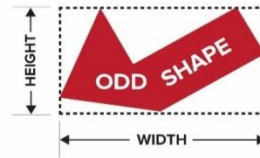
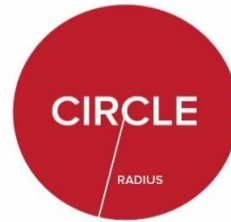
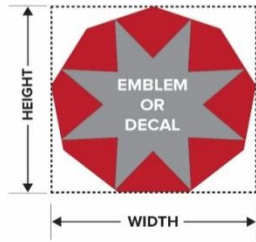
1. Sign Area. Sign area shall be computed as follows (see illustration):
  - a. General Requirements. Where a sign consists of a generally flat surface or sign face on which lettering and other information is affixed, the sign area shall be computed by measuring the entire face of the sign.



- b. *Individual Letters.* Where a sign consists of individual letters and logo affixed directly to a building, the area of the sign shall be computed by measuring the area of the envelope required to enclose the lettering and logo.
  - c. *Freestanding Sign.* The area of a double-faced freestanding sign shall be computed using only one (1) face of the sign provided that: 1) the outline and dimensions of both faces are identical, and 2) the faces are back-to-back so that only one face is visible at any given time.
  - d. *Ground Sign.* The area of a ground sign shall be computed by measuring the entire vertical surface of a face upon which the letters and logo are attached. In the case of a multi-faced ground sign, the area of the sign shall be computed using only one face of the sign.
  - e. *Cylindrical Sign.* The area of a cylindrical ground sign shall be computed by multiplying the diameter of the cylinder by its height.
2. **Setback and Distance Measurements.** The following guidelines shall be used to determine compliance with setback and distance measurements:
- a. *Distance between Two Signs.* The distance between two signs shall be measured along a straight horizontal line that represents the shortest distance between the two signs.
  - b. *Distance between Sign and Parking Lot or Building.* The distance between a sign and a parking lot or building shall be measured along a straight horizontal line that represents the shortest distance between the outer edge of the parking lot or building and the sign.
  - c. *Distance between Sign and Property Line.* The distance between a sign and a property line shall be measured along a straight horizontal line that represents the shortest distance between the sign and the property line.



**Sign Height**



### COMPUTATION OF SIGN AREA

## Section 11.8 Signs Permitted in Agricultural Districts on Lots Over Ten (10) Acres

A. Signs listed in the chart that follows are permitted in Agricultural Districts on lots over ten (10) acres in size, subject to the following requirements:

1. Requirements for Permanent Signs that Require a Permit. The total maximum area of all permanent signs that require a permit is sixteen (16) square feet.
2. Required Setbacks. Signs in the Agricultural District shall be set back a minimum distance of ten (10) feet from the road right-of-way line and shall be no closer than thirty (30) feet to the side property lines, unless otherwise specified.
3. Illumination. Sign illumination is not permitted in the Agricultural District except for signs for religious institutions, other institutional buildings, and public buildings.
4. Sign Area on Corner Lots. Buildings on corner lots are considered to have two (2) front faces. One (1) additional wall sign shall be permitted on the non-address face of the building. The area of the additional sign shall be fifty percent (50%) or less in area of the front-facing wall signage.

<b>SIGNS PERMITTED IN AGRICULTURAL DISTRICTS ON LOTS OVER TEN (10) ACRES</b>	
<b>Type of Sign</b>	<b>Sign Specifications</b>
<b>PERMANENT SIGNS – PERMIT REQUIRED</b>	
<b>Wall Sign</b>	Maximum Area: 8 sq. ft. Maximum Ht.: Height of the wall or 5 ft. below the eave, not to exceed 25 ft. Maximum Projection: 6 inches Maximum No.: 1
<b>Suspended</b>	Maximum Area: 4 sq. ft. Maximum Ht.: Height of the wall or 5 ft. below the eave, not to exceed 25 ft. Minimum Distance Underneath: 8 ft.
<b>Entranceway Sign</b>	See Section 11.6(G)
<b>Freestanding or Ground</b>	Maximum Area: 12 sq. ft. Maximum Ht.: 6 ft. Maximum No.: 1
<b>Signs for Religious Institutions, Other Institutional Buildings, and Public Buildings</b>	See Section 11.6(E)
<b>PERMANENT SIGNS – PERMIT NOT REQUIRED</b>	
<b>Courtesy Signs</b>	Maximum Area: 2 sq. ft. Maximum Ht.: 6 ft. Maximum Projection: 3 inches
<b>Directional Signs</b>	Maximum Area: 2 sq. ft. Maximum Ht.: 6 ft. Maximum Projection: 3 inches
<b>Public Interest Signs</b>	Maximum Area: 4 sq. ft. Maximum Ht.: 6 ft. Maximum Projection: 3 inches
<b>TEMPORARY SIGNS – SEE SECTION 11.6(B)</b>	

## Section 11.9 Signs Permitted in Agricultural Districts on Lots Ten (10) Acres or Smaller

A. Signs listed in the chart that follows are permitted in Agricultural Districts on lots ten (10) acres in size or smaller, subject to the following requirements:

1. Requirements for Permanent Signs that Require a Permit. The total maximum area of all permanent signs that require a permit is eight (8) square feet.

2. Required Setbacks. Signs in the Agricultural District shall be set back a minimum distance of ten (10) feet from the road right-of-way line and shall be no closer than thirty (30) feet to the side property lines, unless otherwise specified.
3. Illumination. Sign illumination is not permitted in the Agricultural District except for signs for religious institutions, other institutional buildings, and public buildings.
4. Sign Area on Corner Lots. Buildings on corner lots are considered to have two (2) front faces. One (1) additional wall sign shall be permitted on the non-address face of the building. The area of the additional sign shall be fifty percent (50%) or less in area of the front-facing wall signage.

<b>SIGNS PERMITTED IN AGRICULTURAL DISTRICTS ON LOTS TEN (10) ACRES OR SMALLER</b>	
<b>Type of Sign</b>	<b>Sign Specifications</b>
<b>PERMANENT SIGNS – PERMIT REQUIRED</b>	
<b>Wall Sign</b>	Maximum Area: 4 sq. ft. Maximum Ht.: Height of the wall or 5 ft. below the eave, not to exceed 25 ft. Maximum Projection: 6 inches Maximum No.: 1
<b>Entranceway Sign</b>	See Section 11.6(G)
<b>Freestanding or Ground</b>	Maximum Area: 4 sq. ft. Maximum Ht.: 4 ft. Maximum Projection: 3 inches Maximum No.: 1
<b>Signs for Religious Institutions, Other Institutional Buildings, and Public Buildings</b>	See Section 11.6(E)
<b>PERMANENT SIGNS – PERMIT NOT REQUIRED</b>	
<b>Courtesy Signs</b>	Maximum Area: 2 sq. ft. Maximum Ht.: 6 ft. Maximum Projection: 3 inches
<b>Directional Signs</b>	Maximum Area: 2 sq. ft. Maximum Ht.: 6 ft. Maximum Projection: 3 inches
<b>Public Interest Signs</b>	Maximum Area: 4 sq. ft. Maximum Ht.: 6 ft. Maximum Projection: 3 inches
<b>TEMPORARY SIGNS – SEE SECTION 11.6(B)</b>	

## Section 11.10 Signs Permitted in Residential Districts

- A. Signs listed in the chart that follows are permitted in residential districts, including the R-1, Rural Residential District, R-2A, One- and Two-Family, Low-Density Residential District, R-2B, One- and Two-Family, Medium-Density Residential District, R-3A, Multiple-Family Residential District, and R-3B, Medium-Density, Multiple-Family Residential District, subject to the following requirements (see Section 3.11 for sign requirements for the R-4, Mobile Home Park District):
1. Requirements for Permanent Signs that Require a Permit. The total maximum area of all permanent signs that require a permit is twelve (12) square feet.
  2. Number of Permanent Signs Permitted. Only one (1) wall or one (1) freestanding sign is permitted in residential districts.
  3. Required Setbacks. Signs in the residential districts shall be set back a minimum distance of ten (10) feet from the road right-of-way line and shall be no closer than thirty (30) feet to the side property lines, unless otherwise specified.
  4. Illumination. Sign illumination is not permitted in the residential districts except for signs for religious institutions, other institutional buildings, and public buildings.
  5. Sign Area on Corner Lots. Buildings on corner lots are considered to have two (2) front faces. One (1) additional wall sign shall be permitted on the non-address face of the building. The area of the additional sign shall be fifty percent (50%) or less in area of the front-facing wall signage.

<b>SIGNS PERMITTED IN RESIDENTIAL DISTRICTS</b>	
<b>Type of Sign</b>	<b>Sign Specifications</b>
<b>PERMANENT SIGNS – PERMIT REQUIRED</b>	
<b>Wall Sign</b>	Maximum Area: 2 sq. ft. Maximum Ht.: Height of the wall or 5 ft. below the eave, not to exceed 25 ft. Maximum Projection: 3 inches
<b>Entranceway Sign</b>	See Section 11.6(G)
<b>Freestanding or Ground</b>	Maximum Area: 2 sq. ft. Maximum Ht.: 4 ft. Maximum Projection: 6 inches
<b>Signs for Religious Institutions, Other Institutional Buildings, and Public Buildings</b>	See Section 11.6(E)
<b>PERMANENT SIGNS – PERMIT NOT REQUIRED</b>	
<b>Courtesy Signs</b>	Maximum Area: 2 sq. ft. Maximum Ht.: 6 ft. Maximum Projection: 3 inches
<b>Directional Signs</b>	Maximum Area: 2 sq. ft. Maximum Ht.: 6 ft. Maximum Projection: 3 inches
<b>Public Interest Signs</b>	Maximum Area: 4 sq. ft. Maximum Ht.: 6 ft. Maximum Projection: 3 inches
<b>TEMPORARY SIGNS – SEE SECTION 11.6(B)</b>	

## Section 11.11 Signs Permitted in Business Districts

- A. Signs listed in this section are permitted in business districts, including the B-4, General Business District, B-5, Highway Business District, and B-7, Retail and Service Highway Business District, subject to the following requirements:
1. Number of Permanent Signs Permitted. A maximum of two (2) wall signs and one (1) freestanding sign are permitted in the business districts.

2. Additional Sign on Corner Lots. Buildings on corner lots are considered to have two (2) front faces. One (1) additional wall sign shall be permitted on the non-address face of the building. The maximum area of the additional sign shall be fifty percent (50%) of the area of the front-facing wall sign.
3. Rear or Side Entrance Wall Signage. Where a public entrance to a business is also provided in the rear or at the side of the building from an adjoining off-street parking area, one (1) additional wall sign shall be permitted. The maximum area of the additional sign shall be fifty percent (50%) of the area of the front-facing wall sign.
4. Required Setbacks. Signs in the residential districts shall be set back a minimum distance of ten (10) feet from the road right-of-way line and shall be no closer than twenty (20) feet to the side property lines, unless otherwise specified.
5. Illumination. Direct and internal sign illumination is permitted in the business districts.
6. Signs for Religious Institutions, Other Institutional Buildings, and Public Buildings. See Section 11.6(E).
7. Ground Sign Bonus. Where a ground sign is installed in lieu of an elevated freestanding sign, the applicant shall be entitled to an additional thirty-two (32) sq. ft. of signage, subject to the following requirements:
  - a. One (1) additional wall sign up to thirty-two (32) sq. ft. in area may be permitted.
  - b. Alternatively, the thirty-two (32) sq. ft. may be allocated among all permanent wall signs.

**B. Building-Mounted Signs**

Building-Mounted Sign Requirements in Business Districts						
	Wall Signs for a Single Business	Wall Signs for Integrated Groups of Businesses	Projecting Signs	Awning or Canopy Signs	Marquee Signs	Suspended Signs
Permit required?	Yes	Yes	Yes	Yes	Yes	Yes
Illumination permitted	Direct or internal	Direct or internal	Direct or internal	Direct or internal	Direct or internal	Direct or internal
Maximum sign area	1 sq. ft. per lineal foot of building width	1 sq. ft. per lineal foot of building width occupied by each business	50 sq. ft.	25 sq. ft.	12 sq. ft.	15 sq. ft.
Maximum Height	Height of the wall or 5 ft. below the eave					
Maximum number	1 in front; on corner lots 1 additional; plus 1 additional for a side or rear entrance		1	1	1	1
Maximum projection	6 in.	6 in.	48 in.	48 in.	48 in.	Not applicable
Minimum distance underneath	Not applicable	Not applicable	8 ft.	8 ft.	8 ft.	8 ft.

**C. Freestanding and Ground Signs**

Freestanding and Ground Sign Requirements in Business Districts		
	Freestanding or Ground Signs for a Single Business	Freestanding or Ground Signs for Integrated Group of Businesses
Permit Required?	Yes	Yes
Illumination permitted	Direct or internal	Direct or internal
Maximum sign area	0.5 sq. ft. per lineal foot of lot frontage	0.5 sq. ft. per lineal foot of lot frontage
Maximum number of signs per lot	1 in front; on corner lots 1 additional sign	1 in front; on corner lots 1 additional sign
Maximum sign height	Elevated: 18 ft.; Ground: 8 ft.	Elevated: 18 ft.; Ground: 8 ft.
Minimum setback from right-of-way	10 ft.	10 ft.
Minimum side setback	20 ft.	20 ft.
Ground Sign Bonus	See Section 11.11(A)(7)	See Section 11.11(A)(7)

#### D. Additional Permitted Signs

Additional Signs Permitted in Business Districts			
	Courtesy Signs	Directional Signs	Public Interest Signs
Permit required?	No	No	No
Illumination permitted	As needed	As needed	As needed
Maximum sign area	4 sq. ft. per sign	4 sq. ft. per sign	4 sq. ft. per sign
Maximum number of signs per lot	Minimum number required to achieve sign purpose.		
Maximum sign height	6 ft.	6 ft.	6 ft.
Minimum setbacks	Must be located outside of road right-of-way and corner clearance area and at least ten (10) feet from any side or rear lot line.		

### Section 11.12 Signs Permitted in Industrial Districts

- A. Signs listed in the chart that follows are permitted in industrial districts, including the I-1, Light Industrial District, and I-2, General Industrial District, subject to the following requirements:
1. Number of Permanent Signs Permitted. A maximum of two (2) wall or freestanding signs are permitted in the industrial districts, in combinations of two (2) wall signs, or one (1) wall sign and one (1) freestanding sign.
  2. Additional Sign on Corner Lots. Buildings on corner lots are considered to have two (2) front faces. One (1) additional wall sign shall be permitted on the non-address face of the building. The maximum area of the additional sign shall be fifty percent (50%) of the area of the front-facing wall sign.
  3. Rear or Side Entrance Wall Signage. Where a public entrance to a business is also provided in the rear or at the side of the building from an adjoining off-street parking area, one (1) additional wall sign shall be permitted. The maximum area of the additional sign shall be fifty percent (50%) of the area of the front-facing wall sign.
  4. Required Setbacks. Signs in the residential districts shall be set back a minimum distance of ten (10) feet from the road right-of-way line and shall be no closer than thirty (30) feet to the side property lines, unless otherwise specified.
  5. Illumination. Direct and internal sign illumination is permitted in the industrial districts.

6. Industrial Park Identification Sign. Industrial parks shall be permitted entranceway signage, which shall meet the requirements of Section 11.6(G).
7. Signs for Religious Institutions, Other Institutional Buildings, and Public Buildings. See Section 11.6(E).

### B. Building-Mounted Signs

Building-Mounted Sign Requirements in Industrial Districts			
	Wall Signs	Projected Wall Signs	Awning or Canopy Signs
Permit required?	Yes	Yes	Yes
Illumination permitted	Direct or internal	Direct or internal	Direct or internal
Maximum sign area	1 sq. ft. per lineal foot of building width	60 sq. ft.	1 sq. ft. per lineal foot of building width (considered a wall sign)
Maximum number	1 in front; on corner lots 1 additional; plus 1 additional for a side or rear entrance	1	1
Maximum Height	Height of the wall or 5 ft. below the eave		
Maximum projection	6 in.	6 in.	48 in.
Minimum distance underneath	Not applicable	8 ft.	8 ft.

### C. Freestanding and Ground Signs

Freestanding and Ground Sign Requirements in Industrial Districts		
	Freestanding or Ground Signs	Billboards
Permit Required?	Yes	Yes
Illumination permitted	Direct or internal	See Section 11.6(D)
Maximum sign area	0.5 sq. ft. per lineal foot of lot frontage	
Maximum number of signs per lot	1 in front; on corner lots 1 additional sign	
Maximum sign height	Elevated: 18 ft.; Ground: 8 ft.	
Minimum setback from right-of-way	10 ft.	
Minimum side setback	20 ft.	

### D. Additional Permitted Signs

Additional Signs Permitted in Industrial Districts			
	Courtesy Signs	Directional Signs	Public Interest Signs
Permit required?	No	No	No
Illumination permitted	As needed	As needed	As needed
Maximum sign area	4 sq. ft. per sign	4 sq. ft. per sign	4 sq. ft. per sign
Maximum number of signs per lot	Minimum number required to achieve sign purpose.		
Maximum sign height	6 ft.	6 ft.	6 ft.
Minimum setbacks	Must be located outside of road right-of-way and corner clearance area and at least ten (10) feet from any side or rear lot line.		



## Section 11.13 Signs Permitted in Office Service District

- A. Signs listed in the chart that follows are permitted in OS, Office Service District, subject to the following requirements:
1. Number of Permanent Signs Permitted. A maximum of two (2) wall signs and one (1) freestanding sign are permitted in the Office Service District.
  2. Additional Sign on Corner Lots. Buildings on corner lots are considered to have two (2) front faces. One (1) additional wall sign shall be permitted on the non-address face of the building. The area of the additional sign shall be fifty percent (50%) or less in area of the front-facing wall signage.
  3. Rear or Side Entrance Wall Signage. Where a public entrance to a business is also provided in the rear or at the side of the building from an adjoining off-street parking area, one (1) additional wall sign shall be permitted. The area of the additional sign shall be fifty percent (50%) or less in area of the front-facing wall signage.
  4. Required Setbacks. Signs in the residential districts shall be set back a minimum distance of ten (10) feet from the road right-of-way line and shall be no closer than twenty (20) feet to the side property lines, unless otherwise specified.
  5. Illumination. Freestanding ground signs may be internally illuminated. Wall signs may not be illuminated.
  6. Signs for Religious Institutions, Other Institutional Buildings, and Public Buildings. See Section 11.6(E).
  7. Ground Sign Bonus. Where a ground sign is installed in lieu of an elevated freestanding sign, the applicant shall be entitled to an additional thirty-two (32) sq. ft. of signage, subject to the following requirements:
    - a. One (1) additional wall sign up to thirty-two (32) sq. ft. in area may be permitted.
    - b. Alternatively, the thirty-two (32) sq. ft. may be allocated among all permanent wall signs.

### B. Building-Mounted Signs

Building-Mounted Sign Requirements in Office Service Districts				
	Wall Signs for a Single Tenant Building	Wall Signs for Multi-Tenant Building	Projecting Signs	Awning or Canopy Signs
Permit required?	Yes	Yes	Yes	Yes
Illumination permitted	Direct or internal	Direct or internal	Direct or internal	Direct or internal
Maximum sign area	1 sq. ft. per lineal foot of building width	1 sq. ft. per lineal foot of building width	25 sq. ft.	25 sq. ft.
Maximum Height	Height of the wall or 5 ft. below the eave			
Maximum number	1 in front; on corner lots 1 additional; plus 1 additional for a side or rear entrance		1	1
Maximum projection	6 in.	6 in.	48 in.	48 in.
Minimum distance underneath	Not applicable	Not applicable	8 ft.	8 ft.

## C. Freestanding and Ground Signs

Freestanding and Ground Sign Requirements in Office Service Districts		
	Freestanding or Ground Signs for a Single Tenant Building	Freestanding or Ground Signs for Multi-Tenant Building
Permit Required?	Yes	Yes
Illumination permitted	Direct or internal	Direct or internal
Maximum sign area	0.5 sq. ft. per lineal foot of lot frontage	0.5 sq. ft. per lineal foot of lot frontage
Maximum number of signs per lot	1 in front; on corner lots 1 additional sign	1 in front; on corner lots 1 additional sign
Maximum sign height	Elevated: 18 ft.; Ground: 8 ft.	Elevated: 18 ft.; Ground: 8 ft.
Minimum setback from right-of-way	10 ft.	10 ft.
Minimum side setback	20 ft.	20 ft.
Ground Sign Bonus	See Section 11.13(A)(7)	See Section 11.13(A)(7)

## D. Additional Permitted Signs

Additional Signs Permitted in Office Service Districts			
	Courtesy Signs	Directional Signs	Public Interest Signs
Permit required?	No	No	No
Illumination permitted	As needed	As needed	As needed
Maximum sign area	4 sq. ft. per sign	4 sq. ft. per sign	4 sq. ft. per sign
Maximum number of signs per lot	Minimum number required to achieve sign purpose.		
Maximum sign height	6 ft.	6 ft.	6 ft.
Minimum setbacks	Must be located outside of road right-of-way and corner clearance area and at least ten (10) feet from any side or rear lot line.		

## Section 12 Nonconformities

### Section 12.1 Intent

Nonconformities are uses, structures, buildings, or lots that do not conform to one or more requirements of this Ordinance or a subsequent amendment, but which were lawfully established prior to the time of adoption of the Ordinance or amendment. Nonconformities are generally not compatible with the current or intended use of land in the district in which they are located. Therefore, it is the intent of this Ordinance to permit such nonconformities to continue under certain conditions, but to discourage their expansion, enlargement, or extension. Accordingly, the purpose of Section 12 is to establish regulations that govern the completion, restoration, reconstruction, extension, and/or substitution of nonconformities, and to specify the circumstances and conditions under which nonconformities shall be permitted to continue.

### Section 12.2 General Requirements

The following regulations shall apply to all nonconforming uses, structures, and lots:

- A. **Continuation of Nonconforming Uses and Structures.** Any lawful nonconforming use existing on the effective date of this Ordinance or amendment thereto may be continued and shall not be considered to be in violation of this Ordinance, provided that (unless otherwise noted in Section 12) the use shall not be enlarged or extended to occupy a greater area of land, nor moved in whole or in part to another portion of the lot.

Any lawful building or structure existing on the effective date of this Ordinance or amendment thereto may be continued and shall not be considered in violation of this Ordinance, provided that (unless otherwise noted in Section 12) the building and land involved shall not be structurally altered, enlarged, or moved unless such modifications conform to the provisions of this Ordinance for the district in which it is located.

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an official charged with protecting the public safety, upon order of such official.

- B. **Buildings Under Construction.** To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been diligently carried on. "Actual construction" is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has begun preparatory to rebuilding, such work shall be deemed to be actual construction, provided that such work shall be diligently carried on until completion of the building involved.

**C. Discontinuation of Nonconforming Uses.**

1. Nonconforming Uses of a Structure. When a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned for twelve (12) consecutive months without a present intention to reinstate the nonconforming use, the structure (or structure and land in combination) shall not thereafter be used except in conformance with the provisions of the district in which it is located.
2. Nonconforming Uses of Open Land. If any nonconforming use of open land ceases for any reason for a period of more than one hundred eighty (180) days, any subsequent use of such land shall conform to the provisions set forth of the district in which it is located.
3. Seasonal Uses. In applying this sub-section to seasonal uses, the time during the off-season shall not be counted.

**D. Purchase or Condemnation.** In order to accomplish the elimination of nonconforming uses and structures which constitute a nuisance or are detrimental to the public health, safety and welfare, Union Township may acquire, by purchase, condemnation or otherwise, private property for the purpose of removal of nonconforming uses pursuant to Section 208(3) of Public Act 110 of 2006, as amended.

**E. Recording of Nonconforming Uses and Structures.** The Zoning Administrator shall be responsible for maintaining records of nonconforming uses and structures as accurately as is feasible, and for determining legal nonconforming uses and structures in existence on the effective date of this Ordinance. Failure on the part of a property owner to provide the Zoning Administrator with necessary information to determine legal nonconforming status may result in denial of required or requested permits.

**F. Establishment of a Conforming Use or Structure.** In the event that a nonconforming principal use or structure is superseded by a conforming principal use or structure on a site, the nonconforming use or structure shall be immediately and permanently removed from the site.

**G. Change of Tenancy or Ownership.** In the event there is a change in tenancy, ownership, or management, an existing nonconforming use or structure shall be allowed to continue provided there is no change in the nature or character of such nonconformity.

**H. Variances.** Any building, structure, lot or site for which a variance has been granted as provided in this Ordinance shall not be deemed a nonconformity.

**I. Unlawful Nonconformities.** No nonconformity shall be permitted to continue in existence if it was unlawful at the time it was established.

**J. Nonconforming Single-Family Uses.** Notwithstanding the limitations outlined in Section 12, any structure used for single family residential purposes and maintained as a nonconforming use may be enlarged or replaced with a similar structure of a larger size, so long as the enlargement or replacement does not create new nonconformities or increase the extent of existing nonconformities with respect to such matters as setback and parking requirements.

**K. Substitution.** A nonconforming use may be changed to another nonconforming use upon approval of the Zoning Board of Appeals provided that no structural alterations are required to accommodate the new nonconforming use, and that the proposed use is equally or more appropriate in the district than the existing nonconformity. In permitting such a change, the Zoning Board of Appeals may require conditions to accomplish the purposes of this Ordinance.

**L. Change of Location.** Should a nonconforming structure be moved to another parcel or to another location on the same parcel for any reason whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

### Section 12.3 Nonconforming Lots of Record

The following regulations shall apply to any nonconforming lot of record or nonconforming lot described in a deed or land contract executed and delivered prior to the effective date of this Ordinance or amendment thereto:

- A. **Use of Nonconforming Lots.** Any nonconforming lot shall be used only for a use permitted in the district in which it is located. Notwithstanding limitations imposed by other provisions of this Ordinance, a permitted use may be erected on any single lot of record in existence at the effective date of adoption or amendment thereto. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, provided that the lot can be developed as proposed without any significant adverse impact on surrounding properties or the public health, safety, and welfare.
- B. **Variances from Area and Setback Requirements.** If the use of nonconforming lot requires one or more variances from the area and/or setback requirements, then such use shall be permitted only if the variances are granted by the Zoning Board of Appeals.
- C. **Nonconforming Contiguous Lots Under the Same Ownership.** If two or more lots with contiguous frontage in single ownership are of record at the time of adoption or amendment of this Ordinance, and if all or part of the individual lots do not meet the requirements established for lot width and area, the lots involved shall be considered to be an individual parcel for the purposes of this Ordinance. No portion of said parcel shall be used, occupied, or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of a parcel be made which creates a lot with width or area less than the requirements stated in this Ordinance. These provisions shall not apply to contiguous lots in single ownership where each of the lots is occupied by an existing home.
- D. **Combination of Nonconforming Lots.** The Township Assessor may permit the combination, in whole or in part, of nonconforming lots of record into building sites less than the size requirements established by this Ordinance, provided that the combination of lots reduces the degree of nonconformity and results in a parcel which is capable of accommodating a structure that is in conformance with the area and setback requirements of this Ordinance.

**Section 12.4 Modifications to Nonconforming Uses or Structures**

No nonconforming use or structure shall be enlarged, extended, or structurally altered, nor shall any nonconformity be changed to a different nonconformity which increases the intensity of use or nonconformity, except as permitted in this Section.

- A. **Applicability.** The following regulations shall apply to any nonconforming use or structure, including:
  - 1. Nonconforming uses of open land.
  - 2. Nonconforming use of buildings designed for a conforming use.
  - 3. Nonconforming use of buildings specifically designed for the type of use which occupies them but not suitable for a conforming use.
  - 4. Buildings designed and used for a conforming use but not in conformance with area and bulk, parking, loading, or landscaping requirements.
  - 5. Nonconforming structures, such as fences and signs.
- B. **Enlargement, Extension, or Alteration.**
  - 1. Increase in Nonconformity Prohibited. Except as specifically provided in this section, no person may engage in any activity that causes an increase in the extent of any nonconformity. For example, physical alteration of structures or the placement of new structures on open land is unlawful if such activity results in:
    - a. An increase in the total amount of space devoted to a nonconforming use, or
    - b. Greater nonconformity with respect to dimensional restrictions, such as setback requirements, height limitations, density requirements, or other requirements in the district in which the property is located.

2. Permitted Extension. Any nonconforming use may be extended throughout any part of a building which was manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building. No nonconforming use of land shall be enlarged, increased, or extended to occupy a greater area of land, nor shall any such use be moved in whole or in part to any portion of the lot or parcel than was occupied on the effective date of this Ordinance or amendment thereto.
3. Alterations that Decrease Nonconformity. Any nonconforming structure or any structure or portion thereof containing a nonconforming use, may be altered if such alteration serves to decrease the nonconforming nature of the structure or use. The Zoning Board of Appeals shall determine if a proposed alteration will decrease the degree of nonconformity.
4. Variance to Area and Bulk Requirements. If a proposed alteration is deemed reasonable by the Zoning Board of Appeals by virtue of the fact that it would decrease the nonconforming nature of a structure or use, but such alteration requires a variance from the area or bulk requirements, then such alteration shall be permitted only if a variance is granted by the Zoning Board of Appeals.

**C. Repairs, Improvements, and Modernization.**

1. Required Repairs. Repairs or maintenance deemed necessary by the Zoning Administrator to keep a nonconforming building structurally safe and sound are permitted. However, if a nonconforming structure or a structure containing a nonconforming use becomes physically unsafe and/or unlawful due to lack of maintenance and repairs and is declared as such by the Zoning Administrator, it shall not thereafter be restored, repaired, or rebuilt except in full conformity with the regulations in the district in which it is located.
2. Additional Permitted Improvements. Additional repairs, improvements, or modernization of nonconforming structures, beyond what is required to maintain the safety and soundness of the structure, shall be permitted provided such repairs or improvements do not exceed fifty percent (50%) of the assessed value of the structure during any period of twelve (12) consecutive months. Any such repairs, improvements, and modernization shall not result in enlargement of the cubic content of the nonconforming structure. The provisions in this paragraph shall apply to all structures except as otherwise provided in this Section for single-family residential uses and for reconstruction of structures damaged by fire or other catastrophe.

- D. Damage by Fire or Other Catastrophe.** Any nonconforming structure or structure housing a nonconforming use that is damaged by fire, flood, or other means in excess of seventy-five percent (75%) of the structure's pre-catastrophe fair market value (as determined by the Township Assessor) shall not be rebuilt, repaired, or reconstructed, except in complete conformity with the provisions of this Ordinance. Single-family residences may be restored according to the provisions of Section 12.2, sub-section J.

In the event that the damage is less than seventy-five percent (75%) of the structure's pre-catastrophe fair market value, the structure may be restored to its pre-catastrophe status. Such restoration shall take place only upon approval of the Zoning Board of Appeals and in full compliance with applicable provisions of this Ordinance.

## Section 12.5 Nonconforming Sites

The purpose of this Section is to encourage improvements to existing sites in the Township that were developed before the site design requirements of this Ordinance were established or amended. This Section establishes requirements for prioritizing improvements to existing nonconforming sites that are intended to gradually bring the site into compliance with current Ordinance requirements. Nonconforming sites may be improved or modified without a complete upgrade of all site elements, subject to the following conditions:

- A. A nonconforming site shall not be improved or modified in a manner that increases its nonconformity.
- B. The proposed site improvements shall address public health, safety, and welfare by resolving public safety deficiencies and pedestrian/vehicle conflicts and improving emergency access.
- C. The proposed site improvements shall include at least three (3) of the following, as accepted by the Planning Commission:
  1. Preservation of natural resources or historical site features.

2. Pedestrian access improvements.
  3. Vehicular access and circulation improvements.
  4. Building design or exterior facade improvements.
  5. Off-street parking or loading improvements.
  6. Landscaping improvements.
  7. Screening and buffering improvements.
  8. Exterior lighting improvements.
  9. Drainage and stormwater management improvements.
  10. Clean up or restoration of a blighted site, removal of contaminated soil, or similar environmental improvements.
- D. The scope of any additional site improvements requested by the Planning Commission shall be in reasonable proportion to the scale and construction cost of proposed building improvements, expansions, or other improvements.
- E. A reasonable timeline for completion of site improvements to an existing nonconforming site may be approved as part of any plan approval. Failure to complete improvements in accordance with an approved timeline shall be deemed a violation of this Ordinance.

## Section 13 Administrative Organization

### Section 13.1 Overview

The Township Board of Trustees and its duly authorized representatives as specified in this Article are charged with the duty of enforcing the provisions of this Ordinance. Accordingly, the administration of this Ordinance is hereby vested in the following Township entities:

- A. **Township Board of Trustees**
- B. **Township Planning Commission**
- C. **Zoning Board of Appeals**
- D. **Zoning Enforcement Officials, Including the Zoning Administrator and Township Planner**

The purpose of this part of the Zoning Ordinance is to set forth the responsibilities and scope of authority of these entities.

### Section 13.2 Township Board of Trustees

The Township Board of Trustees shall have the following responsibilities and authority pursuant to this Ordinance.

- A. **Adoption of Zoning Ordinance and Amendments.** In accordance with the intent and purposes expressed in the Preamble to this Ordinance, and pursuant to the authority conferred by Michigan Public Act 110 of 2006, as amended, the Township Board of Trustees shall have the authority to adopt this Ordinance, as well as amendments previously considered by the Planning Commission or at a hearing or as decreed by a court of competent jurisdiction.
- B. **Review and Approval of Plans.**
  - 1. Township Board review and approval shall be required for all Special Uses, in accordance with Section 14.3.
  - 2. Township Board review and approval shall be required for all Planned Unit Developments, in accordance with Section 3.18.
- C. **Setting of Fees.** In accordance with Section 14.1 of this Ordinance and Section 406 of Michigan Public Act 110 of 2006, as amended, the Township Board shall have the authority to set all fees for permits, applications, and requests for action pursuant to the regulations set forth in this Ordinance. In the absence of specific action taken by the Township Board to set a fee for a specific permit or application, the appropriate Township administrative official shall assess the fee based on the estimated costs of processing and reviewing the permit or application.
- D. **Approval of Planning Commission and Zoning Board of Appeals Members.** In accordance with Michigan Public Act 33 of 2008, as amended, members of the Planning Commission, and in accordance with Michigan Public Act 110 of 2006, as amended, members of the Zoning Board of Appeals shall be appointed by the Township Supervisor with the approval of the Township Board.

### Section 13.3 Township Planning Commission

The Township Planning Commission shall have the following responsibilities and authority pursuant to this Ordinance.

- A. **Creation.** The Township Planning Commission is created pursuant to Michigan Public Act 33 of 2008, as amended, the Michigan Planning Enabling Act, and Township Ordinance 2011-01.
- B. **Membership and Operation.** Members of the Planning Commission shall be appointed by the Township Supervisor with the approval of the Township Board of Trustees. The qualifications of members, the term of each member, filling of vacancies, removal of members, compensation of members, and operation of the Planning Commission shall be in accordance with Michigan Public Act 33 of 2008, as amended, and Township Ordinance 2011.01.



The Planning Commission by resolution shall determine the time and place of meetings. A special meeting may be called by either two (2) members upon written request to the secretary, or by the chairperson. The Planning Commission shall adopt rules for the transaction of business, and shall keep a public record of its resolutions, transactions, findings, and determinations.

- C. **Jurisdiction.** The Planning Commission shall discharge the following duties pursuant to this Ordinance:
1. Formulation of Zoning Ordinance and Amendments. The Planning Commission shall be responsible for formulation of the Zoning Ordinance, review of amendments to the Zoning Ordinance, holding hearings on a proposed Zoning Ordinance or amendments, and reporting its findings and recommendations concerning the Zoning Ordinance or amendments to the Township Board of Trustees.
  2. Site Plan Review. The Planning Commission shall be responsible for review of applications for site plan approval in accordance with Section 14.2.
  3. Special Use Review. The Planning Commission shall be responsible for holding hearings and review of all applications for special use approval in accordance with Section 14.3 and making a recommendation to the Township Board to grant approval, approval subject to revisions, or denial of approval.
  4. Planned Unit Development Review. The Planning Commission shall be responsible for holding hearings and review of all applications for Planned Unit Development in accordance with Section 3.18. The Planning Commission shall be responsible for making a recommendation to the Township Board of Trustees to grant approval, approval with conditions, or denial of a Planned Unit Development proposal.
  5. Formulation of a Master Plan. The Planning Commission shall be responsible for formulation and adoption of a master plan to guide for the development of the Township, in accordance with Michigan Public Act 33 of 2008, as amended.
  6. Review of Matters Referred by the Township Board. The Planning Commission shall be responsible for review of plats or other matters relating to land development referred to it by the Township Board of Trustees. The Planning Commission shall recommend appropriate regulations and action on such matters.
  7. Report on Operation of the Zoning Ordinance. In accordance with Section 308(2) of Michigan Public Act 110 of 2006, as amended, the Planning Commission shall periodically prepare for the Township Board of Trustees a report on the operations of the Zoning Ordinance including recommendations as to the enactment of amendments or supplements to the Ordinance.

### Section 13.4 Zoning Board of Appeals

The Township Zoning Board of Appeals (hereinafter referred to as "ZBA") is created pursuant to Michigan Public Act 110 of 2006, as amended.

- A. **Membership and Operation.** The ZBA shall consist of five (5) members who shall be appointed in accordance with Section 601(3) of Michigan Public Act 110 of 2006, as amended, as follows:
1. The first member shall be a member of the Planning Commission.
  2. The remaining members (including any alternate members) shall be electors of the Township residing outside of incorporated cities and villages and shall be representative of the population distribution and of the various interests present in the Township.
  3. No employee or contractor of the Township may be a member or employee of the Board of Appeals. No elected officer of the Township may serve as chairperson of the Board of Appeals.
  4. The qualifications of members, the term of each member, filling of vacancies, compensation of members, and operation of the ZBA shall be in accordance with Act 110. The ZBA shall not conduct business unless a majority of the members of the Board are present.

5. The Township Board may appoint up to 2 alternate members for the same term as regular members to the ZBA. An alternate member may be called to serve as a member of the ZBA in the absence of a regular member if the regular member will be unable to attend one (1) or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the ZBA.
- B. **Meetings.** Meetings of the ZBA shall be held in accordance with an adopted schedule, or at the call of the Chairperson, or at such other times as the ZBA may specify in its rules and procedures. The ZBA shall state the grounds of each determination, and shall maintain a record of its proceedings, which shall be filed in the office of the Township Clerk.
  - C. **Removal of Members.** A member of the ZBA may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.
  - D. **Jurisdiction.** The ZBA shall have the authority outlined in Section 14.4.

### Section 13.5 Enforcement Officials

- A. **Overview.** As specified throughout this Ordinance, certain actions necessary for the implementation of this Ordinance shall be administered by the Zoning Administrator, the Township Planner, and other Township administrative officials, or their duly authorized assistants or representatives. In carrying out their designated duties, all such enforcement officers shall administer the Ordinance precisely as it is written and shall not make changes or vary the terms of the Ordinance. The positions of Zoning Administrator and Township Planner may be filled by one person.
- B. **Responsibilities of the Zoning Administrator.** In addition to specific responsibilities outlined elsewhere in this Ordinance, the Zoning Administrator or his/her duly authorized assistants shall have the following responsibilities:
  1. Provide citizens and public officials with information relative to this Ordinance and related matters.
  2. Assist applicants in determining and completing appropriate forms and procedures related to site plan review, special use, rezoning, and other zoning matters.
  3. Review and investigate permit applications to determine compliance with the provisions of the Zoning Ordinance.
  4. Issue zoning permits upon compliance with provisions of this Ordinance and other applicable ordinances.
  5. Perform inspections of buildings, structures, and premises to ensure proposed land use changes or improvements are and will remain in compliance with this Ordinance.
  6. Investigate alleged violations of this Ordinance and enforce appropriate corrective measures when required, including issuance of violation notices, issuance of orders to stop work, and revoking of permits.
  7. Perform other related duties required to administer this Ordinance.
- C. **Responsibilities of the Township Planner.** In addition to specific responsibilities outlined elsewhere in this Ordinance, upon request from the Township Board or other authorized Township body or official, the Township Planner or his/her duly authorized assistants shall have the following responsibilities:
  1. Prepare and administer such plans and ordinances as are appropriate for the Township and its environs, within the scope of the Michigan planning and zoning enabling acts.

2. Advise and assist the Planning Commission and be responsible for carrying out the directives of the Planning Commission.
3. Advise and assist the Township Board and be responsible for carrying out the directives of the Township Board.
4. Provide citizens and public officials with information relative to this Ordinance and related matters.
5. Assist applicants in determining the appropriate forms and procedures related to site plan review, rezoning, and other zoning and planning matters.
6. Prepare and forward to the Planning Commission reviews of all applications for site plan review, special use review, planned unit development proposals, petitions for amendments to this Ordinance, and other applications which must be acted upon by the Planning Commission.
7. When requested, prepare and forward to the Zoning Board of Appeals reviews of all applications for appeals, variances, or other matters on which the Zoning Board of Appeals is required to act.
8. Forward to the Township Board all recommendations of the Planning Commission concerning matters on which the Township Board is required to take final action.
9. Maintain up-to-date Zoning Map and Zoning Ordinance text amendments.
10. Maintain records as accurately as is feasible of all nonconforming uses, structures, and lots existing on the effective date of this Ordinance and update this record as conditions affecting the nonconforming status of such uses.
11. Review all applications for site plan review, special use review, planned unit development proposals, and take any action required under the guidelines in Section 14.
12. At the request of the Planning Commission or Township Board, draft amendments to the Zoning Ordinance and other ordinances to accomplish the planning objectives of the Township.
13. Perform other related duties required to administer this Ordinance and further the goals of the Master Plan.

## Section 14 Administrative Procedures

### Section 14.1 Permits and Fees

#### A. Zoning Permit.

No building, structure, or any part thereof, shall be erected, raised, moved, reconstructed, extended, or enlarged without first applying for and obtaining a Zoning Permit from the Zoning Administrator. The purpose of a Zoning Permit is to determine that the intended use is within the proper zoning district and that there has been full compliance with the requirements specified for the district. Zoning Permits are subject to the following requirements:

1. Application Requirements. Every application for a Zoning Permit shall be accompanied by two (2) sets of plans showing the following information, at minimum: the shape and dimensions of the lot to be built upon, the exact locations, sizes and heights of existing buildings and structures, the locations, sizes and heights of proposed buildings and structures, the existing and intended use of each building, the number of units contained in proposed residential buildings, and other information required to determine compliance with Ordinance requirements.
2. Sanitary Sewage Disposal. Where sanitary sewage disposal is required, the sewage disposal system must be approved by the Central Michigan District Health Department prior to issuance of a Zoning or Building Permit for a new building or change of use of an existing building.
3. Issuance of a Permit. The Zoning Administrator shall satisfy him/herself that the plan is in complete compliance with Ordinance requirements prior to issuing a Zoning Permit. Once a Permit has been approved, one set of the plans shall be returned to the applicant along with the permit. Permits are nontransferable and shall expire one (1) year from the date of issuance.
4. Exception. A Zoning Permit shall not be required for an accessory building or portable structure that is less than two hundred (200) square feet in size or less than one thousand dollars (\$1,000) in value, provided that the building or structure complies with the setback and height requirements for the district in which it is located.

#### B. Grading Permit.

It shall be unlawful to change the grade of land so as to affect the drainage or change the drainage pattern of any land or part thereof, without first obtaining a grading permit in accordance with the applicable requirements of Section 7.18.

#### C. Temporary Use Permits.

The following temporary uses are permitted upon applying for and obtaining a Temporary Use Permit from the Zoning Administrator as regulated herein (see also Section 7.12 for additional temporary use regulations):

1. Temporary Living or Working Quarters. An individual travel trailer, mobile home, or motor home may be used as temporary living or working quarters in an AG, Agricultural District for up to one (1) year while a dwelling or other structure is being constructed on the premises. Said approval shall apply to the designated site only, and no such temporary facility shall be parked in a required front yard.
2. Travel Trailer or Motor Home for Recreational Purposes. An individual travel trailer or motor home may be used as a temporary dwelling for up to sixty (60) days for recreational purposes only.
3. Subdivision Sales Office. A building in a new subdivision may be used as a sales and management office for the sale of dwelling units within the subdivision for a period of up to one (1) year. See also, Section 6.60, Model Homes.
4. Basement/Cellar Dwellings. Basement or cellar dwellings intended for occupancy during construction of a permanent dwelling above may be permitted for a period of up to one (1) year on any lot in the AG, Agricultural District, subject to obtaining an Occupancy Permit from the Building Official and compliance with sanitary sewage disposal regulations of the Central Michigan District Health Department. Such permits may be renewed only upon evidence being presented of

consistent progress toward completion of a permanent dwelling on the lot on which the basement or cellar dwelling is located.

5. Additional Temporary Use Permit Regulations.

- a. Temporary dwellings must have a proper means of sanitary sewage disposal that has been approved by the Central Michigan District Health Department.
- b. Temporary buildings or facilities shall comply with the required setbacks for the district in which they are located.
- c. Driveways providing access to temporary buildings or facilities shall not encroach on adjoining land.
- d. Temporary use permits are nontransferable.
- e. The use of travel trailers or mobile homes, when properly permitted for a temporary use, shall not require skirting, pads, runners or piers.

6. Temporary Use Permit Application. The written application for a temporary use permit shall include the following:

- a. A statement of the purpose of the temporary use.
- b. A statement specifying the anticipated duration of the temporary use.
- c. Written permission from the landowner, if different from the applicant.

D. **Building Permit Required.**

Review of projects subject to building permit requirements shall be reviewed for compliance with this Ordinance prior to the erection, alteration, expansion, demolition or removal of any building or structure regulated by this Ordinance; prior to the establishment of a new use, whether the land is currently vacant or if a change in land use is proposed; and prior to any change in use of an existing building or structure to a different class or type.

E. **Certificate of Occupancy Required.**

A Certificate of Occupancy shall be required prior to occupancy or use of any land, building or structure. The following guidelines shall apply to Certificates of Occupancy:

1. General Requirements.

- a. *Purpose.* The purpose of a Certificate of Occupancy is to permit the occupancy or use of land, buildings, or structures, upon making the determination that the provisions of this Ordinance have been complied with and that all outstanding fees have been paid.
- b. *Certificates for New and Existing Buildings.* Certificates of Occupancy shall be issued for new or existing buildings or structures, or parts thereof, or existing or new uses of land if, after inspection, the Zoning Administrator finds that any alterations, extensions, repairs, or new construction have been completed in conformity with the provisions of this Ordinance, that the proposed occupancy is fully in compliance with this Ordinance, and that the applicant has submitted an updated mortgage survey.
- c. *Temporary Certificates.* A temporary Certificate of Occupancy may be issued for a portion of a building or structure prior to occupancy of the entire building or structure, provided that such portion of the building, structure, or premises is in conformity with the provisions of this Ordinance, and provided further that no threat to public safety exists. The Zoning Administrator may require that a performance guarantee be provided in accordance with Section 7-20 as a condition of obtaining a temporary Certificate. The date of expiration shall be indicated on the temporary Certificate; failure to obtain a final Certificate of Occupancy within the specified time shall constitute a violation of this Ordinance, subject to the penalties set forth in Section 15-3.

- d. *Certificates for Accessory Buildings to Dwellings.* Buildings and structures that are accessory to a dwelling shall not require a separate Certificate of Occupancy, but may be included in the Certificate of Occupancy for the principal use on the same parcel, provided the accessory buildings or uses are shown on the plot plan and are completed at the same time as the principal use.
  2. Period of Validity. A final Certificate of Occupancy shall remain in effect for the life of the building or structure, or part thereof, or use of the land, until the use of the building, structure, or land changes. A change of use shall require a new Certificate of Occupancy.
  3. Records of Certificates. A record of all Certificates of Occupancy shall be kept at the Township Hall. Copies of such Certificates shall be furnished upon request to a person or persons having a propriety or tenancy interest in the property.
  4. Zoning Administrator Authorization. The Zoning Administrator shall authorize zoning compliance for a Certificate of Occupancy upon finding that the building or structure, or part thereof, of the use of land is in conformance with the provisions of this Ordinance. If the Zoning Administrator denies zoning authorization of a Certificate, the Building Official and applicant shall be notified in writing of the reasons for denial.
- F. Filing Fees and Escrow Deposits.**  
The following requirements apply to filing fees and escrow deposits:

1. General Requirements. All applications shall be accompanied by a nonrefundable filing fee which shall be established by resolution of the Township Board, in accordance with Section 406 of Public Act 110 of 2006, as amended. This filing fee may include a deposit toward the costs of preparation, publication, and mailing of any required public hearing notices, and the costs of any professional consultations determined by the Planning Commission, Zoning Board of Appeals, or Township Planner to be necessary for reviewing the application, such as consulting planning services, consulting engineering services, legal services, court reporting services, or similar services. The Township Board, by resolution, may establish requirements for submittal of a refundable escrow deposit toward the costs of these services. The filing fee and deposit shall be paid before the approval process begins. Upon notification of deficient payment of fees, administrative officials charged with enforcement of the Ordinance shall suspend further review of the application.  
  
Any deposit toward the cost of any consultants shall be credited against the expense to the Township of such consultants, which shall be fully charged to the applicant. Any portion of the deposit not needed to pay such expense shall be refunded without interest to the applicant within thirty (30) days of final action on the application.
2. Schedule of Fees and Deposit Requirements. A schedule of the current filing fees and deposit requirements shall be made available at the Township Hall.
3. Performance Guarantee. The assessment and payment of application fees does not affect the requirements for a performance guarantee as specified in Section 14.9.
4. Fee Waived for Municipal Department. There shall be no fee in the case of application filed in the public interest by a municipal department or Township Official.

## Section 14.2 Site Plan Review

### A. Purpose and Scope.

The purposes of this Section are to establish uniform requirements of procedure for review of site plans for new development in the Township; to confirm compliance with this Ordinance and other Township ordinances prior to the start of construction; and to ensure that development in the Township is consistent with the adopted policies of the Township's Master Plan.

### B. Authority.

Flexible standards have been established to ensure that the type of review and amount of required information is proportional to the project's scale and intensity. The Planning Commission shall have the authority to review and take action on preliminary site plan and final site plan applications and the Zoning

Administrator shall have authority to review and take action on minor site plan applications, all in accordance with this Section and Ordinance.

1. Preliminary site plan. Requirements for a preliminary site plan are intended to allow for review of the general character of the proposed use(s), general site layout, and location of structures and other site improvements; and to confirm that the overall development can conform to Ordinance requirements.
2. Final site plan. A final site plan is a set of engineering, architectural, and/or landscape design drawings that satisfy all applicable requirements of this Ordinance and outside agencies with jurisdiction, which are prepared by registered design professionals based on an approved preliminary site plan and depict all planned building, pedestrian access, parking, grading, drainage, infrastructure, exterior lighting, and other site improvement details for a given lot and development project.
3. Minor site plan. The reduced information requirements for a minor site plan submittal, as specified in Section 14.2(P) (Required Site Plan Information), are intended to allow for administrative review of a limited range of low intensity projects that do not include significant engineering or design details.

**C. Site Plan Approval Required.**

No permits shall be issued, no construction of or addition to any structure shall take place, and no land use for which site plan approval is required shall be established or expanded until all required site plans have been approved in accordance with this Section and Ordinance. Except as permitted in accordance with this Section, no grading, grubbing, cutting of trees or other vegetation, excavation, landfilling, or construction of improvements shall commence for any development for which site plan approval is required until all required site plans have been approved in accordance with the following:

Site Plan Approval Required	Type of Approval Required			
	Preliminary Site Plan	Final Site Plan	Minor Site Plan	Exempt
Adult foster care large group homes, group child day care homes, and home-based limited businesses subject to special use permit approval in the zoning district per Section 3.			✓	
All other land uses subject to special use permit approval in the zoning district, and all land uses for which site plan approval is otherwise required by provisions of this Ordinance.	✓	✓		
Farm-based tourism and entertainment activities (agri-tourism), public stables, permanent auction facilities, and religious institutions as allowed in the Agricultural (AG) District per Section 3.	✓	✓		
Private off-road courses as allowed in the Agricultural (AG) District per Section 3.			✓	
Customary agricultural operations, private stables, and greenhouses as allowed in the Agricultural (AG) and Rural Residential (R-1) zoning districts per Section 3, provided that the structures and improvements shall conform to all applicable Ordinance standards.				✓
Construction, relocation or alteration of a two family (duplex) dwelling, detached single family dwelling or customary accessory structures on a single lot, provided that the structures and improvements shall conform to all applicable Ordinance standards.				✓
Home occupations that conform to the requirements of Section 6.19.				✓
Family day care homes, adult foster care family homes and small group homes, and child foster family homes and family group homes, as licensed by the State of Michigan.				✓
Multiple-family residential buildings and uses, independent or dependent senior housing, assisted living facilities, nursing homes; homes for the aged, and religious institutions as allowed in the Residential Districts per Section 3.	✓	✓		

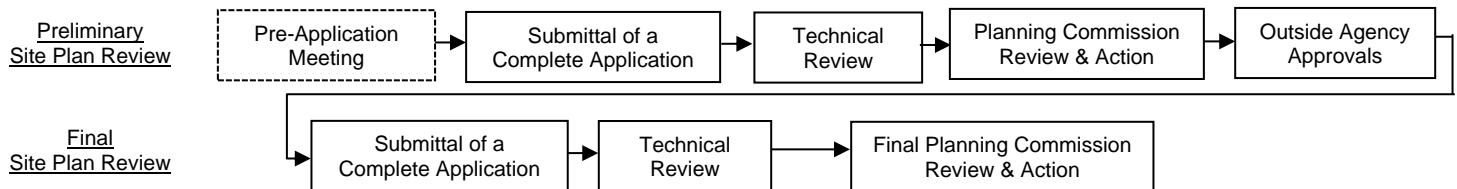
Site Plan Approval Required	Type of Approval Required			
	Preliminary Site Plan	Final Site Plan	Minor Site Plan	Exempt
All land uses allowed in the Business Districts and Industrial Districts per Section 3.	✓	✓		
All planned unit development (PUD) projects, as approved by the Township Board in accordance with Section 3.18.	✓	✓		
Construction or expansion of buildings, equipment storage yards, and associated above-ground site improvements occupied by or intended for occupancy by essential services in any zoning district.	✓	✓		
The improvement, expansion, extension or abandonment of public or private overhead or underground utility lines or easements.				✓
Any development which would, if approved, provide for the establishment of more than one principal use or building on a lot.	✓	✓		
Establishment or alteration of a condominium subdivision of an existing building into separate units in accordance with the Condominium Act and Section 5.1 of this Ordinance provided that no new construction or alteration of existing buildings or site improvements are proposed or required, and compliance with the requirements and standards of this Ordinance will not be affected.			✓	
Establishment or alteration of any other condominium subdivision in accordance with the Condominium Act and Section 5.1.	✓	✓		
A change in use for an existing multiple-family, mixed use or non-residential building where the Zoning Administrator has determined that no new construction or alteration of the building or site improvements are required and compliance with the requirements and standards of this Ordinance will not be affected.			✓	
Any other change in use for an existing multiple-family, mixed use or non-residential building.	✓	✓		
Expansion of an existing multiple-family, mixed use or non-residential principal building of up to ten percent (10%) of the gross floor area, and any alterations that affect the exterior appearance, pedestrian access or function of the building without a floor area increase.			✓	
Expansion of an existing multiple-family, mixed use or non-residential principal building exceeding ten percent (10%) of the gross floor area.	✓	✓		
Relocation of a multiple-family, mixed use or non-residential building.	✓	✓		
Establishment or alteration of a multiple-family, mixed use or non-residential accessory use or structure where the Zoning Administrator has determined that compliance with the requirements and standards of this Ordinance will not be affected.			✓	
Any other establishment or alteration of any other multiple-family, mixed use or non-residential accessory use or structure,	✓	✓		
Expansion of any multiple-family, mixed use or non-residential off-street parking facility by up to 2,750 square feet.			✓	
Expansion of any multiple-family, mixed use or non-residential off-street parking facility exceeding 2,750 square feet.	✓	✓		
Construction, extension or alteration of a private road, as authorized by Ord. No. 2009-09, that is located outside of a subdivision plat.	✓	✓		
Incidental changes during construction due to unanticipated site constraints or outside agency requirements, and minor landscaping changes or species substitutions, consistent with an approved final site plan.			✓	



Site Plan Approval Required	Type of Approval Required			
	Preliminary Site Plan	Final Site Plan	Minor Site Plan	Exempt
Incidental building modifications that do not significantly alter the facade, height or floor area of a multiple-family, mixed use or non-residential building.			✓	
Changes to a site required to comply with State Construction Code requirements.			✓	
Sidewalk or pedestrian pathway construction, or barrier-free improvements.			✓	
Construction of fences, exterior lighting improvements, or installation of screening around a waste receptacle, mechanical unit or similar equipment for a multiple-family, mixed use or non-residential use.			✓	
Re-occupancy of an existing multiple-family, mixed use or non-residential building that has been vacant for more than 365 calendar days, provided that no variances to the requirements of this Ordinance are required and the proposed use will be conducted within a completely enclosed building, and will not require access changes or other substantial modifications to the existing site.			✓	

1. Extraction operations. For extraction operations as authorized under the Township's Extraction Ordinance No. 20-01, Planning Commission approval of an Extraction Permit and associated mining and reclamation plans shall also constitute site plan approval for the use under this Ordinance.
2. Mobile home parks. Construction, expansion or alteration of a mobile housing park shall be subject to preliminary plan approval in accordance with Section 3.12 and the procedures and standards established under Section 11 of the Mobile Home Commission Act (Public Act 96 of 1987, as amended), as summarized below:
  - a. The preliminary plan shall include the location, layout, general design, and general description of the project. The preliminary plan shall not include detailed construction plans.
  - b. In preparing the preliminary plan and when reviewing the plan, the developer and Planning Commission shall generally follow the review procedure outlined in this Section for preliminary site plan approval, where applicable, except where pre-empted by requirements of the Mobile Home Commission Act or Manufactured Housing Rules.
  - c. Pursuant to Section 11 of the Mobile Home Commission Act, the Planning Commission shall take action on the preliminary plan within 60 days after the Township officially receives the plan.

**D. Summary of the Site Plan Review Processes.**



**NOTE:** Applicant may combine preliminary and Final Site Plan Review, per Section 14.2(M).

**E. Fees.**

The Township Board shall from time to time establish, by resolution, fees and escrow deposits for review of site plan applications. Required fees and escrow deposits shall be paid to the Township at the time of the filing of the application. No action shall be taken on any application for which required fees have not been paid in full.

**F. Pre-application Meeting.**

An applicant may request a pre-application meeting with the Township Planner and Zoning Administrator for the purpose of discussing conceptual plans, submittal requirements, review procedures, and approval standards. Any required fee for this meeting shall be paid to the Township at the time of the meeting. Conceptual plan comments shall be advisory only.

**G. Application Information.**

The following minimum information shall be required with any application for site plan approval:

1. The name, address, and contact information for the applicant, and the applicant's legal interest in the property. If the applicant is not the owner, the name, address, and contact information for the owner(s) and the signed consent of the owner(s) shall also be required.
2. Signature(s) of the applicant(s) and owner(s), certifying the accuracy of the information.
3. A legal description of the property, including street address(es) and tax code number(s).
4. A description of the proposed use.
5. A site plan meeting the minimum information requirements of subsection 14.02(P) for a preliminary, final or minor site plan, as applicable to the project and application.

**H. Preliminary and Final Site Plan Review Procedure.**

Applications for preliminary site plan and final site plan approvals shall be submitted and reviewed in accordance with the following:

1. Eligibility for review. With the exception of a combined preliminary-final site plan approval application as allowed per subsection 14.2(M), a final site plan application shall not be accepted by the Township without valid prior approval of a preliminary site plan for the same project.
2. Submittal of a complete application. Each preliminary or final site plan application shall be made by filing one (1) completed and signed copy of the required application form, the required fee and any required escrow deposit, one (1) large (up to 24-inch by 36-inch maximum) printed site plan set, and eleven (11) paper copies and one (1) digital copy in .PDF format of the complete set of application materials and reduced 11-inch by 17-inch site plan sets at the Union Township Hall.
3. Technical review. Prior to Planning Commission consideration, the application materials and site plan shall be distributed to the Township Planner for review and comment. The Township Planner or Planning Commission may also request comments from other Township departments, consultants or outside agencies with jurisdiction. Applications that are found by the Township to be incomplete or inaccurate shall be returned to the applicant without further consideration.
4. Planning Commission review and action. The Planning Commission shall review the application materials and site plan, together with any reports and recommendations. The Planning Commission shall identify and evaluate all relevant factors, and shall then take action by motion to approve the site plan, to approve the site plan with conditions, to deny the site plan application, or to postpone further consideration of the site plan application to a date certain, as follows:
  - a. *Approval.* The site plan shall be approved by the Planning Commission upon determination that:
    - i. All required information for the type of site plan has been provided per subsection 14.2(P);
    - ii. The site plan satisfies the applicable standards for site plan approval per subsection 14.2(S); and
    - iii. The site plan conforms to all other applicable requirements and standards of this Ordinance and other Township ordinances, and is consistent with the policies of the Master Plan and other adopted Township planning documents.

- b. *Conditional Approval.* The Planning Commission may approve the site plan subject to any conditions necessary to address necessary modifications; ensure that public services and facilities can accommodate the proposed use; protect significant natural resources or site features; ensure compatibility with adjacent land uses; or otherwise meet the intent and purposes of this Ordinance.
- c. *Postponement.* Upon determination by the Planning Commission that the site plan is not sufficiently complete for approval or denial, failure of the applicant to attend the meeting, or upon request by the applicant, the Planning Commission may postpone until a date certain further consideration of the site plan.
- d. *Denial.* Upon determination that the site plan does not comply with applicable requirements and standards of this Ordinance and other Township ordinances, or would require extensive revisions to comply with such requirements, the site plan shall be denied. Failure of the applicant or agent to attend two (2) or more meetings shall also be grounds for the Planning Commission to deny site plan approval. If the site plan is denied, a written record shall be provided to the applicant listing the findings of fact and conclusions or reasons for denial.

**I. Recording of Planning Commission Action.**

Planning Commission action on the preliminary or final site plan shall be recorded in the Planning Commission meeting minutes, stating the name and location of the project, most recent plan revision date, findings of fact and conclusions or grounds for the Planning Commission’s action, and any conditions of approval. After the Commission has taken action on the site plan, the Planning Commission Chair or Secretary shall mark copies of the site plan approved or denied as appropriate, with the date that action was taken and any conditions of approval. The Chair or Secretary and the applicant shall also sign copies of the site plan. Marked and signed copies shall be provided to the applicant and to the Township Planner.

**J. Effect of Preliminary Site Plan Approval.**

Approval of a preliminary site plan by the Planning Commission shall indicate its general acceptance of the proposed layout of buildings, streets, drives, parking areas, and other facilities and areas in accordance with the standards for preliminary site plan approval specified in subsection 14.2(S). The Planning Commission may, at its discretion and with appropriate conditions attached, authorize limited work to begin for soils exploration, incidental site clearing, and other preliminary site work as specified in the authorization. At a minimum, the required conditions for any authorization shall include compliance with all applicable Township and outside agency permitting requirements, measures to control erosion, exemption of the Township from any liability if a final site plan is not approved, and submittal of an acceptable performance guarantee for site restoration if work does not proceed to completion.

**K. Outside Agency Approvals.**

The applicant shall be responsible for obtaining all necessary permits or approvals from applicable outside agencies, prior to final site plan approval.

**L. Effect of Final Site Plan Approval.**

Approval of a final site plan by the Planning Commission constitutes the final zoning approval for the project and allows for issuance of a building permit to begin site work or construction, provided all other construction and engineering requirements have been met. Final site plan approval also allows for the optional execution of a development agreement between the Township Board and the applicant where this agreement is determined to be mutually desirable by all parties, in accordance with Section 5.3.

**M. Combining Preliminary and Final Site Plans.**

An applicant may, at the applicant’s discretion and risk and with approval of the Planning Commission, combine a preliminary and final site plan in an application for approval. The applicant shall pay the usual fees for both preliminary and final site plan review. The Planning Commission shall have the authority to require submittal of a preliminary site plan separate from a final site plan, where, in its opinion, the complexity and/or size of the proposed development so warrant. A preliminary and final site plan shall not be combined for any multi-phase development.

**N. Minor Site Plan Review Procedure.**

Applications for minor site plan approval shall be submitted and reviewed in accordance with the following:

- 1. Submittal of a complete application. A minor site plan application shall be made by filing one (1) completed and signed copy of the required application form, the required fee, and two (2) paper copies and one (1) digital copy in .PDF format of the complete set of application materials and site plans, at a maximum sheet size of 11 inches by 17 inches, at the Union Township Hall.

2. **Technical review.** The Zoning Administrator shall review the application materials and site plan for completeness, accuracy, and compliance with all applicable requirements and standards of this Ordinance and other Township ordinances. Applications that are found by the Township to be incomplete or inaccurate shall be returned to the applicant without further consideration. Where revisions are determined necessary, the Zoning Administrator shall inform the applicant in writing that the site plan cannot be approved as submitted, and shall provide a list of necessary revisions.
3. **Zoning Administrator review and action.** The Zoning Administrator shall take action on the minor site plan application in accordance with the following:
  - a. **Approval.** The minor site plan shall be approved by the Zoning Administrator upon determination that all required information for the type of site plan has been provided per subsection 14.2(P), the site plan satisfies the applicable standards for site plan approval per subsection 14.2(S); and the site plan conforms to all other applicable requirements and standards of this Ordinance and other Township ordinances. The Zoning Administrator shall mark copies of the site plan as approved with the date that action was taken and shall provide a marked copy to the applicant.
  - b. **Denial.** Upon determination that the site plan does not comply with applicable requirements and standards of this Ordinance and other Township ordinances or would require extensive revisions to comply with such requirements, the site plan shall be denied. If the site plan is denied, a written record shall be provided to the applicant listing the findings of fact and conclusions or reasons for denial.

**O. Effect of Minor Site Plan Approval.**

Approval of a minor site plan constitutes the final zoning approval for the project and allows for issuance of a building permit to begin site work or construction, provided all other construction and engineering requirements have been met.

**P. Required Site Plan Information.**

The following minimum information shall be included with any application for site plan approval, except where the Township Planner, Zoning Administrator or Planning Commission determines that an item of information is not applicable or necessary for review of the site plan:

<b>Minimum Site Plan Information</b>	<b>Minor Site Plan</b>	<b>Preliminary Site Plan</b>	<b>Final Site Plan</b>
<b>SITE PLAN DESCRIPTIVE INFORMATION</b>			
Name, address, and other contact information for the applicant and property owners, along with proof of ownership and signed consent if applicant is not the owner.	●	●	●
Name, address, and other contact information of the firm or individual preparing the site plan. Site plans prepared by an architect, community planner, engineer, landscape architect or land surveyor shall bear the individual's professional seal.	●	●	●
A final site plan shall be prepared and sealed by an architect, engineer, landscape architect or land surveyor registered in the State of Michigan.			●
Location, address(es), and tax identification number(s) of subject parcel(s); dimensions of the site, and the gross and net land area.	●	●	●
Legal description(s) of the subject parcel(s).		●	●
Legal description of the proposed development site and any non-contiguous open space area(s), if different from the subject parcel(s), with lot line angles or bearings indicated on the plan. Dimensions, angles, and bearings shall be based upon a boundary survey prepared by a registered surveyor.		●	●
Details of existing and proposed covenants or other restrictions imposed upon land or buildings, including bylaws, deed restrictions, and articles of incorporation for a cooperative, condominium, or homeowners' association.			●
Description of applicant's intentions regarding selling or leasing of all or portions of land, dwelling units or building spaces.		●	●

Minimum Site Plan Information	Minor Site Plan	Preliminary Site Plan	Final Site Plan
Residential projects: Gross and net dwelling unit density, lot area per dwelling unit, and a schedule of the number, sizes (bedrooms, floor areas), and types of dwellings.		●	●
A detailed use statement describing proposed use(s); including land or building areas for each use, number of units, number of anticipated employees, or other applicable information to verify Ordinance compliance.	●	●	●
<b>SITE PLAN DATA AND NOTES</b>			
Minor site plans shall be drawn to a scale appropriate for the sheet size and of such accuracy that the Zoning Administrator can readily interpret the plan.	●		
Preliminary and final site plans shall be drawn to an engineer's scale not greater than 1:50 and legible at the required sheet size. For a large development shown in sections on multiple sheets, one overall composite sheet shall be provided for clarity.		●	●
Vicinity map showing the general location of the site, map scale, north arrow, initial plan date, and any revision date(s).	●	●	●
Existing zoning classification(s) for the subject parcel(s) and surrounding parcels (including across road rights-of-way).		●	●
Owners' names, existing uses, and location of structures, drives, and improvements on surrounding parcels (including across rights-of-way).		●	●
Identification of all adjacent property in which the applicant(s), developer(s), or owner(s) have an ownership interest.		●	●
Dimensions of all property boundaries and interior lot lines.	●	●	●
Calculations for parking, lot coverage, total ground floor area, and other applicable Ordinance requirements.	●	●	●
<b>EXISTING CONDITIONS</b>			
Location of existing structures, fences, and driveways on the subject property, with notes regarding their preservation or alteration.	●	●	●
Location of existing walls, signs, utility poles and towers, pipelines, excavations, bridges, culverts, and other site features on the subject property, with notes regarding their preservation or alteration.		●	●
<b>SITE PLAN DETAILS</b>			
Delineation of required yards, and other setback areas and open space.	●	●	●
Identification of general location(s) and area(s) of each development phase; and the planned construction program and schedule for each development phase.		●	●
Location, width, purpose, and description of all existing and proposed easements and rights-of-way on or adjacent to the site.	●	●	●
Location, type, area, height, and lighting specifications of proposed signs.	●		●
An exterior lighting plan with all existing and proposed lighting locations, heights from grade, specifications, lamps types, and methods of shielding.	●		●
Location, area, and dimensions of any outdoor sales, display or storage areas.	●	●	●
Location of proposed outdoor waste receptacle enclosures; with size, elevation, and vertical cross-section showing materials and dimensions; indication how recycling will be implemented.		●	●
<b>BUILDING DESIGN AND ORIENTATION</b>			
Location, outline, ground floor area, and height of proposed structures; and of existing structures to remain on-site.	●	●	●
Dimensions, number of floors, and gross and net floor area of proposed principal buildings; and of existing principal buildings to remain on-site.		●	●

<b>Minimum Site Plan Information</b>	<b>Minor Site Plan</b>	<b>Preliminary Site Plan</b>	<b>Final Site Plan</b>
Separation distances between adjacent buildings, and between buildings and adjacent lot boundaries.		●	●
Detailed exterior building façade elevation drawings for all proposed dwellings, principal buildings, and additions, drawn to an appropriate scale and indicating types, colors, and dimensions of finished wall materials.		●	●
Finished floor elevations and contact grade elevations for proposed principal buildings and existing principal buildings to remain on-site, referenced to a common datum acceptable to the Township Engineer.			●
<b>ACCESS AND CIRCULATION</b>			
Locations, layout, surface type, centerlines, road pavement and right-of-way widths, and indication of public or private road status for all existing and proposed roads and access drives serving the site.		●	●
Conceptual locations, layout, and surface type for all parking lots, sidewalks, and pedestrian pathways within and accessing the site.	●	●	●
Locations and dimensions of vehicle access points, and distances between adjacent or opposing driveways and road intersections.	●	●	●
Details of the location, width, and paving of proposed sidewalks and pedestrian ways, including alignment, cross section, connections to existing or planned off-site facilities, and easement or right-of-way dedications.	●		●
Parking space dimensions, pavement markings, and traffic control signage.	●	●	●
Parking space angles; maneuvering aisle, island, and median dimensions; surface type; fire lanes; drainage patterns; location of loading areas; and typical cross-section showing surface, base, and sub-base materials.		●	●
Identification of proposed names for new public or private roads serving the site.		●	●
Spot elevations for existing roads on and adjacent to the subject parcel(s), including surface elevations at intersections with the internal roads and drives serving the proposed development; curve-radii and road grades; location and details of curbs, and turning lanes; and typical road cross sections showing surface, base, and sub-base materials and dimensions.			●
<b>NATURAL FEATURES AND OPEN SPACE AREAS</b>			
A general description and preliminary delineation of existing natural features on and abutting the site.		●	●
Details of all existing natural features on the site; indications of features to be preserved, removed, or altered; and any mitigation measures as may be required by Township ordinance or state statute.			●
Outdoor open space and recreation areas; location, area, and dimensions.		●	●
Description of the organization that will own and maintain open space and recreation areas, and a long-term maintenance plan for such areas.			●
<b>SCREENING AND LANDSCAPING</b>			
General layout of proposed landscaping and screening improvements; including plantings, topographic changes, and similar features.	●	●	●
A detailed landscape plan, including location, size, quantity and type of proposed plant materials and any existing plant materials to be preserved.			●
Planting list for all landscape materials, with the method of installation, botanical and common name, quantity, size, and height at planting.			●
Landscape maintenance plan, including notes regarding replacement of dead or diseased plant materials.			●

<b>Minimum Site Plan Information</b>	<b>Minor Site Plan</b>	<b>Preliminary Site Plan</b>	<b>Final Site Plan</b>
Proposed fences, walls, and other screening devices, including typical cross section, materials, and height above grade.	●	●	●
Screening methods for any waste receptacle areas, ground-mounted generators, transformers, mechanical (HVAC) units, and similar devices.	●	●	●
<b>UTILITIES, STORMWATER MANAGEMENT, AND GRADING</b>			
General layout of existing and proposed water supply systems, sanitary sewerage or septic systems, and stormwater management facilities.		●	●
Details of the location, layout, and size or capacity of the existing and proposed potable water supply and sewage treatment and disposal facilities serving the site, including line sizes, inverts, hydrants, flow patterns, manholes, and catch basins.			●
Location, size, and slope of proposed detention or retention ponds; and location and size of underground tanks and drain lines where applicable.			●
Calculations for capacity of stormwater management and drainage facilities.			●
Location and size of existing and proposed telephone, gas, electric, and similar utility lines and surface-mounted equipment.			●
General areas of intended filling or cutting.		●	●
Directional arrows showing existing and proposed drainage patterns on the lot.	●		●
A detailed grading plan, with details of proposed filling or cutting, existing and proposed topography at a minimum of two (2) foot contour levels, stormwater runoff drainage patterns, and a general description of grades within 100 feet of the site. All finished contour lines are to be connected to existing contour lines within the site or at the parcel boundaries.			●
Locations, dimensions, and materials of proposed retaining walls, with fill materials and typical vertical sections.		●	●
Description of measures to control soil erosion and sedimentation during construction operations, and until permanent groundcover is established.			●
Other information as requested by the Township Planner, Zoning Administrator or Planning Commission to verify compliance with the standards and conditions imposed by this Ordinance, the policies of the Township Master Plan, and other applicable Township ordinances or state statutes.	●	●	●

**Q. Expiration and Extension of Site Plan Approval.**

Site plan approvals shall expire and may be extended in accordance with the following:

1. Expiration of preliminary site plan approval. Approval of a preliminary site plan shall be valid for a period of 545 calendar days from the date of approval and shall expire and be of no effect unless an application for final site plan approval for all or part of the area included in the approved preliminary site plan is filed with the Township Clerk within that time period.
2. Expiration of final site plan approval. A final site plan shall expire and be of no effect unless construction has begun on the property and is diligently pursued in conformance with the approved final site plan within 545 calendar days of the final site plan approval.
3. Extension of preliminary or final site plan approval. The Planning Commission may, at its discretion and upon written request and showing of good cause by the applicant, grant an extension of a preliminary or final site plan approval for up to 365 calendar days, provided that site conditions have not changed in a way that would affect the character, design or use of the site, and that the approved site plan remains in conformance with applicable provisions of this Ordinance.
4. Expiration of Minor Site Plan Approval. A minor site plan shall expire and be of no effect unless, within 365 calendar days of approval, appropriate permits have been approved, construction has begun on the

property, and such work is diligently pursued in conformance with the approved minor site plan. No extensions of minor site plan approval shall be granted by the Zoning Administrator.

**R. Phasing of Development.**

The applicant may divide the development into two (2) or more phases. Phasing shall be subject to the following requirements:

1. In the case of a phased development, the preliminary site plan shall cover the entire property involved and shall clearly indicate the location, size, and character of each phase.
2. In the case of a phased development, a final site plan shall be submitted for review and approval for each phase.
3. A phase shall not be dependent upon subsequent phases for safe and convenient vehicular and pedestrian access, adequate utility services, or open spaces and recreation facilities, and shall be capable of substantial occupancy, operation, and maintenance upon completion of construction and development.
4. The Township Planner or Planning Commission may require the applicant to post an acceptable performance guarantee to ensure that vehicular and pedestrian ways, utility services, open space and recreation facilities, and other amenities and infrastructure planned for later phases of the development are completed in a timely fashion.

**S. Standards for Site Plan Approval.**

In reviewing a minor, preliminary or final site plan, the Zoning Administrator or Planning Commission shall determine that the following standards are met, as applicable to the type of site plan:

<b>Standards for Site Plan Approval</b>	<b>Minor Site Plan</b>	<b>Preliminary Site Plan</b>	<b>Final Site Pan</b>
The applicant is legally authorized to apply for site plan approval, and all required information has been provided.	●	●	●
The proposed development conforms to the applicable standards and conditions imposed by this Ordinance and other applicable Township ordinances.	●	●	●
The final site plan is consistent with the policies of the Master Plan and other adopted Township planning documents, and with the approved preliminary site plan.			●
The proposed development will be harmonious with and not harmful, injurious, or objectionable to the environment or land uses in surrounding area.	●	●	●
The proposed development respects natural topography, floodways, and floodplains; and minimizes the amount and extent of cutting and filling.		●	●
Organic, wet, or other soils that are not suitable for development will be undisturbed or modified in such fashion as to make development feasible.		●	●
The movement of the vehicular and pedestrian traffic within the site and in relation to access streets and sidewalks will be safe and convenient.	●	●	●
The proposed development is adequately coordinated with improvements serving the area, and with other existing or planned development in the vicinity.		●	●
Satisfactory and harmonious relationships will exist between the proposed development and the existing and planned development of contiguous lands and the surrounding area, including provisions for proper extensions of public roads and sidewalks through the development in accordance with the Township ordinances.		●	●
Development phases are in logical sequence so that any phase will not depend upon a subsequent phase for access, utilities, drainage or erosion control.		●	●
The plan, including all engineering drawings, meets Township standards for fire and police protection, water supply, sewage disposal or treatment, storm drainage, and other public facilities and services.			●



Standards for Site Plan Approval	Minor Site Plan	Preliminary Site Plan	Final Site Plan
The drainage plan conforms to applicable drainage and stormwater management standards, and any proposed improvements are adequate to handle anticipated stormwater runoff and accommodate upstream drainage without causing undue runoff on to neighboring property or overloading of area watercourses.			●
Proposed screening, buffering, and landscaping improvements are adequate for the location and intended purpose and conform to the standards of this Ordinance.	●		●
Exterior lighting conforms to Ordinance requirements and standards, and will not adversely affect adjacent or neighboring properties or traffic on adjacent roads.	●		●
The parking layout and vehicular circulation patterns and access points to the site are adequate to serve the proposed uses and will not adversely affect the flow of traffic on adjacent roads or create pedestrian-vehicle conflicts.	●		●
Grading or filling will not destroy or adversely affect the character of the property, adjacent properties or the surrounding area.			●
Erosion will be controlled during and after construction and will not adversely affect adjacent or neighboring property or public facilities or services.			●
The plan meets applicable standards of governmental agencies with jurisdiction, and necessary outside agency approvals have been obtained or are assured.	●		●

**T. Amendments to an Approved Site Plan.**

Amendments to an approved site plan shall require approval following the same application review procedures set forth in this Section for a new site plan application.

**U. Rescinding of Final Site Plan Approval.**

A final site plan approval may be rescinded by the Planning Commission upon determination that the site has not been improved, constructed or maintained in compliance with approved permits, site plans, or conditions of site plan approval or any special use approval. Such action shall be subject to the following:

1. Public Hearing. Such action may be taken only after a public hearing has been held by the Planning Commission with notice provided in accordance with Section 14.6, at which time the operator of the use or owner of an interest in the land or structure(s) for which final site plan approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.
2. Determination. Subsequent to the hearing, the decision of the Planning Commission with regard to the rescission shall be made and written notification provided to said owner(s).

**V. Conforming to Construction Drawings.**

The applicant shall provide drawings showing all improvements as actually constructed and installed on a site for which a final site plan was approved. One (1) paper copy and one (1) digital copy in .PDF format of the drawings shall be submitted to the Zoning Administrator, which shall be subject to field verification prior to the release of any performance guarantee or part thereof for the completion of such improvements.

1. Conforming to construction drawings shall show, at a minimum, the exact size, type and location of pipes; location and size of manholes and catch basins; location and size of valves, fire hydrants, tees and crosses; depth and slopes of retention basins; and location and type of other utility installations. The drawings shall show plan and profile views of all sanitary and storm sewer lines and plan views of all water lines.
2. The drawings shall be identified as "Conforming to Construction Drawings" in the title block of each drawing and shall be signed and dated by the owner of the development or the owner's legal representative and shall bear the seal of a professional engineer.

**W. Inspection.**

The Zoning Administrator shall be responsible for verifying that all improvements conform to the approved site plan, with inspection assistance as needed from the Township Planner and other Township personnel or consultants. The applicant shall be responsible for requesting such inspections. Sub-grade improvements,

such as utilities, sub-base for drives and parking lots, and similar improvements shall be subject to Township inspection prior to covering. The Zoning Administrator shall notify the Township Planner in writing when an approved development has passed inspection with respect to the approved site plan. When an approved development does not pass inspection with respect to the approved site plan, the Zoning Administrator shall report on the steps taken to achieve compliance, and on progress toward compliance with the approved site plan.

**X. Compliance with an Approved Site Plan.**

A site plan approved under this Section shall have the full force of this Ordinance. It shall be the responsibility of the property owner and operator of the use for which site plan approval has been granted to develop, operate, and maintain the site, structures and all site elements in accordance with the provisions of this Ordinance and any conditions of site plan approval, until the property is razed, or a new site plan is approved. Failure to comply with the approved site plan, applicable Ordinance requirements, and conditions of approval shall be considered a violation of this Ordinance subject to the enforcement measures and penalties specified in Section 15; and shall constitute grounds for rescinding special use permit approval in accordance with Subsection 14.3(K).

**Section 14.3 Special Use Permits**

**A. Intent and Scope.**

The formulation and enactment of this Ordinance is based upon the division of unincorporated portions of the Township into districts, within which are permitted specified uses that are mutually compatible. In addition to such permitted compatible uses, however, it is recognized that there are certain other uses which it may be necessary or desirable to allow in certain locations in certain districts but which on account of their actual or potential impact on neighboring uses or public facilities need to be carefully regulated with respect to their location for the protection of the Township. Such uses, on account of their peculiar locational need, or the nature of the service offered, may have to be established in a district in which they cannot be reasonably allowed as a permitted use.

Approval of a special use permit is required for land uses identified in Section 3 as a special use in a zoning district. This Section is intended to provide a consistent and uniform method for review of special use permit applications, ensure full compliance with the standards contained in this Ordinance, achieve efficient use of land, prevent adverse impacts on neighboring properties and districts, and facilitate development in accordance with the objectives of the Master Plan. No special use shall commence until a special use permit is issued in accordance with this Section.

**B. Authority to Grant Permits.**

The Township Board shall have the authority to grant special use permits, subject to such conditions of design and operation, safeguards, and time limitations as it may determine for all special uses specified in the various provisions of this Ordinance. The Planning Commission shall have authority to review special use applications, hold a public hearing, and make recommendations to the Township Board.

**C. Fees.**

The Township Board shall from time to time establish, by resolution, fees and escrow deposits for review of special use permit applications. Required fees and escrow deposits shall be paid to the Township at the time of the filing of the application. No action shall be taken on any application for which required fees have not been paid in full.

**D. Pre-application Meeting.**

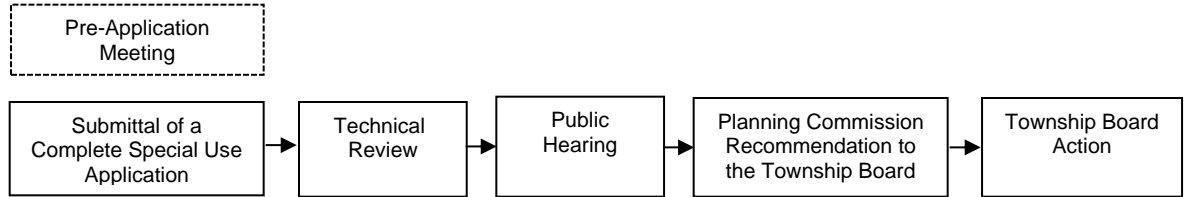
An applicant may request a pre-application meeting with the Township Planner for the purpose of discussing the proposal, submittal requirements, review procedures, and approval standards. Any required fee for this meeting shall be paid to the Township at the time of the meeting.

**E. Application Information.**

The following minimum information shall be required with any application for special use permit approval:

1. The name, address, and contact information for the applicant, and the applicant's legal interest in the property. If the applicant is not the owner, the name, address, and contact information for the owner(s) and the signed consent of the owner(s) shall also be required.
2. Signature(s) of the applicant(s) and owner(s), certifying the accuracy of the information.
3. A legal description of the property, including street address(es) and tax code number(s).
4. A detailed description of the proposed use.

5. Supporting statements, evidence, data, information, and exhibits that address the standards and requirements of this Section and Ordinance that apply to the proposed use, applicable requirements and standards of this Ordinance or other Township ordinances, including standards for special use approval in Subsection 14.3(H).
6. A survey drawing or plan view of the subject property drawn to a standard engineer's scale and correlated with the legal description and clearly showing the property's location, lot boundaries, road rights-of-way, easements, existing structures, fences, and other improvements. Where required per Section 14.2, a site plan shall satisfy this requirement.
7. Any other information determined necessary by the Township Planner, Planning Commission or Township Board to verify compliance with this Ordinance or other Township ordinances.



**Special Use Review Process**

**F. Review Procedures.**

Special use permit applications shall be submitted and reviewed in accordance with the following:

1. Submittal of a complete application. The application shall be made by filing one (1) completed and signed copy of the required application form, the required fee and any required escrow deposit, and eleven (11) paper copies and one (1) digital copy in .PDF format of the complete set of application materials at the Union Township Hall. Land uses and development projects subject to site plan approval shall be required to submit a complete site plan approval application per Section 14.2 for review in conjunction with this application.
2. Technical review. Prior to Planning Commission consideration, the application materials shall be distributed to the Township Planner for review and comment. The Township Planner or Planning Commission may also request comments from other Township departments, consultants or outside agencies with jurisdiction. Applications that are found by the Township to be incomplete or inaccurate shall be returned to the applicant without further consideration.
3. Public hearing. A public hearing shall be held by the Planning Commission for the application, with notice provided in accordance with Section 14.6.
4. Planning Commission review and recommendation. Following the hearing, the Planning Commission shall review the application materials, together with any reports and recommendations, and any public comments. The Planning Commission shall identify and evaluate all relevant factors, and shall then take action by motion to recommend to the Township Board approval, approval with conditions, or denial of the special use permit application, or to postpone further consideration of the application to a date certain, as follows:
  - a. *Postponement.* Upon determination by the Planning Commission that the special use permit application is not sufficiently complete, failure of the applicant to attend the meeting, or upon request by the applicant, or additional information or clarification as requested by the Planning Commission, the Planning Commission may postpone further consideration of the application to a date certain.
  - b. *Approval, Conditional Approval, Denial.* Planning Commission recommendations for approval, approval with conditions or denial of the application shall be based upon application compliance with all applicable standards of this Ordinance or other Township ordinances, including standards for special use approval in Subsection 14.3(H). Failure of the applicant to attend two (2) or more Planning Commission meetings where the application is being considered shall be grounds for the Planning Commission to recommend denial to the Township Board.

- c. *Recommendation to the Board.* The Planning Commission’s recommendations, all findings of fact and conclusions forming the basis for the recommendations, any recommended conditions of approval, and a copy of the reports and public hearing record shall be forwarded to the Township Clerk for inclusion on a future Township Board meeting agenda for final consideration and action.
- 5. **Township Board action.** Following receipt of the Planning Commission’s recommendations, the Township Board shall review the application materials, reports, recommendations, and any public comments. The Township Board shall take action on the application to approve, approve with conditions, deny or postpone for future consideration, as follows:
  - a. *Referral Back to Planning Commission.* The Township Board may refer the request back to the Planning Commission for further review and recommendation regarding specified questions or issues of concern, prior to further Board action.
  - b. *Approval, Conditional Approval.* The application shall be approved if it is determined to comply with all applicable requirements and standards of this Ordinance or other Township ordinances, including standards for special use approval in Subsection 14.3(H). An application may be approved subject to certain conditions established in accordance with subsection 14.3(E).
  - c. *Denial.* The application shall be denied upon determination that it does not comply with one or more applicable requirements or standards of this Ordinance or other Township ordinances, including standards for special use approval in Subsection 14.3(H), or would require extensive modifications to fully comply. If a special use is denied, a written record shall be provided to the applicant listing the findings of fact and conclusions or reasons for such denial. Failure of the applicant to attend two (2) or more Township Board meetings where the application is being considered shall be grounds for denial.
- G. Conditions of Approval.** Reasonable conditions may be required with the approval of a special use permit. The conditions may include conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity; to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land; and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall be:
  - 1. Designed to protect natural resources, public health, safety, and welfare, and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole;
  - 2. Related to the valid exercise of the police power and purposes affected by the proposed use or activity; and
  - 3. Necessary to meet the intent and purposes of this Ordinance and ensure compliance with all applicable regulations and standards for the land use or activity under consideration.
- H. Written Record.** The Township Board shall include in its minutes its findings and conclusions, its decision, the basis for its decision, and any conditions imposed on an affirmative decision. Conditions imposed with respect to the approval shall be recorded in the record of the approval action and shall remain unchanged, except upon the mutual consent of the Township Board and the landowner as approved in accordance with this Section. The Township shall maintain a record of conditions that are changed.
- I. Re-application.** Whenever the Township Board has rejected an application, the Township shall not accept a new application for the same special use on the same premises for a period of 365 calendar days unless the Township Planner first determines that there is a substantial change in circumstances relevant to the issues or facts considered during review of the application; new or additional information is available that was not available at the time of the review; or the new application is materially different from the prior application.
- J. Standards for Special Use Approval.** No special use permit shall be granted unless the Township Board makes affirmative findings of fact and records adequate data, information, and evidence showing that:
  - 1. The proposed land use is identified in Section 3 as a special use in the zoning district.
  - 2. The location, design, activities, processes, materials, equipment, and operational conditions of the special use will not be hazardous, detrimental or injurious to the environment or the public health, safety or general welfare by reason of traffic, noise, vibration, smoke, fumes, odors, dust, glare, light, drainage,

pollution or other adverse impacts.

3. The special use will be designed, constructed, operated, and maintained in a manner compatible with adjacent uses, the surrounding area, and the intent of the zoning district. Where determined necessary by the Planning Commission or Township Board, the applicant has provided adequately for any restrictions on hours or days of operation, minimization of noise, and screening improvements or other land use buffers to ensure land use compatibility and minimize adverse impacts.
  4. The special use location and character is consistent with the general principles, goals, objectives, and policies of the adopted Master Plan.
  5. The proposed special use conforms to all applicable requirements or standards of this Ordinance or other Township ordinances.
  6. Approval of the special use location will not result in a small residential or non-residential area being substantially surrounded by incompatible uses.
  7. The impact of the special use will not exceed the existing or planned capacity of public or municipal services or infrastructure; including but not limited to roads, police and fire protection services, refuse disposal, municipal water or sewerage systems, other utilities, drainage facilities, and public or private wells. The proposed use will not create additional requirements at public cost for services or infrastructure that will be detrimental to the economic welfare of the community.
- K. Compliance with Special Use Permit Approval.** It shall be the responsibility of the property owner and operator of the use for which special use permit approval has been granted to develop, operate, and maintain the use, including the site, structures and all site elements, in accordance with the provisions of this Ordinance and all conditions of special use permit approval until the use is discontinued. Failure to comply with Ordinance requirements or conditions of approval shall be considered a violation of this Ordinance subject to the enforcement measures and penalties specified in Section 15; and shall constitute grounds for rescinding special use permit approval in accordance with Subsection 14.3(K).
- L. Alteration and Expansion.** An approved special use permit, including all attached conditions, shall run with the parcel in the approval and shall remain unchanged except upon mutual consent of the Township Board and the landowner after review and recommendation by the Planning Commission. Any alteration or expansion of an existing special use shall require approval of an amended special use permit. Approval of an amended special use permit shall be obtained by the same procedures set forth in this Section for obtaining approval of a new special use permit.
- M. Rescinding Special Use Permit Approval.** Approval of a special use permit may be rescinded by the Township Board upon determination that the use has not been improved, constructed or maintained in compliance with this Ordinance, approved permits, site plans or conditions of site plan or special use permit approval. Such action shall be subject to the following:
1. Public hearing. Such action may be taken only after a public hearing has been held by the Planning Commission with notice provided in accordance with Section 14.6, at which time the operator of the use or owner of an interest in the land or structure(s) for which special use permit approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission. Following the hearing, the Planning Commission shall make a report and recommendations to the Township Board.
  2. Determination. Subsequent to the hearing and receipt of the Planning Commission report and recommendations, the decision of the Township Board with regard to the rescission shall be made and written notification provided to the owner, operator or designated agent.

## Section 14.4 Variances and Appeals

- A. **Intent.** The purpose of this Section is to provide guidelines and standards to be followed by the Zoning Board of Appeals (ZBA) to act on matters where this Ordinance or state law gives jurisdiction to the ZBA.
- B. **Authority of the Zoning Board of Appeals.**
  1. General Authority. The Zoning Board of Appeals (ZBA) shall have the authority to act on those matters where this Ordinance provides for administrative review/appeal, interpretation, or special approval/appeal, and shall have authority to authorize a variance as defined in this Ordinance and laws

of the State of Michigan. Such authority shall be subject to the rules and standards in this Section. The ZBA shall not have the authority to alter or change zoning district classifications of any property, nor to make any change in the text of this Ordinance. The ZBA has no authority to grant variances or overturn decisions involving special uses or planned unit developments.

2. Administrative Review. Appeals may be taken to the ZBA by a person, firm or corporation aggrieved by the order, requirement, decision or determination; or by an officer, department, board, commission or bureau of the Township, county, state, or federal governments. Such appeals shall be filed within thirty (30) days of the order, requirement, decision or determination in question.
  - a. In hearing and deciding appeals under this subsection, ZBA review shall be based upon the record of the administrative decision being appealed, and the ZBA shall not consider new information which had not been presented to the administrative official, board or commission from whom the appeal is taken.
  - b. An appeal stays all proceedings in the furtherance of the action appealed from, unless the Zoning Administrator certifies to the ZBA after the notice is filed that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the ZBA or by a court of record upon application, upon notice to the Zoning Administrator from whom the appeal is taken, and upon due cause shown.
  - c. The ZBA shall reverse an administrative decision only upon determining that the order, requirement, decision or determination constituted an abuse of discretion, was arbitrary or capricious, was based upon an erroneous finding of a material fact or was based upon an erroneous interpretation of the Zoning Ordinance.
    - i. After making such a determination, the ZBA may, reverse or affirm wholly or in part; modify the order, requirement, decision or determination; or make such order, requirements, decision, or determination as ought to be made, and may issue or direct the issuance of a permit.
    - ii. To that end, the ZBA shall have all the powers of the official(s) from whom the appeal is taken.
3. Interpretation. The ZBA shall have authority to hear and decide requests for interpretation of the Zoning Ordinance, including the zoning map. The ZBA shall make such decisions so that the spirit and intent of this Ordinance shall be observed. Text interpretations shall be limited to the issues presented and shall be based upon a reading of the Ordinance as a whole, and shall not have the effect of amending the Ordinance. Map interpretations shall be made based upon rules in the Ordinance, and any relevant historical information. In carrying out its authority to interpret the Ordinance, the ZBA shall consider reasonable and/or practical interpretations which have been consistently applied in the administration of the Ordinance. Prior to deciding a request for an interpretation, the ZBA may confer with staff and/or consultant to determine the basic purpose of the provision subject to interpretation and any consequences which may result from differing decisions. A decision providing an interpretation may be accompanied by a recommendation for consideration of an amendment of the Ordinance.
4. Variances. The ZBA shall have authority in specific cases to authorize one or more dimensional or "non-use" variances from the strict letter and terms of this Ordinance by varying or modifying any of its rules or provisions so that the spirit of this Ordinance is observed, public safety secured, and substantial justice done. A dimensional or non-use variance allows a deviation from the dimensional (i.e., height, bulk, setback) requirements of the Ordinance. A use variance authorizes the establishment of a use of land that is otherwise prohibited in a zoning district. The ZBA is not authorized to grant use variances by this Ordinance.

Authority to grant dimensional or non-use variances shall be exercised in accordance with the following standards.

- a. *Practical Difficulties.* The ZBA may grant a requested "non-use" variance only upon a finding that practical difficulties exist *and* that the need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district. In determining whether practical difficulties exist, the ZBA shall consider the following factors:
  - i. Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters, will unreasonably prevent the owner from using the property for a

permitted purpose or will render ordinance conformity unnecessarily burdensome.

- ii. The variance will do substantial justice to the applicant, as well as to other property owners.
  - iii. A lesser variance than requested will not give substantial relief to the applicant and/or be consistent with justice to other property owners.
  - iv. The problem and resulting need for the variance has not been self-created by the applicant and/or the applicant's predecessors. (For example, a variance needed for a proposed lot split would, by definition, be self-created, so such a variance typically would not be granted.)
- b. *Responsibility of Applicant to Provide Evidence.* In all variance proceedings, it shall be the responsibility of the applicant to provide information, plans, testimony and/or evidence from which the ZBA may make the required findings. Administrative officials and other persons may, but shall not be required to, provide information, testimony and/or evidence on a variance request.
5. Conditions. The ZBA may impose reasonable conditions in connection with an affirmative decision on an appeal, interpretation or variance request. The conditions may include requirements necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet the following requirements:
- a. Be designed to protect natural resources, the health, safety and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
  - b. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
  - c. Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards.

Conditions imposed with respect to the approval of a variance shall be recorded as part of the ZBA minutes and shall remain unchanged except upon the mutual consent of the ZBA and the landowner following notice and hearing as required in a new case.

**C. Applications and Notices.**

- 1. Application. All applications to the ZBA shall be filed with the Zoning Administrator or his/her designee, on forms provided by the Township, and shall be accompanied by the applicable fee established by resolution of the Township Board. Applications shall include three (3) individually folded and one (1) digital copy of all plans, studies and other information and data to be relied upon by the applicant.
- 2. Plot Plan. A plot plan shall be required with all variance requests. The plan which shall accompany all variance requests shall be based on a mortgage survey or land survey prepared by a licensed land surveyor. The plan shall be to scale and shall include all property lines and dimensions, setbacks and all existing and proposed structures. Where an application provides a variance sought in conjunction with a regular site plan review, a site plan prepared according to Section 14.2 shall satisfy the requirements of this section.

The Zoning Board of Appeals has the authority to require a land survey prepared by a licensed land surveyor when the ZBA determines it to be necessary to insure accuracy of the plan.

The ZBA shall have no obligation to consider and/or grant a request for relief unless and until a conforming and complete application has been filed; including relevant plans, studies and other information.

- 3. Applications Involving an Appeal of Administrative Order. In a case involving an appeal from an action of an administrative official or entity, the administrative official, or the clerk or secretary of the administrative entity, as the case may be, upon notice from the Zoning Administrator, shall transmit to the ZBA copies of all papers constituting the record upon which the action was taken, together with a letter specifying an explanation of the action taken.

4. Consent of Property Owner Required. Applications to the ZBA shall be made with the full knowledge and written consent of all owners of the property in question. This requirement shall include the consent of a land contract seller to the relief sought by a land contract purchaser.
5. Notice. Notice of a public hearing concerning a request for a dimensional variance shall be given following the procedures of Section 14.6. Notice of a public hearing concerning a request for an interpretation of the zoning ordinance, or an appeal of an administrative decision shall be given as follows:
  - a. A notice stating the time, date, and place of the public hearing shall be published in a newspaper of general circulation in the Township and sent to the person requesting the interpretation not less than 15 days before the public hearing.
  - b. If the request for interpretation or appeal involves a specific parcel, written notice stating the nature of the request and the time, date, and place of the public hearing shall be sent by first-class mail or personal delivery to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet of the boundary of the property in question. If a tenant's name is not known, the term "occupant" may be used.
6. Stay of Proceedings. An appeal shall have the effect of staying all proceedings in furtherance of the action being appealed unless the officer or entity from whom the appeal is taken certifies to the ZBA that, by reason of facts stated in such certification, a stay would in his or her opinion cause imminent peril to life or property, in which case proceedings shall not be stayed unless specifically determined by the ZBA, or by a court of competent jurisdiction.
7. Decision by the Zoning Board of Appeals. The concurring vote of a majority of the membership of the ZBA shall be necessary to reverse any order, requirement, decision, or determination of an administrative official, board of commission made in the administration of this ordinance, to decide in favor of an applicant on any matter upon which the ZBA is required to pass under this ordinance, or to grant a "non-use" variance from the terms of this ordinance.

**D. Disposition and Duration of Approval.**

1. ZBA Powers. The ZBA may reverse, affirm, vary or modify any order, requirement, decision, or determination presented in a case within the ZBA's jurisdiction, and to that end, shall have all of the powers of the officer, board or commission from whom the appeal is taken, subject to the ZBA's scope of review, as specified in this Ordinance and/or by law. The ZBA may remand a case for further proceedings and decisions, with or without instructions.
2. Decision Final. A decision by the ZBA shall be considered final twenty-one (21) days after the meeting at which the decision has been made. To the extent that decisions are requested or required to be in writing, the minutes of the ZBA meeting, and decision, as proposed under supervision of the secretary, shall constitute the written decision.
3. Period of Validity. Any decision of the ZBA favorable to the applicant shall remain valid only as long as the information and data relating to such decision are found to be correct, and the conditions upon which the decision was based are maintained. The relief granted by the ZBA shall be valid for a period not longer than one year, unless otherwise specified by the ZBA, and within such period of effectiveness, actual on-site improvement of property in accordance with the approved plan and the relief granted, under a valid building permit, must be commenced or the grant of relief shall be deemed void.
4. Record of Proceedings. The Township administrative staff, under the supervision of the secretary of the ZBA, shall prepare and keep minutes of the ZBA proceedings, showing the findings, decisions, conditions, if any, and votes of each member in each case, including a member's absence or failure to vote. The minutes shall be within the ultimate authority, and shall be the responsibility, of the secretary of the ZBA, and shall be subject to approval of the ZBA. To the extent that a written decision in a case is requested or required, the minutes, prepared under the supervision of the ZBA secretary, along with the plan submitted, shall serve as the written decision, even if the minutes are awaiting final ZBA approval.

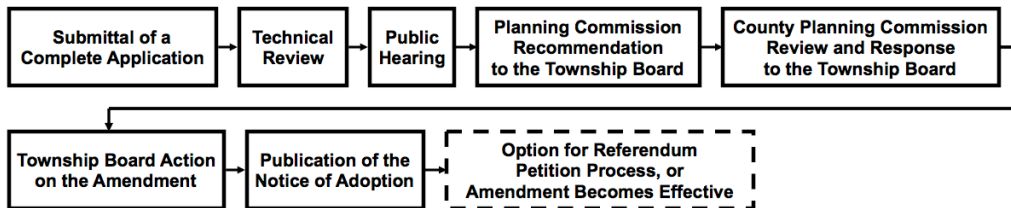


The official records of the ZBA proceedings shall be filed in the Township Hall and shall be public records.

5. Appeal of a ZBA Decision. Appeals of a ZBA decision shall be taken in the manner provided by law.
6. New Application for Variance. If the ZBA denies a request for a variance, the decision of the ZBA shall not be subject to re-consideration for a period of one (1) year, whereupon the applicant may submit a new application for the variance. However, the ZBA may waive the one (1) year period if conditions upon which their original decision was made change, or if information relating to their original decision is found to be incorrect or inaccurate.

### Section 14.5 Amendments

- A. Initiating Amendments.** Amendments to the Official Zoning Map may be initiated by the Township Board, Planning Commission, Township Planner or by application of one (1) or more Township property owners or persons acting on behalf of and with authorization from the property owner(s). All other Zoning Ordinance amendments may be initiated by the Township Board, Planning Commission, Township Planner or by application of one (1) or more Township property owners or residents.
- B. Fees.** The Township Board shall from time to time establish, by resolution, fees and escrow deposits for review of zoning amendment applications. Required fees and escrow deposits shall be paid to the Township at the time of the filing of the application. No fee shall be charged for amendments initiated by the Township. No action shall be taken on any application for which required fees have not been paid in full.
- C. Pre-application Meeting.** An applicant may request a pre-application meeting with the Township Planner for the purpose of discussing the proposal, submittal requirements, review procedures, and other applicable information. Any required fee for this meeting shall be paid to the Township at the time of the meeting.
- D. Amendment Procedure.** The Township Board may, after recommendation from the Planning Commission, amend, supplement or revise this Ordinance or Official Zoning Map consistent with the Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended) and the following:



### Amendment Review Process

1. Submittal of a complete application. An amendment to this Ordinance, except those initiated by the Township Board or Planning Commission, shall be made by filing one (1) completed and signed copy of the required application form, the required fee and any required escrow deposit, and eleven (11) paper copies and one (1) digital copy in .PDF format of the complete set of application materials at the Union Township Hall.
2. Technical review. Prior to Planning Commission consideration, the proposed amendment and any application materials shall be distributed to the Township Planner for review and comment. The Township Planner or Planning Commission may also request comments from other Township departments, consultants or outside agencies with jurisdiction. Applications that are found by the Township to be incomplete or inaccurate shall be returned to the applicant without further consideration.
3. Public hearing. A public hearing shall be held by the Planning Commission for all proposed amendments, with notice provided in accordance with Section 14.6.
4. Planning Commission review and recommendation. Following the hearing, the Planning Commission shall review the proposed amendment, together with any reports and recommendations, and any public comments. The Planning Commission shall identify and evaluate all relevant factors, and shall report its findings of fact, conclusions, and

recommendations for disposition of the application to the Township Board. The report shall include a summary of comments received at the public hearing.

5. **County Review.** The Township shall submit the proposed amendment to the Isabella County Planning Commission for review and comment, pursuant to Section 307 of the Michigan Zoning Enabling Act.
  6. **Township Board action.** Following receipt of the report and recommendation from the Planning Commission, and either any comments from the county Planning Commission or expiration of the 30-day waiting period for county review and comment, the Township Board shall consider and take action on the adoption of the proposed amendment.
    - a. The Board may, at its discretion, refer the amendment back to the Planning Commission for further consideration or revision within a specified time limit.
    - b. The Board may hold additional public hearings on the proposed amendment, with notice provided in accordance with Section 14.6. The Board shall hold a public hearing on a proposed Ordinance amendment upon written request by a property owner sent by certified mail to the Township Clerk.
    - c. The Township Board may by a majority vote adopt the amendment, with or without any recommended revisions, or reject it.
- E. Re-application.** Whenever the Township Board has rejected an application, the Township shall not accept a new application for the same amendment for a period of 365 calendar days unless the Township Board or Planning Commission determines that there is a substantial change in circumstances relevant to the issues or facts considered during review of the application; new or additional information is available that was not available at the time of the review; or the new application is materially different from the prior application.
- F. Application Information.** The following information shall be required with any application for amendment to this Ordinance or Official Zoning Map submitted by a Township property owner or person acting on behalf of and with authorization from the property owner:
1. **Zoning map amendment.** When the application involves an amendment to the Official Zoning Map, the applicant shall submit the following information:
    - a. The name, address, and contact information for the applicant, and the applicant's legal interest in the property. If the applicant is not the owner, the name, address, and contact information for the owner(s) and the signed consent of the owner(s) shall also be required.
    - b. Signature(s) of the applicant(s) and owner(s), certifying the accuracy of the information.
    - c. A legal description of the property, including street address(es) and tax code number(s).
    - d. A survey drawing or plan view of the subject property drawn to a standard engineer's scale and correlated with the legal description and clearly showing the property's location, lot boundaries, road rights-of-way, easements, existing structures, fences, and other improvements, regulated wetlands, watercourses, and all known physical, geological, hydrological, historical, and archeological features.
    - e. Identification of the existing and proposed zoning classifications for the subject property.
    - f. Vicinity map showing the property location, adjacent land uses, and existing zoning classifications for the subject property and surrounding area.
    - g. A letter stating the applicant's reasons for the requested change.
  2. **Zoning Ordinance text amendment.** When an application involves a change in the text of the Zoning Ordinance, the applicant shall submit a detailed statement on the application, clearly and completely setting forth all proposed provisions and regulations, including all changes in the Zoning Ordinance necessary to accommodate the proposed amendment; the name and address of the applicant; and the reasons for the proposed amendment. For an application submitted by a Township property owner or resident, their name, address, and contact

information and their reasons for the application shall also be required.

**G. Findings of Fact Required.** In reviewing any proposed zoning amendment, the Planning Commission shall identify and evaluate all relevant factors in preparing its report of findings of fact, conclusions, and recommendation to the Township Board. The following factors shall apply to Township review of any proposed amendment to the Official Zoning Map:

1. Evaluation of existing and proposed zoning districts. Consider the following factors:
  - a. Compatibility of existing zoning, proposed zoning, and all land uses allowed in each zoning district with site characteristics, Master Plan policies, the intent and purposes of the existing and proposed districts, and anticipated land use impacts on the surrounding area and anticipated future development.
  - b. Compatibility of the boundaries, size, and arrangement of the existing and proposed zoning districts with the surrounding area and anticipated future development.
  - c. Whether there are conditions or circumstances that warrant a change or reasonably prevent the site from being developed or used as currently zoned.
2. Apparent demand. Consider the following factors:
  - a. Apparent demand for the types of uses permitted in the existing and proposed zoning districts in relation to the amount of land currently zoned and available in the Township and surrounding communities to accommodate the demand.
  - b. Whether there is a demonstrated market demand for more land to be classified in the proposed district, and whether this is the appropriate location.
  - c. Availability of land already planned and/or zoned for the types of land uses and intensity of development possible under the proposed zoning district classification.
  - d. The amount of land in the Township or adjoining jurisdictions that is already prepared and/or ready for development consistent with the proposed zoning district's intent and list of permitted land uses.
3. Availability of public services and infrastructure. Rezoning of undeveloped land to a more intensive zoning district should only take place in conjunction with the availability of public services and infrastructure to serve all of the allowable land uses in the proposed district. Factors to consider include:
  - a. Capacity of available utilities and public services to accommodate the uses permitted in the district without compromising the health, safety, and welfare of Township residents or burdening public entities or the Township with unplanned capital improvement or operational costs.
  - b. Capacity of the existing road system to safely and efficiently accommodate the expected traffic generated by uses permitted in the zoning district.
  - c. Capacity of existing police, fire, ambulance, schools, and other public services to serve all potential land uses on the site.
4. Consistency with the Master Plan. Consider the following:
  - a. Determine whether the intent and all of the allowable uses within the requested zoning district are compatible with the goals, objectives, and policies of the Master Plan, including the future land use designation(s) for the site.
  - b. A rezoning inconsistent with the Master Plan should only be considered where specific findings are made that demonstrate conditions have changed significantly since the Plan was prepared, and/or new information supports a change. In such cases, the Township may first consider an amendment to the Plan.
  - c. The future land use recommendations of the Master Plan are based upon a ten- to twenty-year timeframe. Consider whether the timing of the proposed rezoning is appropriate, given trends in the area, infrastructure capacity, and other factors.

5. Additional factors. Additional factors to consider include, but shall not be limited to:
  - a. Are all allowable uses and development allowed in the proposed zoning district compatible with physical, geological, hydrological, historical, and archeological features of the site and area, and any applicable laws governing their protection or preservation?
  - b. Have conditions changed since the Zoning Ordinance was adopted or was there a mistake in the Zoning Ordinance that justifies the amendment?
  - c. Will the amendment correct an inequitable situation created by the Zoning Ordinance, rather than merely grant special privileges?
  - d. Will the amendment result in unlawful exclusionary zoning?
  - e. Will the amendment set an inappropriate precedent, resulting in the need to correct future planning mistakes?

**H. Notice of Adoption.** Following Township Board adoption of an amendment to the Zoning Ordinance or Official Zoning Map, notice of the amendment shall be published within 15 calendar days of such adoption in a newspaper of general circulation in the Township. The notice of adoption shall include a summary of the regulatory effect of the amendment or the text of the amendment; the geographic area and summary of zoning district changes for any map amendment; the effective date of the amendment; and the place and time where a copy of the Ordinance and Official Zoning Map may be inspected or purchased.

**I. Referendum.** Within seven (7) calendar days after publication of the notice of adoption for an amendment to the Zoning Ordinance or Official Zoning Map, a registered elector residing in the unincorporated portion of the Township may file with the Township Clerk a notice of intent to file an application for referendum under this Section.

1. If a notice of intent is filed, then within 30 days following publication of an approved amendment, an application signed by a number of registered voters residing in the unincorporated portion of the Township equal to not less than fifteen percent (15%) of the total votes cast in the Township for all candidates for Governor of the State of Michigan at the last preceding general election at which the Governor was elected may be filed with the Township Clerk requesting that the amendment be submitted to the electors residing in the unincorporated portion of the Township for their approval.
2. Upon the filing of a notice of intent, the approved amendment shall not take effect until one (1) of the following occurs:
  - a. The expiration of 30 calendar days after publication of the notice of adoption for an approved amendment, if the application for referendum is not filed within that time period.
  - b. If an application is filed within 30 calendar days after publication of a notice of adoption, the Township Clerk determines that the application is inadequate.
  - c. If an application is filed within 30 calendar days after publication of a notice of adoption, the Township Clerk determines that the application is adequate, and the amendment is approved by a majority of the registered electors residing in the unincorporated portion of the Township. The referendum shall be held at the next regular election date that provides sufficient time for proper notices and printing of ballots, as determined by the Township Clerk. The Township Board shall provide the manner of submitting the amendment to the electors for their approval or rejection and determining the result of the election.

**J. Conformance to Court Decree.** Any amendment for the purpose of conforming to a provision of a decree of a court of competent jurisdiction as to any specific lands may be adopted by the Township Board and the notice of adoption published without referral to any other commission or agency.

## Section 14.6 Public Hearing Notice

Any application process requiring a public hearing shall comply with the requirements of PA 110 of 2006, as amended, and the procedures of this Section.

**A. Special Use and Variance Requests.**

1. Publication in a Newspaper of General Circulation. Notice of the request shall be published in a newspaper of general circulation not less than fifteen (15) days before the date the application will be considered for approval.
2. Personal and Mailed Notice.
  - a. Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered.
  - b. Notice shall be sent to all persons to whom real property is assessed within three hundred (300) feet of the property and to the occupants of all structures within three hundred (300) feet of the property, including the owners or occupants of structures located in adjacent cities or townships. If the name of the occupant is not known, the term "occupant" may be used in making notification.
  - c. All notice delivered by mail or personal delivery must be given not less than fifteen (15) days before the date of the public hearing. Notice shall be deemed mailed by its deposit in the United States mail.
  - d. The Township shall prepare and retain a list of property owners and occupants to whom notice was mailed or delivered.
  - e. *Content.* Any notice published in a newspaper or delivered by mail or personal delivery shall:
    - i. Describe the nature of the request.
    - ii. Indicate the property that is the subject of the request.
    - iii. Include a listing of all existing street addresses within the property. If no such addresses exist, other means of identifying the property may be used.
    - iv. When and where the public hearing will occur.
    - v. When and where written comments may be submitted concerning the request.

**B. Zoning Ordinance Text and Map Amendments.**

1. Map or Text Amendments Affecting 10 or Fewer Parcels. If the proposed map or text amendment will impact 10 or fewer parcels, notice shall be given as specified in Section 14.6, sub-section A.
2. Map or Text Amendments Affecting 11 or More Parcels. If the proposed map or text amendment will impact 11 or more parcels, notice shall be given as specified in Section 14.6, sub-section A, with the exception that the notice need not list street addresses of properties that will be impacted by the map or text amendment.
3. Notice to Other Entities. Notice of the time and place of the public hearing shall also be given by mail to any electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport that registers its name with the Township Clerk for the purposes of receiving notice of public hearings.
4. Additional Information Required In Notice. Any notice required under this section shall include the places and times at which the proposed text or map amendment or amendments may be examined

**Section 14.7 Conditional Rezoning**

Conditional rezoning, as authorized by Section 405 of the Michigan Zoning Enabling Act (MCL 125.3405), shall be prohibited in the Township. Any application for a rezoning amendment to the Official Zoning Map that includes proposed conditions or voluntary use or development limitations shall be returned to the applicant without Township review or consideration.

## Section 14.8 Records

The Township shall keep accurate records of all decisions on all applications submitted pursuant to this Ordinance.

## Section 14.9 Performance Guarantee

### A. Intent and Scope of Requirements.

To ensure compliance with the provisions of this Ordinance and any conditions imposed thereunder, the Board of Trustees, Planning Commission, Zoning Board of Appeals, or Township Planner may require that a performance guarantee be deposited with the Township to insure faithful completion of improvements, in accordance with Section 505 of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

Improvements for which the Township may require a performance guarantee include, but are not limited to, landscaping, berms, walls, lighting, driveways and parking, acceleration/deceleration lanes, traffic control devices, sidewalks, and land reclamation activities.

### B. General Requirements.

The performance guarantee shall meet the following requirements:

1. Type. The performance guarantee shall be in the form of an insurance bond, an irrevocable bank letter of credit, or cash escrow. Any such performance guarantee shall not have an expiration date and shall include a provision that calls for notification of the Township if the bond is canceled. If the applicant posts a letter of credit, the credit shall require only that the Township present the credit with a sight draft and an affidavit signed by the Township Supervisor attesting to the Township's right to draw funds under the credit. If the applicant posts a cash escrow, the escrow instructions shall provide that the escrow agent shall have a legal duty to deliver the funds to the Township whenever the Township Supervisor presents an affidavit to the agent attesting to the Township's right to receive funds whether or not the applicant protests that right.
2. When Required. The performance guarantee shall be submitted at the time of issuance of the permit authorizing the activity or project. If appropriate based on the type of performance guarantee submitted, the Township shall deposit the funds in an account in a financial institution with which the Township regularly conducts business.
3. Amount. The amount of the performance guarantee shall be sufficient to cover the estimated cost of the improvements for which the performance guarantee is required. The applicant shall provide an itemized schedule of estimated costs to complete all such improvements. The exact amount of the performance guarantee shall be determined by the Zoning Administrator.
4. Return of Performance Guarantee. The entire performance guarantee shall be returned to the applicant following inspection by the Zoning Administrator and a determination that the required improvements have been completed satisfactorily. The performance guarantee may be released to the applicant in proportion to the work completed on various elements, provided that a minimum of ten percent (10%) shall be held back on each element until satisfactory completion of the entire project.
5. Retainage for Landscaping. An amount not less than ten percent (10%) of the total performance guarantee may be retained for a period of at least one year after installation of landscape materials to insure proper maintenance and replacement, if necessary. This amount shall be released to the applicant upon certification by the Zoning Administrator that all landscape materials are being maintained in good condition.

### C. Unsatisfactory Completion of Improvements.

Whenever required improvements are not installed or maintained within the time stipulated or in accordance with the standards set forth in this Ordinance, the Township may complete the necessary improvements itself or by contract to an independent developer, and assess all costs of completing said improvements against the performance guarantee. Prior to completing said improvements, the Township shall notify the owner, site plan review applicant, or other firm or individual responsible for completion of the required improvements.

## Section 15 Violations and Penalties

### Section 15.1 Public Nuisance

Buildings erected, altered, razed or converted (including tents, mobile homes, and trailer coaches), or uses carried on in violation of any provision of this Ordinance are hereby declared to be a nuisance per se, and shall be subject to abatement or other action by a court of appropriate jurisdiction.

### Section 15.2 Violation Defined

Any person, firm, corporation, or agent, or any employee, contractor, or subcontractor of same, who fails to comply with any of the provisions of this Ordinance or any of the regulations adopted in pursuance thereof, or who impedes or interferes with the enforcement of this Ordinance by the Zoning Administrator or other enforcement official shall be deemed in violation of this Ordinance.

Statements in an application or supporting documentation that are based on deceit or falsity shall render any such application void. Any permits issued on the basis of such false statements shall be revoked.

### Section 15.3 Penalties

For any and every violation of the provisions of this ordinance, the owner, agent, contractor, lessees, or tenant of the premises, building, or part thereof, where such violation has been committed, shall be guilty of a civil infraction. The owner, agent, architect, builder, or any person who commits, takes part, or assists in such violation of any of the provisions of this Ordinance, or any person who maintains any buildings or premises in which any such violation exists, shall be guilty of a civil infraction. Violations of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a civil infraction. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Township from taking such other lawful action as is necessary to prevent or remedy any violation. Civil infractions shall be administered per Charter Township of Union Municipal Ordinance Violations Bureau Ordinance.

### Section 15.4 Procedures for Addressing Violations

Anyone may report apparent violations of this Ordinance to the Zoning Administrator. All violations shall be addressed by following the procedures outlined in the Township's Municipal Ordinance Violation Bureau Ordinance, Ordinance No. 1999-02.

### Section 15.5 Authority to Pursue Court Action

The Township Board or its duly authorized representative is hereby empowered to commence and pursue any and all necessary and appropriate actions or proceedings in the Circuit Court, or any other court having jurisdiction, to restrain or prevent any non-compliance with or violation of any of the provisions of this Ordinance, and to correct, remedy, or abate such noncompliance or violation. Any person aggrieved or adversely affected by such non-compliance or violation may institute suit or join the Township Board in such a suit to abate the violation.

### Section 15.6 Other Remedies

The rights and remedies set forth above shall not preclude the use of other remedies provided by law, including any additional rights of the Township to initiate proceedings in an appropriate court of law to restrain or prevent any noncompliance with any provisions of this Ordinance, or to correct, remedy, or abate such non-compliance.

### Section 15.7 Rights and Remedies Preserved

Any failure or omission to enforce the provisions of this Ordinance, and failure or omission to prosecute any violations of this Ordinance, shall not constitute a waiver of any rights and remedies provided by this Ordinance or by law, and shall not constitute a waiver nor prevent any further prosecution of violations of this Ordinance.

### Section 15.8 Show Cause Hearing

Notwithstanding any provision contained in this Ordinance, the Zoning Administrator may initiate a show cause hearing before the Planning Commission or Zoning Board of Appeals, when the Zoning Administrator believes a violation of the Zoning Ordinance has occurred. The purpose of this hearing shall be to allow the violator or his/her agents an opportunity to show cause why the provisions of the Ordinance should not be enforced.

The show cause hearing shall be held under the following guidelines:

- A. Notice shall be served by first class mail upon the violator not less than ten (10) days prior to the hearing date. This notice shall contain the purpose of the hearing, time, date, and place to be held and the rights of the individuals involved.
- B. At the hearing the Zoning Administrator or his/her agent shall present the case against the property involved. The Zoning Administrator or his/her agent has the right to present witnesses and/or evidence to support his/her case.
- C. The alleged violator or his/her agent may rebut the case and may present witnesses and/or evidence to support his/her case. He/she may cross-examine previous witnesses and may be presented by legal counsel.
- D. Upon completion of the hearing the Planning Commission or Zoning Board of Appeals may take whatever action it feels necessary and proper and within the scope of their powers to effect the regulations and intent of the regulations set down in the Zoning Ordinance.
- E. In the case of a decision made by the Planning Commission, such decision is appealable to the Zoning Board of Appeals within fifteen (15) days of said decision.
- F. In a decision made by the Zoning Board of Appeals, such decision is appealable to the Isabella County Circuit Court on questions of law and fact.
- G. Appeals made to the Zoning Board of Appeals shall be in writing and in such form as shall be determined by the Zoning Board of Appeals and shall have a fee set forth by the Union Township Board.



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