

UNION  
TOWNSHIP  
ZONING  
ORDINANCE  
1981  
AS AMENDED

ZONING ORDINANCE  
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## 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:

#### Section I--Title, Purpose, and Interpretation

##### 1.1 Short Title

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

##### 1.2 Purpose

This Ordinance shall affect the use and occupancy of all land and every building in the Township. This Ordinance has been made in accordance with Michigan Compiled Laws, and is designed to lessen congestion in the streets; to secure safety from fire, panic, and other 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.

##### 1.3 Interpretation

It is not intended by this Ordinance to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by the Ordinance, or of any private restrictions placed upon property by covenant, deed or other private agreement. Where this Ordinance imposes 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

Interpretations-Cont'd.

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.

## Section II--Districts and Zoning Maps

### 2.1 Zone Districts

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

AG    Agricultural District  
R-1   One Family Residence District  
R-2   One and Two Family District  
R-3   Apartment and Condominiums District  
R-4   Mobile Home District  
R-5   Single Wide Mobile Home District  
B-4   General Business District  
B-5   Highway Business District  
M     Industrial District

### 2.2 The Zoning Map

The locations and boundaries of these descriptions are hereby established as shown on a map entitled "The Zoning Map of the Township of Union, Isabella County, Michigan" which is hereby adopted as a part of this Ordinance. The official zoning map shall be located in the Township Hall and shall be the final authority in any dispute concerning district boundaries. The official map shall be kept up to date and any amendments to the Ordinance involving the official map shall become legal only after such changes are noted and portrayed on said map in accordance with Section IV Amendments, in 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 centerline of streets, highways, or alleys shall be construed to follow such centerline.
- 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 such lot lines.
- 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

Zoning Map-con'd.

be construed as having a depth of 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.

2.3 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.

### Section III--Definitions

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

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

#### 3.1 Accessory Building

A subordinate structure on the same lot with a main building, or principle use, occupied or devoted to an accessory use. Where an accessory building is attached to a main building by a wall or a roof, such accessory building shall be considered part of the main building.

#### 3.2 Accessory Use

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

#### 3.3 Alley

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

#### 3.4 Alteration

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

#### 3.5 Apartment

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

#### 3.6 Automobile or Vehicular Sales Area

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

### 3.7 Automobile Storage

Any storage or parking of inoperable or unlicensed vehicles, boats, trailers, or motorcycles not incidental to a public garage.

### 3.8 Basement and Cellar

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

### 3.9 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 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.



### 3.10 Building

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

### 3.11 Building, Height of

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

### 3.12 Building Lines

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

### 3.13 Bulk Plant

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

### 3.14 Clinic, Dental or Medical

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

### 3.15 Convalescent or Nursing Home

A building where infirm or aged persons are furnished shelter, care, food, lodging, and nursing care for a compensation. Said homes shall be licensed under Act 368 of the Public Acts of 1978, as amended.

### 3.16 Dismantled Motor Vehicle

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

### 3.17 Dwelling

Any building, or portion thereof, used or designed for the residence of a person, or persons, with facilities for such humans to sleep, cook, and eat; but not including motels, hotels, or tourist cabins. Mobile homes and modular homes, as defined in Section 3.39 and 3.41, are considered dwellings only where allowed in zoned areas.

- A. "Dwelling, Single Family" means a detached building designed and occupied exclusively by one family.
- B. "Dwelling, Two Family" means a detached or duplex building designed and occupied exclusively by two families living independently of each other.
- C. "Dwelling, Multiple Family" means a building, or portion thereof, used and designed to contain separate living quarters for three or more families; but which may have joint services or facilities.
- D. "Dwelling, Rooming" means a building occupied by one family with accommodations for living and sleeping quarters for two or more additional persons. A rooming dwelling shall not include more than one cooking or eating accommodation.

### 3.18 Dwelling Unit

One or more rooms designed for, or occupied by, not more than one family.

### 3.19 Essential Services

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

### 3.20 Existing Lot

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

### 3.21 Fabrication

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

### 3.22 Family

One 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 persons.

### 3.23 Farm

A parcel of land containing at least ten acres and which carries on the customary farm operations.

### 3.24 Filling Stations

Any place where primary petroleum products are sold at retail.

### 3.25 Flood Plain

That area of land adjoining the channel of a river, stream, water course, lake, or other similar body of water which will be inundated by a flood; which can be reasonably expected for that region.

### 3.26 Floor Area

Floor area shall mean the gross floor areas of all floors of a building or an addition to an existing building. For all office buildings and for any other building where the principle 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.

### 3.27 Garage, Private

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

### 3.28 Garage, Public

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

### 3.29 Half Story

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

### 3.30 Home Occupation

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

### 3.31 Household Pets

Any domesticated dog, cat, or other animal kept for protection, companionship, or hunting purposes; provided they are not kept, bred, or maintained for commercial purposes.

### 3.32 Junk Yards

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

### 3.33 Kennel

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

### 3.34 Lot

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

- A. A measured portion of a parcel or tract of land, which is described and fixed in a recorded plat.
- B. A parcel or tract of land continuous area described by metes and bounds.

### 3.35 Lot, Corner

A lot situated at the intersection of two or more streets have an angle of not more than 135 degrees.

### 3.36 Lot Line

That said line which borders lot or in larger cases parcel.

- A. Front Lot Line. The line which separates the front yard from the street, excluding the road right-of-way. In cases where water frontage is used as front yard, the line shall separate front yard and the water.
- B. Rear Lot Line. The line which separates the rear yard and the adjacent lot, street (excluding road right-of-way), or water frontage.
- C. Street or Alley Lot Line. Any line separating a lot from a street or alley.
- D. Side Yard. The line which separates the side yard from the adjacent lot, street, or water frontage (excluding the road right-of-way).

### 3.37 Major Street

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

### 3.38 Minor Street

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

### 3.39 Mobile Home

A detached single family dwelling unit with all of the following characteristics:

- A. Designed for a long term occupancy.
- B. Containing sleeping accommodations, a flush toilet, a tub, or shower bath, and kitchen facilities. A mobile home is considered a permanent dwelling only when attached to public utilities.
- C. Designed to be transported after fabrication on its own wheels or on flatbed or other trailers or detachable wheels.
- D. Arriving at site to be occupied as a dwelling unit complete, including appliances and furniture and ready for occupancy except for minor and incidental location operations.

### 3.40 Mobile Home or Trailer Park

Any lot, site, parcel, or tract of land under the control or management of any person(s), firm, or corporation upon which three or more occupied mobile homes are parked, or which is offered to the public for that purpose, regardless of whether a charge is made or not. It shall also include any buildings, structure, tent, vehicle, or enclosure used, or intended to be used, as part of the equipment of the park.

### 3.41 Modular Home

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

#### 3.42 Motel

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

#### 3.43 Nonconforming Building

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

#### 3.44 Nonconforming Use

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

#### 3.45 Open Space

Any unoccupied space, devoid of elevated structural manmade improvements, open to the sky on the same lot with a building.

#### 3.46 Parking Area

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

#### 3.47 Parking Space

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

#### 3.48 Person

A legal entity, individual human being or individuals with common interest or enterprise.

3.49 Planning Commission

The Planning commission of Union Township.

3.50 Principle or Main Use

The primary or predominant use of a lot or structure.

3.51 Public Utility

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

3.52 Public or Institutional Uses

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

3.53 Right-of-way

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

3.54 Roadside Stand

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

3.55 Single Ownership

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

3.56 Story

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



### 3.57 Street Line

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

### 3.58 Structure

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

### 3.59 Subdivision

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

### 3.60 Swimming Pool

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

### 3.61 Township Board

The governing body of the Township.

### 3.62 Travel Trailer and Motor Home

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

### 3.63 Use

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

### 3.64 Variance

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

### 3.65 Yard

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

#### A. Front Yard

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

#### B. Rear Yard

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

#### C. Side Yard

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

3.66 Zoning Board of Appeals (Also known as Board of Appeals)

This is the body which hears appeals on administrative decisions, variance requests, interprets the provisions of this Ordinance, and fulfills any other duties delegated to it by this or any other properly adopted Ordinance in Union Township in accord with the provisions of Act 184 of the Public Acts of 1943 of the State of Michigan, as amended.

3.67 Zoning Inspector

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

3.68 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.

3.69 All other words shall have the meaning as defined in the Webster's New Word Dictionary, Second College Edition.

## Section IV--Amendments

### 4.1 Adoption, Amendments, and Map Changes

Whenever the public necessity, convenience, general welfare or good zoning practice require, the regulations and district boundaries set forth in this Ordinance may from time to time be amended, supplemented, changed, or repealed, provided however that no such action may be taken until a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard, in accordance with Act 184 of the Public Acts of 1943 of the State of Michigan, as amended.

- A. Any public agency or interested person may make application to the Planning Commission for an amendment or map change. All requests must be submitted on forms carefully filled out with such data and information as to assure the fullest practicable presentation of facts for the permanent record.
- B. A fee shall be collected from the applicant sufficient to cover the expenses for said notices and hearings as specified in the schedule of fees.
- C. After receipt of a request for a change in the Zoning Ordinance, (text, map, or amendments) the Planning Commission shall hold at least one public hearing.
  - 1. Notice of said hearing shall be given by two publications in a newspaper published in the County, with circulation in the Township. The first to be printed not more than 30 days and not less than 20 days and the second not more than eight days before the date of the hearing. The notices shall include:
    - a. The nature of the request.
    - b. When and where the request shall be considered.
    - c. When and where the Ordinance, request, and pertaining material may be examined.
    - d. When and where written comments can be received concerning the request.

- D. Not less than 20 days before a hearing a notice containing the aforementioned information shall be sent, by first class mail or personal delivery, to all persons to whom real property is assessed and to the occupants of all dwellings within 300 feet of the boundary of the property in question, including owner of said property. Notice shall be sent to all public utilities and railroads.
1. 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.
  2. Public hearing: The public hearing shall be held.
- E. Township Planning Commission: Following such hearing, or hearings, the Township Planning Commission shall submit the proposed amendment to the County Planning Commission for proper action. The approval of the County Planning Commission shall be conclusively presumed unless such Commission shall, within thirty (30) days of its receipt, have notified the Township Clerk to the contrary.
- F. The Planning Commission shall submit the proposed amendment, along with its recommendation, to the Township for consideration within thirty (30) days from and after receipt of the proposed change.
1. The Township Board may adopt or reject the amendment as proposed. However, if the Board decides to make changes it must return the proposed amendment with changes to the Planning Commission for review and comment.
  2. After receipt of this report from the Planning Commission the Township Board may proceed to adopt the amendment with or without changes. Adoption must be by ordinance, with yeas and nays recorded.

3. Whenever a proposed amendment or district change has not been adopted by the Township Board, the Planning Commission may refuse to hold another public hearing on same for at least one (1) year unless it is conclusively proven that new conditions and circumstances exist.
- G. A notice of adoption shall be published in a newspaper of general circulation within the County within 15 days after final approval. Said notice shall include the following:
1. In the case of a newly adopted zoning ordinance the following statement: A Zoning Ordinance regulating the development and use of land has been adopted by the Union Township Board.
  2. In the case of an amendment to an existing zoning ordinance, either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment.
  3. The effective date of the ordinance.
  4. The place and time where a copy of the ordinance may be purchased or inspected.
- H. The Township Clerk must maintain a copy of the amendments, adoption of a new ordinance, and map changes for public use.
- I. Period of effectiveness
- After written permission for a request to rezone is granted the property owner must commence to put the property to its requested use within a period of one (1) year of the property will revert to its former zone status. Property owners may be granted a six month extension by requesting such an extension from the Planning Commission.
- J. The Zoning Official shall keep the Planning Commission informed when property is reverted to its former status. The master map will be recorded with the changes.

#### 4.2 Site Sketch

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

## Section V--Zoning Board of Appeals

### 5.1 Board of Appeals

There shall be a Board of Appeals which shall consist of 5 members appointed by the Township Board. The first member of the Board of Appeals shall be a member of the Township Planning Commission. The remaining members of the Board of Appeals shall be selected from the electors residing in the unincorporated area of Union Township. The members selected shall be representative of the population distribution and of the various interests present in the township. One member may be a member of the Township Board. An elected officer of the Township shall not serve as chairman of the Board of Appeals. The term of each member shall be for 3 years, except that of the members first appointed, 2 shall serve for 2 years and the remaining members for 3 years. A successor shall be appointed not more than 1 month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.

### 5.2 Removal

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. A member shall disqualify himself from a vote in which he has a conflict of interest. Failure of a member to disqualify himself from a vote in which he has a conflict of interest shall constitute misconduct in office.

### 5.3 Meetings; Records

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



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

#### 5.4 Procedure

- A. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Zoning Inspector, or to decide in favor of the applicant, any matter upon which the Board of Appeals are required to pass under this Ordinance, or to effect any variation in this Zoning Ordinance.
- B. When an application or appeal has been filed in proper form and with the required data, the Board shall place said application or appeal on the calendar for hearing at the next meeting of the Board and cause notices stating the time, place and object of the hearing to be served. Such notices shall be served personally or by mail at least 10 days prior to such hearing upon the applicant or appellant, the Zoning Inspector and the owners of record of property within 300 feet of the premises in question which notices, if by mail, shall be addressed to the respective property owners of record at the address given in the last assessment roll. In the event any property immediately adjacent to said premises shall be part of a different governmental subdivision, the owner of any such property shall nevertheless receive notice and shall be entitled to be heard.
- C. Upon the day for hearing any application or appeal, the Board may adjourn the hearing in order to permit the obtaining of additional information or to cause such further notice as it deems proper to be served upon such other property owners as it decides may be interested in said application or appeal. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time or resumption of said hearing.

- D. Upon the hearing, any party may be heard in person or by agent or attorney.
- E. The Board may reverse or affirm wholly or partly or may modify the order, requirement, decision or determination as in its opinion ought to be made on the premises and to that end shall have all the powers of the officer from whom the appeal was taken or may issue or direct the issuance of a permit.
- F. The decision of the Board shall not be final until 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. Each appeal or application requiring a special meeting shall be accompanied by a filing fee of \$50.00 dollars. All fees shall be deposited by the Zoning Inspector with the Township Treasurer.

#### 5.5 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 certification, 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.

#### 5.6 Time to and Notice of Appeal; Transmission of Records

Appeals shall be taken within such time as shall be prescribed by the Board of Appeals by general rule by filing with the Zoning 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.

## 5.7 Conditions of Approval

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

## 5.8 Time Limit on Variances

Any variance or exception granted by the Board of Appeals shall automatically become null and void after a period of 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 1 year upon application without further notice.

## 5.9 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 referred to in Section II, 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 will result in unnecessary hardship. A variance from the terms of this Ordinance shall not be granted by the Board of Appeals unless and until:

Board of Appeals-con'd.

1. A written application for a variance is submitted demonstrating:
  - a. That special conditions and circumstances exist which are peculiar to the land, structure of building involved and which are not applicable to other lands, structures or buildings in the same zoning district;
  - b. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance;
  - c. That the special conditions and circumstances do not result from the actions of the applicant;
  - d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures or buildings in the same zoning district.
  - e. No nonconforming use of neighboring lands, structures or buildings in the same zoning district, and no permitted use of lands, structures or buildings in other zoning districts shall be considered grounds for the issuance of a variance.
2. Notice shall be given at least 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 persons to whom is assessed the property within 300 feet of the exterior limits of the property for which the variance is sought.
3. The Public hearing shall be held. Any party may appear in person, or by agent or by attorney.

## Board of Appeals-con'd.

4. The Board of Appeals shall determine that the requirements of 5.9 C have been met by the applicant for the variance.
5. The Board of Appeals in granting or denying a variance shall state the grounds upon which it justifies the granting or denying of the variance. The action taken shall be in writing and a part of the proceedings.

### 5.10 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.

### 5.11 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 under Essential Service in this Ordinance and in any zoning district to a greater height or of larger area than the district requirements herein established, and admit the location in any use district of a public utility building, structure or use if the Board shall find such use, height, area, building or structure reasonably necessary for the public convenience and service.

### 5.12 Decisions of Board Not Final

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

## Section VI--Permits & Fees

### 6.1 Purpose

The purpose of said permits is to determine that the intended use is within the proper district and that there has been full compliance with the use requirements specified for the respective district.

### 6.2 Zoning Permits

No building, structure, or any part thereof, shall be erected, raised, moved, reconstructed, extended, or enlarged without first applying for and obtaining a zoning permit from the Zoning Official. An exception to this is an accessory building or portable structure of less than \$1000.00 in valuation which shall not required a zoning permit as long as the placement of said building conforms with setbacks and height requirements of the district in which they are located.

### 6.3 Application of Zoning Permit

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

- A. No building, structure, or land shall be used or occupied and no building, or part thereof, or other structure shall be erected, raised, moved, reconstructed, extended, or enlarged without first applying for and obtaining a zoning permit from the Zoning Official.
- B. Every application for a zoning permit shall be accompanied by plans in duplicate, drawn to scale in ink, or prints of same, showing the actual shape and dimensions of the lot to be built upon. It shall also show the exact locations, size, and height of the existing buildings and accessory buildings, and the lines within which the proposed building or structure is to be erected or altered. The existing and intended use of each building, or part of a building; the number of families or housekeeping units and building is designed to accommodate; and such other information with regard to the lot and neighboring lots, as may be necessary to determine and provide for the enforcement of this Ordinance, shall be furnished. One copy of such plans shall be returned to the owner when such plans have been approved by the Zoning Official together with permit, as may be granted.

- C. Where sewage disposal is a requirement, the sewage disposal system must be approved by the Central Michigan District Health Department prior to issuing a zoning or building permit for a new structure and/or prior to approval for change of use of an existing structure.
- D. Before a building permit shall be issued, there must be compliance with this Ordinance and the proper zoned district must be present.
- E. Except as herein after provided, no building structure, or land shall be used or occupied and no building, or part thereof, or other structure shall be erected, raised, moved, reconstructed, extended, enlarged, or altered, except in conformity with this Ordinance.
- F. Permits shall be nontransferable and shall expire after one year from the date of issuance.
- G. No persons shall do any grading which would change the grade of a parcel of land more than one (1) foot without first obtaining a grading permit from the building official. A permit shall be required for each site and may cover for both excavations and fills.

#### 6.4 Temporary Permits

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

- A. Mobile Homes, Travel Trailers and Motor Homes. An individual travel trailer, mobile home, or motor home may be used as temporary living or working quarters within an AG District for up to 365 days while a dwelling or structure is being constructed on the same premises. Said approval shall only apply to the designated site and no travel trailer or mobile home may be parked in a required front yard.
- B. An individual travel trailer or motor home may be approved in all Districts as a temporary dwelling for a period up to 60 days for recreational purposes only.

- C. Subdivision Office. A building in a new subdivision may be used as a sales and management office for the sale of dwellings within said subdivision for a period of up to one year. Temporary identification signs may be permitted as regulated by Section XI.
- D. Other similar noncontinuing uses that are temporary in nature, as determined by the Zoning Official.
- E. Other Requirements
  - 1. Temporary dwellings must be self-contained for sewage disposal or a valid permit must be obtained from the Central Michigan District Health Department for the disposal of sewage.
  - 2. Setbacks shall be in accordance of said district in which the temporary permit is to be issued.
  - 3. Access to temporary permit site shall not encroach surrounding landowners.
  - 4. Temporary permits are nontransferable.
  - 5. Temporary permits shall terminate within the time specified on the permit.
  - 6. The use of travel trailers or mobile homes, when properly permitted for a temporary use, does not require shirting, pads, runners, or piers.

#### 6.5 Application for Temporary Permit

A written application shall include:

- A. Statement of the anticipated duration of said temporary use.
- B. Purpose of said temporary use.
- C. Written permission from landowner, if other than applicant.



## 6.6 Fees

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

Fees shall be established for the following:

- A. Annual Zoning Permits
- B. Special Use Permits
- C. Rezoning Requests
- D. Variance Application
- E. Appeals
- F. Temporary Permits

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

## Section VII-Administration and Enforcement

### 7.1 General Administration

The Township Planning Commission is adopted in accordance with Act 168 of the Public Acts of 1959 of the State of Michigan, as amended.

- A. The Planning Commission shall make and adopt a basic plan as a guide for the development of the unincorporated portions of Union Township.
- B. To assemble and analyze, date and formulate plans for proper conservation and uses of all resources, including a determination of lands having various use potentials, and for services, facilities and utilities required to equip such lands.
- C. All meetings will be conducted in accordance with Act 267 of the Public Acts of 1976, of the State of Michigan, known as the "open meeting act".
- D. The latest edition of Robert's Rules of Order may govern the proceedings at the meetings of the Planning Commission.

### 7.2 Zoning Official

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

### 7.3 Enforcement

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

#### 7.4 Penalties

For any and every violation of the provisions of this Ordinance, the owner, agent, contractor, lessees, or tenant of the premises, building, or part thereof, where such violation has been committed, shall be guilty of a misdemeanor. The owner, agent, architect, builder, or any person who commits, takes part, or assists in such violation of any of the provisions of this Ordinance, or any person who maintains any buildings or premises in which any such violation exists, shall be guilty of a misdemeanor.

#### 7.5 Additional Remedies

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

#### 7.5 Show Cause Hearing

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

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

- A. Notice shall be served by first class mail upon the violator not less than 10 days prior to the hearing date. This notice shall contain the purpose of the hearing, time, date, and place to be held and the rights of the individuals involved.
- B. At the hearing the Zoning Official or his agent shall present the case against the property involved. The Zoning Official or his agent has the right to present witnesses and/or evidence to support his case.

- C. The person representing the violation may rebut the case and may present witnesses and/or evidence to support his case. He may cross examine previous witnesses and may be represented by counsel.
- D. Upon completion of the hearing the Planning Commission or Zoning Board of Appeals may take whatever action it feels necessary and proper and within the scope of their powers to effect the regulations and intent of the regulations set down in the Zoning Ordinance.
- E. In the case of a decision made by the Planning Commission, such decision is appealable to the Union Township Zoning Board of Appeals within 15 days of said decision.
- F. In a decision made by the Zoning Board of Appeals, such decision is appealable to the Isabella County Circuit Court on questions of law or fact.
- G. Appeals made to the Zoning Board of Appeals shall be in writing and in such form as shall be determined by the Zoning Board of Appeals and shall have a fee set forth by the Union Township Board.

## Section VIII--General Provisions

### These General Provisions Are Applicable To All Districts.

#### 8.1 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 zoned district in which it is located.

#### 8.2 Restoration of Unsafe Buildings

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

#### 8.3 Continuing Existing Uses

Any building, structure, or use of land existing as lawful upon the effective date of this Ordinance may be continued.

#### 8.4 Prohibited Uses

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

#### 8.5 Rear Dwellings

No detached building on the same lot and in the rear of a principle building shall be used as a dwelling with the exception of second living quarters as regulated in Section 23.4 and excluding groups of multiple family dwellings as regulated in Planned Unit Developments. Nor shall any building be located in front of a building used as a dwelling on the same lot, except for groups of multiple family dwellings.

#### 8.6 Corner Lots

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

#### 8.7 Required Spaces or Areas

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

#### 8.8 Yards Along Zone Boundaries

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

#### 8.9 Fences or Walls

Fences or Walls of not more than six feet in height are permitted in all yards. All fences over six feet must be authorized by the Zoning Official or Planning Commission, except what is authorized by the District.

#### 8.10 Corner Clearance

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

#### 8.11 Double Fronted Lots

In any district where a lot runs through a block from street to street and where a front yard is required, such front yard shall be provided along each street lot line not a side street lot line.

#### 8.12 Existing Lots

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

#### 8.13 Principal Use

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

#### 8.14 Front Yard Requirements

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

A. Union a lot which does not face a major street or thoroughfare:

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

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

#### 8.15 Required Water Supply and Sanitary Sewerage Facilities

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

#### 8.16 Basement/Cellar Dwellings

Basement/Cellar Dwellings intended for use and occupancy incidental to the construction of a permanent dwelling may be so used and occupied on any lot, provided an occupancy permit is secured from the Building Official upon compliance with such reasonable safety requirements as may be established and with sanitary regulations of the Central

## Basement/Cellar Dwellings, con'd.

Michigan Health Department. Such permit shall not be granted for any period longer than one year subject to renewal only upon evidence of reasonable progress toward completion in the construction of a permanent dwelling to be erected on the lot or land on which said cellar home is placed. Special considerations may be given for renewal where undue circumstances (e.g. ill health, etc.) has halted construction.

### 8.17 Division of Property

Single ownership property being divided shall not be deeded in the same ownership name and shall follow the Subdivision Control Act of 1967.

### 8.18 Oil, Gas, and Other Drilling Activity

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

### 8.19 Lot Maintenance

All lots must be maintained in an orderly manner.

### 8.20 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 \$1,000.00 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.

### 8.21 Essential Services

The erection, construction, alteration or maintenance by public utilities or municipal departments, Boards or Commission of overhead or underground gas, electrical, steam, or water, distribution or transmission systems,



## Essential Service, con'd.

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 furnishings of adequate service by such public utility or municipal department or commission or for the public health or safety or general welfare shall be permitted as authorized or regulated by law and other ordinances of the Township of Union in any district, it being the intention hereof to except such erection, construction, alteration and maintenance from the application of the Ordinance.

Notwithstanding the Preceding exceptions:

- A. Electrical substations and/or gas regulator stations shall be provided with an enclosing fence or wall at least six (6) feet high and adequate to obstruct passage of persons or materials.
- B. Public utility buildings when located in an R or AG District shall not include maintenance shops, repair garages or storage yards as a principle or accessory use.
- C. Public utility facilities in any district are required to be constructed and maintained in a neat and orderly manner, and any buildings required shall conform with the general architecture of the neighborhood.

## 8.22 Outdoor Storage and Waste Disposal

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

- A. All materials or wastes 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.
- B. No materials or wastes shall be deposited on the premises in such from or manner that they may be moved off the premises by natural causes or forces.

## Outdoor Storage and Waste Disposal, con'd.

- C. Waste materials shall not be allowed to accumulate on the premises in such manner as to be unsightly, constitute a fire hazard or contribute to unsanitary conditions.
- D. All outdoor storage facilities for fuel, raw materials and products for every use, as enumerated and limited herein located less than 100 feet from any other district shall be enclosed by a solid fence or wall no less than 6 nor more than 10 feet in height.

## 8.23 Control of Heat, Glare, Fumes, Dust, Noise, Vibration and Odors

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

## 8.24 Accessory Use

- 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 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 100 feet from every lot line.
- C. Permanent swimming pool, exclusively for the use of residents, provided it shall not be less than 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.

#### 8.25 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.

An accessory building may be allowed when there is no primary building, provided there are no other restrictions in this Ordinance for that district.

The distance between detached accessory buildings or garages and the principal building or buildings shall not be less than 10 feet. Accessory buildings or garages shall be considered as attached to the principle building when the distance between structures is solidly covered by a breezeway, portico, covered colonnade or similar architectural device.

#### 8.26 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.

#### 8.27 Limitations on Public or Group Organizations 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 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 75 percent of the owners of property within 300 feet of any part of the premises to be used for such club or lodge. In connection with the granting of said permits, the Township Board of Appeals may grant such permit under such reasonable rules, regulations and conditions, including setback and area requirements, as will, under the

### Limitations, con'd.

circumstances, in its judgement properly and adequately protect the public health, safety and general welfare with the following minimum requirements:

- A. Church: Not less than 50 feet from any other lot.
- B. Pre-school: Provided there shall be at least 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 50 feet from any lot.
- C. Schools, Elementary, etc: provided buildings and/or activity areas shall be located not less than 50 feet from any other lot.
- D. Clubs or lodges: provided any principle building and/or activity area shall be located not less than 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 50 feet from any other lot.

### 8.28 Surface Water

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

## Section IX--Nonconforming Uses

### 9.1 Continuance of Existing Nonconforming Uses

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

### 9.2 Change of Use

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

### 9.3 Replacement of Nonconforming Structures Residence

Residence and accessory building may be replaced, which has been destroyed by reason of windstorm, fire, explosion or any act of God or the public enemy. ALL CONSTRUCTION CODES SHALL BE COMPLIED WITH.

### 9.4 Replacement on Nonconforming Structures Business

Business may be replaced, which has been destroyed by reason of windstorm, fire, explosion or any act of God or the public enemy; providing they do not enlarge the scope and activities of the pre-existing structure. ALL CONSTRUCTION CODES SHALL BE COMPLIED WITH.

### 9.5 Nonconforming Uses Discontinued

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

#### 9.6 Restoration and Repairs

Repairs and restoration may be permitted for nonconforming structures provided they do not violate Section 9.3 and 9.4 or any other section in this Ordinance.

#### 9.7 Nonconforming Signs

No nonconforming sign or billboard shall be reerected, reconstructed, rebuilt, relocated, or structurally modified unless made to conform with all provisions of this Ordinance. Painting, relettering, or a change which does not modify or change the size of the sign shall be permitted. Nonconforming signs shall meet the provisions of Section XI.

#### 9.8 Plans Already Filed

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

#### 9.9 Utilization of Nonconforming Existing Lots

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

## Section X--Parking and Loading Spaces

### 10.1 General

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

### 10.2 Number of Off Street Parking Spaces Required

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

- A. Dwellings. Two for each family unit, apartment and condominium.
- B. Lodging, rooming and boarding houses, dormitories, fraternity and sorority houses. Two for each three guest rooms or each six beds for guests, whichever amount is greater.
- C. Private clubs and lodges. One for each five active members and one for each employee with a minimum of one for each one hundred square feet of floor area.
- D. Hospitals, institutions and clinics. One for each patient bed.
- E. Sanitariums or convalescent or nursing homes. One for each two beds.
- F. Homes for aged, orphanages or asylums. One for each three beds.
- G. Hotels. One for each two guest rooms.
- H. Motels and tourist homes. One for each sleeping room.
- I. Theaters, auditoriums, stadiums. One for each four seats.
- J. Dance Halls, studio, skating rink, assembly halls and convention halls without fixed seats. Two for each hundred square feet of floor area open to the public.
- K. Bowling alleys. Eight for each alley.

- L. Private, elementary and junior high schools. Two for each three employees normally engaged in or about the buildings and grounds plus one for each eight auditorium seats.
- M. Senior high schools and institutions of higher learning. Two for each three employees normally engaged in or about the buildings and grounds, and one additional for each four students enrolled in the institution.
- N. Churches. One for each four seats in the main worship unit.
- O. Community center. One for each hundred square feet of assembly floor area.
- P. Libraries, museums and post offices. One for each hundred square feet of floor area.
- Q. Professional offices and buildings. One for each two hundred square feet of floor area.
- R. Restaurants and night clubs, grills, taverns, bars, dining rooms, dairy bar, soda fountain. One for each three seats.
- S. Medical doctors office or dental clinic. Eight spaces for each Doctor.
- T. Banks, business offices and public buildings not specifically mentioned elsewhere. One for each fifty square feet of floor area used for services.
- U. Mortuaries of funeral homes. One for each four seats.
- V. Library, museum or art gallery. One for each four seats.
- W. Civic or social club. One for each fifty square feet of assembly room.
- X. Public meeting halls. Two for each one hundred square feet of public area.
- Y. "Drive-in" establishments. Eight for each one hundred twenty-five square feet of ground floor area.



Z. Use groupings:

1. Retail stores, super markets, department stores, billiard or pool rooms, personal service shops, general business. Two for each 100 square feet of floor area in the basement and on the first floor used for retail sales and one for each 200 hundred square feet of floor area on the second floor used for retail sales and one for each 300 hundred square feet of floor area on the third floor used for retail sales, and one for each 400 hundred square feet of floor area on any additional floors used for retail sales.
2. Manufacturing, processing and/or fabricating, manufacturing buildings and/or business offices and/or other facilities related, but not necessarily connected to a manufacturing or industrial building. One for each three employees on the maximum shift or peak employment period.
3. 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.
4. 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 use shall not be considered as providing required spaces for any other use except as to churches and auditoriums incidental to public and parochial schools permitted herein.

10.3 Joint Use of Facilities

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

#### 10.4 Location of Facilities

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

- A. For all residential buildings and for all nonresidential buildings and uses in residential zones, required parking shall be provided on the premises with the building or use they are required to serve.
- B. For commercial and all nonresidential buildings and uses in business zones, required parking shall be provided within 300 feet of the building or use they are required to serve.
- C. For industrial buildings or uses, required parking shall be provided within 1,000 feet of the buildings or uses they are required to serve.

#### 10.5 Size of Parking Space

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

#### 10.6 Requirements for Parking Areas

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

- A. All parking areas in business or industrial districts and special uses allowed where required, shall be effectively screened from any residentially zoned property. Screening may be by solid fence, wall, shrubs, hedges or natural landscaping, as required by the Planning Commission.
- B. It shall be properly graded for drainage, surfaced with a material that shall provide a durable, smooth and dustless surface.

- C. It shall not be used for repair, dismantling or servicing or 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 5 feet to the public street or highway right-of-way line.

#### 10.7 Off Street Loading Spaces

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

- A. Up to 20,000 square feet - one space.
- B. 20,000 to 50,000 square feet - two spaces.
- C. 50,000 to 100,000 square feet - three spaces.
- D. One additional space for each additional 100,000 square feet or fraction thereof.

Each such loading space shall be at least 10 feet in width 35 feet in length 14 feet in height. No such space shall be located closer than 50 feet to any lot in any residence district.

## Section XI--Billboards and Signs

### 11.1 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 75 square feet for the first 50 feet of lot frontage provided an additional 3 square feet in area shall be permitted for each additional 1 foot of lot frontage up to but not to exceed 250 square feet per lot.
- B. One permanent incidental sign, not to exceed 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 any emergency light shall be used in connection with any sign display.
- D. Limitations on Business Signs Where Permitted.
  - 1. Business signs are permitted in the B, M and AG Districts for non-residential uses. When such are the free-standing type, no part of such sign shall extend nearer than 10 feet to the highway or street right-of-way or obstruct visibility at highway or street intersections.
- E. Limitation on Other Types of Signs Where Permitted
  - 1. Any such sign in an R District shall not exceed 12 square feet for each lot or parcel of land and in no case shall the aggregate area advertised have a sign exceeding 240 square feet in area.
  - 2. Identifying Signs: In any R District, identifying signs shall not exceed 12 square feet in area. In all other districts, such signs shall not exceed 30 square feet in area.

## Billboards and Signs, Con'd.

3. 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 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 of such signs shall not exceed the limits established in 11.1.
- 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.
  - G. All of the above billboards and signs may be illuminated; provided, the source of light is not visible. No flashing types shall be permitted.

### 11.2 Limitations on Billboards Where Permitted

- A. 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 100 feet of such lot line, or which faces any public parkway, public square or similar institution is located in any R District.
- B. 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.
- C. Any billboard, where permitted and when placed on vacant land, shall conform to any applicable building side yard 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 100 feet from the established right-of-way of each such highway or street.
- D. No billboard, where permitted, shall exceed 250 square feet nor have a length exceeding 25 feet nor a width exceeding 10 feet.

### 11.3 Elimination of NonConforming Signs

- A. Nonconforming signs in use on the effective date of this Ordinance shall be permitted to remain, provided they are properly maintained. Such maintenance is restricted to painting and minor repairs which cannot be considered a rebuilding of the sign.
- B. Extensive repairs constituting rebuilding must meet the requirement of the pertinent zoning district. However any existing sign so constructed, placed, or illuminated as to constitute a safety or traffic hazard shall be corrected within 30 days of the effective date of this Ordinance, or thereafter, within 30 days of written notice by the Zoning Official.

### 11.4 Invalid Signs

A sign which no longer advertises a bonafide business or service establishment must be removed by the owner of sign or owner of property within 30 days after written notification from the Zoning Official.

## Section XII--General Provisions

### AG and R Districts

#### 12.1 Applicability

The provisions of this section shall apply in the AG, and all R Districts, except where specified for separate districts.

#### 12.2 Transition Area

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

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

B. Off street parking in accordance with Section X.

#### 12.3 Private Swimming Pool

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

A. The pool shall be equipped with filtration, circulation, and chlorination systems adequate to maintain the water in a clean and healthful condition in accordance with the health requirements of the County.

B. Discharge pipe leading from any private swimming pool shall be composed of a durable material and size as approved by the Zoning Inspector. No private swimming pool shall be wholly or partially emptied on another property, unless written permission is first obtained from the adjacent property owner.

C. A proper plumbing permit is obtained when the system is to be connected to a potable water supply.

#### Private Swimming Pool, con'd.

- D. Every private swimming pool shall be completely enclosed with a permanent substantial fence with gate or gates no less than four feet in height above the ground level. No opening in such fence or gate shall be so designed or maintained as to permit access to the pool except under the supervision of the possessor or by this permission.
- E. The swimming pool shall not be closer than 20 feet to any side or rear lot line of the premises, provided on corner lots no part of any pool shall be constructed within the front yard of either street.
- F. No lighting or electrical wiring shall overhang the surface of the water or be so located as to present the possibility of falling into the water. All lighting of the pool or the surrounding area shall not be so located as to reflect on adjacent property or upon adjacent buildings.
- G. The provisions of this section shall apply to any basin or structure for the holding of water for swimming, diving, and other aquatic recreation, provided, however, that these regulations do not apply to any plastic, canvas, or rubber pools temporarily erected upon the ground holding less than 300 gallons of water.

#### 12.4 Building and Land Use Restrictions

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

#### 12.5 Storage

Travel trailers, or recreational vehicles may be temporarily stored in the rear yard or side yard if locked to prevent access by children.

#### 12.6 Sewage Disposal

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



#### 12.7 State Licensed Residential Facilities

- A. A state licensed residential facility as defined and properly licensed by Act 218 of the Public Acts of 1979 and Act 116 of the Public Acts of 1973 as amended, which provides resident services for 6 or less persons under 24 hour supervision shall be permitted in all Agricultural and Resident zoned districts.
- B. A state licensed residential facility for 7 or more persons requires a special use permit, and shall be in accordance with Acts listed in (A) above, in all zoned districts.

#### 12.8 Subdivision Restrictions

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

## Section XIII--Agricultural (AG) District

### 13.1 Description and Purpose

This zoning is intended for large lots or tracts of land used as a farm as defined in Section 3.23. It is not intended for any use except agricultural, low density single family residential use, and other specialized rural uses requiring large tracts of land. This restriction is necessary to prevent development from proceeding without planning. If development and subdividing are to occur, they should be preceded by appropriate planning and rezoning.

### 13.2 Permitted Uses

Land in the AG District may be used for the following purposes only.

- A. A one family dwelling on a farm, as defined in Section 3.23, associated with farming or the farming activity.
- B. A one family dwelling on a lot not defined as a farm.
- C. A mobile or modular home may be used as a family dwelling and is permitted on an individual lot in the AG District, provided it meets all provisions of the zoned district and the following:
  - 1. Mobile homes are installed under the rules and regulations of the State of Michigan Mobile Home Commission in accordance with Act 419 of the Public Acts of 1976, as amended.
- D. Subdivision allowed in the AG District, on one (1) acre lot for each unit. The subdivision Act 288 of the Public Acts, State of Michigan, dated 1967 as amended, shall apply. If municipal sewer is available, land may be rezoned.
- E. Roadside stands selling products by the owner of the property upon which the stand is located.
- F. Those uses and requirements stipulated within Section VIII, General Provisions.
- G. Those uses and requirements stipulated within Section XII, General Provisions for AG and R Districts.

Permitted Uses, con'd.

- H. Temporary uses in connection with construction of any permitted use as regulated in Sect 6.4.
- I. Off street parking and signs shall meet the provisions of Sections X and XI.
- J. Special Uses. The following uses may be permitted in AG Districts when all requirements, conditions and procedures of the special use permit section of this Ordinance are complied with:
  - 1. Cemeteries, public or private, including mausoleums.
  - 2. Public and private airports.
  - 3. Country clubs and golf courses.
  - 4. Hunting clubs or gun clubs.
  - 5. Outdoor theaters and drive-in theaters.
  - 6. Amusement parks.
  - 7. Race tracks.
  - 8. Miniature golf and/or driving ranges.
  - 9. Sanitary Landfills.
  - 10. Public or private conservation areas.
  - 11. Public or institutional uses.
  - 12. Sand and gravel pits.
  - 13. Junk yards.
  - 14. Planned Unit Developments.
  - 15. Second living quarters on a farm.
  - 16. Filling stations.
  - 17. Home occupations.
  - 18. Neighborhood business.
  - 19. State Licensed Residential Facilities (See 12 - 7B)

Special Uses, con'd.

20. Other similar uses.

- K. Except as provided in the nonconforming uses section, any person using any property zoned according to this section, in a manner not permitted by this section, shall be in violation of this Ordinance.

13.3 Required Conditions

Lot, yard, and area requirements: Except as elsewhere specified herein, the requirements shall be as specified in Section XVIII.

## Section XIV--R-1 One Family Residence District

### 14.1 Description and Purpose

The most restricted zone composed chiefly of one family homes together with required recreation, religious and educational facilities.

### 14.2 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. Those uses and requirements stipulated within Section VIII General Provisions.
- C. Those uses and requirements stipulated within Section XII General Provisions For AG and R Districts.
- D. Special Uses. The following special uses may be permitted in this district when all requirements, conditions, and procedures of Section XXIII are complied with:
  1. Public Schools and colleges which may include on-the-campus dormitories, libraries, museums, art galleries and similar uses approved by the Planning Commission when owned and operated by a government agency. Fifty foot side and rear yards are required if the property abuts any residentially zoned lots.
  2. Private nonprofit schools and colleges owned and operated by religious organizations, subject to the conditions stipulated in "1" above, and said private schools shall not include trade schools, business colleges or private schools operated as commercial enterprises.
  3. Parks, playgrounds, community centers and facilities therein, owned and operated by a governmental agency or a nonprofit neighborhood group.
  4. Churches, provided the building or structure is at least 25 feet from any other

### Special Uses, con'd.

residentially zoned lot and if approved by the Planning Commission.

5. Home occupations.
6. Country clubs and golf courses.
7. Other similar uses.

E. Except as provided in Section 9.1, any person using any property zoned according to this section, in a manner not permitted by this section, shall be in violation of this Ordinance.

### 14.3 Accessory Building

A detached accessory building not more than 12 feet or 1 story in height subject to the following conditions:

- A. Said accessory building shall not be located nearer than 5 feet to any alley line or lot line.
- B. A detached accessory building, any portion of which is located on the side or front of the main building, shall not be less than 10 feet from such principal building and not less than 5 feet from the side lot line.
- C. A detached accessory building, any portion of which is located to the rear of a main building, shall be located not nearer than 10 feet to such main building.
- D. A detached accessory building, when located nearer than 60 feet to the front lot line, shall provide the same front and side lot lines as the principal building; when located beyond 60 feet from the front lot line, it may be built 5 feet from the lot line.
- E. Accessory buildings in R-1, R-2 and R-3 shall have the same requirements.

### 14.4 Required Conditions

Lot, yard and area requirements; Except as elsewhere specified herein, the requirements shall be as specified in Section XVIII.

## Section XV--R-2 One and Two Family Residence District

### 15.1 Description and Purpose

A zone providing most of the desirable residential characteristics attributed to a single family district but allowing two family housing.

### 15.2 Permitted Uses

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

- A. One family dwelling on each lot.
- B. A two family dwelling on a lot.
- C. Those uses and requirements stipulated within the General Provisions section.
- D. Those uses and requirements stipulated within the General Provisions for AG and R Districts.
- E. Special Uses. The following special uses may be permitted in this district when all requirements, conditions and procedures of the special use section are complied with:
  - 1. Country clubs and golf courses.
  - 2. Planned Unit Developments.
  - 3. Public and institutional uses.
  - 4. Home occupations.
  - 5. State Licensed Residential Facilities (see Section 12.7B).
  - 6. Other similar uses.
- F. Except as provided in Section 9.1, any person using any property zoned according to this section, in a manner not permitted by this section, shall be in violation of this Ordinance.

### 15.3 Required Conditions

Lot, yard and area requirements; except as elsewhere specified herein, the requirements shall be as specified in Section XVIII.

## Section XVI--R-3 Apartment and Condominium

### 16.1 Description and Purpose

This district is designed to provide well located and properly developed areas to accommodate those residents who desire to reside in apartments, and condominiums. It is designed for high density use of land in areas where municipal type sewers are available.

### 16.2 Permitted Uses

Land or buildings in the R-3 district may be used for the following purposes only.

- A. Apartments
- B. Condominiums
- C. Those uses and requirements stipulated within Section VIII General Provisions.
- D. Those uses and requirements stipulated within Section XII General Provisions for AG and R Districts.
- E. Special Uses: See the requirements of Special Use Section.
  - 1. Country clubs and golf courses
  - 2. Planned Unit Developments
  - 3. Other similar uses

### 16.3 Required Conditions

- A. Requirements of Section X, Parking and Section XI, Signs, may apply.
- B. All apartments and condominiums shall be served by public sewers.
- C. Deleted
- D. Lot, yard, and area requirements: Except as elsewhere specified herein, the requirements shall be as specified in Section XVIII.



## Section XVII--R-4 Mobile Home District

### 17.1 Description and Purpose

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

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

### 17.2 Permitted Uses

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

- A. One family dwellings which shall be a mobile home.
- B. Those uses and requirements stipulated within Section VIII General Provisions.
- C. Those uses and requirements stipulated within Section XII General Provisions for AG and P Districts.
- D. No dwelling may be erected or occupied unless it is located in a platted subdivision containing at least twenty-five (25) lots, and is provided with municipal sewer.
- E. Special Uses: See the requirements of special use section.
  - 1. Country clubs and golf courses.
  - 2. Planned Unit Developments
  - 3. Other similar uses

### 17.3 Required Conditions

- A. Mobile Homes shall comply with the Department of Commerce Mobile Home Commission General Rules being Public Act 419 of 1976 of the State of Michigan and subsequent amendments thereof.

Required Conditions, con'd.

- B. Lot, yard and area requirements: except as elsewhere specified herein, the requirements shall be as specified in Section XVIII.

Sections XVII B--R-5 Mobile Home District

17.1B Description and Purpose

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

17.2B Permitted Uses

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

- A. Single wide mobile homes, no wider than sixteen (16) feet.
- B. Those uses and requirements stipulated within Section VIII General Provisions.
- C. No dwelling may be erected or occupied unless it is located in a platted subdivision containing at least twenty-five (25) lots, and is provided with municipal sewer.
- D. Special Uses Permitted: None

17.3B Required Conditions

- A. Lot, yard and area requirements: Except as elsewhere specified herein, the requirements shall be as specified in Section XVIII.

# Section XVIII--Required Conditions

For Ag, R-1, R-2, R-3, R-4, and R-5 Districts

Principle Structures	Ag	R-1	R-2	R-3	R-4	R-5
<hr/>						
Minimum Lot Frontage, Lot Width (ft)	<hr/>					
Single Family	165	100(1)	80(1)		75	55
Two Family			100(1)			
Multiple Family	<hr/>					
Minimum Lot Depth (ft)	<hr/>					
Single Family		150(1)	150(1)		116	120
Two Family			150(1)			
Multiple Family	<hr/>					
Minimum Lot Area (Square Feet)	<hr/>					
Single Family	43,560	(1) 15,000	(1) 12,000		8,700	6,600
Two Family			(1) 15,000			
Multiple Family				see note 9		
Maximum Building Height (ft)	see note 3	35		see note 8	35	
Minimum Floor Area Per Dwelling (Unit Sq. Ft.)	<hr/>					
Single Family	800 see note 2	1,000 see note 2	see note 6		650	
Two Family			see note 6			
Multiple Family				500 see note 2		
Minimum Front Yard Setback (ft)	50	35	35	35	25	25
Minimum Side Yard(ft)	see note 4	see note 5	see note 7		see note 10	see note 11
Minimum Rear Yard (ft)	50	35	35	25	15	15
Municipal Sewer Required	no	no	no	yes	yes	yes

Required Conditions, con'd.

1. The minimum lot area for areas having municipal sewer may be reduced by 25% percent, side yards by 25% percent in the R-1 and R-2 districts only, the minimum lot area as listed below:
  - A. R-1: Lot Frontage width feet, 90 feet  
Lot Depth feet, 125 feet  
Lot area, 11,250 square feet
  - B. R-2: Single Unit  
Lot Frontage width (feet) 75 feet  
Lot Depth (feet) 125 feet  
Lot area, 9000 square feet
  - C. R-2: Two Family Unit  
Lot frontage width (feet) 90 feet  
Lot Depth (feet) 125 feet  
Lot Area, 11,250 square feet
2. Note: Minimum floor area for all units and excludes porches, garages, basements, or utility areas. For each additional bedroom add 100 square feet.
3. No building or structure shall exceed a height of two and one-half stories or 35 feet, except that silos, elevators, barns, and other structures customarily necessary to farming may be increased not to exceed a maximum height of 99 feet; provided that any required yard shall be increased by one foot for each foot in height the structure exceeds 35 feet.
4. For one family dwellings there shall be two side yards. No side yard shall be less than 10% of the required lot width. For all other uses there shall be two side yards and no side yard less than 30 feet. Side yards on a side street shall meet front yard requirements or minimum of 30 feet.
5. There shall be total side yards of 25 feet provided that no side yard shall be less than 10 feet. Side yards on a street shall meet front yard requirements.
6. Minimum requirements:  
  
One-bedroom unit 500 square feet  
Two-bedroom unit 650 square feet  
Additional bedrooms 100 square feet.
7. For a one family dwelling there shall be two side yards. No side yard shall be less than 10 feet. For all other uses side yards shall be 5 feet. Side yards on a street shall meet front yard requirements.

Required Conditions, con'd.

8. No building or structure shall exceed a height of 35 feet, except apartments may be increased no to exceed a maximum height of 99 feet; provided that any required yard shall be increased by one foot for each foot in height the structure exceeds 35 feet.
9. Required ground area per unit
  - 3 & 4 Units - 4,000 sq. ft. per unit
  - 5 & 6 Units - 3,600 sq. ft. per unit
  - 7 or more Units - 3,200 sq. ft. per unit
10. No side yard for a dwelling shall be less than 10% of the required lot width. Accessory buildings that are located at least 25 feet back from front property line shall be at least one foot from side yard and 3 feet from back lot line.
11. Minimum side yard for R-5 District: No side yard for a dwelling shall be less than 7.5 feet. Accessory buildings that are located at least 25 feet back from front property line shall be at least one foot from side yard and 3 feet from back lot line.

## Section XIX--B-4 General Business District

### 19.1 Description and Purpose

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

### 19.2 Zoning Request

All requests will state what group, as listed in 19.3, the land will be used for. If a change in use group is required, a new application for rezoning shall be forwarded to the Planning Commission.

### 19.3 Permitted Uses

#### Group A

1. Generally recognized retail businesses which supply commodities on the premises, such as, but not limited to: groceries, meats, dairy products, baked goods, and rugs, dry goods, clothing and notions, hardware, furniture and household furnishings, radio and television sales, shoe sales and repair, variety store, antiques, automotive supply parts and accessories, jewelry stores, florist and gift shops, fruit and vegetable markets, garden and lawn supply stores, camera and photo supplies, luggage, camping supplies and equipment, musical instruments, office supplies, paint, wallpaper, floor coverings and etc.
2. Personal service establishments which perform services on the premises, such as but not limited to: repair shops (watches, radio, television, shoe and etc.), tailor shops, beauty parlors, barber shops, photographic studios, self-service laundries, day cleaners, locksmiths, office machines sales and service, travel agencies, and etc.

#### Group B

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

Group B, con'd.

2. Establishments which perform services on the premises, such as, but not limited to: Banks, loan companies, insurance offices, real estate offices, and etc.
3. Professional services, such as, but not limited to: offices of doctors, dentists, osteopaths, optometrists, and similar or allied professions, including clinics.

Group C

1. Restaurants or other places serving food or beverage, excluding drive-ins.
2. Theaters, assembly halls, concert halls, or similar places of assembly when conducted completely within closed buildings.
3. Bowling alley, billiard hall, indoor archery range, indoor tennis courts, indoor skating rink, or similar forms of indoor commercial recreation when located at least 100 feet from any front, rear, or side yard of any residential lot in an adjacent residential district.
4. Private clubs, fraternal organizations, and lodge halls.

Group D

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

Group E

1. Auto wash when completely or partially enclosed in a building.
2. Bus, train, and other forms of transportation systems, passenger stations.
3. Automobile repair shop or garage if all operations are conducted in an enclosed building.

Group F

1. Hotels and motels.

Group G

1. Churches



Group H, con'd.

Group H

1. Any retail business whose principle activity is the sale of merchandise in an enclosed building, requiring a license.

19.4 Special Uses

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

1. Planned Unit Developments
2. Planned shopping centers
3. Open air business
4. Filling station
5. Mortuary establishments
6. Other similar uses

19.5 Except as provided in Section 9.1, any person using any property zoned according to this section, in a manner not permitted by this section, shall be in violation of this Ordinance.

19.6 Required Conditions

- A. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on premises when produced.
- B. All businesses, servicing, or processing shall be conducted within a completely enclosed building.
- C. All outside storage shall be in the rear yard and shall be completely screened with an obscuring wall or fence not less than five feet high, or with a chain link type fence. Greenbelt planting may be required so as to obscure all view from any adjacent residential or business district or from a public street.

- D. Warehousing or indoor storage of goods or material, beyond that normally incidental to the above permitted uses, shall be prohibited. (See Section VIII, Accessory Uses.)
- E. Barrier. All development shall be physically separated from the local road by a curb and/or, planting strip or other suitable barrier. Such barrier shall effectively eliminate unchanneled vehicle ingress or egress, except for authorized accessways.
- F. Accessways. Distance to such accessway from an intersecting roadway shall be at the discretion of the Isabella County Road Commission and in no case less than 80 feet from the centerline of an intersecting roadway.
- G. Review of Plans. Site plans for the general business district shall be submitted to and shall be reviewed and approved by the Planning Commission, with respect to the above required conditions and such other site related problems as it deems necessary to assure maximum traffic safety and to assure maximum protection to abutting properties.
- H. See Section XXII for lot area side yards, front yards, rear yards and etc.
- I. Off street parking in accordance with Section X.
- J. Signs in accordance with Section XI.
- K. See Section VIII, General Provisions.

## Section XX--B-5 Highway Business District

### 20.1 Description and Purpose

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

### 20.2 Permitted Uses

- A. Any retail business or service establishment permitted in the B-4 district.
- B. Restaurants, including drive-in restaurants.
- C. Bar, grill and cocktail lounges.
- D. Retail sales of new or used cars, trucks, boats, farm equipment, mobile homes, travel trailers, and motor homes. Outside area for display purposes are allowed, providing all servicing, repair, or conditioning of such vehicles or equipment shall be in a fully enclosed building.
  - 1. Surfacing and other requirements of Section X shall be adhered to.
  - 2. All lighting shall be shielded from adjacent residential districts.
- E. Amusement enterprises.
- F. Plumbing, heating, and electrical shops.
- G. Tire and battery shops.
- H. Sign painting and servicing shops.
- I. Any other retail business or service establishment which is determined by the Planning Commission to be the same general character as the above permitted uses or to provide special convenience and service for the highway traveler.
- J. Those uses and requirements stipulated within the Section under General Provisions.

K. Special Use. The following special uses may be permitted in this district when all requirements, conditions, and procedures of Section XXIII are complied with:

1. Planned Unit Developments
2. Planned shopping center
3. Filling stations
4. Other similar uses.

L. Except as provided in Section 9.1, any person using any property zoned according to this section, in a manner not permitted by this section, shall be in violation of this Ordinance.

### 20.3 Required Conditions

- A. Barrier. All development shall be physically separated from the local road by a curb and/or planting strip or other suitable barrier. Such barrier shall effectively eliminated unchanneled vehicle ingress or egress, except for unauthorized accessways.
- B. Accessways. Each separate use, grouping of buildings or grouping of uses as a part of a single planned development, shall have at least two accessways from a local road. Such accessway shall not be located closer than 80 feet to the point of an intersecting roadway of the local road centerline.
- C. Review of Plans. Site plans for the highway service facilities shall be submitted to and shall be reviewed and approved by the Planning Commission, with respect to the above required conditions, and such other site related problems as it deems necessary to assure maximum traffic safety and to assure maximum protection to abutting properties.
- D. Off street parking in accordance with Section X and signs in accordance with Section XI.
- E. All outdoor storage shall be in the rear yard and shall be completely screened with an obscuring wall or fence, not less than five feet high, or with a chain link type fence. Greenbelt planting may be required so as to obscure all view from and

Required Conditions, Con'd.

adjacent residential or business district or from  
a public street.

- F. See Section XXII for lot area, side yards, front  
yards, rear yards and etc.

## Section XXI--M Industrial District

### 21.1 Description and Purpose

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

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

### 21.2 Permitted Use

In a M Industrial District no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this Ordinance:

Permitted Uses, con'd

- A. Any use charged with the principle function of basic research, design, and pilot or experimental product development when conducted within a completely enclosed building.
- B. Any of the following uses when the manufacturing compounding, or processing is wholly within an enclosed building:
  - 1. Warehousing and wholesale establishments and trucking facilities.
  - 2. The manufacture, compounding, processing, packaging, or treatment of such products as, but not limited to: bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware, cutlery, tool, die, gauge, and machine shops.
  - 3. The manufacture, compounding, assembling, or treatment of articles or merchandise from previously prepared materials; bone, canvas, cellophane, cloth, cork, elastomers, feathers, felt, fibre, fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semi-precious metals or stones, sheet metal, shell, textiles, tobacco, wax, wire, wood, and yarns.
  - 4. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas.
  - 5. Manufacture of musical instruments, toys, novelties, metal or rubber stamps, and molded rubber products.
  - 6. Manufacture of assembly of electrical appliances, electronic instruments and devices, radios, and phonographs.
  - 7. Laboratories-experimental, film, or testing.
  - 8. Manufacturing and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves, and the like.

Permitted Uses, con'd.

9. Central dry cleaning plants or laundries, provided that such plants shall not deal directly with consumer at retail.
  10. All public utilities, including buildings, necessary structures, storage yards, and other related uses.
- C. Warehouse, storage, transfer, electric, and gas service buildings and yards. Public utility buildings, telephone exchange buildings, electrical transformer stations and substations, gas regulator stations, water and gas tank holders, railroad transfer and storage tracks and freight terminals.
- D. Storage facilities for building materials, sand, gravel, stone, lumber, storage of contractor's equipment and supplies, provided such is enclosed within a building or within an obscuring wall or fence on those sides abutting all residential or business districts and on any yard abutting a public thoroughfare. In any M District extent of such fence or wall may be determined by the Planning Commission on the basis of usage. Such fence or wall shall not be less than five feet in height and may, depending on land usage, be required to be eight feet in height. A chain link type fence, with heavy evergreen shrubbery inside of said fence, shall be considered to be an obscuring fence.
- E. Municipal uses such as water treatment plants and reservoirs, sewage treatment plants, and all other municipal buildings and uses, including outdoor storage.
- F. Commercial kennels.
- G. Greenhouses.
- H. Trade or industrial schools.
- I. Other uses of a similar and no more objectionable character to the above uses.
- J. Freestanding nonaccessory signs.
- K. Agriculture.



Permitted Uses, con'd.

- L. Auto engine and body repair and undercoating shops when completely enclosed.
- M. Lumber and planing mills when completely enclosed and when located in the interior of the district so that no property line shall form the exterior boundary of the M District.
- N. Metal plating, buffing, and polishing subject to appropriate measures to control the type of process to prevent noxious results and/or nuisances.
- O. Heating and electric power generating plants and all necessary uses.
- P. Any of the following uses, provided that they are located not less than 800 feet from any residential district and not less than 300 feet from any other district:
  - 1. Incineration of garbage or refuse when conducted within an approved and enclosed incinerator plant.
  - 2. Blast furnace, steel furnace, blooming or rolling mill.
  - 3. Manufacturing of corrosive acid or alkali, cement, lime, gypsum or plaster of paris.
  - 4. Petroleum or other inflammable liquids, production, refining or storage.
  - 5. Smelting or copper, iron, or zinc ore.
- Q. Any other use which shall be determined after recommendation from the Planning Commission to be of the same general character as above permitted uses. The Planning Commission may impose any required setback and/or performance standards so as to insure public health, safety, and general welfare.
- R. Special Uses. The following special uses may be permitted in this district when all requirements, conditions, and procedures of Section XXIII are complied with:
  - 1. Planned Unit Developments.

Permitted, Uses, con'd.

a. Industrial Parks.

2. Junk Yards.

21.3 Required Conditions

- A. Off street parking in accordance with Section IX, and signs under Section X.
- B. All outdoor storage shall be in the rear yard and shall be completely screened with an obscuring wall or fence, not less than five feet high, or with a chain link type fence. Greenbelt planting may be required so as to obscure all view from any adjacent residential or business district or from a public street.
- C. See Section VIII General Provisions.
- D. See Section XXII for schedule of lot area, side yards, front yards, rear yards and etc.
- E. Review of plans. Site plans for the Industrial District shall be submitted to and shall be reviewed and approved by the Planning Commission, with respect to the required conditions, and such other site related problems as it deems necessary to assure maximum traffic safety and to assure maximum protection to abutting properties.

Section XXII

Schedule of Lot, Yard and Area Requirements  
for Commercial and Industrial Districts

	<u>B-4</u>	<u>B-5</u>	<u>M-1</u>
Principal Structure:			
Min. Lot Frontage, Lot width (ft.)	80	100	100
Min. Lot Depth (ft.)			
Min. Lot Area (Square Feet)	12,000	40,000	50,000
Max. Bldg. Height (ft.)	35	35	45
Min. Front Yard setback (ft.)	50 (1)	75 (1)	75 (1)
Min. Side Yard (ft.)	20 (2)	20 (2)	20 (2)
Min. Rear Yard (ft.)	25 (2)	50	50

\*\*\*\*\*

1. Off street parking shall be permitted to occupy a portion of the required front yard, provided that there shall be maintained a minimum unobstructed and landscaped setback of 10 feet between the nearest point of the off street parking areas, exclusive of access driveways and the nearest right-of-way line as indicated on the Major Thoroughfare Plan.
2. A lot in this district will provide a side and rear yard of at least 50 feet in depth when abutting a residential district.

## Section XXIII--Special Use Permits

### 23.1 Purpose

Special uses are those uses of land which are not essentially incompatible with the uses permitted in a zoning district but possess characteristics or locational qualities which require individual review and restriction in order to avoid incompatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land. The purpose of this section is to establish equitable procedures and criteria which shall be applied in the determination of requests to establish special uses. The criteria for discussion and requirements, provided for under the provisions of this section, shall be in addition to those required elsewhere in this Ordinance which are applicable to the special use under consideration.

### 23.2 Application Procedures

An application for permission to establish a special use shall be submitted and acted upon in accordance with the following procedures:

- A. Application. Applications for special use permits shall be submitted through the Zoning Official to the Planning Commission. Each application shall be accompanied by the payment of a fee in accordance with the schedule of fees adopted by the Township Board to cover the cost of processing the application. No part of any fee shall be refundable.
- B. Required Information. An application for a special use permit shall be accompanied by the following documents and information.
  - 1. A special use application form, supplied by the Zoning Official, which has been completed in full by the applicant.
  - 2. A site plan, drawn to a readable scale, of the property involved and adjacent property which describes:
    - a. All property boundaries.
    - b. The locations and use of all existing and proposed structures.

Required Information, Con'd.

- c. The location of all existing and proposes streets, parking lots, and driveways.
  - d. The current zoning classifications.
- C. Hearing. After a preliminary review of an application for a special use permit, the Planning Commission shall hold a public hearing or hearings on the special use request.
  - 1. Notice of said hearing shall be given by one publication in a newspaper published in the County with circulation in the Township printed not less than 5 days and not more than 15 days before the date of such hearing. The notices shall include:
    - a. The nature of the request.
    - b. Description of property.
    - c. When and where the request shall be considered.
    - d. When and where the Ordinance, request, and pertaining material may be examined.
    - e. When and where written comments shall be received concerning the request.
  - 2. A notice containing the aforementioned information shall be sent, by first class mail or personal delivery, to all persons to whom real property is assessed and to the occupants of all dwellings within 300 feet of the boundary of the property in question, including owner of said property.
- D. Review. Within a reasonable time following the public hearing, the Planning Commission shall review the application for the special use permit, testimony received at the public hearing, and other materials submitted in relation to the request and make a recommendation to the Township Board. Approving or denying the special use application shall be in accord with the criteria for approval stated in Section 23.3 and such other standards contained in this Ordinance which relate

### Required Information, con'd.

to the special uses under consideration. The Planning Commission may request a report on any special use application from the Zoning Official for purpose of evaluating conformance of the special use request with the requirements of this Ordinance and the development objective of the Township.

- E. Issuance of a Special Use Permit. Upon the approval by the Township Board, there will be a special use permit issued, signed by the Chairman of the Planning Commission and the Zoning Official. The permit shall include any restrictions that the Township Board or the Planning Commission deems necessary. Implementation of the special use shall be consistent with the use applied for and approved. The permit shall become valid 15 days after the date of decision. It shall be the responsibility of the Zoning Official to insure compliance with the terms, conditions, and restrictions of any special use permit.
- F. Appeal. Within 15 days following the date of decision on any special use permit, an applicant or an aggrieved party, including any governmental body or agency, may appeal the decision to the Board of Appeals. Upon the filing of an appeal, the application, all relevant documents, testimony, and the findings shall be transmitted to the Board of Appeals.
- G. Decisions. All decisions of the Township Board, Planning Commission and Board of Appeals relating to special use applications, including the findings supporting any decision, shall be recorded in written form and retained as permanent record.

### 23.3 Basis of Determinations

Prior to recommending to the Township Board approval or disapproval of a special use application, the Planning Commission shall insure that the requirements specified in this section, as well as applicable requirements established elsewhere in this Ordinance, shall be satisfied by the completion and operation of the special use under consideration.

Basis of Determinations, con'd.

A. General Requirements for Special Uses. The applicant shall follow these requirements and recommendations made by the Planning Commission after their review. The general requirements for all special uses are as follows:

1. The special use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
2. The special use shall not change the essential character of the surrounding area.
3. The special use shall not interfere with the general enjoyment of adjacent property.
4. The special use shall not be hazardous to adjacent property or involve uses, activities, materials, or equipment which will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, fumes, or glare.
5. The special use shall be adequately served by essential public facilities and services; or it shall be demonstrated that the person responsible for the proposed special use shall be able to continually provide adequate services and facilities deemed essential to the special use under consideration. The said facilities or services shall be approved by the Central Michigan District Health Department.
6. When deemed necessary by the Township Board or Planning Commission, the use shall be adequately screened by distance and landscaping to protect the rights of all adjoining property.
7. The Township Board or Planning Commission, in connection with approval of any application, may require reasonable undertaking by the applicant to guarantee and assure by agreement, including a performance bond to be posted by the applicant or by some other reasonable surety arrangement at appropriate

#### Basis of Determinations, con'd.

stages of the planned development, that the development will be executed in accordance with the approved plan.

8. That such use will be an asset to the Township.
9. Requirements and conditions of each individual special use permitted shall be complied with, unless otherwise mentioned within this section.
10. Any special use permit may be revoked by the Union Township Board upon recommendation of the Union Township Planning Commission whenever the operation fails to comply with any of the required conditions or may be subject to the penalties of this Ordinance.
  - a. Approval of a special use permit shall be valid regardless of change of ownership, provided that all terms and conditions of the permit are met by any subsequent owner.
  - b. In instances where development authorized by a special use permit has not commenced within one year from the date of issuance, the permit may be reconsidered and/or voided at a regularly called meeting of the Planning Commission.

#### 23.4 Special Uses Permitted

The following special uses may be permitted within the specified districts.

A. Cemeteries, public or private, including mausoleums, provided:

1. They shall only be located within an AG District.
2. All entrances and exits shall be designed in accordance with the Isabella County Road Commission's requirements. It is further required that:



Special Uses Permitted (A), con'd.

- a. All sites shall provide points of ingress and egress which are located upon a major thoroughfare or upon a public road. Local traffic movement shall be accommodated within the site so the entering and exiting vehicles will make normal and uncomplicated movements into or out of the thoroughfare.
  - b. All points of entrance or exit should be located no closer than 200 feet from the intersection of any two streets or highways.
  - c. All vehicles should have clear vision approaching a public street within 100 feet of the street for a sight distance of 500 feet in either direction along the street.
  - d. Where points of ingress and egress are located upon a major street or thoroughfare, deceleration lanes should be provided at points of ingress and egress.
3. No principle or accessory building shall be closer than 50 feet from any abutting residentially zoned boundary line or in any event within 200 feet of any existing residential dwelling located on abutting property.
  4. Driveways and parking areas shall comply with the provisions of Section X, except that they shall be at least 50 feet from adjacent property lines and in any event shall be located at least 200 feet from any existing residential dwelling located on abutting property. The Planning Commission shall have the prerogative of reducing these dimensional setback requirements in the event that all the effected property owners mutually agree, in writing, to a reduction and further that the occupants of any residential dwellings effected agree in writing.

Special Uses Permitted, Con'd.

B. Public or private airports, provided:

1. They shall only be located within AG Districts.
2. They shall follow the Federal Aviation Administration (FAA) regulations and recommendations.
3. Driveways and parking areas as specified in Section 23.4 A.4 above.

C. Country clubs and golf courses, provided:

1. They are located within AG and all R Districts.
2. Entrances and exits as specified in Section 23.4 A.2 above.
3. A minimum front yard of 100 feet shall separate all uses, operations, and structures permitted herein, and shall be landscaped in accordance with plans approved by the Planning Commission.
4. No principle or accessory building shall be closer than 50 feet from any abutting residentially zoned boundary line or in any event within 200 feet of any existing residential dwellings located on abutting property.
5. Driveways and parking areas as specified in Section 23.4 A.4.

D. Hunting clubs or gun clubs, provided:

1. They are only located within AG Districts.
2. Driveways and parking areas as specified in Section 23.4 A.4.

E. Outdoor theaters, drive-in theaters, provided:

1. They are only located within AG Districts.
2. Entrances and exits as specified in Section 23.4 A.4.

Special Uses Permitted (E) con'd.

3. A minimum front yard of 100 feet shall separate all uses, operations, and structures permitted herein, and shall be landscaped in accordance with plans approved by the Planning Commission.
4. Drive-in theaters shall have ticket gates as follow: one ticket gate for 300 car capacity theaters; two ticket gates for 800 car capacity theaters.
5. Drive-in theater picture screens shall not face any public street and shall be so located or screened so as to be out of view from any major thoroughfare, residential district, or existing residential dwelling within 1/4 mile of the screen.
6. Driveways and parking areas as specified in Section 23.4 A.4.

F. Amusement parks, provided:

1. They are only located within AG Districts.
2. Entrances and exits as specified in Section 23.4 A.2.
3. No principle or accessory building shall be closer than 50 feet from any abutting residentially zoned boundary line or in any event within 200 feet of any existing residential dwelling located on abutting property.
4. Driveways and parking areas as specified in Section 23.4 A.4.

G. Race tracks, provided:

1. They are only located within an AG District.
2. Entrances and exits as specified in Section 23.4 A.2.
3. Race tracks shall be enclosed by an obscuring screen fence at least eight feet in height. Fences shall be of permanent finish and construction, painted or otherwise finished neatly, attractively, and inconspicuously.

Special Uses Permitted (G), con'd.

4. Driveways and parking areas as specified in Section 23.4 A.4.

H. Miniature golf and driving range, provided:

1. They are located in an AG District.
2. Entrances and exits as specified in Section 23.4 A.2.
3. A minimum front yard of 100 feet shall separate all uses, operations, and structures permitted herein, and shall be landscaped in accordance with plans approved by the Planning Commission.
4. Golf driving ranges shall provide safety screening as deemed reasonable and necessary by the Planning Commission.
5. No principle or accessory building shall be closer than 50 feet from any abutting residentially zoned boundary line or in any event within 200 feet of any existing residential dwelling located on abutting property.
6. Driveways and parking areas as specified in Section 23.4 A.4.

I. Sanitary landfills, provided:

1. They are located within an AG District.
2. Before commencement of operation of said sanitary landfill, there shall be a license obtained under the provisions of Act 641 of the Public Acts of 1978, as amended.
3. Driveways and parking areas as specified in Section 23.4 A.4.

J. Public and private conservation areas and structures for the conservation of water, soil, and open space, forest, and wildlife resources, provided:

1. They are located only in AG Districts.

Permitted Uses, con'd.

K. Public or institutional uses as defined in Section 3.52, provided:

1. They are located within AG and R Districts.
2. That such use will be in conformity with the character of the adjacent neighborhood and that they are essential to service the neighborhood or community and cannot feasibly be located in a zone where they would otherwise be permitted. The Planning Commission shall establish requirements for setback, lot size, side yard, parking, screening, and other conditions necessary to conform the same to the character of the adjacent neighborhood.
3. Entrance and exits as specified in Section 23.4 A.2.
4. Driveways and parking areas as specified in Section 23.4 A.4.

L. Sand and gravel pits, provided:

1. They are located within AG Districts.
2. All excavation shall comply with Soil Erosion and Sedimentation Control Act 347 of the Public Acts of 1972 of the State of Michigan, as amended. All area so used shall be rehabilitated progressively as they are worked out or abandoned to a condition entirely free from hazards and blending with the surrounding natural ground. All slopes and banks shall be reasonably graded to prevent excessive erosion.
3. No business or industrial buildings or structures of a permanent nature shall be erected, except when such building is a permitted use within the district in which the gravel pit is located.
4. Driveways and parking areas as specified in Section 23.4 A.4.
5. Entrance and exits as specified in Section 23.4 A.2.

Special Uses Permitted (L), Con'd.

6. The Planning Commission may require that part or all of the operation be screened with a wire or wood fence six feet in height (see Section 8.9). In addition, evergreen screen planting may be required on any side adjacent to land in residential or commercial use.
  7. No excavation should come within 100 feet of a residence or within 50 feet of a property line or a road right-of-way. All operations coming within the minimums must retain a two to one slope (two feet horizontal, one foot vertical). This regulation must also be observed by owner or operator of existing gravel pits where excavation is in progress on the effective date of this Ordinance.
  8. All truck operations shall be directed away from residential streets, whenever practical.
  9. All permit applications for excavation must be co-signed by landowner and operator.
- M. Junk yards, as defined in Section 3.32, may be permitted, provided:
1. They be located within an AG District or M-District.
  2. They shall be licensed under the provisions of Act 641 of the Public Acts of 1978, as amended.
  3. All uses shall be established and maintained in accordance with all applicable state laws.
  4. The site shall be a minimum of five acres in size.
  5. A solid fence or wall at least eight feet in height shall be provided around the site to screen said site from surrounding property. Such fence or wall shall be of sound construction, painted, or otherwise finished neatly and inconspicuously. Such fence or wall shall be of permanent finish or construction.

Special Uses Permitted (M), con'd.

6. All activities shall be confined within the enclosed area. There shall be no stocking of material above the height of the fence or wall, except that movable equipment used on the site may exceed the wall or fence height. No equipment, material, signs, or lighting shall be used or stored outside the enclosed area.
7. All enclosed areas shall be set back at least 100 feet from any front street or property line. Such front yard setback shall be planted with trees, grass, and shrubs to minimize the appearance of the installation. The spacing and type of the plant materials shall be approved by the Zoning Official.
8. No open burning shall be permitted.
9. Entrance and exits as specified in Section 23.4 A.2.
10. Driveways and parking areas as specified in Section 23.4 A.4.

N. Planned Shopping Center, provided:

1. They shall be located only within a B-4 and B-5 District.
2. The standards for this district are intended to promote safe and convenient access to shopping and business facilities and to avoid or minimize undue traffic congestion or other adverse affects upon property within adjacent districts.
3. Before a building permit may be issued for this district, a Certificate of Zoning Compliance must be granted. Approval of all plans shall be required before a Certificate of Zoning Compliance can be granted for a shopping center development. Approval shall be obtained from the County Road Commission and the Michigan Department of State Highways prior to approval for the site plan. The application for a Certificate of Zoning Compliance shall contain:

Special Uses Permitted (N), con'd.

- a. A market analysis, by a recognized market analyst, stating the economic justification and need for the establishment of a center of the type and size proposed by the applicant. This analysis shall be based upon, but not limited to, such factors as the trade area of the community; travel time from various parts thereof to the proposed center site; general development trends; expected sales volumes of the center as indicated by the demand for certain types of retail merchandise; existing or anticipated completing commercial facilities; and other data and analysis which relate to the need and potential success of the proposed center.
- b. A site plan defining the areas to be developed for buildings, the areas to be devoted to parking; the location of pedestrian and vehicular circulation and the points of ingress and egress; the location of walls, landscaped areas, terraces, and other open spaces; the provision of spaces for loading, unloading, and servicing; the location, size, and number of signs; and the required transition strips.
- c. A traffic survey, prepared by a qualified traffic engineer, indicating the effect of the proposed shopping center of adjacent streets. Said survey shall disclose the points of origin, direction, and amount of traffic flow to and from the proposed center, as well as adequate means of ingress and egress.
- d. A list of proposed uses to be included in the proposed center, with the area of each to be devoted to retail space.
- e. Engineering and architectural plans for:
  - (1) The treatment and disposal of sewage.



Special Uses Permitted (N), con'd.

- (2) The disposal of surface water from roofs, parking lots, and all hard surfaced areas of the development.
  - (3) The proposed handling of traffic congestion, glare, air pollution, fire, or safety hazards.
- f. The proposed hours of business and the estimated number of employees and customers anticipated during peak business hours.
- g. Final plans of the entire shopping center, including a time schedule for completion of construction.
4. The date required in this section shall be submitted with an application for a special use permit for the purpose of creating a planned shopping center district.
5. Driveways and parking areas as specified in Section 23.4 A.4.
- O. Second living quarters on a farm. The use of a second single family dwelling unit or one two family dwelling unit as a second living quarters on a farm may be permitted for a member, or members, of the owner's family or for an unrelated family having permanent employment on the farm, provided:
  1. Lot area requirements of AG District are met.
  2. No dwelling permitted under this section may be located in a front yard space of the principle dwelling or closer to the front lot line than fifty feet.
  3. A mobile home shall be no closer than 30 feet to the rear or side wall of the principal dwelling on the premises or closer than 30 feet to any barn, accessory farm structure, or to any lot line of adjoining property.
  4. Approval from the Central Michigan District Health Department must be obtained for water well and sewage disposal facilities.

Special Uses Permitted, con'd.

P. Open air business uses, provided:

1. They are only located within B-4 and B-5 Districts.
2. Retail sales of plant material, not grown on the site, lawn furniture, playground equipment, and garden supplies.
3. Outdoor sales space for exclusive sale of new or secondhand automobiles, house trailers, or rental of trailers and/or automobiles, provided:
  - a. They are only located in B-4 and B-5 Districts.
  - b. Surfacing and other requirements of Section X shall be adhered to, and Section 23.4 A.4.
  - c. All lighting shall be shielded from adjacent districts.
  - d. Entrance and exits as specified in Section 23.4 A.2.

Q. Filling stations for the sale of gasoline, oil, minor accessories, and other incidental service, provided:

1. They are only located in AG, B-4 and B-5 Districts.
2. The curb cuts for access to a filling station shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than 25 feet from a street intersection (measured from the road right-of-way) or from adjacent residential districts.
3. The minimum lot area shall be 15,000 square feet and so arranged that ample space is available for motor vehicles which are required to wait. Filling stations which are intended solely for the sale of gasoline, oil, and minor accessories; having no facilities for repair or servicing of

Special Uses Permitted (Q), con'd.

automobiles (including lubricating facilities); may be permitted on lots of 10,000 square feet, subject to all other provisions herein required.

4. No principle or accessory building shall be closer than 50 feet from any abutting residentially zoned boundary line or in any event within 100 feet of any existing residential dwelling located on abutting property.
5. Driveways and parking areas as specified in Section 23.4 A.4.
6. All lighting shall be shielded from adjacent districts.

R. Mortuary establishments, provided:

1. They are only located in B-4 and B-5 Districts.
2. Adequate assembly area is available off the street for vehicles to be used in funeral processions. Further, such assembly area shall be provided in addition to any required off street parking area. A caretaker's residence may be provided within the main buildings of mortuary establishments.
3. Entrance and exits as specified in Section 23.4 A.2.
4. Driveways and parking areas as specified in Section 23.4 A.4.

S. Home Occupation

Home occupations, as defined in Section 3.30 shall be allowed in all AG and R Districts.

1. Signs shall conform with Section on Signs.
2. The whole occupation is conducted wholly within the main building by the residents thereof.

Special Uses Permitted (S), con'd.

3. There is not involved the keeping of a stock in trade and no article is sold or offered for sale, except such as may be produced by members of the immediate family residing on the premises.
4. Home occupations shall not be carried on to an extent so as to require parking on or off the premises in excess of that required for the residential structure in which it is located.
5. The dwelling or residence complies with all the zoned district requirements in which it is located.
6. Home occupations shall not utilize more than 40 percent of the floor living areas of one story of the dwelling. No mechanical or electrical equipment which will create a nuisance to the adjacent landowners and neighborhood is permitted.
7. Home occupation activities shall be physically screened from the public view as required by the Planning Commission.

T. Neighborhood Businesses, provided:

1. They are located in AG and R-2 Districts.
2. Permitted uses shall be restricted to those normally allowed in the B-4 District.
3. The required conditions of the B-4 District shall be adhered to.

U. Private campgrounds, and recreation grounds, provided:

1. They are located within an AG District.
2. Entrances and exits as specified in Section 23.4 A.2.
3. Driveways and parking areas as specified in Section 23.4 A.4.

Special Uses Permitted (U), con'd.

4. A greenbelt areas of at least 25 feet in width shall be maintained around the periphery. Landscaping and/or structural screens, as approved by the Planning Commission, shall be installed as required to serve as an obscuring screen for existing residential dwellings within 100 feet of the property line on abutting agricultural zoned property. Screening shall also be installed along abutting residential zoned property.
5. No principle or accessory building shall be erected, nor any entertainment or display activity be conducted, within 100 feet of any property line.
6. Proper arrangements shall be made and the required approvals obtained from the Central Michigan District Health Department to provide necessary sanitation facilities.
7. All uses and activities on these areas shall have prior written approval from the Planning Commission. Any other use requirements in this Ordinance, associated with a contemplated use or activity, shall be adhered to if the use or activity is approved.

V. Planned Unit Development (P.U.D.), as defined and allowed in the subsection below.

1. Intent. The Planned Unit Development is a method by which creative large scale development of land is encouraged. The P. U. D. is a device which makes use of varying lot sizes and integrates different building structures. Typically, structures in these developments are clustered in such a manner as to achieve the same overall density that would be achieved if the developer had laid out the development in the conventional grid zoning pattern. In addition to the clustered structures, open spaces are provided to insure recreational facilities with different building types or land uses and thereby to achieve creativity, flexibility, and variety. Under this section any unincorporated area in the township and all proceedings in regard thereto, shall be done with consideration

Special Uses Permitted (V), con'd.

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.

2. Legislative findings. It is hereby determined that through careful land use and site planning it is sometimes possible to develop substantial tracts of land for uses, and with structures and other facilities, which are not fully in conformance with the provisions of this Ordinance, nevertheless, are not harmful to the public health, safety, and welfare and, in fact, may thought to improved efficiency of land use, be beneficial thereto. It is in the public interest to provide regulations, as an alternative to the regulations otherwise provided in this Ordinance, to make possible such development and use while, at the same time, assuring that any such development and use is not harmful to the public health, safety, and welfare.

3. Procedure.

- a. Final Developmental plan. Development or improvement of lots or areas within said P. U. D. area, after approval and adoption of a preliminary development plan, shall be accomplished by submission to the Planning Commission of a final development plan. The final development plan shall include the following information as the Planning Commission finds reasonably necessary to consider said plan:

Special Use Permitted (V), con'd.

- (1) A plot plan based on an accurate survey showing location of present and proposed buildings and improvements; streets; railroads; lots; buildings; drives; parking lots; water and sewer lines; and topographical features, including contours at a workable interval; ditches; water courses; ground cover; and other pertinent physical features of the site.
- (2) A description of the proposed operation in sufficient detail to indicate the noise, smoke, odor, vibration, dust and dirt, noxious gases, glare and heat, fire hazards, industrial wastes, and traffic which may be produced by such operation.
- (3) Engineering and architectural plans for controlling problems of the type enumerated under Item (2) above, if deemed necessary by the developer or if required by the Planning Commission or their authorized representative.
- (4) Final development architectural sketches or general specifications as to the type of construction and materials to be used in the proposed building.
- (5) The period of time within which the project will be completed.
- (6) Additional information which the Planning Commission or the Zoning Official may find reasonably necessary to evaluate the proposed development and its effect on surrounding areas.

Special Uses Permitted (V), con'd.

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.

- b. If the Planning Commission shall determine that the proposed use of the land, as shown on the final development plan, might have an enervating, debilitating, or offensive effect on adjacent properties; whether industrial, commercial, residential, or other through the effects of noise, smoke, odor, dust and dirt, noxious gases, glare and heat, vibrations, fire hazards, industrial wastes, traffic, or adverse aesthetic effects; they may require the owner, through the use of qualified technical persons and acceptable testing techniques, to demonstrate the devices which shall be utilized to control the factors determined to be offensive. Upon acceptance by the Planning Commission of such control devices, they shall be incorporated as a part of the final development plan.

- c. The Planning Commission shall consider the final development plan and shall when appropriate, direct that specific changes be made to conform with the spirit, purpose, and intent of this Ordinance.

Final approval or disapproval of a final development plan shall be made by the Township Board. A copy of said final development plan, if finally approved, shall be forwarded to the Township Clerk for filing.

- d. The Township Board and the Planning Commission are specifically authorized to require the recording of a plat in connection with any such application when such would be required by Act 288 of the Public Acts of 1967, as amended.



4. General provisions for Planned Unit Development (P.U.D)

- a. In order to obtain a special use permit to be used as a Planned Unit Development, the proposed area shall consist of at least five acres.
- b. No transition or use substitution privileges provided elsewhere in the Ordinance shall apply to Planned Unit Developments.
- c. It must be demonstrated that adequate public utilities and municipal service are available to support the development.

5. Permitted Uses. The Planned Unit Development (P.U.D.) allows the clustering of residential uses, industrial uses, and commercial uses and authorized structures of differing heights.

The following are Planned Unit Development uses which may be permitted within the specified zoned districts.

a. AG Districts. All uses allowed within this zoned district, also;

- (1) Multi-family dwellings
- (2) Group housing development
- (3) Trailer parks
- (4) Recreational parks
- (5) Public and private campgrounds
- (6) Shopping centers and malls
- (7) Professional offices
- (8) Hospital
- (9) Housing of aged
- (10) Nursing home
- (11) Nursery school

Special Uses Permitted (V), con'd.

- (12) College and trade school
- (13) Clubhouse and golf course
- (14) Condominiums

b. All R Districts. All uses allowed within these zoned districts, and also all special uses within each District.

c. B-4 and B-5 Districts. All uses allowed in these zoned districts, also;

- (1) Housing for aged
- (2) Shopping centers and malls
- (3) Professional offices
- (4) Business offices

d. M-Industrial Districts. All uses allowed within these zoned Districts, also;

- (1) Industrial park
- (2) Junk yards

6. Required conditions for Planned Unit Development. The following minimum conditions and requirements shall be complied with and shown on all plans and specifications.

a. Municipal facilities shall be available and provided as part of the site plan development and approved by the Central Michigan District Health Department.

b. Density. In order to prevent overtaking of public services and facilities, the Planning Commission shall control the permitted density.

c. Height. A dwelling or principle building shall be not more than 35 feet.

Special Uses Permitted (V), con'd.

- d. Building spaces. Rather than using traditional front, side, and rear yard requirements, minimum spacing distances below may be allowed, although the Planning Commission has the discretion to increase these standards.
- (1) Front yard. There may be a front yard of at least 50 feet.
  - (2) Side yard. All principle buildings shall have two side yards and no side yard shall be less than 20 feet from the buffer zone, although the Planning Commission shall have the discretion to increase these standards.
  - (3) Rear yards. There shall be a rear yard of at least 35 feet, although the Planning Commission shall have the discretion to increase these standards.
- e. Usable open space. A minimum usable open space areas of 30 square feet per dwelling shall be provided within group housing developments. Such open space shall be provided at ground level, unoccupied by principle or accessory buildings, and available to all occupants of the group housing development. Each open space area, so provided, shall have a minimum total area of 1,200 square feet and shall be unobstructed to the sky. It shall not be devoted to service driveways or off street parking or load space, but shall be usable for greenery, drying yards, recreational space, and other leisure activity.
- f. The minimum horizontal distance between buildings (front to front, rear to rear, or front to rear) shall be 50 feet for buildings one story in height. The distance shall be increased by not less than five feet for every story added. The minimum distance between buildings may be decreased by as much as 10 feet

Special Uses Permitted (V), con'd.

toward one end, if it is increased by a similar distance at the other end and consistent modifications are permitted by the Planning Commission to accommodate plans which are not conventional in their outline or in their relations to other buildings.

- g. The horizontal distance between ends of buildings shall be 20 feet or more for one or two story buildings. Where the end of one building is opposite the face or rear of another building, the minimum horizontal distance between them shall be 30 feet for buildings one story in height. These distances shall be increased by not less than five feet for every story added.
- h. No closed courts shall be permitted. Open arcades or garden walls not over six feet in height shall not be deemed enclosing features.
- i. Lot width. The minimum width for a lot used for group housing shall be that area necessary for achieving open space requirements and yard requirements.
- j. Off street parking and signs shall meet the provisions of Section X and Section XI.
- k. Environmental design. Planned Unit Developments shall be designed to enhance environmental features such as the preservation of tress, flood plains, natural areas, and promote proper site landscaping.
- l. Circulation. Standards for circulation of traffic shall be specified by the Isabella County Road Commission. This shall include the relationship of internal circulation systems to external collectors and arterials, as well as the relationships of streets to structures. This shall also include standards governing private streets.

Special Uses Permitted (V), con'd.

- m. Perimeter area. To insure a properly integrated Planned Unit Development with adjacent developments, there shall be a buffer zone surrounding the development. This buffer zone shall be left to the discretion of the Planning Commission to insure uniformity with adjacent zoned district.
- n. Phasing. Performance bonds relating to proportionate construction shall be used to insure that necessary facilities are constructed. These bonds shall coincide with a phasing program. Both the phasing program and performance bonds shall be established by the Planning Commission.
- w. Other Similar Special Uses: ~~This~~ includes uses not already specified in this Section but that may be similar in nature. These uses shall have appropriate restrictions as determined by the Township Board or the Planning Commission. The Township Board shall have the discretion as to whether the special use is appropriate or not.
- x. All Special Land Uses, and/or Planned Unit Developments will be reviewed in accordance with Michigan Public Act 637 of 1978 by the Township Board.

#### Section XXIV--Penalties for Violation

- 24.1 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 (\$100.00) 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.

Section XXV--Separability Clause

25.1 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.

Section XXVI--Report to Governing Body

26.1 Following the enactment of this Ordinance, the Township Planning Commission from time to time prepare and file, with the Township Board, a report on the supplements or changes thereto, at least once each year.



Section XXVII--Effective Date

27.1 This Ordinance was adopted by the Township Board of Union Township, Isabella County, Michigan at a regular meeting duly called and held on the 3rd day of February, 1981. It is hereby ordered that said Ordinance be given immediate effect and be in force from and after February 3, 1981.

I hereby certify that a regular meeting of the Township Board of the Township of Union, Isabella County, Michigan, held on February 3, 1981, the foregoing Ordinance was adopted.

Dated: February 3, 1981

s/ Marian L. McDonald  
\_\_\_\_\_  
Township Clerk

Approved by the Isabella County Planning Commission:

Date: January 8, 1981

s/ William B. Ruddell  
\_\_\_\_\_  
Secretary

ENCLOSURE

1. Guide only Zoning Map