

Union Township
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AN ORDINANCE TO REPEAL EXISTING INTERIM ZONING ORDINANCE
OF THE TOWNSHIP OF UNION AND TO ADOPT A NEW ZONING ORDINANCE
IN ITS PLACE

The Township of Union ordains:

That the Interim Zoning Ordinance of the Township of Union
adopted July 2, 1968, and all amendments thereto, be and the same
is hereby repealed.

That the Union Township Zoning Ordinance shall from and after
the effective date of this Ordinance, be and read as follows:

Passed by the Township Board _____

Effective: _____

By: _____
Township Clerk

Approved by the Isabella County Planning Commission

Date: _____

By: _____

ZONING ORDINANCE

TOWNSHIP OF UNION

Isabella County, Michigan

An Ordinance to establish zoning regulations for the unincorporated portions of the Township of Union, Isabella County, Michigan, providing for the administration, enforcement and amendment, and prescribing penalties for the violation thereof, in accordance with the provisions of Act 184 of the Public Acts of Michigan, 1943, as amended. The people of Union Township do ordain:

CHAPTER I

TITLE

SECTION 1.01 TITLE. This Ordinance shall be known, referred to and cited as the "Union Township Zoning Ordinance."

CHAPTER II

PURPOSE, SCOPE AND INTERPRETATION

SECTION 2.01 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 a Land Use Plan and is designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; 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.

SECTION 2.02 SCOPE AND 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annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this Ordinance, or of any private restrictions placed upon property by covenant, deed or other private agreement. Where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or lot coverage, or requires 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.

CHAPTER III

GENERAL PROVISIONS

These general provisions are applicable to all districts.

SECTION 3.01 THE 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 zone district in which it is located.

SECTION 3.02 RESTORATION OF UNSAFE BUILDINGS. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the Zoning Administrator.

SECTION 3.03 AREA, HEIGHT AND USE CONDITIONS AND EXEMPTIONS.

- (a) Required area or space: No lot or lots in common ownership and no yard, court, parking area or other space shall be so divided, altered or reduced as to make said area or dimension less than the minimum required under this Ordinance. If already less than the minimum required under this Ordinance, said area or dimension shall not be further divided or reduced.
- (b) Existing platted lots: Where an existing residentially zoned platted lot has an area of not less than ninety percent (90%) of its zone district requirements and where such lot can provide the side yard requirements of its zone, a one-family use is permitted. An existing platted lot in single ownership of less than ninety percent (90%) of its zone district requirements may be utilized for a one-family use, and for such purpose the required side yards may be reduced by the same percentage the area of such lot bears to its zone district requirements, provided that no side yard shall be less than five (5) feet and that off-street parking requirements are met. Where two (2) or more adjacent lots are in single ownership and where such lots contain less than ninety percent (90%) of its zone district requirements, such lots shall be utilized in

conformance with the Zoning Ordinance minimum requirements. In the event one (1) lot is in single ownership and the Board of Appeals shall find that there is no practical possibility of obtaining additional land, it may permit its use as a separate lot having less than the required lot area if it shall determine that it can be so used without adversely affecting the character of the neighborhood, provided, however, that no sideyard shall be less than five (5) feet and that off-street parking requirements are met.

- (c) Exceptions: The requirements of all zones shall be subject to the following exceptions: Parapet walls not exceeding four (4) feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, gas tanks, grain elevators, stacks, stage towers or scenery lofts, monuments, cupolas, domes, spires and penthouses housing necessary mechanical appurtenances. Additions to existing buildings which now exceed the height limitations of the zone district up to the height of the existing building will be permitted in those instances in which the lot is large enough to encompass a circular area with a radius equal to at least the height of the structure.
- (d) Mobile homes: Mobile homes are considered as dwelling units and shall not be considered as accessory to a permitted use and are permitted only in approved trailer or mobile home parks in the PUD Zone and in the AG District subject to provisions of Section 3.07.
- (e) Residential zones: The following uses are permitted in all residential zones:
 - (i) Public libraries, museums and art galleries;
 - (ii) Municipal, State or Federal administrative or service buildings if found to be essential to service the neighborhood or community;

provided, however, that such use shall be permitted only upon permit from the Board of Appeals after finding that such use will be in conformity with the character of the adjacent neighborhood and with respect to uses described in (ii) above 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 Board of Appeals shall establish requirements for

setback, side yard, parking, screening and other conditions necessary to conform the same to the character of the adjacent neighborhood.

- (f) Transition zoning: The first R-1, R-2 or R-5 zoned lot with the side yard adjacent to a commercial or industrial zone (without any street intervening between said properties) may be used for uses permitted and as regulated in the R-2 zone district for new residence structures. Such transition lot cannot be construed to extend for more than one hundred fifty (150) feet from such commercial or industrial zone. In addition, said land may be used for offices for doctors, dentists, architects and similar professions. For approval of these uses, a detailed development plan and an architectural sketch of all structures to be erected shall be submitted to the Zoning Inspector to determine that the plan meets the following requirements:
 - (i) Yard and area requirements of the zone district;
 - (ii) Parking areas and access drives;
 - (iii) Landscaping and screening plan;
 - (iv) That the proposed building has a residential appearance keeping in conformity with the character of the adjacent neighborhood.
- (g) Front and side yard setbacks shall be measured to the main wall of a building.
- (h) For residence zones, fences, hedges or clumps of shrubs within fifteen (15) feet of the front lot line, or other lot line adjoining a public street, higher than thirty (30) inches above the average sidewalk grade measured at the center of the lot are prohibited. All other fences may not exceed a height of six (6) feet above the lot grade.
- (i) For rooming houses, dormitories, fraternity and sorority houses, a special use permit shall be secured from the Zoning Inspector in accordance with Section 14.01.
- (j) Mechanical appurtenances such as blowers, ventilating fans and air conditioning units must be attached to the principal building and be placed not closer than twenty (20) feet to adjoining properties.

- (k) Mechanical work on trucks or race cars, stock or otherwise, owned by the occupant of a dwelling or on any vehicles not owned by an occupant of the premises is prohibited in residence zones. Any permitted work on vehicles must be performed entirely within a building, and no parts or vehicles not in a legally operable condition shall be stored outside.
- (l) Existing residential structures or buildings accessory thereto and additions to the same may not be used for commercial or industrial purposes.
- (m) Fallout shelters are permitted in any zone district as an accessory use provided that all yard and coverage requirements of the zone district are met. Community fallout shelters are permitted in any zone district as an accessory use but only after the plans therefor shall have been approved by the Board of Appeals as suitable for the purpose and that the shelters and particularly exits, entrances and ventilators are suitably located and in conformity with the character of the adjacent neighborhood.
- (n) (This section was deleted by action of the Zoning Board, June 10, 1971, after public hearing.)
- (o) No accessory building shall include residential or living quarters for human beings.
- (p) No more than three adult dogs or cats in combination shall be kept or housed in any residential zone.

SECTION 3.04 RAZING OF BUILDINGS. No building, excluding farm structures, shall be razed until a permit has been obtained from the Zoning Inspector who shall be authorized to require a performance bond in any amount not to exceed \$1,000 for each 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 Inspector or the Township Board may, from time to time, prescribe, including filling of excavations and proper termination of utility connections.

SECTION 3.05 ESSENTIAL SERVICE. 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, 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 furnishing 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 to except such erection, construction, alteration and maintenance from the application of this 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 any 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.

SECTION 3.06 OUTDOOR STORAGE AND WASTE DISPOSAL.

- (a) All outdoor storage facilities shall be enclosed by a fence or wall adequate to conceal such facilities from adjacent property.
- (b) All materials or wastes which might cause fumes, odors or dust or which constitute a fire hazard or which may be edible by rodents or insects shall be stored outdoors only in closed containers and screened from the street or adjacent property.
- (c) No materials 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 forces.

- (d) 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.
- (e) 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 not less than six (6) nor more than ten (10) feet in height.

SECTION 3.07 MOBILE HOMES OUTSIDE OF MOBILE HOME PARKS. It is the intent of this section to provide for the control of and the payment, collection and disposition of yearly taxes on occupied trailer coaches or mobile homes located outside of licensed mobile home parks; and to provide for permits and sanitary regulations of trailers harbored outside of licensed mobile home parks. To promote the health and welfare of all citizens of Union Township.

The use of a mobile home as living quarters on a farm for a member or members of the owner's family or for an unrelated family having permanent employment on the farm is permitted under the following conditions:

- (a) Said use shall not be construed to permit the sale of a parcel of land to the occupant.
- (b) A lot shall mean any plot of land on which said mobile home is located. The lot required for each mobile home shall be at least fifteen thousand (15,000) square feet - approximately one hundred (100) feet by one hundred fifty (150) feet in size.
- (c) The mobile home must be set back at least fifty (50) feet from the highway or street right-of-way and no nearer than ten (10) feet to the other three lot lines.
- (d) The owner or occupant must declare the number, names and ages of the occupants of said mobile home, also the make and length of mobile home and legal description of the proposed parking site.
- (e) Each mobile home shall have a water supply available from a source tested and approved by the local Health Department.
- (f) No waste products - liquid or solid - shall be discharged or thrown upon the surface of the ground at any time. Each mobile home shall have sanitation and waste disposal systems as approved by the local Health Department. Private sewer systems must be installed according to the recommendations of manual of septic tank practice by the Isabella County Sanitary Code.

- (g) A sanitation permit must be obtained from the Department of Health before the initial mobile home occupancy permit can be approved.
- (h) The application must carry the signature of the applicant and the property owner accepting full responsibility under the permit.
- (i) A statement from the Health Officer that waste disposal facilities and sanitation conforms and complies with all applicable statutes and local regulations.
- (j) A fee for temporary occupancy of not more than six months shall be \$3.00. The fee for all occupied trailers shall be \$5.00 per year with the renewal date to be one year from date of original issuance and each year thereafter. If the fee is not paid at the end of each period, there will be an extra charge of \$1.00 per month. Upon payment of this fee to the Township Clerk, a permit will be issued.
- (k) If the trailer is moved to a different location, or the ownership transferred, a new permit must be required. Any regulations in effect at the time the new permit is issued, shall apply.
- (l) The Zoning Inspector is empowered to (1) issue orders granting, denying, renewing and revoking such permits; and (2) file complaints and prosecute violators of any provision of this Ordinance.
- (m) No lot or parcel of land in any district except AG or PUD Districts shall be used for the location of a mobile home or trailer when such mobile home or trailer is used or is intended to be used as a dwelling unit or maintained as living quarters on such lot or parcel.
- (n) In all R and AG Districts, no unoccupied mobile home shall be parked more than forty-eight (48) hours outside of an enclosed garage or building without notifying the Zoning Inspector of such intention.

SECTION 3.08 REQUIRED YARD OR LOT CANNOT BE REDUCED. No yard or lot existing at the effective date of this Ordinance shall be reduced in dimension or area below the minimum set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements for the district in which such yards or lots are located.

SECTION 3.09. 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.

SECTION 3.10 TEMPORARY USES OR STRUCTURES REQUIRING ZONING INSPECTOR AUTHORIZATION.

- (a) Temporary building or yard for construction materials and/or equipment, both incidental and necessary to construction in the zoning district. Each permit shall be valid for a period of not more than six (6) calendar months and shall not be renewed for more than four (4) successive periods at the same location.
- (b) Temporary office, both incidental and necessary for the sale or rental of real property in the zoning district. Each permit shall specify the location of the office and area and shall be valid for a period of not more than six (6) calendar months and shall not be renewed for more than four (4) successive periods at the same location.
- (c) Temporary real estate signs not exceeding twelve (12) square feet. Permits are valid for a period of not more than six (6) calendar months and shall not be renewed for more than four (4) successive periods at the same location. Such signs may be located only on premises of, and identifying or advertising land and/or structures being sold, leased, rented or remodeled thereon.
- (d) The stripping of soil. Each permit shall specify the location of the area and be accompanied by a plan for the ultimate development of the land and shall be valid for a period of not more than six (6) calendar months and shall not be renewed for more than two (2) successive periods at the same location.

SECTION 3.11 ACCESSORY USES.

- (a) In any district, accessory uses, incidental only to a 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.
- (b) Gardening and the keeping of domestic or farm animals shall be considered customary to and commonly associated with the operation of the permitted uses; provided any structure housing farm animals shall be located not less than one hundred (100) feet from every lot line.
- (c) Permanent swimming pool, exclusively for the use of the residents, provided it shall not be less than twenty (20) feet from the property line of the property on which located. Such swimming pool, on the

immediate property on which it is located, shall be so walled, fenced or screened as to prevent uncontrolled access from the street or adjacent properties.

- (d) Private garages, but said garages shall at no time be used as living quarters.

SECTION 3.12 ACCESSORY BUILDINGS. In any district, 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. When erected as an integral part of the permitted use building, it shall comply in all respects with the requirements of this Ordinance applicable to the permitted use building.

Detached accessory buildings and garages shall not occupy more than thirty (30) percent of any required rear yard space; they shall not be nearer to the side lot line or rear lot line.

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.

SECTION 3.13 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, grain or coal silos, 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 the Mt. Pleasant Municipal Airport shall be governed by regulations as set forth in the Airport Zoning Ordinance.

SECTION 3.14 LIMITATIONS ON PUBLIC OR GROUP ORGANIZATION BUILDINGS. Churches and/or schools, both public and private, fraternity or sorority houses, college owned dormitories, educational institutions, clubs and lodges may be established or erected in the Township of Union after the obtaining of a permit from the Township Board of Appeals. The said Board, in considering the said application for permit, is to give due

consideration to the effect of such use upon traffic; consider whether the same would impede or congest traffic; create undue or unusual hazards; endanger pedestrians or other traffic in or upon the said streets or highways; or otherwise endanger the public health, safety and general welfare; provided, that 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 five hundred (500) feet of any part of the premises to be used for such club or lodge. In connection with the granting of said permits, the Township Board of Appeals may grant such permit under such reasonable rules, regulations and conditions, including setback and area requirements, as will, under the circumstances, in its judgment properly and adequately protect the public health, safety and general welfare with the following minimum requirements:

- (a) Church; not less than thirty (30) feet from any other lot.
- (b) Pre-school; provided there shall be at least two hundred (200) square feet of defined outdoor play space per child with the total space suitably fenced and screened to provide protection from traffic and other hazards and, provided, buildings and/or activity areas shall be located not less than fifty (50) feet from any lot.
- (c) Schools, elementary, etc.; provided buildings and/or activity areas shall be located not less than fifty (50) feet from any other lot.
- (d) Clubs or lodges; provided any principal building and/or activity area shall be located not less than fifty (50) feet from any other lot.
- (e) 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.

SECTION 3.15 PRINCIPAL BUILDING ON A LOT. In all R Districts, not more than one (1) principal building shall be placed on a lot of record.

SECTION 3.16 MINIMUM GROUND FLOOR AREA FOR DWELLINGS. Any dwelling, other than a mobile home, shall contain not less than seven hundred and twenty (720) square feet of usable ground floor area, exclu-

sive of open porches, garages or steps, where the district specifies a minimum area, said district control shall apply.

SECTION 3.17 FRONT YARD. In any R District, where the average depth of at least two (2) existing front yards on lots within one hundred (100) feet of the lot in question and, within the same block, is less or greater than the least front yard depth prescribed for the specific R District, then the required depth of the front yard of such lot shall be modified. In such case, the front yard shall not be less than the average depth of said existing front yards on the two (2) lots immediately adjoining; provided, however, that the depth of a front yard on any lot shall not be less than ten (10) feet and need not exceed fifty (50) feet.

SECTION 3.18 DOUBLE FRONTAGE LOTS. Buildings on lots having frontage on two (2) non-intersecting streets shall have applicable front yards on both streets.

SECTION 3.19 CORNER LOTS IN RESIDENCE DISTRICTS. A side yard along the side street lot line of a corner lot, which lot abuts in the rear, either directly or across an alley, the side lot line of another lot in any R District shall have a width of not less than one-half (1/2) the required depth of the front yard on such other lot fronting the side street but not less than fifteen (15) feet in any case.

SECTION 3.20 BILLBOARDS AND SIGNS.

- (a) In zones in which business signs are permitted, the sign surface area of all business signs on a lot shall not exceed seventy-five (75) square feet for the first fifty (50) feet of lot frontage provided an additional three (3) square feet in area shall be permitted for each additional one (1) foot of lot frontage up to but not to exceed two hundred and twenty-five (225) square feet per lot.
- (b) One permanent incidental sign, not to exceed thirty-two (32) square feet in area is permitted for the following uses: airport, apartment house, cemetery, church, community center, country club, educational and philanthropic institutions, office parks and subdivisions.

- (c) No sign or sign structure shall be erected at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device. No rotating beam, beacon or flashing illumination resembling an emergency light shall be used in connection with any sign display.
- (d) Limitations on Business Signs Where Permitted. Business signs are permitted in the B, M and AG Districts and PUD Districts for non-residential uses. When such are the freestanding type, no part of such sign shall extend nearer than ten (10) feet to the highway or street right-of-way or obstruct visibility at highway or street intersections.
- (e) Limitations on Other Types of Signs Where Permitted.
 - (i) Any such sign in an R District shall not exceed twelve (12) square feet for each lot or parcel of land and in no case shall the aggregate area advertised have a sign exceeding two hundred forty (240) square feet in area.
 - (ii) Identifying Signs: In any R-1 or R-2 District, identifying signs shall not exceed twelve (12) square feet in area. In all other districts, such signs shall not exceed thirty (30) square feet in area.
 - (iii) All signs within any planned development district shall be controlled by written agreement between the owners and tenants of the area to control excessive advertising and insure a harmonious appearance to the area as a whole. All signs shall only be indirectly illuminated with white light and shall neither be flashing nor animated and shall be attached flat against the wall or facade of the building. In addition to signs permitted for the tenants, each such area shall be permitted two (2) freestanding single or double faced identifying signs, if for a non-residential use. The aggregate area of such signs shall not exceed the limits established in Section 3.20 (a).
- (f) Where permitted, any billboard, business sign or other type of sign shall not be constructed or erected, or attached to a building prior to the issuance of a permit by the Zoning Inspector.

All of the above billboards and signs may be illuminated; provided, the source of light is not visible. No flashing types shall be permitted except by the Board of Appeals.

Limitations on Billboards Where Permitted.

- (i) No such billboard or advertising structure shall be permitted which faces the front or side lot line of any lot in any R District within one hundred (100) feet of such lot line, or which faces any public parkway, public square or similar institution is located in any R District.
- (ii) No billboard shall be constructed or erected on a lot at any location whereby such structure partially or wholly obstructs adjoining commercial or industrial properties from enjoying equal opportunity for advertising.
- (iii) Any billboard, where permitted and when placed on vacant land, shall conform to any applicable building sideyard width or front yard depth requirement of the district, except that, at the intersection of any state or federal highways, with a major or secondary 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.
- (iv) No billboard, where permitted, shall exceed two hundred and fifty (250) square feet nor have a length exceeding twenty-five (25) feet nor a width exceeding ten (10) feet.

CHAPTER IV

MAPPED DISTRICTS

SECTION 4.01 ZONE DISTRICTS. For the purposes of this Ordinance, the Township of Union is hereby divided into the following zoned districts:

- (a) R-1 One-Family Residence District
- (b) R-2 One and Two-Family Residence District
- (c) R-5 Suburban Residence District
- (d) PUD Planned Unit Development District
- (e) B-4 General Business District
- (f) B-5 Highway Business District
- (g) B-6 Planned Building Group Shopping Centers
- (h) M Industrial District
- (i) AG Agricultural District

SECTION 4.02 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 accompanies and is made a part of this Ordinance. Where uncertainty exists as to the boundaries of districts as shown on the zoning map, the following rules shall apply:

- (a) Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
- (b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

- (c) Boundaries indicated as approximately following township boundaries shall be construed as following township boundaries.
- (d) Boundaries indicated as following shorelines shall be construed as following such shoreline, and in the event of change in shoreline shall be construed as moving with said shoreline.
- (e) Lines parallel to streets, or roads without indicating the depth from the street line, shall be construed as having a depth of two hundred (200) feet from the front lot line.
- (f) 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.

SECTION 4.03 AREAS NOT INCLUDED WITHIN A DISTRICT. In every case where property has not been specifically included within a district including all cases of property becoming a part of this township subsequent to the date of enactment of this Ordinance, such property shall be in the AG-Agricultural District.

CHAPTER V

R-1 ONE-FAMILY RESIDENCE DISTRICT

SECTION 5.01 DESCRIPTION AND PURPOSE. The most restricted zone composed chiefly of one-family homes together with required recreational, religious and educational facilities.

SECTION 5.02 USE REGULATIONS. Land and/or buildings in the R-1 Zone may be used for the following purposes only:

- (a) One single-family dwelling on each lot.
- (b) Public schools and colleges which may include on-the-campus dormitories, libraries, museums, art galleries and similar uses approved by the Board of Appeals when owned and operated by a government agency. Fifty (50) foot side and rear yards are required if the property abuts any residentially zoned lots.
- (c) Private nonprofit schools and colleges owned and operated by religious organizations, subject to the condition stipulated in "b" above, and said private schools shall not include trade schools, business colleges or private schools operated as commercial enterprises.
- (d) Parks, playgrounds, community centers and facilities therein, owned and operated by a governmental agency or a nonprofit neighborhood group.
- (e) Churches, provided the building or structure is at least twenty-five (25) feet from any other residentially zoned lot and if approved by the Board of Appeals.
- (f) A detached accessory building not more than twelve (12) feet or one (1) story in height subject to the following conditions:
 - (i) Said accessory building shall not be located nearer than five (5) feet to any alley line, nor nearer than the side yard required for a principal building to any side street line.

- (ii) A detached accessory building, any portion of which is located on the side or front of the main building, shall not be less than six (6) feet from such principal building and not nearer to the side lot line than the width of the side yard required on the lot for the main building.
- (iii) A detached accessory building, any portion of which is located to the rear of a main building, shall be located not nearer than six (6) feet to such main building.
- (iv) A detached accessory building, when located nearer than sixty (60) feet to the front lot line, shall provide the same front and side lot lines as the principal building; when located beyond sixty (60) feet from the front lot line, it may be built one (1) foot from the lot line.

SECTION 5.03 HEIGHT REGULATIONS. No building shall exceed thirty-five (35) feet or two and one-half (2-1/2) stories in height, whichever is lesser.

SECTION 5.04 AREA REGULATIONS. No building or structure nor the enlargement of any building or structure shall be hereafter erected unless the following yards, lot area and building coverage requirements are provided and maintained in connection with such building, structure or enlargement:

- (a) Front Yard - There shall be a front setback of not less than thirty-five (35) feet.
- (b) Side Yard - There shall be total side yards of twenty-five (25) feet provided that no yard shall be less than ten (10) feet.
- (c) Rear Yard - There shall be a rear yard of not less than fifty (50) feet.
- (d) Lot Area - The minimum lot area for dwellings hereafter erected, provided municipal type of water and sewerage facilities are not available, shall be not less than fifteen thousand (15,000) square feet and the width of the front building line shall be not less than one hundred (100) feet.

Areas having municipal water and sewer services available shall have a minimum lot area for dwellings of not less than eight thousand, seven hundred (8,700) square feet and the width of such lot at the front setback line for structures shall be not less than seventy-five (75) feet.

SECTION 5.05 MINIMUM FLOOR AREA. Each dwelling unit in this zone shall have a minimum floor area of twelve hundred (1,200) square feet of usable floor area, exclusive of porches, garages, basements, or utility areas.

CHAPTER VI

R-2 ONE AND TWO-FAMILY RESIDENCE DISTRICT

SECTION 6.01 DESCRIPTION AND PURPOSE. A zone providing most of the desirable residential characteristics attributed to a single family district but allowing two-family housing.

SECTION 6.02 USE REGULATIONS. Land or buildings in the R-2 Zone may be used for the following purposes only:

- (a) Any use permitted and as regulated in the R-1 Zone;
- (b) Two-family dwellings;
- (c) The offices of a physician, dentist, architect or other similar professional person when located within his dwelling, if such dwelling conforms to all its zone district requirements, provided that not more than one (1) person, not a resident in said dwelling, is employed in such office, that no more than one-half (1/2) of the floor area of one (1) story of the dwelling within the perimeter of the foundation is devoted to such use, and that no mechanical or electrical equipment which will create a nuisance to the adjacent neighborhood is used. In connection with such use, one (1) unlighted sign flat against the building shall be permitted for identification only. It shall not exceed one hundred forty-four (144) square inches.
- (d) A detached accessory building as regulated in the R-1 Zone.

SECTION 6.03 HEIGHT REGULATIONS. No building shall exceed thirty-five (35) feet or two and one half (2-1/2) stories in height, whichever is lesser.

SECTION 6.04 AREA REGULATIONS. No building or structure nor the enlargement of any building or structure shall be hereafter erected unless the following yards, lot area and building coverage requirements are provided and maintained in connection with such building, structure or enlargement:

- (a) Front Yard - There shall be a front setback of not less than thirty-five (35) feet.
- (b) Side Yard - There shall be total side yards of fifteen (15) feet provided that no yard shall be less than seven (7) feet.
- (c) Rear Yard - There shall be a rear yard of not less than twenty-five (25) feet.
- (d) Lot Area and Side Yard - The minimum lot area for a single family dwelling in this zone shall be eight thousand, seven hundred (8,700) square feet and a minimum width of seventy-five (75) feet at the building line, provided, however, that the minimum lot area for lots not served with public sewer shall be fifteen thousand (15,000) square feet and the minimum width eighty-five (85) feet.
- (e) Lot Area and Side Yard (Two-Family) - The minimum lot area for a two-family dwelling in this zone shall be fifteen thousand (15,000) square feet and a minimum width of one hundred (100) feet at the building line.
- (f) Conversion of one-family residences to two-family residences shall meet the above requirements.

SECTION 6.05 MINIMUM FLOOR AREA. Each dwelling unit in this zone shall have a minimum amount of square feet of usable floor area exclusive of porches, garages, basements or utility areas as required below:

- (a) One-bedroom unit - A minimum of six hundred fifty (650) square feet per unit.
- (b) Two-bedroom unit - A minimum of seven hundred fifty (750) square feet per unit.
- (c) Three-bedroom unit - A minimum of nine hundred (900) square feet per unit.
- (d) Additional bedrooms will require one hundred (100) square feet per unit.

CHAPTER VII

R-5 SUBURBAN RESIDENCE DISTRICT

SECTION 7.01 USE REGULATIONS. Land and/or buildings in the R-5 Zone may be used for the following purposes only:

- (a) Any use permitted in the R-1, One-Family Residence District.

SECTION 7.02 HEIGHT REGULATIONS. No building shall exceed thirty-five (35) feet or two and one-half (2-1/2) stories in height, whichever is lesser.

SECTION 7.03 AREA REGULATIONS. No building or structure nor the enlargement of any building or structure shall be hereafter erected unless the following yards, lot area and building coverage requirements are provided and maintained in connection with such building, structure or enlargement:

- (a) Front Yard - There shall be a front setback of not less than thirty-five (35) feet.
- (b) Side Yard - There shall be total side yards of thirty-five (35) feet provided that no side yard shall be less than fifteen (15) feet.
- (c) Rear Yard - There shall be a rear yard of not less than fifty (50) feet.
- (d) Lot Area - Every lot in a recorded subdivision which is designed or used for residential occupancy shall be not less than one hundred (100) feet in width at the front setback line for structures and shall contain not less than 15,000 square feet; provided, however, that where a lot or parcel of land is recorded by a metes and bounds description and designed or used for residential occupancy, it shall be not less than one hundred (100) feet in width at the front setback line and shall contain not less than one-half (1/2) acre. The minimum width, in either case, may be reduced not to exceed twenty (20) percent if such lot or parcel of land is adjoined on both sides by lots or parcels of

land with structures thereon or adjoined on one side by a street and on the other side by a lot or parcel of land with a structure thereon.

SECTION 7.04 MINIMUM FLOOR AREA. Each dwelling unit in this zone shall have a minimum floor area of one thousand five hundred (1,500) square feet of usable floor area, exclusive of porches, garages, basements or utility areas.

CHAPTER VIII

PUD - PLANNED UNIT DEVELOPMENT DISTRICT

SECTION 8.01 DESCRIPTION AND PURPOSE. District PUD is intended to permit and control the development of preplanned areas for compatible use of the various uses provided and allowed by the Union Township Zoning and Building Ordinances and for other special uses not so provided, including and limited to single and multi-family, residential, hospital, outdoor theater, public and private school, housing for the aged, childrens' homes, camps, cemetery, nursing homes, nursery schools, philanthropic institution, college, golf course, country club, shopping center, research and development center, beach club, community swimming pool, marina, and other recreation facilities, industrial park, mobile home or trailer parks, commercial or industrial extraction of natural resources, rooming houses, dormitories, fraternity and sorority houses. Billboards are not permitted. It is intended that this district shall afford each type of use reasonable protection from encroachment or interference by other incompatible land uses, and that reasonable protection be afforded to uses adjacent to this district. Areas may be zoned under this district when problems of size, shape, terrain, topography, adjacent uses or natural resources may require special regulation. Business and commercial uses are specifically excluded from this provision.

Zoning under this section of any unincorporated area in the Township, and all proceedings in regard thereto, shall be done with due consideration for maintenance of reasonable conditions regarding emission and transmission of injurious or obnoxious noise, vibration, gas, smoke, dust, dirt, 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.

SECTION 8.02 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 which are not fully in conformance with the provisions of this Ordinance but which, nevertheless, are not harmful to the public health, safety and welfare, and which, in fact, may, through improved efficiency of land use, be beneficial thereto, and that 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.

SECTION 8.03 PROCEDURE.

(a) Any AG area in the Township may be zoned as a PUD District upon application therefor by the owners of the property in said area. Such application shall be accompanied by a preliminary plan as herein provided. The Zoning Board shall have the right to establish rules in which PUD rezoning requests will be adopted only on priority in areas which have the potential for utility extensions and will prevent scattered disorderly growth.

(b) Before any land is developed or improvement made in the PUD District, the owner or occupant shall obtain approval of a Final Development Plan as provided herein.

(c) Preliminary Development Plan: The owner or occupant who elects to proceed under this Section PUD shall submit to the Zoning Board a Preliminary Development Plan, together with an application for approval thereof, setting forth in general the proposed uses to be made in the District, and including any then existing or proposed arrangement of streets, lots, rail spurs, access points, buffer strips, and rail, water, highway or other transportation arrangements, and the relationship of the tract of land involved to surrounding property. Approval of the plan by the Zoning Board may be conditioned upon suggested changes in the plan which are in accord with the spirit, purpose and intent of this section and the ordinances of Union Township.

Final approval of a Preliminary Development Plan shall be by the Township Board, and said plan shall be adopted as an amendment by the procedures required for amendment to this Ordinance. It shall also specify the permitted uses, which shall exclude any other uses. District zoning classifications under the ordinances of Union Township shall be included or incorporated by reference.

(d) Final Development Plan: Development or improvement of lots or areas within said District after approval and adoption of a Preliminary Development Plan shall be accomplished by submission to the Zoning Board of a Final Development Plan, which shall include such of the following information as the Zoning Board finds reasonably necessary to consider said Plan:

- (i) 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.
- (ii) 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 which may be produced by such operation.
- (iii) Engineering and architectural plans for controlling problems of the type enumerated under item (ii) above, if deemed necessary by the developer, or if required by the Zoning Board or their authorized representative.
- (iv) Preliminary architectural sketches or a general statement as to the type of construction and materials, to be used in the proposed building.
- (v) The period of time within which the project will be completed.
- (vi) Additional information which the Zoning Board, or its authorized representative, may find reasonably necessary to evaluate the proposed development and its effect on surrounding areas.

All aspects of such plan which 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.

- (e) If the Zoning Board 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 wastes or traffic, or adverse aesthetic effects, the Commission may require the owner, through the use of qualified technical persons and acceptable testing techniques, to demonstrate the devices which shall be utilized to control the factors determined to be offensive. Upon acceptance by the Zoning Board of such control devices, they shall be incorporated as a part of the Final Development Plan.

- (f) The Zoning Board, in connection with approval of any application for a Final Development Plan may require reasonable undertakings by the applicant to guarantee and assure by agreement, including a performance bond to be posted by 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.
- (g) Each plan shall make provision for material storage and screening of that area, off-street parking, loading zones, traffic patterns, landscaping, green strips, buffer zones, and other reasonable incidents of planning a development.
- (h) The Zoning Board 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 by the Township Board. A copy of said Final Development Plan, if finally approved, shall be forwarded to the Township Clerk for filing with the Township Zoning Ordinance.

- (i) The Zoning Board and the Township Board are specially authorized to require the recording of a plat in connection with any such application when such would be required by the Plat Act of 1929, as amended, for the State of Michigan.

SECTION 8.04 GENERAL PROVISIONS.

- (a) In order to be zoned as a Planned Development District, the proposed area shall consist of at least ten (10) acres.
- (b) No transition or use substitution privileges provided elsewhere in the Ordinance shall apply to PUD Planned Development Districts.
- (c) All of the provisions of the zoning, building and other ordinances of Union Township shall control in the PUD District except where inconsistent therewith, in which case the provisions of the PUD District shall supersede and control any other such provisions.
- (d) Appeals may be made to the Township Board of Appeals as provided in this Ordinance and the Township Rural Zoning Act.

- (e) In the event that any section, clause or provision of this Section PUD shall be declared by a Court to be invalid, the same shall not affect the validity of this section as a whole, or any part thereof, other than the part so declared to be invalid.
- (f) In the event that any zoning or other procedures done under this Section PUD shall be nullified by a Court of competent jurisdiction, or in any other lawful manner, then the zoning of that area having been zoned under this Section PUD shall be that district under which it was zoned immediately preceding its zoning under this Section PUD.

SECTION 8.05 MOBILE HOME PARKS WITHIN PUD DISTRICT.

- (a) Trailer or mobile home park shall be in single ownership and shall consist of not less than eight (8) mobile home sites.
- (b) A fifty (50) foot landscaped front yard shall be provided and maintained.
- (c) Mobile home park shall be screened on at least three (3) sides rear and both sides - by at least a twenty (20) foot green barrier.
- (d) No mobile home site shall be nearer than thirty (30) feet to nearest adjoining property line.
- (e) Approved water and sewer facilities shall be provided for each mobile home location.
- (f) Sidewalks shall be provided for each site and along both sides of all streets.
- (g) Lighting will be approved by the engineer.
- (h) All mobile home sites shall face on internal paved streets or courts.
- (i) Off-street parking shall be provided.
- (j) All streets shall be of sufficient width to permit the clearing of snow by county trucks with a turning area provided as approved by the County Engineer. In no event shall one-way streets with parallel parking on one side only be less than twenty (20) feet in width and two-way streets with parallel parking on both sides be less than forty (40) feet in width.

- (k) The mobile home park shall have not more than two (2) paved accesses to a major arterial street and no access or egress on a minor residential street.
- (l) No trailer site shall be less than three thousand (3,000) square feet in area. Thirty percent (30%) of all sites shall be at least three thousand six hundred (3,600) square feet in area and thirty percent (30%) of all sites shall be at least four thousand (4,000) square feet in area and five (5) percent of all lots shall be at least five thousand (5,000) square feet in area.
- (m) Each mobile home site shall have a front yard of at least twenty (20) feet, a side yard of at least ten (10) feet each, and a rear yard of at least fourteen (14) feet. No drive, walkway or accessory structure shall be nearer than five (5) feet to sideline of said site.
- (n) The park shall be landscaped and maintained regularly and conform to any state regulations.
- (o) Sites for transient trailers or camping accommodations may be provided within a trailer park for temporary stays not to exceed seven (7) days. These sites shall be provided with common rest rooms, showers, laundry facilities and water supply. Provision shall be made for the sanitary disposal of sewage wastes into the public sewer system on the premises.
- (p) The sale of new or used trailers or mobile homes within the park is prohibited as a principal or accessory use.
- (q) A retail grocery, home supplies store and barber and beauty shop may be permitted as an accessory use.
- (r) Ten percent (10%) of the park area shall be devoted to a landscaped park for the use of the residents.
- (s) Health Department approval must be obtained before approval by the Union Township Zoning Board.
- (t) A trailer or mobile park plan outline shall be submitted to the Zoning Board of Union Township.
- (u) An owner shall state in writing that he will follow the regulations as set forth in this section of the Union Township Zoning Ordinance.

- (v) An adequate storage area shall be made available and shall be properly buffered.
- (w) All mobile homes shall be securely anchored, front and rear, to storm anchors, which shall be securely anchored in the stand (slab).
- (x) Each mobile home shall have an exterior skirting (non-transparent) around its perimeter, with an access door provided in same.

SECTION 8.06 MULTIPLE DWELLING WITH PUD DISTRICT. Multiple dwellings are permitted in the PUD District provided all the following requirements are complied with:

- (a) Minimum side yards shall be twenty (20) feet.
- (b) The rear yards shall be not less than twenty-five (25) feet.
- (c) The minimum lot area for any dwelling unit shall be seven thousand five hundred (7,500) square feet.
- (d) Only row houses or townhouses are permitted.
- (e) Public water and sewer shall be provided or acceptable private water and sewer facilities shall be provided after plans for same are approved by the engineer.
- (h) At least thirty percent (30%) of the gross acreage shall be devoted to one and two-family uses. When AG or R Zones abut the PUD, the one and two-family uses will be provided adjacent to the AG or R Zones.

CHAPTER IX

B-4 GENERAL BUSINESS DISTRICT

SECTION 9.1 DESCRIPTION AND PURPOSE. This district is composed of certain land and structures used to provide for the retailing and wholesaling of goods, warehousing facilities, trucking facilities and limited fabrication of goods. When any of these types of enterprises are permitted, they are to be regulated in a manner that will protect the abutting residential districts.

SECTION 9.2 PERMITTED USES. For land and/or buildings, the permitted uses and height and area requirements for the B-4 Zone are as follows:

- (a) Use Regulations -
 - (i) Amusement enterprises
 - (ii) Antique shop, provided all articles for sale are displayed or stored within the shop
 - (iii) Automobile display room
 - (iv) Automotive supply parts and accessories
 - (v) Automobile laundry, if wholly enclosed and provided with adequate vehicle waiting lanes
 - (vi) Automobile repair shop or garage, if all operations are conducted within a completely enclosed building
 - (vii) Automobile truck and trailer sales
 - (viii) Automobile service stations
 - (ix) Automobile storage garage
 - (x) Awning or canvas store
 - (xi) Bakery
 - (xii) Banks, loan and finance offices
 - (xiii) Barber and/or beauty shops
 - (xiv) Billiard hall, pool hall or carom hall
 - (xv) Billboards: subject to requirements of Section 3.20
 - (xvi) Bottling of soft drinks and milk, provided a building used for such purpose shall be at least one hundred (100) feet from any R or AG District
 - (xvii) Bowling alley, including bars and restaurant
 - (xviii) Bus station and travel agency
 - (xix) Business or trade school
 - (xx) Camera and photo supplies store - optical and surgical goods and services
 - (xxi) Catering service, delicatessen and confectionery store
 - (xxii) Clinic; dental and medical including laboratory
 - (xxiii) Clothes or wearing apparel shop

- (xxiv) Contractor (plumbing, heating, electrical, etc.) provided all operations and storage are completely enclosed in a building
- (xxv) Crating and packing service
- (xxvi) Dairy products store and delicatessen - excluding "drive-in"
- (xxvii) Dance studio - photographic studio
- (xxviii) Department store, speciality apparel, and discount stores
- (xxix) Diaper, linen and towel supply service
- (xxx) Drug store
- (xxxi) Dry cleaning and laundry; custom and self-service
- (xxxii) Dry goods or notions store
- (xxxiii) Eating place, bar, grill, and cocktail lounge, excluding "drive-in"
- (xxxiv) Egg and poultry store (no outside slaughtering)
- (xxxv) Electrical supplies; wholesale and storage
- (xxxvi) Exterminator service
- (xxxvii) Factory and mill supplies
- (xxxviii) Florist and gift shop - jewelry stores
- (xxxix) Frozen food locker
- (xl) Fruit and vegetable markets
- (xli) Funeral home and ambulance service
- (xlii) Furniture and household furnishings
- (xlili) Garden and lawn supply store
- (xliv) Grocery, supermarkets, and meat processing (no slaughtering)
- (xlv) Hardware and sporting goods
- (xlvi) Hotels and motels
- (xlvii) Ice distributing station
- (xlviii) Juke box and vending machine service and distribution
- (xlix) Laboratory, medical or dental
- (l) Landing and take-off areas for roto craft
- (li) Liquor store (sale by package only)
- (lii) Locksmiths
- (liii) Lodge hall, private clubs, veterans' clubs
- (liv) Luggage, camping supplies and equipment
- (lv) Malt beverage, liquor and wine distribution
- (lvi) Musical instruments
- (lvii) Offices: Any office in which chattels or goods, wares or merchandise are not commercially created, exchanged or sold
- (lviii) Office machines, sales and service
- (lix) Office supply store
- (lx) Ornamental iron work and fence service

- (lxi) Paint, wallpaper and floor coverings store
- (lxii) Parcel delivery station
- (lxiii) Parking lot (subject to provisions of Chapter XV)
- (lxiv) Pet shop, not including treatment or boarding of animals
- (lxv) Printing and publishing including processes related thereto
- (lxvi) Professional studio
- (lxvii) Plumbing and heating and sheet metal shops (including punching of material of one-eighth (1/8) inch or less in thickness)
- (lxviii) Radiator repair shop
- (lxix) Radio and TV sales, repair, and broadcasting studios and towers
- (lxx) Resale shops, china, clothing and furniture but does not include "auction houses"
- (lxxi) Retail stores
- (lxxii) Shoe store; sales and repair
- (lxxiii) Sign painting and servicing shops
- (lxxiv) Special tools and gauges; checking and service
- (lxxv) Taxidermist
- (lxxvi) Tire and battery shops; rebuilding and recapping
- (lxxvii) Trade schools
- (lxxviii) Travel agencies
- (lxxix) Stone cutting, providing cutting operations are conducted within a completely enclosed building
- (lxxx) Toys, playground equipment and variety stores
- (lxxxi) Used car sales lot - subject to Used Car Ordinance of 6/15/61

(b) Height Regulations - No building shall exceed two (2) stories or thirty-five (35) feet in height, whichever is lesser.

(c) Area Regulations - No building or structure nor the enlargement of any building or structure shall be hereafter erected unless the following yards, lot areas and building coverage are provided and maintained in connection with such building, structure or enlargement.

(i) Front Yard - Where all of the frontage between two (2) intersecting streets is located in the B-4 Zone, there shall be a front yard of not less than twenty-five (25) feet, provided that where a setback has been established by fifty percent (50%) or more of the frontage, said setback shall apply.

(ii) Side Yard - Where the side of a lot in the B-4 Zone abuts upon the side yard lot in any R District, there shall be a side yard of not less than fifteen (15) feet.

There shall be a side yard of not less than fifteen (15) feet on the street side of a corner lot.

In all other cases, a side yard is not required.

- (iii) Rear Yard - Every lot shall be provided with a rear yard not less than ten (10) feet in depth, provided, however, when such lot abuts any R District, it shall have a rear yard not less than fifteen (15) feet in depth.

CHAPTER X

B-5 HIGHWAY BUSINESS DISTRICT

SECTION 10.1 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 grouped business areas which are convenient and have buildings of harmonious design.

SECTION 10.2 PERMITTED USES. For land and/or buildings, the permitted uses and height and area requirements for the B-5 District are as follows:

- (a) Use Regulations -
 - (i) Antiques, reproductions, art goods, and souvenirs
 - (ii) Apparel and accessories shop
 - (iii) Bank, loan and finance offices, including drive-in branches
 - (iv) Bar, grill and cocktail lounge
 - (v) Barber and beauty shops
 - (vi) Bowling alley; may include bar and restaurant
 - (vii) Candy, food, ice cream and soft drink shops, including "drive-ins"
 - (viii) Christmas tree sales
 - (ix) Delicatessens and "party" stores
 - (x) Drugstore
 - (xi) Dry cleaning and laundry; custom and self-service
 - (xii) Eating place
 - (xiii) Florist and gift shop
 - (xiv) Furniture, lamps, china, and/or appliances store
 - (xv) Garden and lawn center (supplies, furniture, plants, and shrubs)
 - (xvi) Grocery; specialty fruit, nut and candy stores; and supermarkets
 - (xvii) Hardware, sporting goods and hobby shops
 - (xviii) Jewelry, leather goods, luggage, optical goods and curios
 - (xix) Liquor, wine, gourmet shops (packaged goods only)
 - (xx) Motels; may include bar, small retail shops and restaurant
 - (xxi) Radio and TV sales, repair and broadcasting studios and towers

- (xxii) Offices: Any office in which chattels or goods, wares or merchandise are not commercially created, exchanged or sold; includes dental or medical clinics and laboratories
- (xxiii) Photographic equipment and supplies
- (xxiv) Public or municipal buildings including storage and garages
- (xxv) Shoe store; sales and repair
- (xxvi) Sporting goods, equipment and supplies, providing all articles for sale are displayed or stored within a building
- (xxvii) Toy and novelty stores
- (xxviii) Tourist homes; minimum site size - one (1) acre; maximum land coverage - thirty (30) percent
- (xxix) Travel agency and bus station
- (xxx) Any other retail business or service establishment which is determined by the Township Board of Appeals to be of the same general character as the above permitted uses or to provide special convenience and service for the highway traveler.

(b) Area Regulations -

- (i) Lot Area and Coverage: Any lot or parcel of land upon which a building or structure is to be erected shall be of such size that such building or structure will not occupy more than twenty-five (25) percent of the lot area.
Yards for All Structures: Every building or structure shall be at least fifty (50) feet from a public highway and from any R or AG District. Side yards and rear yards adjoining the side or rear yard of any lot in any R or AG District shall be screened by a compact evergreen hedge, solid wall or tight board fence at least six (6) feet in height.
- (ii) Height Regulations: No building shall exceed thirty-five (35) feet in height.

CHAPTER XI

M INDUSTRIAL DISTRICT

SECTION 11.01 DESCRIPTION AND PURPOSE. This district is composed of certain land so situated as to be suitable for industrial development, but where the modes of operations of the industry may directly affect nearby non-industrial development. The regulations are so designed as to permit the normal operations of almost all industries, subject only to those needed for their mutual protection and the equitable preservation of nearby non-industrial uses of lands.

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; provided, however, that such fence or wall need not exceed ten (10) feet in height.

SECTION 11.02 PERMITTED USES. For land and/or buildings; the permitted uses and height and area requirements of the M-District are as follows:

(a) Use Regulations:

(i) Manufacturing, processing and/or fabrication - Any structure used therefor shall be not less than one hundred (100) feet from any R or AG District:

- * automotive and aircraft parts (not including tires) and metal working excluding presses of over twenty (20) tons capacity and machine operated drop hammers
- * automotive assembling and including major repair
- * bag, rug and carpet cleaning
- * bakery; large wholesale and chain types
- * bottling plant, brewery, dairy products plant
- * candy, potato chips, flavoring extracts
- * cleaning or dyeing plants and laundries
- * cold storage plant
- * electrical equipment and motor
- * electric foundry or small foundry for non-ferrous metals
- * experimental laboratory
- * felt and felt products
- * flexible hose lines and fittings; basic manufacture

- * garage maintenance tools and equipment
- * garment making; apparel and accessories
- * heating and air conditioning equipment
- * mattress making and box springs
- * paper products fabrication
- * pharmaceuticals, cosmetics and toiletries
- * plastic products from purchased plastic materials
- * professional and scientific instruments
- * surgical supports and hospital equipment
- * tool and die shops - screw machine products
- * tube fabrication; bending and welding
- * wire fabricators
- * wood products assembly
- * any other light manufacturing, processing and/or fabrication but not including any uses specifically listed in Section 11.2(a)

(ii) Manufacturing (basic), processing and/or fabrication - Any structure used therefor shall be not less than two hundred (200) feet from any R or AG District:

- * abrasives, acid, alcohol, ammonia, and asbestos
- * bone black, carbon black, and lamp black
- * brick, clay, tile manufacture
- * canning and preserving plants
- * charcoal and coke; basic manufacture
- * chemicals; manufacture or processing
- * cinder block fabrication
- * creosote treatment
- * detergents, soaps and by-products
- * forge plant, foundries
- * fungicides and insecticides
- * galvanizing and anodizing processes
- * gases; manufacture
- * glass products
- * glue, size or gelatin; manufacture
- * grain milling and mixing
- * graphite; manufacture
- * insulation, manufacture or fabrication
- * metals, ingots, castings, sheets, bars or rods
- * oils and fats, animal or vegetable; manufacture
- * paints, pigments, enamels, japans, lacquer, varnishes
- * paper pulp and cellulose
- * parafin, wax and wax products
- * petroleum and petroleum products; refining and processing (buildings and/or plant to be located not less than one hundred fifty (150) feet from boundary line of lot).

- * plastics; basic manufacture
 - * plating of metals
 - * rubber and rubber products; manufacture
 - * sauerkraut, vinegar and yeast; manufacture
 - * sawmill or planing mill
 - * serums, toxins, viruses; manufacture
 - * sound deadeners, caulking, mastic and undercoating; manufacture
 - * any other basic manufacturing processing and/or fabrication, but not including any uses specifically listed in Section 11.02 (a) (iii) and Section 11.02 (a) (iv).
- (iii) Sale at Wholesale and Retail - Warehousing and storage; and repair, rental and servicing of any of the uses enumerated in Section i and ii above, provided any building used for such purpose shall be located not less than seventy-five (75) feet from any R or AG District.
- (iv) Other uses permitted
- * airport and/or landing field for rotocraft, provided any hangar or servicing facilities shall be not less than five hundred (500) feet from any R or AG District
 - * auction houses - if operation ceases before midnight and wholly enclosed within a building
 - * bazaar, carnival or circus
 - * billboards
 - * canteen service
 - * contractor's yards for vehicles, equipment, materials and/or supplies, but excluding asphalt and cement mixing, provided that such yards shall be not less than two hundred (200) feet from any R or AG District
 - * garbage or trash disposal areas, dumps, sanitary landfills
 - * gasoline service stations, provided building used for such purposes shall not be nearer than one hundred (100) feet to any R or AG District.
 - * kennels
 - * livestock auction - not closer than three hundred (300) feet to an R or AG District
 - * municipal buildings, including warehouses, outside storage and garages, provided that such buildings and premises shall be not less than one hundred (100) feet from any R or AG District

- * offices and/or meeting halls (excluding halls for social purposes) shall not be nearer than twenty (20) feet from any R or AG District
- * parking and/or storage yards for motor vehicles (excluding junked vehicles) and including transport equipment, provided such yards shall be not less than two hundred (200) feet from any R or AG District
- * restaurant, cafeteria, motel and truck stop station, provided buildings used for such purpose shall not be nearer than twenty (20) feet from any R or AG District
- * trucking freight terminal and yards, provided such buildings shall be not less than two hundred (200) feet from any R or AG District
- * veterinary clinic

(v) The following uses when conducted wholly within a completely enclosed building or within an area enclosed with a chain link fence. All operations shall be at least fifty (50) feet from any R or AG District.

- * building material sales yard, not including concrete or asphalt mixing
- * retail lumber yard, including only incidental mill work
- * coal, feed, fertilizer sales and storage
- * carting, packing and moving companies including storage of goods and vehicles
- * contractor's equipment storage yard or plant, but not including outdoor repair or outdoor salvage operations
- * public utility material storage and service yard
- * truck terminal including motor freight station and storage yard
- * outdoor advertising service including construction and storage of materials and equipment
- * pattern making (lightweight non-ferrous metals)
- * welding shops

(b) Height Regulations - Three stories or forty-five (45) feet, whichever is lesser.

(c) Area Regulations - No building or structure nor the enlargement of any building or structure shall be hereafter erected unless the following yard requirements are provided and maintained in connection with such building structure or enlargement.

- (i) Front Yard - Every lot shall be provided with a front yard of not less than one hundred (100) feet in depth when such yard is adjacent to an R District boundary line; and, when a front yard is adjacent to any other district, it shall be not less than forty (40) feet in depth.
- (ii) Side Yard - None required except adjacent to an R District, then the required distance from the R District is stipulated in Section 11.02.
- (iii) Rear Yard - The depth of a rear yard shall be governed by the number of stories in the structure; one (1) story, thirty (30) feet; two (2) story, forty (40) feet; three (3) story, fifty (50) feet; provided, however, the required distance from an R District when stated for a structure in Section 11.02 shall take precedent over the above stated rear yard depths.

CHAPTER XII

AG AGRICULTURAL DISTRICT

SECTION 12.01 DESCRIPTION AND PURPOSE. This zoning is intended for large tracts used for farming or which are idle. 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 rezoning and proper planning.

SECTION 12.02 USE REGULATIONS. Land in the AG District may be used for the following purposes only:

- (a) Any use permitted in the R-1 Zone.
- (b) Farms for both general and specialized farming together with farm dwellings and buildings and other installations useful to such farms.
- (c) Roadside stands for sale of produce grown on the premises, greenhouses, nurseries, orchards, vineyards, apiaries, chicken hatcheries, or poultry farms on a year-to-year use permit to be issued by the Board of Appeals; but only after hearings and findings by said Board that the operations will not interfere with the enjoyment of substantial property rights by owners in the vicinity and will not constitute a traffic hazard. The Board shall grant such permits and establish conditions as to the size of signs (if any), hours of operation, lighting, and other matters when necessary. Such a permit shall be issued or re-issued only after access to the public highway has been approved by the County Road Commission.
- (d) Country clubs, golf courses, riding stables, and publicly owned athletic grounds.
- (e) Airports, including all facilities for the operation thereof.
- (f) Billboards shall not be permitted in the AG District.

- (g) Radio and television transmitting buildings and towers.

SECTION 12.03 HEIGHT REGULATIONS. No residential building shall exceed thirty-five (35) feet or two and one-half (2-1/2) stories in height, whichever is lesser. Farm buildings shall be permitted at their usual and customary heights.

SECTION 12.04 AREA REGULATIONS. No building or structure nor the enlargement of any building or structure shall be hereafter erected unless the following yards, lot area and building coverage requirements are provided and maintained in connection with such building, structure or enlargement:

- (a) Front Yard - There shall be a front setback of not less than forty (40) feet.
- (b) Side Yard - For residential buildings, there shall be total side yards of fifty (50) feet provided that no yard shall be less than twenty (20) feet. For all other buildings, there shall be a minimum side yard of sixty (60) feet.
- (c) Rear Yard - There shall be a rear yard of not less than one hundred (100) feet.
- (d) Lot Area - The minimum lot area for use in this district shall be one (1) acre.

SECTION 12.05 MINIMUM FLOOR AREA. Each dwelling unit in this district shall have a minimum floor area of one thousand two hundred (1,200) square feet of usable floor area exclusive of porches, garages, basements or utility areas.

CHAPTER XIII

B-6 PLANNED BUILDING GROUP SHOPPING CENTERS

SECTION 13.01 DESCRIPTION AND PURPOSE. A shopping center may be located on a tract of land in any district generally in accordance with the areas designated for proposed shopping centers on the land use plan, based on existing or proposed market.

SECTION 13.02 PRELIMINARY DEVELOPMENT PLAN. In accepting such plan for review, the Zoning Board must be satisfied that the proponents of the planned building group shopping center are financially able to carry out the proposed project; that they intend to start construction within a specified time of the approval of the project and necessary change in zoning, and intend to complete it within a reasonable time as determined by the Zoning Board. It shall be the duty of the Zoning Board to investigate and ascertain whether the location, size and other characteristics of the site, and the proposed plan, comply with the following conditions:

- (a) The need for the proposed center at the proposed location has been demonstrated by the applicant by means of market studies and such other evidence as the Zoning Board may require.
- (b) The proposed shopping center is adequate in size to provide shopping facilities for the population which reasonably may be expected to be served by such facilities.
- (c) The proposed shopping center is at a location where traffic congestion can be reduced to a minimum by presently projected improvement of access thoroughfares, and the plan shows the location of entrances, exits and internal arrangement for driving lanes and parking.
- (d) The plan provides for a shopping center consisting of one or more groups of buildings of integrated and harmonious design with adequate and properly arranged traffic and parking facilities and landscaping, which will be an attractive and efficient shopping center, convenient and safe to use, and which will fit harmoniously into, and will have no adverse effects upon the adjoining or surrounding development.

- (e) The uses permitted in the proposed shopping center shall be those of retail business and service uses, and no residential, heavy commercial, industrial or any other use shall be permitted.

SECTION 13.03 USE REGULATIONS. For land and/or buildings, the permitted uses and height and area requirements for the B-6 zone district are as follows:

- (a) Antique shop - art goods
- (b) Apparel and accessories store
- (c) Appliances, (household)
- (d) Auto accessory store
- (e) Bakery
- (f) Banks including drive-in type - loan and finance offices
- (g) Barber and beauty shops
- (h) Cameras and camera supplies
- (i) Candy and ice cream store
- (j) Clinic, dental or medical
- (k) Clothing and dry goods
- (l) Dairy products
- (m) Delicatessen
- (n) Department store
- (o) Drugstore
- (p) Dry cleaning shop
- (q) Eating place - grill - bar - cocktail lounge
- (r) Florist - gift shop

- (s) Furniture - household furniture
- (t) Garden center (supplies, furniture, plants and shrubs)
- (u) Grocery stores (supermarket or specialty)
- (v) Hardware and sporting goods
- (w) Hobby shops
- (x) Jewelry store - leather goods - luggage
- (y) Laundromats and laundry pick-up stations
- (z) Liquor store (sale by package only)
- (aa) Music store; pianos, radio and television
- (bb) Offices; any office in which chattels or goods, wares or merchandise are not commercially created, exchanged or sold
- (cc) Office supply store - business machines - stationery
- (dd) Paint and wallpaper store
- (ee) Plumbing and heating shops, sales and display
- (ff) Pressing, altering and repair of wearing apparel
- (gg) Repair, rental and servicing of any product the sale of which is permitted in this district
- (hh) Stamp redemption store
- (ii) Shoe store, sales and repair
- (jj) Specialty shops (apparel)
- (kk) Toy store
- (ll) Variety and notions store (Chain - 5 & 10 cent or dollar)
- (mm) Any other retail business or service establishment which is determined by the Board of Zoning Appeals to be of the same general character as the above permitted uses.

SECTION 13.04 AREA REGULATIONS. The net land area to be included and designated as a planned building group shopping center shall be not less than ten (10) acres in size, and the ground area to be occupied by buildings shall not exceed twenty-five (25) percent of the net land area.

Yards - No building shall be less than one hundred (100) feet distant from any boundary of the tract on which the shopping center is located. The center, including the parking areas, shall be permanently screened from all adjoining properties located in any R District and except for necessary entrances and exits, from all properties located across the street in any R District by a solid wall or compact evergreen hedge at least six (6) feet in height. Such wall or hedge shall be maintained in good condition.

SECTION 13.05 HEIGHT REGULATIONS. Building Heights - No building shall exceed two (2) stories of twenty-five (25) feet in height.

SECTION 13.06 PARKING REQUIREMENTS. Notwithstanding any other requirements of this Ordinance, there shall be provided two (2) off-street parking spaces for each three hundred (300) square feet of rental floor space, not including basement storage space. Customer parking areas, driving lanes, pedestrian walks and loading space shall be properly graded for drainage, surfaced with cement or asphalt pavement and maintained in good condition, free of dust, trash and debris. The outer boundary of customer parking areas shall be provided with sheet or bumper guard rails so located that no part of parked vehicles will extend beyond the parking area.

SECTION 13.07 ENTRANCES AND EXITS. Each entrance to and exit from the shopping center shall be not less than fifty (50) feet from any adjoining property located in any R or AG District. Plans for deceleration and acceleration traffic lanes in relation to entrances and exits shall be required to insure a minimum of traffic congestion.

SECTION 13.08 SIGNS. All signs within the planned building group shopping center shall be controlled by written agreement between the owners and tenants of the center to control excessive advertising and insure a harmonious appearance to the center as a whole. All signs shall only be indirectly illuminated with white lights but shall be neither flashing

nor animated and shall be attached flat against wall or facade of building. In addition to signs permitted for the tenants, each such center shall be permitted two (2) freestanding single or double faced identifying signs.

SECTION 13.09 FINAL DEVELOPMENT PLAN. Final Development Plan and Hearing - Upon determination by the Zoning Board that the planned building group shopping center, as shown by the preliminary plan, appears to conform to the requirements of this Section and all other applicable requirements of this Ordinance, the proponents shall prepare and submit a final development plan, which plan shall incorporate any changes required or suggested by the Zoning Board. If the final development is found to comply with requirements set forth in this Section and other applicable requirements of this Ordinance, the Zoning Board shall hold a public hearing and shall submit said plan with its report and recommendations together with the required application, by the proponents, of the necessary change in the zoning classification of the proposed center, to the Township Board, which shall, after holding a separate public hearing, pass on both the development plan and the application for a change in zoning.

The Township Board may modify the plan, consistent with the intent of this Ordinance and may rezone the property to the classification "B-6 Planned Building Group Shopping Center District" for development.

CHAPTER XIV

SPECIAL USES

SECTION 14.01 PERMIT REQUIRED FOR CERTAIN USES. Notwithstanding any other provision of this Ordinance, no land in any zone shall be used for any of the following uses without first obtaining a special use permit from the Zoning Board following a duly advertized public hearing and notification of all property owners within three hundred (300) feet.

- (a) Tavern, including any establishment where beer, wine or liquor is sold for consumption on the premises
- (b) Junkyard
- (c) Automobile sales lot
- (d) Gatherings for outdoor events involving but not limited to musical instrumentation
- (e) Mineral extraction - sand, gravel, metals, etc.
- (f) Swimming pools
- (g) Stripping of soil
- (h) Roadside market stand
- (i) Auction houses - merchandise or livestock
- (j) Automobile repair
- (k) Automobile service stations
- (l) Automobile wash
- (m) Veterinary clinic
- (n) Kennels
- (o) Bazaar, carnival or circus
- (p) Christmas tree sales

- (q) Garbage or trash disposal areas , dumps , sanitary landfill
- (r) Riding stables
- (s) Mobile home or trailer
- (t) Rooming houses , dormitories , fraternity and sorority houses
- (u) Trailer type vehicle for temporary seasonal travel - if to be lived in for a period not to exceed thirty (30) days . Such use will only be permitted if sanitary facilities are provided and in no event shall exceed ninety (90) days .
- (v) Basement houses - permit to be issued for a period not to exceed one year unless the upper portion of the structure is enclosed . A one year extension may be granted by the Zoning Inspector in documented hardship calls .

SECTION 14.02 REQUIREMENTS FOR GRANTING PERMIT. In order to grant a permit under this chapter, the Zoning Board must find that the proposed use is required to serve the area or neighborhood and that it can be conducted at the proposed location without interfering with the enjoyment of substantial property rights by other owners in the vicinity.

SECTION 14.03 TIME LIMITATION ON PERMIT. No permit for a junkyard or dumping ground shall be issued for a period of more than five (5) years and shall not be renewed unless the required findings shall be made as upon an original application.

SECTION 14.04 CONDITIONS OF PERMIT. The Zoning Board shall attach appropriate conditions to permits granted for junkyards , musical gatherings or dumping grounds respecting hours of operation , fires , sanitation , supervision , fences , gates and other matters in its discretion . The Township Board may prescribe an annual fee to cover the cost of supervising these establishments .

SECTION 14.05 HOME OCCUPATIONS.

- (a) Home occupations , which are occupations customarily incidental to the use of the premises as a dwelling place , but excluding occupations in which the use of the premises as a dwelling place is largely incidental to the occupation involved , may be permitted as special exception to be granted by the Township Board in residential districts . Such home occupations may include any profession , vocation or trade . Personal services , photographic studios , restaurants , retail sales , and automobile repairs are prohibited as a home occupation .
- (b) Persons desiring a permit for a home occupation shall make application for same as a special use to the Township Board ; and if such application is acted on favorably by said Board , a permit for same shall be issued by the Zoning Inspector . Such applica-

tion for a permit shall contain such information as the Township Board may require, but in any event, shall include the following:

- (i) Name of applicant;
 - (ii) Location of residence where the home occupation will be conducted;
 - (iii) Total floor area of the first floor of the residence;
 - (iv) Area of room or rooms to be utilized in the conduct of the home occupation;
 - (v) A sketch showing the floor plan and the area to be utilized for the conduct of the home occupation;
 - (vi) The nature of the home occupation.
- (c) All home occupations shall be subject to the following:
- (i) The home occupation shall be conducted within the principal building and only by a person resident in the building. Not more than one (1) person shall be employed who is not a resident of the premises.
 - (ii) No home occupation shall occupy more space than twenty percent (20%) of the total floor area of a residence exclusive of any open porch, attached garage, or similar space not suited for or intended to be occupied as living quarters, provided, however, in no event shall such home occupation occupy more than three hundred (300) square feet. No rooms which have been constructed as an addition to the residence, nor any attached garage or porch which has been converted into living quarters, shall be considered as floor area until two (2) years after the date of the completion thereof, as shown by the records of the Zoning Inspector.
 - (iii) For the purpose of identification of such use, one (1) non-illuminated wall sign, not exceeding one (1) square foot in area may be permitted. Such signs shall identify only the name of the profession and the name of the occupant of the premises.
 - (iv) No motor other than electrically operated motors, shall be used in conjunction with such home occupation and the total

horsepower of such permitted electrical motors shall not exceed three (3) horsepower, or one (1) horsepower for any single motor. All motors and equipment used in the conduct of any home occupation shall be shielded so as not to cause radio or television interference.

- (v) There shall be no alteration in the residential character of the premises in connection with such home occupation.
- (vi) No merchandise or articles for sale shall be displayed for advertising purposes and no sign or device relative to the sale of such merchandise shall be displayed on the premises.
- (vii) No articles or materials used in connection with such home occupation shall be stored other than in the principal building so used.

CHAPTER XV

PARKING AND LOADING SPACES

SECTION 15.01 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.

SECTION 15.02 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.

| <u>Use</u> | <u>Minimum Parking Spaces Required</u> |
|---|---|
| (a) Dwellings | Two (2) for each family unit |
| (b) Lodging, rooming and boarding houses, dormitories, fraternity and sorority houses | Two (2) for each three (3) guest rooms or each six (6) beds for guests, whichever amount is greater |
| (c) 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 |
| (d) Hospitals, institutions and clinics | One (1) for each patient bed |
| (e) Sanitariums or convalescent or nursing homes | One (1) for each two (2) beds |
| (f) Homes for aged, orphanages or asylums | One (1) for each three (3) beds |
| (g) Hotels | One (1) for each two (2) guest rooms |
| (h) Motels and tourist homes | One (1) for each sleeping room |
| (i) Theaters, auditoriums, stadiums | One (1) for each four (4) seats |

| <u>Use</u> | <u>Minimum Parking Spaces Required</u> |
|--|--|
| (j) Dance halls, studio, skating rink, assembly halls and convention halls without fixed seats | Two (2) for each hundred (100) square feet of floor area open to the public |
| (k) Bowling alleys | Eight (8) for each alley |
| (l) 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 |
| (m) 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 |
| (n) Churches | One (1) for each four (4) seats in the main worship unit |
| (o) Community center | One (1) for each hundred (100) square feet of assembly floor area |
| (p) Libraries, museums and post offices | One (1) for each hundred (100) square feet of floor area. |
| (q) Professional offices and buildings | One (1) for each two hundred (200) square feet of floor area |
| (r) Restaurants and night clubs, grills, taverns, bars, dining rooms, dairy bar, soda fountain | One (1) for each three (3) seats |
| (s) Medical doctors office or dental clinic | Four (4) for each doctor |
| (t) Banks, business offices and public buildings not specifically mentioned elsewhere | One (1) for each one hundred fifty (150) square feet of floor area |

| <u>Use</u> | <u>Minimum Parking Spaces Required</u> |
|--|--|
| (u) Mortuaries or funeral homes | One (1) for each fifty (50) square feet of floor area used for services |
| (v) Library, museum or art gallery | One (1) for each four (4) seats |
| (w) Civic or social club | One (1) for each fifty (50) square feet of assembly room |
| (x) Public meeting halls | Two (2) for each one hundred (100) square feet of public area |
| (y) "Drive-in" establishments | Eight (8) for each one hundred twenty-five (125) square feet of ground floor area |
| (z) Use groupings | |
| (i) Retail stores, super markets, department stores, billiard or pool rooms, personal service shops - general business | Two (2) for each one hundred (100) square feet of floor area in the basement and on the first floor used for retail sales and one (1) for each two hundred (200) square feet of floor area on the second floor used for retail sales and one (1) for each three hundred (300) square feet of floor area on the third floor used for retail sales, and one (1) for each four hundred (400) square feet of floor area on any additional floors used for retail sales |
| (ii) Manufacturing, processing and/or fabricating, manufacturing buildings and/or business offices and/or research laboratories 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 |
| (iii) Other uses not specifically mentioned | In the case of buildings which are used for uses not specifically mentioned, those provisions for off-street parking facilities for a use which is so mentioned and to which said use is similar in terms of parking demand shall apply |

| <u>Use</u> | <u>Minimum Parking Spaces Required</u> |
|--------------------------------------|---|
| (iv) 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 |

SECTION 15.03 JOINT USE OF FACILITIES. Provision 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.

SECTION 15.04 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 non-residential 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 non-residential 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.

SECTION 15.05 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 on nine (9) feet in width.

SECTION 15.06 REQUIREMENTS FOR PARKING AREAS. 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) It shall be effectively screened on each side which adjoins or faces premises situated in any R or AG District by a fence of acceptable design, wall or compact evergreen hedge. There shall also be provided on each side and rear which adjoins any R or AG District, a greenbelt ten (10) feet in width landscaped with lawn and low shrubbery clumps backed up by a solid planting of evergreen trees at least five (5) feet tall and four (4) feet wide.
- (b) It shall be properly graded for drainage, surfaced with concrete or asphalt pavement and maintained in good condition, free of dust, trash and debris; the driveways will be treated similarly.
- (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.

SECTION 15.07 OFF-STREET LOADING SPACES. For every building or addition to an existing building hereafter erected to be occupied by manufacturing, storage, display of 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 twenty thousand (20,000) square feet - one (1) space,
- (b) Twenty thousand (20,000) to fifty thousand (50,000) square feet - two (2) spaces,
- (c) Fifty thousand (50,000) to one hundred thousand (100,000) square feet - three (3) spaces
- (d) One (1) additional space for each additional one hundred thousand (100,000) square feet or fraction thereof.

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

CHAPTER XVI

NONCONFORMING USES

SECTION 16.01 CONTINUANCE OF NONCONFORMING USES ON STRUCTURES. The lawful use of any building or structure and of any land or premises as existing and lawful at the time of enactment of this Zoning Ordinance, or, in the case of an amendment of this Ordinance, then at the time of such amendment, may be continued although such use does not conform with the provisions of this Ordinance or amendment.

SECTION 16.02 EXPANSION. Structures or uses nonconforming by reason of height and area, parking and loading provisions only may be extended, enlarged, altered, remodeled or modernized provided that all height and area, parking and loading provisions are complied with, with respect to any extension or enlargement and provided the Zoning Inspector shall determine that any alteration, remodeling or modernization shall not substantially extend the life of any nonconforming structure. Any structure which is nonconforming at the time of enactment of this Ordinance or amendment by reason of parking and loading provisions and which is thereafter made conforming or less nonconforming by the addition of parking and/or loading space shall not thereafter be permitted to use such additionally acquired parking and/or any loading space to meet requirements for any extension, enlargement or change of use to one requiring greater areas for parking and/or unloading.

No nonconforming use of any land or structure shall hereafter be enlarged or extended except after the approval of the Board of Appeals and which approval shall be granted only upon a finding of all of the following facts:

- (a) That the enlargement or extension will not substantially extend the probable duration of such nonconforming use and that all enlargements since the use became nonconforming do not in total exceed fifty (50) percent of the area of the originally nonconforming area;
- (b) That the enlargement or extension will not become a precedent for other variations in the area;
- (c) That the enlargement or extension will not interfere with the use of other properties in the vicinity for the uses for which they

have been zoned nor with their use in compliance with all of the provisions of this Ordinance.

SECTION 16.03 RESTORATION AND REPAIR. Such repairs and maintenance work as are required to keep a nonconforming building or structure in a sound condition may be made. In the event any nonconforming building or structure shall be damaged by fire, wind or an Act of God or the public enemy, it may be rebuilt or restored provided the cost thereof shall not exceed one-half (1/2) the value of such building or structure after such rebuilding or restoration; said determination to be made by the Zoning Inspector or on appeal by the Board of Appeals.

In the event any nonconforming building or structure shall be damaged by fire, wind or an Act of God or the public enemy, and the cost of rebuilding or restoration shall exceed one-half (1/2) the value of such building or structure after rebuilding or restoration, the same shall be permitted only with the approval of the Board of Appeals which approval shall be granted only upon a finding:

- (a) that such rebuilding or restoration will not substantially extend the probable duration of such nonconforming use, or
- (b) that circumstances are such that the land previously occupied by such nonconforming use cannot then be advantageously used for a use permitted in the zone.

SECTION 16.04 NONCONFORMING USE DISCONTINUED. In the event that any nonconforming use is discontinued for a period of one (1) year, any subsequent use shall conform to the uses permitted in the district in which the premises are located.

SECTION 16.05 BUILDING UNDER CONSTRUCTION ON EFFECTIVE DATE OF ORDINANCE. Any building shall be considered to have been lawfully in use for the purpose for which constructed if on the effective date of this Ordinance a building permit has been obtained therefor, if required, or otherwise a substantial start has been made toward construction and thereafter pursued diligently to completion.

CHAPTER XVII

ADMINISTRATION AND ENFORCEMENT

SECTION 17.01 OFFICE OF ZONING INSPECTOR CREATED. There is hereby established the office of Zoning Inspector, and for the purpose of this Ordinance, the Building Inspector may be designated as said Zoning Inspector.

SECTION 17.02 DUTIES OF THE ZONING INSPECTOR.

- (a) It shall be the duty of the Zoning Inspector to administer and enforce this Ordinance in accordance with the provisions of the Building Code and of this Ordinance.
- (b) In the performance of his duties, the Zoning Inspector or employees properly authorized to represent him shall have the right to enter any building or premise for the purpose of investigation or inspection.
- (c) No land shall be used or occupied and no structure shall be designed, erected, altered or used hereafter until a Zoning Permit shall have been issued by the Zoning Inspector. It shall be the duty of the Zoning Inspector to issue a Zoning Permit, provided he is satisfied that the building, structure or premises, and the proposed use thereof, conform with all the requirements of this Ordinance. A Zoning Permit issued by the Zoning Inspector shall be required prior to the issuance of any Building Permit.

SECTION 17.03 COOPERATION WITH OTHER DEPARTMENTS. The Zoning Inspector shall furnish to the various departments, officers or employees vested with the duty or authority to issue permits or licenses such information as will insure proper administration of this Ordinance. It shall be the duty of said departments, officers and employees to cooperate with the Zoning Inspector in the performance of his duties. Any permit or license issued by said departments, officials and employees in conflict with the provisions of this Ordinance shall be null and void.

SECTION 17.04 METHODS OF ENFORCEMENT. In case any building is or is proposed to be located, erected, constructed, reconstructed, en-

larged, changed, maintained or used, or any land is, or proposed to be, used in violation of this Ordinance or any amendment, the Zoning Inspector shall have the authority to implement the enforcement thereof by any of the following means:

- (a) He may serve notice requiring the removal of any use in violation of this Ordinance upon the owner, agent or tenant of the building or land, or upon the architect, builder, contractor or other person who commits or assists in any such violation.
- (b) He may call upon the attorney for the township to institute any necessary legal proceedings to enforce the provisions of this Ordinance, and the attorney is hereby authorized to institute appropriate actions to that end.
- (c) He may call upon the local law enforcement officer or his deputies to assist in the enforcement of this Ordinance.
- (d) In addition to the authority vested in the Zoning Inspector, the attorney for the township, or any adjacent or neighboring property owner who would be specially damaged by violations of this Ordinance may institute injunction to restrain or abate, to cause the correction or removal of any violation of this Ordinance.

SECTION 17.05 FILING OF PLANS. Every application for a Zoning Permit shall be accompanied by plans in duplicate, drawn to scale in black line or blueprint, showing the shape and dimensions of the lot to be built upon or to be changed in its use; the exact location, size and height of building or structure and the intended use to be made thereof. One copy of such plans shall be returned to the owner when such plans shall have been approved by the Zoning Inspector together with a Zoning Permit as may be granted.

SECTION 17.06 ADMINISTRATIVE FORMS. The Township Zoning Board may recommend that certain standardized forms be adopted so as to assure uniform presentation of facts and assist the Zoning Inspector in the performance of his duties.

CHAPTER XVIII

BOARD OF APPEALS

SECTION 18.01 BOARD OF APPEALS. There shall be a Board of Appeals which shall consist of three (3) members. The first member shall be the chairman of the Township Zoning Board, the second member shall be a member of the Township Board appointed by the Township Board, and the third member shall be selected and appointed by the other two members of the Board of Appeals from among the electors residing in the unincorporated area of Union Township, provided no elected officer or any employee of such Township Board may serve simultaneously as the third member of the Board of Appeals. Members shall serve for a period of two (2) years with the term coinciding with the term of the Township Board member, but they shall continue in office until their successors are selected and qualified.

SECTION 18.02 REMOVAL. Members of the Board of Appeals shall be removable by the Township Board for non-performance of duty or misconduct in office upon written charges and after public hearing.

SECTION 18.03 MEETINGS; RECORDS. 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. Meetings may be held at other times as the Board may determine. The chairman, or in his absence the acting chairman, may administer oaths, and the Board may compel the attendance of witnesses. All meetings shall be open to the public.

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.

SECTION 18.04 PROCEDURE.

- (a) Two (2) members of the Board shall constitute a quorum, and the concurring vote of two (2) members of the Board shall be necessary to reverse any order, or determination of the Zoning Inspector, or to decide in favor of the applicant in any matter over which the

Board has jurisdiction under this Ordinance, or to grant any variance from the requirements stipulated in this 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 ten (10) days prior to such hearing upon the applicant or appellant, the Zoning Inspector 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 of 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 five (5) 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 Board of Zoning Appeals meeting shall be accompanied by a filing fee of five dollars (\$5.00); each appeal or application requiring a special meeting shall be accompanied by a filing fee of fifty dollars (\$50.00). All fees shall be deposited by the Zoning Inspector with the Township Treasurer.

SECTION 18.05 STAY OF PROCEEDINGS. An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Inspector certifies to the Board of Appeals after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent perils to life or property in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by the Circuit Court on application on notice to the Zoning Inspector and on due cause shown.

SECTION 18.06 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 Inspector and with the Board of Appeals of a notice of appeal specifying the grounds thereof. The Zoning Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

SECTION 18.07 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 variance or 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 violation of this Ordinance and punishable under Chapter XX of this Ordinance.

SECTION 18.08 TIME LIMIT ON VARIANCES. Any variance or exception granted by the Board of Appeals shall automatically become null and void after a period of twelve (12) months from the date granted unless the applicant shall have taken substantial steps toward effecting the variance within said period; provided, however, that the Board of Appeals may extend such period for a further period of time up to one (1) year upon application without further notice.

SECTION 18.09 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 Inspector in the enforcement of this Ordinance.

- (b) Interpretation of Zoning Map: Where the boundaries of zoning districts as shown on the Official Zoning Map are in question as to exact location or otherwise as referred to in Section 4.02, the Board shall interpret such map in a manner which 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 term of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship. A variance from the terms of this Ordinance shall not be granted by the Board of Appeals unless and until:

(i) A written application for a variance is submitted demonstrating:

- * That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district;
- * 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;
- * That the special conditions and circumstances do not result from the actions of the applicant;
- * 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.

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.

(ii) Notice shall be given at least ten (10) days in advance of the hearing. This shall be given by posting a notice on the property for which the variance is sought, a notice at the Township Hall and in one other public place. Notices shall also be mailed to the petitioner (applicant) and to the per-

sons to whom is assessed the property within one hundred (100) feet of the exterior limits of the property for which the variance is sought.

- (iii) The public hearing shall be held. Any party may appear in person, or by agent or by attorney.
- (iv) The Board of Appeals shall determine that the requirements of 18.09 (c) have been met by the applicant for the variance.
- (v) 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.

SECTION 18.10 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 rezoning.

SECTION 18.11 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, of a public service corporation or for public utility purposes as described in Section 3.05 in any zoning district to a greater height or of larger area than the district requirements herein established, and permit 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.

SECTION 18.12 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.

CHAPTER XIX

AMENDMENT AND DISTRICT CHANGES: PROCEDURES

Whenever the public necessity, convenience, general welfare or good zoning practice require, the regulations, restrictions 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.

An amendment, supplement or change may be initiated by the Township Board or the Township Zoning Board on a motion by either of these bodies, or by a verified application of one (1) or more of the owners or lessees of property within the area proposed to be changed or affected by this Ordinance.

SECTION 19.01 PROCEDURE FOR CHANGES.

- (a) **Applications:** Applications for amendments and district changes shall be submitted to the Township Zoning Board upon forms carefully filled out with such data and information as to assure the fullest practicable presentation of facts for the permanent record.
- (b) **Notice of Public Hearing:** Before submitting its recommendations on a proposed amendment of the text or a district change, the Zoning Board shall hold at least one (1) public hearing, notice of which hearing shall be given by two (2) publications in a newspaper of general circulation in the township, the first to be printed not more than thirty (30) days nor less than twenty (20) days and the second not more than eight (8) days before the date of such hearing. Not less than twenty (20) days notice of the time and place of such hearing shall also be given by certified mail to each electric, gas, pipeline and telephone public utility company that registers its name and mailing address with the Township Zoning Board for the purpose of receiving such notice and to each railroad operating within the district or zone affected. The notices shall include the places and times at which the proposed amendment to the text or the district change and any maps of this Ordinance may be examined.

In addition, the property proposed for rezoning shall be conspicuously posted at least eight (8) days prior to the hearing stating the time, place, date and purpose of the hearing.

- (c) Public Hearing: The public hearing shall be held.
- (d) County Coordinating Zoning Committee: Following such hearing, or hearings, the Zoning Board shall submit the proposed amendment to the County Coordinating Zoning Committee for approval, disapproval or suggestions. The approval of the coordinating committee shall be conclusively presumed unless such committee shall, within thirty (30) days of its receipt, have notified the Township Clerk to the contrary.
- (e) Township Board: The Zoning Board shall then submit the proposed amendment to the Township Board recommending, in writing, that it be granted or denied. After receiving the report, the Township Board shall grant a hearing on the proposed amendment to any property owner who by certified mail requests to be so heard and shall request the Zoning Board to attend any such hearing. Thereafter, at any regular or at any special meeting called, the Township Board may adopt the amendment, as previously considered by such Zoning Board or at such hearing, and give the amendments immediate effect.

SECTION 19.02 RE-HEARING ON CHANGES. Whenever a proposed amendment or district change has not been adopted by the Township Board, the Zoning Board shall 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.

SECTION 19.03 SCHEDULE OF FEES. No action shall be taken on the application for a zoning permit, temporary use or structure permit, variance, conditional use authorization or zoning change, as the case may be, unless or until fees connected with such application have been paid. They are as follows:

For A Zoning Permit

| | |
|---|----------|
| Buildings not exceeding a cost of \$30,000 | \$ 3.00 |
| Buildings with a cost in excess of \$30,000 | \$ 5.00 |
| Temporary use or structure permit | \$ 5.00 |
| Special meeting for zoning change | \$100.00 |
| Zoning Change | \$ 25.00 |

Where buildings are started or mobile homes are occupied before permit is granted, the fees as listed shall be doubled but payment of such double fees shall not relieve any person from fully complying with the requirements of this Zoning Ordinance.

CHAPTER XX

PENALTIES FOR VIOLATION

Violations of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than one hundred dollars (\$100) or imprisoned for not more than ninety (90) days or both and, in addition, shall pay all costs and expenses involved in the case. 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.

CHAPTER XXI

SEPARABILITY CLAUSE

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.

CHAPTER XXII

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."

SECTION 22.01 ACCESSORY USE OR STRUCTURE. A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

SECTION 22.02 ALTERATIONS, STRUCTURAL. Any change in the supporting members of a building such as bearing walls, columns, beams or girders, or any substantial change in the roof.

SECTION 22.03 AUTOMOBILE REPAIR - MAJOR. General repair, rebuilding or reconditioning of engines, motor vehicles or trailers, collision service, including body repair and frame straightening; painting and upholstery; vehicle steam cleaning and undercoating.

SECTION 22.04 AUTOMOBILE REPAIR - MINOR. Minor repairs, incidental replacement of parts and motor service to passenger automobiles and trucks not exceeding two (2) tons capacity, but not including any operation specified under "Automobile Repair - Major."

SECTION 22.05 BILLBOARDS AND SIGNS.

- (a) Billboard, Advertising Device or Structure: Any structure or portion thereof including the wall of any building on which lettered, figured

or pictorial matter is displayed and which directs attention to a business, commodity, service or entertainment not necessarily related to uses permitted on the premises upon which the structure is located.

- (b) **Business Sign:** Any structure or portion thereof situated on private premises on which lettered, figured or pictorial matter is displayed for advertising purposes, with the name and occupation of the user of the premises, or the nature of the business conducted thereon, or the products primarily sold or manufactured, processed or fabricated thereon.
- (c) **Real Estate Sign:** Any structure or portion thereof used only to advertise with pertinent information the sale, rental or leasing of the premises upon which it is located.
- (d) **Identifying Sign:** The term "identifying sign" shall mean a sign on the premises which serves only to tell the name or use of any public or semi-public building or recreation space, club, lodge, church or institution, or which serves only to tell the name or address of an apartment house, hotel or motel, or which serves only to inform the public as to the use of a lawful parking lot.
- (e) **Name Plate:** The term "name plate" shall mean a sign affixed flat against the wall of the building which serves solely to designate the name or the name and professional or business occupation of a person or persons occupying the building.

SECTION 22.06 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.

SECTION 22.07 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.

SECTION 22.08 DWELLING. Any building or portion thereof which is occupied in whole or in part as a home, residence or sleeping place, either permanently or temporarily by one or more families.

- (a) Dwelling, Single-Family: A detached residence, designed for use or occupancy by one (1) family only, with housekeeping facilities.
- (b) Dwelling, Two-Family: A residence designed for use or occupancy by two (2) families only, with separate housekeeping facilities for each.
- (c) Dwelling, Multi-Family: A residence designed for use or occupancy by three (3) or more families, with separate housekeeping facilities for each.

SECTION 22.09 DWELLING UNIT. One (1) room or a suite of two (2) or more rooms designed for use or occupancy by one (1) family for living and sleeping purposes with housekeeping facilities.

SECTION 22.10 FABRICATION. Fabrication means the stamping, cutting or otherwise shaping of processed materials into useful objects.

SECTION 22.11 FAMILY. One (1) or more persons occupying a single housekeeping unit and using common cooking facilities, provided that unless all members are related by blood or marriage, no such family shall contain over five (5) persons.

SECTION 22.12 FARM. A parcel of land containing at least ten (10) acres and which carries on the customary farm operations.

SECTION 22.13 FLOOR AREA. "Floor area" shall mean the gross floor area 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 which contains heating and cooling equipment and other basic utilities.

SECTION 22.14 HOME OCCUPATION. The term "home occupation" in this Ordinance refers to designated incidental economic enterprises which may be permitted in specified residential districts provided the limitations set forth are observed.

SECTION 22.15 JUNKYARD. A place where junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including wrecked motor vehicles, used building materials, structural steel materials and equipment and other manufactured goods that are worn, deteriorated or obsolete.

SECTION 22.16 KENNEL. The land and/or structure where five (5) or more cats or dogs are boarded, housed or bred for profit.

SECTION 22.17 LOT. A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, together with such open spaces as required by this Ordinance and having frontage on a public street.

SECTION 22.18 MOBILE HOME. Any vehicle or structure so designed and constructed that it will permit the occupancy thereof as sleeping quarters for one (1) or more persons, or the conduct of any business or profession, occupation or trade, or storage and which when manufactured has no foundation other than wheels, jacks, skids or skirting, and is so designed that it may be mounted on wheels and moved from place to place on streets; but not including trailer type vehicles used for temporary seasonal travel.

SECTION 22.19 MOTEL. A building or group of buildings on the same lot, whether detached or in connected rows containing sleeping or dwelling units which may or may not be independently accessible from the outside with garage or parking space located on the lot and designed for, or occupied by, automobile travelers. The term shall include any buildings or building groups designated as motor lodges, motor inns or by any other title intended to identify them as providing lodging, with or without meals, for compensation.

SECTION 22.20 PARKING AREA, SPACE, LOT. An off-street open area, the principal use of which is for the parking of automobiles, whether for compensation or not, or as an accommodation to clients, customers, visitors or employees. Parking area shall include access drives within the actual parking area.

SECTION 22.21 PROCESSING. Any operation changing the nature of material or materials such as the chemical composition or physical qualities. Does not include operations described as fabrication.

SECTION 22.22 ROADSIDE MARKET STAND. A temporary structure designed or used for the display and/or sale of agricultural products produced on the premises upon which the stand is located.

SECTION 22.23 ROW DWELLINGS (TOWN HOUSES). A line or row of dwelling units, attached by a common wall or connecting roofs.

SECTION 22.24 STRUCTURE. Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground.

SECTION 22.25 TRAILER COACH PARK. Shall mean any parcel or tract of land under the control of any person, exclusive of mobile home subdivisions, upon which three (3) or more occupied mobile homes or trailer coaches are harbored to permit occupancy of such homes or coaches as a dwelling.

SECTION 22.26 TOURIST HOME. A building or part thereof, other than a hotel, boarding house, lodging house or motel, where lodging is provided by a resident family in its home for compensation, mainly for transients.

SECTION 22.27 USES BY SPECIAL PERMIT. Listed uses which may be permitted in specified zoning districts provided that need for the use in the district can be established to the satisfaction of the Board of Appeals or Zoning Inspector.

SECTION 22.28 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 or size of yards and open spaces and off-street parking and off-street loading requirements; establishment or expansion

of a 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.

SECTION 22.29 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.

SECTION 22.30 YARD - FRONT. 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.

SECTION 22.31 YARD - REAR. 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.

SECTION 22.32 YARD - SIDE. 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.

SECTION 22.33 ZONING INSPECTOR. The person designated by the Township Board to administer the provisions of this Ordinance. He may be the Township Supervisor, the Building Inspector or any other officer of the township so designated by the Township Board.

SECTION 22.34 ZONING PERMIT. A written statement issued by the Zoning Inspector authorizing buildings, structures or uses consistent with the requirements of the district in which they may be located.

CHAPTER XXIII

REPORT TO GOVERNING BODY

Following the enactment of this Ordinance, the Township Zoning Board shall from time to time prepare and file, with the Township Board, a report on the operations of said Ordinance, including recommendations as to amendments, supplements or changes thereto, at least once each year.

CHAPTER XXIV

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 _____ day of _____, 1971. It is hereby ordered that said Ordinance be given immediate effect and be in force from and after _____, 1971.

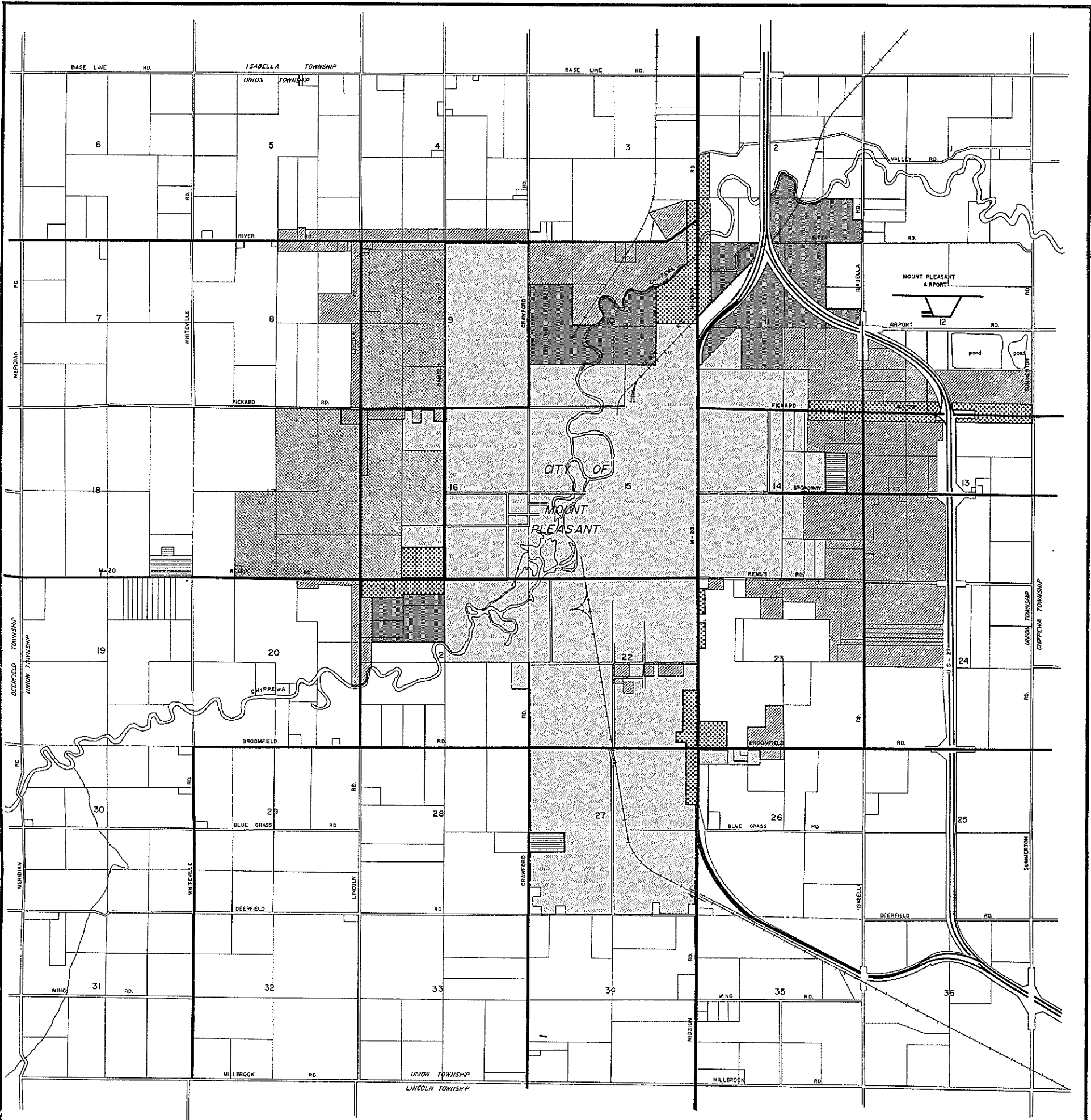
I hereby certify that at a regular meeting of the Township Board of the Township of Union, Isabella County, Michigan, held on _____ 1971, the foregoing Ordinance was adopted.

Dated: _____

Township Clerk

Approved by the Isabella County Planning Commission:

Date: _____

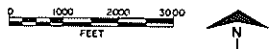


OFFICIAL ZONE DISTRICT MAP 1971

UNION TOWNSHIP, ISABELLA CO., MICHIGAN

UNION TOWNSHIP BOARD

WILLIAMS & WORKS
ENGINEERS - PLANNERS - SURVEYORS



- | | | | |
|--|---|--|---------------------------------------|
| | R-1 ONE FAMILY RESIDENCE DISTRICT | | M INDUSTRIAL DISTRICT |
| | R-2 ONE & TWO FAMILY RESIDENCE DISTRICT | | AG AGRICULTURAL DISTRICT |
| | R-3 SUBURBAN RESIDENCE DISTRICT | | PUD PLANNED UNIT DEVELOPMENT DISTRICT |
| | B-4 GENERAL BUSINESS DISTRICT | | CITY OF MOUNT PLEASANT |
| | B-5 HIGHWAY BUSINESS DISTRICT | | |
| | B-6 PLANNED BUILDING GROUP SHOPPING CENTERS | | |