



**Planning Commission
Special Meeting
March 20, 2019
6:30 p.m.**

1. CALL MEETING TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF MINUTES
5. CORRESPONDENCE / BOARD REPORTS
6. APPROVAL OF AGENDA
7. PUBLIC COMMENT: Restricted to (3) minutes regarding items not on this agenda
8. NEW BUSINESS

A. Zoning Ordinance Rewrite –Amend/Update Ordinance Sections with McKenna

9. OTHER BUSINESS
10. EXTENDED PUBLIC COMMENT: Restricted to 5 minutes regarding any issue
11. FINAL BOARD COMMENT
12. ADJOURNMENT



February 28, 2019

Planning Commission
Charter Township of Union
2010 S. Lincoln
Mt. Pleasant, MI 48858

Subject: New Zoning Ordinance

Dear Planning Commissioners:

I am pleased to submit the first several sections of the new Union Township Zoning Ordinance to you for your review and comment. You will recall when I met with you on January 15th I distributed an annotated Table of Contents for the new ordinance. This submittal addresses Sections 1 through 5 of the Table of Contents.

In general, you will find that the new ordinance addresses the subject matter with a greater degree of thoroughness than the existing ordinance. We have also added titles and subtitles and formatted the ordinance to facilitate ease of use. As a result of these actions, you will find that the new ordinance will be somewhat longer than the existing ordinance.

I would like to offer a few comments that may help in your review:

1. Although many of the definitions in Section 2.2 are carryovers from the existing ordinance, in many cases we have reworded or embellished the definitions for clarification. We have also added several new definitions of terms that will be used in the ordinance.
2. If you are limited for time, I suggest you concentrate on review of the list of Permitted Uses by District in Section 3.4. Now is the time to make adjustment to the list. For example, the existing ordinance allows gas stations by special land use in the Agricultural District. This seems odd, since the Agricultural District also allows residential uses. Another oddity involves planned shopping centers, which are principal permitted uses in the B-4 and B-5 districts, but not in the B-7 district.
3. As you review the list of Permitted Uses by District in Section 3.4 you will notice that we added uses that we feel need to be addressed in the Township. You will want to make sure we have entered them as principal permitted uses or special land uses in the districts you desire.
4. We totally revamped the list of permitted industrial uses. The existing ordinance explicitly permits some extremely intensive industrial operations that we believe the Township should not permit, such as blast furnaces, blooming or rolling mills, manufacturing of corrosive acid or alkali, and smelting of copper, iron, or zinc ore. We have eliminated these uses from the list and focused more on light industrial, wholesale and warehousing, and research-type uses.
5. Based on discussion with the Township Planner and our own research, we are recommended that two zoning districts be eliminated:
 - a. The R-5, Mobile or Modular Home District is intended to permit mobile or modular homes outside of a mobile home park. This district is in conflict with state law, which states that such homes have to be treated like other single family homes, provided they meet the requirements of the zoning ordinance.



- b. The B-6, Auto-Related Highway Business District is redundant. Looking at the zoning map, there appears to be only three areas designated B-6. We recommend that they be rezoned B-7. Standards in the B-6 district will be folded into other parts of the ordinance.
- 6. Sections 3.5 through 3.18 provide summaries of the regulations for each district. You will notice we have rewritten the Statements of Purpose in an effort to better capture the true intent of each district.
- 7. Section 3.11 contains the requirements for the Mobile Home Park District. You will notice that we have set forth all of the regulations that apply to mobile home parks in this section. This will make it easier to get through the review by the Manufactured Housing Commission, which is a required step. Please review these requirements carefully. Some come from the Manufactured Housing Commission Rules or state law and others represent a “higher standard.”
- 8. Section 3.18 contains the requirements for Planned Unit Development. We are recommending that Planned Unit Development involve a rezoning of the property, rather than just a special land use approval. The reason for this is twofold:
 - a. A rezoning enjoys the presumption of validity by the courts if a PUD is ever challenged.
 - b. The existing PUD procedures are not that much different from rezoning, so this change will not be significant procedurally.

Planned Unit Development is supposed to result in development that is substantially higher in quality than the Township would get under conventional zoning. The requirements and procedures set forth in Section 3.18 are intended to make sure this happens.

I look forward to meeting with you on March 20th to review the new ordinance sections in greater detail.

Sincerely,

McKENNA

Christopher J. Doozan, AICP

c: Peter Gallinat, Township Planner

Enclosures

**Zoning Ordinance
Charter Township of Union
Isabella County, Michigan
Ordinance No. _____**

DRAFT DATE: _____

ADOPTION DATE: _____

EFFECTIVE DATE: _____

Summary Table of Amendments

Ordinance Number	Effective Date	Amended Section(s)	Description

Table of Contents

SECTION 1 TITLE, PURPOSE, AND SCOPE.....

Section 1.1 Short Title (Currently Section 1.1).....

Section 1.2 Purpose And Intent (Currently Section 1.2)

Section 1.3 Application Of The Zoning Ordinance (Section 8.13, 8.6, 8.35)

Section 1.4 Vested Rights (New Section)

Section 1.5 Relationship To Other Laws And Ordinances (New Section)

Section 1.6 Severability (Currently Section 32.1).....

Section 1.7 Effective Date And Repeal Of Prior Ordinance (Currently Sections 32.3 And 32.4)

SECTION 2 DEFINITIONS.....

Section 2.1 Rules of Interpretation (currently Section 1.3)

Section 2.2 Definitions (currently Section 3; also, Section 8.14 – essential services).....

SECTION 3 ZONING DISTRICTS AND MAP

Section 3.1 Establishment Of Zoning Districts (Currently Section 2.1).....

Section 3.2 Official Zoning Map (Currently Section 2.2)

Section 3.3 Interpretation Of Zoning District Boundaries (Currently Section 2.2).....

Section 3.4 Permitted Uses By District (New Table Of Land Uses, Which Includes Applicable Parts Of Current Sections 13.2, 14.2, 15.2, 16.2, 17.2, 18.2, 19.2, 20.2, 22.2, 22.3, 23.2, 23.3, 24.2, 24.3, 25.2, 25.3, 26.2, 27.2, 28.2, And 28.3; Also Section 8.37 Dealing With Transition Area; Also Section 8.39 Dealing With Uses Not Designated).....

Section 3.5 AG, Agricultural District (Currently Section 13).....

Section 3.6 R-1, Rural Residential District (Currently Section 14).....

Section 3.7 R-2A, One- And Two-Family, Low-Density Residential District (Currently Section 15)..

Section 3.8 R-2B, One- And Two-Family Medium-Density Residential District (Currently Section 16)

Section 3.9 R-3A, Multiple-Family Residential District (Currently Section 17).....

Section 3.10 R-3B, Medium-Density Multiple-Family Residential District (Currently Section 18)

Section 3.11 R-4, Mobile Home Park District (Currently Section 19).....

Section 3.12 B-4, General Business District (Currently Section 22)

Section 3.13 B-5, Highway Business District (Currently Section 23)

Section 3.14 B-7, Retail And Service Highway Business District (Currently Section 25)

Section 3.15 I-1, Light Industrial District (Currently Section 26)

Section 3.16 I-2, General Industrial District (Currently Section 27)

Section 3.17 OS, Office Service District (Currently Section 28)

Section 3.18 PUD, Planned Unit Development District (Currently Section 31)

SECTION 4 SCHEDULE OF REGULATIONS.....

Section 4.1 Scope of Regulations to Limit Height, Bulk, Density, Area, and Placement by District (new Section, generally; include Section 8.28)

Section 4.2 Schedule of Regulations (currently Sections 21 and 29).....

Section 4.3 Footnotes to Schedule of Regulations (currently Sections 21 and 29; also, Sections 8.9, 8.11, 8.17)

Section 4.4 Urban Overlay Regulations (currently Section 8.40 – may be included as a footnote to the Schedule of Regulations instead)

SECTION 5 SUPPLEMENTAL ZONING DISTRICT STANDARDS

Section 5.1 Condominium Developments (Currently Section 8.33).....

SECTION 6	STANDARDS APPLICABLE TO SPECIFIC LAND USES.....
Section 6.1	Adult Entertainment (currently Section 23.2(I)).....
Section 6.2	Adult Foster Care Small Group Home, Large Group Home, and Congregate Facility (currently Section 30.4(J) & (V))
Section 6.3	Airports, Public and Private (currently Section 30.4(B)).....
Section 6.4	Amusement Parks (currently Section 30.4 (C))
Section 6.5	Animals, Keeping of (currently Section 8.3
Section 6.6	Automobile or Vehicle Storage (currently Section 8.4)
Section 6.7	Auto Wash Establishments (currently Section 30.4(AA)).....
Section 6.8	Boarding Kennels (currently Section 30.4(Z)).....
Section 6.9	Bed and Breakfast Facility (currently Section 8.5)
Section 6.10	Campgrounds and Recreation Grounds (currently Section 30.4(D)).....
Section 6.11	Cemeteries, Public or Private (currently Section 30.4(E))
Section 6.12	Country Clubs and Golf Courses (currently Section 30.4(H)).....
Section 6.13	Day Care, Group Home (currently Section 8.34)
Section 6.14	Day Care Centers (currently Section 8.34)
Section 6.15	Drive-Through Uses (new Section)
Section 6.16	Dwelling Units (currently Section 8.12)
Section 6.17	Dwellings, Rooming and Boarding (currently Section 30.4(AE))
Section 6.18	Filling Stations for the Sale of Gasoline, Oil, Etc. (currently Section 30.4(I)).....
Section 6.19	Home Occupations (currently Section 8.19)
Section 6.20	Hunting or Gun Clubs (currently Section 30.4(k))
Section 6.21	Junk Yards (currently Section 30.4(L)).....
Section 6.22	Marihuana-Related Facilities (currently Sections 8.2, 22.2(R) & (S), 26.2(S), 27.2(O), 30.4(AD)).....
Section 6.23	Miniature Golf, Driving Ranges (currently Section 30.4(M))
Section 6.24	Mixed-Use Structure (currently Section 30.4(AB)).....
Section 6.25	Mobile and Modular Home Sales (currently Section 30.4(X)).....
Section 6.26	Mortuary Establishments, Funeral Homes (currently Section 30.4(N))
Section 6.27	Multiple-Family Dwellings of Five or More Units (currently in Section 30.4(Y))
Section 6.28	Natural Resource Extraction Operations (currently Section 30.4(S))
Section 6.29	Nursing Home, Convalescent Home, Extended Care Facility, Assisted Living Facility (new Section)
Section 6.30	Oil, Gas, and Other Drilling Activity (currently Section 8.22)
Section 6.31	Open Storage and Waste Disposal (currently Section 8.23 – may split into two sections)
Section 6.32	Outdoor Temporary Retail Sales (new Section)
Section 6.33	Planned Shopping Centers (currently Section 30.4(O)).....
Section 6.34	Public and Institutional Uses (currently Section 30.4(Q))
Section 6.35	Public or Group Organizations Buildings (currently Section 8.20).....
Section 6.36	Race Tracks (currently Section 30.4(R)).....
Section 6.37	Second Living Quarters on a Farm (currently Section 30.4(T))
Section 6.38	Self-Storage Facilities (currently Sections 27.2(I) and 30.4(U))
Section 6.39	Solar Energy Systems (new Section).....
Section 6.40	Swimming Pools, Private (currently Section 8.25)
Section 6.41	Veterinary Services (currently Section 30.4(W)).....
Section 6.42	Wind Energy Systems (currently Section 30.4(AC))
Section 6.43	Wireless Telecommunications Facilities (currently Section 30.4(F))
Section 6.44	Yard Sales (currently Section 8.385)
Section 6.45	Auctions.....
Section 6.46	Office and Retail in Industrial Districts

SECTION 7 GENERAL PROVISIONS

Section 7.1 One Detached Single Family Residence per Lot (currently Section 8.24).....

Section 7.2 Permitted Encroachments into Required Yard Setbacks (new Section).....

Section 7.3 Exemptions from Height Regulations (currently Section 8.18)

Section 7.4 Clear Vision Triangle Area (currently Section 8.8).....

Section 7.5 Accessory Buildings and Structures (currently Section 8.1 and 8.2).....

Section 7.6 Fences and Walls (currently Section 8.16)

Section 7.7 Principal Use (currently Section 8.24; also include Section 8.27)

Section 7.8 Razing of Buildings (currently Section 8.26)

Section 7.9 Restoration of Unsafe Buildings (currently Section 8.30)

Section 7.10 Sidewalks (currently Section 8.325).....

Section 7.11 Storage of Recreational Vehicles (new Section).....

Section 7.12 Temporary Uses, Buildings, and Structures (currently Section 8.21)

Section 7.13 Water Supply and Sanitary Sewerage Required (currently Sections 8.29 and 8.32)

Section 7.14 Single Family Home Standards.....

SECTION 8 ENVIRONMENTAL PERFORMANCE STANDARDS.....

Section 8.1 Standards Applicable to Industrial Uses, Processes, and Districts (currently Section 8.7).....

Section 8.2 Exterior Lighting (new Section)

Section 8.3 Storm Water Management (Section 8.36)

Section 8.4 Steep Slopes and Ridge Lines (new Section).....

SECTION 9 PARKING, LOADING, AND ACCESS MANAGEMENT (CURRENTLY SECTION 10).....

Section 9.1 Intent (currently Section 10.1)

Section 9.2 Parking Regulations (new Section)

Section 9.3 Minimum Number of Parking Spaces Required (currently Section 10.2)

Section 9.4 Barrier-Free Parking Required (new Section).....

Section 9.5 Parking Layout, Design, Construction, and Maintenance (new Section).....

Section 9.6 Off-Street Loading Zones (currently Section 10.7)

Section 9.7 Access Management (new Section).....

SECTION 10 LANDSCAPING AND SCREENING

Section 10.1 Intent (new Section)

Section 10.2 Scope of Application (new Section)

Section 10.3 Landscaping Design Requirements (new Section).....

Section 10.4 Standards for Plant Materials (currently Section 8.31, 24.4)

Section 10.5 Installation and Maintenance (currently Section 8.31, 24.4).....

Section 10.6 Modifications to Landscaping Requirements (new Section)

SECTION 11 SIGNS (CURRENTLY SECTION 11)

Section 11.1 Purpose and Intent (new Section)

Section 11.2 Definitions (new Section)

Section 11.3 Substitution Clause (new Section)

Section 11.4 Signs Permitted by Zoning District (currently Sections 11.7, 11.8, 11.9, 11.10, 11.11, 11.12, 11.13)

Section 11.5 Permits and Applications (new Section).....

Section 11.6 Exempt Signs Permitted in All Zoning Districts (new Section).....

Section 11.7 Prohibited Signs (currently Section 11.6).....

Section 11.8 General Sign Standards (currently Section 11.2)

Section 11.9 Sign Illumination Standards (new Section)

Section 11.10 Nonconforming Signs and Abandoned Signs (currently Sections 11.3 and 11.4).....

Section 11.11	Sign Maintenance (currently Section 11.3)
Section 11.12	Sign Removal (currently Section 11.3).....
Section 11.13	Dangerous Signs (new Section).....
Section 11.14	Administration (new Section)
Section 11.15	Variances (currently Section 11.5).....
Section 11.16	Enforcement (new Section).....
SECTION 12	NONCONFORMITIES.....
Section 12.1	Intent (new Section)
Section 12.2	Nonconforming Uses and Structures (currently Section 9).....
Section 12.3	Nonconforming Lots (currently Section 8.15 and Section 9.9)
SECTION 13	ADMINISTRATIVE ORGANIZATION.....
Section 13.1	Zoning Official (currently Section 7.2).....
Section 13.2	Township Board (new Section)
Section 13.3	Planning Commission (currently Sections 7.1, 32.2)
Section 13.4	Board of Zoning Appeals (currently Section 5)
SECTION 14	ADMINISTRATIVE PROCEDURES.....
Section 14.1	Zoning Permits, Zoning Compliance Review, and Fees (currently Section 6).....
Section 14.2	Site Plan Review (currently Section 12).....
Section 14.3	Special Land Use Review (currently Section 30).....
Section 14.4	Variances and Appeals (currently Sections 5.4, 5.5, 5.6, 5.7, 5.8, 5.9, 5.10, 5.11).....
Section 14.5	Zoning Ordinance Amendment Procedures (currently Section 4)
Section 14.6	Public Hearings (currently Section 7.8).....
SECTION 15	VIOLATIONS, PENALTIES, AND ENFORCEMENT
Section 15.1	Enforcement (new Section 7.3).....
Section 15.2	False Statements and Revocation of Approvals (new Section).....
Section 15.3	Violations and Penalties (currently Sections 7.3, 7.4, 7.45, 7.5, 7.6, 7.7)
Section 15.4	Payment of Civil Fines, Costs, or Justice System Assessments Prior to Permit Review (new Section).....

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 2018 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 _____. The Ordinance shall take effect on _____, said date being _____ 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.
- P. The term **residential districts** include the _____ districts, unless otherwise noted.

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.

A

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.

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.

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**.

Anaerobic Composting: The decomposition of organic matter in an environment with little or no oxygen present.

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 premises 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 premises 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.

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*.

Bioswale: A linear, vegetative stormwater 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/or 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.

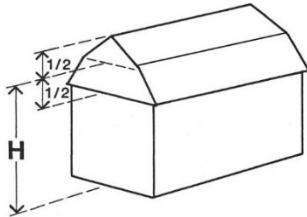
Building Envelope: See *Buildable area*.

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

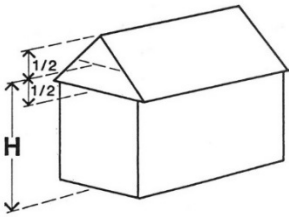
- (1) The highest point of the coping of a flat roof;
- (2) The deck line of a mansard roof; or,
- (3) The average height between the eaves and the ridge for a gable, hip, studio (shed), or gambrel roof (if the eaves are not even, then the height shall be the average height between the highest eave and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

Building Height

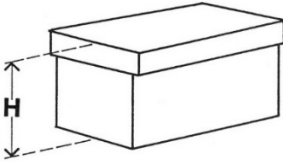
H = Height of building



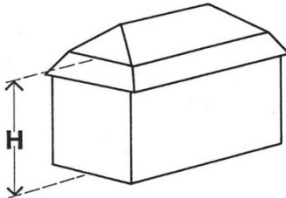
Gambrel Roof



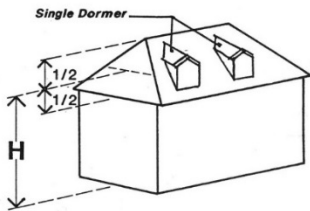
Gable Roof



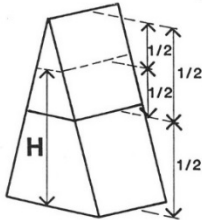
Flat Roof



Mansard Roof

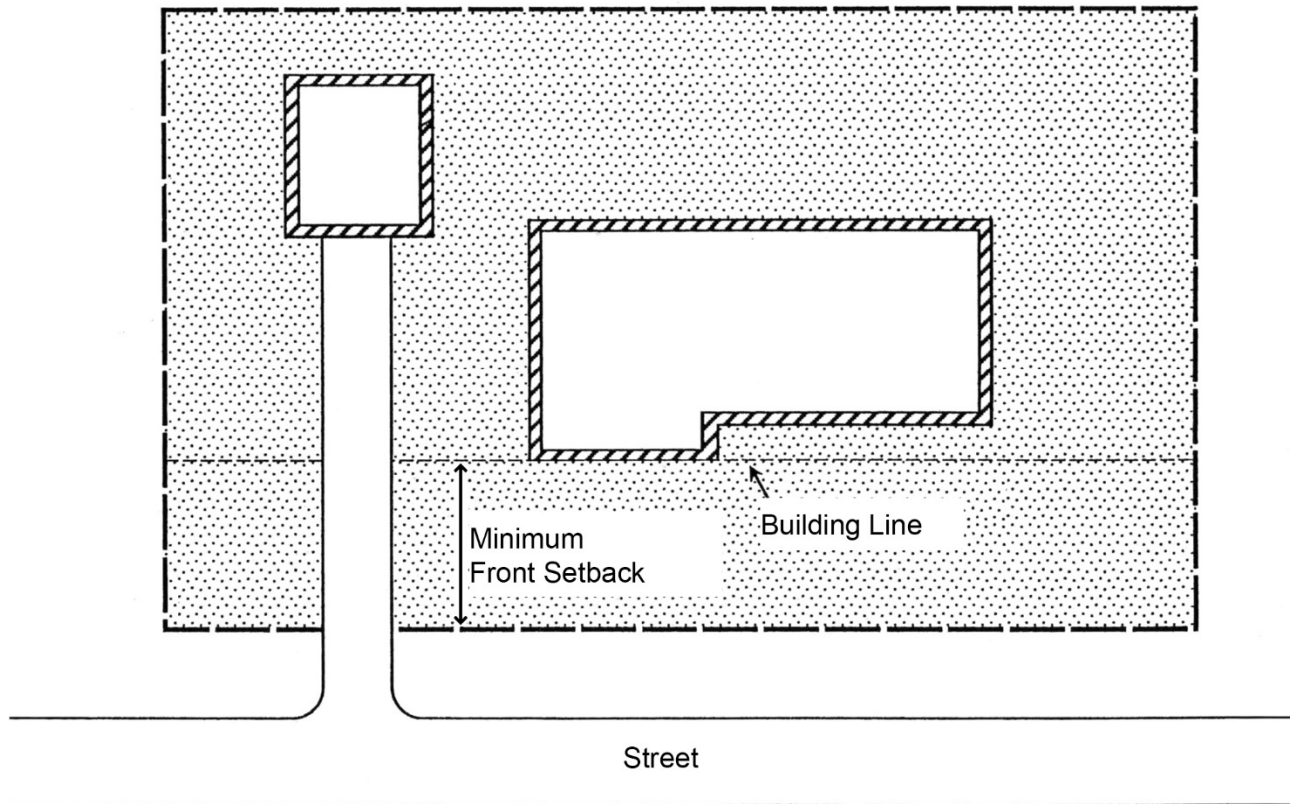


Hip Roof



"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.

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

C

Campground: See "Lodging"

Caretaker Living Quarters: 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 marihuana.

D

Day Care Facility: A facility for the care of children under eighteen (18) years of age, which is licensed and regulated by the State of Michigan pursuant to Michigan Public Act 116 of 1973, as amended, and the associated rules promulgated by the State. Such facilities shall be further defined as follows:

- A. **Family Day Care Home:** A private home in which one (1) to six (6) children are received for care and supervision, including those children less than seven (7) years old in the resident family. This number shall not include more than two (2) children less than twelve (12) months old.
- B. **Group Day Care Home:** A private home where from seven (7) to twelve (12) children are received for care and supervision. This number shall not include more than two (2) children younger than two (2) years old.
- C. **Child Care Center:** A facility, other than a private home, where one (1) or more children are received for care and supervision.

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.

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”.

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 Official, 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 buildings, electric substations and substation buildings, gas regulator stations and regulator buildings 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 or business offices and commercial buildings or activities.

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

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.

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.

Farmer's Market: A farmer's market, as distinguished from a farm market, is a location established in accordance with Township ordinances and operated in compliance with Michigan Public Act 92 of 2000, where farmers may transport and sell to the public fruits, vegetables and other agricultural products. Farmer's market vendors may operate intermittently but for state licensing purposes are considered permanent operations. Vendors selling crafts are commonly found at farmer's markets.

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.

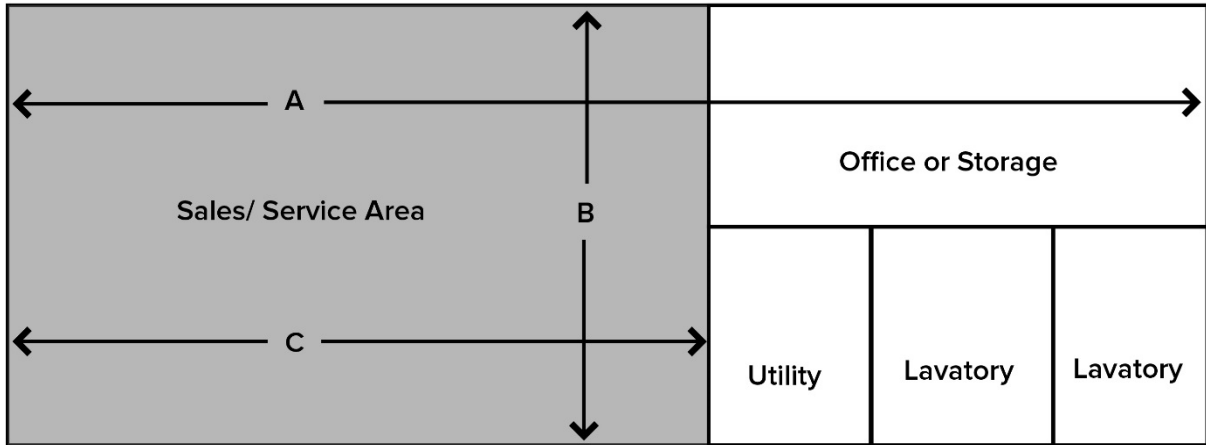
Flag Lot: See *Lot, Flag*.

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.

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, 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 Terminology



Gross Floor Area = A x B
 Useable Floor Area = A x B

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*.

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. Private garages shall not have public repair facilities. 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*.

Government (or Public) Buildings: Principal structures dedicated to the use by the public or government operations. For the purposes of this Ordinance, Government or Public 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 Government or Public Buildings.

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. The Building Official shall be the entity responsible for determining the grade and determining compliance with this Ordinance.

Greenbelt: See *Landscaping*.

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

Gun Range: A facility for the safe and secure discharging of firearms.

H

Hazardous Uses: Any activity which is or may become injurious to public health, safety, or welfare or the environment. Hazardous uses include but are not limited to all uses which involve the storage, sale, manufacture, or processing of materials which are dangerous or combustible and are likely to burn immediately, and from which either poisonous fumes or explosions are to be anticipated in the event of fire. These uses include all high hazard uses listed the State Building Code, as amended.

Health or 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 Business: An occupation or profession undertaken entirely within a dwelling unit by one or more resident occupants of that dwelling unit. A 'home based business' must be clearly secondary to the use of the dwelling unit 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: An occupation or profession undertaken entirely within a dwelling unit by one or more resident occupants of that dwelling unit. A 'home occupation' must be clearly secondary to the use of the dwelling unit 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).

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.

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.

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.

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.

L

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.

Landscaping 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.

Live-Work Unit: A building space that combines a person's workspace with his/her living quarters, with the workspace on the ground floor facing the street.

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.

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. Motel: A building or group of buildings occupied as a temporary abiding place for individuals who are lodged with or without meals in rooms consisting of a minimum of a bedroom and bath, occupied for hire, in which provision is not usually made for cooking within the rooms, and which provides customary motel services such as maid service, linen service, telephone and/or desk service, and the use of furniture. Motels typically provide exterior entrances and on-site parking for each unit. A motel may also include conference room or banquet facilities, an attached dining room, and/or an unattached standard restaurant.
- C. 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.
- D. Campground: A facility for overnight stays in non-permanent structures, cabins, or recreational vehicles.
- F. Vacation Rental: A dwelling unit rented out in its entirety (i.e. the owners or occupants are not at home) for periods of one month or less at a time to individuals or groups visiting the Township, where there is no full-time employed staff and no meal service.

Lot: A tract of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Ordinance. A 'lot' may or may not be specifically designated as such on public records.

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 Service: 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 Official. 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*).

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.

M

Main 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.

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*.

Marina: A facility for boat docking and storage, including the sale of fuel. Accessory uses such as restaurants shall be considered separate uses for purposes of this Ordinance.

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.)

Mini-Warehouse: 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 Mobile Home Commission Rules and Michigan Public Act 96 of 1987, as amended.

Mobile Home Site or Lot: An office located in a non-permanent structure accessory to an approved use.

Mobile Office: An office use contained within a non-permanent structure, including structures with wheels.

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

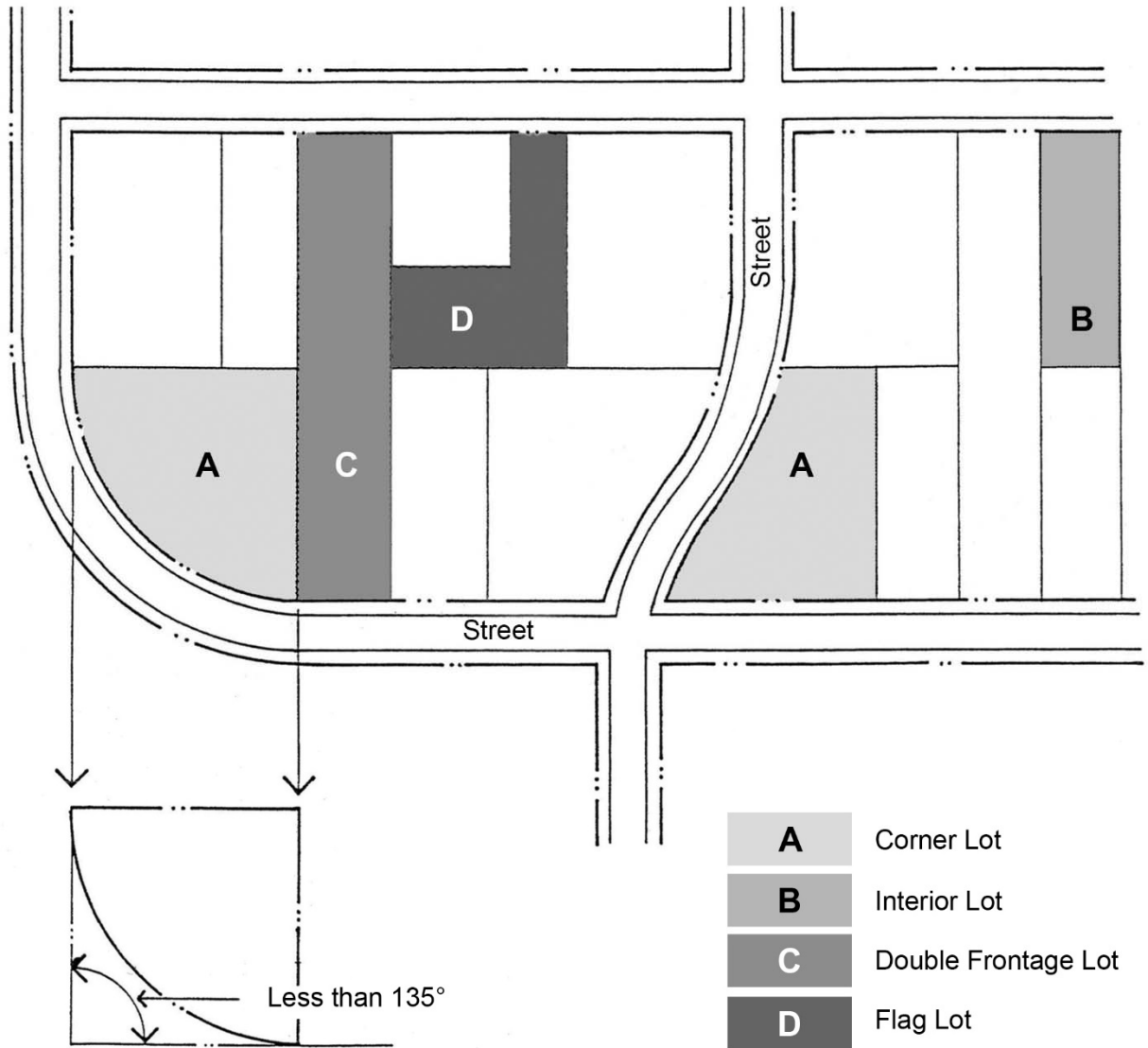
Mortuary or Funeral Home: An establishment where the dead are prepared for burial or cremation and where wakes or funerals may be held.

Motel: See "Lodging"

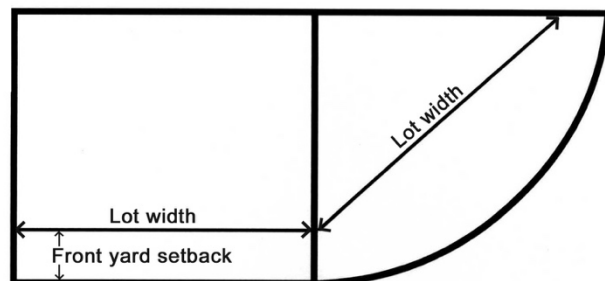
Motor Freight: Buildings and premises used for the temporary storage of freight in transit and the parking of truck tractors and trailers employed in such business while awaiting the loading or unloading of freight. This definition shall not include any retail gas station or "truck stop."

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

Corner, Interior & Double Frontage Lots



Lot Width



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.

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.

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, **junk**, 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.

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.

Perc Test or Percolation Test: A test designed to determine the ability of ground to absorb water, and used to determine the suitability of a soil for drainage or for the use of a septic system.

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.

Pervious Surface: A surface that permits full or partial absorption of storm water, including but not limited to grass, soil, mulch, gravel, wooden decks with space between the slats, and pervious pavers.

Pervious Pavement: Pavement with a base and/or sub-base that allows the movement of stormwater through the surface.

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 Township Planner is the person or firm designated by the Township Board and Planning Commission 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 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 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.

Q

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 Marijuana Act.

R

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 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.

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.

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

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.

Semi-Trailer: a trailer, which may or may not be enclosed, having wheels generally only at the rear and supported in front by a truck tractor or towing vehicle.

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.

Service Truck: A pick-up truck or van that is used in conjunction with a repair or maintenance business, such as a plumbing, electrical, or carpentry business.

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**).

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: An energy facility, principally used to convert solar energy to electricity, which includes the use of one or more solar energy systems, as defined in Section 6.39(B).

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 Land Use/Special Use: Special land 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 land uses may be permitted following review and approval subject to the terms of this Ordinance.

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

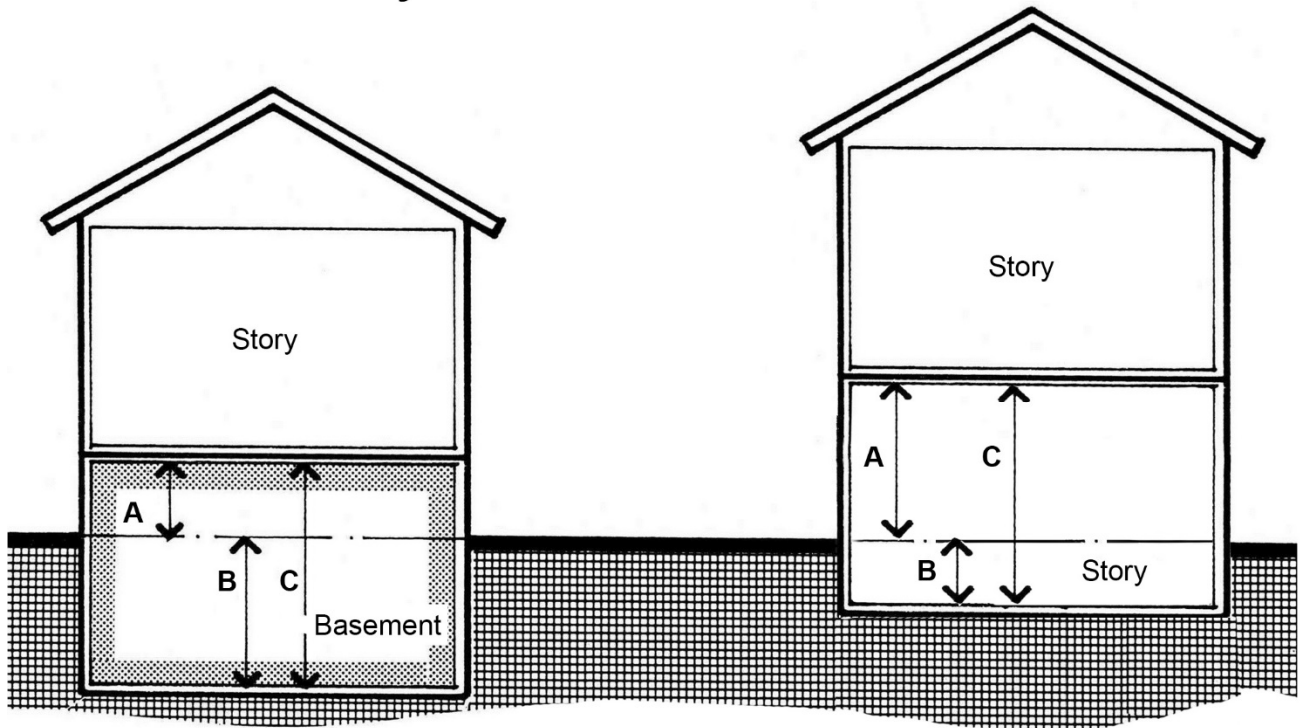
C. **Child foster care:** The care and supervision for 24 hours a day, for four or more days a week, and for two or more consecutive weeks, of minor children who are not related to an adult member of the household by blood or marriage, are not placed in the household under the Michigan adoption code, 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



“A” is less than “B”
 “C” is a basement

“A” is greater than “B”
 “C” is a 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.

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.

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.

Toxic or Hazardous Waste: Waste or a combination of waste and other deposited, stored or disposed material (including but not limited to solid, liquid, semisolid, or contained gaseous material) which because of its quantity, concentration, or physical chemical or infectious characteristics may (if improperly treated, deposited, stored, transported, disposed or otherwise managed) cause or significantly contribute to the following conditions:

- (1) an increase in mortality, or
- (2) an increase in serious irreversible illness, or
- (3) serious incapacitating, but reversible illness, or
- (4) substantial present or potential hazard to human health or the environment.

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.

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 Land: See **Special Land 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.

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.

Vacation Rental: See "Lodging"

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

Vendor: Any person or persons engaging temporarily in the retail sale of goods, wares, or merchandise involving the display, sale, offering for sale, offering to give away, or giving away of anything of value including any food, beverage, goods, wares, merchandise, or services.

Vendor Truck: A vehicle used to engage in the retail sale of goods, wares or merchandise involving the display, sale, offering for sale, offering to give away, or giving away of anything of value including any food, beverage, goods, wares, merchandise, or services.

Veterinary Hospital: See *Clinic, Veterinary*.

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 6.42(B).

Wireless Telecommunications 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. Not included within this definition are:

citizen band radio facilities; short wave facilities; ham, amateur radio facilities; satellite dishes; and, governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

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.

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 a body of water and the nearest line of the principal building.

Yard Clippings: Leaves, grass clippings, vegetable or other garden debris, shrubbery, or brush or tree trimmings, less than 4 feet in length and 2 inches in diameter, that can be converted to compost humus. Yard clippings do not include stumps, agricultural wastes, animal waste, roots, sewage sludge, or garbage. "Yard clippings" is defined in Section 324.11506 (7) of Public Act 212 of 2007, as amended.

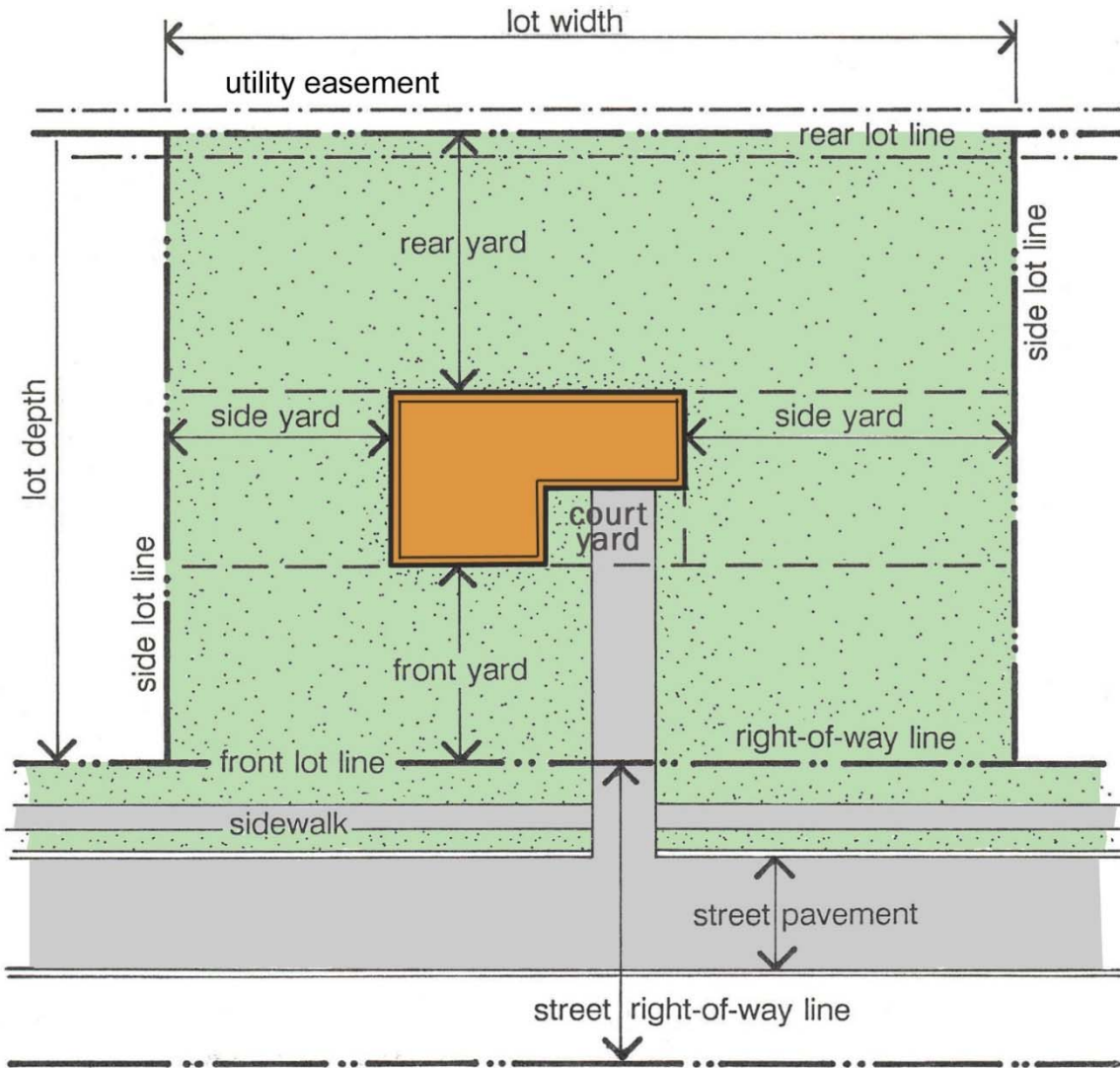
Yard Sale: An informal, irregularly scheduled event for the sale of used goods by individuals at their residence. A yard say may also be called a garage sale, rummage sale, tag sale, attic sale, moving sale, or junk sale. A yard sale may also include a fundraising event for a nonprofit group when conducted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

Z

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 Official: The Zoning Official is the person or persons designated by the Township Board to administer the Zoning Ordinance on a day-to-day basis, including but not limited to processing applications, maintaining the minutes of the Planning Commission, sending notices of public hearings, and similar work.

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



Yard Terms

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 3.5 through 3.20:

- 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 changes of any nature shall be made to the Zoning Map except in conformity with the procedures set forth in 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 Land 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	CMU	Use Standards
Residential Uses															
Accessory Use, Building, or Structure	A	A	A	A	A	A	A								Section 7.5
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	P														
Auction, Permanent Agricultural	S														Section 6.45
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									Section 6.13
Customary Agricultural Operations	P	P													
Dwellings, Multiple-Family (4-units or less)					P	P									
Dwellings, Multiple-Family (5-units or more)					S	S									Section 6.27
Dwelling, One Family or Single Family	P	P	P	P									S		Section 6.16
Dwelling, One Family on a Farm	P	P													
Dwellings, Two Family (Duplex)			P	P									S		Section 6.16
Foster Family Home	P	P	P	P	P	P									
Foster Family Group Home	S	S	S	S	S	S									
Home Based Business	A	A	A	A											Section 6.19
Home Occupation	A	A	A	A											Section 6.19
Mobile Home Parks							P								Section 3.11
Nursery, Plant Material	P	P													
Roadside Farm Stands	P														
Second Living Quarters on a Farm	S														Section 6.37
Mobile or Modular Dwellings, not in a Mobile Home Park	P	P	P	P											Section 6.16
Stable, Private	P	P													
Stable, Public	S	S													
Swimming Pools, Private	A	A	A	A	A	A	A								Section 6.40
Lodging Uses															
Bed and Breakfast	S	S	S												Section 6.9
Dependent Living for Seniors		P			P	P									
Fraternity, Sorority, or Similar Organization ¹					S	S									Section 6.35
Hotels and Motels								P	P	P					
Independent Living for Seniors					P	P									
Nursing Home					S	S		S	S	S					Section 6.29
Rooming or Boarding House	S	S	S	S	S	S									

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	CMU	Use Standards
Vacation Rental	P	P	P	P											
Medical Uses															
Medical or Dental Offices								P	P	P			P		
Pharmacy, Optical, or other Medical Sales													A		
Veterinary Clinic	S							P	P	P					Section 6.41
Public and Quasi-Public Uses															
Airports, Public or Private	S														Section 6.3
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														Section 6.10
Cemeteries, Public or Private, including Mausoleums	S														Section 6.11
Colleges or Universities, Public														P	
Conservation Areas, Public or Private	S														
Country Clubs and Golf Courses	S	S	S	S	S	S									Section 6.12
Mortuary Establishments, Funeral Homes								S	P	P			S		Section 6.26
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					Section 6.35
Public and Institutional Buildings and Uses	S	S	S	S	S	S									Section 6.34
Religious Institutions	P	P	P	P	P	P		P	P	P					
Theaters, Assembly Halls, Concert Halls, and Similar Places of Assembly								P	P						
Trade or Industrial Schools											P	P			
Commercial and Retail Uses															
Adult Entertainment									P	P					Section 6.1
Amusement Parks								S							Section 6.4
Amusement Enterprises									P						
Auction, Permanent								P	P	P					Section 6.45
Auto Wash when Completely or Partially Enclosed in a Building								P	P	S					Section 6.7
Automobile Repair Shop Or Garage if all operations are conducted in an enclosed building								P	P	S	P	P			
Bar, Grill, and Cocktail Lounges									P	P					
Boarding Kennels	S										P	P			Section 6.8
Brewpub								P	P	P					
Dealership, Vehicle and Farm Equipment Sales								S	P	S					

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	CMU	Use Standards
Donation Bins								A	A	A					
Filling Station, Gas Station	S							S	S	S					Section 6.18
Financial Institutions								P	P	P			S		
General Retail Business								P	P	P					
Health, Exercise Club, or Spa								P	P	P					
Indoor Commercial Recreation								P	P						Section 6.47
Instant Oil Change Establishments								P	P	P					
Microbrewery								P	P	P					
Miniature Golf and/or Driving Ranges	S							S							Section 6.23
Mobile and Modular Home Sales							P			S					Section 6.25
Office, Professional								P	P	P			P		
Open Air Businesses								S	S	S					
Personal Fitness Center								P	P	P					
Personal Service Establishments								P	P	P					
Planned Shopping Centers								S	S						Section 6.33
Plumbing, Heating, and Electrical Shops									P						
Restaurants, Carry-Out								P	P	P					
Restaurants, Standard								P	P	P					
Restaurants, With Drive-Through									P	P					
Sign Painting and Servicing Shops									P						
Tire and Battery Shops									P						
Industrial Uses															
Auction, Temporary Real Estate	P										P	P			Section 6.45
Auction, Temporary General	P										P	P			Section 6.45
Automobile or Vehicle Storage											S	S			Section 6.6
Concrete or Asphalt Paving Plant												S			
Contractor's Yard											S	P			
Distribution Facilities											P	P			
Dry Cleaning Plant, Commercial Laundry											P	P			
Incineration of Refuse ²												S			
Junkyards												S			Section 6.21
Landscape Contractor's Operation	S										P	P			
Limited Office and Retail Operations											A	A			Section 6.46
Lumber and Planing Mills ³												P			
Major Repair and Maintenance Operations											P	P			
Manufacturing, General											S	P			
Manufacturing, Light											P	P			
Natural Resource Extraction Operations	S										S	S			Section 6.28
Oil or Gas Processing Plant	S										S	P			
Research Laboratories, Prototype Design and Development											P	P			
Retail Uses that are Industrial-like in Character											P				
Storage, Bulk											S	P			
Truck Terminal											S	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	CMU	Use Standards
Warehousing and Wholesale Trade Establishments											S	P			
Other Uses															
Essential Services	P	P	P	P	P	P	P	P	P	P	P	P	P		
Greenhouses	P											P			
Hunting Clubs or Gun Clubs	S														Section 6.20
Marihuana Club					S	S		P	P	P					Section 6.22
Marihuana Dispensary								P	P	P					Section 6.22
Marihuana Growing Facility											P	P			Section 6.22
Multi-Use Structures								S	S	S					Section 6.24
Race Tracks	S														Section 6.36
Self-storage Facilities (Mini-Warehouse, Mini-Storage)								S	S		P	P			Section 6.38
Wind Energy Systems	S	S									S	S			Section 6.42
Wireless Communication Towers	S							S	S	S	P	P			Section 6.43

¹ A “Similar Organization” is a group of three (3) or more unrelated persons whose domestic relationship is of a transitional or seasonal nature or for an anticipated limited duration.

² Incineration plants shall be located not less than eight hundred (800) feet from any residential district and not less than three hundred (300) feet from any other district. Such facilities shall be fully enclosed within a building.

³ 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 boundary of the I-2 district.

Section 3.5: 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 LAND USES
<ul style="list-style-type: none"> • Adult Foster Care Family Home • Agri-Tourism • Auction, Temporary General Auction • Auction, Temporary Real Estate Auction • Child or Day Care, Family Home • Customary Agricultural Operations • Dwelling, One Family or Single Family • Dwelling, One Family on a Farm • Essential Services • Foster Family Home • Greenhouses • Nursery, Plant Material • Roadside Farm Stands • Mobile or Modular Dwellings, not in a Mobile Home Park • Stable, Private • Vacation Rental 	<ul style="list-style-type: none"> • Adult Foster Care Small Group Home • Airports, Public or Private • Auction, Permanent Agricultural Auction • Bed and Breakfast • Boarding Kennels • Campgrounds or Recreation Grounds • Cemeteries, Public or Private, including Mausoleums • Child or Day Care, Group Home • Conservation Areas, Public or Private • Country Clubs and Golf Courses • Filling Station, Gas Station • Foster Family Group Home • Hunting Clubs or Gun Clubs • Landscape Contractor's Operation • Miniature Golf and/or Driving Ranges • Natural Resource Extraction Operations • Oil or Gas Processing Plant • Public and Institutional Buildings and Uses • Race Tracks • Religious Institutions • Rooming or Boarding House • Second Living Quarters on a Farm • Stable, Public • Veterinary Clinic • Wind Energy Systems • Wireless Communication Towers
	ACCESSORY USES <ul style="list-style-type: none"> • Accessory Use, Building, or Structure • Swimming Pools, Private

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.):	165	Front Yard:	50
Minimum Lot Area (sq. ft.):	43,560	Side Yard (one) ^{(c)(d)} :	16.5
Minimum Lot Depth (ft.):	165	Side Yard (total of two):	33
Maximum Lot Depth:	^(a)	Rear Yard:	50
Minimum Floor Area Per Unit (sq. ft.):	800		
Maximum Building Height (ft.):	35 ^(b)		
Minimum Dwelling Width (ft.):	14		
Municipal Sewer Required:	No		

Footnotes: See Section 4.3.

REFERENCES TO ADDITIONAL STANDARDS		
Definitions Section 2.2	General Provisions Section 7	Environmental Performance Standards Section 8
Landscaping and Screening Section 10	Accessory Uses and Structures Section 7.5	Exterior Lighting Section 8.2
Signs Section 11	Building Design Standards Section 7.14	Parking Section 9
Nonconformities Section 12		

Section 3.6: 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 LAND USES
<ul style="list-style-type: none"> • Adult Foster Care Family Home • Child or Day Care, Family Home • Customary Agricultural Operations • Dependent Living for Seniors • Dwelling, One Family or Single Family • Dwelling, One Family on a Farm • Essential Services • Foster Family Home • Religious Institutions • Vacation Rental 	<ul style="list-style-type: none"> • Adult Foster Care Small Group Home • Bed and Breakfast • Child or Day Care, Group Home • Country Clubs and Golf Courses • Public and Institutional Buildings and Uses • Rooming or Boarding House • Wind Energy Systems
	ACCESSORY USES
	<ul style="list-style-type: none"> • Accessory Use, Building, or Structure • Swimming Pools, Private

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.):	150	Front Yard:	50
Minimum Lot Area (sq. ft.):	43,560	Side Yard (one) ^{(c)(d)} :	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 ^(b)		
Minimum Dwelling Width (ft.):	18		
Municipal Sewer Required:	No		

Footnotes: See Section 4.3.

REFERENCES TO ADDITIONAL STANDARDS

Definitions Section 2.2	General Provisions Section 7	Environmental Performance Standards Section 8
Landscaping and Screening Section 10	Accessory Uses and Structures Section 7.5	Exterior Lighting Section 8.2
Signs Section 11	Building Design Standards Section 7.14	Parking Section 9
Nonconformities Section 12		

Section 3.7: R-2A, One- and Two-Family, Low-Density Residential District

TATEMENT OF PURPOSE

The intent of this district is 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.

PRINCIPAL PERMITTED USES	SPECIAL LAND USES
<ul style="list-style-type: none"> • Adult Foster Care Family Home • Child or Day Care, Family Home • Dwelling, One Family or Single Family • Dwellings, Two Family (Duplex) • Essential Services • Foster Family Home • Mobile or Modular Dwellings, not in a Mobile Home Park • Religious Institutions • Vacation Rental 	<ul style="list-style-type: none"> • Adult Foster Care Small Group Home • Bed and Breakfast • Child or Day Care, Group Home • Country Clubs and Golf Courses • Foster Family Group Home • Public and Institutional Buildings and Uses • Rooming or Boarding House
	ACCESSORY USES
	<ul style="list-style-type: none"> • <u>Accessory Use, Building, or Structure</u> • <u>Home Based Business</u> • <u>Home Occupation</u> • <u>Swimming Pools, Private</u>

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	One Family	Two Family	Minimum Setbacks (ft.)
Minimum Lot Width (ft.) ^(e) :	100	120	Front Yard ^(g) : 35
Minimum Lot Area (sq. ft.) ^(e) :	14,000	17,000	Side Yard (one) ^(c) : 10
Minimum Dwelling Unit Width (ft.):	18	18	Side Yard (total of two): 20
Minimum Floor Area Per Unit (sq. ft.):	600	750	Rear Yard: 35
Maximum Building Height (ft.):	35	35	
Municipal Sewer Required:	No	No	

Footnotes: See Section 4.3.

REFERENCES TO ADDITIONAL STANDARDS

Definitions	General Provisions	Environmental Performance Standards
Section 2.2	Section 7	Section 8
Landscaping and Screening	Accessory Uses and Structures	Exterior Lighting
Section 10	Section 7.5	Section 8.2
Signs	Building Design Standards	Parking
Section 11	Section 7.14	Section 9
Nonconformities		
Section 12		

Section 3.8: R-2B, One- and Two-Family, Medium-Density Residential District

STATEMENT OF PURPOSE

The intent of this district is 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 LAND USES
<ul style="list-style-type: none"> • Adult Foster Care Family Home • Child or Day Care, Family Home • Dwelling, One Family or Single Family • Dwellings, Two Family (Duplex) • Essential Services • Foster Family Home • Mobile or Modular Dwellings, not in a Mobile Home Park • Religious Institutions • Vacation Rental 	<ul style="list-style-type: none"> • Adult Foster Care Small Group Home • Child or Day Care, Group Home • Country Clubs and Golf Courses • Foster Family Group Home • Public and Institutional Buildings and Uses • Rooming or Boarding House
	ACCESSORY USES
	<ul style="list-style-type: none"> • Accessory Use, Building, or Structure • Home Based Business • Home Occupation • Swimming Pools, Private

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	One Family	Two Family	Minimum Setbacks (ft.)
Minimum Lot Width (ft.):	70	90	Front Yard ^(g) : 30
Minimum Lot Area (sq. ft.):	8,400	10,800	Side Yard (one) ^(c) : 6
Minimum Dwelling Unit Width (ft.):	18	18	Side Yard (total of two): 12
Minimum Floor Area Per Unit (sq. ft.):	500	650	Rear Yard: 35
Maximum Building Height (ft.):	35	35	
Municipal Sewer Required:	Yes	Yes	

Footnotes: See Section 4.3.

REFERENCES TO ADDITIONAL STANDARDS

Definitions Section 2.2	General Provisions Section 7	Environmental Performance Standards Section 8
Landscaping and Screening Section 10	Accessory Uses and Structures Section 7.5	Exterior Lighting Section 8.2
Signs Section 11	Building Design Standards Section 7.14	Parking Section 9
Nonconformities Section 12		

Section 3.9: 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.

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

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

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

Footnotes: See Section 4.3.

REFERENCES TO ADDITIONAL STANDARDS

Definitions	General Provisions	Environmental Performance Standards
Section 2.2	Section 7	Section 8
Landscaping and Screening	Accessory Uses and Structures	Exterior Lighting
Section 10	Section 7.5	Section 8.2
Signs	Building Design Standards	Parking
Section 11	Section 7.14	Section 9
Nonconformities		
Section 12		

Section 3.10: 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 LAND USES
<ul style="list-style-type: none"> • Adult Foster Care Family Home • Child or Day Care, Family Home • Dependent Living for Seniors • Dwellings, Multiple-Family (4-units or less) • Essential Services • Foster Family Home • Independent Living for Seniors • Religious Institutions 	<ul style="list-style-type: none"> • Adult Foster Care Small Group Home • Adult Foster Care Large Group Home • Child or Day Care, Group Home • Country Clubs and Golf Courses • Dwellings, Multiple-Family (5-units or more) • Foster Family Group Home • Fraternity, Sorority, or Similar Organization • Marijuana Club • Nursing Home • Public and Institutional Buildings and Uses • Rooming or Boarding House
	ACCESSORY USES
	<ul style="list-style-type: none"> • Accessory Use, Building, or Structure • Swimming Pools, Private

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.):	N/A	Front Yard ^(g) :	35
Minimum Lot Area (sq. ft.):	^(f)	Side Yard (one) ^(c) :	30
		Side Yard (total of two):	60
Minimum Floor Area Per Unit (sq. ft.):	500	Rear Yard:	25
Maximum Building Height (ft.) ^(h) :	35		
Municipal Sewer Required:	Yes		

Footnotes: See Section 4.3.

REFERENCES TO ADDITIONAL STANDARDS

Definitions Section 2.2	General Provisions Section 7	Environmental Performance Standards Section 8
Landscaping and Screening Section 10	Accessory Uses and Structures Section 7.5	Exterior Lighting Section 8.2
Signs Section 11	Building Design Standards Section 7.14	Parking Section 9
Nonconformities Section 12		

Section 3.11, 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 Commission Rules govern all mobile home parks. When regulations in this Section exceed the state law or the Manufactured Housing Commission 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"> • Adult Foster Care Family Home • Child or Day Care, Family Home • Essential Services • Mobile and Modular Home Sales • Mobile Home Parks 	<ul style="list-style-type: none"> • Accessory Use, Building, or Structure • Swimming Pools, Private

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

Lot Standards		Minimum Setbacks (ft.)	
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.):	500	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. **Minimum Home Site Size**

The mobile home park shall be developed with home sites averaging 5,500 square feet per mobile home unit. These 5,500 square feet for any one site may be reduced by 20 percent provided that the individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of a site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space, but in no case shall the open space and distance requirements be less than that required under R125.1946, R125.1941, and R125.1944 of the Michigan Administrative Code.

2. Setbacks

Mobile homes shall comply with the following minimum distances and setbacks:

- a. Twenty (20) feet from any part of an adjacent mobile home for a home not site parallel to an internal road.
- b. Fifteen (15) feet from any part of an adjacent mobile home for a home sited parallel to an internal road.
- c. Seven (7) feet from any on-site parking space of an adjacent mobile home site.
- d. Ten (10) feet from any accessory attached or detached structure of an adjacent mobile home.
- e. Fifty (50) feet from any permanent community-owned structures, such as clubhouses, maintenance or storage buildings.
- f. One hundred (100) feet from any baseball softball or similar recreational field.
- g. Twenty-five (25) feet from the fence surrounding a swimming pool.
- h. Twenty-five (25) feet from the edge of any natural or man-made lake or waterway.
- i. Seven (7) feet from the edge of an internal road, provided that such road is not dedicated to the public. Mobile homes and other structures in the MHP District shall be set back at least twenty (20) feet from the right-of-way line of a dedicated public road within the mobile home park.
- j. Seven (7) feet from any parking bay.
- k. Seven (7) feet from a common sidewalk.
- l. Forty (40) feet from the edge of any railroad right-of-way.
- m. Setbacks from property boundary lines:
 - (i) Homes, permanent buildings and facilities, and other structures shall not be located closer than ten (10) feet from the property boundary line of the mobile home park.
 - (ii) Homes, permanent buildings and facilities, and other structures that abut a public right-of-way shall not be located closer than fifty (50) feet from the boundary line or road right-of-way line.

3. Maximum Height

Buildings in the MHP district shall not exceed two and one-half (2 1/2) stories or thirty-five (35) feet, except that storage sheds shall not exceed fifteen (15) feet in height.

4. Roads

All internal roads shall be hard-surfaced with concrete or bituminous asphalt and shall have curbs and gutters. Roads shall satisfy the minimum dimensional, design, and construction requirements as set forth in the Manufactured Housing Commission Rules except as follows:

- 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. Dead-end streets shall terminate in a cul-de-sac having an adequate turnaround with paving that is a minimum of fifty (50) feet in diameter. No parking shall be permitted in the cul-de-sac turnaround.
- c. 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.
- c. No unlicensed or inoperable vehicle of any type shall be parked in this district at any time except within a covered building.
- d. Common areas for the storage of boats, motorcycles, recreation vehicles, and similar equipment may be provided in a mobile home park, but shall be limited to use only by residents of the mobile home park. The location of such storage areas shall be shown on the site plan. No part of any such storage area shall be located in any yard required on the perimeter of the mobile home park. Such storage area shall be screened from view from adjacent residential properties with an opaque six (6) foot wooden fence, six (6) foot masonry wall with landscaping, or landscaped greenbelt. If a landscaped greenbelt is used, it 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 six (6) feet above ground level within three (3) years of planting.

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. Accessory Buildings and Facilities

- a. Accessory buildings and structures, including park management offices and public works facilities, storage buildings, laundry facilities, recreation or community facilities, and other accessory facilities, shall be designed and operated for use by residents of the park only.
- b. All buildings constructed on-site within a mobile home park shall be constructed in compliance with the Michigan Building Code and shall require all applicable Township permits. Any addition to a mobile home unit that is not certified as meeting the standards of the U.S. Department of Housing and Urban Development for mobile homes shall comply with the Michigan Building Code. Site plan approval shall be required prior to construction of any on-site building within a mobile home park, except for storage sheds or garages for individual mobile homes.
- c. Each mobile home shall be permitted one storage shed or garage not to exceed four hundred (400) square feet in area. The installation of any such shed or garage shall comply with codes and ordinances of Union Township and shall require a building permit. Storage underneath a mobile home or outside on any mobile home site is prohibited.

8. Open Space

Open space shall be provided in any mobile home park containing fifty (50) or more home sites. The open space shall comply with the following requirements:

- a. 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.
- b. 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.

9. Screening

- a. All mobile home parks shall be screened from existing adjacent residential land use by either a six (6) foot wall or a densely planted landscaped greenbelt.
- b. Required screen walls shall be constructed of masonry material that is constructed of face brick, decorative block, or poured concrete with a simulated brick or stone pattern. Required walls shall be placed inside and adjacent to the lot line except where underground utilities would interfere with the placement of the wall or where the wall would unreasonably obstruct the use of adjacent property, in which case the wall may be set back from the property line a sufficient distance to resolve such concerns.
- c. If a landscaped greenbelt is used, it 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 ten (10) feet above ground level within three (3) years of planting. Deciduous plant materials may be used provided that visual screening is maintained throughout the year.

10. Signs

- a. One permanent residential entranceway sign shall be permitted at each entrance to the mobile home park. Such signs shall not be more than six (6) feet in height and thirty-two (32) square feet in area and shall be set back a minimum of ten (10) feet from any property or right-of-way line.
- b. Management offices in the Mobile Home Park District shall be permitted one (1) identification sign not to exceed six (6) square feet in area.

11. Utilities

All utilities must be placed underground.

12. Trash Dumpsters

If proposed, trash dumpsters shall comply with the following requirements:

- a. Dumpsters shall be set back a minimum distance of fifty (50) feet from the perimeter of the mobile home park and at least fifteen (15) feet from any building in a location that is clearly accessible to the servicing vehicle.
- b. Dumpsters shall be screened on three sides with a decorative masonry wall or wood fencing, not less than six (6) feet in height. The fourth side of the dumpster screening shall be equipped with an opaque lockable gate that is the same height as the enclosure around the other three sides.
- c. Dumpsters shall be placed on a concrete pad. Bollards (concrete filled metal posts) shall be installed at the opening of the dumpster enclosure to prevent damage to the screening wall or fence.

13. Canopies and Awnings

Canopies and awnings may be attached to any mobile homes and may be enclosed for use as a sunroom or recreation room, but not as a bedroom. Canopies and awnings shall comply with the setback and distance requirements set forth in this Section and shall require a building permit.

14. Operational Requirements

No mobile home shall be permitted to be placed in a mobile home park until a permit has been granted by the Building Official and 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.

15. Sale of Mobile Homes

The business of selling new or used mobile homes as a commercial operation in connection with the operation of a mobile home park shall be prohibited. New or used mobile homes located on sites within the mobile home park to be used and occupied on that site may be sold by a licensed dealer or broker. This section shall not prohibit the sale of a used mobile home by a resident of the mobile home park provided the park's regulations permit such sale.

Section 3.12: 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 LAND USES
<ul style="list-style-type: none"> • Auction, Permanent Auction • Auto Wash when Completely or Partially Enclosed in a Building • Automobile repair shop or garage if all operations are conducted in an enclosed building • Brewpub • Bus, Train, and other Forms of Transportation Systems, Passenger Stations • Business Schools, Colleges, and Private Schools Operated for Profit • Essential Services • Financial Institutions • General Retail Business • Health, Exercise Club, or Spa • Hotels and Motels • Indoor Commercial Recreation • Instant Oil Change Establishments • Marihuana Club • Marihuana Dispensary • Medical or Dental Offices • Microbrewery • Office, Professional • Personal Fitness Center • Personal Service Establishments • Private Clubs, Fraternal Organizations, and Lodge Halls • Religious Institutions • Restaurants, Carry-Out • Restaurants, Standard • Theaters, Assembly Halls, Concert Halls, and Similar Places of Assembly • Veterinary Clinic 	<ul style="list-style-type: none"> • Amusement Parks • Dealership, Vehicle and Farm Equipment Sales • Filling Station, Gas Station • Miniature Golf and/or Driving Ranges • Mortuary Establishments, Funeral Homes • Multi-Use Structures • Nursing Home • Open Air Businesses • Planned Shopping Centers • Self-storage Facilities (Mini-Warehouse, Mini-Storage) • Wireless Communication Towers
	ACCESSORY USES
	<ul style="list-style-type: none"> • Donation Bins

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

Footnotes: See Section 4.3.

REFERENCES TO ADDITIONAL STANDARDS

Definitions Section 2.2	General Provisions Section 7	Environmental Performance Standards Section 8
Landscaping and Screening Section 10	Accessory Uses and Structures Section 7.5	Exterior Lighting Section 8.2
Signs Section 11	Building Design Standards Section 7.14	Parking Section 9
Nonconformities Section 12		

Section 3.13: 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	SPECIAL LAND USES
<ul style="list-style-type: none"> • Adult Entertainment • Amusement Enterprises • Auction, Permanent Auction • Auto 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 • Brewpub • Bus, Train, and other Forms of Transportation Systems, Passenger Stations • Business Schools, Colleges, and Private Schools Operated for Profit • Dealership, Vehicle and Farm Equipment Sales • Essential Services • Financial Institutions • General Retail Business • Health, Exercise Club, or Spa • Hotels and Motels • Indoor Commercial Recreation • Instant Oil Change Establishments • Marihuana Club • Marihuana Dispensary • Medical or Dental Offices • Microbrewery • Mortuary Establishments, Funeral Homes • Office, Professional • Personal Fitness Center • Personal Service Establishments • Plumbing, Heating, and Electrical Shops • Private Clubs, Fraternal Organizations, and Lodge Halls • Religious Institutions • Restaurants, Carry-Out • Restaurants, Standard • Restaurants, With Drive-Through • Sign Painting and Servicing Shops • Theaters, Assembly Halls, Concert Halls, and Similar Places of Assembly • Tire and Battery Shops • Veterinary Clinic 	<ul style="list-style-type: none"> • Filling Station, Gas Station • Multi-Use Structures • Nursing Home • Open Air Businesses • Planned Shopping Centers • Self-storage Facilities (Mini-Warehouse, Mini-Storage) • Wireless Communication Towers
	ACCESSORY USES
	<ul style="list-style-type: none"> • Donation Bins

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 ⁽ⁱ⁾ :	50
Minimum Lot Area (sq. ft.):	16,000	Side Yard ⁽ⁱ⁾ :	20
Maximum Lot Coverage:	30%	Rear Yard ⁽ⁱ⁾ :	25
Minimum Floor Area Per Unit (sq. ft.):	--		
Maximum Building Height (ft.):	35		

Footnotes: See Section 4.3.

REFERENCES TO ADDITIONAL STANDARDS		
Definitions Section 2.2	General Provisions Section 7	Environmental Performance Standards Section 8
Landscaping and Screening Section 10	Accessory Uses and Structures Section 7.5	Exterior Lighting Section 8.2
Signs Section 11	Building Design Standards Section 7.14	Parking Section 9
Nonconformities Section 12		

Section 3.14: 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 LAND USES
<ul style="list-style-type: none"> • Adult Entertainment • Auction, Permanent Auction • Bar, Grill, and Cocktail Lounges • Brewpub • Bus, Train, and other Forms of Transportation Systems, Passenger Stations • Business Schools, Colleges, and Private Schools Operated for Profit • Essential Services • Financial Institutions • General Retail Business • Health, Exercise Club, or Spa • Hotels and Motels • Instant Oil Change Establishments • Marihuana Club • Marihuana Dispensary • Medical or Dental Offices • Microbrewery • Mortuary Establishments, Funeral Homes • Multi-Use Structures • Office, Professional • Personal Fitness Center • Personal Service Establishments • Private Clubs, Fraternal Organizations, and Lodge Halls • Religious Institutions • Restaurants, Carry-Out • Restaurants, Standard • Restaurants, With Drive-Through • Veterinary Clinic • Wireless Communication Towers 	<ul style="list-style-type: none"> • Auto Wash when Completely or Partially Enclosed in a Building • Automobile repair shop or garage if all operations are conducted in an enclosed building • Dealership, Vehicle and Farm Equipment Sales • Filling Station, Gas Station • Mobile and Modular Home Sales • Nursing Home • Open Air Businesses
	ACCESSORY USES
	<ul style="list-style-type: none"> • Donation Bins

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.) ⁽¹⁾ :	130	Front Yard:	15
Minimum Lot Area (sq. ft.):	20,000	Side Yard:	10
Maximum Lot Coverage ⁽¹⁾ :	30%	Rear Yard:	10
Minimum Floor Area Per Unit (sq. ft.):	--		
Maximum Building Height (ft.):	35		

Footnotes: See Section 4.3.

REFERENCES TO ADDITIONAL STANDARDS

Definitions Section 2.2	General Provisions Section 7	Environmental Performance Standards Section 8
Landscaping and Screening Section 10	Accessory Uses and Structures Section 7.5	Exterior Lighting Section 8.2
Signs Section 11	Building Design Standards Section 7.14	Parking Section 9
Nonconformities Section 12		

Section 3.15: 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 LAND USES
<ul style="list-style-type: none"> • Auction, Temporary Real Estate Auction • Auction, Temporary General Auction • Automobile repair shop or garage if all operations are conducted in an enclosed building • Boarding Kennels • Distribution Facilities • Dry Cleaning Plant, Commercial Laundry • Essential Services • Landscape Contractor's Operation • Major Repair and Maintenance Operations • Manufacturing, Light • Marihuana Growing Facility • Research Laboratories, Prototype Design and Development • Retail Uses that are Industrial-like in Character • Self-storage Facilities (Mini-Warehouse, Mini-Storage) • Trade or Industrial Schools • Wireless Communication Towers 	<ul style="list-style-type: none"> • Automobile or Vehicle Storage • Contractor's Yard • Manufacturing, General • Natural Resource Extraction Operations • Oil or Gas Processing Plant • Storage, Bulk • Truck Terminal • Warehousing and Wholesale Trade Establishments • Wind Energy Systems
	ACCESSORY USES
	<ul style="list-style-type: none"> • Limited Office and Retail Operations

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 ^(l) :	75
Minimum Lot Area (sq. ft.):	43,560	Side Yard ^(k) :	30
Maximum Lot Coverage:	40%	Rear Yard ^(k) :	50
Minimum Floor Area Per Unit (sq. ft.):	--		
Maximum Building Height (ft.):	35		

Footnotes: See Section 4.3.

REFERENCES TO ADDITIONAL STANDARDS		
Definitions Section 2.2	General Provisions Section 7	Environmental Performance Standards Section 8
Landscaping and Screening Section 10	Accessory Uses and Structures Section 7.5	Exterior Lighting Section 8.2
Signs Section 11	Building Design Standards Section 7.14	Parking Section 9
Nonconformities Section 12		

Section 3.16, 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 LAND USES
<ul style="list-style-type: none"> • Auction, Temporary General Auction • Auction, Temporary Real Estate Auction • Automobile repair shop or garage if all operations are conducted in an enclosed building • Boarding Kennels • Contractor’s Yard • Distribution Facilities • Dry Cleaning Plant, Commercial Laundry • Essential Services • Greenhouses • Landscape Contractor’s Operation • Lumber and Planning Mills • Major Repair and Maintenance Operations • Manufacturing, General • Manufacturing, Light • Marihuana Growing Facility • Municipal Public Utility Uses, such as Water Treatment Plants and Reservoirs, Sewage Treatment Plants, including outdoor storage • Research Laboratories, Prototype Design and Development • Self-storage Facilities (Mini-Warehouse, Mini-Storage) • Storage, Bulk • Trade or Industrial Schools • Truck Terminal • Warehousing and Wholesale Trade Establishments • Wireless Communication Towers 	<ul style="list-style-type: none"> • Automobile or Vehicle Storage • Concrete or Asphalt Paving Plant • Incineration of Refuse • Junkyards • Natural Resource Extraction Operations • Oil or Gas Processing Plant • Wind Energy Systems
	ACCESSORY USES
	<ul style="list-style-type: none"> • Limited Office and Retail Operations

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 ^(l) :	75
Minimum Lot Area (sq. ft.):	50,000	Side Yard ^(k) :	20
Maximum Lot Coverage:	--	Rear Yard ^(k) :	50
Minimum Floor Area Per Unit (sq. ft.):	--		
Maximum Building Height (ft.):	35		

Footnotes: See Section 4.3.

REFERENCES TO ADDITIONAL STANDARDS		
Definitions Section 2.2	General Provisions Section 7	Environmental Performance Standards Section 8
Landscaping and Screening Section 10	Accessory Uses and Structures Section 7.5	Exterior Lighting Section 8.2
Signs Section 11	Building Design Standards Section 7.14	Parking Section 9
Nonconformities Section 12		

Section 3.17: 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.

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

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.):	90	Front Yard ^(m) :	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.

REFERENCES TO ADDITIONAL STANDARDS

Definitions Section 2.2	General Provisions Section 7	Environmental Performance Standards Section 8
Landscaping and Screening Section 10	Accessory Uses and Structures Section 7.5	Exterior Lighting Section 8.2
Signs Section 11	Building Design Standards Section 7.14	Parking Section 9
Nonconformities Section 12		

Section 3.18: 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 shall be five (5) acres of contiguous land. However, 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 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. 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. Permitted Uses. The following uses shall be permitted in a Planned Unit Development:
 - 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 land use within the specified district.
 - b. If the underlying zoning is B-4: any use allowed as principal permitted use or special land 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 land use within the B-5 district and shopping centers.

- d. If the underlying zoning is B-6: any use allowed as principal permitted use within the B-6 district.
 - e. 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.
 - f. If the underlying zoning is I-1 or I-2: any use allowed as principal permitted use within the specified district and industrial parks.
 - g. If the underlying zoning is OS: any use allowed as principal permitted use within the OS district.
3. 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.
4. 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.
5. 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 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.
6. Parking and Loading. Planned Unit Developments shall comply with the parking and loading requirements specified in Section 9 of the Zoning Ordinance.
7. 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.
8. 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.
9. 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.

10. 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.
11. 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.
12. Stormwater Detention or Retention. Required stormwater detention or retention shall be provided in 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.

C. Approval Procedures

1. Intent. The procedures in this Section 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 contained in this Ordinance and other applicable local ordinances and 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 Article, including all aspects of the final plan and conditions imposed on it, shall constitute an inseparable part of the zoning amendment.

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 as specified herein. The applicant or a designated representative shall be present at all scheduled review meetings or consideration of the plan may be tabled due to lack of representation.
3. Pre-Application Conference. In order to facilitate review of a Planned Unit Development proposal in a timely manner, the applicant may request an informal pre-application conference with the Township Planner. The purpose of such a conference is to provide information and guidance to the applicant that will assist in preparation of the application and supporting materials.

The applicant shall present at such a conference or conferences, 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 type of use; the number of acres to be preserved as open or recreational space; and, all known natural resources and natural features to be preserved.

No formal action shall be taken at a pre-application conference. There shall be no fee for a pre-application conference. At any time during the course of preparation of plans prior to submission of a formal application, the Township will upon request provide information concerning Zoning Ordinance procedures and requirements.

4. Preliminary Review. Planned development projects shall undergo a two-step plan review and approval process. The procedures for preliminary review are outlined in this sub-section. The preliminary site plan shall be subject to the site plan review requirements in Section 14.2, where applicable, as well as the additional requirements in this Section.

5. Information Required for Preliminary Review. The information required for preliminary review shall be provided according to the requirements of sub-section D, following. The applicant shall submit nine (9) individually folded copies (minimum size 24 inches by 36 inches) and one (1) digital copy and supporting materials.
6. Plan Review. The Planning Commission may request professional review of the preliminary plans by the Township Planner and other appropriate agencies or consultants. If such review is requested, the designated agencies or consultants shall prepare and transmit reports to the Planning Commission stating their findings and conclusions and any recommended changes or revisions. The Township shall require the applicant to pay the cost of any such review fees.
7. Public Hearing. The Planning Commission shall hold a public hearing on any Planned Unit Development proposal before it is approved.
 - a. Scheduling a Public Hearing. The Township administration shall schedule a public hearing after any designated agencies or consultants have completed their review and submitted their findings concerning the proposed project.
 - b. Notice Requirements. The public hearing shall be noticed following the procedures listed in Section 14.6.
8. Planning Commission Preliminary Review. Following the public hearing, the Planned Unit Development proposal and plan shall be reviewed by the Planning Commission in relation to applicable standards and regulations, compliance with the Planned Unit Development regulations, and consistency with the intent and spirit of this Section.
9. Recommendation by the Planning Commission. Based on the requirements in this Ordinance and in this Section, the Planning Commission shall recommend approval, approval subject to conditions, or denial of the proposed preliminary plan to the Township Board.
10. Township Board Action. Based on the standards and requirements in this Ordinance and in this Section, and the Planning Commission recommendation, the Township Board shall approve, approve subject to conditions, or deny the proposed preliminary plan.
11. Effect of Preliminary Approval or Denial.
 - a. A preliminary approval shall mean that the Planned Unit Development project and plan meet the requirements of this Ordinance. Subject to any conditions imposed by the Township Board as part of its motion, Phase 1 approval assures the applicant that the Township Board may grant final approval if:
 - i. All state and county approvals are obtained.
 - ii. No unresolved negative comments are received by any governmental agencies or public utilities. An unresolved negative comment shall be one that indicates that existence of a condition which is contrary to the requirements of this Ordinance or other applicable ordinances or laws, where such requirement has not been waived or dismissed as a result of an approval by the Planning Commission and Township Board.
 - iii. All federal, state and local laws and ordinances are met.
 - b. A denial shall mean that the proposed project and plan does not meet the requirements of this Ordinance. Any denial shall specify the reasons for denial and those requirements of the Ordinance that are not met. In the event that the applicant submits a revised plan after denial, the revised plan shall be considered a new case, which shall begin at the first stage of the review process. In order to initiate such review, the applicant shall be required to submit a new review fee.

- c. If the Planning Commission or Township Board determines that revisions are necessary to bring the Planned Unit Development proposal into compliance with applicable standards and regulations, the applicant shall be given the opportunity to submit a revised preliminary plan. Following submission of a revised plan, the Planned Unit Development proposal shall be placed on the agenda of the next available meeting of the Planning Commission for further review and possible action. No additional public notice shall be required.
12. Other Required Approvals. Planned Unit Development proposals shall require the review and approval of utility companies serving the site and the public agencies listed below prior to final approval. The Township may accept tentative or preliminary approval from an agency detailing the conditions under which final approval will be granted, provided that such approval provides reasonable assurance to the Township that the development complies with the agency's requirements.
- a. The Isabella County Road Department or, if any part of the project includes or abuts a state highway or includes streets or roads that connect with or lie within the right-of-way of a state highway, the Michigan Department of Transportation;
 - b. The Isabella County Drain Commissioner;
 - c. The Central Michigan District Health Department and the Michigan Department of Environment, Great Lakes and Energy shall approve the fresh water system and the waste water disposal system;
 - d. The Michigan Department of Environment, Great Lakes and Energy if wetlands or other site features are under the its jurisdiction; and
 - e. Other agencies that have review and approval authority over any aspect of the project.

In the event that negative comments are received from any of these agencies, the Planning Commission shall consider the nature of such comments with respect to Ordinance requirements, conditions on the site, response from the applicant, and other factual data related to the issue or concern. Negative comments shall not automatically result in denial of the plan, but every effort shall be made to resolve any issues or concerns cited by these agencies prior to taking action on the plan.

13. Final Review. To initiate final review, the applicant shall submit nine (9) individually folded copies (minium size 24 inches by 36 inches) and one (1) digital copy of the revised site plans and supporting materials, including a draft Planned Unit Development Agreement prepared in accordance with sub-section D(2)(d).
14. Planning Commission Final Review. The Planning Commission shall review the application for Planned Unit Development, together with the public hearing findings and any requested reports and recommendations from the Township Planner and other reviewing agencies. The Township Attorney shall review and comment on the proposed Planned Development Agreement and all related documents. Based on its review of the proposed plans and supporting documentation, the Planning Commission shall make findings of fact with respect to compliance with the requirements in this Ordinance. The Planning Commission shall then set forth its findings and recommendation to the Township Board, based on the requirements in this Ordinance. The Planning Commission may recommend approval, approval with conditions, or denial as follows:
- a. Approval. Upon making the that the final plan for Planned Unit Development is in compliance with the requirements of this Ordinance and other applicable ordinances and laws, the Planning Commission shall recommend approval.
 - b. Approval with Conditions. The Planning Commission may recommend that the Township Board impose reasonable conditions upon the approval of a Planned Unit Development, to the extent authorized by law, for the purposes of insuring that public services and facilities affected by the proposed development will be capable of accommodating increased public service loads caused by the development, protecting the natural environment and conserving natural resources and energy, insuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner. Conditions imposed shall be designed to protect the natural resources and the public health, safety and welfare of individuals in the development and those immediately adjacent, and the community as a whole. Conditions imposed shall also be necessary to meet the intent and purpose of this Ordinance.

- In the event that the Planned Unit Development is approved subject to specified conditions, such conditions shall become a part of the record of approval, and such conditions shall be modified only as provided in this Ordinance. Where construction is not proposed to begin immediately, or where a project is proposed for construction in phases, the Planning Commission may recommend that final approval be granted subject to subsequent review and approval of detailed site plans for each facility or phase, provided that:
- i. The location and approximate size of such buildings shall be shown on the overall plan for the planned unit development,
 - ii. Detailed site plans for such buildings shall be submitted for review and approval in accordance with the site plan review requirements in Section 17.02, and
 - iii. Phasing requirements shall be complied with.
- c. Denial. Upon determination that a Planned Unit Development proposal does not comply with the requirements in this Ordinance or otherwise would be injurious to the public health, safety, welfare, and orderly development of the Township, the Planning Commission shall recommend denial.
15. Transmittal of Findings to Township Board. The Planning Commission shall prepare and transmit a report to the Township Board stating its conclusions and recommendation, the basis for its recommendation, and any recommended conditions relating to an affirmative decision.
16. Township Board Action Required. Following receipt of the Planning Commission's report, the application shall be placed on the agenda of the next available Township Board meeting. The applicant shall provide additional copies of the plan as requested by the Township to be provided to the Board. The Township Board shall review the final plan and proposed Planned Unit Development Agreement, together with the findings of the Planning Commission, and any reports and recommendations from the Township Planner and other reviewing agencies. Following completion of its review, the Township Board shall approve, approve with conditions, or deny a planned development proposal in accordance with the guidelines stated above.
17. Planned Unit Development Agreement. If the Township Board approves the Planned 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 plan shall become effective upon recording of the Agreement and evidence of the recording being presented to the Township.
18. Effect of Approval. Approval of a Planned Unit Development proposal shall constitute an amendment to the Zoning Ordinance. All improvements and use of the site shall be in conformity with the Planned Unit Development and any conditions imposed. Notice of the adoption of the amendment shall be published in accordance with the requirements set forth in this Ordinance.
19. 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.
20. Completion of Site Design. Following final approval of a planned unit development proposal, a building permit may be obtained for the entire project or specific phases provided that final site plan approval for the project or the phase, as applicable, has been obtained, and provided further that the engineering plans for the project or the phase, as applicable, have been approved by the Township Engineer and building official. It shall be the responsibility of the applicant to obtain all other applicable Township, County, or State permits prior to issuance of a building permit.

Construction shall commence on at least one phase of the project within twelve (12) months of final approval. The Township Board may also consider one or more twelve (12) month extensions, upon written request from the applicant, if it finds that the approved site plan adequately represents current conditions on and surrounding the site and that the applicant is making progress toward implementing the plan. The written request for extension must be received prior to the 12-month expiration date. In the event that construction has not commenced and a request for extension has not been received within expiration period, the Township may initiate proceedings to void the PUD approval.

It shall be the responsibility of the owner of a property for which approval has been granted to maintain the property in accordance with the approved Planned Unit Development amendment on a continuing basis until the property is razed, or until an amendment to the Planned Unit Development is approved. Any property owner who fails to so maintain an approved site design shall be deemed in violation of the Zoning Ordinance and shall be subject to the penalties appropriate for such violation.

Prior to expansion or conversion of a Planned Unit Development project to include additional land, review and approval shall be required pursuant to the requirements of this Section.

21. Performance Guarantee. A performance guarantee shall be deposited with the Township to insure faithful completion of improvements.

D. Application Data Requirements.

Applications for planned unit development 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 Preliminary Review. In addition to the requirements in Section 14.2, and applicable information specified on the site plan checklist, the following information shall be submitted for preliminary 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. A detailed 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 layout of dwelling units, parking, open space, and recreation and park areas.
 - iv. Locations and setbacks of each structure and use in the development. Where construction is proposed to occur in later phases subject to future detailed site plans, the location and setbacks of the maximum building footprint shall be shown on the plan.
 - v. Typical layouts and facade design for each type of use or building. Detailed information, including floor plans, facade elevations, and other information normally required for site plan review, shall be provided for buildings which are proposed for construction in the first phase.
 - vi. The building footprint of proposed buildings. 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. Proposed landscaping and screening.
 - 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. Final staking and survey identification by a Township-approved wetlands-consultant shall be required prior to final approval.
- 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. An analysis of the traffic impact of the proposed Planned Unit Development on existing and proposed streets 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. 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. 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. Requirements for Final Review. In addition to the requirements in Section 14.2 and applicable information specified on the site plan checklist, the following information shall be included on, or attached to, all Planned Unit Development plans submitted for final review:

- a. All information required for Phase 1 review as specified previously.
- b. Detailed site plans for all buildings and uses which the applicant intends to begin construction on immediately upon final Planned Unit Development approval. Where construction is not proposed to begin immediately, or where a project is proposed for construction in phases, the Planning Commission may recommend that final approval be granted subject to subsequent review and approval of detailed site plans for each facility or phase, in accordance with Section 14.2.
- c. Detailed engineering plans for all portions of the project which the applicant intends to begin construction on immediately upon final Planned Unit Development approval. Where construction is not proposed to begin immediately, or where a project is proposed for construction in phases, the Planning Commission may recommend that final approval be granted subject to subsequent review and approval of detailed engineering plans for each facility or phase. Such plans shall be prepared in accordance with the Township engineering standards, and shall at minimum include the following:
 - i. Engineering plans for all roads, drive aisles, and paved areas,
 - ii. Site drainage plans, including retention and/or detention areas,
 - iii. Engineering plans for proposed utility systems, including sanitary sewerage and water systems.
 - iv. Plans for controlling soil erosion and sedimentation during construction.

Following approval of a Planned Unit Development proposal and an amendment to the Zoning Ordinance, final site plan and engineering review and approval shall be required prior to obtaining a building permit and commencement of construction for each facility or phase.
- d. A draft Planned Unit Development Agreement, setting forth the terms and conditions negotiated and agreed to by the applicant and the Township, and upon which approval of the Planned Unit Development proposal will be based. The Planned Unit Development Agreement shall, at minimum, include the following:
 - i. A description of the land that is subject to the agreement.
 - ii. A description of the permitted uses of the property, the density or intensity of use, and the maximum height and size of proposed buildings.
 - iii. History of the review procedures and action taken by the Planning Commission or Township Board.
 - iv. List of all plans, documents, and other materials submitted by the applicant that constitute the final approval.
 - v. Review and explanation of all special provisions agreed to by the applicant and Township during the course of review of the Planned Unit Development proposal.
 - vi. A description of all public improvements to be undertaken by the applicant or the Township in conjunction with the proposed Planned Development project.
 - vii. Description of any required dedications and permits.
 - viii. Confirmation that the proposed development is consistent with applicable Township ordinances and planning objectives.
 - ix. Duration of the Planned Unit Development Agreement, along with terms under which a termination date may be extended by mutual agreement.
 - x. Applicability of future amendments to the general zoning regulations to land that is subject to the proposed Planned Unit Development Agreement.
 - xi. Extent to which the Planned Unit Development plan may be modified subject to administrative approval, Planning Commission approval, or Township Board approval.

E. Revision to Approved Plans

1. General Revisions. Approved final plans for a Planned Unit Development may be revised in accordance with the procedures in sub-section C, requiring preliminary and final review.
2. Minor Changes. Minor revisions to an approved Planned Unit Development shall require final approval only by the Planning Commission and Township Board. Notice to the public shall be required. Minor revisions are those that: 1) will not adversely affect the initial basis for granting approval, and 2) will not adversely affect the overall Planned Unit Development in light of the intent and purpose of such development.

Examples of minor revisions include, but are not limited to: 1) minor lot line changes and/or minor changes in the road alignment in a residential development, and 2) changes to the landscaping plan that was part of the approved Planned Unit Development plans. Revisions that affect the layout of utilities shall not be considered minor.

F. Review and Approval Requirements

In considering any application for approval of a Planned Unit Development Plan, the Planning Commission and Township Board shall make their determinations on the basis of the requirements for Planned Unit Development approval set forth in sub-section B, as well as the following requirements:

1. Conformance with the Planned Unit Development Concept. The overall design and all uses proposed in connection with a planned unit development shall be consistent with and promote the intent of the Planned Unit Development concept, as well as with specific project design standards set forth herein.
2. Compatibility with Adjacent Uses. The proposed Planned Unit Development shall set forth specifications with respect to height, setbacks, density, parking, circulation, landscaping, views, and other design and layout features which exhibit due regard for the relationship of the development to surrounding properties and the uses thereon. In determining whether this requirement has been met, consideration shall be given to:
 - a. The bulk, placement, and materials of construction of proposed structures.
 - b. The location and screening of vehicular circulation and parking areas in relation to surrounding development.
 - c. The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.
 - d. The hours of operation of the proposed uses.
 - e. The provision of landscaping and other site amenities.
3. Public Services. The proposed Planned Unit 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 proposal contains an acceptable plan for providing necessary services or evidence that such services will be available by the time the Planned Unit Development is completed. All utility services shall be underground.
4. Impact of Traffic. The Planned Unit Development shall be designed to minimize the impact of traffic generated by the proposed development on surrounding uses. In determining whether this requirement has been met, consideration shall be given to:
 - a. Access to major thoroughfares.
 - b. Estimated traffic to be generated by the proposed development and the potential increase in traffic congestion.
 - c. Proximity to intersections.
 - d. Adequacy of driver site distances.

- e. Location of and access to off-street parking.
 - f. Required vehicular turning movements.
 - g. Provisions for pedestrian traffic.
 - h. Proposals to alleviate traffic congestion, traffic safety concerns, and other traffic impacts.
5. Protection of Natural Environment. The proposed Planned Unit Development shall be protective of the natural environment, and shall be in compliance with all applicable environmental protection laws and regulations.
 6. Compatibility with the Master Plan. The proposed Planned Unit Development shall be consistent with the general principles and objectives of the adopted Township Master Plan.
 7. Compliance with Applicable Regulations. The proposed Planned Unit Development shall be in compliance with all applicable federal, state, and local laws and regulations.

G. 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.)
	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 ^(a)	50	16.5 ^{(c)(d)}	33	50	35 ^(b)	14	800
R-1	43,560	150	N/A	50	15 ^{(c)(d)}	30	50	35 ^(b)	18	1,000
R-2A, One Family	14,000 ^(e)	100 ^(e)	N/A	35 ^(g)	10 ^(c)	20	35	35	18	600
R-2A, Two Family	17,000 ^(e)	120 ^(e)	N/A	35 ^(g)	10 ^(c)	20	35	35	18	600
R-2B, One Family	8,400	70	N/A	30 ^(g)	6 ^(c)	12	35	35	18	500
R-2B, Two Family	10,800	90	N/A	30 ^(g)	6 ^(c)	12	35	35	18	650
R-3A	(f)	N/A	N/A	35 (g)	30 (c)	60	25	35	N/A	500
R-3B	(f)	N/A	N/A	35 (g)	30 (c)	60	25	35	N/A	500
R-4	See Section 3.11									

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-4	12,000	80	50 ⁽ⁱ⁾	20 ⁽ⁱ⁾	25 ⁽ⁱ⁾	35	30%
B-5	16,000	100	50 ⁽ⁱ⁾	20 ⁽ⁱ⁾	25 ⁽ⁱ⁾	35	30%
B-7	20,000	130 ⁽ⁱ⁾	15	10	10	35	30%
I-1	43,560	100	75 ⁽ⁱ⁾	30 ^(k)	50 ^(k)	35	40%
I-2	50,000	100	75 ⁽ⁱ⁾	20 ^(k)	50 ^(k)	35	N/A
OS	15,000	90	30 ^(m)	20	50	35	30%
PUD	See Section 3.18.						

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
3 or 4 units	4,000	9,400
5 or 6 units	3,600	9,000
7 to 24 units	3,200	8,600
25 or more units	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.

o:\clients.u-z\union township\2019 zoning ordinance update\08-draft text\section 4.2 schedule of regs.docx

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.

o:\clients.u-z\union township\2019 zoning ordinance update\08-draft text\section 5.docx