

Charter Township of Union

Isabella County, Michigan

Zoning Ordinance 1991-5



Adopted By
Union Township
April 10, 1991
With amendments through
Ordinance 2013-04

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ZONING ORDINANCE
CHARTER TOWNSHIP OF UNION
ISABELLA COUNTY, MICHIGAN
ORDINANCE NO. 1991-5

An ordinance to establish Zoning regulations for the unincorporated portions of the Township of Union, Isabella County, Michigan, providing for the repeal of the existing Zoning Ordinance, administration, enforcement and amendment, and prescribing penalties for the violation thereof, in accordance with the provisions of Act 110 of the Public Acts of 2006, as amended. The people of Union Township do Ordain:

SECTION 1 TITLE, PURPOSE, AND INTERPRETATION

1.1 SHORT TITLE

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

1.2 PURPOSE

This Ordinance shall affect the use and occupancy of all land and every building in the Township. This Ordinance has been made in accordance with Michigan Compiled Laws, and is designed to lessen congestion in the streets; to secure safety from fire, panic, and other danger; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population, and to facilitate the adequate provision of transportation, water, sewers, schools, parks and other public requirements. These regulations have been made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, with a view to conserving property values; encouraging the most appropriate use of land and to be in keeping with the general trend and character of population and building development.

1.3 INTERPRETATION

It is not intended by this Ordinance to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or Ordinances, except those specifically repealed by the Ordinance, or of any private restrictions placed upon property by covenant, deed or other private agreement. Where this Ordinance imposes greater lot areas, or larger yards, courts or other open spaces than are imposed or required by such existing provisions of law or Ordinance or by such rules, regulations, or permits or by such private restrictions, the provisions of this Ordinance shall control. In the case of mobile home parks, any higher standards than imposed by State law must be approved pursuant to Rule 120 of the Mobile Home Commission Rules, 1987, as amended.

SECTION 2 DISTRICTS AND ZONING MAPS

2.1 ZONE DISTRICTS

For the purpose of this Ordinance, the Township of Union is hereby divided into the following zoned Districts:

AG Agricultural District

R-1 One-family Residential District

R-2A One and Two-Family District

R-2B One and Two-Family District

R-3A Apartment and Condominiums District

R-3B Medium Density Apartment and Condominiums District

R-4 Mobile or Modular Home District

R-5 Single-wide Mobile Home District

B-4 General Business District

B-5 Highway Business District

B-6 Auto-Related Highway Business District

B-7 Retail and Service Highway Business District

I-1 Light Industrial District

I-2 General Industrial District

OS Office / Service

2.2 THE ZONING MAP

The locations and boundaries of these descriptions are hereby established as shown on a map entitled "The Zoning Map of the Township of Union, Isabella County, Michigan," which is hereby adopted as a part of this Ordinance. The Official Zoning Map shall be located in the Township Hall and shall be the final authority in any dispute concerning District Boundaries. The Official Map shall be kept up to date and any amendments to the Ordinance involving the Official Map shall become legal only after such changes are noted and portrayed on said map in accordance with Section 4, Amendments, in this Ordinance. Where uncertainty exists as to the boundaries of Districts as shown on the Zoning Map, the following rules shall apply:

Boundaries indicated as approximately following the centerline of streets, highways, or alleys shall be construed to follow such centerline.

Boundaries indicated as approximately following lot lines shall be construed as following such lot lines.

Boundaries indicated as approximately following Township boundaries shall be construed as following such lot lines.

Boundaries indicated as following shorelines or riverbanks shall be construed as following such shoreline or riverbank, and in the event of change in the shoreline or riverbank shall be construed as moving with said shoreline or riverbank.

Boundaries indicated as approximately following property lines or section lines or other lines of the government survey shall be construed as following such property lines as of the effective date of this Ordinance (or applicable amendment), section lines or other lines of the government survey.

Wherever boundaries do not follow lines as described in A. through E., above, the location will be determined by measurement using the proper scale of the zoning map.

SECTION 3 DEFINITIONS

For the purposes of this Ordinance, certain terms or words used herein shall be interpreted as follows:

The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual. Words used in the present tense include the future tense. The singular includes the plural. The word "lot" includes the words "plot" or "parcel." The word "shall" is mandatory; the word "may" is permissive. The word "used" or "occupied" includes the words "intended, designed or arranged to be used or occupied."

3.1 ACCESSORY BUILDING (AMENDED, ORD 1997-11)

A non-dwelling structure.

3.2 ACCESSORY USE

Any use customarily incidental and subordinate to the main use of the premises.

3.3 ADULT BOOKSTORE, ADULT ARCADE, AND ADULT VIDEO STORE (AMENDED ORD 2005-03)

A business with a substantial portion of its inventory, or floor space displaying inventory, characterized by an emphasis on the depiction, description, or display of specified anatomical areas or specified sexual activities in books, magazines, pictures, photographs, videos, movies, cassettes, discs, or other media that is offered for sale, rental, or viewing on site for any form of payment. "Substantial portion" means twenty percent (20%) or more.

3.4 ADULT CABARET (AMENDED, ORD 2005-03)

A business which, as one of its principal business purposes, regularly offers viewing on the premises to customers, for any form of payment, live performances characterized by an emphasis on the display or depiction of specified anatomical areas or specified sexual activities.

3.5 ADULT MOTION PICTURE THEATER (AMENDED, ORD 2005-03)

A business which, as one of its principal business purposes, regularly offers viewing on the premises to customers for any form of payment, movies, videos or motion pictures characterized by an emphasis on the display or depiction of specified anatomical areas or specified sexual activities.

3.6 ALLEY

A public or private right-of-way that provides secondary access to a lot, block, or parcel of land.

3.7 ALTERATION

An addition, removal, or physical conversion of a building.

3.8 APARTMENT

A room or suite of rooms, including bath and kitchen facilities, in a two-family, multiple dwelling, or group housing development intended or designed for use as a residence by a single family.

3.9 AUTOMOBILE OR VEHICLE STORAGE

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

3.10 AUTOMOBILE OR VEHICULAR SALES AREA

Any space used for display, sale, or rental of motor vehicles, trailer of all kinds, farm equipment, mobile homes, boats, motorcycles, snowmobiles, or similar vehicles, either new or used, that are in an operable condition.

3.11 BASEMENT AND CELLAR

A portion of a building that is partly below and partly above grade.

3.12 BED AND BREAKFAST OPERATION

A use that is subordinate to the principal use of a dwelling unit as a single-family dwelling unit in which transient guests are provided a sleeping room and board in return for payment. A bed and breakfast operation shall meet all of the requirements in Section 8.5.

3.13 BILLBOARDS AND SIGNS (AMENDED, 1996-16 ORDINANCE)

A. Abandoned Sign: A sign that no longer identifies or advertises a currently operating business, lessee, service, owner, product, or activity, and/or for which no legal owner can be found.

B. Air-Filled or Gas-Filled Balloon Sign: A sign that is made of nonporous bag or tough light material filled with heated air or a gas lighter than air used to convey advertising copy or announce a special event on a temporary basis.

C. Animated Sign: See Message Center.

D. Awning: A movable shelter supported entirely from the exterior wall of a building and of a type which can be retracted, folded or collapsed against the face of the supporting building.

E. Banner: Any sign of lightweight fabric or similar material that is mounted to a pole or a building. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

F. Beacon/Search: A stationary or portable light which projects illumination, single color or multi-colored, in any manner which is intended to attract or divert attention. This term is not intended to include any kind of lighting device which is required or necessary under the safety regulations described by the Federal Aviation Administration of similar agencies.

G. Billboard: The standard 300 square foot off-premises advertising sign accepted nationally by the outdoor advertising industry.

- H. Billboard Trailer Sign: A 300 square foot painted bulletin erected on a trailer.
- I. Building Code: The building code adopted by the Township of Union.
- J. Canopy: Any sign that is part of a covered structure which provides a protective cover over a door entrance, window, or outdoor service area. A marquee sign is not a canopy sign.
- K. Commodity Sign: A sign advertising a product produced on said property.
- L. Construction Identification: A sign which identifies the name of project developers, contractors, engineers, and architects on a site being developed. Only for projects that require a site plan review.
- M. Construction Development Identification: Signs advertising lot description/location in a residential or commercial development of six (6) or more units.
- N. Copy (Changeable/Replacing): The changing of the advertising copy, characters, or message on an approved painted or printed sign or on a theater marquee and similar approved signs which are specifically designed for the use of replaceable copy.
- O. Courtesy Sign: A sign which provides information of a non-advertising or courtesy nature, including, but not limited to, "No Smoking", "Restroom", "No Solicitors", "Self Service", "Vacancy", "No Vacancy", "Credit Cards Accepted", "Parking", "Entrance", and "Telephone".
- P. Days: Refers to Calendar days.
- Q. Directional Sign: - Vehicular & Pedestrian. Any sign of a non-commercial nature which directs the reader to specific public or private parking areas, access drives, loading and unloading areas, receiving areas, and specific buildings or facilities.
- R. Display Face: See Sign Face.
- S. Electric Sign: Any sign containing electrical wiring, but not including illumination by exterior light sources, such as floodlights.
- T. Flag: See TEMPORARY SIGNS.
- U. Freestanding Elevated Sign: A sign which is supported by one or more columns, uprights, poles or braces extended from the ground or from an object on the ground. The sign shall not be attached to any building or any other structures.
- V. Freestanding Ground Sign: A sign which is directly attached to a self-supporting ground structure and not elevated by poles, braces, or columns. The sign shall not be attached to any building or any other structure whether portable or stationary.
- W. Front Address: See FRONTAGE, BUILDING.
- X. Frontage, Building: A wall or side of the building that faces the front yard, at the address side.

Y. Frontage, Yard: A yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the street or place line and the main building or any projection of permitted uncovered steps, unenclosed balconies or unenclosed porches. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

Z. Garage/Yard Sale: A private sale of personal property used to dispose of personal household possessions. Not for the use of any commercial venture.

AA. Ground Pole Sign: See FREESTANDING ELEVATED.

BB. Identification and Informal Signs: Sign of an identification or of informational nature bearing no advertising such as but not limited to directional, courtesy, public interest, identification or public agency signage.

CC. Illuminated Sign: Any sign that provides artificial light by either emission or reflection.

Illumination, Direct. Lighting by means of an unshielded light source, including but not limited to neon tubing and spot lights.

Illuminated, Flashing. An illuminated sign on which artificial light is not maintained stationary or consistent in intensity at all times when in use.

Illuminated, Internal. Lighting by means of a light source which is within a sign having a translucent background or silhouetting opaque letters or designs, or within letters or designs which are themselves made of a translucent material.

DD. Integrated Business Identification Sign: A sign which serves as a common or collective identification for a group of persons or businesses operating on the same zone lot (e.g., shopping centers, office complex, etc.). Such sign may name the persons, or businesses, but carry no other advertising matter.

EE. Light Source: Includes neon, fluorescent or similar tube lighting, an incandescent bulb, including the light-producing elements therein, and any reflecting surface which, by reason of its construction and/or placement, becomes, in effect, the light source.

FF. Logo, Symbol, Trademark: “Logo, Symbol, Trademark”: means a letter, symbol or sign used to represent an entire word.

GG. Maintenance: The replacing, repairing, or repainting of a portion of a sign structure, the periodic changing of bulletin board panels or the renewing of copy which has been made unacceptable or unusable by ordinary wear and tear, weather or accident. The replacing or repairing of a sign or sign structure which has been damaged to an extent exceeding fifty percent of the appraised replacement cost, as determined by the Zoning Administrator, shall be considered as maintenance only when such sign conforms to all applicable provisions of this chapter and when the damage has been caused by an act of God or a violent accident.

HH. Marquee: A permanently roofed structure attached to and supported by a building and projecting from the building.

II. Marquee Sign: A sign depicted to be easily relocated to a different site to advertise, mark or otherwise draw attention to various types of businesses. Such designation includes trailer mounted signs with interchangeable letters.

JJ. Message Center Sign: Any structure utilizing an illuminated message capable of being programmed or changed electronically.

KK. Non-Conforming (Illegal) Sign: A sign which was in violation of the ordinances of the Township governing the erection or construction of such sign at the time of its erection, and which sign has been erected or is being displayed in violation of this Ordinance. Non-conforming illegal signs include signs which are posted, nailed, painted, or otherwise unlawfully displayed upon utility poles, trees, fences, or other signs.

LL. Non-Conforming (Legal) Signs: Any sign which was lawfully erected and maintained prior to the enactment of this Ordinance, and any amendments thereto, and which does not conform to all applicable regulations and restrictions of this Ordinance and could not be constructed under the terms of this Ordinance.

MM. Number of Signs: For the purpose of determining the number of signs, a sign shall be considered to be a single display surface or display device containing elements clearly organized, related and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, each element shall be considered to be a single sign.

NN. Off-Premises Advertising Sign: Including a billboard or general outdoor advertising device, which sign advertises or directs attention to a business, commodity, service or activity conducted, sold or offered elsewhere than on the same lot upon which or within the same building where such sign is located.

OO. Owner: A person, firm, corporation or other legal entity recorded as such on the records of the County Register of Deeds, including a duly authorized agent or attorney or a purchaser, devisee, fiduciary or person having a vested or contingent interest in the property in question.

PP. Pennant: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

QQ. Political Signs: "Political Signs":

RR. Portable Sign: A sign which identifies and/or directs attention to the business, profession, commodity, service, entertainment or activity conducted, sold, displayed, offered or stored on the premises where the sign is located.

SS. Projecting Sign: See WALL PROJECTING SIGN.

TT. Public Agency Sign: Any sign of a noncommercial nature and in the public interest, on the approval of a public officer in the performance of his/her public duty, such as, but not limited to safety signs, danger signs, or traffic signs.

UU. Public Entrance Signs: An entrance to a building or premises which is customarily used or intended for use by the general public.

VV. Public Interest Signs: Any such signs may include but are not limited to names of buildings, dates of erection, monumental, citations, and commemorative tables. Any sign which identifies memorial plaques, centennial farms/homes, natural features, historical occurrences or interests are also permitted.

WW. Pylon Sign: A sign which is supported by one or more columns, uprights, poles or braces extended from the ground or from an object on the ground, or a sign which is erected on the ground, provided that no part of the sign is attached to any part of any building, structure or other sign. Pylon sign includes a pole sign, pedestal sign and ground sign.

XX. Real Estate Sign: A sign indicating the availability for sale of the specific lot, building, or portion of a building upon which the sign is erected or displayed.

ZZ. Rental/Lease Sign: A sign indicating the availability for rent or lease of the specific lot, building or portion of a building upon which the sign is erected or displayed.

AAA. Roof Sign: A sign painted on the roof of a building, supported by poles, uprights or braces extending from the roof of a building or projecting above the roof line of a building.

BBB. Sign: Any writing, letter, word, symbol, pictorial representation, decoration, form or structure which by reason of its shape, color message, wording, symbol, design, illustration, motion, or otherwise, attracts or is designed to attract attention or to communicate a visual message.

CCC. Sign Area: The entire area measured enclosing the extreme limits of the advertising display together with any frame or other material forming an integral part of the display, excluding the necessary supports, braces or uprights of the sign.

DDD. Sign Face: The surface of a sign upon, against or through which the message is displayed or illustrated.

EEE. Sign Structure: Any supports, uprights, braces or framework of a sign.

FFF. Street Address: See Frontage, Building.

GGG. String Lights: Prohibited. Non-seasonal lights in a series.

HHH. Subdivision Identification: A sign which serves as a common or collective identification of a recorded subdivision, (Ord 2004-04) or collection of eight (8) or more lots under common development.

III. Suspended Sign: A sign suspended from the ceiling of an arcade, marquee or canopy.

JJJ. Temporary Sign: A sign, banner or similar device or display which is intended for a temporary period, for the purpose of announcing a special event or advertising or directing persons to a developing subdivision or other land or building development. Such sign may be constructed of cloth, canvas, cardboard, wall board, plywood or other light temporary material, with or without a structural frame.

KKK. Time-Temperature-Date Sign: A sign whose primary function is that of conveying the time and temperature.

LLL. Wall Sign: A sign displayed upon the wall of a building where the exposed face of the sign is in a plane parallel to the plane of such wall - not extending over three (3) inches.

1. Wall Sign - Attached, projecting up to three (3) inches.
2. Wall Projection Sign - Projecting beyond three (3) inches up to fifteen (15) inches.

3. Projecting Sign - Projecting beyond fifteen (15) inches to forty-eight (48) inches.

MMM. Wind Sign: A sign consisting of one or more banners, flags, pennants, ribbons, spinners, streamers or captive balloons, or other objects or materials fastened in such a manner as to move upon being subjected to pressure by wind or breeze.

NNN. Window Sign: A sign which is painted on, applied to, attached to or located within a window, which sign can be seen through the window from beyond the property line. Merchandise which is included in a window display shall not be included as part of a window sign.

3.14 BUILDING

Any enclosed structure having a roof supported by columns, walls or other support used for the purpose of housing or storing of persons, animals or chattels or carrying on business activities or other similar uses.

3.15 BUILDING, HEIGHT OF

The vertical distance measured from the mean elevation of the finished grade line of the ground at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs; and the mean height level between eaves and ridge for gable, hip, and gambrel roofs.

3.16 BUILDING LINE

A line defining the front, side, and rear yard requirements outside of which no building or structure may be located. It will be that line that coincides with any portion of the building nearest the lot line that includes sun porches, porches, and foundations, but not steps.

3.17 BULK PLANT

An establishment for the storage of products in bulk and/or in packages, for the distribution by tank car, tank vehicle, or motor truck.

3.18 CLINIC, DENTAL OR MEDICAL

A building in which a group of physicians, dentists, or physicians and dentists or related medical professionals and their allied professional assistants are associated for the purpose of practicing their profession. The clinic may include a medical or dental laboratory. It shall not include in-patient care or operating rooms for major surgery.

3.19 CONVALESCENT OR NURSING HOME

A building where infirm or aged persons are furnished shelter, care, food, lodging, and nursing care for a compensation.

3.20 CUSTOMARY AGRICULTURAL OPERATION

Any land or building used for orchards, nurseries, animal husbandry, dairying, or for the purpose of producing vegetables, livestock or fowl, grain, or other crops. (New Or 2011-03)The term Customary Agricultural Operation does not include the transfer, sale, delivery, production, manufacture or cultivation of marihuana.

3.21 DAY CARE FACILITY

A facility for the care of children under eighteen (18) years of age, as licensed and regulated by the State under Act 116 of the Public Acts of 1973 and the associated rules promulgated by the State Department of Social Services. Such organizations 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.

3.22 DIS-MANTLED MOTOR VEHICLE

A motor vehicle from which some part or parts that are ordinarily a component thereof, have been removed or are missing.

3.23 DWELLING

Any building, or portion thereof, used or designed for the residence of a person, or persons, with facilities for such humans to sleep, cook, and eat; but not including motels, hotels, or tourist cabins.

A. "Dwelling, One Family" means a detached building designed and occupied exclusively by one (1) family.

B. "Dwelling, Two Family" means a detached or duplex building designed and occupied exclusively to two (2) families living independently of each other.

C. "Dwelling, Multiple Family" means a building, or portion thereof, used and designed to contain separate living quarters for three (3) or more families; but that may have joint services or facilities.

D. "Dwelling, Rooming" means a building occupied by one (1) family with accommodations for living and sleeping quarters for two (2) or more additional persons. A rooming dwelling shall not include more than one (1) cooking or eating accommodation.

E. Dwelling, Boarding means a Rooming Dwelling without a common cooking facility for tenants, but where meals are provided by the proprietor of the Boarding Dwelling.

3.24 DWELLING UNIT

One (1) or more rooms designed for or occupied by not more than one family.

3.24.1 ENCLOSED LOCKED FACILITY (NEW OR 2011-03)

A closet, room, or other enclosed area equipped with locks or other security devices that permit access only by a Qualifying Patient or Primary Caregiver, built and maintained in a manner consistent with applicable building and property maintenance codes

3.25 ESSENTIAL SERVICES (AMENDED ORD 1999-04)

The erection, construction, alteration, or maintenance of overhead or surface or underground gas, electrical, steam, or water distribution or transmission or collection systems; communication systems (excluding towers and antennas); supply or disposal systems; including mains, drains, sewers, pipes, conduits, tunnels, wire cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, electrical substations, gas regulator stations, and other similar equipment and accessories, in connection therewith, reasonable necessary for furnishing adequate service for the public health, safety, or welfare by public utilities or municipal departments or commissions, shall be permitted as authorized by the Zoning Official in any use District.

3.26 EXISTING LOT

A parcel of land created prior to the adoption of this Ordinance, exclusive of any adjacent parcels of land by a description as on a recorded deed, recorded subdivision plat, survey map, or metes and bounds.

3.27 FABRICATION

Fabrication means the stamping, cutting or otherwise shaping of processed materials into useful objects.

3.28 FAMILY (AMENDED, 1995-6 ORDINANCE)

One (1) or more persons living together as a single nonprofit housekeeping unit, organized as a single entity in which the members share common kitchen facilities in a domestic bond. No such family shall contain more than three (3) unrelated persons.

3.29 FARM

A parcel of land containing at least ten (10) acres and that carries on the customary agricultural operations.

3.295 FARM ANIMALS (NEW, ORD 1998-17)

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

3.295 FENCE (NEW, 1991-16 ORDINANCE)

A structure of ordinary design made of conventional fencing materials used to enclose or conceal a yard.

3.30 FILLING STATION

Any place where primary petroleum products, such as gasoline, motor oil, or diesel fuel, are sold at retail.

3.31 FLOODPLAIN

That area of land adjoining the channel of a river, stream, water course, lake, or flood, which can be reasonably expected for that region.

3.32 FLOOR AREA

A. Gross floor area shall mean the floor areas of all floors of a building or an addition to an existing building. For all office buildings and for any other building where the principal use thereof shall include the basement, the basement floor area shall be included except that part that contains heating and cooling equipment and other basic utilities.

B. Usable floor area shall be eighty (80) percent of the gross floor area of the proposed building, unless the Planning Commission is furnished with detailed floor plans and accurate figures that show a usable floor area of less than eighty (80) percent of the gross floor area.

3.33 GARAGE, PRIVATE

An accessory building, or portion of a main building used for the storage of vehicles.

3.34 GARAGE, PUBLIC

A building or area used for the repair of damaged motor vehicles; boats; trailers of any kind; mobile homes; farm equipment; or similar equipment, including painting thereof. It may also be any portion of a building used for the preparation of sales; periodic servicing; or minor repair of said vehicles for specified compensation.

3.35 HALF STORY

That area of a residence with a finished attic and attic area (where ceiling height is at least seven (7) feet - six (6) inches) approximately fifty (50) percent of the first floor.

3.36 HOME OCCUPATION (ADDITION, 1997-12 ORDINANCE)

Any primary or subordinate occupation conducted within a principal or accessory structure by the family residents thereof that is clearly secondary and incidental to the use of the dwelling for living purposes and does not change the character thereof.

3.37 HOUSEHOLD PET

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

3.38 INOPERABLE OR UNLICENSED VEHICLE

A vehicle that is incapable of being operated or moved under its own power or that is dismantled or wrecked or that is unlicensed in the case of vehicles required to be licensed by the State of Michigan.

3.39 JUNK YARD

The outdoor storage of three (3) or more inoperable or dismantled motor vehicles shall be considered a junk yard, excluding automobile or vehicular sales area, seasonal farm product displays or temporary business displays. Junk yards shall also include those areas used for the outdoor collection, storage, dumping, display, assembly, disassembly, alteration, cleaning, or handling of new or second hand salvaged materials, machinery, vehicles, trailers, furnishings, or parts thereof.

3.40 KENNEL

Any lot or premises used for the keeping, sale, boarding, or breeding of more than four (4) dogs, cats, or other household pets, or any combination thereof, for specified compensation.

3.41 LOT

A lot is a parcel of land, of at least sufficient size to meet minimum requirements for use, coverage and lot area, adequate to provide such setback area and other open space as required by this Ordinance. Such lots shall have frontage on a designated street, road right-of-way, or easement and may consist of:

A. A measured portion of a parcel or tract of land that is described and fixed in a recorded plat.

B. A parcel or tract of land continuous area described by metes and bounds.

C. In the case of division of land on the basis of condominium ownership (site condominium), "lot" shall also include the portion of the condominium project designed and intended for separate ownership and use as described in the master deed.

3.42 LOT, CORNER

A lot situated at the intersection of two (2) or more streets having an angle of not more than one hundred thirty-five (135) degrees.

3.43 LOT LINE

That said line that borders the lot or, in larger cases, parcel.

A. Front Lot Line: The line that separates the front yard from the street, excluding the road right-of-way. In cases where water frontage is used as front yard, the line shall separate front yard and the water.

B. Rear Lot Line: The line that separates the rear yard and the adjacent lot, street (excluding road right-of-way), or water frontage.

C. Street or Alley Lot Line: Any line separating a lot from a street or alley.

D. Side Lot Line: The line that separates the side yard from the adjacent lot, street, or water frontage (excluding the road right-of-way).

3.44 MAJOR STREET

A major thoroughfare or public street having a principal use or function or providing an arterial route for fast or heavy through traffic. Its secondary use or function is to provide an access to abutting property. Major streets include County primary and secondary roads, State and Federal highways.

3.44.1 MARIHUANA (NEW OR 2011-03)

As defined in Section 7106 of the Public Health Code, 1978 PA 368 being MCL 333.7106.

3.44.2 MARIHUANA CLUB (NEW OR 2011-03)

A location where an association or organization, whose purpose is to educate members regarding the medical use of marihuana, whose relationships are of a transitional nature involving three or more unrelated persons, meets. The term Marihuana Club does not include medical marihuana accessory uses conditionally permitted and consistent with Section 8.2.F occurring in dwelling units

3.44.3 MARIHUANA DISPENSARY (NEW OR 2011-03)

Any structure or building where marihuana is transferred, delivered, acquired, or sold to Qualifying Patients pursuant to the MMMA. The term Marihuana Dispensary does not include medical marihuana accessory uses conditionally permitted and consistent with Section 8.2.F occurring in dwelling units.

3.44.4 MARIHUANA GROWING FACILITY (NEW OR 2011-03)

Any structure or building where marihuana is cultivated or manufactured for Qualifying Patients pursuant to the MMMA. The term Marihuana Growing Facility does not include medical marihuana accessory uses conditionally permitted by Section 8.2.F in dwelling units.

3.45.1 MEDICAL USE OF MARIHUANA (NEW OR 2011-03)

The acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of marihuana or paraphernalia related to the administration of marihuana to treat or alleviate a registered Qualifying Patient's debilitating medical condition or symptoms associated with said condition.

3.45 MASSAGE ESTABLISHMENT

Any establishment where massages are administered for pay, including but not limited to massage parlors, health clubs, sauna baths, and steam baths. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the State of Michigan; nor shall this definition be construed to include a barber shop or beauty shop in which massages are administered only to the scalp, the face, the neck or the shoulders. This definition shall not be construed to include a public or nonprofit organization such as a school, park department, YMCA, or YWCA operating a community center, swimming pool, or other educational, cultural, or recreational facilities for residents of the area. This definition shall not be construed to include massage therapists engaged in the personal performance of the duties of their respective professions who meet one (1) or more of the following criteria:

- A. Proof of graduation from a school of massage licensed by the State Of Michigan.
- B. Official transcripts verifying completion of at least three hundred (300) hours of massage training from a North American community College or university, plus three (3) references from massage therapists who are professional members of a massage association referred to in this section.
- C. Certificate of professional membership in the American Massage Therapy Association, International Myomassethics Federation, or any other recognized massage association with equivalent professional membership standards.
- D. A current license from another state.

3.46 MINOR STREET

A dedicated public street or roadway or a private street or roadway that provides access to abutting properties. A minor street is designed primarily to serve localized neighborhood needs.

3.47 MOBILE HOME

A structure, transportable in one or more sections, that is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems in the structure. Mobile home does not include a recreational vehicle.

3.48 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 thereof, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incidental to the occupancy of a mobile home.

3.49 MODULAR HOME

A fabricated, transportable building unit designed to be incorporated at a building site into a structure on a permanent foundation to be used for residential uses.

3.50 MOTEL

A building or group of buildings, whether detached or in connection units, used as individual sleeping or dwelling units designed primarily for transient sleeping or dwelling units designed primarily for transient automobile travelers and providing accessory of street parking facilities. The term "motel" shall include buildings designated as "auto courts", motor courts", "motor hotels", and similar appellations that are designed as a combined unit of individual rooms under common ownership.

3.51 MULTI-USE STRUCTRES

For the purpose of this ordinance, the term “Muti-Use” shall mean any structure which provides both a business and a residential component.

3.52 NON-CONFORMING BUILDING

Any building or portion thereof lawfully existing at the time this Ordinance became effective and that now does not comply with its regulations or any subsequent amendments thereto.

3.53 NON-CONFORMING USE

Any property use that was lawful at the time this Ordinance became effective and that does not now comply with its regulations or any subsequent amendment thereto.

3.53.1 NUDE MODEL STUDIO (AMENDED, ORD 2005-03)

A business which, as one of its principal business purposes, regularly offers for viewing on the premises by customers, live models who display specified anatomical areas or specified sexual activities, for any form of payment.

3.54 OPEN SPACE

Any unoccupied space, not to include parking areas, devoid of elevated structural manmade improvements, open to the sky on the same lot with a building.

3.55 PARKING AREA

Any area, other than a street or other public way, used for the parking of motor vehicles. A parking area shall be available for public or private use whether for a fee or as an accommodation for residents, clients, customers, or employees.

3.56.1 PERSON (NEW OR 2011-03)

Any individual, partnership, corporation, association, club, joint venture, estate, trust, governmental unit, and any other group or combination acting as a unit, and the individuals constituting such group or unit.

3.56 PARKING SPACE

An area readily accessible by motor vehicles being not less than one hundred eighty (180) square feet and shaped satisfactorily for such use. A parking space is exclusive of access drives and aisles and is not located on a public street or alley right-of-way.

3.57 PLANNING COMMISSION

The Planning Commission of Union Township.

3.57.1 PRIMARY CAREGIVER (NEW OR 2011-03)

A person who is at least twenty-one (21) years old and who has agreed to assist with a Qualifying Patient's medical use of marihuana and who has never been convicted of a felony involving illegal drugs and is currently registered pursuant to the Michigan Medical Marihuana Act, MCL 333.26421 et seq.

3.58 PRINCIPAL OR MAIN USE

The primary or predominant use of a lot or structure.

3.59 PUBLIC OR INSTITUTIONAL USES

Churches, accredited public, parochial, or private schools, trade schools or colleges, hospitals, nursing, extended care or convalescent homes, parks, nonprofit recreational uses, libraries, government owned facilities, fire stations, or similar uses providing services necessary to the community.

3.60 PUBLIC UTILITY

Any person, firm, or corporation duly authorized to furnish to the public, under State or municipal regulations, electricity, gas, steam, communications, water, etc.

3.60.1 QUALIFYING PATIENT (NEW OR 2011-03)

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, MCL 333.26421 et seq.

3.61 RIGHT-OF-WAY

A street, alley, thoroughfare, or easement permanently established for passage of persons or vehicles.

3.62 ROADSIDE STAND

A structure portable or permanent for the display and sale of products with no space for customers within the structure itself.

3.62.1 SEXUALLY ORIENTED BUSINESS (AMENDED, ORD 2005-03)

An adult arcade, adult bookstore, adult video store, adult cabaret, adult motion picture theatre, nude model studio, or other business offering services or the sale or rental of products featuring the display of specified anatomical areas or specified sexual activities to an extent described or defined in this ordinance.

3.63 SHOPPING CENTER EITHER OF THE FOLLOWING: (NEW, 1992-6 ORDINANCE)

A. Three (3) or more commercial or service establishments within a single building served by common parking area when the building exceeds 4,000 square feet.

B. Two (2) or more commercial or service establishments within a single building served by a common parking area when the gross area of buildings exceed 10,000 square feet.

3.64 SINGLE OWNERSHIP

Ownership by one (1) or more persons, whether jointly as tenants as a whole or as tenants in common, of a parcel of real property.

3.65 SITE CONDOMINIUM SUBDIVISION

A division of land on the basis of condominium ownership that is not subject to the provisions of the Subdivision Control Act, Public Act 288 of 1967, as amended.

3.66 SPECIFIED ANATOMICAL AREAS (AMENDED, ORD 2005-03)

A. Less than completely and opaquely covered

human genitals, pubic region, or pubic hair

anus or buttock, and

any portion of the female breast that includes the nipple or areola, or

B. Human male genitals in a discernibly turgid state even if completely and opaquely covered..

3.67 SPECIFIED SEXUAL ACTIVITIES (AMENDED, ORD 2005-03)

A. The fondling or other erotic touching of human genitals, pubic region, anus, buttock, or female breast;

B. Acts of human masturbation, sexual intercourse, oral-genital sex, or sodomy;

C. Human excretory functions or violent acts upon humans as part of any of the sexual activities described above.

3.68 STORY

A portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar, or unused under floor space is more than six (6) feet above grade, as defined herein, for more than fifty (50) percent of the total perimeter or is more than twelve (12) feet above grade, as defined herein, at any point, such basement, cellar, or unused under floor space shall be considered as a story.

3.69 STREET LINE

The legal line or demarcation between a street or road and abutting land that is also known as the edge or furthest extreme of the right-of-way.

3.70 STRUCTURE

Anything constructed or erected, the use of which requires permanent location on the ground or anything attached to something having permanent location on the ground.

3.71 SUBDIVISION

The partitioning or dividing of a parcel or tract of land in compliance with Act 288 of the Public Acts of 1967 of the State of Michigan, as amended.

3.72 SWIMMING POOL

A constructed basin or structure for the holding of water for swimming and aquatic recreation. Swimming pool does not include plastic, canvas, or rubber portable pools temporarily erected upon the ground and holding less than three hundred (300) gallons of water.

3.73 TOWNSHIP BOARD

The governing body of Union Township.

3.74 TRAVEL TRAILER AND MOTOR HOME

A vehicular transportable structure mounted on wheels that is self propelled or towed by a motor vehicle. A travel trailer is designed to provide temporary living quarters for recreational, camping, or travel use. This definition includes but is not limited to portable structures commonly known as travel homes, fold down campers, truck mounted campers, converted buses, and fifth wheels.

3.75 USE

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

3.76 VARIANCE

A variance is defined as a modification of the terms of this Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance is authorized only for height, area and size of structure of size of yards and open spaces and off street parking and off street loading requirement; establishment or expansion of use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the Zoning District or adjoining Zoning Districts.

3.77 WILD ANIMAL

Any animal that is likely to bite, without provocation, or is likely to cause the death, maiming, or illness of a human. These 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 animals that a person is prohibited from possessing by law.

3.77.1 WIND ENERGY DEFINITIONS

- A. **ANEMOMETER TOWER** means a freestanding tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system which is an accessory land use to a UTILITY GRID WIND ENERGY SYSTEM.
- B. **AMBIENT** means the sound pressure level exceeded 90% of the time or L 90. ANSI means the American National Standards Institute.

- C. **dB(A)** means the sound pressure level in decibels. It refers to the “a” weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.
- D. **DECIBEL** means the unit of measure used to express the magnitude of sound pressure and sound intensity.
- E. **IEC** means the International Electrotechnical Commission.
- F. **ISO** means the International Organization for Standardization.
- G. **LEASE UNIT BOUNDARY** means boundary around property leased for purposes of a Wind Energy System, including adjacent parcels to the parcel on which the Wind Energy System tower or equipment is located. For purposes of setback, the Lease Unit Boundary shall not cross road right-of-ways.
- H. **ON SITE WIND ENERGY SYSTEM** means a land use for generating electric power from wind and is an accessory use that is intended to primarily serve the needs of the consumer at that site. On site wind systems may use grid tie or reverse metering to off set utility costs without being considered a Utility Grid System.
- I. **ROTOR** means an element of a wind energy system that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.
- J. **SETBACK BOUNDRY AGREEMENT** means an easement or lease agreement between adjacent parcels for the purpose of establishing a setback area around an On Site Wind Energy System. For purposes of this provision, adjacent parcels shall not cross a road Right of Way. The agreement shall be filed with the Isabella County Registrar of deeds in a form acceptable for filing.
- K. **SHADOW FLICKER** means alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as but not limited to a window at a dwelling.
- L. **SOUND PRESSURE** means an average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.
- M. **SOUND PRESSURE LEVEL** means the sound pressure mapped to a logarithmic scale and reported in decibels (dB).
- N. **UTILITY GRID WIND ENERGY SYSTEM** means a land use for generating power by use of wind at multiple tower locations in a community and includes accessory uses such as but not limited to a SCADA TOWER, electric substation. A UTILITY GRID WIND ENERGY SYSTEM is designed and built to provide electricity to the electric utility grid.
- O. **WIND ENERGY SYSTEM** means a land use for generating power by use of wind; utilizing use of a wind turbine generator and includes the turbine, blades, and tower as well as related electrical equipment. This does not include wiring to connect the wind energy system to the grid. See also ON-SITE WIND ENERGY SYSTEM and UTILITY GRID WIND ENERGY SYSTEM.
- P. **WIND SITE ASSESSMENT** means an assessment to determine the wind speeds at a specific site and the feasibility of using that site for construction of a wind energy system.

3.78 YARD

A required open space unoccupied and unobstructed by any structure or portion thereof from the ground upward, provided, however, that fences and walls may be permitted in any yard subject to height limitations as indicated herein.

A. Front Yard: A yard extending across the full width of the lot, the depth of which is the distance between the front lot line and the main wall of the building, excepting steps and unenclosed porches.

B. Rear Yard: A space unoccupied, except for an accessory building, extending across the full width of the lot, the depth of which is the distance between the rear lot line and the rear wall of the main building.

C. Side Yard: A yard between a main building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured from the nearest point of the side lot line toward the nearest part of the main building.

3.785 YARD SALE (NEW ORD 2011-06)

Yard Sale, also known as a garage sale, rummage sale, tag sale, attic sale, moving sale, or junk sale, is an informal, irregularly scheduled event for the sale of used goods by private individuals at their residence, and includes fund raising events by nonprofit groups when conducted in non commercial/industrial zoning districts.

3.79 ZONING BOARD OF APPEALS (ALSO KNOWN AS BOARD OF APPEALS)

This is the Union Township quasi-judicial body that hears appeals under and in accord with the provisions of this Ordinance and Act 184 of the Public Acts of 1943 of the State of Michigan, as amended.

3.80 ZONING OFFICIAL

The person designated by the Township Board to administer the provisions of this Ordinance. This person shall not be a member of the Township Board.

3.81 ZONING PERMIT

A written statement issued by the Zoning Official authorizing buildings, structures or uses consistent with the requirements of the district in which they may be located.

3.82 DEFINITION OF WORDS (AMENDED, 1992-2 ORDINANCE)

All other words shall have the meaning as defined in the Webster's New World Dictionary, Third College Edition

SECTION 4 AMENDMENTS

4.1 ADOPTION, AMENDMENTS, AND MAP CHANGES (AMENDED 1998-17)

Whenever the public necessity, convenience, general welfare or good Zoning practice require, the regulations and District boundaries set forth in this Ordinance may from time to time be amended, supplemented, changed or repealed, provided however that no such action may be taken until a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard, in accordance with Act 110 of the Public Acts of 2006 of the State of Michigan, as amended.

A. Any public agency or interested person may make application to the Planning Commission for an amendment or map change. All requests must be submitted on forms carefully filled out with such data and information as to assure the fullest practicable presentation of facts for the permanent record.

B. A fee shall be collected from the applicant sufficient to cover the expenses for said notices and hearings as specified in the schedule of fees.

C. After receipt of a request for a change in the Zoning Ordinance, (map or text amendments) the Planning Commission shall hold a public hearing in accordance with Section 7.8" (Amended 2006-10)

D. Township Planning Commission: Following such hearing, or hearings, the Township Planning Commission shall submit the proposed amendment to the County Planning Commission for proper action. The approval of the County Planning Commission shall be conclusively presumed unless such Commission shall, within thirty (30) days of its receipt, have notified the Township Clerk to the contrary.

E. The Planning Commission shall submit the proposed amendment, along with its recommendation, to the Township Board for consideration within sixty (60) days from the conclusion of the public hearing. (Ord. 1998-17)

1. The Township board may adopt or reject the amendment as proposed. However, if the Board decides to make changes it must return the proposed amendment with changes to the Planning Commission for review and comment.

2. After receipt of this report from the Planning Commission the Township Board may proceed to adopt the amendment with or without changes. Adoption must be by Ordinance, with yeas and nays recorded.

3. Whenever a proposed amendment or District change has not been adopted by the Township Board, the Planning Commission may refuse to hold another public hearing on same for at least one (1) year unless it is conclusively proven that new conditions and circumstances exist.

F. A notice of adoption shall be published in a newspaper published in the County with general circulation within the Township within fifteen (15) days after final approval. Said notice shall include the following:

1. In the case of a newly adopted Zoning Ordinance the following statement: "A Zoning Ordinance relating the development and use of land has been adopted by the Union Township Board."

2. In the case of an amendment to an existing Zoning Ordinance, either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment.

3. The effective date of the Ordinance.

4. The place and time where a copy of the Ordinance may be purchased or inspected.

G. The Township Clerk must maintain a copy of the amendments, adoption of a new Ordinance, and map changes for public use.

4.2 SITE SKETCH

A sketch of the area and all proposed buildings shall accompany the request for rezoning to the Planning Commission

SECTION 5 BOARD OF APPEALS

5.1 BOARD OF APPEALS

There shall be a board of Appeals that shall consist of five (5) members appointed by the Township Board. The first member of the Board of Appeals shall be a member of the Township Planning Commission. The remaining members of the Board of Appeals shall be selected from the electors residing in the unincorporated area of Union Township. The members selected shall be representative of the population distribution and of the various interests present in the Township. The term of each member shall be for three (3) years, except that of the members first appointed, two (2) shall serve for two (2) years and the remaining members for three (3) years. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.

5.2 REMOVAL (AMENDED ORD 1998-17)

Members of the Board of Appeals shall be removable by the Township Board for nonperformance of duty or misconduct in office upon written charges and after public hearing. A member shall disqualify himself from a vote in which he/she has a conflict of interest. Failure of a member to disqualify himself from a vote in which he/she has a conflict of interest shall constitute misconduct in office. Public hearings shall be noticed per Section 7.8.

5.3 MEETINGS; RECORDS

A. The Board of Appeals shall adopt rules and a schedule of meetings necessary to the conduct of its affairs and in keeping with this Ordinance. The Board of Appeals shall not conduct business unless a majority of the members of the Board are present. Meetings may be held at other times as the Board may determine. The chairman, or in his/her absence the acting chairman, may administer oaths, and the board may compel the attendance of witnesses. All meetings shall be open to the public.

B. The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately available in the office of the Township Clerk.

5.4 PROCEDURE

A. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Zoning Official, or to decide in favor of the applicant, any matter upon which the Board of Appeals is required to pass under this Ordinance, or to effect any variation in this Zoning Ordinance.

B. When an application or appeal has been filed in proper form and with the required data, the Board shall place said application or appeal on the calendar for hearing at the next meeting of the Board and cause notices stating the time, place and object of the hearing to be served. Such notices shall be served personally or by mail at least fifteen (15) days prior to such hearing upon the applicant or appellant, the Zoning Official and the owners of record of property within three hundred (300) feet of the premises in question which notices, if by mail, shall be addressed to the respective property owners of record at the address given in the last assessment roll. In the event any property immediately adjacent to said premises shall be part of a different governmental subdivision, the owner of any such property shall nevertheless receive notice and shall be entitled to be heard.

C. Upon the day for hearing any application or appeal, the Board may adjourn the hearing in order to permit the obtaining of additional information or to cause such further notice as it deems proper to be served upon such other property owners as it decides may be interested in said application or appeal. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time or resumption of said hearing.

D. Upon the hearing, any party may be heard in person or by agent or attorney.

E. The Board may reverse or affirm wholly or partly or may modify the order, requirement, decision or determination as in its opinion ought to be made on the premises and to that end shall have all the powers of the officer from whom the appeal was taken or may issue or direct the issuance of a permit.

F. The decision of the Board shall not be final until twenty-one (21) days after it is made, and any person having an interest affected by any such Ordinance shall have the right to appeal to the Circuit Court on questions of law and fact during said period.

G. Each appeal or application for variance at a regular Zoning Board of Appeals meeting shall be accompanied by a filing fee. Each appeal or application requiring a special meeting shall be accompanied by an additional fee. All fees shall be deposited by the Zoning Official with the Township Treasurer.

5.5 STAY OF PROCEEDINGS

An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Official certifies to the Board of Appeals after the notice of appeal shall have been filed with him/her that by reason of facts stated in the certification, a stay would, in his/her opinion, cause imminent perils to life or property in which case proceedings shall not be stayed otherwise than by a restraining order that may be granted by the Board of Appeals or by the Circuit Court on application on notice to the Zoning Official and on due cause shown.

5.6 TIME TO AND NOTICE OF APPEAL; TRANSMISSION OF RECORDS

Appeals shall be taken within such time as shall be prescribed by the Board of Appeals by general rule by filing with the Zoning Official and with the Board of Appeals of a notice of appeal specifying the grounds thereof. The Zoning Official shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

5.7 CONDITIONS OF APPROVAL

In authorizing a variance or exception, the Board may in addition to the conditions of approval called for in this Ordinance, attach thereto such other conditions regarding the location, character, landscaping or treatment reasonably necessary to the furtherance of the intent and spirit of this Ordinance and the protection of the public interest including the right to authorize such special exception for a limited period of time. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a nuisance as well as a violation of this Ordinance and punishable under Section 7 of Ordinance.

5.8 BOARD OF APPEALS: POWERS AND DUTIES

A. Administrative Review: To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Official in the enforcement of this Ordinance.

B. Interpretation of Zoning Maps: Where the boundaries of Zoning Districts as shown on the Official Zoning Map are in question as to exact location or otherwise referred to in Section 2, the Board shall interpret such map in a manner that will carry out the intent and purpose of this Ordinance and the area in question.

C. Variances, Conditions Governing Applications: Procedures to authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship. A variance from the terms of this Ordinance shall not be granted by the Board of Appeals unless and until:

1. A written application for a variance is submitted demonstrating:
 - a) That special conditions and circumstances exist that are peculiar to the land, structure, or building involved and that are not applicable to other lands, structures, or buildings in the same Zoning District;
 - b) That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same Zoning District under the terms of this Ordinance;
 - c) That the special conditions and circumstances do not result from the actions of the applicant;
 - d) That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same Zoning District;
 - e) No non-conforming use of neighboring lands, structures or buildings in the same Zoning District, and no permitted use of lands, structures or buildings in other Zoning Districts shall be considered grounds for the issuance of a variance.
2. A Public Hearing, noticed per Section 7.8, is conducted.
3. The Public hearing shall be held. Any party may appear in person, or by agent or by attorney.
4. The Board of Appeals shall determine that the requirements of Section 5.8, C., have been met by the applicant for the variance.

5. The Board of Appeals in granting or denying a variance shall state the grounds upon which it justifies the granting or denying of the variance. The action taken shall be in writing and a part of the proceedings.

5.9 LAND USE VARIANCES

Under no circumstances shall the Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the Zoning District involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said District. The Board of Appeals cannot grant use variances at all or use its variance authority to accomplish what would, in effect be a rezoning.

5.10 HEAR AND MAKE DETERMINATIONS; PUBLIC UTILITY BUILDINGS

The Board shall have the power to hear and make determinations regarding applications for the erection and use of a building, or an addition to an existing building, or an addition to an existing building of a public service corporation or for public utility purposes as described under Essential Service in this Ordinance and in any Zoning District to a greater height or of larger area than the District to a greater height or of larger area than the District requirements herein established, and admit the location in any use District of a public utility building, structure or use if the Board shall find such use, height, area, building or structure reasonably necessary for the public convenience and service.

5.11 DECISIONS OF BOARD NOT FINAL

Any person or persons or any taxpayer, department, board or bureau of the Township aggrieved by any decision of the Board of Appeals shall have the right to appeal to the Isabella County Circuit Court on questions of law and fact.

SECTION 6 PERMITS AND FEES

6.1 PURPOSE

The purpose of a Zoning Permit is to determine that the intended use is within the proper District and that there has been full compliance with the use requirements specified for the respective District.

6.2 ZONING PERMITS

No building, structure, or any part thereof, shall be erected, raised, moved, reconstructed, extended, or enlarged without first applying for and obtaining a Zoning Permit from the Zoning Official. An exception to this is an accessory building or portable structure less than two hundred (200) square feet in size or less than one thousand dollars (\$1,000) in valuation (whichever is less) that shall not require a Zoning Permit as long as the placement of said building conforms with setbacks and height requirements of the District in which they are located.

6.3 APPLICATION OF ZONING PERMIT

To obtain a permit a written application is required by this Ordinance. The applicant shall ensure himself of the following requirements:

A. No building, structure, or land shall be used or occupied and no building, or part thereof, or other structure shall be erected, raised, moved, reconstructed, extended, or enlarged without first applying for and obtaining a Zoning Permit from the Zoning Official.

B. Every application for a Zoning Permit shall be accompanied by plans in duplicate, drawn to scale in ink, or prints of same, showing the actual shape and dimensions of the lot to be built upon. It shall also show the exact locations, size, and height of the existing buildings and accessory buildings, and the lines within which the proposed building or structure is to be erected or altered. The existing and intended use of each building, or part of a building; the number families or housekeeping units the building is designed to accommodate; and such other information with regard to the lot and neighboring lots, as may be necessary to determine and provide for the enforcement of this Ordinance, shall be furnished. One (1) copy of such plans shall be returned to the owner when such plans have been approved by the Zoning Official together with permit, as may be granted.

C. Where sewage disposal is a requirement, the sewage disposal system must be approved by the Central Michigan District Health Department prior to issuing a Zoning or Building Permit for a new structure and/or prior to approval for change of use of an existing structure.

D. Before a Building Permit shall be issued, there must be compliance with this Ordinance and the proper zoned District must be present.

E. Except as herein after provided, no building, structure, or land shall be used or occupied and no building, or part thereof, or other structure shall be erected, raised, moved, reconstructed, extended, enlarged, or altered, except in conformity with this Ordinance.

F. Permits shall be nontransferable and shall expire after one (1) year from the date of issuance.

G. No persons shall do any grading that would change the grade of a parcel of land more than one (1) foot without first obtaining a grading permit from the Building Official. A permit shall be required for each site and may cover for both excavations and fills.

6.4 TEMPORARY PERMITS

The following temporary uses are permitted upon applying for and obtaining a valid temporary permit, as regulated herein, subject to all the special conditions associated with each temporary use.

A. Mobile Homes, Travel Trailer, and Motor Homes: An individual travel trailer, mobile home, or motor home may be used as temporary living or working quarters within an AG District for up to three hundred sixty-five (365) days while a dwelling or structure is being constructed on the same premises. Said approval shall only apply to the designated site and no travel trailer or mobile home may be parked in a required front yard.

B. An individual travel trailer or motor home may be approved in all Districts as a temporary dwelling for a period up to sixty (60) days for recreational purposes only.

C. Subdivision Office: A building in a new subdivision may be used as a sales and management office for the sale of dwellings within said subdivision for a period of up to one (1) year. Temporary identification signs may be permitted as regulated by Section 11.

D. Basement/Cellar Dwellings: Basement/Cellar Dwellings intended for use and occupancy incidental to the construction of a permanent dwelling may be so used and occupied on any lot in the Agricultural District, provided an occupancy permit is secured from the Building Inspector upon compliance with such reasonable safety requirements as may be established and with sanitary regulations of the Central Michigan Health Department. Such permit shall not be granted for any period longer than one (1) year subject to renewal only upon evidence of reasonable progress toward completion in the construction of a permanent dwelling to be erected on the lot or land on which said cellar home is placed. Special considerations may be given for renewal where undue circumstances (e.g., ill health) has halted construction.

E. Other Requirements

1. Temporary dwellings must be self-contained for sewage disposal or valid permit must be obtained from the Central Michigan District Health Department for the disposal of sewage.
2. Setbacks shall be in accordance of said District in which the temporary permit is to be issued.
3. Access to temporary permit site shall not encroach surrounding landowners.
4. Temporary permits are nontransferable.
5. Temporary permits shall terminate within the time specified on the permit.
6. The use of travel trailers or mobile homes, when properly permitted for a temporary use, does not require skirting, pads, runners, or piers.

6.5 APPLICATION FOR TEMPORARY PERMIT

A written application shall include:

Statement of the anticipated duration of said temporary use.

Purpose of said temporary use.

Written permission from landowner, if other than applicant.

6.6 FEES

A fee, as set by the Township Board, subject to annual review, to defray the cost of administration and inspection, shall be paid prior to issuance of any permit. Except as provided in Section 6.2, no building, structure, or land shall be used or occupied and no building, or part thereof, or other structure shall be erected, raised, moved, reconstructed, extended, or enlarged without first obtaining a Zoning Permit from the Zoning Official. Nor shall any temporary use allowed commence prior to obtaining a temporary permit from the Zoning Official. Any person undertaking or commencing any of the aforementioned without first obtaining a Zoning Permit, may be charged a double fee, and shall be required to comply with this Zoning Ordinance.

Fees shall be established for the following:

A. Annual Zoning Permits

B. Special Use Permits

C. Rezoning Requests

D. Variance Application

E. Appeals

F. Temporary Permits

G. Site Plan Review

Additional fees for special public hearings or meetings of the Planning Commission that are requested by applicants of rezoning or special use requests, shall be charged to cover the costs of required notices and membership per diem for the meetings or hearings.

SECTION 7 ADMINISTRATION AND ENFORCEMENT

7.1 GENERAL ADMINISTRATION

The Township Planning Commission is created in accordance with Act 110 of the Public Acts of 2006 of the State of Michigan, as amended.

A. The Planning Commission shall make and adopt a basic plan as a guide for the development of the unincorporated portions of Union Township.

B. The Planning Commission shall assemble and analyze data and formulate plans for proper conservation and uses of all resources, including a determination of lands having various use potentials, and for services, facilities and utilities required to equip such lands.

C. All meetings will be conducted in accordance with Act 267 of the Public Acts of 1976, of the State of Michigan, known as the "open meeting act".

D. The latest edition of Robert's Rules of Order may govern the proceedings at the meetings of the Planning Commission.

7.2 ZONING OFFICIAL

Union Township shall employ a Zoning Official to act as its officer to effect proper administration of this Ordinance. The term of employment and rate of compensation and any other conditions of employment shall be established by the Township Board.

7.3 ENFORCEMENT

For the purpose of this Ordinance, the Zoning Official or duly authorized representative may enter at all reasonable times in or upon any private or public property for the purpose of inspecting or investigating the condition and practices that may be a violation of this Ordinance. A written notice shall be sent to the person, firm, or corporation who is deemed to be in violation.

7.4 PENALTIES (ORD 1999-03)

For any and every violation of the provisions of this Ordinance, the owner, agent, contractor, lessees, or tenant of the premises, building, or part thereof, where such violation has been committed, shall be guilty of a civil infraction. The owner, agent, architect, builder, or any person who commits, takes part, or assists in such violation of any of the provisions of this Ordinance, or any person who maintains any buildings or premises in which any such violation exists, shall be guilty of a civil infraction. Violations of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a civil infraction. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Township from taking such other lawful action as is necessary to prevent or remedy any violation. Civil infractions shall be administered per Charter Township of Union Municipal Ordinance Violations Bureau Ordinance.

7.45 NUISANCE PER SE: ABATEMENT (ORD. 1998-1)

Any building erected, altered, razed, converted, or moved onto, or any use carried on in violation of any provision of this ordinance, or in violation of any approved site plan is hereby declared a nuisance per se. Any court of competent jurisdiction may order such nuisance abated.

7.5 ADDITIONAL REMEDIES

In addition to the above remedies, the Township Board or Zoning Official may institute any appropriate action or proceedings to prevent any erection, construction, alteration, repair, maintenance, or use of any building or premises constituting a violation of any of the provisions of this Ordinance; to restrain, correct, or abate such violation; to prevent any unlawful act, business activity, or other use in or about such premises.

7.6 SHOW CAUSE HEARING

Notwithstanding any provision contained within the Union Township Zoning Ordinance the Zoning Official may initiate a show cause hearing before the Union Township Planning Commission or Zoning board of Appeals, when said Official believes a violation of the Zoning Ordinance has occurred. The purpose of this hearing shall be to allow the violator or his/her agents an opportunity to show cause why the provisions of the Ordinance should not be enforced.

The show cause hearing shall be held under the following guidelines:

- A. Notice shall be served by first class mail upon the violator not less than ten (10) days prior to the hearing date. This notice shall contain the purpose of the hearing, time, date, and place to be held and the rights of the individuals involved.
- B. At the hearing the Zoning Official or his/her agent shall present the case against the property involved. The Zoning Official or his/her agent has the right to present witnesses and/or evidence to support his/her case.
- C. The person representing the violation may rebut the case and may present witnesses and/or evidence to support his/her case. He/she may cross-examine previous witnesses and may be represented by counsel.
- D. Upon completion of the hearing the Planning Commission or Zoning Board of Appeals may take whatever action it feels necessary and proper and within the scope of their powers to effect the regulations and intent of the regulations set down in the Zoning Ordinance.
- E. In the case of a decision made by the Planning Commission, such decision is appealable to the Union Township Zoning Board of Appeals within fifteen (15) days of said decision.
- F. In a decision made by the Zoning Board of Appeals, such decision is appealable to the Isabella County Circuit Court on questions of law or fact.
- G. Appeals made to the Zoning Board of Appeals shall be in writing and in such form as shall be determined by the Zoning Board of Appeals and shall have a fee set forth by the Union Township Board.

7.7 APPEARANCE TICKETS

The Zoning Official is specifically authorized to issue and serve appearance tickets, based on probable cause, on any person, business, or organization in violation of any of the provisions of this Zoning Ordinance and for which a fine, imprisonment, or both may be levied as a result of such violation.

Appearance ticket means a complaint or notice upon which the Zoning Official shall record an occurrence involving one (1) or more violations of the Zoning Ordinance by the person cited.

Each citation shall consist of the following parts:

- A. The original, which shall be a complaint or notice to appear by the Zoning Official and filed with the court.
- B. The second copy, which shall be retained by the Zoning Official.
- C. The third copy, which shall be delivered to the alleged violator. Such citation may be appropriately modified as to content or number of copies to accommodate Zoning Ordinance enforcement and local court procedures and practices.

7.8 PUBLIC NOTIFICATION (NEW ORD 2006-10)

All applications for development approval requiring a public hearing shall comply with the Michigan Zoning Enabling Act, PA 110 of 2006 and the other provisions of this Section with regard to public notification.

A. Responsibility: When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the Zoning Administrator shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in the Charter Township of Union and mailed or delivered as provided in this Section.

B. Content: All mail, personal and newspaper notices for public hearings shall:

- 1. Describe nature of the request: Identify whether the request is for a rezoning, text amendment, special land use, planned unit development, variance, appeal, ordinance interpretation or other purpose.
- 2. Location: Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number, identifying the nearest cross street, or including a map showing the location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.
- 3. When and where the request will be considered: Indicate the date, time and place of the public hearing(s).

4. Written comments: Include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.

5. Handicap access: Information concerning how handicap access will be accommodated if the meeting facility is not handicap accessible.

C. Personal and Mailed Notice

1. General: When the provisions of this Ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:

- a. The owners of property for which approval is being considered, and the applicant, if different than the owner(s) of the property.
- b. Except for rezoning requests involving eleven (11) or more adjacent properties or an ordinance interpretation request that does not involve a specific property; to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of the Charter Township of Union. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.
- c. All neighborhood organizations, public utility companies, railroads and other persons that have requested to receive notice pursuant to Section 7.9, Registration to Receive Notice by Mail.
- d. Other governmental units or infrastructure agencies within 300 feet of the property involved in the application.

2. Notice by mail/affidavit: Notice shall be deemed mailed by its deposit in the United States mail, first class, properly addressed, postage paid. The ZONING ADMINISTRATOR shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.

D. Timing of Notice: Unless otherwise provided in the Michigan Zoning Enabling Act, PA 110 of 2006, or this Ordinance where applicable, notice of a public hearing shall be provided as follows:

For a public hearing on an application for a rezoning, text amendment, special use permit, planned unit development, variance, appeal, or ordinance interpretation: not less than fifteen (15) days before the date the application will be considered for approval.

7.9 REGISTRATION TO RECEIVE NOTIFICATIN BY MAIL (NEW ORD 2006-10)

A. General: Any neighborhood organization, public utility company, railroad or any other person may register with the ZONING ADMINISTRATOR to receive written notice of all applications for development approval pursuant to Section 7.8.C.c., Personal and Mailed Notice, or written notice of all applications for development approval within the zoning district in which they are located. The Zoning Administrator shall be responsible for providing this notification. Fees may be assessed for the provision of this notice, as established by the legislative body.

B. Requirements: The requesting party must provide the Zoning Administrator information on an official form to ensure notification can be made. All registered persons must re-register annually to continue to receive notification pursuant to this Section.

SECTION 8 GENERAL PROVISIONS

These General Provisions are applicable to all Districts.

8.1 ACCESSORY BUILDINGS

- A. An accessory building may be erected detached from the permitted use building or it may be erected as an integral part of the permitted use building.
- B. An accessory building may not be allowed when there is no principal building.
- C. The distance between detached accessory buildings or garages and the principal building or buildings shall not be less than ten (10) feet. Accessory buildings or garages shall be considered as attached to the principal building when the distance between structures is solidly covered by a breezeway, portico, covered colonnade or similar architectural device.
- D. An accessory building shall not be located nearer than five (5) feet to any alley line or lot line.
- E. A detached accessory building, when located nearer than sixty (60) feet to the front line, shall provide the same front and side lot lines as required for the principal building.
- F. (New, Ord 1997-11) A maximum of one (1) detached accessory building not more than twelve (12) feet or one (1) story in height may be permitted in the R-1, R-2A, R-2B, and R-3 districts, unless the lot area exceeds four (4) acres, in which case more than one accessory building may be allowed with a special use permit.

8.2 ACCESSORY USE

Accessory uses, incidental only to permitted use, are permitted when located on the same property; provided, that such accessory uses shall not involve the conduct of any business, trade or industry.

Gardening shall be considered customary to and commonly associated with the operation of the permitted uses in residential zones. (Ord. 1998-17)

Permanent swimming pools, exclusively for the use of residents, shall be permitted, provided it shall not be less than twenty (20) feet from the property line of the property on which it is located, shall be so walled, d or screened as to prevent uncontrolled access from the street or adjacent properties.

Private garages shall be permitted, provided said garage shall at no time be used as living quarters.

- E. On-site Use Wind Energy Systems and Anemometer Tower:
An On-site Use Wind Energy System is an accessory use by right in all zoning districts which shall meet the following standards:

Designed to primarily serve the needs of a home, farm, or small business.

Shall have a tower height of 65 feet or less.

Property Set-back: The distance between an On-site Use wind energy system and the owner's property lines, or Setback Boundary Agreement, shall be equal to the height of the wind energy system tower including the top of the blade in its vertical position. The distance between an anemometer tower and the owner's property lines, or Setback Boundary Agreement, shall be equal to the height of the tower. No part of the wind energy system structure, including guy wire anchors, may extend closer than ten feet to the owner's property lines, or the distance of the required setback in the respective zoning district, whichever results in the greater setback. Setback Boundary agreements shall not be required to approve an on site use which meets the required setback for a tower of less than the maximum height.

Sound Pressure Level: On-site Use wind energy systems shall not exceed 55 dB(A) at the property line closest to the wind energy system. This sound pressure level may be exceeded during short- term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 d B (A).

Construction Codes, Towers, & Interconnection Standards: On-site Use wind energy systems including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. On-site Use wind energy systems including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.), and local jurisdiction airport overlay zone regulations. An interconnected On-site Use wind energy system shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Off-grid systems are exempt from this requirement.

Safety: An On-site Use wind energy system shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning protection. If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least six feet above the guy wire anchors. The minimum vertical blade tip clearance from grade shall be 20 feet for a wind energy system employing a horizontal axis rotor.

- F. Accessory Special Use: On site wind energy system over 65 feet and any On Site Wind Energy System utilizing a Setback Boundary Agreement. See Section 30.4.AC
- G. The medical use of marihuana, to the extent made lawful by the Michigan Medical Marihuana Act, MCL 333.26421 et seq, as amended, but only in One-Family Dwellings, Two-Family Dwellings and Multiple-Family Dwellings subject to the following conditions:
 - 1. Marihuana plants shall be cultivated in an enclosed locked facility within a dwelling unit which is the legal and primary place of residence of the person cultivating those plants (See 3.24.1).
 - 2. No more than the maximum number of marihuana plants one person may cultivate pursuant to the MMMA, up to a maximum of 72 shall be cultivated in any dwelling unit.

3. Cultivation shall not be visible from the exterior of the dwelling unit.
4. No transfer or delivery of marihuana shall occur at a dwelling unless between Qualifying Patients residing in the same dwelling unit or between a Primary Caregiver and the Qualifying Patient to whom he or she is connected through the **Department of Licensing and Regulatory Affairs (LARA)** registration process. This subsection does not prohibit a Marihuana Dispensary from delivering marihuana to a Qualifying Patient at the Qualifying Patient's home.
5. No marihuana plants shall be cultivated in any accessory building, including but not limited to, a detached garage, shed, greenhouse, kennel, or barn.
6. The cultivation of marihuana plants shall not exceed 400 square feet of a dwelling unit.
7. The medical use of marihuana as an accessory use to a dwelling shall not generate noise, vibration, odors or heat that is detectible beyond the dwelling unit.
8. Engaging in the medical use of marihuana as permitted as an accessory use to a dwelling shall not generate more than an additional five (5) visits to the dwelling unit per day.
9. Prior to cultivation of marihuana as an accessory use in a dwelling, an inspection by the Township is required to confirm that all necessary building, electrical, plumbing and mechanical permits have been obtained for any portion of a dwelling in which electrical wiring, lighting, or watering devices that support the cultivation, growing, or harvesting of marihuana are located. In carrying out the provisions of this subsection, the Township shall not require the name and address of the patient. The intent of this subsection is to ensure the safety of residents of the premises and the public. The fees shall be established by resolution of the Township Board and published in the Township Schedule of Fees.

8.3 ANIMALS, KEEPING OF (AMENDED, ORD 1998-17)

A. No livestock animals or fowl other than customary household pets may be housed in any residential district, except those specified in the R-1 District, or within 100 feet of any adjoining residential property line. The keeping of not more than four customary household pets may be permitted in all districts.

B. Predatory or wild animals shall not be kept in any district in the township.

C. Exceptions

1. The keeping of more than four dogs, six months or older may be permitted on any lot provided that all of the following conditions are met.

The size of the lot in question is at least 5 acres;

The animals are housed at least 100 feet from any adjoining property line;

A kennel permit is obtained from the office of the Isabella County Animal Control Department; and

The keeping of dogs must be for personal use only and not for commercial purposes.

2. Not more than four fowl or fur bearing animals may be kept in any district for educational purposes.

8.4 AUTOMOBILE OR VEHICLE STORAGE

Automobile and vehicle storage shall not be permitted in the front yard and shall be permitted in the rear or side yard if locked to prevent access by children. Outdoor storage of three (3) or more inoperable or dismantled motor vehicles is regulated under Subsection 3.39 of this ordinance.

8.5 BED AND BREAKFAST OPERATIONS (ADDITION, A-D, 1997-12 ORDINANCE)

Bed and Breakfast operations may be permitted in AG, R-1, R-2A, and R-2B Districts, provided the following conditions are met and a Bed and Breakfast Permit is first obtained from the Planning Commission. The application shall include a floor plan of the house which shall clearly indicate and describe any proposed remodeling, and a site plan which complies with Section 12. An application fee shall be required. An annual fee shall be required. The Bed and Breakfast Permit is subject to annual review with on site inspections.

A. Requirements

1. Not more than forty (40) percent of the total floor area of the dwelling unit shall be used for bed and breakfast sleeping rooms (based on a submitted floor plan of the proposed operation).

2. Bed and Breakfast dwellings shall be located at least six hundred-sixty (660) feet from another such establishment. In Historical Districts, the Planning Commission may reduce this requirement.

3. Interior design of the establishment must adhere to typical residential characteristics so that the dwelling unit retains its inherent single-family residential appearance.

4. The exterior design must conform to the predominant residential character of the neighborhood. (i.e. Historical District, Agricultural District, etc.)

5. Signage must conform to Section 11.

6. Bed and Breakfast dwellings shall be permitted in structures constructed prior to 1987 or at least ten (10) years old at the time of application.

B. Parking and Screening

1. Parking shall be required in the rear yard, with two spaces for the dwelling and one space per sleeping room with a total hard surface area not to exceed 50% of the rear yard area. All parking shall be asphalt or concrete surface. No parking area shall be located closer than ten (10) feet to an adjacent property line. Parking spaces shall be configured so as not to disturb the appearance of the neighborhood.

2. The Planning Commission may require additional screening and/or landscaping to preserve the neighborhood appearance. A planting buffer shall be provided to screen the parking area. This buffer shall be a minimum of five feet in height at planting and shall be maintained in a healthy manner as to produce a minimum of 80% density within four years when viewed horizontally between ground level and five feet above the ground.

C. Operation

1. The dwelling unit in which the operation takes place shall be the principal residence of the owner. The owner/operator shall live on the premises while the operation is active.

2. There shall be no separate cooking facilities in guest quarters.

3. The maximum stay for any paying guest shall be fifteen (15) consecutive days.

4. Annual inspection and approval must be received from local fire and/or building inspectors for adequate exits, smoke alarms, general fire safety and health department code adherence.

5. Bed and Breakfast dwellings shall produce no offensive noise, vibration, smoke, electrical interference, dust, odors or heat. Any detection of said offenses beyond property lines shall constitute a violation of the terms of this provision.

D. Revocation of Permit

1. Any violation of this Ordinance may be grounds for the revocation of this permit. The judgment of the Zoning Official shall be considered decisive and final.

2. The decision of the Zoning Official may be appealed to the Zoning Board of Appeals within forty-five (45) days of the Zoning Official's written determination.

8.6 BUILDING AND LAND USE RESTRICTIONS

When building and land use restrictions of a subdivision are more restrictive than this Ordinance, those building and land use restrictions shall apply.

8.7 CONTROL OF HEAT, GLARE, FUMES, DUST, NOISE, VIBRATION, AND ODORS

Every use shall be so operated that it is not obnoxious or dangerous by reason of heat, glare, fumes, odors, dust, noise or vibration beyond any boundary line of the lot or parcel of land on which the use is located.

8.8 CORNER CLEARANCE

In all Districts where yards are required adjacent to the intersection of two (2) streets or of a street and public alley, no structure; planting, except deciduous trees; or fence shall be erected or maintained that is higher than three (3) feet above the curb grade; nor more than 10 percent solid within a triangle formed by the intersecting street or alley property lines and line between two (2) points located 20 feet from such intersecting lines.

8.9 CORNER LOTS

Where a side or rear yard of a corner lot abuts the side lot line of a lot behind it on a side street or a lot adjoining it on the same street, no building or structure within twenty-five (25) feet of said lot lines shall be built closer than the required front yard setback of the adjoining lots.

8.10 DIVISION OF PROPERTY

Single ownership property being divided shall follow the Subdivision Control Act of 1967.

8.11 DOUBLE-FRONTED LOTS

In any District where a lot runs through a block from street to street and where a front yard is required, such front yard shall be provided along each street lot line.

8.12 DWELLING UNITS

All dwelling units located outside of a mobile home park shall comply with the following conditions:

- A. All dwelling units shall meet the requirements of the District in which it is located.
- B. There shall be a minimum width throughout the entire length of the dwelling unit as required in the appropriate Zoning District as measured between the exterior of the outside walls having the greatest length.
- C. All wheels, towing mechanisms, and tongues of mobile homes shall be removed and none of the undercarriage shall be visible from outside the mobile home.
- D. Exterior building materials of all dwelling units shall extend to the foundation on all sides.
- E. All dwellings shall be firmly attached to the foundation so as to be watertight as required by the construction code adopted by the Township, or if a mobile home shall be anchored to the foundation by an anchor system designed and constructed in compliance with the United States Department of Housing and Urban Development Regulations entitled "Mobile Home Construction and Safety Standards".
- F. All dwellings shall be connected to a public sewer system and water supply system and/or a well or septic system approved by the Central Michigan District Health Department.

G. All dwellings shall provide adequate steps or porch areas, permanently attached to the foundation, where there exists an elevation differential of more than one (1) foot between any door and the surrounding grade. All dwellings shall provide a minimum of two (2) points of ingress and egress.

H. All additions to dwellings shall meet all of the requirements of this Ordinance.

I. All dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity. The compatibility of design and appearance shall be determined by the Zoning Official upon review of the plans submitted for a particular dwelling. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour or relief from the common or standard designed home.

J. All mobile homes must meet standards for mobile home construction as contained in the United States Department of Housing and Urban Development (HUD) Regulations entitled "Mobile Home Construction and Safety Standards" effective June 15, 76, as amended. All other dwellings shall meet the requirements of the construction code adopted by the Township. [Editorial Note: Latest Amendment is July 16, 1998,]

8.13 EFFECT OF ZONING

Zoning affects every structure and use and extends vertically; except as hereinafter specified, no building, structure, or premises shall hereafter be used or occupied, and no building, or part thereof, or other structure shall be erected, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity with the regulations herein specified for the Zoning district in which it is located.

8.14 ESSENTIAL SERVICES (AMENDED ORD 1999-04)

The erection, construction, alteration or maintenance by public utilities or municipal departments, Boards or Commissions of overhead or underground gas, electrical, steam or water, distribution or transmission systems, collection, communication (excluding towers and antennas), supply, or disposal systems including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, electrical substations, gas regulator stations, telephone exchange buildings, public utility buildings, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishings of adequate service by such public utility or municipal department or commission or for the public health or safety or general welfare shall be permitted as authorized or regulated by law and other Ordinances of the Township of Union in any District, it being the intention hereof except such erection, construction, alteration and maintenance from the application of the Ordinance.

Notwithstanding the Preceding exceptions:

A. Electrical substations and/or gas regulator stations shall be provided with an enclosing fence or wall at least six (6) feet high and adequate to obstruct passage of persons or materials.

B. Public utility buildings when located in an R or AG District shall not include maintenance shops, repair garages or storage yards as a principal or accessory use.

C. Public utility facilities in any District are required to be constructed and maintained in a neat and orderly manner, and any buildings required shall conform with the general architecture of the neighborhood.

8.15 EXISTING LOTS

Lots created and recorded prior to the effective date of this Ordinance that do not comply with one (1) or more of the minimum requirements of their zoned District, may be utilized by obtaining a variance as stipulated in Section 5. In granting any variance the Board of Appeals may prescribe appropriate requirements as stated in Section 5.

8.16 FENCES OR WALLS (AMENDED, 1991-16 ORDINANCE)

Fences or walls of not more than six (6) feet in height are permitted in all yards. All fences over six (6) feet must be authorized by the Zoning Board of Appeals, unless specifically authorized elsewhere in this Zoning Ordinance.

8.17 FRONT YARDS REQUIREMENTS

Exception may apply to front yard requirements of this Ordinance, provided approval of the Zoning Official and/or the Appeals Board is received.

A. Upon a lot that does not face a major street or thoroughfare:

1. The front yard requirement may be modified to conform to existing established front yard setbacks where both adjoining lots are built upon with a setback less than required by this Ordinance, provided that no new building shall be closer to the front property line than one-half (1/2) the District's zone requirements.
2. The front yard requirements may be modified where the first vacant lot adjoining an existing developed lot with a front yard setback less than required by this Ordinance, provided the new building shall have a minimum front yard of not less than the computed average of the zone requirements and the front yard setback of the existing building.

B. On lots facing upon a major street or road, the required front yard shall be measured from the road right-of-way.

8.18 HEIGHT LIMITATIONS

The height limitations elsewhere stipulated in this Ordinance shall not apply to church spires, elevated water tanks, elevator penthouses, fire towers, cooling towers, grain elevators, gas holders, smoke stacks, flagpoles, radio and television towers, masts and aerials, monuments and similar structures requiring a greater height. Notwithstanding these exceptions to height limits, the height of any structure within the Flight Hazard Zone of Mt. Pleasant Municipal Airport shall be governed by regulations as set forth in the Airport Zoning Ordinance.

8.19 HOME OCCUPATIONS (A-F ADDED, 1997-12 ORDINANCE)

A. Home occupations may be permitted in AG, R-1, R-2A, and R-2B Districts, provided the following conditions are met and a permit is first obtained from the Zoning Official, and approved by the Planning Commission. Property owners within 300' shall be notified by mail of the Planning Commission meeting which will rule on the request. A fee for the permit shall be charged upon approval per section 6.

1. The entire occupation is conducted wholly within a principal or accessory structure by the residents thereof.
2. There is not involved the keeping of a stock in trade and no article is sold or offered for sale, or rent, at the residence except as such as may be produced by and sold by the residents of the home. Sale of goods off the premises by means such as in home demonstration or mail order may be permitted. Display of items for sale on the property outside of the home is prohibited.
3. Home occupations shall not be carried on to an extent so as to require parking on or off the premises in excess of that allowed for the residential structure in which it is located.
4. The dwelling or residence complies with all the zoned district requirements in which it is located.
5. Home occupations shall not utilize more than forty (40) percent of the floor living area of one(1) story of the dwelling, or 100 percent of an accessory building and 10 percent of the living area of one (1) story.
6. No mechanical or electrical equipment and/or process or practice that will create a nuisance or health hazard to the adjacent landowners and neighborhood is permitted.
7. Home occupation activities shall be physically screened from the public view as required by the Zoning Official or Planning Commission.
8. Provide a plan of use indicating:
 - a. Who in your residence will be participating in the operation.
 - b. What is the nature of the operation and any materials required.
 - c. Set hours of operation (which must be harmonious to the neighborhood).
 - d. Parking provisions.
 - e. Storage requirements if any.
 - f. A sketch of your home and/or accessory buildings (floor plan).
 - g. A sketch of your property and the lots on all four (4) sides.

B. See 3.36.

C. No provision of this section shall allow non-conformity of the ordinance as a whole. (See section 11 for sign permits)

This permit shall be probational for a period of one (1) year, and shall be renewed every three (3) years thereafter.

D. This permit is not transferable as to location nor owner.

E. Failure to comply to any item shall be grounds to revoke the home occupation permit. The holder of this permit shall be responsible to carry adequate insurance and apply for any other licenses, permits or fees as may be required by any other local, state or federal agency.

F. Any expansion of the home occupation shall require a new permit.

8.20 LIMITATIONS ON PUBLIC OR GROUP ORGANIZATIONS BUILDINGS

Fraternity or sorority houses, college owned dormitories, clubs and lodges may be established or erected after obtaining a permit from the Township Board upon the recommendation of the Planning Commission. The Board, in considering the application, shall consider whether the same would impede or congest traffic; create undue or unusual hazards; endanger pedestrians or other traffic in or upon streets or highways or otherwise endanger the public health, safety and general welfare. In connection with the application for a permit for clubs or lodges, the application shall be accompanied by a petition or a consent signed by seventy-five (75) percent of the owners of property within three hundred (300) feet of any part of the premises to be used for such club or lodge. In connection with the granting of said permits, the Board may require reasonable regulations and conditions, including setback and area requirements, to properly and adequately protect the public health, safety and general welfare with the following minimum requirements:

A. Clubs or Lodges: Provided any principal building and/or activity area shall be located not less than fifty (50) feet from any other lot.

B. Fraternity or Sorority Houses and College-Owned Dormitories: Provided any building in which such uses are housed shall be located not less than fifty (50) feet from any other lot.

8.21 MOVED BUILDINGS AND TEMPORARY BUILDINGS

Buildings or structures moved into or within Union Township shall comply with all provisions of this Ordinance and all provisions of the Uniform Building Section Code 109 concerning moved buildings, temporary buildings, and new buildings or structures.

8.22 OIL, GAS, AND OTHER DRILLING ACTIVITY

Operations of oil, gas, or brine wells, including drilling completion, storage or any other type of related on-site operations, and any other well drilled for oil or gas exploration purposes shall be controlled exclusively by the supervisor of wells of the State of Michigan, as provided in Act 61 of the Public Acts of 1939, as amended, being Sections 319.1 to 319.27 of the Michigan Compiled Laws.

8.23 OUTDOOR STORAGE AND WASTE DISPOSAL

All outdoor storage facilities shall be enclosed by a fence or wall adequate to conceal such facilities from adjacent property.

A. All materials or wastes that might cause fumes, odors or dust or that constitute a fire hazard or that may be edible by rodents or insects shall be stored outdoors only in closed containers and screened from the street or adjacent property.

B. No material or wastes shall be deposited on the premises in such form or manner that they may be moved off the premises by natural causes or force.

C. Waste materials shall not be allowed to accumulate on the premises in such manner as to be unsightly, constitute a fire hazard or contribute to unsanitary conditions.

D. All outdoor storage facilities for fuel, raw materials and products for every use, as enumerated and limited herein located less than one hundred (100) feet from any other District shall be enclosed by a solid fence or wall no less than six (6) nor more than ten (10) feet in height.

8.24 PRINCIPAL USE

No lot may contain more than one (1) principal use unless groups of apartment buildings, condominiums, business or industrial buildings shall be deemed a principal use collectively.

8.25 PRIVATE SWIMMING POOL (D, AMENDED, 1991-16 ORDINANCE)

Private swimming pools are permitted in all AG and R Districts, provided all of the following regulations are complied with.

- A. The pool shall be equipped with filtration, circulation, and chlorination systems adequate to maintain the water in a clean and healthful condition in accordance with the health requirements of the County.
- B. Discharge pipe leading from any private swimming pool shall be composed of a durable material and size as approved by the Zoning Official. No private swimming pool shall be wholly or partially emptied on another property, unless written permission is first obtained from the adjacent property owner.
- C. A proper plumbing permit is obtained when the system is to be connected to a potable water supply.
- D. Every private swimming pool shall be completely enclosed with a permanent substantial fence with gate or gates no less than four (4) feet in height above the ground level. No opening in such fence or gate shall be so designed or maintained as to permit access to the pool except under the supervision of the possessor or by his permission.
- E. The swimming pool shall not be closer than twenty (20) feet to any side or rear lot line of the premises, provided on corner lots no part of any pool shall be constructed within the front yard of either street.
- F. No lighting or electrical wiring shall overhang the surface of the water or be so located as to present the possibility of falling into the water. All lighting of the pool or the surrounding area shall not be so located as to reflect on adjacent property or upon adjacent buildings.
- G. The provisions of this section shall apply to any basin or structure for the holding of water for swimming, diving, and other aquatic recreation, provided, however, that these regulations do not apply to any plastic, canvas, or rubber pools temporarily erected upon the ground holding less than three hundred (300) gallons of water.

8.26 RAZING OF BUILDINGS

No building, excluding farm structures, shall be razed until a permit has been obtained from the Zoning Official who shall be authorized to require a performance bond in any amount not to exceed one thousand (\$1000) for each one thousand (1,000) square feet or fraction thereof of floor area of the building to be razed. Said bond shall be conditioned on the applicant completing the razing within such reasonable period as shall be prescribed in the permit and complying with such regulations as to health and safety as the Zoning Official or the Township Board may, from time to time prescribe, including filling of excavations and proper termination of utility connections.

8.27 REAR DWELLINGS

No detached building on the same lot of a principal building shall be used as a dwelling with the exception of second living quarters as regulated in Section 30.4 and excluding groups of multiple-family dwellings as regulated in Planned Unit Developments.

8.28 REQUIRED SPACES OR AREAS

No lot shall be divided or reduced so as to make the required area or dimensions less than the minimum required by this Ordinance.

8.29 REQUIRED WATER SUPPLY AND SANITARY SEWERAGE FACILITIES

After the effective date of this Ordinance, no structure for human occupancy shall be erected, altered, or moved upon any lot or premises and used in whole, or in part, for dwelling, business, industrial, or recreational purposes unless it shall be provided with a safe and potable water supply; and treatment and disposal of human excrete and other domestic, commercial, and industrial wastes. All such installations and facilities shall conform with the minimum requirements of the Central Michigan District Health Department and the Michigan Department of Public Health.

8.30 RESTORATION OF UNSAFE BUILDINGS

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Zoning Official, except that the provision of Section 9 must be complied with.

8.31 SCREENING PROVISIONS

All required screening shall meet the following provisions:

- A. Screening shall not extend into or be located within any portion of an existing street right-of- way.
- B. Existing plant materials, fences, or walls, meeting the requirements of this section, may be counted as contributing to the screening requirement. Screening shall be provided on each lot or parcel independent of adjoining uses or adjoining vegetative matter.
- C. Plant materials other than ground cover (up to three (3) feet in height) shall not be placed closer than four (4) feet from the property line. Where plant materials are placed in two (2) or more rows, planting shall be staggered in rows.
- D. The following table indicates the minimum height or minimum caliper for each plant unit Category, at the time of planting, as well as recommended plant materials for each category:

Plant Unit Category	Minimum Size
Evergreen Trees	6 feet in height
Juniper	
Fir	
Spruce	
Hemlock	
Union Township	8-14
Zoning Ordinance	General Provisions

	Pine	
	Douglas-Fir	
Narrow	Evergreens	4 feet in height
	Column Hinoki Cypress	
	Blue Columnar Chinese Juniper	
	Pyramidal Red Cedar	
	Swiss Stone Pine	
	Pyramidal White Pine	
	Irish Yew	
	Columnar Giant Arbor-Vitae	
Shrubs		4 feet in height
	Honeysuckle	
	Mock-Orange	
	Lilac	
	Cottoneaster	
	Euonymus	
	Buckthorn	
	Viburnum	
	Forsythia	
	Ninebark	
	Hazelnut	
	Privet	
	Sumac	
Small Trees		2 inch caliper
	Flowering Crab	
	Mountain Ash	
	Redbud	
	Hornbeam	
	Magnolia	
	Russian Olive	
	Dogwood	
	Rose of Sharon	
	Hawthorn	

Deciduous Trees

2-1/2 inch caliper

Oak
Hackberry
Planetree (Sycamore)
Ginko (Male)
Sweetgum
Linden
Hard Maple, Red Maple
Birch
Beech
Honeylocust
Hop Hornbeam

All required plant units shall be maintained in a healthy, growing condition. Any required plant units that are destroyed, removed, diseased, or that die, shall be replaced within six (6) months with plant units that meet the requirements of this section. Failure to maintain repaired plant units in such a manner, including the removal and replacement of dead or diseased plant materials, shall constitute a violation of this Ordinance.

F. The following trees are not permitted for new planting for required screening:

Box Elder
Soft Maples (Red-Silver)
Elms
Aspen
Cottonwood
Willows
Horse Chestnut (Nut Bearing)
Tree of Heaven
Catalpa
Female Ginko

G. The plantings shall be maintained in a neat and attractive manner commensurate with the adjoining areas and shall maintain their density and screening effect throughout the calendar year.

H. Walls or fences for screening purposes shall be at least five (5) feet in height, but in no case shall the fence or wall be lower than the installation, structure or activity to be screened, unless said installation, structure or activity exceeds eight (8) feet in height.

I. If required by the Planning Commission, additional screening shall be provided along walls or fences to protect adjacent property.

J. All walls herein required shall be constructed of weather resistant, rust proof and easily maintained materials.

8.32 SEWAGE DISPOSAL

Septic tanks, drain fields, and similar buried water disposal facilities are permitted with the Central Michigan District Health Department approval where a public waste water collection system is not reasonably available. All other systems must be approved by the Planning Commission and the Central Michigan District Health Department.

8.325 SIDEWALKS

All new construction or additions requiring Site Plan Review per Section 12 of this ordinance shall provide sidewalks in accordance with the Charter Township of Union Township Sidewalk Ordinance. Where a change of use of a structure or property occurs, or substantial remodeling meeting Level 3 of the Michigan Rehabilitation Code for Existing Buildings section 405 as amended, said changes shall require a site plan be approved by the planning commission showing sidewalks. The planning commission shall have the power to amend or waive the standards of the Union Township Sidewalk Ordinance.

8.33 SITE CONDOMINIUM SUBDIVISIONS

Pursuant to the authority of Section 141 of the Condominium Act, Public Act 59 of 1978, as amended, all site condominium subdivisions shall meet the following requirements and procedures:

A. All site condominium subdivisions shall require site plan approval by the Planning Commission in accordance with Section 12 of this Ordinance, the following information shall also be included for site plan review:

1. A condominium subdivision plan as required in Section 66 of the Condominium Act.
2. All information as required in the Union Township Subdivision Regulations, as amended.
3. Documented proof of review by the Isabella County Road Commission, Drain Commissioner, Health Department, Michigan Department of Transportation, and the Michigan Department of Natural Resources.

B. All site condominium subdivisions shall meet the requirements of the Zoning District in which it is located, including minimum lot size, minimum setbacks, and minimum floor area.

C. All site condominium subdivisions shall meet the Subdivision Design Standards and Subdivision Improvement Requirements of the Union Township Subdivision Regulations, as amended.

D. The Union Township Clerk shall be furnished with a copy of the recorded master deed, as defined in Section 8 of the Condominium Act. The master deed must ensure that Union Township will not be responsible for maintenance or liability of the nondedicated portions of the subdivision, that all private roads will be properly maintained, that snow removal will be provided, and that there is adequate access and turnaround for emergency vehicles. Responsibility for the maintenance of storm water retention areas, drainage easements, drainage structures, lawn cutting, and other general maintenance of common areas must be clearly stated.

E. The Union Township Clerk shall be furnished with two (2) copies of all "as-built" drawings for review by the Township Engineer for compliance with all Township Ordinances prior to the issuance of any building permits. Fees for this review shall be established by the Township Board.

8.34 STATE-LICENSED RESIDENTIAL FACILITIES

A. A state-licensed residential facility as defined and properly licensed by Act 218 of the Public Acts of 1979 and Act 116 of the Public Acts of 1973 as amended, which provides resident services for six (6) or less persons under twenty-four (24) hour supervision shall be permitted in all Agricultural and Residential Districts.

B. A State-licensed residential facility for seven (7) or more persons requires a [special use](#) permit in AG Districts and shall be in accordance with Acts listed in A., above.

8.35 SUBDIVISION RESTRICTIONS

Subdivision restrictions documented and filed with the Register of Deeds by the proprietor or subdivision committee that supersedes the provisions of this Ordinance, shall be enforced by that proprietor or committee.

8.36 SURFACE WATER

The construction of more than one (1) two-family dwelling shall have a site plan approved by the Planning Commission for removal of surface waters from roofs, parking lots, and all hard surfaced areas.

8.37 TRANSITION AREA (AMENDED, 1992-6 ORDINANCE)

The following transitional uses are permitted upon any property residentially zoned that has a side yard adjoining a B or I District or that is located directly across the street from a B or I District, except that on large parcels of land only the first one hundred fifty (150) feet extending continuously from a B or I District may be used.

A. Any special use permitted in the residential District and neighborhood businesses may be used, provided that the structure or building used has a residential appearance keeping in conformity with the character of the adjacent neighborhood and further, that a special use permit is obtained.

B. Off street parking in accordance with Section 10.

8.38 YARDS ALONG ZONE BOUNDARIES

A lot having a side yard line along any Zoning boundary line of a less restricted District shall have a side yard of the more restricted District.

8.385 YARD SALES (NEW ORD 2011-06)

Yard Sales shall be permitted provided the following conditions are met:

Sales shall not operate more three consecutive days, unless a national holiday falls on a Monday in which case sales may take place for four (4) consecutive days including the holiday Monday.

All material and displays shall not be set out prior to the sale or remain after the evening of the last day of the sale.

Sales shall not occur more than 3 times per calendar year.

Sales are conducted entirely on the owner's property. Multiple-family sales are permitted if they are held on the property of one of the participants.

No goods purchased for resale may be offered for sale.

Signs in accordance with Section 11.

No portion of the sale shall be located in the Road Right of Way or conducted in such a manner as to impede the flow of traffic and or access to other property in the vicinity.

A permit shall be obtained from the township prior to or during the course of the sale. The permit fee shall be established by the Board of Trustees in the Schedule of Fees.

8.39 USES NOT DESIGNATED(ADDITION, 1996-16 ORDINANCE)

Throughout this Ordinance, those uses not designated as being permitted are prohibited.

8.40 URBAN OVERLAY ZONE

- A. This section is designed to protect current development from the impacts of future road widening, and maintain appropriate setbacks under certain conditions. Several local master planning documents have been relied upon to adjust setbacks along roadways designated by these plans for potential expansion of road widths and or rights-of-way (ROW). These plans are the Union Township Master Plan, The Mt. Pleasant Urban Area Traffic Master Plan of October 2000, and the Central Michigan University (CMU) Campus Master Plan of 2000.
- B. The setbacks for structures shall be increased to 50 feet along the following roads, providing that the ROW width is 66 feet or less. Roadways with ROWs in excess of 66' at the time of this ordinance are not included in this list. Portions of these roadways that increase the total ROW to 100 feet or more after the effective date of this ordinance shall be considered as removed from this list. If the ROW on one side of any roadway is increased to 50 feet or more, that side of the roadway shall be considered as removed from this list. Removal from this list under these circumstances shall be automatic, and effective at the time the ROW is increased, regardless of amendment to this list. Portions of the Incorporated areas of the township are not governed by this ordinance.

1. Lincoln Road from Pickard Road to Broomfield Road.

2. That portion of Bradley Street in the township from Remus Road north to the city boundary.
3. That portion of Crawford Road in the township from Millbrook Road to the city boundary.
4. Isabella Road; from the US 27 Overpass to its termination at Business 27.
5. Pickard Road from Lincoln Road to Bamber Road (Bradley Street).
6. Broadway Street Extension from the city boundary to Lincoln Road.
7. Broomfield Road from Lincoln Rd to the US 27 overpass.
8. Bluegrass Road from Isabella road to Mission Road
9. Deerfield Road from Meridian Road to Mission Road.

C. Non Conforming Structures:

1. Structures in existence at the effective date of this ordinance which do not conform to the additional requirements of this overlay zone, but do conform to the underlying setbacks of the zone they occupy, may enlarge the structures without a variance, providing the front yard is not decreased.
2. Proposed and existing structures not able to comply with these provisions may seek relief from these requirements by obtaining a variance from the Union Township Zoning Board of Appeals in accordance with section 5, Board of Appeals.

SECTION 9 NON-CONFORMING USES

9.1 CONTINUANCE OF EXISTING NON-CONFORMING USES

A non-conforming use of a premise or structure established prior to this Ordinance may be continued even though such use or structure does not conform to the provisions of this Ordinance, provided that there is no increase or enlargement of the degree or manner of nonconformance. Utilization of existing lots that are nonconforming with dimensional requirements of the zoned District may be permitted, provided Section 5 is complied with.

9.2 CHANGE OF USE

A non-conforming use may be changed to a new non-conforming use if the Zoning Board of Appeals finds that the new use would markedly decrease the degree of nonconformance and would enhance the desirability of adjacent conforming uses. This shall not be construed to prohibit the conversion of non-conforming use to another use of the same basic character and intensity where no structural alterations are involved.

9.3 REPLACEMENT OF NON-CONFORMING STRUCTURES, RESIDENCE

Residence and accessory building may be replaced that has been destroyed by reason of windstorm, fire, explosion, or any act of God or the public enemy. All construction codes shall be complied with.

9.4 REPLACEMENT OF NON-CONFORMING STRUCTURES, BUSINESS

Business may be replaced that has been destroyed by reason of windstorm, fire, explosion, or any act of God or public enemy; providing they do not enlarge the scope and activities of the preexisting structure. All construction codes shall be complied with.

9.5 NON-CONFORMING USES DISCONTINUED

Where a non-conforming use is discontinued for a period of one (1) year any subsequent use shall conform to the provision of this Ordinance; provided that the Zoning Board of Appeals may permit a new non-conforming use of the structure or land if said new use represents a marked decrease in the degree of nonconformance, improves the character of the neighborhood, and is of decided benefit to adjacent conforming uses. The Board may impose such structural changes, building or side modifications, or other requirements it deems necessary to meet the above requirements.

9.6 RESTORATION AND REPAIRS

Repairs and restoration may be permitted for non-conforming structures provided they do not violate Sections 9.3 and 9.4 or any other section in this Ordinance.

9.7 NON-CONFORMING SIGNS

No non-conforming sign or billboard shall be reerected, reconstructed, rebuilt, relocated, or structurally modified unless made to conform with all provisions of this Ordinance. Painting, re-lettering, or a change that does not modify or change the size of the sign shall be permitted. Non-conforming signs shall meet the provisions of Section 11.

9.8 PLANS ALREADY FILED

Any use for which a Zoning Permit has been issued prior to the effective date of any subsequent amendment to this Ordinance may be completed and used in accordance with the plans and specifications for which such permit was issued, subject to the conditions of this Section, if construction is commenced within sixty (60) days after the issuance of such permit and diligently pursued to completion.

9.9 UTILIZATION OF NONCONFORMING EXISTING LOTS

Utilization of an existing lot not conforming to area, width, or other provisions of this Ordinance may be permitted, provided a variance is obtained.

SECTION 10 PARKING AND LOADING SPACES

10.1 GENERAL

In all Districts, there shall be provided, at the time any building is erected, or is enlarged or increased in capacity, off street parking spaces for automobiles.

10.2 NUMBER OF OFF-STREET PARKING SPACES REQUIRED

In all Districts in connection with every residential, business, industrial, institutional, recreational and similar uses, space for off street parking shall be provided in accordance with the following schedule.

A. Residential and Institutional Uses

1. One and Two Family Dwellings: Two (2) spaces for each dwelling unit. (Ord 2006-05)
2. Condominiums: Two (2) spaces for each dwelling unit (Ord 2006-05)
3. Apartments: 1.25 spaces for each bedroom. (Ord 2006-05)
4. Private Clubs and Lodges: One (1) for each five (5) active members and one (1) for each employee with a minimum of one (1) for each one hundred (100) square feet of floor area.
5. Hospitals, Institutions and Clinics: One (1) for each patient bed.
6. Convalescent or Nursing Homes: One (1) for each two (2) beds.
7. Private, Elementary and Junior High Schools: Two (2) for each three (3) employees normally engaged in or about the buildings and grounds, plus one (1) for each eight (8) auditorium seats.
8. Senior High Schools and Institutions of Higher Learning: Two (2) for each three (3) employees normally engaged in or about the buildings and grounds, and one (1) additional for each four (4) students enrolled in the institution.
9. Churches: One (1) for each four (4) seats or six (6) feet of pews in the main worship unit.
10. Libraries, Museums and Post Offices: One (1) for each hundred square feet of floor area.

B. Commercial Uses

1. Hotels: One (1) for each two (2) guest rooms.
2. Motels, Bed and Breakfast, and Tourist Homes: One (1) for each sleeping rooms.
3. Theaters, Auditoriums, Stadiums: One (1) for each four (4) seats.
4. Dance Halls, Studio, Skating Rink, Assembly Halls and Convention Halls, Community Centers, Civic or Social Clubs, and Public Meeting Halls: Two (2) for each hundred square feet of floor area open to the public.
5. Bowling Alleys: Eight (8) for each alley.
6. Restaurants and Night Clubs, Grills, Taverns, Bars, Dining Rooms, Dairy Bar, Soda Fountain: One (1) for each three (3) seats.

7. Mortuaries or Funeral Homes: One (1) for each four (4) seats.
8. Drive-in" Establishments: Eight (8) for each one hundred twenty-five (125) square feet of gross floor area.
9. Retail Stores, Super Markets, Department Stores, Billiard or Pool Rooms, Personal Service Shops, General Business: one (1) for each one hundred fifty (150) square feet of gross floor area.
10. Barber/Beauty Parlor: Two (2) per each chair.
11. Auto Sales Rooms: One (1) per each two hundred fifty (250) square feet of usable floor area, plus one (1) per service stall.
12. Auto Wash Establishment (Automatic): One (1) per employee plus five (5) additional spaces. (Ord 2001-04) There will be one (1) stacking space per ten (10) lineal feet of washing structure measured in the direction of travel.
13. Auto Wash Establishment (Self-Service): Three (3) per washing stall.
14. Instant Oil Change: One (1) per employee plus one (1) per service stall.
15. Filling Stations: One (1) per employee plus two (2) per service stall.
16. The following retail uses: general furniture, appliance, household equipment, floor covering, hardware, paint and wallpaper, lumber yards and home improvements: one parking space per 500 gross square feet of building area.
17. Large chain stores which draw customers from outside the community, such as Walmart, Meijers, or Home Depot: one parking space per 250 gross square feet of building area.

C. Office Buildings

1. Profession and Business Offices and Buildings: One (1) for each two hundred (200) square feet of usable floor area.
2. Medical Doctor's Offices or Dental Clinics: Eight (8) spaces for each Doctor.
3. Bank and Loan Companies: One (1) for each hundred (100) square feet of usable floor area.

D. Manufacturing, Processing and/or Fabricating, Manufacturing Buildings and/or Business Offices and/or Other Facilities Related But Not Necessarily Connected to a Manufacturing or Industrial Building: One (1) for each three (3) employees on the maximum shift or peak employment period.

E. Other Uses Not Specifically Mentioned: In the case of buildings that are used for uses not specifically mentioned, those provisions for off street parking facilities for a use that is so mentioned and to which said use is similar in terms of parking demand shall apply.

F. Mixed Uses in the Same Building: In the case of mixed uses in the same building, the amount of parking space for each use specified shall be provided and the space for one (1) use shall not be considered as providing required spaces for any other use except as to churches and auditoriums incidental to public and parochial schools permitted herein.

10.3 JOINT USE OF FACILITIES

Provisions of common parking facilities for several uses in the same vicinity is encouraged. In such cases, the total space requirement is the sum of the individual requirements at the same time of day.

10.4 LOCATION OF FACILITIES

Off street parking facilities shall be located as hereafter specified; when a distance is specified, it shall be the walking distance measured from the nearest point of the parking facility to nearest normal entrance to the building or use that such facility is required to serve. Property owners shall be responsible to have at all times maintained the minimum standards herein set forth.

A. For all residential buildings and for all nonresidential buildings and uses in residential zones, required parking shall be provided on the premises with the building or use they are required to serve.

B. For commercial and all nonresidential buildings and uses in business zones, required parking shall be provided within three hundred (300) feet of the building or use they are required to serve.

C. For industrial buildings or uses, required parking shall be provided within one thousand (1,000) feet of the buildings or uses they are required to serve.

10.5 SIZE OF PARKING SPACE

Each off-street parking space shall have an area of not less than one hundred eighty (180) square feet, exclusive of access drives or aisles, and shall be a minimum of nine (9) feet in width.

10.6 REQUIREMENTS FOR PARKING AREAS (B, AMENDED, 1992-6 ORDINANCE)

Every parcel of land hereafter established as an off street public or private parking area for more than five (5) vehicles, including a municipal parking lot, commercial parking lot, automotive sales and/or service lot, and accessory parking areas for multiple dwellings, businesses, industries, public assembly and institutions shall be developed and maintained in accordance with the following requirements.

A. All parking areas in business or industrial Districts and special uses allowed where required, shall be effectively screened from any residentially zoned property. Screening may be by solid fence, wall, shrubs, hedges or natural landscaping, as required in Section 8.31 and as approved by the Planning Commission.

B. It shall be properly graded for drainage, surfaced with a material that shall provide a durable, smooth and dustless surface. Customer parking areas shall be paved.

C. It shall not be used for repair, dismantling or servicing of any vehicles.

D. It shall be provided with entrances and exits so located as to minimize traffic congestions.

E. It shall be provided with wheel or bumper guards so located that no part of parked vehicles will extend beyond the parking area.

F. Lighting facilities shall be so arranged as to reflect the light away from adjoining properties.

G. No part of any public or private parking area regardless of the number of spaces provided shall be closer than five (5) feet to the public street or highway right-of way line.

10.7 OFF-STREET LOADING SPACES

For every building or addition to an existing building hereafter erected to be occupied by manufacturing, storage, display or goods, retail store or block of stores, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other similar uses requiring the receipt or distribution in vehicles of materials or merchandise, there shall be provided and maintained on the same premises with such building or addition off street loading spaces in relation to floor areas as follows, plus an area or means adequate for maneuvering, ingress or egress.

A. Up to 20,000 Square Feet: 1 space.

B. 20,000 to 50,000 Square Feet: 2 spaces

C. 50,000 to 100,000 Square Feet: 3 spaces.

D. One (1) additional space for each additional one hundred thousand (100,000) square feet or fraction thereof.

E. Each such loading space shall be at least ten (10) feet in width, thirty-five (35) feet in length, fourteen (14) feet in height. No such space shall be located than fifty (50) feet to any to in any residence District.

SECTION 11 /BILLBOARDS AND SIGNS

(Amended Ordinances 1996-8, 1998-3)

11.1 GENERAL SIGN PROVISIONS

A. All signs erected, altered, or maintained in the Township shall conform to the building code of the Charter Township of Union and to provisions of this ordinance, whichever imposes the greater restrictions.

B. Signs in all districts permitted only if they:

Identify the business conducted on the property; or

Identify a product sold by the business conducted on the property; or;

Identify a service of the business conducted on the property; or

Identify a product made by the business conducted on the property; or

Identify the name, address, and telephone number of the occupant of the premises; and

Do not extend into or over, private or public right-of-ways or restrict sight lines on public right-of-ways.

C. Illuminated signs shall be permitted in agricultural over ten (10) acres, Business Districts, and Industrial Districts. Exception: Church, Public and Institutional signage in all Districts may be illuminated.

11.2 SIGNAGE DISPLAY AREA COMPUTATION

A. Sign Area Computation

1. The area of a sign regulated herein shall be the total computed area of the extreme limits upon which lettering, logo, symbols, insignia or other devices are placed, directly painted or applied.

2. Multiple Faces

a. For signs having two (2) parallel sides not separated by more than twelve (12) inches, the maximum display area shall be permitted on both sides, and the total area of one side shall be deemed to be the total sign area.

b. For signs having three (3) or four (4) faces (triangular or cubic), the area shall be the sum of two adjacent faces.

3. The supporting structures shall not be included in the area computation unless utilized as part of the total signage display area.

4. Buildings on a corner lot shall be considered to have two (2) front faces. An additional fifty (50%) percent of the attached address frontage wall sign allotment shall be permitted for the non-address side of the building. Signage allotments are not transferable.

5. Any building or portion of a building which is proposed to be erected and which is classified as a sign shall be permitted only upon application for approval of a special exception. The Zoning Administrator shall determine whether or not such proposed building or portion thereof will be classified as a sign prior to the issuance of a building permit and shall notify the owner or builder of the proposed building of such findings. Any decoration which implies the business name shall be considered part of the business insignia. In making his or her determination, the Administrator may refer such plans and details to the Planning Commission for recommendation.

B. Building Frontage and Height Computation

1. The width, height, or length of a building, whichever is greater, shall be used to determine the signage allowed for the building.

2. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the lot, whichever is lower.

3. A business parcel located completely within five hundred (500) feet of the nearest edge of the intersection of an expressway and local street (not including ramps) shall be permitted one (1) freestanding sign not to exceed fifteen (15) feet above the highest point of the expressway roadbed at the intersection.

11.3 MAINTENANCE AND REMOVAL

A. Maintenance

1. **Maintenance.** Every sign, including those specifically exempt from this section with respect to permits and permit fees, shall be maintained in a good structural condition at all times. All signs shall be kept neatly painted, including all metal parts and supports thereof that are not galvanized or of rust resistant metals. The Zoning Administrator or his/her authorized representative shall inspect and may order the painting, repair, alteration or removal of a sign which constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation or obsolescence. A permit is not required for normal maintenance and repair of a sign structure, such as painting, repainting and cleaning.

2. **Continued Maintenance.** The replacing or repairing of a sign or sign structure which has been damaged to an extent less than fifty (50%) percent of the appraised replacement cost, as determined by the Zoning Administrator, shall be considered as maintenance. Only when such sign conforms to all applicable provisions of the Ordinance and when damage exceeding fifty (50%) percent of the appraised replacement cost, has been caused by an act of God or a violent accident the owner/lessee of the sign or property owner shall be permitted to repair said sign.

B. Removal

A sign in violation of one (1) or more of the following conditions shall be removed by the owner/lessee of the sign or property owner, at their expense, as specified by these conditions:

1. **Safety.** A sign which endangers public/private property or public safety shall be altered or removed.
2. **Maintenance.** Any sign maintained in violation of this section shall be removed.
3. **Obsolete Signs.** A sign shall be removed when the business which it advertises is no longer conducted on the premises.
4. **Abandoned Signs.** Abandoned non-conforming signs shall be removed. A new sign permit at the same address shall not be issued until the abandoned non-conforming sign is removed. Where a new business fails to remove signs from the premises, the property owner shall be responsible for their removal.
5. **Non-conforming Signs.** Non-conforming signs in use on the effective date of this Ordinance shall be permitted to remain, provided they are properly maintained. Such maintenance is restricted to painting and minor repairs that cannot be considered a rebuilding of the sign. Refer to Section 11.4A, Non-conforming Signs.

11.4 NON-CONFORMING SIGNS

A. Legal Non-conforming Signs - Continuation of. A legal non-conforming sign may be continued and shall be maintained in good condition by painting and minor repairs, but it shall not be:

1. Converted to another non-conforming sign by changing permanent copy;
2. Expanded or altered so as to increase the degree of non-conformity of the sign;
3. Re-established after the business, or usage to which it refers to has been discontinued.
4. Continued in use after cessation or change of the business or activity to which the sign pertains;
5. Re-established after damage or destruction if the estimated cost of reconstruction exceeds fifty (50%) percent of the appraised replacement cost, as determined by the Zoning Administrator; or
6. Continued if the seller of said property, or business/franchise lessee does not retain fifty (50%) percent or more of the title to said property.

B. Legal Non-conforming Signs - Erection of New Signs Where Legal Non-conforming Signs Exist:

On lots where an existing on-premises sign exceeds the sign area allowed by this section, and in that respect is a legal non-conforming sign, no new on-premises sign, either freestanding or attached to a building, shall be erected until such existing legal non-conforming on-premises sign is brought into compliance with this section.

11.5 RIGHTS OF APPEAL

A. Rights of Appeal:

Special circumstances or conditions for sign variances may be petitioned to the Zoning Board of Appeals.

B. Variance to Standards Which May Cause Denial of a Variance Request:

1. Convenience or economic hardship to the applicant;
2. Inclusion of signs otherwise prohibited by these regulations;
3. Lack of exposure on a primary sign frontage;
4. Limitations on visibility resulting from required landscaping;
5. Location of buildings or other structures;
6. Size of a proposed sign.

11.6 PROHIBITED SIGNS

The following types of signs are specifically prohibited:

- A. Signs that obstruct the vision clearance area of a street or driveway intersection and result in a traffic hazard;
- B. Signs that obstruct ingress or egress through any door, window, fire escape, or like facility, required or designated for safety or emergency use;
- C. Signs that may be confused with public traffic signs or highway identification signs, such as signs that use words like **“STOP”**, **“SLOW”**, **“CAUTION”**, **“LOOK”**, **“DANGER”**, or any other word, phrase, symbol, or character that may mislead or confuse vehicle operators;
- D. Signs or sign structures determined by the Building Official or Zoning Administrator to constitute a hazard to the public safety or health by reason of poor structural design or construction, inadequate maintenance, lack of repair, or dilapidation or obsolete and abandoned signs;
- E. Illuminated flashing signs which flash, blink, fluctuate, or have chaser, or scintillating ability.
- F. Strings of light bulbs used in connection with commercial premises for commercial purposes, other than in season traditional holiday decorations;
- G. Signs that are moving or have any moving part. This includes movement in mechanical, electrical, or kinetic means, wind currents or any other means except a Message Center;
- H. Roof Signs;
- I. Signs with visible A-frames, trusses, or guide wires as part of the sign or sign structure;
- J. Billboard Trailer signs not attached to a licensed and insured motorized vehicle carrying the logo or name of the primary business.
- K. Signs placed on, affixed to, or painted on any motor vehicle, trailer, or other mobile structure not registered, licensed, and insured for use on public highways;

- L. Illuminated signs in the Agricultural Districts under ten (10) acres, and Residential Districts;
- M. Signs on fences, trees, rocks or utility poles.

11.7 SIGN REGULATIONS - REFER TO EACH DISTRICT CHART FOR AREA, HEIGHT AND SETBACK REGULATIONS.

No person shall erect, install, maintain, alter, repair, remove, or use (or cause or allow the same to be done) any sign unless specifically authorized by these regulations. No permit shall be issued for the erection, display, or maintenance of any sign in violation of these regulations.

A. Permanent Signage Types - Permit Required

1. Awning/Canopy Sign:

- a. Except for suspended signs, all signs displayed on canopies or awnings shall be parallel to the face of the canopy or awning upon which subject signs are displayed.
- b. Signage printed on the awning/canopy shall be included in the total square feet of allowed wall signage.

2. Billboards:

- a. Billboards shall only be permitted in I-1 Light Industrial Districts and I-2 General Industrial Districts.
- b. No billboard shall be located within two hundred fifty (250) feet of any lot line in any R District.
- c. No billboard shall be constructed or erected on a lot so as to obstruct the view of adjacent buildings or signs.
- d. All billboards shall conform to any applicable building front, side, or rear yard setback requirement of the District in which they are located, except that, at the intersection of any state or federal highway, with a major or minor street there shall be a setback of not less than one hundred (100) feet from the established right-of-way of each such highway or street.
- e. Maximum height of billboards in all Districts shall be twenty-five (25) feet.
- f. Minimum spacing between billboards shall be one thousand (1,000) linear feet.
- g. Maximum billboard size shall be three hundred (300) square feet in area.
- h. A billboard shall not be placed on any lot that does not have a minimum lot width of five hundred (500) feet.

3. Freestanding (Elevated/Ground):

- a. Freestanding signs are permitted in all districts.
- b. Freestanding signs located on property which abuts both a controlled access highway or a major street and a state or federal numbered highway may not be erected where the total height of said sign is greater than sixteen (16) feet above the plane of the pavement of the highest road at the intersection.
- c. Only one (1) freestanding, elevated or ground, shall be permitted per lot/parcel or integrated business regardless of the total number of individual lots/parcels or multiple users sharing the business parcel. The sign shall provide for shared or common usage.

- d. Tenant listings on the freestanding integrated sign shall be uniform in size and type. Style of lettering may vary.
- 4. Marquee Sign:
 - a. Marquee signs are prohibited except when used in conjunction with an indoor movie theater.
 - b. No sign shall project beyond the corner of a building.
- 5. Message Center Sign/Time-Temperature-Date-Moving Signage:
 - a. Any identification or advertising which is attached to or made part of a Time-Temperature-Date-Message Center sign structure shall be included in the allowable sign area for the premises.
 - b. Illumination shall be by internal means only.
- 6. Sub-division / Apartment / Condominium Identification:
 - a. Sub-divisions, apartment complexes and condominiums, shall be permitted one (1) freestanding ground/elevated sign.
 - b. Computation of square feet shall be based on the signage and not the decorative structure.
- 7. Suspended Signs:
 - a. Suspended sign shall not project over sidewalk, public or private right-of-way.
 - b. Suspended signs shall not project beyond the outside limits of the permanent sign structure to which they are attached.
 - c. Shall be included in the total signage allotment.
- 8. Wall, Wall Projected and Projected Signs: Wall signs shall be permitted only on the front address side of the building except:
 - a. Where a building is located on a corner lot, the building is considered to have two (2) building fronts. An additional fifty (50%) percent of the attached front address wall sign allotment shall be permitted for the non-address side of the building. The allotments are not transferable.
 - b. Where a public entrance to a business establishment is also provided at the rear or side, from an adjoining off street parking lot, one (1) additional attached wall sign shall be permitted. The additional signage shall be included in the total allowable square feet permitted for attached wall and projected wall signage for the front address side.

9. Service and Religious Organizations Signs (Ord 2002-07)

- a. Signs enumerating local service clubs, fraternal and veterans' organizations and religious organizations by name or logo and address only shall be permitted in any B or I zone.
- b. Maximum sign area shall be 100 square feet and not more than 10 feet over all height, excluding supporting structures.
- c. Any service club or religious organization may apply for this sign. The applicant shall notify, in writing, any and all service clubs and religious organizations within the area bounded by Union Township, including any incorporated areas, to extend the opportunity to have their name and or logo placed upon the sign. After 60 days of such notification, the applicant shall provide the zoning administrator with a drawing of the proposed sign and a copy of the names and addresses of all organizations notified.
- d. The sign may be composed of individual elements provided by each organization. Lettering shall be uniform.
- e. Space should be set aside for future organizations.
- f. No slogans, mottos, or products shall be placed on the sign.
- g. The agency applying for the sign must be responsible for maintenance of the sign, allowing future organizations space on the sign, and administration of any leases and or fees.

B. Permanent Signs - No Permit Required - Identification and Informational Signs:

1. All categories of identification and informational signs shall be permitted as accessory signs and are not included in any computation of the sign area.
2. Directional Vehicular/Pedestrian Signs - Both Public and Private:
 - a. Directional signs may be used to provide direction regarding the location of parking areas, access drives, loading, unloading and/or receiving areas and specific buildings or facilities.
 - b. Horizontal signs on and flush with paved areas are exempt from these standards.
3. Identification Signs:
 - a. Sign may establish the identity of a building or building complex by name and/or symbol only;
 - b. Sign may indicate street address or combine name plate and street address.
 - c. One sign per building, business, occupant.

C. Temporary Sign Types - Permit Required

1. Temporary (permit required) signage shall:
 - a. Comply to all regulations of permanent signage;
 - b. Have a maximum of two (2) permits issued in each calendar year, three (3) days must elapse between each permit;
 - c. Be used in conjunction with a bona fide grand opening, new owner, or special event;
 - d. Be stored in a building or concealed from public view at the rear of the property;
 - e. Have no time extensions.
2. A-Frame/Sandwich Board, Banner, Trailer, Cart and Wind Sign: A-frame/sandwich board, banner, trailer, cart with or without wheels, and wind sign permits shall not exceed thirty (30) days.
3. Air/Gas Filled Inflatable and Beacon/Search Sign: shall be permitted for a maximum of two (2) times per year and for a maximum of three (3) consecutive days. Thirty (30) days shall elapse between the two (2) permits.

D. Temporary Signage Types - No Permit Required

1. Commodities - Off Premise: Advertising of home produced agricultural products in an agricultural or residential districts shall be permitted:
 - a. Maximum of one hundred eighty (180) days per calendar year.
 - b. A maximum of four (4) square feet per sign.
 - c. Maximum number of signs permitted per parcel shall be two (2).
2. Construction:
 - a. Construction signs which identify the architects, engineers, contractors, or other individuals or firms involved with the construction of a building or facility, but exclude any advertisement of any product or purpose for which the building is intended.
 - b. Signs shall be limited to twelve (12) months.
 - c. Signs shall be removed within fourteen (14) days of the initial occupancy.
 - d. The sign shall be confined to the site of the construction.
 - e. The maximum size of a sign shall be sixteen (16) square feet per individual firm, or thirty-two (32) square feet when listing two (2) or more firms.
3. Construction Development Identification:
 - a. Signs advertising residential or commercial development of six (6) or more units may display recorded plat information.
 - b. Such signs shall be removed at the time seventy-five (75%) percent of the lots in the development are sold or leased.

4. Garage - Yard Sale Sign: Signs may be placed twenty-four (24) hours prior to the sale and must be removed twenty-four (24) hours after the sale. Sign usage shall be limited to four (4) time per year with a limit of four (4) days per usage.

5. Model Home: Shall be permitted in AG and R Districts.

6. New Business/Owner or Grand Opening: Shall be permitted a maximum of thirty (30) days.

7. Political:

a. Political signs may be placed only with the permission of the property owner or occupier.

b. A political sign may be erected no sooner than sixty (60) days before said election.

Removal: (Amended, Ord 2002-03)

Signs shall be removed seven (7) days following such referendum or election.

Candidates remaining in a November general election following an August primary election in the same year are not required to remove signs until seven (7) days after the general election.

d. Candidate/property owner is responsible for the removal of sign.

8. Real Estate - Rental/Lease:

a. One (1) non-illuminated sign shall be permitted per lot or premises, and two (2) non-illuminated signs shall be permitted on a corner lot.

b. Signs shall be removed fourteen (14) days after the completion of the sale/lease agreement or occupancy.

9. Window Signs:

a. A sign inside a window shall not exceed ten (10%) percent of the total window area on address side only.

b. Window signs are permitted on the ground floor window address side only.

E. Exceptions to Permit Requirements: The following signs or operations shall be exempt from regulation under this Ordinance:

1. Copy changing or replacing of the advertising copy or message of conforming signs.

2. Maintenance of signs, including repainting, cleaning and other normal maintenance repair which does not include structural changes.

3. Flags of official nations, state or local governments may be flown and maintained with respect due to these symbols of honor and authority, as specified by the U.S. Flag Code. The American Flag shall not be used for advertising purposes in any manner.

11.8 SIGNAGE ALLOTMENT - AGRICULTURE DISTRICT OVER 10 ACRES

SPECIAL INSTRUCTIONS:

1. Total maximum sign area not to exceed twelve (12) square feet of permanent signage - permit only. (See chart).
2. Total number of signs permitted for address side of permanent signage - permit only - Two (2):
Wall- One (1)
Freestanding - One (1).
3. Side Setback - minimum 30'; Front Setback - minimum of 10' to the road right-of-way.
4. Illumination: direct and internal permitted.
5. Additional signs permitted: Identification- one (1) per building, Courtesy and Directional - aggregate signs not to exceed twelve (12) square feet. Public Agency, No Trespassing/Hunting, Garage/Yard Sale no limit.
6. Sign area exceptions: Building on a corner lot shall be considered to have two (2) front faces. An additional fifty (50%) of the attached address frontage wall sign allotment shall be permitted for the non-address side of the building. Sign allotment is not transferable.

CHART 11.8a - SIGNAGE ALLOTMENT - AGRICULTURE DISTRICT OVER TEN (10) ACRES

PERMANENT SIGNAGE PERMIT REQUIRED	MAX. AREA PER (SQ. FT.)	MAX. HEIGHT (LINEAR FT.)	MAX. PROJECTION (INCHES)	MIN. HEIGHT (LINEAR FT.)
ATTACHED WALL	8	↑	3	N/R
PROJECTED WALL				
AWNING/CANOPY				
MARQUEE				
SUSPENDED	4	↑		8
SUBDIVISION / APARTMENTS / CONDOMINIUM I.D.	12	6	3	N/R
FREESTANDING ELEVATED	* 12	6	3	N/R
FREESTANDING GROUND	* 12	6	3	Ground
MESSAGE CENTER				
BILLBOARD				
PERMANENT SIGNAGE NO PERMIT IDENTIFICATION/INFORMAL SIGNAGE				
COURTESY	2	6	3	N/R
DIRECTIONAL	2	6	3	N/R
IDENTIFICATION	2	6	3	N/R
PUBLIC AGENCY	2	6	3	N/R
PUBLIC INTEREST	4	6	3	N/R

Shaded = Not Permitted

N/R = Not Regulated

* = churches, institutional, and public buildings are permitted one (1) freestanding sign not to exceed twenty-four (24) square feet in area nor more than six (6) feet in height, and not more than (2) wall signs, the sum of which is not to exceed 50 SF. Religious symbols are exempt.

↑ = Height of wall or 5' below eave, maximum 25'.

Chart 11.8b SIGNAGE ALLOTMENT - AGRICULTURE DISTRICT OVER TEN (10) ACRES

TEMPORARY SIGNAGE PERMIT REQUIRED	MAX. AREA PER SIGN (SQ. FT.)	MAX. HEIGHT (LINEAR FT.)	MAXIMUM PROJECTION (INCHES)	MIN. HEIGHT (LINEAR FT.)
A-FRAME SANDWICH BOARD	6	4		N/R
AIR/GAS INFLATABLE				
BANNER	40	WALL HEIGHT	N/R	N/R
BEACON/SEARCH				
TRAILERS/CART W/WO WHEELS	32	4	3	N/R
WIND SIGNS - PERMITTED	40	15	N/R	N/R
TEMPORARY SIGNAGE - NO PERMIT				
COMMODITY PREMISES GROWN	16	6	N/R	N/R
CONSTRUCTION	16	6	N/R	N/R
CONSTRUCTION DEVELOP. I.D.				
GARAGE/YARD SALE	2	6	N/R	N/R
GRAND OPENING	16	6	N/R	N/R
MODEL HOME	16	6	N/R	N/R
NEW BUSINESS/OWNER	16	6	N/R	N/R
NO TRESPASSING/HUNTING	2	6	N/R	N/R
POLITICAL	16	6	N/R	N/R
REAL ESTATE	16	6	N/R	N/R
RENTAL/LEASE	16	6	N/R	N/R
WINDOW SIGNS	10% of Address Window	Window	N/R	N/R

Shaded = Not Permitted

N/R = Not Regulated

* = churches, institutional, and public buildings are permitted one (1) freestanding sign not to exceed twenty-four (24) square feet in area nor more than six (6) feet in height, and not more than (2) wall signs, the sum of which is not to exceed 50 SF. Religious symbols are exempt. (Ord. 2005-01)

↑ = Height of wall or 5' below eave, maximum 25'.

11.9 SIGNAGE ALLOTMENT - AGRICULTURE DISTRICT UNDER TEN (10) ACRES

SPECIAL INSTRUCTIONS:

1. Total maximum sign area not to exceed 8 square feet of permanent signage - **permit only**. (See preceding charts).
2. Total number of signs permitted for address side of permanent signage-permit only - Two (2):
wall- one (1)
freestanding- one (1).
3. Side setback - minimum 30', front setback - minimum of 10' to the road right-of-way.
4. Illumination: NOT PERMITTED except for Churches, Public and Institutional uses.
5. Additional signs permitted: Identification- one (1) per building, Courtesy and Directional - aggregate signs not to exceed twelve (12) square feet. Public Agency, No Trespassing/Hunting, Garage/Yard Sale no limit.
6. Sign area exceptions: Building on corner lots shall be considered to have two (2) front faces. An additional fifty (50%) percent of the attached address frontage wall sign allotment shall be permitted for the non-address side of the building. Sign allotment is not transferable.

Chart 11.9a SIGNAGE ALLOTMENT - AGRICULTURE DISTRICT UNDER TEN (10) ACRES

PERMANENT SIGNAGE PERMIT REQUIRED	MAX. AREA PER SIGN (SQ. FT.)	MAX. HEIGHT (LINEAR FT.)	MAXIMUM PROJECTION (INCHES)	MIN. HEIGHT (LINEAR FT.)
ATTACHED WALL	4	↑	3	N/R
PROJECTED WALL				
PROJECTED				
AWNING/CANOPY				
MARQUEE				
SUSPENDED				
SUBDIVISION / APARTMENTS / CONDOMINIUM I.D.	12	6	3	N/R
FREESTANDING ELEVATED	* 4	4	3	N/R
FREESTANDING GROUND	* 4	4	3	Ground
MESSAGE CENTER				
BILLBOARD				
PERMANENT SIGNAGE NO PERMIT IDENTIFICATION/INFORMAL SIGNAGE				
COURTESY	2	6	3	N/R
DIRECTIONAL	2	6	3	N/R
IDENTIFICATION	2	6	3	N/R
PUBLIC AGENCY	2	6	3	N/R
PUBLIC INTEREST	4	6	3	N/R

Shaded = Not Permitted

N/R = Not Regulated

* = churches, institutional, and public buildings are permitted one (1) freestanding sign not to exceed twenty-four (24) square feet in area nor more than six (6) feet in height, and not more than (2) wall signs, the sum of which is not to exceed 50 SF. Religious symbols are exempt. (Ord. 2005-01)

↑ = Height of wall or 5' below eave, maximum 25'.

11.9b SIGNAGE ALLOTMENT - AGRICULTURE DISTRICT UNDER TEN (10) ACRES

TEMPORARY SIGNAGE PERMIT REQUIRED	MAX. AREA PER SIGN (SQ. FT.)	MAX. HEIGHT (LINEAR FT.)	MAX. PROJECTION (INCHES)	MIN. HEIGHT (LINEAR FT.)
A-FRAME SANDWICH BOARD	6 PER SIDE	4		N/R
AIR/GAS INFLATABLE				
BANNER				
BEACON/SEARCH				
TRAILERS/CART W/NO WHEELS				
WIND SIGNS				
TEMPORARY SIGNAGE - NO PERMIT				
COMMODITY PREMISES GROWN	8	6	N/R	N/R
CONSTRUCTION	8	6	N/R	N/R
CONSTRUCTION DEVELOP. I.D.				
GARAGE/YARD SALE	2	6	N/R	N/R
GRAND OPENING	8	6	N/R	N/R
MODEL HOME	8	6	N/R	N/R
NEW BUSINESS/OWNER	8	6	N/R	N/R
NO TRESPASSING/HUNTING	2	6	N/R	N/R
POLITICAL	8	6	N/R	N/R
REAL ESTATE	8	6	N/R	N/R
RENTAL/LEASE	8	6	N/R	N/R
WINDOW SIGNS	10% of Address Window	Window	N/R	N/R

Shaded = Not Permitted

N/R = Not Regulated

* = churches, institutional, and public buildings are permitted one (1) freestanding sign not to exceed twenty-four (24) square feet in area nor more than six (6) feet in height, and not more than (2) wall signs, the sum of which is not to exceed 50 SF. Religious symbols are exempt. (Ord. 2005-01)

↑ = Height of wall or 5' below eave, maximum 25'.

11.10 SIGNAGE ALLOTMENT - ALL RESIDENTIAL DISTRICTS

R-1	One Family	R-3	Multiple Family
R-2A	One and Two Family Low Density	R-4	Mobile Home Park
R-2B	One and Two Family Medium Density	R-5	Mobile or Modular Home

SPECIAL INSTRUCTIONS:

1. Total maximum sign area not to exceed twelve (12) square feet of **permanent signage - permit only**. (See chart).
2. Total number of signs permitted for address side of permanent signage - permit only - one (1): wall one (1) or freestanding one (1).
3. Side setback - minimum 30, front setback - minimum of 10' to the road right-of-way.
4. Illumination: Not permitted except for Churches, Public and Institutional uses.
5. Additional signs permitted: Identification- one (1) per building, Courtesy and Directional - aggregate signs not to exceed twelve (12) square feet. Public Agency, No Trespassing/Hunting, Garage/Yard Sale no limit.
6. Sign Area Exceptions:

Buildings on a corner lot shall be considered to have two (2) front faces. An additional fifty (50%) percent of the attached address frontage wall sign allotment shall be permitted for the non-address side of the building.

In R-3 Districts (apartment complexes) the identification signage, per building, shall be limited to four (4) square foot of signage per building.

Churches, Public and Institutional use are permitted one (1) freestanding sign not to exceed 24 square feet.

Chart 11.10a SIGNAGE ALLOTMENT - RESIDENTIAL

PERMANENT SIGNAGE PERMIT REQUIRED	MAX. AREA PER SIGN (SQ. FT.)	MAX. HEIGHT (LINEAR FT.)	MAXIMUM PROJECTION (INCHES)	MIN. HEIGHT (LINEAR FT.)
ATTACHED WALL	2	↑↑	3	N/R
PROJECTED WALL				
PROJECTED				
AWNING/CANOPY				
MARQUEE				
SUSPENDED				
SUBDIVISION / APARTMENTS / CONDOMINIUM I.D.	12	6	3	N/R
FREESTANDING ELEVATED	* 2	4	3	N/R
FREESTANDING GROUND	* 2	4	3	Ground
MESSAGE CENTER				
BILLBOARD				
PERMANENT SIGNAGE NO PERMIT IDENTIFICATION/INFORMAL SIGNAGE				
COURTESY	●2	6	3	N/R
DIRECTIONAL	2	6	3	N/R
IDENTIFICATION	2	6	3	N/R
PUBLIC AGENCY	2	6	3	N/R
PUBLIC INTEREST	4	6	3	N/R

Shaded = Not Permitted

N/R = Not Regulated

* = churches, institutional, and public buildings are permitted one (1) freestanding sign not to exceed twenty-four (24) square feet in area nor more than six (6) feet in height, and not more than (2) wall signs, the sum of which is not to exceed 50 SF. Religious symbols are exempt. (Ord. 2005-01).

↑↑ = Height of wall or 5' below eave, maximum 25'.

● = R3 apartments are permitted 4 square feet of Identification signage per building

Chart 11.10b SIGNAGE ALLOTMENT - RESIDENTIAL

TEMPORARY SIGNAGE PERMIT REQUIRED	MAX. AREA PER SIGN (SQ. FT.)	MAX. HEIGHT (LINEAR FT.)	MAXIMUM PROJECTION (INCHES)	MIN. HEIGHT (LINEAR FT.)
A-FRAME SANDWICH BOARD				
AIR/GAS INFLATABLE				
BANNER				
BEACON/SEARCH				
TRAILERS/CART W/WO WHEELS				
WIND SIGNS - PERMITTED				
TEMPORARY SIGNAGE - NO PERMIT				
COMMODITY PREMISES GROWN				
CONSTRUCTION	8	6	N/R	N/R
CONSTRUCTION DEVELOP. I.D.	32	8	N/R	N/R
GARAGE/YARD SALE	2	4	N/R	N/R
GRAND OPENING	8	4	N/R	N/R
MODEL HOME	4	4	N/R	N/R
NEW BUSINESS/OWNER				
NO TRESPASSING/HUNTING	2	4	N/R	N/R
POLITICAL	8	4	N/R	N/R
REAL ESTATE	8	4	N/R	N/R
RENTAL/LEASE	8	4	N/R	N/R
WINDOW SIGNS	10% of Address Window	Window	N/R	N/R

Shaded = Not Permitted

N/R = Not Regulated

* = churches, institutional, and public buildings are permitted one (1) freestanding sign not to exceed twenty-four (24) square feet in area nor more than six (6) feet in height, and not more than (2) wall signs, the sum of which is not to exceed 50 SF. Religious symbols are exempt. (Ord. 2005-01)

↑ = Height of wall or 5' below eave, maximum 25'.

11.11 SIGNAGE ALLOTMENT - BUSINESS DISTRICTS

B-4 General Business

B-6 Auto Related Highway Business

B-5 Highway Business

B-7 Related and Service Highway Business

SPECIAL INSTRUCTIONS:

A. Total maximum sign area not to exceed 200 square feet permanent signage - permit only. (See chart).

B. Total number of signs permitted for address wall of permanent signage - permit only -Three (3):

Wall - Two (2)

Freestanding - One (1).

C. Side Setback - minimum 20'; Front Setback - minimum of 10' to road right-of-way.

D. Illumination: direct and internal permitted.

E. Additional signs permitted: Identification- one (1) per building, Courtesy and Directional - aggregate signs not to exceed twelve (12) square feet. Public Agency, No Trespassing/Hunting, Garage/Yard Sale no limit.

F. Sign area exceptions:

1. Building on a corner lot shall be considered to have two (2) front faces. An additional fifty (50%) of the attached address frontage wall sign allotment shall be permitted for the non-address side of the building. Sign allotment is not transferable.

2. Where a public entrance to the business establishment is also provided at the rear or side of the building from an adjoining off street parking area, one (1) additional attached wall sign will be permitted. The additional signage shall be included in the total allowable square feet for attached wall signs for the frontage address side.

3. Sign allotments, in SINGLE BUSINESS located on one (1) parcel

- a. Single Business - Wall Signage: Wall signage is permitted at the rate of one (1) square foot for each lineal foot of building width, length, or height, which ever is greater on the address side. Total signage not to exceed one hundred (100) square feet.

- b. Single Business - Freestanding Signage

1. Freestanding signage is permitted at the rate of one (1) square foot for each lineal foot of building frontage on address side, not to exceed one hundred (100) square feet.

2. Building with forty (40) lineal feet or less of front footage, address side, are permitted a maximum of forty (40) square feet.

- c. Buildings over 100,000 square feet are allowed 150 square feet of freestanding signage, and one (1) or two (2) wall signs not to exceed 200 square feet total.

4 Sign Allotment - (In Integrated Groups of Stores/Businesses).

- a. Integrated Groups - Wall Signage: Wall signage is permitted at the rate of one (1) square foot of signage for each lineal foot of building frontage, depth or height, whichever is greater each user occupies on the address side. Signage not to exceed one hundred (100) square feet.
- b. Integrated Groups - Freestanding
 - 1. Freestanding signage is permitted at the rate of one (1) square foot of signage for each lineal foot of the TOTAL building frontage, on the address side, not to exceed one hundred fifty (150) square feet.
 - 2. Maximum permitted height 18 feet.

5. Gasoline Filling Station - Signage -

- a. Wall/Canopy Signage
 - 1. Wall/Canopy Signage permitted at the rate of one (1) square foot for each lineal foot of building frontage, on the address side, not to exceed fifty (50) square feet.
 - 2. Total number of signs permitted shall not exceed 6 signs or emblems.
- b. Freestanding Signage:
 - 1. Freestanding signage is permitted at the rate of one (1) square foot for each lineal foot of building frontage on address side, not to exceed one hundred (100) square foot.
 - 2. Signage permitted shall include the changeable copy signs.

Freestanding Elevated Height Exceptions: A business building located totally within five hundred (500) feet of the nearest edge of the intersection of an expressway and local street (not including ramps) shall be permitted one (1) freestanding sign not to exceed sixteen (16) feet above the highest point of the expressway roadbed at the intersection.

Where a ground sign is installed in lieu of an elevated sign, the applicant shall be entitled to an additional 32 SF of signage as follows (Ord 2002-03):

- a. One additional wall sign up to 32 SF.
- b. 32 SF may be distributed among any or all permitted permanent wall signs, no wall sign shall exceed 82 SF.
- c. Total aggregate for permanent signs as allowed in 11.11.A may be increased to 232 SF.

Chart 11.11a SIGNAGE ALLOTMENT - BUSINESS

PERMANENT SIGNAGE PERMIT REQUIRED	MAX. AREA PER SIGN (SQ. FT.)	MAX. HEIGHT (LINEAR FT.)	MAXIMUM PROJECTION (INCHES)	MIN. HEIGHT (LINEAR FT.)
ATTACHED WALL	50	↑	3	N/R
PROJECTED WALL	50	↑	15	8
PROJECTED	50	↑	48	8
AWNING/CANOPY	25	↑	48	8
MARQUEE (BOTH SIDES)	12	↑	48	8
SUSPENDED	15	↑	N/R	8
SUBDIVISION / APARTMENTS / CONDOMINIUM I.D.				
FREESTANDING ELEVATED	100	16	3	N/R
FREESTANDING GROUND	100	6	3	Ground
MESSAGE CENTER	100	18	3	N/R
BILLBOARD				
PERMANENT SIGNAGE NO PERMIT IDENTIFICATION/INFORMAL SIGNAGE				
COURTESY	4	6	3	N/R
DIRECTIONAL	4	6	3	N/R
IDENTIFICATION	2	6	3	N/R
PUBLIC AGENCY	2	6	3	N/R
PUBLIC INTEREST	4	6	3	N/R

Shaded = Not Permitted

N/R = Not Regulated

↑ = Height of wall or 5' below eave, maximum 25'.

Chart 11.11b SIGNAGE ALLOTMENT - BUSINESS

TEMPORARY SIGNAGE PERMIT REQUIRED	MAX. AREA PER SIGN (SQ. FT.)	MAX. HEIGHT (LINEAR FT.)	MAX. PROJECTION (INCHES)	MIN. HEIGHT (LINEAR FT.)
A-FRAME SANDWICH BOARD	6	4	N/R	N/R
AIR/GAS INFLATABLE				
BANNER	40	WALL HEIGHT	N/R	8
BEACON/SEARCH (PERMITTED)	N/R	10	N/R	N/R
TRAILERS/CART W/WO WHEELS	32	4	3	N/R
WIND SIGNS	40	15	N/R	N/R
TEMPORARY SIGNAGE - NO PERMIT				
COMMODITY PREMISES GROWN				
CONSTRUCTION	16	6	N/R	N/R
CONSTRUCTION DEVELOP. I.D.	32	8	N/R	N/R
GARAGE/YARD SALE	4	6	N/R	N/R
GRAND OPENING	16	6	N/R	N/R
MODEL HOME				
NEW BUSINESS/OWNER	16	6	N/R	N/R
NO TRESPASSING/HUNTING	2	6	N/R	N/R
POLITICAL	16	6	N/R	N/R
REAL ESTATE	16	6	N/R	N/R
RENTAL/LEASE	16	6	N/R	N/R
WINDOW SIGNS	10% of Address Window	Window	N/R	N/R

Shaded = Not Permitted

N/R = Not Regulated

↑ = Height of wall or 5' below eave, maximum 25'.

11.12 SIGNAGE ALLOTMENT - INDUSTRIAL DISTRICT

I-1 Light Industrial

I-2 General Industrial

SPECIAL INSTRUCTIONS:

- A. Total maximum sign area not to exceed 100 square feet of permanent signage - **permit only**. (See chart).
- B. Total number of signs permitted address side of permanent signage - permit only - two (2):
 - 1.. Wall - two (2) **or**
 - 2. Freestanding - one (1) and one (1) Wall.
- C. Side setback - minimum 30; front setback - minimum of 10' to road right-of-way.
- D. Illumination: Direct and Internal permitted.
- E. Additional signs permitted: Identification- one (1) per building, Courtesy and Directional - aggregate signs not to exceed twelve (12) square feet. Public Agency, No Trespassing/Hunting, Garage/Yard Sale no limit.
- F. Sign Allotments
 - 1. Wall signs: Attached and projected signs, for single industries will be permitted the rate of one (1) square foot for each lineal foot of building frontage on address side, not to exceed forty (40) square feet.
 - 2. Freestanding ground sign for a single business and integrated businesses will be permitted signage at the rate of one (1) square foot of building frontage, address side, not to exceed forty (40) square feet.
- G. Sign Area Exceptions:
 - 1. Corner lots shall be considered to have two front faces. An additional fifty (50%) percent of the attached address frontage wall sign allotment will be permitted for the non-address side of the business. Sign allotment is not transferable.
 - 2. Where a public entrance to the building establishment is also provided at the rear or side of the building from an adjoining off street parking area, one (1) additional attached wall sign will be permitted. The additional signage shall be included in the total allowable square feet for attached wall signs for the frontage address.
 - 3. Industrial Park Identification Sign: Industrial Park shall be permitted one (1) freestanding ground sign. Maximum of sixty (60) square feet shall include the name of the Industrial Park. The sign shall be located at or near the entrance to the park.

Chart 11.12a SIGNAGE ALLOTMENT - INDUSTRIAL

PERMANENT SIGNAGE PERMIT REQUIRED	MAX. AREA PER SIGN (SQ. FT.)	MAX. HEIGHT (LINEAR FT.)	MAXIMUM PROJECTION (INCHES)	MIN. HEIGHT (LINEAR FT.)
ATTACHED WALL	60	↑↑	3	N/R
PROJECTED WALL	60	↑↑	3	8
PROJECTED				
AWNING/CANOPY	0	↑↑	48	8
MARQUEE				
SUSPENDED				
SUBDIVISION / APARTMENTS / CONDOMINIUM I.D.				
FREESTANDING ELEVATED				
FREESTANDING GROUND	60	6	3	Ground
MESSAGE CENTER				
BILLBOARD	300	25	3	10
PERMANENT SIGNAGE NO PERMIT IDENTIFICATION/INFORMAL SIGNAGE				
COURTESY	2	6	3	N/R
DIRECTIONAL	2	6	3	N/R
IDENTIFICATION	2	6	3	N/R
PUBLIC AGENCY	2	6	3	N/R
PUBLIC INTEREST	4	6	3	N/R

Shaded = Not Permitted

N/R = Not Regulated

↑↑ = Height of wall or 5' below eave, maximum 25'.

Chart 11.12b SIGNAGE ALLOTMENT - INDUSTRIAL

TEMPORARY SIGNAGE PERMIT REQUIRED	MAX. AREA PER SIGN (SQ. FT.)	MAX. HEIGHT (LINEAR FT.)	MAXIMUM PROJECTION (INCHES)	MIN. HEIGHT (LINEAR FT.)
A-FRAME SANDWICH BOARD				
AIR/GAS INFLATABLE				
BANNER				
BEACON/SEARCH (PERMITTED)				
TRAILERS/CART W/VO WHEELS				
WIND SIGNS - PERMITTED				
TEMPORARY SIGNAGE - NO PERMIT				
COMMODITY PREMISES GROWN				
CONSTRUCTION	16	6	N/R	N/R
SUBDIVISION / APARTMENTS / CONDOMINIUM I.D.	32	6	N/R	N/R
GARAGE/YARD SALE				
GRAND OPENING	16	6	N/R	N/R
MODEL HOME			N/R	N/R
NEW BUSINESS/OWNER	16	6	N/R	N/R
NO TRESPASSING/HUNTING	2	6	N/R	N/R
POLITICAL	16	6	N/R	N/R
REAL ESTATE	16	6	N/R	N/R
RENTAL/LEASE	16	6	N/R	N/R
WINDOW SIGNS	10% of Address Window	Window	N/R	N/R

Shaded = Not Permitted

N/R = Not Regulated

↑ = Height of wall or 5' below eave, maximum 25'.

11.13 SIGNAGE ALLOTMENT – OFFICE SERVICE DISTRICTS

OS-Office Service

SPECIAL INSTRUCTIONS:

- A. Total maximum aggregate sign area not to exceed 100 square feet permanent signage - permit only. (See chart).
- B. Total number of wall and freestanding signs -Three (3):
 - 1. Wall - Two (2) on address side of building only
 - 2. Freestanding ground sign - One (1).
- A. Side Setback - minimum 20'; Front Setback - minimum of 10' to road right-of-way.
- B. Illumination: Internal permitted for free standing ground sign only, wall sign illumination not permitted.
- C. Additional signs permitted: Identification- one (1) per building, Courtesy and Directional - aggregate signs not to exceed twelve (12) square feet. Public Agency, No Trespassing/Hunting, Garage/Yard Sale no limit.
- D. Sign area exceptions:
 - 1. Building on a corner lot shall be considered to have two (2) front faces. An additional fifty percent (50%) of the attached address frontage wall sign allotment shall be permitted for the non-address side of the building. Sign allotment is not transferable.
 - 2. Where a public entrance to the office building is also provided at the rear or side of the building from an adjoining off street parking area, one (1) additional attached wall sign will be permitted indicating the public entrance.

Sign allotments

- 1. in a Single tenant office building
 - a. Wall Signage: Wall signage is permitted at the rate of one (1) square foot for each lineal foot of building width, length, or height, which ever is greater on the address side, not to exceed 25 square feet per wall sign. Total signage not to exceed one fifty (50) square feet.
 - b. Freestanding Signage
 - 1. Freestanding signage is permitted at the rate of one (1) square foot for each lineal foot of building frontage on address side, not to exceed fifty (50) square feet.
 - 2. Building with forty (40) lineal feet or less of front footage, address side, are permitted a maximum of forty (40) square feet.

2 Sign Allotment - (Multiple Tennant office buildings).

a. Integrated Groups - Wall Signage: Wall signage is permitted at the rate of one (1) square foot of signage for each lineal foot of building frontage, width or height, whichever is greater each user occupies on the address side. Signage not to exceed one twenty five (25) square feet per tenant. Square footage is not transferable from one tenant to another, or from unoccupied to occupied suits.

b. Integrated Groups - Freestanding

1. Freestanding signage is permitted at the rate of one (1) square foot of signage for each lineal foot of the TOTAL building frontage, on the address side, not to exceed seventy five (75) square feet.
2. Ground signs only.

Chart 11.13a SIGNAGE ALLOTMENT – OFFICE SERVICE

PERMANENT SIGNAGE PERMIT REQUIRED	MAX. AREA PER SIGN (SQ. FT.)	MAX. HEIGHT (LINEAR FT.)	MAXIMUM PROJECTION (INCHES)	MIN. HEIGHT (LINEAR FT.)
ATTACHED WALL	25	↑	3	N/R
PROJECTED WALL	25	↑	15	8
PROJECTED	25	↑	48	8
AWNING/CANOPY	25	↑	48	8
MARQUEE (BOTH SIDES)				
SUSPENDED				
SUBDIVISION / APARTMENTS / CONDOMINIUM I.D.				
FREESTANDING ELEVATED				
FREESTANDING GROUND	50	6	3	Ground
MESSAGE CENTER				
BILLBOARD				
PERMANENT SIGNAGE NO PERMIT				
IDENTIFICATION/INFORMAL SIGNAGE				
COURTESY	4	6	3	N/R
DIRECTIONAL	4	6	3	N/R
IDENTIFICATION	2	6	3	N/R
PUBLIC AGENCY	2	6	3	N/R
PUBLIC INTEREST	4	6	3	N/R

Shaded = Not Permitted

N/R = Not Regulated

↑ = Height of wall or 5' below eave, maximum 25'.

Chart 11.13b SIGNAGE ALLOTMENT – OFFICE SERVICE

TEMPORARY SIGNAGE PERMIT REQUIRED	MAX. AREA PER SIGN (SQ. FT.)	MAX. HEIGHT (LINEAR FT.)	MAX. PROJECTION (INCHES)	MIN. HEIGHT (LINEAR FT.)
A-FRAME SANDWICH BOARD	6	4	N/R	N/R
AIR/GAS INFLATABLE				
BANNER				
BEACON/SEARCH (PERMITTED)				
TRAILERS/CART W/WO WHEELS	32	4	3	N/R
WIND SIGNS	40	15	N/R	N/R
TEMPORARY SIGNAGE - NO PERMIT				
COMMODITY PREMISES GROWN				
CONSTRUCTION	16	6	N/R	N/R
CONSTRUCTION DEVELOP. I.D.	32	8	N/R	N/R
GARAGE/YARD SALE	4	6	N/R	N/R
GRAND OPENING	16	6	N/R	N/R
MODEL HOME				
NEW BUSINESS/OWNER	16	6	N/R	N/R
NO TRESPASSING/HUNTING	2	6	N/R	N/R
POLITICAL	16	6	N/R	N/R
REAL ESTATE	16	6	N/R	N/R
RENTAL/LEASE	16	6	N/R	N/R
WINDOW SIGNS	10% of Address Window	Window	N/R	N/R

Shaded = Not Permitted

N/R = Not Regulated

↑ = Height of wall or 5' below eave, maximum 25'.

SECTION 12 SITE PLAN REVIEW

12.1 USES REQUIRING SITE PLAN APPROVAL

The following uses require site plan approval by the Planning Commission:

- A. All special land uses.
- B. All commercial or industrial uses.
- C. Multiple-family housing and mobile home parks.
- D. Parking areas containing twenty (20) or more parking spaces.
- E. Parks and recreational areas (non-municipal).
- F. Site condominium subdivisions.
- G. Any road, drive ally, curb opening, or other such permanent site improvement. (ORD 1998-1)
- H: Additional Site Plan Review standards for Utility Grid Wind Energy System, On-site Use Wind Energy System over 65 feet high, and Anemometer Towers over 65 feet high. See Section 30.4.AC

12.2 SITE PLAN REQUIREMENTS (AMENDED, 1996-6 ORDINANCE)

Each site plan submitted shall contain the following information, unless specifically waived by the Planning Commission, in whole or in part:

- A. The date, north arrow and scale. The scale shall be not less than 1"=20' for property under three (3) acres and not more than 1"=40' for property greater than three acres.
- B. All lot and/or property lines are to be shown and dimensioned, including building setback lines on corner lots.
- C. The location and dimensions of all existing and proposed drives, sidewalks, curb openings, acceleration/deceleration lanes, signs, exterior lighting on buildings and parking lots, parking areas, handicapped parking spaces, barrier-free building access, unloading areas, recreation areas, common use areas, and areas to be conveyed for public use and purpose.
- D. Elevation of building front, side, and back. Sign size, height, and design.
- E. Storm water management plan approval prior to application.
- F. Source of utilities approval by Union Township Utility Committee prior to application.

- G. All curb cuts, acceleration/deceleration lanes, additional drives, and other matters pertaining to roads to be approved by MDOT or Isabella County Road Commission prior to application.
- H. All dumpsters shall be screened from public view with an opaque fence or wall no less than six feet in height.
- I. The location and right-of-way width of all abutting roads, streets, alleys and easements.
- J. The name and address of the property owner and petitioner.
- K. A locational sketch drawn to scale giving the section number and the nearest crossroads.
- L. The zoning of the subject property and the abutting properties.
- M. The location, height and type of fences and walls.
- N. The location and detailed description of landscaping.
- O. For multiple family and mobile home parks, contour intervals shall be shown (two foot intervals for average slopes ten percent and under and five foot intervals for slopes over ten percent). Topography, however, is encouraged to be shown on all site plans.
- P. The location of all existing and proposed structures on and within one hundred feet of the subject property's boundary.
- Q For apartments, provide a count of bedrooms per building and total count of bedrooms for the project. (Ord 2006-05)

12.3 REVIEW PROCEDURE (AMENDED, 1996-16 ORDINANCE)

The proposed site plan shall be submitted in ten copies to the Zoning Official at least fourteen (14) days ,(Ord. 2004-01) before the regular scheduled meeting. The Zoning Official shall keep one copy of the proposed site plan and deliver nine copies of the proposed site plan to the Planning Commission. The Planning Commission shall study the site plan and shall, within sixty days of its submittal to the Zoning Official, either approve or disapprove the proposed site plan. If the site plan is disapproved, the reasons for disapproval shall be stated. Upon approval of a site plan, at least two copies of the site plan as finally approved shall be signed and dated by the Secretary of the Planning Commission. One copy of the signed site plan shall be kept on file with the Zoning Official and the other returned to the applicant.

12.4 STANDARDS FOR REVIEW

In reviewing a site plan, the Planning Commission shall determine whether the applicant has established that the site plan is consistent with this Ordinance, all other Township Ordinances, and in accordance with the adopted plan of the Township and more specifically:

- A. That the movement of vehicular and pedestrian traffic within the site and in relation to access streets will be safe and convenient.

B. That the site plan is harmonious with, and not injurious or objectionable to, existing and projected uses in the immediate area.

C. That the site plan shows the use and will be adequately served by necessary improvements, including but not limited to sewage collection and treatment, potable water supply, storm drainage, lighting, roads and parking. All new commercial construction shall connect to and use the Township potable water supply where such supply is available to the premises. Available means within two hundred (200) feet of the property line.

D. That the site plan is adequate to provide for the health, safety and general welfare of the persons and property on the site and in the neighboring community.

E. The planning commission may authorize the Secretary of the Planning Commission to approve site plans if it is determined that the development meets all established criteria and is recommended for approval by the Zoning Administrator. Site plans for use which require a special use permit must be approved by the Planning Commission. The Planning Commission shall establish guidelines by which this authorization may be granted. The Secretary shall provide subsequent reports to the Planning Commission on these approvals. (Ord. 1998-1)

12.5 REGULATIONS

A. No grading, removal of trees or other vegetation, land filling, or construction of improvements shall commence for any development that requires a site plan approval until an approved site plan has been signed by the Secretary of the Planning Commission.

B. The Zoning Official shall not issue a Zoning Permit for any use requiring site plan approval until an approved site plan has been signed by the Secretary of the Planning Commission.

C. The building Inspector shall not issue a Building Permit for any use requiring site plan approval until an approved site plan has been signed by the Secretary of the Planning Commission

D. Approval for site plans shall expire after one year from the date of approval, unless a building permit has been issued and construction has commenced.

SECTION 13 AGRICULTURAL (AG) DISTRICT

13.1 DESCRIPTION AND PURPOSE

This Zoning Ordinance is intended for large lots or tracts of land used as a farm as defined in Section 3.29. It is not intended for any use except agricultural, low density single-family residential use, and other specialized rural uses requiring large tracts of land. This restriction is necessary to prevent development from proceeding without planning. If development and subdividing are to occur, they should be preceded by appropriate planning and rezoning.

13.2 PERMITTED USES (F, NO. 16, NEW; 1992-6 ORDINANCE)

- A. Land in the AG District may be used for the following purposes only.
- B. A one-family dwelling on a farm, as defined in Section 3.29
- C. A one-family dwelling on a lot not defined as a farm.
- D. Family Day Care
- E. Customary agricultural operations.
- F. Family day-care homes.
- G. Roadside stands selling products by the owner of the property upon which the stand is located.
- H. (New Or 2011-03) Accessory buildings and uses in conformity with Section 8 that are customarily incidental to the above permitted uses, provided accessory buildings and uses shall not be used for commercial or industrial purposes, including, but not limited to, retail, manufacture or storage activities.
- I. Special uses: The following uses may be permitted in AG Districts when all requirements, condition and procedures of Section 30 of this Ordinance are complied with:
 - 1. [Airports, public or private.](#)
 - 2. [Campgrounds or recreation grounds.](#)
 - 3. [Cemeteries](#), public or private, including mausoleums.
 - 4. [Communication towers.](#)
 - 5. [Conservation areas](#), public or private.
 - 6. [Country clubs and golf courses.](#)
 - 7. [Filling stations.](#)
 - 8. [Group day-care homes.](#)
 - 9. [Hunting clubs or gun clubs.](#)
 - 10. [Public and institutional uses.](#)

11. [Race tracks.](#)
12. [Sand and gravel pits.](#)
13. [Second living quarters on a farm.](#)
14. [State licensed residential facilities.](#)
15. [Veterinarian services.](#)
16. Landscaping services.
17. Utility Grid Wind Energy Systems. See Section 30.4.AC
18. Boarding Kennels. (New Ord 98-11)
19. Rooming or Boarding Dwelling, Single Unit. See Section 30.4.AE. (New Ord 13-04)

13.3 REQUIRED CONDITIONS

Lot, Yard, and area Requirements: Except as elsewhere specified herein, the requirements shall be as specified in [Section 21](#).

SECTION 14 R-1 RURAL-RESIDENTIAL DISTRICT

14.1 DESCRIPTION AND PURPOSE

This District is intended for rural residential homes and customary farming activities. The intent of this District is to maintain the rural residential atmosphere of the community with large lots and low-density uses. It is designed for a mix of low-density residential uses and agricultural areas.

14.2 USE REGULATIONS

Land and/or buildings in the R-1 Zone may be used for the following purposes only:

- A. A one-family dwelling on a farm, as defined in Section 3.29, associated with farming or the farming activity.
- B. A one-family dwelling on each lot not defined as a farm.
- C. Customary agricultural operations.
- D. Family day-care.
- E. **(New Or 2011-03)** Accessory buildings and uses in conformity with Section 8 that are customarily incidental to the above permitted uses, provided accessory buildings and uses shall not be used for commercial or industrial purposes, including, but not limited to, retail, manufacture or storage activities.
- F. Special Uses: The following special uses may be permitted in this District when all requirements, condition, and procedures of Section 30 are complied with:
 - 1. [Country clubs and golf courses.](#)
 - 2. [Group day-care homes.](#)
 - 3. [Public and institutional uses.](#)
 - 4. Utility Grid Wind Energy Systems. See Section 30.4.AC
 - 5. Rooming or Boarding Dwelling, Single Unit. See Section 30.4.AE. (New Ord 13-04)

14.3 REQUIRED CONDITIONS

Lot, Yard, and Area Requirements: Except as elsewhere specified herein, the requirements shall be as specified in [Section 21](#).

SECTION 15 R-2A ONE- AND TWO-FAMILY, LOW-DENSITY RESIDENTIAL DISTRICT

15.1 DESCRIPTION AND PURPOSE

This District is intended for single- and two-family residential homes together with required recreational, religious and educational facilities. The intent is to provide for an environment of predominantly low-density residential dwellings along with related facilities that serve the residents of the District. This District is intended to be served by public sewer and water.

15.2 PERMITTED USES

Land or building within all R-2 Districts may be used for the following purposes only.

A. One-family dwellings.

B. Two-family dwellings.

C. Family day-care homes.

D. **(New Ord 2011-03)** Accessory buildings and uses in conformity with Section 8 that are customarily incidental to the above permitted uses, provided accessory buildings and uses shall not be used for commercial or industrial purposes, including, but not limited to, retail, manufacture or storage activities.

E. Special Uses: The following special uses may be permitted in this District when all requirements, conditions and procedures of Section 30 are complied with:

1. [Country clubs and golf courses.](#)
2. [Group day-care homes.](#)
3. [Planned unit developments.](#)
4. [Public and institutional uses.](#)
5. Rooming Dwelling, One or Two Unit. See Section 30.4.AE. (New Ord 13-04)

15.3 REQUIRED CONDITIONS

Lot, Yard, and Area Requirements: Except as elsewhere specified herein, the requirements shall be as specified in [Section 21](#).

SECTION 16 R-2B ONE- AND TWO-FAMILY, MEDIUM-DENSITY RESIDENTIAL DISTRICT

16.1 DESCRIPTION AND PURPOSE

This District is intended for single- and two-family residential homes together with required recreational, religious and educational facilities. The intent is to provide for an environment of predominantly medium-density residential dwellings on smaller lot sizes than are required in the Low Density Residential District. This District is required to be served by public sewer and water.

16.2 PERMITTED USES

Land or building within all R-2B Districts may be used for the following purposes only:

A. One-family dwellings.

B. Two-family dwellings.

C. Family day-care homes.

D. **(New Or 2011-03)** Accessory buildings and uses in conformity with Section 8 that are customarily incidental to the above permitted uses, provided accessory buildings and uses shall not be used for commercial or industrial purposes, including, but not limited to, retail, manufacture or storage activities.

E. Special Uses: The following special uses may be permitted in this District when all requirements, conditions and procedures of Section 30 are complied with:

1. [Country clubs and golf courses.](#)
2. [Group day-care homes.](#)
3. [Planned unit developments.](#)
4. [Public and institutional uses.](#)
5. Rooming Dwelling, One or Two Unit. See Section 30.4.AE. (New Ord 13-04)

16.3 REQUIRED CONDITIONS

A. All dwellings shall be served by public sewers.

B. Lot, Yard, and Area Requirements: Except as elsewhere specified herein, the requirements shall be as specified in [Section 21](#).

SECTION 17 R-3A MULTIPLE-FAMILY RESIDENTIAL DISTRICT

17.1 DESCRIPTION AND PURPOSE

This District is designed to provide well located and properly developed areas to accommodate those residents who desire to reside in multiple-family dwellings such as apartments. It is designed for high density use of land in areas where municipal utilities are available.

17.2 PERMITTED USES (A, AMENDED; C, NO. 5, NEW; C, NO. 6, NEW; 1995-6 ORDINANCE)

Land or buildings in the R-3 District may be used for the following purposes only:

A. Multiple-family dwellings of four or less units.

B. Family day-care homes.

C. **(New Or 2011-03)** Accessory buildings and uses in conformity with Section 8 that are customarily incidental to the above permitted uses, provided accessory buildings and uses shall not be used for commercial or industrial purposes, including, but not limited to, retail, manufacture or storage activities.

D. Special Uses: The following special uses may be permitted in this District when all requirements, conditions and procedures of Section 30 are complied with:

1. [Country clubs and golf courses.](#)
2. [Group day-care homes.](#)
3. [Planned unit developments.](#)
4. [Public and institutional uses.](#)
5. [Society, fraternity, sorority, association, federation lodge, organization,](#) or any other group whose domestic relationships is of a transitional or seasonal nature or for an anticipated limited duration of three (3) or more unrelated persons.
6. [Multiple-family dwellings of five or more units.](#)
7. **(New Or 2011-03)** [Marihuana Club](#)

17.3 REQUIRED CONDITIONS

A. All multiple-family dwellings shall be served by public sewers.

B. Lot, Yard, and Area Requirements: Except as elsewhere specified herein, the requirements shall be as specified in [Section 21](#).

SECTION 18 R-3B MEDIUM DENSITY MULTIPLE-FAMILY RESIDENTIAL DISTRICT (Addition Ordinance 2004-01)

18.1 DESCRIPTION AND PURPOSE

This District is designed to provide well-located and properly developed areas to accommodate those residents who desire to reside in multiple-family dwellings, such as condominiums. It is designed for medium density use of land in areas where municipal utilities are available.

18.2 PERMITTED USES

Land or buildings in the R-3 District may be used for the following purposes only:

- A. Multiple-family dwellings of four or less units.
- B. Family day-care homes.
- C. **(New Or 2011-03)** Accessory buildings and uses in conformity with Section 8 that are customarily incidental to the above permitted uses, provided accessory buildings and uses shall not be used for commercial or industrial purposes, including, but not limited to, retail, manufacture or storage activities.
- D. Special Uses: The following special uses may be permitted in this District when all requirements, conditions and procedures of Section 30 are complied with:
 - 1. [Country clubs and golf courses.](#)
 - 2. [Group day-care homes.](#)
 - 3. [Planned unit developments.](#)
 - 4. [Public and institutional uses.](#)
 - 5. [Society, fraternity, sorority, association, federation lodge, organization,](#) or any other group whose domestic relationships is of a transitional or seasonal nature or for an anticipated limited duration of three (3) or more unrelated persons.
 - 6. [Multiple-family dwellings of five or more units.](#)
 - 7. Marihuana Club

18.3 REQUIRED CONDITIONS

All multiple-family dwellings shall be served by public utilities.

- A. Lot, Yard, and Area Requirements: Except as elsewhere specified herein, the requirements shall be as specified in [Section 21](#).

SECTION 19 R-4 MOBILE HOME PARK DISTRICT

19.1 DESCRIPTION AND PURPOSE

A. This District is designed to provide well located and properly developed areas to accommodate those residents who desire to reside in less conventional type dwellings such as mobile homes. It is designed for high density residential use of land in areas where municipal type sewers are available.

B. The area zoned for this purpose should be able to accommodate the increased traffic generated from the development, be suitable for residential use and be located so as not to impede other more conventional residential developments in the vicinity.

19.2 PERMITTED USES

Land or buildings in the R-4 zone shall be used for the following purposes only:

A. Mobile home parks, provided that the following conditions are met.

1. All mobile home parks shall conform to the standards specified in Act 96 of the Public Acts of 1987, as amended; the Mobile Home Commission Rules, March 1987, as amended; and the Department of Public Health, Bureau of Environmental and Occupational Health, Mobile Home Parks and Seasonal Mobile Home Parks Health Standards May 26, 1984, as amended.
2. All mobile home shall be skirted within ninety (90) days of placement within the mobile home park and must meet the standards of Act 96 of the Public Acts of 1987, as amended.
3. All mobile homes shall be anchored when installed in a mobile home park with only those systems that are approved by Act 96 of the Public Acts of 1987, as amended.
4. Mobile homes, permanent buildings and facilities, and other structures shall not be located closer than ten (10) feet from the property boundary line. If said structures abut a public right-of-way, they shall not be closer than fifty (50) feet from the boundary line, except that if the boundary line runs through the center of the public road, the fifty (50) feet shall be measured from the road right-of-way.
5. Mobile home parks shall be landscaped as follows:
 - a) If the Mobile home park abuts an existing residential development, the park shall be required to provide screening along the park boundary abutting the residential development.
 - b) If the park abuts a nonresidential development, the park need not provide screening.
 - c) In all cases, however, a park shall provide screening along the park boundary abutting a public right-of-way.
6. The landscaping shall consists of evergreen trees or shrubs of a minimum three (3) feet in height that are spaced so they provide a continuous screen within three (3) years. Alternative screening devices may be utilized if they conceal the mobile home park as effectively as the required landscaping described above.

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

8. All public and private utilities shall be stored underground.

9. A preliminary plan shall be submitted to the Township for preliminary approval. The preliminary plan shall include the location, layout, general design, and a general description of the project.

B. (New Or 2011-03) Accessory buildings and uses in conformity with Section 8 that are customarily incidental to the above permitted uses, provided accessory buildings and uses shall not be used for commercial or industrial purposes, including, but not limited to, retail, manufacture or storage activities.

SECTION 20 R-5 MOBILE OR MODULAR HOME DISTRICT

20.1 DESCRIPTION AND PURPOSE

This zone is designed to provide areas to meet the needs of single wide mobile homes. It is intended to provide areas that are economical to both the developer and owner but still meet the physical needs of the residents who are required to have private ownership of both their land and trailer. It is designed for high-density residential use of land in areas where municipal type sewers are available and there is a minimum of twenty-five (25) lots.

20.2 PERMITTED USES

Land or buildings in the R-5 zone shall be used for the following purposes only:

- A. Single-wide and double-wide one-family mobile or modular dwellings.
- B. Those uses and requirements stipulated within Section 8, General Provisions.
- C. No dwelling may be erected or occupied unless it is located in a platted subdivision containing at least twenty-five (25) lots, and is provided with municipal sewer.
- D. **(New Or 2011-03)** Accessory buildings and uses in conformity with Section 8 that are customarily incidental to the above permitted uses, provided accessory buildings and uses shall not be used for commercial or industrial purposes, including, but not limited to, retail, manufacture or storage activities.
- E. Special Uses Permitted: None.

20.3 REQUIRED CONDITIONS

- A. All dwellings shall be served by public sewers.
- B. Lot, Yard, and Area Requirements: Except as elsewhere specified herein, the requirements shall be as specified in [Section 21](#).

**SECTION 21 REQUIRED CONDITIONS FOR
AG, R-1, R-2A, R-2B, R-3A, R3B, R-4, AND R-5 DISTRICTS**

(Amended, 1993-8 Ordinance, 2004-01 Ordinance added R3B)

PRINCIPAL STRUCTURES	AG	R-1	R-2A	R-2B	R-3A	R-3B	R-4	R-5
Minimum Lot Width	165	150					N/A	55
Single Family			100 (A)	70				
Two Family			120 (A)	90				
Maximum Lot Depth	(H)							
Minimum Lot Depth	165							
Minimum Lot Area	43,560	43,560			(G)	(G)	N/A	6,000
Single Family			14,000 (A)	8,400				N/A
Two Family			17,000 (A)	10,800				N/A
Maximum Building Height (Feet)	35 (C)	35 (C)	35	35	35 (F)	35 (F)	N/A	35
Minimum Floor Area								
Per Dwelling (Unit Square Feet) (B)								
Single Family								
Two Family	800	1,000	600 750	500 650	500	500	500	500
Minimum Dwelling Width (Feet)	14	18	18	18	N/A	N/A	N/A	12
Minimum Front Yard Setback (Feet) (I)	50	50	35	30	35	35	N/A	25
Minimum Side Yard (Feet) (E)	(D)	(D)	10	6	30	30	N/A	6
Minimum Rear Yard (Feet)	50	50	35	30	25	25	N/A	15
Municipal Sewer Required	NO	NO	NO	YES	YES	YES	YES	YES

FOOTNOTES - SECTION 21

A. The minimum lot frontage and lot area for lots having municipal sewer may be reduced to the following requirements:

1. One-Family Unit

Lot Frontage width: 80 feet.

Lot Area: 12,000 square feet.

2. Two-Family Unit

Lot Frontage Width: 100 feet.

Lot Area: 15,000 square feet.

B. Minimum floor area excludes porches, garages, basements, or utility areas. For each additional bedroom add one hundred (100) square feet.

C. No building or structure shall exceed a height of two and one-half (2-1/2) stories or thirty-five (35) feet, except that silos, elevators, barns, and other structures customarily necessary to farming may be increased not to exceed a maximum height of ninety-nine (99) feet; provided that any required yard shall be increased by one (1) foot for each foot in height the structure exceeds thirty-five (35) feet.

D. For one-family dwellings there shall be two (2) side yards. No side yard shall be less than ten (10) percent of the required lot width. For all other uses there shall be two (2) side yards with no side yard less than thirty (30) feet.

E. Side yards on a street shall meet front yard requirements.

F. No building or structure shall exceed a height of thirty-five (35) feet, except apartments may be increased not to exceed a maximum height of seventy (70) feet; provided that any required yard shall be increased by one (1) foot for each in height the structure exceeds thirty-five (35) feet.

G. Multi Family

Required Ground Area (SF) Per Unit, Multi-Family No. of Units	R3A	R3B
3 and 4	4,000	9,400
5 and 6	3,600	9,000
7 to 24	3,200	8,600
25 or more	2,900	8,300

H. The depth of the lot shall not exceed four (4) times the lot width as measured at the front building.

I. See Section 8.40, Urban Overlay Zone for areas with increased setbacks.

SECTION 22 B-4 GENERAL BUSINESS DISTRICT

22.1 DESCRIPTION AND PURPOSE

This District is composed of certain land and structures used to provide the widest variety and highest concentration of retail and service establishments within the Township. When any of these types of enterprises are permitted, they are to be regulated in a manner that will protect the abutting residential Districts.

22.2 PERMITTED USES (R, NO. 7, NEW; 1991-16 ORDINANCE)

A. Generally recognized retail businesses that supply commodities on the premises such as but not limited to groceries, meats, dairy products, baked goods, and rugs, dry goods, clothing and notions, hardware, furniture and household furnishings, radio and television sales, shoe sales and repair, variety store, antiques, automotive supply parts and accessories, jewelry stores, florist and gift shops, fruit and vegetable markets, garden and lawn supply stores, camera and photo supplies, luggage, camping supplies and equipment, musical instruments, office supplies, paint, wallpaper, and floor coverings.

B. Personal service establishments that perform services on the premises such as but not limited to repair shops (watches, radio, television, shoe), tailor shops, beauty parlors, barber shops, photographic studios, self-service laundries, dry cleaners, locksmiths, office machines sales and service, and travel agencies.

C. Office buildings for any of the following occupations or services such as but not limited to executive, administrative, professional, accounting, writing, clerical, drafting, printing and publishing, employment agency, government offices.

D. Establishments that perform services on the premises such as but not limited to banks, loan companies, insurance offices, and real estate offices.

E. Professional services such as but not limited to offices of doctors, dentists, osteopaths, optometrists, and similar or allied professions, including clinics.

F. Restaurants or other places serving food or beverage, excluding drive-ins.

G. Theaters, assembly halls, concert halls, or similar places of assembly when conducted completely within closed buildings.

H. Bowling alley, billiard hall, indoor archery range, indoor tennis courts, indoor skating rink, or similar forms of indoor commercial recreation when located at least one hundred (100) feet from any front, rear, or side yard of any residential lot in an adjacent residential District.

I. Private clubs, fraternal organizations, and lodge halls.

J. Business schools, colleges, and private schools operated for profit.

K. Auto wash when completely or partially enclosed in a building.

- L. Bus, train, and other forms of transportation systems, passenger stations.
- M. Automobile repair shop or garage if all operations are conducted in an enclosed building.
- N. Hotels and motels.
- O. Churches.
- P. Child-care centers.
- Q. Any retail business whose principal activity is the sale of merchandise in an enclosed building, requiring a license.

R. Marihuana Club, provided the following requirements are met. **(New Or 2011-03)**

1. The Marihuana Clubs are located only in R3-A, R3-B districts by special use permit and in B-4, B-5, B-6, or B-7 Districts by zoning permit.
2. State Law. A Marihuana Club shall at all times comply with the Michigan Medical Marihuana Act, MCL 333.26421 et seq and the Administrative Rules of the Michigan Department of Community Health, as they may be amended from time to time.
3. Zoning Permit Required. A zoning permit must be obtained for a specific site before a Marihuana Club is operated in the Charter Township of Union.
4. Inspections. Quarterly inspections shall be made by the Township to confirm the Marihuana Club is operating in accordance with applicable laws.
5. Standards and Review of Zoning Permit. The Zoning Official shall review each application for a zoning permit for a Marihuana Club and shall grant or deny the permit based on the Zoning Ordinance requirements for Marihuana Clubs. A denial can be appealed to the Zoning Board of Appeals, which shall hear and decide the appeal or request for a variance within 45 days, and thereafter the applicant can appeal to the circuit court.
6. Not Transferable. Permits are not transferrable and shall only apply to the specific site approved.
7. Activity on Site. There shall be no transfer, deliver, acquisition, sale, cultivation, manufacture or ingestion, smoking or other consumption, of controlled substances, including marihuana, on the site.
8. Dwelling Units. A Marihuana Club shall not be located on the same parcel as a dwelling unit.
9. Drive thru. Drive thru facilities are prohibited on a Marihuana Club site.
10. Dispersal and Spacing. The parcel on which a Marihuana Club is located shall be situated at least one thousand (1000) feet from the parcel on which another Marihuana Club is located, as measured between property lines.

A Marihuana Club shall be situated at least five hundred (500) feet from a parcel on which a church, house of worship, school, licensed day care, community center or public park is located as measured between property lines. For purposes of this section a school shall be any public or private institution of learning, elementary through secondary (k-12) and any preschool.

11. Site Requirements.

- a. Driveways and parking areas shall be as specified in 30.4.B.2.
- b. Entrances and exits shall be as specified in 30.4.B.2.
- c. Signage consistent with the Township's signage provisions of the zoning ordinance shall be allowed on the site.

12. Enforcement. Violations of the Marihuana Club requirements shall be subject to prosecution by the Charter Township of Union, and more than two (2) violations in any twelve (12) month period shall be cause for the revocation of the zoning permit, but only after prior written notice of each violation and thirty (30) days prior written notice of a hearing before the Zoning Board of Appeals on the question of revoking the zoning permit.

S. Marihuana Dispensary, provided the following requirements are met: **(New Or 2011-03)**

1. State Law. A Marihuana Dispensary shall at all times comply with the Michigan Medical Marihuana Act, MCL 333.26421 et seq and the Administrative Rules of the Michigan Department of Community Health, as they may be amended from time to time.
2. Zoning Permit and Marihuana Dispensary License Required. Both a zoning permit and a Marihuana Dispensary License must be obtained for a specific site before a Marihuana Dispensary is operated in the Charter Township of Union.
3. Inspections. Quarterly inspections shall be made by the Township to confirm the Marihuana Dispensary is operating in accordance with applicable laws.
4. Standards and Review of Zoning Permit. The Zoning Official shall review each application for a zoning permit for a Marihuana Dispensary and shall grant or deny the permit based on the Zoning Ordinance requirements for Medical Marihuana Dispensaries. A denial can be appealed to the Zoning Board of Appeals, which shall hear and decide the appeal or request for a variance within 45 days, and thereafter the applicant can appeal to the circuit court.
5. Not Transferable. Permits are not transferrable and shall only apply to the specific site approved.
6. Dwelling Units. A Marihuana Dispensary shall not be located on the same parcel as a dwelling unit.
7. Drive thru. Drive thru facilities are prohibited on a Marihuana Dispensary site.
8. Dispersal and Spacing. The parcel on which a Marihuana Dispensary is located shall be situated at least one thousand (1000) feet from the parcel on which another Marihuana Dispensary, a Medical Marihuana Grow Facility, or a Marihuana Club is located, as measured between property lines.
The parcel on which a Marihuana Dispensary is located shall be situated at least five hundred (500) feet from a residential zoning district or a parcel on which a church, house of worship, school, licensed day care, community center or public park is located as measured between property lines or a property line and zoning district boundary when applicable. For purposes of this section a school shall be any public or private institution of learning, elementary through secondary (K-12) and any preschool.
9. Site Requirements. Marihuana Dispensaries must be located on a site that provides:
 - a. off street parking shall be in accordance with Section 10, Parking and Loading Spaces, with one parking space for each 200 square feet of gross

- floor area;
- b. illuminated and unscreened off street parking;
- c. a front and side setback from any public sidewalk of 50 feet, measured from the face of the building to the sidewalk;
- d. driveways and parking areas as specified in Section 30.4.B.2;
- e. entrances and exits as specified in Section 30.4.B.2;
- f. not more than one (1) sign announcing the service, shall be permitted as regulated in Section 11.7;
- g. greenbelt planting and screening will be required so as to obscure view from any adjacent residential district. Screening shall consist of non-deciduous trees, not less than three (3) feet in height, planted and maintained in live condition not less than fifteen (15) feet on centers;
- h. no storage of combustible or flammable liquids, combustible fibers, or explosive materials, as defined in the fire prevention code, or toxic materials shall be permitted upon the premises.

10. Operational Requirements. A Marihuana Dispensary shall:

- a. prohibit persons under the age of 18 from entering the business, unless they are in the possession of a Registry Identification Card or the equivalent, and are accompanied by their Primary Caregiver;
- b. operate only between the hours of 8:00 a.m. and 7:00 p.m., including deliveries to and from the premises;
- c. keep all marihuana, in any form, within an enclosed locked facility, so that the marihuana is not visible from any location outside of the building;
- d. prohibit the cultivation, manufacture, ingestion, smoking or other consumption, of controlled substances, including marihuana, on the site;
- e. allow the acquisition, delivery, transferring, transporting, supplying or dispensing of marihuana solely for the purpose of assisting a Qualifying Patient directly, or through a Qualifying Patient's Primary Caregiver, in the medical use of marihuana pursuant to the MMMA;
- f. refrain from emitting odors emanating from marihuana, beyond the building;
- g. have a single secure entrance and implement security measures to deter and prevent theft of marihuana, diversion of marihuana to illicit markets and unauthorized entrance into the Marihuana Dispensary;
- h. prohibit any person on the premises of a Dispensary unless they:
 - i. Possess a Registry Identification Card or the equivalent;
 - ii. Assist a Qualifying Patient in the use or administration of marihuana;
 - iii. Are an owner of the premises or an employee of the Marihuana Dispensary; or
 - iv. Are a service worker engaged in maintenance activities, postal delivery or law enforcement, emergency personnel and/or zoning personnel.

- i. prohibit the sale or rental of goods on the premises except as secondary and incidental to the primary purpose of a Marihuana Dispensary.
- 11. Enforcement. Violations of the Marihuana Dispensary requirements shall be subject to prosecution by the Charter Township of Union, and more than two (2) violations in any twelve (12) month period shall be cause for the revocation of the zoning permit, but only after prior written notice of each violation and thirty (30) days prior written notice of a hearing before the Zoning Board of Appeals on the question of revoking the zoning permit.

22.3 SPECIAL USES (AMENDED ORD 2005-03)

The following Special Uses may be permitted in this district when all requirements, conditions and procedures of section 30 are complied with:

- A [Amusement parks.](#)
- B [Filling stations.](#)
- C [Miniature golf and/or driving ranges.](#)
- D [Mortuary establishments.](#)
- E [Multi-use Structures](#)
- F [Planned shopping centers.](#)
- G [Planned unit developments.](#)
- H Retail sales of new or used cars, trucks, boats, farm equipment, mobile homes, travel trailers, and motor homes. Outside areas for display purposes are allowed, providing all servicing, repair, or conditioning of such vehicles or equipment shall be in a fully enclosed building.
- I [Self-storage buildings.](#)

22.4 REQUIRED CONDITIONS

- A. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on premises where produced.
- B. All businesses, servicing, or processing shall be conducted within a completely enclosed building.
- C. All outside storage shall be in the rear yard and shall be completely screened with an obscuring wall or fence not less than five (5) feet high, or with a chain link type fence. Greenbelt planting may be required so as to obscure all view from any adjacent residential or business District or from a public street.
- D. Warehousing or indoor storage of goods or material, beyond that normally incidental to the above permitted uses, shall be prohibited. (See Section 8.2, Accessory Uses.)
- E. Barrier: All development shall be physically separated from the local road by a curb and/or, planting strip or other suitable barrier. Such barrier shall effectively eliminate unchanneled vehicle ingress or egress, except for authorized access ways.

F. Access Ways: Distance to such access way from an intersecting roadway shall be at the discretion of the Isabella County Road Commission and in no case less than (eighty) 80 feet from the centerline of an intersecting roadway.

G. Review of Plans: Site plans for the general business District shall be submitted to and shall be reviewed and approved by the Planning Commission, with respect to the above required conditions and such other site related problems as it deems necessary to assure maximum traffic safety and to assure maximum protection to abutting properties.

H. See [Section 29](#) for lot area, side yards, front yards, rear yards, etc.

I. No principal or accessory building shall be closer than forty (40) feet to the property line of any residential use or District. A planted landscaped area of at least ten (10) feet in width, meeting the screening standards specified in Section 8.31, shall be provided in the required setback.

SECTION 23 B-5 HIGHWAY BUSINESS DISTRICT

23.1 DESCRIPTION AND PURPOSE

This District is composed of certain lands and structures located principally along major highways. In this District the major uses are those freestanding uses that cater to the traveling public. It is the intent to develop attractive and efficient group business areas that are convenient and have buildings of harmonious design.

23.2 PERMITTED USES

- A. Any retail business or service establishment permitted in the B-4 District.
- B. Restaurants, including drive-in restaurants.
- C. Bar, grill, and cocktail lounges.
- D. Retail sales of new or used cars, trucks, boats, farm equipment, mobile homes, travel trailers, and motor homes. Outside area for display purposes are allowed, provided all servicing, repair, or conditioning of such vehicles or equipment shall be in a fully enclosed building.
 - 1. Surfacing and other requirements of Section 10 shall be adhered to.
 - 2. All lighting shall be shielded from adjacent residential Districts.
- E. Amusement enterprises.
- F. Plumbing, heating, and electrical shops.
- G. Tire and battery shops.
- H. Sign painting and servicing shops.
- I Adult Book Stores, Providing the following conditions are met: (Added, Ord 2005-03)

History and findings. Charter Township of Union was sued by a sexually oriented business in *Intimate Ideas v Charter Township of Union*, Eastern District Case No. 03-10085, and the sexually oriented business opened for business in the Charter Township of Union. Thereafter the Charter Township of Union Board directed the Charter Township of Union Planning Commission to research and develop zoning ordinance provisions defining and regulating sexually oriented businesses. The Charter Township of Union Planning Commission received and reviewed 60¹ studies and reports about the negative secondary effects of sexually oriented businesses, and focused on studies from the cities of Indianapolis, Austin, Garden Grove, Whittier, Minneapolis, St. Mary, and St. Paul. The Charter Township of Union Planning Commission made several preliminary findings based on their review of the studies and reports. Based on the findings and recommendations of the Charter Township of Union Planning Commission, and the selected studies and reports considered by both the Planning Commission and the Charter Township of Union Board, as well as several court decisions,² the Charter Township of Union Board finds that: 1) sexually oriented businesses featuring nudity and sexual activities produce negative secondary effects of increased crime rates, declining or depressed

¹ The list includes studies and reports from

AZ Phoenix, AZ Phoenix Factual Record Cabarets, AZ Phoenix Factual Record Incall & Nudes, AZ Tucson, CA San Bernadino Affidavit Murphy, CA Garden, CA LA, CA San Diego, CA Whittier, CO Adam, Copy of MN Minneapolis, FL Manatee, Co A 12/10/02, FL Manatee, Co B 12/10/02, FL Manatee Co C 12/10/02, FL Manatee Co D 12/10/02, FL Manatee Co E 12/10/02, FL Manatee Co I 12/10/02, FL Manatee Co M 12/10/02, FL Manatee Co, GA St. Mary's 1996, GA Warner Robins Teasers Spec Mtg 01/13/00, GA Warner Robins Teasers Spec Mtg 01/18/00, GA Warner Robins Teasers Spec Mtg 02/22/00, GA Warner Robins Teasers Testimony J Meeker, GA Warner Robins Teasers Testimony R McCleary, IA DeMoines, IN Indianapolis, MN St. Paul, MO Kansas City, Indianapolis and Los Angeles, McCleary, MN Minneapolis, MN State, MN St. Cloud, NC New Hanover, NV Vegas, NY Ellicottville, NY Islip, NY New York City, NY Times Square, OH Cleveland, OK Oklahoma City 1, OK Oklahoma City 2, Organized Crime Ch 19 AGROP McManus, Sherman David Testimony, Strip Club Study, Summaries Key Secondary Effects report, TX Amarillo, TX Austin, TX Beaumont, TX Cleburne, TX Dallas, TX El Paso, TX Houston, VA New Port News, WA Bellevue, WA Des Moines, WA Seattle, WI St. Croix.

² *Young v American Mini Theatres Inc*, 427 US 50 (1976); *City of Renton v Playtime Theatres*, 475 US 41 (1986); *City of Los Angeles v Alameda Books*, 535 US 425 (2004); *Barnes v Glen Theatre Inc.*, 501 US 560 (1991); *City of Erie v Pap's AM*, 529 US 277 (2000); *Charter Township of Van Buren v Garter Belt Inc*, 258 Mich App 594 (2003), *Ben's Bar Inc v Village of Sommerset*, 316 F3d 702 (7th Cir 2003); *Wayne County Prosecutor v Dizzy Duck*, 449 Mich 353 (1995).

property values, and a diminished sense of safety and security in members of the general public when walking in the vicinity of these businesses; 2) the negative secondary effects of sexually oriented businesses can be reduced or minimized by dispersing the sexually oriented businesses and requiring minimum distances between the sexually oriented businesses; 3) the negative secondary effects of sexually oriented businesses are exacerbated by close proximity to bars serving alcoholic beverages by the glass; 4) to minimize the negative secondary effects of sexually oriented businesses on residential areas and the community at large, the sexually oriented businesses should be located a minimum distance away from any residential zoning district, school, church, or public park; 5) the zoning regulations allow for the location of sexually oriented businesses within specified zoning districts of the Charter Township of Union, and a reasonable number of sites legally are available to be acquired and used by sexually oriented businesses; 6) the negative secondary effects of public nudity, live nude performances, and the combination of nudity and businesses serving alcoholic beverages by the glass, can be minimized or eradicated by a local ordinance prohibiting public nudity as authorized by MCL 41.181, and the decisions of the United States Supreme Court;³ 7) requiring dancers and other performers to wear a minimal amount of clothing, such as pasties and a g-string, in order to comply with the ordinance will have little or no effect on the expressive element of the performances; 8) the ordinance provisions prohibiting public nudity, live nude performances, and the combination of nudity and businesses serving alcoholic beverages by the glass are narrowly drawn to apply to businesses and performers that offer nude performances on a regular basis, excluding occasional nude performances from the purview of the ordinance.

1. Purpose. The purpose of these ordinance provisions is to define and regulate sexually oriented businesses, and to prohibit public nudity, in order to minimize or eradicate the negative secondary effects of sexually oriented businesses and public nudity. The zoning regulations are intended to define and disperse sexually oriented businesses, primarily regulating the location and site requirements of these businesses, but without any restriction on the content of communication protected by the First Amendment.
2. Conflict. The definitions and descriptions of sexually oriented businesses as permitted uses in the zoning ordinance provisions are subject to and limited by the prohibitions against public nudity and nudity in businesses licensed by the Michigan Liquor Control Commission.

³ *City of Erie v Pap's AM*, 529 US 302 (2000); *Barnes v Glen Theatre Inc*, 501 US 560 (1991); *New York State Liquor Authority v Vellanca*, 452 US 714 (1981); *City of Newport, KY v Iacobucci*, 479 US 92 (1986).

3. Definitions General Definitions are contained in Section 3, the following definitions relate specifically to this section
- a. Regularly as used in this section means once per month or more.
 - b. Separation, spacing, or dispersal as used in this section shall be measured from property line to property line, or property line to zoning district boundary.
 - c. Bar shall mean any establishment serving alcohol by the glass. Exception: Restaurants that serve alcohol by the glass and do not have a separate bar dedicated to serving alcohol.
 - d. Schools For the purpose of this ordinance, Schools shall be any public or private institution of learning for elementary or secondary levels (K-12).
4. Permitted uses. For purposes of the Charter Township of Union Zoning Ordinance, sexually oriented businesses shall be permitted uses in the B-5, B-6, and B-7 zoning districts only.
5. Application and permit required. Any sexually oriented business must apply for and obtain a zoning permit prior to opening and operating a sexually oriented business in the Charter Township of Union.
6. Dispersal and spacing. No sexually oriented business shall be located within 1,500 feet of another sexually oriented business, or within 500 feet of a bar. No sexually oriented business shall be located within 600 feet of a church, school, residential zoning district, public park, or licensed day care center.
7. Site requirements. Any sexually oriented business must be located on a site that provides:
- a. off street parking in the front or on the side of the business structure, but not in the rear, with the front being the side closest to the public road by which access is obtained;
 - b. illuminated and unscreened off street parking;
 - c. signs and window displays without any example or depiction of specified anatomical areas or specified sexual activities;

- d. a front and side setback from any public sidewalk of 50 feet; measured from the face of the building to the sidewalk
8. Standards and time to approve or deny. The Zoning Administrator shall review each application for a zoning permit for a sexually oriented business and shall grant or deny the permit within twenty one (21) days based on the district, spacing, and site requirements for sexually oriented businesses. A denial can be appealed to the Zoning Board of Appeals, which shall hear and decide the appeal or request for a variance within 45 days, and thereafter the applicant can appeal to the circuit court.
9. Operational requirements. A sexually oriented business shall
- a. prohibit persons under the age of 18 from entering the business,
 - b. close between the hours of 1:00 a.m. and 8:00 a.m.
 - c. not allow customers or employees to engage in specified sexual activities on site,
 - d. not allow prostitution or the soliciting of acts of prostitution on site,
 - e. not allow the distribution or use of controlled substances on site.

Enforcement: Violations of these operational requirements shall be subject to prosecution by the Charter Township of Union, and more than two violations in any 12 month period shall be cause for the revocation of the zoning permit, but only after prior written notice of each violation and 30 days prior written notice of a hearing before the Zoning Board of Appeals on the question of revoking the zoning permit. Revocation of the zoning permit can be for a period up to 6 months, and subsequent revocations can be for a period up to 12 months

- J. Marihuana Club provided the requirements of Section 22.2.R are met. (New Or 2011-03)
- K. Marihuana Dispensary provided the requirements of Section 22.2.S are met. (New Or 2011-03)

23.3 SPECIAL USES: (AMENDED, ORD 2005-03)

The following special uses may be permitted in this District when all requirements, conditions, and procedures of Section 30 are complied with:

- A. [Filling stations.](#)
- B. [Multi-use Structures](#)
- C. [Planned shopping centers.](#)
- D. [Planned unit developments.](#)
- E. [Self-storage buildings.](#)

23.4 REQUIRED CONDITIONS

A. Barrier: All development shall be physically separated from the local road by a curb and/or planting strip or other suitable barrier. Such barrier shall effectively eliminate un-channeled vehicle ingress or egress, except for unauthorized access ways.

B. Access Ways: Each separate use, grouping of buildings or grouping of uses as part of a single planned development, shall have at least two (2) access ways from a local road. Such access way shall not be located closer than eighty (80) feet to the point of an intersecting roadway of the local road centerline.

C. Review of Plans: Site plans for the highway service facilities shall be submitted to and shall be reviewed and approved by the Planning Commission, with respect to the above required conditions, and such other site related problems as it deems necessary to assure maximum traffic safety and to assure maximum protection to abutting properties.

D. All outdoor storage shall be in the rear yard and shall be completely screened with an obscuring wall or fence, not less than five (5) feet high, or with a chain link type fence. Greenbelt planting may be required so as to obscure all view from an adjacent residential or business District or from a public street.

E. See [Section 29](#) for lot area, side yards, front yards, rear yards, etc.

No principal or accessory building shall be closer than forty (40) feet to the property line of any residential use or District. A planted landscape area of at least ten (10) feet in width, meeting the screening standards specified in Section 8.31, shall be provided in the required setback.

SECTION 24 B-6 AUTO-RELATED HIGHWAY BUSINESS DISTRICT

24.1 DESCRIPTION AND PURPOSE

In recognition of the unique character of the M-20/Pickard Corridor, this District establishes requirements and incentives to improve vehicular and pedestrian safety, to decrease traffic congestion, and to improve the visual appearance of the corridor through proper landscaping, buffering, and screening.

24.2 PERMITTED USES (I, NEW, 1992-6 ORDINANCE)

- A. Generally recognized retail businesses that supply commodities on the premises such as but not limited to groceries, baked goods, or other foods, drugs, dry goods, clothing and notions, hardware and automotive supply parts.
- B. Personal service establishments that perform services on the premises such as but not limited to repair shops (watches, radio, television, shoe), tailor shops, beauty parlors, barber shops, photographic studios, self-service laundries, dry cleaners and travel agencies.
- C. Restaurants, including drive-throughs.
- D. Bars, grills, and cocktail lounges.
- E. Retail sales of new or used automobiles (outside areas for display purposes are allowed, providing all servicing, repair or conditioning of such vehicles shall be in a fully enclosed building).
- F. Auto wash establishments, when completely or partially enclosed with a building.
- G. Instant oil change establishments.
- H. Bus passenger stations and bus storage buildings.
- I. I Private clubs, Fraternal organizations, and lodge halls.
- J. Business schools, colleges, and private schools operated for profit. (New, Ord. 1993-11)
- K. Adult Bookstores See Section 23.2.I (Amended, Ord 2005-03)
- L. Marihuana Club provided the requirements of Section 22.2.R are met. (New Or 2011-03)
- M. Marihuana Dispensary provided the requirements of Section 22.2.S are met. (New Or 2011-03)

24.3 SPECIAL USES

The following special uses may be permitted in this District when all requirements, conditions, and procedures of Section 30 are complied with:

- A. [Filling stations](#).
- B. [Planned unit developments](#).
- C. [Mobile and Modular Home Sales](#) (Ord. 1998-21)
- D. [Multi-use Structures](#)

24.4 DISTRICT STANDARDS

The following standards and regulations shall apply to all new or expanded uses in the B-6 and B-7 Districts:

- A. Parking Area Design Standards: In addition to the parking regulations in Section 10, the following design standards shall apply to parking areas in the B-6 and B-7 Districts:

1. **Parking Setback and Landscaping:** Parking areas containing ten (10) or more spaces shall be screened from view of the roadway. Screening shall be in the form of shrubs or a masonry or wood wall not exceeding thirty (30) inches in height as approved by the Planning Commission. The number of shrubs required shall be dependent of the distance between the parking area and the right-of-way line, measured at the shortest distance between the two (2) as determined by the following chart. Earth berms shall be required if the parking area is located less than forty (40) feet from the right-of-way. Parking areas shall not be located closer than twenty (20) feet to the road right-of-way or a residential District. The number of shrubs required per one hundred (100) linear feet is shown below:

Distance From Right-of-way	Berm Required	No. of Shrubs Per 100 Linear Feet
20 to 29 feet	Yes	20
30 to 39 feet	Yes	15
40 to 49 feet	No	10
50+ feet	No	6

In the case of parcels having a lot depth of one hundred fifty (150) feet or less measured from the road right-of-way, the parking area setback requirements shall be reduced to ten (10) feet from the road right-of-way, provided a minimum of twenty-five (25) shrubs are provided for each one hundred (100) linear feet.

2. **Interior Parking Landscaping:** Within every parking area containing ten (10) or more spaces, interior landscaping shall be provided. The landscaped areas shall be designed and located to improve the appearance of the parking area, to guide traffic movement, and to improve traffic circulation and safety. The amount of interior landscaping required shall be based on the distance between the parking area and the right-of-way line measured at the shortest distance between the two. The following table shows the interior landscaping requirements:

Distance From Right-of-way	Square Feet of Landscaping Per Parking Space
20 to 29 feet	30
30 to 39 feet	25
40 to 49 feet	20
50+ feet	15

Interior parking area landscaping shall be no less than five (5) feet in any single dimension and no less than one hundred fifty (150) square feet in any single area and shall be protected from parking areas with curbing or other permanent means to prevent vehicular encroachment onto the landscaped areas.

A minimum of one (1) deciduous tree shall be planted for each one hundred fifty (150) square feet of required interior parking area landscaping. The interior parking area landscaping shall be grass covered or shall utilize other appropriate vegetative ground cover.

3. Parking areas shall be properly graded for drainage and surfaced with concrete or asphalt.

B. Setback and Landscaping Requirements: The setback and landscaping requirements for the B-6 and B-7 Districts are inter-dependent, and therefore, both sets of regulations are included in this section.

The following setback distances for the principal structure shall be required along with the appropriate number of plant units. One (1) plant unit shall be the equivalent of one (1) evergreen or deciduous tree, or three (3) shrubs. The setback area shall be grass covered or shall utilize other appropriate vegetative ground cover. Other landscaping features such as wood chips, brick, stones, and boulders may be used to accentuate the grass or ground cover but shall not exceed twenty (20) percent of the total setback area. The principal building shall not be located closer than fifteen (15) feet to the road right-of-way or twenty (20) feet to a residential District.

Front Yard	No. of Plant Units* Per 100 Linear Feet
15 to 24 feet	5
25 to 34 feet	4
35 to 49 feet	3
50+ feet	2

Side and Rear Yards	No. of Plant Units* Per 100 Linear Feet
10 to 14 feet	5
15 to 19 feet	4
20 to 24 feet	3
25+ feet	0

*1 Plant Unit = 1 Tree or 3 Shrubs.

C. Landscape Requirements

1. All required landscaping, buffering, and screening shall meet the provisions in Section 8.31.
2. If a unit of measurement used in determining the number of required plant units results in the requirement of a fractional space, any fraction up to and including one-half ($1/2$) shall be disregarded, and fractions over one-half ($1/2$) shall require one (1) additional plant unit.
3. Earth berms shall comprise at least two and one-half ($2-1/2$) vertical feet, shall have a maximum slope of 3:1, and shall be a minimum of six (6) feet in length. The berm shall be grass covered or shall utilize other appropriate vegetative ground cover.
4. Right-of-Way Landscaping: Public rights-of-way adjacent to required landscaped areas shall be planted with grass or other suitable vegetative cover and maintained by the owner of the adjacent property as if they were part of the required landscaped area.

D. Screening From Residential Uses: All permitted uses in the B-6 and B-7 Districts, including parking, loading, and outdoor storage areas, that are adjacent to a lot line in an R-1 or R-2 District and located within one hundred (100) feet of a principal residential structure shall provide a wall for screening purposes. Such walls shall have no openings for vehicular traffic or other purposes except as necessary for public safety. All required walls shall be constructed of common or face brick, poured or precast masonry, or decorative block. Required walls shall not be less than five (5) feet in height or more than eight (8) feet in height.

E. Site Access Alternatives: If one (1) of the following site access alternatives is provided, the minimum lot frontage requirement shall be reduced to one hundred (100) linear feet and the maximum percent of lot area permitted to be covered by buildings shall be increased to fifty (50) percent:

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 a rear access road or access to a street intersecting M-20.
3. Ingress and egress to the parcel from M-20 is via common driveway(s) shared with adjoining property(ies).
4. Ingress and egress to the parcel is through inter-connected parking areas with adjacent property(ies) if approved by the Planning Commission in consideration of safe and efficient vehicle and pedestrian circulation.

F. Ingress/Egress Points: The center line of all ingress and egress points shall be located no closer than one hundred (100) feet to the centerline of any intersecting roadway.

G. Screening of Trash Receptacles: Trash receptacles shall be screened from view by a masonry wall not less than five (5) feet in height or more than eight (8) feet in height.

H. Outdoor Storage Areas: All outdoor storage shall be in the rear yard and shall be completely screened with an obscuring wall or fence not less than five (5) feet in height.

I. Outdoor Lighting: No outdoor lighting shall be directed off the lot on which it is located; and no light shall be so bright or otherwise obnoxious as to adversely affect adjacent land uses, especially adjacent residential land. In no case, except municipal street lighting, shall more than (1) foot candle power of light cross a lot line five (5) feet above the ground into a residential District.

J. Outdoor Display of Products: The outdoor display of products shall be set back a minimum of ten (10) feet from all property lines, twenty (20) feet from the road right- of-way, and fifty (50) feet from an adjacent residential structure located within an R-1 or R-2 residential District .

K. Schedule of Requirements: See [Section 29](#) for all lot area, side yards, front yards, rear yards, etc.

SECTION 25 B-7 RETAIL AND SERVICE HIGHWAY BUSINESS DISTRICT

25.1 DESCRIPTION AND PURPOSE

In recognition of the unique character of the M-20/Pickard Corridor this District establishes requirements and incentives to improve vehicular and pedestrian safety, to decrease traffic congestion, and to improve the visual appearance of the corridor through proper regulation, landscaping, buffering, and screening. (Ord 2010-02)

The B-7 District is intended as a high quality and attractive retail, service, and office District.

25.2 PERMITTED USES (H, NEW, 1992-6 ORDINANCE; I, NEW, 1993-11 ORDINANCE)

Generally recognized retail businesses that supply commodities on the premises such as but not limited to groceries, baked goods, or other foods, drugs, dry goods, clothing, notions, hardware, and automotive supply parts.

Personal service establishments that perform services on the premises such as but not limited to repair shops (watches, radio, television, shoe), tailor shops, beauty parlors, barber shops, photographic studios, self-service laundries, dry cleaners, and travel agencies.

Bank and loan companies.

Bars, grills, and cocktail lounges.

Hotels and motels.

Office buildings.

Restaurants, including drive-through.

Private clubs, Fraternal organizations, and lodge halls.

Business schools, colleges, and private schools operated for profit. (New, Ord. 1993-11)

Adult Bookstores, See Section 23.2.I (Amended, Ord 2005-03)

Marihuana Club provided the requirements of Section 22.2.R are met. (New Or 2011-03)

Marihuana Dispensary provided the requirements of Section 22.2.S are met. (New Or 2011-03)

25.3 SPECIAL USES (C, NEW, 1993-6 ORDINANCE)

The following special uses may be permitted in this District when all requirements, conditions, and procedures of Section 30 are complied with:

- A. [Filling stations](#).
- B. [Planned unit developments](#).
- C. [Mobile and Modular Home Sales](#) (Ord. 1998-21)
- D. [Multi-use Structures](#)
- E. [Auto wash](#) establishments when completely enclosed in a building. (Ord 2001-04)
- F. Retail sales of new or used cars, trucks, boats, farm equipment, mobile homes, travel trailers, and motor homes. Outside area for display purposes are allowed, provided all servicing, repair, or conditioning of such vehicles or equipment shall be in a fully enclosed building. (Ord 2010-02)
 - 1. Surfacing and other requirements of Section 10 shall be adhered to.
 - 2. All lighting shall be shielded from adjacent residential Districts.

25.4 DISTRICT STANDARDS (AMENDED, 1991-16 ORDINANCE)

All uses permitted in this District shall also meet the standards in Section 24.4.

SECTION 26 I-1 LIGHT INDUSTRIAL DISTRICT

26.1 DESCRIPTION AND PURPOSE

This District is designed to primarily accommodate wholesale activities, warehouses, and light industrial operations whose external and physical effects are restricted to the area of the District and in no manner affect in a detrimental way any of the surrounding Districts. It is intended to permit the 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 at another location. The general goals of this District include the following specific purposes:

To provide sufficient space, in appropriate locations, to meet the needs of the Township's expected future economy for light industrial and related uses.

To Protect abutting residential Districts by separating them from industrial activities and by prohibiting the use of such industrial areas for new residential development.

To prohibit industrial uses that are prone to fire, explosions, toxic hazards, offensive noise, vibrations, smoke, odor, and other objectionable influences.

To promote the most desirable use of land in accordance with a well considered plan. To protect the character and established pattern of adjacent development. In each area, to conserve the value of land and buildings and other structures and to protect the Township's tax revenues.

26.2 PERMITTED USES (B, NO. 11, NEW; 1992-6 ORDINANCE)

No building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses, unless otherwise provided in this Ordinance:

A. Any use charged with the principal function of basic research, design and pilot or experimental product development when conducted within a completely enclosed building.

B. Any of the following uses when the manufacturing, compounding, or processing is wholly within an enclosed building:

1. Warehousing and wholesale establishments and trucking facilities.
2. The manufacture, compounding, processing, packaging, or treatment of products such as but not limited to bakery goods, candy, cosmetics, pharmaceutical, toiletries, food products, hardware, cutlery, tool, die, gauge, and machine shops.
3. The manufacture, compounding, assembling, or treatment of articles or merchandise from previously prepared materials; bone, canvas, cellophane, cloth, cork elastomers, feathers, plastics, rubber, precious or semiprecious metals or stones, sheet metals, shell textiles, tobacco, wax, wire, wood, and yarns.
4. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas.
5. Manufacture of musical instruments, toys, novelties, metal or rubber stamps, and molded rubber products.

6. Manufacture or assembly of electrical appliances, electronic instruments and devices, radios, and phonographs.
7. Laboratories--experimental, film, or testing.
8. Manufacturing and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves, and the like.
9. Central dry cleaning plants or laundries, provided that such plants shall not deal directly with consumer uses.
10. All public utilities, including buildings, necessary structures, storage yards, and other related uses.
11. All aspects of automobile repair including but not limited to auto engine and body repair and undercoating shops when conducted in a completely enclosed building.

C. Warehousing and wholesale establishments and trucking facilities.

D. The manufacture, compounding, processing, packaging, or treatment of products such as but not limited to bakery goods, candy, cosmetics, pharmaceutical, toiletries, food products, hardware, cutlery, tool, die, gauge, and machine shops.

E. The manufacture, compounding, assembling, or treatment of articles or merchandise from previously prepared materials; bone, canvas, cellophane, cloth, cork elastomers, feathers, plastics, rubber, precious or semiprecious metals or stones, sheet metals, shell textiles, tobacco, wax, wire, wood, and yarns.

F. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas.

G. Manufacture of musical instruments, toys, novelties, metal or rubber stamps, and molded rubber products.

H. Manufacture or assembly of electrical appliances, electronic instruments and devices

I. Laboratories--experimental, film, or testing.

J. Manufacturing and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves, and the like.

K. Central dry cleaning plants or laundries, provided that such plants shall not deal directly with consumer uses.

L. All public utilities, including buildings, necessary structures, storage yards, and other related uses.

M. All aspects of automobile repair including but not limited to auto engine and body repair and undercoating shops when conducted in a completely enclosed building.

N. Warehouse, storage, transfer, electric, and gas service buildings and yards, public utility buildings, telephone exchange buildings, electrical transformer stations and substations, gas regulator stations, water and gas tank holders, railroad transfer and storage tracks and freight terminals.

O. Storage facilities for building materials, sand, gravel, stone, lumber, storage of contractor's equipment and supplies, provided such is enclosed within a building or with an obscuring wall or fence on those sides abutting all residential or business Districts and on any yard abutting a public thoroughfare. The extent of such fence or wall may be determined by the Planning Commission on the basis of usage. Such fence or wall shall not be less than five (5) feet in height and may, depending on land usage, be required to be eight (8) feet in height. A chain link type fence, with heavy evergreen shrubbery inside of said fence, shall be considered to be an obscuring fence.

P. Trade or industrial schools.

Q. Self-storage Facilities (Mini-Warehouse, Mini-Storage), Provided That:

1. No storage outside of the self-storage building shall be permitted.
2. Maximum length of any self-storage building shall be two hundred fifty (250) feet.
3. No storage of combustible or flammable liquids, combustible fibers or explosive materials, as defined in the fire prevention code, or toxic materials shall be permitted within the self-storage building or upon premises.
4. The use of the premises shall be limited to storage only and shall not be used or operating any other business, for maintaining or repairing for any vehicles, recreational equipment or other items, or for any recreational activity, hobby or purpose other than the storage of personal items and business items as herein before set forth.

R. Commercial and Boarding Kennels, Veterinarian Services and Clinics (Ord. 1998-21)

S. (New Or 2011-03) Marihuana Growing Facility, when conducted within a completely enclosed building, provided the following requirements are met:

1. State Law. A Marihuana Growing Facility shall at all times comply with the Michigan Medical Marihuana Act, MCL 333.26421 et seq and the Administrative Rules of the Michigan Department of Community Health, as they may be amended from time to time.
2. Zoning Permit and Marihuana Growing Facility License Required. Both a zoning permit and a Marihuana Growing Facility License must be obtained for a specific site before a Marihuana Growing Facility is operated in the Charter Township of Union.
3. Codes. Prior to cultivation of marihuana an inspection by the Township is required to confirm that all necessary building, electrical, plumbing and mechanical permits have been obtained for any portion of a building in which electrical wiring, lighting, or watering devices that support the cultivation, growing, or harvesting of marihuana are located. The intent of this subsection is to ensure the safety of the public.

4. Inspections. Quarterly inspections shall be made by the Township to confirm the Marihuana Growing Facility is operating in accordance with applicable laws.
5. Standards and Review of Zoning Permit. The Zoning Official shall review each application for a zoning permit for a Marihuana Growing Facility and shall grant or deny the permit based on the Zoning Ordinance requirements for Medical Marihuana Growing Facilities. A denial can be appealed to the Zoning Board of Appeals, which shall hear and decide the appeal or request for a variance within 45 days, and thereafter the applicant can appeal to the circuit court.
6. Not Transferable. Permits are not transferrable and shall only apply to the specific site approved.
7. Dwelling Units. A Marihuana Growing Facility shall not be located on the same parcel as a dwelling unit.
8. Drive thru. Drive thru facilities are prohibited on a Marihuana Growing Facility site.
9. Dispersal and Spacing. The parcel on which a Marihuana Growing Facility is located shall be situated at least one-thousand (1000) feet from the parcel on which another Marihuana Growing Facility, a Marihuana Dispensary, or a Marihuana Club is located, as measured between property lines.
The parcel on which a Marihuana Growing Facility is located shall be situated at least one-thousand (1000) feet from a residential zoning district or a parcel on which a church, house of worship, school, licensed day care, community center or public park is located as measured between property lines or a property line and zoning district boundary when applicable. For purposes of this section a school shall be any public or private institution of learning, elementary through secondary (K-12) and any preschool.
10. Site Requirements. Marihuana Growing Facilities must be located on a site that provides:
 - a. off street parking located shall be in accordance with Section 10, Parking and Loading Spaces, and 10.2.D;
 - b. illuminated and unscreened off street parking;
 - c. a front and side setback from any public sidewalk of 50 feet, measured from the face of the building to the sidewalk;
 - d. driveways and parking areas as specified in Section 30.4.B.2;
 - e. entrances and exits as specified in Section 30.4.B.2;
 - f. not more than one (1) sign announcing the service, shall be permitted as regulated in Section 11.7;
 - g. greenbelt planting and screening will be required so as to obscure view from any adjacent residential district. Screening shall consist of non-deciduous trees, not less than three (3) feet in height, planted and maintained in live condition not less than fifteen (15) feet on centers;
 - h. no storage of combustible or flammable liquids, combustible fibers, or explosive materials, as defined in the fire prevention code, or toxic materials shall be permitted upon the premises.
11. Operational Requirements. A Marihuana Growing Facility shall:
 - a. prohibit persons under the age of 18 from entering the business, unless they are in the possession of a Registry Identification Card or the equivalent, and are accompanied by their Primary Caregiver;
 - b. keep all marihuana, in any form, within an enclosed locked facility, so that the marihuana is not visible from any location outside of the

- building;
 - c. prohibit the transfer, delivery, acquisition, sale, ingestion, smoking or other consumption, of controlled substances, including marihuana, on the site;
 - d. refrain from emitting odors emanating from the marihuana, beyond the building;
 - e. have a single secure entrance and shall implement security measures to deter and prevent theft of marihuana, diversion of marihuana to illicit markets and unauthorized entrance into the Marihuana Dispensary;
 - f. prohibit any person on the premises of a Dispensary or Growing Facility unless they:
 - i. Possess a Registry Identification Card or the equivalent;
 - ii. Assist a Qualifying Patient in the use or administration of marihuana;
 - iii. Are an owner of the premises or an employee of the Marihuana Dispensary or Marihuana Growing Facility; or
 - iv. Are a service worker engaged in maintenance activities, postal delivery or law enforcement, emergency personnel and/or zoning personnel.
 - g. prohibit the sale or rental of goods on the premises except as secondary and incidental to the primary purpose of a Marihuana Growing Facility.
9. Enforcement. Violations of the Marihuana Growing Facility requirements shall be subject to prosecution by the Charter Township of Union, and more than two (2) violations in any twelve (12) month period shall be cause for the revocation of the zoning permit, but only after prior written notice of each violation and thirty (30) days prior written notice of a hearing before the Zoning Board of Appeals on the question of revoking the zoning permit.

T. **Special Use**; Utility Grid Wind Energy Systems. See Section 30.4.AC

26.3 REQUIRED CONDITIONS

- A. Off-street parking in accordance with Section 10 and signs under Section 11.
- B. All outdoor storage shall be in the rear yard and shall be completely screened with an obscuring wall or fence, not less than five (5) feet high, or with a chain link type fence. Greenbelt planting may be required so as to obscure all view from any adjacent Residential or Business District or from a public street.
- C. See [Section 29](#) for schedule of lot area, side yards, front yards, rear yards, etc.
- D. Review of Plans: Site plans for the I-1 District shall be submitted to and shall be reviewed and approved by the Planning Commission, with respect to the required conditions, and such other site related problems as it deems necessary to assure maximum traffic safety and to assure maximum protection to abutting properties.
- E. All activities shall be carried on in such a manner and with such precaution against fire and explosion hazards as to produce no explosion hazards as determined by the Michigan Department of Labor to use on an adjacent property. The storage of flammable liquids other than fuels used for heating shall not be permitted.
- F. There shall be no emission of any smoke, atomic radiation, fumes, gas, dust, odors, or any other atmospheric pollutant that will disseminate beyond the boundaries of the lot occupied by such use in such a manner as to create a public nuisance.
- G. The discharge of any industrial waste onto the ground or into any surface water is prohibited.
- H. There shall be no vibration that is discernible to the human senses beyond the property line of the site on which such use is conducted.
- I. There shall be no noise emanating from the operation that will be more audible beyond the boundaries of the site than the volume of traffic noise on the nearest adjacent street.
- J. There shall be no direct or sky-reflected glare exceeding one and one-half (1-1/2) foot-candles or that would be damaging to the human eye measured at the property line of the lot occupied by such use. This regulation shall not apply to a parking lot. Exterior lighting sources shall be directed away from any neighboring residential District.
- K. No principal or accessory building shall be closer than sixty (60) feet to the property line of any residential use or District. A planted landscaped area of at least ten (10) feet in width, meeting the screening standards specified in Section 8.31, shall be provided in the required setback.

SECTION 27 I-2 GENERAL INDUSTRIAL DISTRICT

27.1 DESCRIPTION AND PURPOSE

This District is designed to primarily accommodate wholesale activities, warehouses, and industrial operations whose external and physical effects are restricted to the area of the District and in no manner affect in a detrimental way any of the surrounding Districts. It is so structured as to permit the manufacturing, compounding, processing, packaging, assembly and/or treatment of finished or semi-finished products from previously prepared material. It is further intended that the processing of raw material for shipment in bulk form, to be used in an industrial operation at another location, not be permitted. The general goals of this District include the following specific purposes:

- A. To provide sufficient space, in appropriate locations, to meet the needs of the Township's expected future economy for all types of manufacturing and related uses.
- B. To protect abutting residential Districts by separating them from manufacturing activities and by prohibiting the use of such industrial areas for new residential development.
- C. To promote manufacturing development that is free from danger of fire, explosions, toxic hazards; from offensive noise, vibration, smoke, odor, and other objectionable influences.
- D. To promote the most desirable use of land in accordance with a well considered plan. To protect the character and established pattern of adjacent development. In each area, to conserve value of land and buildings and other structures and to protect the Township's tax revenues.

27.2 PERMITTED USES (B, NO. 11, NEW; 1991-16 ORDINANCE; J, AMENDED, 1992-6 ORDINANCE)

No building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses, unless otherwise provided in this Ordinance:

- A. Any use charged with the principal function of basic research, design, and pilot or experimental product development when conducted within a completely enclosed building.
- B. Any of the following uses when the manufacturing, compounding, or processing is wholly within an enclosed building:
 - 1. Warehousing and wholesale establishments and trucking facilities.
 - 2. The manufacture, compounding, processing, packaging, or treatment of products such as, but not limited to, bakery goods, candy, cosmetics, pharmaceutical, toiletries, food products, hardware, cutlery, tool, die, gauge, and machine shops.
 - 3. The manufacture, compounding, assembling, or treatment of articles or merchandise from previously prepared materials; bone, canvas, cellophane, cloth, cork, elastomers, feathers, felt, fiber, precious or semiprecious metals or stones, sheet metal, shell, textiles, tobacco, wax, wire, wood, and yarns.
 - 4. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas.
 - 5. Manufacture of musical instruments, toys, novelties, metal or rubber stamps, and molded rubber products.

6. Manufacture or assembly of electrical appliances, electronic instruments and devices, radios, and phonographs.
7. Laboratories--experimental, film, or testing.
8. Manufacturing and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves, and the like.
9. Central dry cleaning plants or laundries, provided that such plants shall not deal directly with consumer at retail.
10. All public utilities, including buildings, necessary structures, storage yards, and other related uses.
11. Facilities producing products utilized for asphalt paving.

C. Warehouse, storage, transfer, electric, and gas service buildings and yards, public utility buildings, telephone exchange buildings, electrical transformer stations and substations, gas regulator stations, water and gas tank holders, railroad transfer and storage tracks and freight terminals.

D. Storage facilities for building materials, sand, gravel, stone, lumber, storage of contractor's equipment and supplies, provided such is enclosed within a building or with an obscuring wall or fence on those sides abutting all residential or business Districts and on any yard abutting a public thoroughfare. The extent of such fence or wall may be determined by the Planning Commission on the basis of usage. Such fence or wall shall not be less than five (5) feet in height and may, depending on land usage, be required to be eight (8) feet in height. A chain link type fence, with heavy evergreen shrubbery inside of said fence, shall be considered to be an obscuring fence.

E. Municipal uses such as water treatment plants and reservoirs, sewage treatment plants, and all other municipal buildings and uses, including outdoor storage.

F. Commercial and Boarding Kennels, Veterinarian Services and Clinics (Amended Ord. 1998-21).

G. Greenhouses.

H. Trade or industrial schools.

I. Self-storage Facilities (Mini-Warehouse, Mini-Storage), Provided That:

1. No storage outside of the self-storage building shall be permitted.
2. Maximum length of any self-storage building shall be two hundred fifty (250) feet.
3. No storage of combustible or flammable liquids, combustible fibers or explosive materials, as defined in the fire prevention code, or toxic materials shall be permitted within the self-storage building or upon premises.
4. The use of the premises shall be limited to storage only and shall not be used for operating any other business, for maintaining or repairing of any vehicles, recreational equipment or other items, or for any recreational activity, hobby or purpose other than the storage of personal items and business items as herein before set forth.

J. All aspects of automobile repair including but not limited to auto engine and body repair and undercoating shops when conducted in a completely enclosed building. Retail sales of new and used trucks. Outside area for display purposes are allowed, providing all servicing, repair, or conditioning of such vehicles shall be done in a fully enclosed building.

K. Lumber and planing mills when completely enclosed and when located in the interior of the District so that no property line shall form the exterior boundary of the I-2 District.

L. Metal plating, buffing, and polishing subject to appropriate measures to control the type of process to prevent noxious results and/or nuisances.

M. Heating and electric power generating plants and all necessary uses.

N. Any of the following uses, provided that they are located not less than eight hundred (800) feet from any residential District and not less than three hundred (300) feet from any other District:

1. Incineration of garbage or refuse when conducted within an approved and enclosed incinerator plant.
2. Blast furnace, steel furnace, blooming or rolling mill.
3. Manufacturing of corrosive acid or alkali, cement, lime, gypsum or plaster of Paris.
4. Petroleum or other inflammable liquids, production, refining or storage.
5. Smelting of copper, iron, or zinc ore.

O. Marihuana Growing Facility, when conducted within a completely enclosed building, provided the following requirements are met **(New Or 2011-03)**:

1. State Law. A Marihuana Growing Facility shall at all times comply with the Michigan Medical Marihuana Act, MCL 333.26421 et seq and the Administrative Rules of the Michigan Department of Community Health, as they may be amended from time to time.
2. Zoning Permit and Marihuana Growing Facility License Required. Both a zoning permit and a Marihuana Growing Facility License must be obtained for a specific site before a Marihuana Growing Facility is operated in the Charter Township of Union.
3. Codes. Prior to cultivation of marihuana an inspection by the Township is required to confirm that all necessary building, electrical, plumbing and mechanical permits have been obtained for any portion of a building in which electrical wiring, lighting, or watering devices that support the cultivation, growing, or harvesting of marihuana are located. The intent of this subsection is to ensure the safety of the public.

4. Inspections. Quarterly inspections shall be made by the Township to confirm the Marihuana Growing Facility is operating in accordance with applicable laws.
5. Standards and Review of Zoning Permit. The Zoning Official shall review each application for a zoning permit for a Marihuana Growing Facility and shall grant or deny the permit based on the Zoning Ordinance requirements for Medical Marihuana Growing Facilities. A denial can be appealed to the Zoning Board of Appeals, which shall hear and decide the appeal or request for a variance within 45 days, and thereafter the applicant can appeal to the circuit court.
6. Not Transferable. Permits are not transferrable and shall only apply to the specific site approved.
7. Dwelling Units. A Marihuana Growing Facility shall not be located on the same parcel as a dwelling unit.
8. Drive thru. Drive thru facilities are prohibited on a Marihuana Growing Facility site.
9. Dispersal and Spacing. The parcel on which a Marihuana Growing Facility is located shall be situated at least one-thousand (1000) feet from the parcel on which another Marihuana Growing Facility, a Marihuana Dispensary, or a Marihuana Club is located, as measured between property lines.
The parcel on which a Marihuana Growing Facility is located shall be situated at least one-thousand (1000) feet from a residential zoning district or a parcel on which a church, house of worship, school, licensed day care, community center or public park is located as measured between property lines or a property line and zoning district boundary when applicable. For purposes of this section a school shall be any public or private institution of learning, elementary through secondary (K-12) and any preschool.
10. Site Requirements. Marihuana Growing Facilities must be located on a site that provides:
 - a. off street parking located shall be in accordance with Section 10, Parking and Loading Spaces, and 10.2.D;
 - b. illuminated and unscreened off street parking;
 - c. a front and side setback from any public sidewalk of 50 feet, measured from the face of the building to the sidewalk;
 - d. driveways and parking areas as specified in Section 30.4.B.2;
 - e. entrances and exits as specified in Section 30.4.B.2;
 - f. not more than one (1) sign announcing the service, shall be permitted as regulated in Section 11.7;
 - g. greenbelt planting and screening will be required so as to obscure view from any adjacent residential district. Screening shall consist of non-deciduous trees, not less than three (3) feet in height, planted and maintained in live condition not less than fifteen (15) feet on centers;
 - h. no storage of combustible or flammable liquids, combustible fibers, or explosive materials, as defined in the fire prevention code, or toxic materials shall be permitted upon the premises.
11. Operational Requirements. A Marihuana Growing Facility shall:
 - a. prohibit persons under the age of 18 from entering the business, unless they are in the possession of a Registry Identification Card or the equivalent, and are accompanied by their Primary Caregiver;
 - b. keep all marihuana, in any form, within an enclosed locked facility, so that the marihuana is not visible from any location outside of the building;
 - c. prohibit the transfer, delivery, acquisition, sale, ingestion, smoking or other consumption, of controlled substances, including marihuana, on the site;

- d. refrain from emitting odors emanating from the marihuana, beyond the building;
 - e. have a single secure entrance and shall implement security measures to deter and prevent theft of marihuana, diversion of marihuana to illicit markets and unauthorized entrance into the Marihuana Dispensary;
 - f. prohibit any person on the premises of a Dispensary or Growing Facility unless they:
 - i. Possess a Registry Identification Card or the equivalent;
 - ii. Assist a Qualifying Patient in the use or administration of marihuana;
 - iii. Are an owner of the premises or an employee of the Marihuana Dispensary or Marihuana Growing Facility; or
 - iv. Are a service worker engaged in maintenance activities, postal delivery or law enforcement, emergency personnel and/or zoning personnel.
 - g. prohibit the sale or rental of goods on the premises except as secondary and incidental to the primary purpose of a Marihuana Growing Facility.
9. Enforcement. Violations of the Marihuana Growing Facility requirements shall be subject to prosecution by the Charter Township of Union, and more than two (2) violations in any twelve (12) month period shall be cause for the revocation of the zoning permit, but only after prior written notice of each violation and thirty (30) days prior written notice of a hearing before the Zoning Board of Appeals on the question of revoking the zoning permit.

O. Marihuana Growing Facility provided the requirements of Section 26.2.S are met.

P. **Special Uses:** The following special uses may be permitted in this District when all requirements, conditions, and procedures of Section 30 are complied with:

1. [Junk yards.](#)
2. [Planned unit development.](#)
3. Utility Grid Wind Energy Systems. See Section 30.4.AC

27.3 REQUIRED CONDITIONS

A. Off-street parking in accordance with Section 10 and signs under Section 11.

B. All outdoor storage shall be in the rear yard and shall be completely screened with an obscuring wall or fence, not less than five (5) feet high, or with a chain link type fence. Greenbelt planting may be required so as to obscure all view from any adjacent residential or business District or from a public street.

C. See [Section 29](#) for schedule of lot area, side yards, front yards, rear yards, etc.

D. Review of Plans: Site plans for the I-2 District shall be submitted to and shall be reviewed and approved by the Planning Commission, with respect to the required conditions, and such other site related problems as it deems necessary to assure maximum traffic safety and to assure maximum protection to abutting properties.

E. All activities shall be carried on in such a manner and with such precaution against fire and explosion hazards as to produce no explosion hazards as determined by the Michigan Department of Labor to use on an adjacent property. Flammable liquids other than fuels used for heating shall be used for no other purpose, or in underground tanks, provided, said storage building is not closer than one hundred (100) feet to any building occupied by one (1) or more persons.

F. There shall be no emission of any smoke, atomic radiation, fumes, gas, dust, odors, or any other atmospheric pollutant that will disseminate beyond the boundaries of the lot occupied by such use in such a manner as to create a public nuisance.

G. The discharge of any industrial waste onto the ground or into any surface water is prohibited.

H. There shall be no vibration that is discernible to the human senses beyond the property line of the site on which such use is conducted.

I. There shall be no noise emanating from the operation that will be more audible beyond the boundaries of the site than the volume of traffic noise on the nearest adjacent street.

J. There shall be no direct or sky-reflected glare exceeding one and one-half (1-1/2) foot-candles or that would be damaging to the human eye measured at the property line of the lot occupied by such use. This regulation shall not apply to a parking lot. Exterior lighting sources shall be directed away from any neighboring residential District.

K. No principal or accessory building shall be closer than sixty (60) feet to the property line of any residential use or District. A planted landscaped area of at least ten (10) feet in width, meeting the screening standards specified in Section 8.31, shall be provided in the required setback..

SECTION 28 OS OFFICE SERVICE DISTRICTS

(Addition, 1997-12 Ordinance)

28.1 INTENT

The OS Office Service Districts are designed to accommodate uses such as offices, and business services which shall serve as transitional areas between residential and business districts and to provide a transition between major thoroughfares and residential districts. The exterior of buildings accommodating such permitted uses must conform to the adjacent residential character of the neighborhood.

28.2 PRINCIPAL USES PERMITTED

In an Office Service District buildings and land shall be used for one or more of the following specified uses unless otherwise provided for in this Ordinance:

- A. Executive, administrative, professional, accounting, writing, clerical, stenographic and drafting office buildings.
- B. Medical and Dental Offices, not including clinic emergency room services. Veterinarian Clinics, providing no boarding services are provided beyond the term necessary for the care of animals, and in no case shall any animal be left unattended out of doors.
- C. Offices of non-profit professional, civic and religious organizations.
- D. Accessory structures and uses customarily incidental to the above permitted uses.

28.3 SPECIAL USES

The following special uses shall be permitted, subject to the conditions imposed for each use and subject further to the review and approval of the Planning Commission:

- A. Specialized retail activities such as: a pharmacy or apothecary shop, corrective garments, optical, prosthesis, provided the following conditions are met:
 - 1. Any such use shall be accessory to a permitted use and located within the same building.
 - 2. The floor space set aside for the interior display and sale of such merchandise shall not exceed 25 percent of the usable floor area of the building.
- B. [One and two family dwellings.](#)
- C. Banks, credit unions, or savings and loan associations, with drive-in facilities as an accessory use only.

D. [Mortuary establishments](#), including a caretakers residence, provided the following conditions are met: (a) Adequate vehicular assembly area for a funeral procession shall be provided off street in addition to required parking areas. (b) The service and loading area shall be screened form adjacent residential uses. (c) The minimum size shall be 2 acres. (d) All structures on the property shall be set back at least 40 feet from all lot lines. (e) All drives shall be on streets designated as collectors or arterials according to the Isabella County Road Commission or MDOT designations.

28.4 REQUIRED CONDITIONS

A. Before a building permit is issued, all site plans shall be submitted to the Planning Commission for its review and approval.

B. The storage of goods and materials for sale or distribution is permitted as long as they are stored within the building. Such storage is to be accessory in nature and is not intended to include warehousing or storage other than that normally incidental to the above uses.

C. No display of any merchandise or products or signs advertising such merchandise or products shall be visible from the exterior of the building.

D. Parking:

1. Parking and drives shall be hard surface, concrete or asphalt.
2. Parking area shall be in rear yard.
3. The parking of any commercially used or licensed vehicle with a rated capacity of one ton or more is not permitted other than for normal deliveries of short duration.

E. If abutting to residential property, evergreen screening shall be provided with a minimum of 6 feet in height spaced to provide solid screening within three (3) years with not more than 10 foot centers. Two rows with alternate planting may be required as specified in 8.32-G.

F. Municipal sewer/water are required.

Lot requirements must be met as provided by [section 29](#).

SECTION 29 SCHEDULE OF LOT, YARD, AND AREA REQUIREMENTS FOR COMMERCIAL AND INDUSTRIAL DISTRICTS

(Amended, 1991-16 Ordinance; Amended, 1997-7 Ordinance; Amended, 1997-12 Ordinance)

PRINCIPAL STRUCTURE	B-4	B-5	B-6	B-7	I-1	I-2	OS
Minimum Lot Frontage, Lot Width (Feet)	80	100	130 (D)	130 (D)	100	100	90
Minimum Lot Area (Square Feet)	12,000	16,000	20,000	20,000	43,560	50,000	15,000
Maximum Building Height (Feet)	35	35	35	35	35	35	35
Minimum Front Yard Setback (Feet)	50 (A)	50 (A,B)	15 (E)	15 (E)	75 (A)	75 (A)	30 (F)
Minimum Side Yard Setback (Feet)	20 (B)	20 (B)	10 (E)	10 (E)	30 (C)	20 (C)	20
Minimum Rear Yard Setback (Feet)	25 (B)	25 (A,B)	10 (E)	10 (E)	50 (C)	50 (C)	50
Maximum Lot Coverage (By All Buildings)	30%	30%	30% (D)	30% (D)	40%	---	30%

Off-street parking shall be permitted to occupy a portion of the required front yard, provided that there shall be maintained a minimum unobstructed and landscaped setback of ten (10) feet between the nearest point of the off street parking areas, exclusive of access driveways and the nearest right-of-way line as indicated on the Major Thoroughfare Plan.

A lot in the B-4 and B-5 District will provide a side and rear yard of at least forty (40) feet when abutting a residential District.

A lot in the I-1 or I-2 District will provide a side and rear yard of at least sixty (60) feet in depth when abutting a residential use or District.

See [Section 24.4, E.](#)

See [Section 24.4, B.](#)

Front yards shall be no less than the adjacent front yards. If the adjacent front yards are unequal, the minimum front yard shall be the average of the two adjacent lots. In no case shall the thirty (30) foot be reduced.

See Section 8.40, Urban Overlay Zone for areas with increased setbacks.

SECTION 30 SPECIAL USE PERMITS

30.1 PURPOSE

Special Uses are those uses of land that are not essentially incompatible with the uses permitted in a Zoning District but possess characteristics or locational qualities that require individual review and restriction in order to avoid incompatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land. The purpose of this section is to establish equitable procedures and criteria that shall be applied in the determination of requests to establish Special Uses. The criteria for discussion and requirements, provided for under the provisions of this section, shall be in addition to those required elsewhere in this Ordinance that are applicable to the special use under consideration.

30.2 APPLICATION PROCEDURES

An application for permission to establish a special use shall be submitted and acted upon in accordance with the following procedures:

A. Application: Applications for a special use permit shall be submitted through the Zoning Official to the Planning Commission. Each application shall be accompanied by the payment of a fee in accordance with the schedule of fees adopted by the Township Board to cover the cost of processing the application. No part of any fee shall be refundable.

B. Required Information: An application for a special use permit shall be accompanied by the following documents and information:

1. A special use application form, supplied by the Zoning Official, that has been completed in full by the applicant.
2. A site plan in accordance with Section 12.

C. Hearing: The Planning Commission shall hold a public hearing or hearings on the special use request per section 7.8.

D. Review: Within a reasonable time following the public hearing, the Planning Commission shall review the application for the special use permit, testimony received at the public hearing, and other materials submitted in relation to the request and make a recommendation to the Township Board. Approving or denying the special use application shall be in accord with the criteria for approval stated in Section 30.3 and such other standards contained in this Ordinance that relate to the special uses under consideration. The Planning Commission may request a report on any special use application from the Zoning Official for the purpose of evaluating conformance of the special use request with the requirements of this Ordinance and the development objectives of the Township.

E. Issuance of a Special Use Permit: Upon the approval by the Township Board, there will be a special use permit issued, signed by the Chairman of the Planning Commission and the Zoning Official. The permit shall include any restrictions that the Township Board or the Planning Commission deems necessary. Implementation of the special use shall be consistent with the use applied for and approved. The permit shall become valid twenty-one (21) days after the date of decision. It shall be the responsibility of the Zoning Official to ensure compliance with the terms, conditions, and restrictions of any special use permit.

F. Appeal: Within twenty-one (21) days following the date of decision on any special use permit, an applicant or an aggrieved party, including any governmental body or agency, may appeal the decision to the Circuit Court.

G. Decisions All decisions of the Township Board, and Planning Commission relating to special use applications, including the findings supporting any decision, shall be recorded in written form and retained as permanent record.

30.3 BASIS OF DETERMINATIONS

Prior to recommending to the Township Board approval or disapproval of a special use application, the Planning Commission shall ensure that the requirements specified in this section, as well as requirements of the District it is located in and applicable requirements established elsewhere in this Ordinance, shall be satisfied by the completion and operation of the special use under consideration.

A. General Requirements for Special Uses: The applicant shall follow these requirements and recommendations made by the Planning Commission after their review. The general requirements for all special uses are as follows:

1. The special use shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
2. The special use shall not change the essential character of the surrounding area.
3. The special use shall not interfere with the general enjoyment of adjacent property.
4. The special use shall not be hazardous to adjacent property or involve uses, activities, materials, or equipment that will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, fumes, or glare.
5. The special use shall be adequately served by essential public facilities and services; or it shall be demonstrated that the person responsible for the proposed special use shall be able to continually provide adequate services and facilities deemed essential to the special use under consideration. The said facilities or services shall be approved by the Central Michigan District Health Department.
6. When deemed necessary by the Township Board or Planning Commission, the use shall be adequately screened by distance and landscaping to protect the rights of all adjoining property.
7. The Township Board or Planning Commission, in connection with approval of any application, may require reasonable undertaking by the applicant to guarantee and assure by agreement, including a performance bond to be posted by the applicant or by some other reasonable surety arrangement at appropriate stages of the planned development, that the development will be executed in accordance with the approved plan.
8. That such use will be an asset to the Township.
9. Requirements and conditions of each individual special use permitted shall be complied with, unless otherwise mentioned within this Section.
10. Any special use permit may be revoked by the Union Township Board upon recommendation of the Union Township Planning Commission whenever the operation fails to comply with any of the required conditions or may be subject to the penalties of this Ordinance.
 - a) Approval of a special use permit shall be valid regardless of change of ownership, provided that all terms and conditions of the permit are met by any subsequent owner.
 - b) In instances where development authorized by a special use permit has not commenced within one (1) year from the date of issuance, the permit maybe reconsidered and/or voided at a regularly called meeting of the Planning Commission.

30.4 SPECIAL USES PERMITTED (X, NEW, 1993-6 ORDINANCE; Y, NEW, 1995-6 ORDINANCE)

The following special uses may be permitted within the specified Districts:

A. Adult Entertainment Activities: (Deleted as Special Use Permit, Ord 2005-03)

B. Airports, Public or Private, Provided:

1. They shall only be located within AG Districts.
2. All entrances and exits shall be designed in accordance with the Isabella County Road Commission's requirements. It is further required that:
 - a) All sites shall provide points of ingress and egress that are located upon a major thoroughfare or upon a public road, Local traffic movement shall be accommodated within the site so the entering and exiting vehicles will make normal and uncomplicated movements into or out of the thoroughfare.
 - b) All points of entrance or exit should be located no closer than two hundred (200) feet from the intersection of any two (2) streets or highways.
 - c) All vehicles should have clear vision approaching a public street within one hundred (100) feet of the street for a sight distance of five hundred (500) feet in either direction along the street.
 - d) Where points of ingress and egress are located upon a major street or thoroughfare, deceleration lanes should be provided at points of ingress and egress.
3. They shall follow the Federal Aviation Administration (FAA) regulations and recommendations.
4. Driveways and parking areas shall comply with the provisions of Section 10, except that they shall be at least fifty (50) feet from adjacent property lines and in any event shall be located at least two hundred (200) feet from any existing residential dwelling located on abutting property. The Planning Commission shall have the prerogative of reducing these dimensional setback requirements in the event that all the effected property owners mutually agree, in writing, to a reduction and further that the occupants of any residential dwellings affected agree in writing.

C. Amusement Parks, Provided:

1. They are only located within B-4 Districts.
2. Entrances and exits as specified in Section 30.4.B.2.
3. No principal or accessory building shall be closer than fifty (50) feet from any abutting residentially zoned boundary line or in any event within two hundred (200) feet of any existing residential dwelling located on abutting property.
4. Driveways and parking areas as specified in Section 30.4.B.2.

D. Campgrounds and Recreation Grounds, Private, Provided:

1. They are located within AG Districts.
2. Entrances and exits as specified in Section 30.4.B.2.
3. Driveways and parking areas as specified in Section 30.4.B.2.
4. A greenbelt area of at least twenty-five (25) feet in width shall be maintained around the periphery. Landscaping and/or structural screens, as approved by the Planning Commission, shall be installed as required to serve as an obscuring screen for existing residential dwellings within one hundred (100) feet of the property line on abutting agricultural zoned property. Screening shall also be installed along abutting residential zoned property.

5. No principal or accessory building shall be erected, nor any entertainment or display activity be conducted, within one hundred (100) feet of any property line.
6. Proper arrangements shall be made and the required approvals obtained from the Central Michigan District Health Department to provide necessary sanitation facilities.
7. All uses and activities on these areas shall have prior written approval from the Planning Commission. Any other use requirements in this Ordinance, associated with a contemplated use or activity, shall be adhered to if the use or activity is approved.

E. Cemeteries, Public or Private, Including Mausoleums, Provided:

1. They shall only be located within AG Districts.
2. Entrances and exits as specified in Section 30.4.B.2.
3. No principal or accessory building shall be closer than fifty (50) feet from any abutting residentially zoned boundary line or in any event within two hundred (200) feet of any existing residential dwelling located on abutting property.
4. Driveways and parking areas as specified in Section 30.4.B.2.

F. Towers and Antennas: (Replaced, Ord 1999-04)

1. Intent: It is the intent of this Section to provide regulations controlling the placement, design, and construction of commercial communication towers including their accessory uses and attached communication antennas. Changing technologies in the field of communications has resulted in a reliance upon more versatile and convenient forms of communication. Businesses, individuals and government have all developed a dependence upon the capability to contact others. The demand for this communication service has placed a burden on local communities in their ability to regulate communication towers, support structures, and attached communication antennas. This ordinance intends to reduce the impact of these communication elements on adjacent land uses by reasonably regulating their location, height, safety, general appearance, and eventual removal. Additionally, this Ordinance intends to promote and encourage the co-location of attached communication antennas on existing towers and support structures.

2. Definitions: Not included in this definition are the following, provided that they meet the requirements of the Union Township Zoning Ordinance: citizen band radio facilities, short wave facilities, ham and amateur radio facilities, television reception antennas, satellite dishes, a farmer's communication system, and government facilities which are subject to state and federal law or regulations that preempt municipal regulatory authority.

a) Communication Tower: A radio, telephone, cellular telephone or television relay structure of monopole (a single support column which does not require guide wires) construction attached directly to the ground or other structure utilized for the transmission or reception of radio, telephone, cellular telephone, television, microwave, or any other form of telecommunication signals. Included in this definition are accessory structures and/or enclosures.

b) A communication tower shall not be included under the existing definition of essential services.

c) Attached Communication Antenna: Any communication facility affixed to an existing structure, such as a building tower, water tank, utility pole, or other feature utilized to receive and transmit federally or state licensed communication services via duly licensed segments of the radio frequency spectrum. This definition shall not include support structures.

d) Co-Location: The activity of placing more than one Attached Communication Antenna on a Communication Tower or other existing structure.

e) Indemnity: Insurance or other security against possible damage, loss, or hurt; reparation.

3. Regulations: The following regulations shall govern the placement, design and construction of commercial communication towers including their accessory uses, attached communication antenna and co-location.

a) SPECIAL USE PERMIT: Communication Towers and attached Communication Antennas are permitted in the AG-(Agricultural) district only if they meet the requirements of the district in which they are located, the requirements of Section 12, Site Plan Review, and the requirements of Section 30, Special Use Permits, and the Special Use Permit is approved by the Union Township Board.

b) CO-LOCATION: Attached Communication Antennas which are proposed to be attached to existing towers and/or other structures, in any zone, shall be approved by the Planning Commission if the existing structure is a legal conforming use, and meets the requirements of the district in which they are located, the requirements of Section 12 Site Plan Review and the applicable requirements of Section 30.

4. Application Requirements: In addition to normal application requirements, all applications for Communication Towers and Attached Communication Antennas, regardless of the zoning district in which they are proposed to be located, constructed or modified, shall include the following information:

a) Site Plan: A plan which meets the requirements of Section 12. The site plan shall include the location of the tower/antenna, the tower/antenna height, type of construction and a Landscape Plan which provides screening for the support structure base, accessory buildings and enclosures.

b) Proposed Use: A complete written and graphic description of the proposed Communication Tower and/or Attached Communication Antenna. This written and graphic description shall include an explanation of the existing technology which is being proposed.

c) Location Justification: A written explanation of the reason for the proposed location with reference to the coverage area and capacity.

d) Ownership Interest: The nature and extent of the applicant's ownership or lease interest in the property, building or structure upon which the facilities are proposed for placement.

e) Other Tower Locations: A map depicting other Communication Tower locations within three miles of the proposed site.

- f) Co-Locations: Applications for Communication Towers must be accompanied by documentation that the applicant has investigated the potential of co-location (sharing tower facilities) with other providers who have Towers in Union Township or neighboring communities. The documentation must include written evidence that the applicant has had direct communication and response regarding the potential for co-location with the owners/operators of such other communication towers. All applications for construction of a Communication Tower will be required to provide plans for future co-location with other owners/operators.
- g) Engineering Certification: The applicant shall provide verification with a certified, sealed print that the antenna mount and structure have been reviewed and approved by a professional engineer and that the proposed installation is in compliance with all the applicable codes.
- h) Liability: The applicant shall provide documentation that indemnity and insurance coverage exist for the communications tower in the event that damage or personal injury occurs or the provider abandons the structure. The specific dollar amount of the indemnity and insurance coverage shall be approved by the Township and the cancellation of such policy shall not be effective without the approval of the Township.
- i) Landscaping Plan: Landscaping, screening, fencing and buffering plans shall be submitted for review and approval. The plans shall take into consideration any existing vegetation and any other natural features of the site.
- j) Visual Impact: The applicant shall demonstrate how the visual impact of the proposed communication towers and attached communication antennas will be reduced through the use of color or other techniques.

5. Performance Standards for Communication Towers and Attached Communication Antennas: Communication Towers and Attached Communication Antennas must meet the following applicable performance standards:

- a) Site Plan Review: Communication tower application must receive Site Plan approval from the Planning Commission.
- b) Engineering Certification: The application shall provide verification that the antenna mount and structure have been reviewed and approved by a professional engineer and that the proposed installation is in compliance with all the applicable codes. The communication tower must be set back from all property lines a distance equal to one and one half (1 ½) times its height, unless engineering specifications have been verified by the Township Engineer that the structural integrity of the communication tower will withstand high winds and impacts, and the likelihood of a communication tower failure is minimal. The applicant shall incur all cost associated with the Township engineering review.
- c) Airport Locations: Communication towers in excess of one hundred (100) feet in height above grade level shall be prohibited within a (2) mile radius of a public airport and ½ mile of a public helipad and documented private landing airstrip and be kept out of the landing approach zone.
- d) Spacing: In order to prevent a concentration of towers in one geographic area, the minimum spacing distance between communication towers shall be three (3) miles.

e) Height: The maximum height of a Communications Tower and attached communication antennae shall be 200 feet. A Communications Tower greater than 200 feet may be permitted, if in the opinion of the Planning Commission, the applicant has sufficiently demonstrated that a proposed Communications Tower in excess of 200 feet will reduce the total number of potential Communications Towers within Union Township and the surrounding areas.

f) Accessory Structures: Accessory structures are limited to the use associated with the operation of the communications tower. Accessory structures shall not exceed 600 square feet in area and a height of 20 feet. Accessory structures shall not be located closer than 50 feet from all property lines.

g) Design Certification: The final plans for the communications tower shall be certified by a registered structural engineer and meet all requirements of the Federal Communications Commission, the National Environmental Policy Act of 1969 and the Federal Aviation Administration and other applicable statutes and regulations.

h) Abandonment: The communication tower shall be removed by the property owner or lessee within three (3) months of being abandoned. The tower shall be removed to the top of the footing. If the tower has not been removed within the period specified, the Township Supervisor, with the approval of the Township Board, may have the structure removed. All costs of removal shall be charged to the owner and/or lessee of such tower.

i) Unsafe and Unlawful Communication Towers: When any communications tower is determined to be unsafe or is unlawfully erected or maintained and is found to be in violation of the provisions of this ordinance the use of the tower shall be discontinued until all violations are corrected or it shall be removed.

j) Additional Equipment: Personal Communication Service (PCS) and Cellular Service providers shall provide disclosure of additional antennas or other equipment whenever installed on an existing structure.

k) Additional Performance Requirements: The following and additional regulations pertaining to communications towers and attached communication antennas shall apply:

- 1) All towers shall be equipped with an anti-climbing device to prevent unauthorized access.
- 2) Antennae and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical wiring and connections with all applicable local statutes.
- 3) All towers shall be located so that they do not interfere with reception in nearby residential areas. In the event a communication tower causes interference, the communication company shall take all steps necessary to correct and eliminate such interference.
- 4) Towers shall not be artificially lighted unless required by the Federal Aviation Administration.
- 5) There shall not be any type of advertising signs on site.

- 6) The Site of a Tower shall not serve as a regular place of employment for any employees of the owner or lessee of the Tower.
- 7)..All parking areas shall be located on site and be hard surfaced unless an alternative surfacing material is approved by the Planning Commission.
- 8) Tower structures and communication facilities shall incorporate a color scheme which reduces visual impact.
- 9) The use of guide wires is strictly prohibited. Only monopole towers are allowed.

G. Conservation Areas, Public or Private, and Structures for the Conservation of Water, Soil and Open Space, Forest, and Wildlife Resources, Provided:

1. They are located only in AG Districts.

H. Country Clubs and Golf Courses, Provided:

1. They are located within AG, R-1, R-2A, R-2B, and R-3 Districts.
2. Entrances and exits as specified in Section 30.4.B.2, above.
3. A minimum front yard of one hundred (100) feet shall separate all uses, operations, and structures permitted herein, and shall be landscaped in accordance with plans approved by the Planning Commission.
4. No principal or accessory building shall be closer than fifty (50) feet from any abutting residentially zoned boundary line or in any event within two hundred (200) feet of any existing residential dwellings located on abutting property.
5. Driveways and parking areas as specified in Section 30.4.B.2.

I. Filling Stations for the Sale of Gasoline, Oil, Minor Accessories, and Other Incidental Service, Provided:

1. They are only located in AG, B-4, B-5, B-6, or B-7 Districts.
2. The curb cuts for access to a filling station shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than twenty-five (25) feet from a street intersection (measured from the road right-of-way) or from adjacent residential Districts.
3. The minimum lot area shall be fifteen thousand (15,000) square feet and so arranged that ample space is available for motor vehicles that are required to wait. Filling stations that are intended solely for the sale of gasoline, oil, and minor accessories; having no facilities for repair or servicing of automobiles (including lubricating facilities); may be permitted on lots meeting the minimum lot area requirements of the District they are located in.
4. No principal or accessory building shall be closer than fifty (50) feet from any abutting residentially zoned boundary line or in any event within one hundred (100) feet of any existing residential dwellings located on abutting property.
5. Driveways and parking areas as specified in Section 30.4.B.2.

6. All lighting shall be shielded from adjacent Districts.

J. Group Day-Care Homes:

1. Group day-care homes are only located within AG, R-1, R-2A, R-2B, and R-3 Districts.
2. The home shall not be located closer than one thousand five hundred (1,500) feet to any of the following:
 - a) Another licensed group day-care home.
 - b) Another adult foster care small group home or large group home licensed under the Adult Foster Care Facility Licensing Act, Act 218 of the Public Acts of 1979.
 - c) A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people licensed under Article 6 of the Public Health Code, Act 368 of the Public Acts of 1978.
 - d) A community correction center, resident home, halfway house, or other similar facility that houses an inmate population under the jurisdiction of the Department of Corrections.

Group day-care homes must have appropriate fencing for the safety of the children in the group day-care home as determined by the Township Zoning Administrator.

Group day-care homes must maintain the property consistent with the visible characteristics of the neighborhood as determined by the Zoning Administrator.

Group day-care homes do not exceed sixteen (16) hours of operation during a twenty- four (24) hour period.

One (1) off-street parking space shall be provided for each employee not residing in the residential home.

One (1) sign announcing the service shall be permitted as regulated in Section 11.7.

K. Hunting Clubs or Gun Clubs, Provided:

1. They are only located within AG Districts.
2. Driveways and parking areas as specified in Section 30.4.B.2.

L. Junk Yards, Provided:

1. They be located within I-2 Districts.
2. They shall be licensed under the provisions of Act 641 of the Public Acts of 1978, as amended.
3. All uses shall be established and maintained in accordance with all applicable State laws.
4. The site shall be a minimum of five (5) acres in size.

5. A solid fence or wall at least eight (8) feet in height shall be provided around the site to screen said site from surrounding property. Such fence or wall shall be of sound construction, painted, or otherwise finished neatly and inconspicuously. Such fence or wall shall be a permanent finish or construction.
6. All activities shall be confined within the enclosed area. There shall be no stocking of material above the height of the fence or wall, except that movable equipment used on the site may exceed the wall or fence height. No equipment, material, signs, or lighting shall be used or stored outside the enclosed area.
7. All enclosed areas shall be setback at least one hundred (100) feet from any front street or property line. Such front yard setback shall be planted with trees, grass, and shrubs to minimize the appearance of the installation. The spacing and type of the plant materials shall be approved by the Zoning Official.
8. No open burning shall be permitted.
9. Entrance and exits as specified in Section 30.4.B.2.
10. Driveways and parking areas as specified in Section 30.4.B.2.

M. Miniature Golf and Driving Range, Provided:

1. They are located in B-4 Districts.
2. Entrances and exits as specified in Section 30.4.B.2.
3. A minimum front yard of one hundred (100) feet shall separate all uses, operations, and structures permitted herein, and shall be landscaped in accordance with plans approved by the Planning Commission.
4. Golf driving ranges shall provide safety screening as deemed reasonable and necessary by the Planning Commission.
5. No principal or accessory building shall be closer than fifty (50) feet from any abutting residentially zoned boundary line or in any event within two hundred (200) feet of any existing residential dwelling located on abutting property.
6. Driveways and parking areas as specified in Section 30.4.B.2.

N. Mortuary Establishments, Provided:

1. They are only located in B-4 Districts.
2. Adequate assembly area is available off the street for vehicles to be used in funeral processions. Further, such assembly area shall be provided in addition to any required off street parking area. A caretaker's residence may be provided within the main buildings of mortuary establishments.
3. Entrance and exits as specified in Section 30.4.B.2.
4. Driveways and parking areas as specified in Section 30.4.B.2.

O. Planned Shopping Centers, Provided:

1. They shall be located only within B-4 or B-5 Districts.

2. The standards for this District are intended to promote safe and convenient access to shopping and business facilities and to avoid or minimize undue traffic congestion or other adverse affects upon property within adjacent Districts.

3. Before a Building Permit may be issued for this District, a Certificate of Zoning Compliance must be granted. Approval of all plans shall be required before a Certificate of Zoning Compliance can be granted for a shopping center development. Approval shall be obtained from the County Highways prior to approval for the site plan. The application for a Certificate of Zoning Compliance shall contain:

a) A market analysis, by a recognized market analyst, stating the economic justification and need for the establishment of a center of the type and size proposed by the applicant. This analysis shall be based upon but not limited to such factors as the trade area of the community; travel time from various parts thereof to the proposed center site; general development trends; expected sales volumes the center as indicated by the demand for certain types of retail merchandise; existing or anticipated competing commercial facilities; and other data and analysis that relate to the need and potential success of the proposed center.

b) A site plan defining the areas to be developed for buildings, the areas to be devoted to parking; the location of pedestrian and vehicular circulation and the points of ingress and egress; the location of walls, landscaped areas, terraces, and other open spaces; the provision of spaces for loading, unloading, and servicing; the location, size, and number of signs; and the required transition strips.

c) A traffic survey, prepared by a qualified traffic engineer, indicating the effect of the proposed shopping center of adjacent streets. Said survey shall disclose the points of origin, direction, and amount of traffic flow to and from the proposed center, as well as adequate means of ingress and egress.

d) A list of proposed uses to be included in the proposed center, with the area of each to be devoted to retail space.

e) Engineering and Architectural Plans for:

1) The treatment and disposal of sewage.

2) The disposal of surface water from roofs, parking lots, and all hard surfaced areas of the development.

3) The proposed handling of traffic congestion, glare, air pollution, fire, or safety hazards.

f) The proposed hours of business and the estimated number of employees and customers anticipated during peak business hours.

g) Final plans of the entire shopping center, including a time schedule for completion of construction.

4. The data required in this section shall be submitted with an application for a special use permit for the purpose of creating a planned shopping center District.

5. Driveways and parking areas as specified in Section 30.4.B.4

P. Planned Unit Developments: Refer to Section 31 for all Planned Unit Development provisions.

Q. Public and Institutional Uses, Provided:

1. They are located within AG, R-1, R-2A, R-2B, and R-3 Districts.
2. That such use will be in conformity with the character of the adjacent neighborhood and that they are essential to service the neighborhood or community and cannot feasibly be located in a zone where they would otherwise be permitted. The Planning Commission shall establish requirements for setback, lot size, side yard, parking, screening, and other conditions necessary to conform the same to the character of the adjacent neighborhood.
3. Entrance and exits as specified in Section 30.4.B.2.
4. Driveways and parking areas as specified in Section 30.4.B.2.

R. Race Tracks, Provided:

1. They are only located within AG Districts.
2. Entrances and exits as specified in Section 30.4.B.2.
3. Race tracks shall be enclosed by an obscuring screen fence at least eight (8) feet in height. Fences shall be of permanent finish and construction, painted or otherwise finished neatly, attractively, and inconspicuously.
4. Driveways and parking areas as specified in Section 30.4.B.2.
5. Days and hours of operation are limited to Fridays between 6 p.m. and 11 p.m., Saturdays between 1 p.m. and 11 p.m.; however, in no event more than six (6) hours, and Sundays between 1 p.m. and 6 p.m.

S. Sand and Gravel Pits, Provided:

1. They are located within AG Districts.
2. All excavation shall comply with Soil Erosion and Sedimentation Control Act 347 of the Public Acts of 1972 of the State of Michigan, as amended. All areas so used shall be rehabilitated progressively as they are worked out or abandoned to a condition entirely free from hazards and blending with the surrounding natural ground. All slopes and banks shall be reasonably graded to prevent excessive erosion.
3. No business or industrial buildings or structures of a permanent nature shall be erected, except when such building is a permitted use within the District in which the gravel pit is located.
4. Driveways and parking areas as specified in Section 30.4.B.2.
5. Entrances and exits as specified in Section 30.4.B.2.
6. The Planning Commission may require that part or all of the operation be screened with a wire or wood fence six (6) feet in height. In addition, evergreen screening planting may be required on any side adjacent to land in residential or commercial use.
7. No excavation should come within one hundred (100) feet of a residence or within fifty (50) feet of a property line or a road right-of-way. All operations coming within the minimums must retain a 2:1 slope (two (2) feet horizontal, one (1) foot vertical). This regulation must also be observed by owner and operator of existing gravel pits where excavation is in progress on the effective date of this Ordinance.

8. All truck operations shall be directed away from residential streets, whenever practical.
9. All permit applications for excavations must be co-signed by landowner and operator.

T. Second Living Quarters on a Farm: The use of a second single-family dwelling unit or one (1) two-family dwelling unit as a second living quarters on a farm may be permitted for a member, or members, of the owner's family or for an unrelated family having permanent employment on the farm, provided:

1. Allowed as a special use provided they are located in AG Districts.
2. Lot area requirements of AG District are met.
3. No dwelling permitted under this section may be located in a front yard space of the principal dwelling or closer to the front lot line than fifty (50) feet.
4. A dwelling shall be no closer than thirty (30) feet to the rear or side wall of the principal dwelling on the premises or closer than thirty (30) feet to any barn, accessory farm structure, or to any lot line of adjoining property.
5. Approval from the Central Michigan District Health Department must be obtained for water well and sewage disposal facilities.

U. Self-Storage Buildings (Amended Ord 2000-10) : Facilities used to provide temporary storage needs for business, apartment dwellers, and other individuals on a self-service basis subject to the following:

1. Allowed as a special use provided they are located in B-4 or B-5 Districts.
2. Provided they shall be architecturally designed so as not to have a flat roof, and shall instead have a mansard, gable, hip or gambrel roof design.
3. Provided they meet all required conditions of the B-4 or B-5 zone.
4. All entrances and exits shall be designed in accordance with the Isabella County Road Commission requirements. It is further required that all sites shall provide points of ingress and egress that are located upon a public road. Local traffic movement shall be accommodated within the site so the entering and exiting vehicles will make normal and uncomplicated movements into or out of the public road.
5. Greenbelt planting and screening will be required so as to obscure view from any adjacent residential District. Screening will also be required where property is within two hundred fifty (250) feet of any residentially zoned property. Screening shall consist of non-deciduous trees, not less than three (3) feet in height, planted and maintained in live condition not less than fifteen (15) feet on centers.
6. Maximum length of any self-storage building shall be two hundred fifty (250) feet.
7. No storage of combustible or flammable liquids, combustible fibers, or explosive materials, as defined in the fire prevention code, or toxic materials shall be permitted within the self-storage building or upon the premises.
8. No storage outside of the self-storage buildings shall be permitted.

The use of the premises shall be limited to storage only and shall not be used for operating any other business, for maintaining or repairing of any vehicles, recreational equipment or other items, for any recreational activity, hobby, or purpose other than the storage of personal items and business items as herein be fore set forth.

10. All entries, drives and parking areas shall be hard surfaced and shall provide drainage and grading to move storm water away from the storage units.

V. State-Licensed Residential Facilities:

1. State-licensed residential facilities are only located within Ag Districts.
2. State-licensed residential facilities as defined and properly licensed by Act 218 of the Public Acts of 1979 and Act 116 of the Public Acts of 1973, as amended, which provide resident services for seven (7) or more persons under twenty-four (24) hour supervision, shall only be permitted in AG Districts. Notifications of such proposed special use shall be mailed to all residents within a one thousand five hundred (1,500) foot radius to the property lines of the proposed site as directed by MCLA 125.216(a); MSA 5.2961 (16A).

W. Veterinarian Services:

1. Veterinarian services shall be permitted only in the AG District.
2. All buildings shall be set back a minimum of fifty (50) feet from all lot lines.
3. If animals are housed outdoors, the animals shall be housed at least one hundred (100) feet from all lot lines and at least five hundred (500) feet from any R-1, R-2A, R-2B, R-3, R-4, or R-5 District.

X. Mobile and Modular Home Sales, Provided

1. They shall be located in a B-6 or B-7 district as a Special Use only (Amended Ord. 1998-21).
2. Entrances and exits as specified in Section 30.4.B.2.
3. Driveways and Parking areas as specified in Section 30.4.B.2.
4. They shall meet the standards in Section 24.4.
5. Maximum lot coverage (By All Buildings including display models) shall not exceed 30% of Gross Lot Area unless the conditions and requirements of Section 24.4.E. are complied with.
6. The premises shall not be used for repairing or restoration of any mobile or modular homes, or other items unless such repair or restoration shall be conducted in a fully enclosed building.
7. Service vehicles shall be parked on a paved surface and completely screened from view of adjacent properties.
8. Lighting of outdoor display areas shall be shielded so as to deflect light away from adjacent properties. Such lighting shall also be deflected away from any adjacent properties. Such lighting shall also be deflected away from any adjacent street so as not to interfere with traffic.
9. The distance between display models shall not be less than ten (10) feet.
10. Display units shall be skirted immediately upon placement on the sales lot.

Y. Multiple-Family Dwellings of Five or More Units, Provided: (New, Ord 1995-6)

1. The building(s) are located in a R-3 District.

2. The building(s) shall have access to a major street.
3. Parking is prohibited in front and side yard setbacks.
4. A minimum of 25 percent of side and rear yard setbacks are retained as open landscaped areas.
5. The Planning Commission may require parking beyond the minimum provisions contained in Section 10.
6. The lot shall not have a common lot line with a lot in an R-1 single family residential district.

Z. Boarding Kennels (New Ord 98-11):

1. Boarding kennels shall be allowed as a special use in AG zones. Boarding kennels are permitted uses in I1 and I2 zones, see district requirements.
2. Boarding kennel may be erected as an accessory building per Section 8.1.A,B.
3. No animals other than customary household pets may be housed. Exotic and wild animals are not allowed.
4. The boarding kennel shall not be located nearer than 100 feet from any property line and 2,450' from a residential district. Construction shall be compatible with surrounding neighborhood.
5. Single story buildings only are allowed.
6. The building shall be constructed as to be sound proof at the property lines.
7. The building shall be constructed as to not omit noxious odors.
8. All kennel runs shall be contained within the building.
9. All waste shall be disposed in accordance with Health Department standards for septic systems, or municipal sewer. Parking shall be required as per section 10.5 and 10.6.
10. Signs shall be permitted as per section 11.
11. Site plan review shall be in accordance with section 12.
12. Grooming and/or bathing of boarding animals is allowed.

Screening shall be required so as to obscure the view from any adjacent dwelling. Screening shall consist of non-deciduous trees, not less than three (3) feet in height, planted and maintained in live condition, not less than fifteen (15) feet on center.

AA. Auto wash establishments when completely enclosed in a building. (Ord 2001-04)

Accessory facilities and operations such as, but not limited to, vacuums, may be placed outside the structure with Planning Commission approval. The site shall be designed for safe and efficient traffic circulation.

AB. Multi-use: A combination retail and residential structure.

Multi-Use structures:

1. Can be located in any B-zone and must be two stories only.
2. The rental units are to be located on the second floor only and are limited to no more than four (4) single-family units.
3. Each residential unit must be at least 1,000 square feet (gross).
4. Must provide the full amount of required business and accessible parking spaces plus two (2) parking spaces per residential unit. Residential parking must be set aside by location or signage to indicate it is reserved for the occupants.
5. Must provide access to the residential areas without entering the business portion of the structure. Additional access to the residential areas maybe provided from the business area.
6. Must meet the township definition of "family" in determining number of occupants per unit.
7. May be permitted in existing legal non-conforming structures that are located in business zones. When these structures are single story, only one residential unit maybe retained on the first floor. If a second story is present or added, only the second story maybe used for residential purposes. Site plan review shall be required when converting any residential structure to a Multi-Use structure.
8. Require a Special Use Permit.

AC. Utility Grid Wind Energy System, On-site Use Wind Energy System over 65 feet high, and Anemometer Towers over 65 feet high.

An Utility Grid Wind Energy System, On-site Use Wind Energy System over 65 feet high, and Anemometer Towers over 65 feet high shall meet the following standards in addition to the general special use standards (section 8.1.G of this ordinance):

1. Property Set-Back:
 - a. Anemometer Tower setback shall be the greater distance of the following:
 - 1) The setback from property lines of the respective zoning district;
 - 2) The setback from the road right-of-way; and
 - 3) A distance equal to the height of the tower from property lines, from the lease unit boundary, or the Setback Agreement Boundary area, whichever is less.
 - b. Utility Grid and On-site Use Wind Energy System setback shall be the greater distance of the following:
 1. The setback from property lines of the respective zoning district;
 2. The setback from the road right-of-way; or
 3. A distance equal to the height of the tower including the top of the blade in its vertical position from property lines, from the lease unit boundary, or the Setback Agreement Boundary area, whichever is less.
 - c. Any Operations and Maintenance Office building, sub-station, or ancillary equipment shall comply with any property set-back requirement of the respective

zoning district. Overhead transmission lines and power poles shall comply with the set-back and placement requirements applicable to public utilities.

- d. Sound Pressure Level: The sound pressure level shall not exceed 55 dB(A) measured at the property lines or the lease unit boundary, whichever is farther from the source of the noise. This sound pressure level shall not be exceeded for more than three minutes in any hour of the day. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).
- e. Safety: Shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present. All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site of the wind energy system. A sign shall be posted near the tower or Operations and Maintenance Office building that will contain emergency contact information. Signage placed at the road access shall be used to warn visitors about the potential danger of falling ice. The minimum vertical blade tip clearance from grade shall be 20 feet for a wind energy system employing a horizontal axis rotor.
- f. Post-Construction Permits, Construction Codes, Towers, and Interconnection Standards: Shall comply with all applicable state construction and electrical codes and local building permit requirements.
- g. Pre-Application Permits:
 - 1. Utility Infrastructure: Shall comply with Federal Aviation Administration (FAA) requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950 as amended, M.C.L. 259.431 *et seq.*), the Michigan Tall Structures Act (Public Act 259 of 1959 as amended, M.C.L. 259.481 *et seq.*), and local jurisdiction airport overlay zone regulations. The minimum FAA lighting standards shall not be exceeded. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA. Utility Grid wind energy systems shall comply with applicable utility, Michigan Public Service Commission, and Federal Energy Regulatory Commission interconnection standards.
 - 2. Environmental:
 - a. The site plan and other documents and drawings shall show mitigation measures to minimize potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, historical and cultural sites, and antiquities, as identified in the Environmental Analysis.
 - b. Comply with applicable parts of the Michigan Natural Resources and Environmental Protection Act (Act 451 of 1994, M.C.L. 324.101 *et seq.*) (including but not limited to:
 - i. Part 31 Water Resources Protection (M.C.L. 324.3101 *et seq.*),
 - ii. Part 91 Soil Erosion and Sedimentation Control (M.C.L. 324.9101 *et seq.*),
 - iii. Part 301 Inland Lakes and Streams (M.C.L. 324.30101 *et seq.*),

- iv. Part 303 Wetlands (M.C.L. 324.3030 1 *et seq.*),
 - v. Part 323 Shoreland Protection and Management (M.C.L. 324.32301 *et seq.*),
 - vi. Part 325 Great Lakes Submerged Lands (M.C.L. 324.3250 1 *et seq.*), and
 - vii. Part 353 Sand Dunes Protection and Management (M.C.L. 324.35301 *et seq.*)) as shown by having obtained each respective permit with requirements and limitations of those permits reflected on the site plan.
- F. Performance Security: To ensure repairs to roadways and other public infrastructure, applicants shall obtain all necessary permits and bonds from the Isabella County Road Commission prior to moving equipment or materials or installing driveways.
- G. Utilities: Power lines should be placed underground, when feasible, to prevent avian collisions and electrocutions. All above ground lines, transformers, or conductors should comply with the Avian Power Line Interaction Committee (APLIC), <http://www.aplic.org/> published standards to prevent avian mortality.
- H. The following standards apply only to Utility Grid Wind Energy Systems:
1. Visual Impact: Utility Grid wind energy system projects shall use tubular towers and all Utility Grid wind energy systems in a project shall be finished in a single, non- reflective matte finished color. A project shall be constructed using wind energy systems of similar design, size, operation, and appearance throughout the project. No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades. Nacelles may have lettering that exhibits the manufacturer's and/or owner's identification. The applicant shall avoid state or federal scenic areas and significant visual resources listed in the local unit of government's Plan.
 2. Avian and Wildlife Impact: Site plan and other documents and drawings shall show mitigation measures to minimize potential impacts on avian and wildlife, as identified in the Avian and Wildlife Impact analysis.
 3. Shadow Flicker: Site plan and other documents and drawings shall show mitigation measures to minimize potential impacts from shadow flicker, as identified in the Shadow Flicker Impact Analysis.
 4. Decommissioning: A planning commission approved decommissioning plan indicating
 - a. the anticipated life of the project,
 - b. the estimated decommissioning costs net of salvage value in current dollars, c) the method of ensuring that funds will be available for decommissioning and restoration, and
 - c. the anticipated manner in which the project will be decommissioned and the site restored.
 5. Complaint Resolution: A planning commission approved process to resolve complaints from nearby residents concerning the construction or operation of the project

6. Electromagnetic Interference: No Utility Grid wind energy system shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennae for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that will restore reception to at least the level present before operation of the wind energy system. No Utility Grid wind energy system shall be installed in any location within the line of sight of an existing microwave communications link where operation of the wind energy system is likely to produce electromagnetic interference in the link's operation unless the interference is insignificant.

7. Additional requirements for Site Plan Review of Utility Grid Wind Energy System, Anemometer Towers over 65 feet, and On-site Use Wind Energy System over 65 feet. In addition to the requirements for a site plan found in section 12 of this Ordinance, site plans and supporting document for Anemometer Towers over 65 feet, Utility Grid Wind Energy Systems, and On-site Use Wind Energy Systems which are over 65 feet high shall include the following additional information:

- H. Documentation that sound pressure level, construction code, tower, interconnection (if applicable), and safety requirements have been reviewed and the submitted site plan is prepared to show compliance with these issues.
- I. Proof of the applicant's public liability insurance for the project.
- J. A copy of that portion of all the applicant's lease(s) with the land owner(s) granting authority to install the Anemometer Tower and/or Utility Grid Wind Energy System; legal description of the property(ies), Lease Unit(s); and the site plan shows the boundaries of the leases as well as the boundaries of the Lease Unit Boundary.
- K. The phases, or parts of construction, with a construction schedule.
- L. The project area boundaries.
- M. The location, height, and dimensions of all existing and proposed structures and fencing.
- N. The location, grades, and dimensions of all temporary and permanent on-site and access roads from the nearest county or state maintained road.
- O. All new infrastructure above ground related to the project.
- P. A copy of Manufacturers' Material Safety Data Sheet(s) which shall include the type and quantity of all materials used in the operation of all equipment including, but not limited to, all lubricants and coolants.
- Q. For Utility Grid Wind Energy Systems only:
 - 1. A copy of a noise modeling and analysis report and the site plan shall show locations of equipment identified as a source of noise which is placed, based on the analysis, so that the wind energy system will not exceed the maximum permitted sound pressure levels. The noise modeling and analysis shall conform to IEC 61400 and ISO 9613. After installation of the Utility Grid wind energy system, sound pressure level measurements shall be done by a third party, qualified professional according to the procedures in the most current version of ANSI S12.18. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4

specifications for a Type II sound meter. Documentation of the sound pressure level measurements shall be provided to the local government within 60 days of the commercial operation of the project.

2. A visual impact simulation showing the completed site as proposed on the submitted site plan. The visual impact simulation shall be from four viewable angles.
3. A copy of an Environment Analysis by a third party qualified professional to identify and assess any potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, historical and cultural sites, and antiquities. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis, and shall show those measures on the site plan. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.

4. A copy of an Avian and Wildlife Impact Analysis by a third party qualified professional to identify and assess any potential impacts on wildlife and endangered species. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis, and shall show those measures on the site plan. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.

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

5. A copy of a shadow flicker analysis at occupied structures to identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sun-rise to sun-set over the course of a year. The site plan shall identify problem areas where shadow flicker may affect the occupants of the structures and show measures that shall be taken to eliminate or mitigate the problems.
6. A second site plan, which includes all the information found in section 12 of this Ordinance, and shows the restoration plan for the site after completion of the project which includes the following supporting documentation:
 - a. The anticipated life of the project.
 - b. The estimated decommissioning costs net of salvage value in current dollars.
 - c. The method of ensuring that funds will be available for decommissioning and restoration.
 - d. The anticipated manner in which the project will be decommissioned and the site restored.

A description of the complaint resolution process developed by the applicant to resolve complaints from nearby residents concerning the construction or operation of the project. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. The process shall not preclude the local government from acting on a complaint. During construction the applicant shall maintain and make available to nearby residents a telephone number where a project representative can be reached during normal business hours.

AD. (New Or 2011-03) Marihuana Club, Provided:

1. Marihuana Clubs are located only in R3-A, R3-B districts by special use permit.
2. State Law. A Marihuana Club shall at all times comply with the Michigan Medical Marihuana Act, MCL 333.26421 et seq and the Administrative Rules of the Michigan Department of Community Health, as they may be amended from time to time.
3. Inspections. Quarterly inspections shall be made by the Township to confirm the Marihuana Club is operating in accordance with applicable laws.
4. Activity on Site. There shall be no transfer, delivery, acquisition, sale, ingestion, smoking or other consumption, of controlled substances, including marihuana, on the site.
5. Dwelling Unit. A Marihuana Club shall not be located on the same parcel as a dwelling unit.
6. Drive thru. Drive thru facilities are prohibited on a Marihuana Club site.
7. Dispersal and Spacing. For sites located in R3-A and R3-B zoning districts the parcel on which a Marihuana Club is located shall be situated at least one thousand (1000) feet from the parcel on which another Marihuana Club is located, as measured between property lines.
A Marihuana Club shall be situated at least five hundred (500) feet from a parcel on which a church, house of worship, school, licensed day care, community center or public park is located as measured between property lines. For purposes of this section a school shall be any public or private institution of learning, elementary through secondary (k-12) and any preschool.
8. Conditions. Prior to granting approval for a Marihuana Club, the planning commission may impose any conditions or limitations upon the establishment, location, construction, maintenance, or operation of the Marihuana Club which are necessary for the protection of the public interest.
9. Site Requirements.

- a. Driveways and parking areas shall be as specified in 30.4.B.2.
- b. Entrances and exits shall be as specified in 30.4.B.2.
- c. Signage consistent with the Township's signage provisions of the zoning ordinance shall be allowed on the site.

AE **Rooming Dwellings and Boarding Dwellings.** (New Ord 13-04). Rooming Dwellings or Boarding Dwellings for up to five occupants, regardless of familial status, or a single family plus two additional occupants may be permitted by Special Use. The two additional occupants may be related or unrelated to each other.

After payment of the required fees, an application, with a site sketch and floor plan for a Rooming Dwelling or Boarding Dwelling shall be reviewed by the Planning Commission with a public hearing and approved by the Township Board. The Township Board may approve occupancies of up to four unrelated persons in a Rooming Dwelling where conditions do not warrant five occupants. In all cases, the following conditions shall be met:

A) Parking: 4 parking spaces per unit shall be provided and designed such that no space is blocked by another vehicle, or otherwise require a vehicle to be moved to use the parking space. Additional parking spaces beyond 4 per unit may be created which require a vehicle to be moved to utilize the parking space. Parking spaces shall be constructed of gravel, asphalt, concrete or other durable hard surface and connected by similar hard surfaces to the driveway or entrance to the property. Where a garage is provided and counted as a parking space, it shall remain available for parking at all times. More than one parking area may be utilized to fulfill these requirements.

B) Bedrooms and bathrooms: A minimum of 3 bedrooms and one bathroom (toilet and bathing) per unit shall be provided. Bedrooms shall be a minimum 70 SF for a single occupant, and 100 SF for each additional occupant in the bedroom. When approved for five occupants, each unit so approved shall provide a minimum of one bathroom and a half bathroom (toilet only).

C) Open Spaces: No Rooming Dwelling or Boarding Dwelling shall be approved on a lot with less than the required lot area.

D) Common Entrance(s): All occupants of a Rooming Dwelling or Boarding Dwelling shall enter or exit the structure through one or more common entrances. Any entrance to the residence which creates a separate or exclusive living area, with or without sanitary or cooking facilities, shall be deemed to be an additional unit. One Unit Rooming Dwellings located in an R2 zoning district may convert the structure to a two unit Rooming Dwelling after an approved Special Use Permit for a Two Unit Rooming Dwelling has been issued. Three unit dwellings are not permitted in any R1 or R2 zone.

E) Waste disposal per Section 8.23: A 6' solid screening wall shall be installed to screen outdoor containers from view unless waived by the Planning Commission and approved by the Board. Plastic bags shall not be stored outside unless in a container designed to prevent access by animals.

F) If the structure utilizes a septic system and proposes to add a bedroom(s), a System Evaluation by Central Michigan Health Department is required prior to construction.

G) Revocation of Special Use Permit. The following may cause the Special Use Permit to be revoked after a Show Cause Hearing by the Planning Commission; failure to maintain the conditions placed on the special use contained in the approval, or failure to comply with the Union Township Rental Housing Code. The residence maybe occupied by no more than one single family per unit if the special use is revoked.

SECTION 31

PLANNED UNIT DEVELOPMENT (P.U.D.)

31.1 PLANNED UNIT DEVELOPMENT (P.U.D.), AS DEFINED AND ALLOWED IN THE SUBSECTION BELOW:

Intent: The Planned Unit Development is a method by which creative large scale development of land is encouraged. The P.U.D. is a device that makes use of varying lot sizes and integrates different building structures. Typically, structures in these developments are clustered in such a manner as to achieve the same overall density that would be achieved if the developer had laid out the development in the conventional grid Zoning pattern. In addition to the clustered structures, open spaces are provided to ensure recreational facilities with different building types or land uses and thereby to achieve creativity, flexibility, and variety. Under this section any un-incorporated area in the Township and all proceedings in regard thereto, shall be done with consideration for maintenance of reasonable conditions regarding emission and transmission of injurious or obnoxious noise, vibration, gas, smoke, dust, litter, odor and light glare, traffic, congestion, drainage, lateral land support, effect on property values, light and air, overcrowding of persons, sanitation, general appearance of the area, and other similar considerations having an effect on public health, safety, and general welfare of the people of the surrounding community.

31.2 LEGISLATIVE FINDINGS

It is hereby determined that through careful land use and site planning it is sometimes possible to develop substantial tracts of land for uses, and with structures and other facilities that are not fully in conformance with the provisions of this Ordinance, nevertheless, are not harmful to the public health, safety, and welfare and, in fact, may be thought to improved efficiency of land uses, be beneficial thereto. It is in the public interest to provide regulations, as an alternative to the regulations otherwise provided in this Ordinance, to make possible such development and use while, at the same time, assuring that any such development and use is not harmful to the public health, safety, and welfare.

31.3 PROCEDURE

A. Final Development Plan: Development or improvement of lots or areas within said P.U.D. area, after approval and adoption of a preliminary development plan, shall be accomplished by submission to the Planning Commission of a final development plan. The final development plan shall include the following information as the Planning Commission finds reasonably necessary to consider said plan:

1. A plot plan based on an accurate survey showing location of present and proposed buildings and improvements; streets; railroads; lots; buildings; drives; parking lots; water and sewer lines; and topographical features, including contours at a workable interval; ditches; water courses; ground cover; and other pertinent physical features of the site.
2. A description of the proposed operation in sufficient detail to indicate the noise, smoke, odor, vibration, dust and dirt, noxious gases, glare and heat, fire hazards, industrial wastes, and traffic that may be produced by such operation.
3. Engineering and architectural plans for controlling problems of the type enumerated under Item 2, above, if deemed necessary by the developer or if required by the Planning Commission or their authorized representative.

4. Final development architectural sketches or general specifications as to the type of construction and material to be used in the proposed building.
5. The period of time within which the project will be completed.
6. Additional information that the Planning Commission or the Zoning Official may find reasonably necessary to evaluate the proposed development and its effect on surrounding areas.

All aspects of such plan that might have an adverse effect on public health, safety, and welfare, or upon values of nearby property, must be disclosed in the application for approval of such plan.

B. If the Planning Commission shall determine that the proposed use of the land, as shown on the final development plan, might have an enervating, debilitating, or offensive effect on adjacent properties; whether industrial, commercial, residential, or other through the effects of noise, smoke, odor, dust and dirt, noxious gases, glare and heat, vibrations, fire hazards, industrial waste, traffic, or adverse aesthetic effects; they may require the owner, through the use of qualified technical persons and acceptable testing techniques, to demonstrate the devices that shall be utilized to control the factors determined to be offensive. Upon acceptance by the Planning Commission of such control devices, they shall be incorporated as a part of the final development plan.

C. The Planning Commission shall consider the final development plan and shall when appropriate, direct that specific changes be made to conform with the spirit, purpose, and intent of this Ordinance.

Final approval or disapproval of a final development plan shall be made by the Township Board. A copy of said final development plan, if finally approved, shall be forwarded to the Township Clerk for filing.

D. The Township Board and the Planning Commission are specifically authorized to require the recording of a plat in connection with any such application when such would be required by Act 288 of the Public Acts of 1967, as amended.

Both the Preliminary sketch review and the Final Plan Review shall be conducted after a Public Hearing as provided in Section 7.8.

31.4 GENERAL PROVISIONS FOR PLANNED UNIT DEVELOPMENT (P.U.D.)

A. In order to obtain a special use permit to be used as a Planned Unit Development, the proposed area shall consist of at least five (5) acres.

B. No transition or use substitution privileges provided elsewhere in the Ordinance shall apply to Planned Unit Development.

C. It must be demonstrated that adequate public utilities and municipal service are available to support the development.

31.5 PERMITTED USES

The Planned Unit Development (P.U.D.) allows the clustering of residential uses, industrial uses, and commercial uses and authorized structures of differing heights.

The following are Planned Unit Development uses that may be permitted with the specified zoned Districts.

A. R-2A, R-2B, and R-3 Districts: All uses allowed by right or by special use within their respective District.

B. B-4 and B-5 Districts: All uses allowed by right within their respective Districts, plus the following uses:

1. Housing for aged in the B-4 District only.
2. Shopping centers and malls.

C. B-6 District: All uses permitted by right in the B-6 District.

D. B-7 District: All uses permitted by right in the B-7 District, plus the following uses:

1. One- and two-family dwellings.
2. Multiple-family dwellings.

E. I Industrial Districts: All uses allowed by right within this District, plus the following uses:

1. Industrial parks.

31.6 REQUIRED CONDITIONS FOR PLANNED UNIT DEVELOPMENT

The following minimum conditions and requirements shall be complied with and shown on all plans and specifications.

A. Municipal facilities shall be available and provided as part of the site plan development and approved by the Central Michigan District Health Department.

B. Density: In order to prevent overtaxing of public services and facilities, the Planning Commission shall control the permitted density.

C. Height: A dwelling or principal building shall not be more than thirty-five (35) feet.

D. Building Spaces: Rather than using traditional front, side, and rear yard requirements, minimum spacing distances below may be required, although the Planning Commission has the discretion to increase these standards.

1. Front Yard: There shall be a front yard of at least fifty (50) feet.
2. Side Yard: All principal buildings shall have two (2) side yards and no side yard shall be less than twenty (20) feet from the buffer zone.
3. Rear Yard: There shall be a rear yard of at least thirty-five (35) feet.

E. Usable Open Space: A minimum usable open space area of thirty (30) square feet per dwelling shall be provided within group housing developments. Such open space shall be provided at ground level, unoccupied by principal or accessory buildings, and available to all occupants of the group housing development. Each open space area, so provided, shall have a minimum total area of one thousand two hundred (1,200) square feet and shall be unobstructed to the sky. It shall not be devoted to service driveways or off street parking or loading spaces, but shall be usable for greenery, drying yards, recreational space, and other leisure activity.

F. The minimum horizontal distance between buildings (front to front, rear to rear, or front to rear) shall be fifty (50) feet for buildings one (1) story in height. The distance shall be increased by not less than five (5) feet for every story added. The minimum distance between buildings may be decreased by as much as ten (10) feet toward one (1) end, if it is increased by a similar distance at the other end and consistent modifications are permitted by the Planning Commission to accommodate plans that are not conventional in their outline or in their relations to other buildings.

G. The horizontal distance between ends of buildings shall be twenty (20) feet or more for one (1) or two (2) story buildings. Where the end of one (1) building is opposite the face or rear of another building, the minimum horizontal distance between them shall be thirty (30) feet for buildings one (1) story in height. These distances shall be increased by not less than five (5) feet for every story added.

H. No closed courts shall be permitted. Open arcades or garden wall not over six (6) feet in height shall not be deemed enclosing features.

I. Lot Width: The minimum width for a lot used for group housing shall be that area necessary for achieving open space requirements and yard requirements.

J. Off-street parking and signs shall meet provisions of Section 10 and Section 11.

K. Environmental Design: Planned Unit Developments shall be designed to enhance environmental features such as the preservation of trees, flood plains, natural areas, and promote proper site landscaping.

L. Circulation: the Isabella County Road Commission shall specify Standards for circulation of traffic. This shall include the relationship of internal circulation systems to external collectors and arterioles, as well as the relationships of streets to structures. This shall also include standards governing private streets.

M. Perimeter Area: To ensure a properly integrated Planned Unit Development with adjacent developments, there shall be a buffer zone surrounding the development. This buffer zone shall be left to the discretion of the Planning Commission to ensure uniformity with adjacent zoned District.

N. Phasing: Performance bonds relating to proportionate construction shall be used to ensure that necessary facilities are constructed. The bonds shall coincide with a phasing program. Both the phasing program and performance bonds shall be established by the Planning Commission.

SECTION 32 MISCELLANEOUS PROVISIONS

32.1 SEVERABILITY

Should any article, section, subsection, paragraph, sentence or phrase of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

32.2 ANNUAL REPORT

Following the enactment of this Ordinance, the Township Planning Commission shall, from time to time, prepare and file, with the Township Board, a report on the supplements or changes thereto, at least once each year.

32.3 EFFECTIVE DATE

This Ordinance was adopted by the Township Board of Union Township, Isabella County, Michigan at a regular meeting duly called and held on the 10th day of April, 1991. It is hereby ordered that said Ordinance be given immediate effective and be in force from and after the aforementioned date.

32.4 REPEAL OF PRIOR ZONING ORDINANCE

The 1981 Union Township Zoning Ordinance is hereby repealed and replaced herewith; and all Ordinances, resolutions, or orders, or parts thereof, in conflict with the provisions of the Ordinance are, to the extent of such conflict, repealed.

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