

ZONING ORDINANCE AMENDMENT REPORT

TO:	Planning Commission	DATE:	December 12, 2022
FROM:	Rodney C. Nanney, AICP	Community and Economic Development Director	
PROJECT:	PTXT 22-01 - Proposed Zoning Ordinance text amendments		
ACTIONS REQUESTED:	To hold a public hearing for and to review the PTXT 22-01 set of proposed text amendments to the Zoning Ordinance No. 20-06, and to make a recommendation to the Board of Trustees.		

Background Information

During the adoption process for our current Zoning Ordinance No. 20-06 (which went into effect in September of 2020), our project consultant noted that with any comprehensive Zoning Ordinance update project it is expected that some details may be identified for correction as the new ordinance is implemented. In November of last year, an initial set of “punch list” amendments were adopted by the Board of Trustees after a Planning Commission public hearing and recommendation for approval. As staff has continued to administer the new Zoning Ordinance, some additional issues have arisen that are best resolved through consideration of amendments. In addition, new or amended state laws require corresponding changes to the Zoning Ordinance.

With the exception of the last page (titled “*Additional Proposed Amendments*”), the set of proposed amendments is the same as was reviewed by the Commission during your November meeting. The background for these additional amendments is included in the Summary below.

Summary of Proposed Amendments

Additional background information is provided below to highlight various changes to the Zoning Ordinance included in this set of proposed amendments:

Correcting Gaps in the Allowable Uses.

The definition of “Public and Institutional Buildings and Uses” is proposed to be revised, and “Dwelling, Accessory,” “Bakeries,” “Printing, Copying, and Bookbinding Operations,” and various recreation facilities are proposed to be added to eliminate staff-identified gaps in our current list of allowable uses in various zoning districts. Where needed, appropriate standards for these uses have been added or updated in Section 6.

Correcting Errors and Regulatory Conflicts.

Several typographical errors are proposed to be corrected, and outdated references in a number of sections to Township Board approval of special uses will be removed. Changes in state law require us to amend the licensed capacity limits for family and group day care homes, and to insert “qualified residential treatment programs for 10 or fewer individuals” as an allowable use in

districts where single-family dwellings are allowed.

A regulatory conflict identified by the Zoning Administrator related to provisions for nonconforming single-family dwellings is proposed to be resolved by inserting a new Section 12.6 to more properly and completely address the concerns of mortgage companies and insurance companies related to replacement of a damaged or destroyed nonconforming dwelling. The responsibilities of the Zoning Administrator (listed in Section 13.5.B.) are also proposed to be updated to remove inconsistencies between the provisions of this subsection and the established job description for this position.

Planned Unit Development (PUD) Updates

The eligibility criteria and provisions for permitted uses in a PUD project are proposed to be updated to clarify and expand the criteria for consideration of a potential project for PUD review, to expand land use options that can be considered on a PUD Concept Plan, and to better integrate the Master Plan into the land use review component of the PUD review process. An additional amendment to the “regulatory flexibility” subsection is intended to allow proposed “limited deviations” to signage standards to also be considered as part of a PUD application.

Self-storage Buildings.

To correct a regulatory conflict, self-storage buildings are proposed to be added back into the table in Section 3.4 (to match the reference in Section 3.13). To minimize impacts on a vibrant business district and to maximize the economic development potential of the limited amount of vacant industrial land in the Township, additional location and site arrangement standards are proposed to be added to Section 6.38 and these facilities are proposed to be moved to require special use permit approval in the Industrial Districts. The minimum parking standard is also proposed to be revised to eliminate the potential for excessive or unnecessary required parking.

Zoning Board of Appeals

Amendments are proposed to consolidate all Zoning Board of Appeals-related provisions into one section (these provisions are currently incomplete and divided between Sections 13.4 and 14.4), to correct inconsistencies in the current text with sections 601, 603, and 604 of the Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended), to correct discrepancies in the application requirements, and to clarify and expand upon the variance criteria related to “substantial justice.” As part of the updates, a clarification is also proposed to be made related to the timing of application or appeal. For any land use, structure or other project that is subject by a provision of this Ordinance to review and action or interpretation by the Planning Commission or Zoning Administrator, an application to the Zoning Board of Appeals shall only be accepted for review and a public hearing after the conclusion of that administrative process.

Additional Proposed Amendments

On December 7, 2022, the Zoning Board of Appeals (ZBA) held a hearing to consider a request from Thrive Church of Mt. Pleasant for an interpretation of the Zoning Ordinance to determine if all the following uses that Thrive Community Church included in their Statement of Use are fully consistent with the definition of “religious institution” in Section 2.2 (Definitions) and the allowable land uses listed in Section 3.15 (B-7, Retail and Highway Service Business District) of the Zoning Ordinance, and that none of the listed uses are consistent with “Theaters, Assembly Halls, Concert

Halls, and Similar Places of Public Assembly” or “(Outdoor) Recreation Facilities” which are not allowable uses in the B-7 District:

1. *Worship services in our worship center/assembly hall on a weekly basis*
2. *Classrooms for weekly religious education*
3. *Meeting rooms and church offices*
4. *Kitchen and café*
5. *Host weddings, baptisms, funerals, and other religious and secular ceremonies and celebrations*
6. *Host Christian music artists*
7. *Host religious and secular community gatherings, conferences, meetings, public events, social events, and outreach activities*
8. *Community piano recitals or school graduation ceremonies*
9. *Outdoor recreation facilities for both Thrive Church and community members*
10. *“If the Girl Scouts, members of a yoga or exercise studio or members of a non-profit organization desire to meet or host an event in our space, we would love to accommodate such a request, just as a private school, a fraternal organization, or lodge hall in our zoning district would do.”*

The proposed list of uses include many activities which are customary accessory uses to a religious institution, as noted in the current defined term. However, the proposed activities also include a number of secular or non-religious public assembly activities that are typically found to be principal uses (separate from and not subordinate to or part of a church facility). Thrive Church representatives indicated that their purpose for submitting the application was to gain certainty as to whether the full scope of their planned activities for a parcel in the B-7 District would be allowed prior to the expense of preparing a preliminary site plan application for Planning Commission review. Staff had met with church representatives several times in 2021 and 2022, and had recommended focusing on available land in the B-4 and B-5 zoning districts, or to consider the Planned Unit Development (PUD) option for their project.

The application to the ZBA highlighted the fact that religious institutions are allowed in the B-7 District, but theaters, concert halls, and similar non-religious or secular places of public assembly are not. This is different from the other two business districts, where both religious and secular places of public assembly are allowable uses.

Following the hearing and extensive deliberations, the ZBA adopted a motion to broadly interpret the definition of “religious institution” in Section 2.2 to include all of the above activities except “outdoor recreation facilities” as allowable accessory uses to a religious institution. Although the church intended the request to only apply to their proposed parcel and project, the interpretation is broad and can apply to religious institutions in many other zoning districts.

In response, staff prepared the Additional Proposed Amendments sheet, which was added to the set of proposed amendments posted for the public hearing. The additional amendments would clarify the definition of religious institutions to remove ambiguities cited by the applicant and ZBA members during the hearing and deliberations. This change would also incorporate some of the specific language cited by the ZBA in their adopted motion. The additional amendments also include a proposal to add “Theaters, Assembly Halls, Concert Halls, and Similar Places of Public Assembly” to the list of allowable Principal Uses in the B-7 District. These changes would not affect the scope of the ZBA decision as it applies specifically to the Thrive Church project.

Board of Trustees Goals Addressed

Board of Trustees goals addressed from Policy 1.0: Global End, of the Board of Trustees' Policy Governance document:

- 1. Community well-being and common good**
- 3. Safety**
- 4. Health**
- 6. Commerce**

The proposed set of amendments will help to ensure that the Township's Zoning Ordinance supports a sustainable community (1.0) and provides for fair and nondiscriminatory code enforcement (1.1.1.2). The updated provisions are intended in part to help ensure that all residents of all ages and abilities may enjoy a safe environment (1.3), have access to facilities that enable an active, healthy lifestyle (1.4), and can take pride in their community (1.1.1.3). The commerce-friendly changes proposed to the standards for the Business Districts and Industrial Districts are intended to support economic development and further encourage innovative and traditional commercial establishments to locate in the Township (1.6), while also providing for reasonable regulation of potentially undesirable businesses designed to minimize adverse impacts on neighboring properties and land uses (1.6.1).

Objective

Planning Commission review of the proposed set of Zoning Ordinance text amendments in anticipation of setting a public hearing date for the amendments.

Recommendation

The proposed set of Zoning Ordinance text amendments are ready for a public hearing. Following the hearing and consideration of any public comments, I would ask that the Planning Commission take action to recommend to the Board of Trustees that the PTXT 22-01 proposed amendments to Sections 2 (Definitions), 3 (Zoning Districts and Maps), 5 (Supplemental Zoning District Standards), 6 (Standards Applicable to Specific Land Uses), 7 (General Provisions), 9 (Parking, Loading, and Access Management), 12 (Nonconformities), 13 (Administrative Organization), and 14 (Administrative Procedures) of the Zoning Ordinance No. 20-06 be adopted as presented with the Additional Proposed Amendments to Sections 2 and 3.

Please contact me at (989) 772-4600 ext. 232, or via email at rnanney@uniontownshipmi.com, with any questions about this information.

Respectfully submitted,

Rodney C. Nanney, AICP

Community and Economic Development Director

**CHARTER TOWNSHIP OF UNION PLANNING COMMISSION
PUBLIC HEARING NOTICE - ZONING ORDINANCE TEXT AMENDMENTS**

NOTICE is hereby given that a public hearing will be held by the Planning Commission on Tuesday, December 20, 2022, at 7:00 p.m. in the Township Hall Board Room at 2010 South Lincoln Road, Mt. Pleasant, MI 48858 for the purpose of receiving public comments on proposed amendments to Sections 2 (Definitions), 3 (Zoning Districts and Maps), 5 (Supplemental Zoning District Standards), 6 (Standards Applicable to Specific Land Uses), 7 (General Provisions), 9 (Parking, Loading, and Access Management), 12 (Nonconformities), 13 (Administrative Organization), and 14 (Administrative Procedures) of the Charter Township of Union Zoning Ordinance, by authority of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended (MCL 125.3101 et seq.).

The proposed amendments are to update the uses allowed in various zoning districts; update the eligibility and permitted use criteria for Planned Unit Development (PUD) projects; to adjust standards for self-storage warehouses in the Business and Industrial zoning districts; to clarify requirements for accessory dwellings; to expand options for trash storage enclosure materials; to expand protections for nonconforming single-family dwellings; to update the Zoning Administrator's listed responsibilities to eliminate conflicts with the approved job description; to revise provisions for the Zoning Board of Appeals to correct inconsistencies with the Michigan Zoning Enabling Act, to correct discrepancies in application requirements, and to clarify variance criteria related to substantial justice; to update regulations where necessary for consistency with recent state law changes; to amend several definitions; and to correct typographical errors and regulatory conflicts identified in the Ordinance.

The proposed amendments and the Zoning Ordinance and Map may be inspected during business hours at the Township Hall and are available for viewing on the Township's website at:
<http://www.uniontownshipmi.com/>.

Any interested person may submit their views in person, in writing, or by signed proxy prior to the public hearing or at the public hearing. Written comments may be sent to the Charter Township of Union Planning Commission, 2010 South Lincoln Road, Mt. Pleasant, MI 48858, sent via email to info@uniontownshipmi.com, or dropped off in the drop box next to the Township Hall entrance.

For additional information, and for individuals who require special accommodations per the Americans with Disabilities Act, please contact Peter Gallinat, Zoning Administrator, by phone at (989) 772 4600 extension 241.

CHARTER TOWNSHIP OF UNION
ISABELLA COUNTY, MICHIGAN

ORDINANCE NO. _____

An ordinance to amend the Charter Township of Union Zoning Ordinance No. 20-06 by amending Sections 2 (Definitions), 3 (Zoning Districts and Maps), 5 (Supplemental Zoning District Standards), 6 (Standards Applicable to Specific Land Uses), 7 (General Provisions), 9 (Parking, Loading, and Access Management), 12 (Nonconformities), 13 (Administrative Organization), and 14 (Administrative Procedures) by authority of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended (MCL 125.3101 et seq.); to provide for repeal; to provide for severability; to provide for publication; and to provide an effective date.

Proposed additions to the current text of the Zoning Ordinance are highlighted below in blue underlined text and proposed deletions are shown using ~~red strikethrough text~~. Where an entirely new section or sub-section is proposed, this is stated in the header, with the new text left unhighlighted for readability.

THE CHARTER TOWNSHIP OF UNION, ISABELLA COUNTY, MICHIGAN, HEREBY ORDAINS:

PART ONE – Title

This Ordinance shall be known and may be referred to as the “Charter Township of Union Ordinance Number _____, Ordinance Amending the Charter Township of Union Zoning Ordinance.”

PART TWO – Amendments to Section 2.2 (Definitions)

Section 2.2 (Definitions) is hereby amended to Delete “Unit” from “Dwelling, Accessory;” to revise the definition; to delete the duplicative “Dwelling, Accessory Apartment” definition; to amend the “public and institutional buildings and uses” to include K-12 school buildings in the definition; and to amend the state-licensed capacities of family and group child day care homes consistent with recent changes to state law.

Section 2.2 Definitions

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

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

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

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

- B. Child day care: The care and supervision for periods of less than 24 hours a day of minor children, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption.
 - (1) *Family child day care home:* A **private home** in which ~~one but fewer than up to~~ seven (7) minor children are received for **child day care**, including a home in which care is given to an unrelated minor child for more than four (4) weeks during a calendar year.
 - (2) *Group child day care home:* A **private home** in which ~~more than six but not more than 12 up to 14~~ minor children are received for **child day care**, including a home in which care is given to an unrelated minor child for more than four (4) weeks during a calendar year.

PART THREE – Amendments to Section 3.4 (Permitted Uses by District)

Section 3.4 (Permitted Uses by District) is hereby amended to remove a regulatory conflict by specifying the zoning districts where “Dwelling, Accessory” would be an allowable use, to insert “qualified residential treatment programs” as an allowable use consistent with recent state law changes, to correct a typographical error by inserting “universities” into the table, to clarify and expand provisions for recreation facilities in certain zoning districts, and to add bakeries and printing, copying, and bookbinding facilities into the business and industrial districts, as follows:

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

	AG	R-1	R-2A	R-2B	R-3A	R-3B	R-4	B-4	B-5	B-7	I-1	I-2	OS		Use Standards
Land Use															
Residential Uses															
Child or Day Care, Family Home	P	P	P	P	P	P	P								Section 6.14
<u>Dwelling, Accessory</u>	S	S	S	S											Section 6.56

Land Use	AG	R-1	R-2A	R-2B	R-3A	R-3B	R-4	B-4	B-5	B-7	I-1	I-2	OS	Use Standards
Qualified residential treatment program for 10 or fewer individuals	P	P	P	P										Section 6.42
Public, Quasi-Public, and Recreational Uses														
Airports, Public or Private	S													Section 6.3
Amusement Parks								S						Section 6.4
Amusement Enterprises									P					
Bus, Train, and other Forms of Transportation Systems, Passenger Stations								P	P	P				
Business Schools, Colleges, Universities , and Private Schools Operated for Profit								P	P	P				
Campgrounds or Recreation Grounds	S													Section 6.10
Cemeteries, Public or Private, including Mausoleums	P													Section 6.11
Conservation Areas, Public or Private	S													
Country Clubs and Golf Courses	S	S	S	S	S	S								Section 6.12
Health, Exercise Club, or Spa								P	P	P				
Indoor Commercial or Privately-Owned Recreation Facilities								P	P	P			S	
Indoor Publicly-Owned Recreation Facilities	S	S	P	P	P	P		P	P	P			S	Section 6.34
Indoor Gun and Archery Range	S							P	P	P				
Miniature Golf and/or Driving Ranges	S							S						Section 6.23
Municipal Public Utility Uses, such as Water Treatment Plants and Reservoirs, Sewage Treatment Plants, including outdoor storage												P		
Outdoor Commercial or Privately Owned Recreation Facilities	S							S						
Outdoor Publicly-Owned Recreation Facilities	S	S	P	P	P	P							P	
Private Clubs, Fraternal Organizations, and Lodge Halls								P	P	P				
Public and Institutional Buildings and Uses	S	S	S	P	S	P	S	P					S	P
Religious Institutions	S	S	P	P	P	P		P	P	P			P	Section 6.34
Theaters, Assembly Halls, Concert Halls, and Similar Places of Assembly								P	P					
Trade or Industrial Schools											P	P		
Commercial and Retail Uses														
Bakeries								P	P	P	P	P		Section 6.43
Printing, Copying, and Bookbinding Operations								P	P	P	P	P		Section 6.43
Other Uses														
Self-storage Facilities (Mini-Warehouse, Mini-Storage)								S	S		P	S	P	S

PART FOUR – Amendments to Section 3.6 (AG, Agricultural District)

The lists of Principal Permitted Uses and Special Uses in Section 3.6 are hereby amended, as follows:

- A. Add the following as allowable Principal Permitted Uses in the AG zoning district:
 - Qualified residential treatment programs for 10 or fewer individuals
- B. Add the following as allowable Special Uses in the AG zoning district:
 - Dwelling, Accessory
 - Indoor Publicly-Owned Recreation Facilities

Draft Date: October 31, 2022

- Outdoor Commercial or Privately-Owned Recreation Facilities
- Outdoor Publicly-Owned Recreation Facilities

PART FIVE – Amendments to Section 3.7 (R-1, Rural Residential District)

The lists of Principal Permitted Uses and Special Uses in Section 3.7 are hereby amended, as follows:

- A. Add the following as allowable Principal Permitted Uses in the R-1 zoning district:
 - Qualified residential treatment programs for 10 or fewer individuals
- B. Add the following as allowable Special Uses in the R-1 zoning district:
 - Dwelling, Accessory
 - Indoor Publicly-Owned Recreation Facilities
 - Outdoor Publicly-Owned Recreation Facilities

PART SIX – Amendments to Section 3.8 (R-2A, One- and Two-Family, Low-Density Residential District) and to Section 3.9 (R-2B, One- and Two-Family, Medium-Density Residential District)

The lists of Principal Permitted Uses and Special Uses in Section 3.8 and Section 3.9 are hereby amended, as follows:

- A. Add the following as allowable Principal Permitted Uses in the R-2A and R-2B zoning districts:
 - Qualified residential treatment programs for 10 or fewer individuals
 - Indoor Publicly-Owned Recreation Facilities
 - Outdoor Publicly-Owned Recreation Facilities
- B. Add the following as allowable Special Uses in the R-2A and R-2B zoning districts:
 - Dwelling, Accessory
- C. Move “Public and Institutional Buildings and Uses” from the list of allowable Special Uses to the list of Principal Permitted Uses in the R-2A and R-2B zoning districts.

PART SEVEN – Amendments to Section 3.10 (R-3A, Multiple-Family Residential District) and Section 3.11 (R-3B, Medium-Density Multiple-Family Residential District)

The lists of Principal Permitted Uses and Special Uses in Section 3.10 and Section 3.11 are hereby amended, as follows:

- A. Add the following as allowable Principal Permitted Uses in the R-3A and R-3B zoning districts:
 - Qualified residential treatment programs for 10 or fewer individuals
 - Indoor Publicly-Owned Recreation Facilities
 - Outdoor Publicly-Owned Recreation Facilities
- B. Add the following as allowable Special Uses in the R-3A and R-3B zoning districts:
 - Dwelling, Accessory

- C. Move “Public and Institutional Buildings and Uses” from the list of allowable Special Uses to the list of Principal Permitted Uses in the R-3A and R-3B zoning districts.

PART EIGHT – Amendments to Section 3.13 (B-4, General Business District), Section 3.14 (B-5, Highway Business District, and Section 3.15 (B-7, Retail and Service Highway Business District)

The lists of Principal Permitted Uses and Special Uses in Section 3.13, Section 3.14, and Section 3.15 are hereby amended, as follows:

- A. Add the following as allowable Principal Permitted Uses in the B-4, B-5, and B-7 zoning districts:
 - Indoor Publicly-Owned Recreation Facilities
 - Bakeries
 - Printing, Copying, and Bookbinding Operations
- B. Add the following as allowable Special Uses only in the B-4 zoning district:
 - Outdoor Commercial or Privately-Owned Recreation Facilities
- C. Revise the titles of the following allowable Principal Permitted Uses in the B-4, B-5, and B-7 zoning districts:
 - Business Schools, Colleges, [Universities](#), and Private Schools Operated for Profit
 - Indoor Commercial [or Privately-Owned](#) Recreation [Facilities](#)

PART NINE – Amendments to Section 3.16 (I-1, Light Industrial District), 3.17 (I-2, General Industrial District)

The lists of Principal Permitted Uses and Special Uses in Section 3.16 and Section 3.17 are hereby amended, as follows:

- A. Add the following as allowable Principal Permitted Uses in the I-1 and I-2 zoning districts:
 - Bakeries
 - Printing, Copying, and Bookbinding Operations
- B. Move “Self-storage Facilities (Mini-Warehouse, Mini-Storage)” from the list of allowable Principal Permitted Uses to the list of Special Uses in the I-1 and I-2 zoning districts.

PART TEN – Amendments to Section 3.18 (OS, Office Service District)

The lists of Principal Permitted Uses and Special Uses in Section 3.18 are hereby amended, as follows:

- A. Add the following as allowable Principal Permitted Uses in the OS zoning district:
 - Outdoor Publicly-Owned Recreation Facilities
- B. Add the following as allowable Special Uses in the OS zoning district:
 - Indoor Commercial or Privately-Owned Recreation Facilities
 - Indoor Publicly-Owned Recreation Facilities
- C. Move “Public and Institutional Buildings and Uses” from the list of allowable Special Uses to the list of Principal Permitted Uses in the OS zoning district.

PART ELEVEN – Amendments to Section 3.19 (PUD, Planned Unit Development District)

Section 3.19 (PUD, Planned Unit Development District) is hereby amended to update subsection “A.” (Eligibility Criteria) to clarify and expand the criteria for consideration of a potential project for PUD review, to update subsection “B.2.” to also allow limited sign-related deviations to be proposed on the PUD Concept Plan, and to update subsection “C.1.” (Permitted Uses) to expand land use options and replace references to underlying zoning and better integrate the Master Plan into the land use review process.

Section 3.19 PUD, Planned Unit Development District

A. Eligibility Criteria

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

1. Sufficient land area for proposed uses. The proposed PUD site includes sufficient contiguous land area to comply with all applicable regulations of this Ordinance, to adequately serve the needs of all permitted uses in the PUD project, and to ensure compatibility between uses and the surrounding area. ~~Minimum Size.~~ The minimum size of a Planned Unit Development site shall be five (5) acres of contiguous land, unless the Planning Commission determines that at least one (1) of the following conditions exists:
 - a. The proposed PUD site is located in the East or the West Downtown Development Authority District or within the Mixed-Use Bluegrass Center area as described in the Master Plan, in which case the site size may be less than five (5) acres.
 - b. ~~Furthermore, in the interest of maximizing the use of Planned Unit Development as a tool to promote high quality planning and development, the Planning Commission may permit a smaller Planned Unit Development outside of the DDA or Bluegrass area if:~~ (a) The proposed project has unique characteristics and recognizable and material benefits (including historic and/or architectural value), and/or (b) that will be realized by the future users of the development and the Township as a whole, where such benefits would otherwise be unachievable under this Ordinance.
 - c. The parcel in question has unique characteristics that significantly impact development, such as significant blight, environmental contamination or obsolete buildings that would be fully resolved by the PUD project, unusual topography, or significant historical, cultural or archeological features ~~tree stands, wetlands, poor soil conditions on portions of the parcel, water courses, unusual shape or proportions, or utility easements which cross the parcel.~~

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

2. **Unified Control.** The proposed development shall be under single ownership or control such that there is a single person or entity having responsibility for completing the project, or assuring completion of the project, in conformity with this Ordinance. The property owner must have a physical street address. The applicant shall provide legal documentation of single ownership or control ~~in the form of agreements, contracts, covenants, and deed restrictions which indicate that the development can be completed as shown on the plans as part of the PUD application. These legal documents shall bind all development successors in title to any commitments made as a part of the documents.~~ This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is given to the ~~Township Clerk~~ Zoning Administrator.
3. **Consistent with the purpose for the PUD District.** The proposed PUD is consistent with the Statement of Purpose for the PUD District in Section 3.19.
4. **Compatibility with the Master Plan.** The intent and all of the proposed uses within the requested PUD zoning district are compatible with the goals, objectives, and policies of the Master Plan, including the future land use designation(s) for the site, unless the Planning Commission determines that conditions have changed significantly since the Plan was prepared or new information supports a change.
5. **Availability and capacity of services.** The proposed type and intensity of use will not exceed the existing or planned capacity of public or municipal services or infrastructure; including but not limited to roads, police and fire protection services, refuse disposal, municipal water or sewerage systems, other utilities, drainage facilities, and public or private wells. The proposed use will not create additional requirements at public cost for services or infrastructure that will be detrimental to the economic welfare of the community.

B. Regulatory Flexibility

2. Such deviations may include limited modifications to specific requirements found in Sections 4 through ~~10~~ 11 of this Ordinance that apply to the PUD project, and to specific PUD project design standards found in this Section.

C. Permitted Uses and Density

1. **Permitted Uses.** The following uses shall be permitted in a Planned Unit Development, ~~unless a broader mixture of uses is called for on the land in question in the Master Plan~~ subject to Planning Commission recommendation and Township Board approval:
 - a. ~~If the underlying zoning is R-1, R-2A, R-2B, R-3A, or R-3B: any use allowed as principal permitted use or special use within the specified district.~~
 - b. ~~If the underlying zoning is B-4: any use allowed as principal permitted use or special use within the B-4 district, housing for the elderly, and shopping centers.~~
 - c. ~~If the underlying zoning is B-5: any use allowed as principal permitted use or special use within the B-5 district and shopping centers.~~

- ~~d. If the underlying zoning is B-7: any use allowed as principal permitted use within the B-7 district, one and two family dwellings, and multiple family dwellings.~~
- ~~e. If the underlying zoning is I-1 or I-2: any use allowed as principal permitted use within the specified district and industrial parks.~~
- ~~f. If the underlying zoning is OS: any use allowed as principal permitted use within the OS district.~~
- a. Uses in a PUD District shall be limited to those specific uses included in the listing of uses shown on the approved PUD Concept Plan, along with customary accessory uses and structures. All other uses shall be prohibited, unless otherwise permitted by this Ordinance.
- b. Uses in a PUD District shall be compatible with the goals, objectives, and policies of the Master Plan, including the future land use designation(s) for the site, unless the Planning Commission determines that conditions have changed significantly since the Plan was prepared or new information supports a change.
- c. Uses in a PUD District shall not be hazardous, detrimental or injurious to the environment or the public health, safety or general welfare by reason of traffic, noise, vibration, smoke, fumes, odors, dust, glare, light, drainage, pollution or other adverse impacts.
- d. A residential area as designated on the approved PUD Concept Plan may contain one (1) or more types of dwelling units, provided that such combination of dwelling unit types and location and arrangement of the residential development will not interfere with orderly and reasonable planning, development, and use of an area.
- e. The Planning Commission may require that a variety of housing types be provided as part of a residential PUD project.
- f. Home occupations shall be permitted in single-family dwellings in a PUD District.
- g. To support the inclusion of a specified use in a PUD project, the applicant may be required to provide documentation, such as a professional market study, that a demand exists for the proposed use within the market area.

PART TWELVE – Amendments to Section 5.5 (Wireless Communication Facilities)

Section 5.5 (Wireless Communication Facilities) is hereby amended to clarify approval procedures by deleting errant references to Township Board approvals from subsections “B,” “C,” and “G.”

Section 5.5 Wireless Communications Facilities

B. Approval Procedures.

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

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

Steps Action

1. Applicant submits plan and \$1,000 fee.
2. Within 14 days Township administration determines if application is complete.
3. If application is incomplete, administration notifies applicant.
4. If application is complete, administration initiates SLU review by scheduling special use public hearing. Special use review must be complete (60) days after the application is considered complete.
- ~~5. Township Planner reviews plan, transmits letter to Planning Commission.~~
- ~~6. Planning Commission reviews plan, makes recommendation to Township Board.~~
- ~~7. Township Board approves or denies application.~~

3. Standard C. Standard C wireless communication equipment proposals require special use approval. Accordingly, such proposals are subject to the procedures outlined for Standard B, except that in Step 4 the special use review must be complete not more than ninety (90) days after the application is considered complete.

C. Requirements.

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

G. Summary of Review Requirements.

The following chart summarizes review requirements for wireless communications facilities:

Type of Wireless Communications Facility	Required Review and Approval		
	Township Board Planning Commission	Zoning Administrator	Exempt
ANTENNAE & ANTENNA STRUCTURES			
Installation of any amateur radio transmission or reception antenna or antenna structure, short wave facility, contractor’s business antenna structure, television reception	Exceeding 130.0 feet in height	•	

Type of Wireless Communications Facility		Required Review and Approval		
		Township Board Planning Commission	Zoning Administrator	Exempt
antenna, wireless Internet antenna, citizen's band base station antenna or similar antennae or antenna structure:	Up to 130.0 feet in height		•	
SATELLITE DISH ANTENNAE				
Installation of a satellite dish antenna with a diameter of:	1.5 meters or larger		•	
	Less than 1.5 meters			•
OTHER ANTENNAE MOUNTED ON A STRUCTURE				
Antenna(e) installation on an existing principal building or accessory structure that also includes use of an outside ground equipment enclosure area.		•		
Antenna(e) installation on an existing principal building or accessory structure where all accessory equipment is installed within the building or structure		•		
OTHER WIRELESS COMMUNICATION FACILITIES				
Construction of a new wireless communication facility not otherwise addressed in this table.		•		
Alteration or enlargement of an existing tower that would conform to maximum height requirements:	With an increase in the overall tower height by more than 20 feet or 10% of its original height, whichever is greater. Also see Sections 5.5(A) and (B)	•		
	Without increasing the overall tower height by more than 20 feet or 10% of its original height, whichever is greater		•	
Construction or expansion of equipment building(s) within an approved ground equipment enclosure			•	
Expansion of a previously approved ground equipment enclosure to a total area greater than 2,500 square feet. Also see Sections 5.5 (A) and (B)		•		
Collocation of new antennae on an existing tower that would conform to maximum height requirements:	With an increase in the overall tower height by more than 20 feet or 10% of its original height, whichever is greater. Also see Sections 5.5 (A) and (B)	•		
	Without increasing the overall tower height by more than 20 feet or 10% of its original height, whichever is greater		•	
Expansion of a previously approved ground equipment enclosure area to a total area less than or equal to 2,500 square feet			•	
Installation of new ground equipment within an approved ground equipment building or enclosure			•	
OTHER PROJECTS EXEMPT FROM TOWNSHIP REVIEW				
Installation of municipal and other facilities subject to federal or state preemption of local authority				•
Repair, service or maintenance of an existing wireless communications facility, provided that all work conforms to approved plans and applicable codes				•

PART THIRTEEN – Amendments to Section 6.13 (Group Day Care Home....)

Section 6.13 (Group Day Care Home....) is hereby amended to amend the section title to delete the reference to the number of children served consistent with recent changes in state law:

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

PART FOURTEEN – Amendments to Section 6.14 (Day Care, Family Home....)

Section 6.14 (Day Care, Family Home....) is hereby amended to amend the section title to delete the reference to the number of children served consistent with recent changes in state law:

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

PART FIFTEEN – Amendments to Section 6.28 (Extraction Operations)

Section 6.28 (Extraction Operations) is hereby deleted and replaced in its entirety to amend the Section as follows:

Section 6.28 Extraction Operations

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

PART SIXTEEN – Amendments to Section 6.35 (Biofuel Production Facility)

Section 6.35 (Biofuel Production Facility) is hereby amended to delete the errant references to the Township Board from subsection “E.6.” as follows:

Section 6.35 Biofuel Production Facility

- E. **Special Use Application Requirements.** An application for special use approval for a biofuel production facility shall include all of the following:
 - 6. Information Requested by the Planning Commission ~~or Township Board~~. Any additional information requested by the Planning Commission ~~or Township Board~~ that is necessary to make a determination on the special use application.

PART SEVENTEEN – Amendments to Section 6.38 (Self-Storage Buildings)

Section 6.38 (Self-Storage Buildings) is hereby amended to add new subsections “E.” entitled “Additional Standards for the Business Districts” and “F.” entitled “Additional Standards for the Industrial Districts” to establish additional requirements for new self-storage buildings designed to preserve the character, purpose, and function of these districts.

Section 6.38 Self-Storage Buildings

- E. **Additional Standards for the Business Districts.** In the B-4 and B-5 zoning districts, self-storage buildings shall be accessory to Principal Permitted Use(s) as allowed in the zoning district and located to the rear of the lot or otherwise arranged in a manner clearly secondary to the Principal Permitted Use(s).
- F. **Additional Standards for the Industrial Districts.** Self-storage buildings shall only be allowed in the I-1 and I-2 zoning districts where they are either accessory to Principal

Permitted Use(s) as allowed in the zoning district and located to the rear of the lot or otherwise arranged in a manner clearly secondary to the Principal Permitted Use(s), or shall be limited to lots that the Planning Commission has determined to be unsuitable by size, location or configuration for development of Principal Permitted Use(s) as allowed in the zoning district.

PART EIGHTEEN – Amendments to Section 6.39 (Solar Energy Systems)

Section 6.39 (Solar Energy Systems) is hereby amended to correct a typographical error in subsection “G.6.d.” as follows:

Section 6.39 Solar Energy Systems

G. Primary Use Solar Energy Facilities.

6. Decommissioning Plan.

d. Surety:

- i. The owner(s) and/or operator of the SEFs shall post a surety in a form acceptable to the Township, such as security bond, irrevocable letter of credit, escrow, or other form deemed acceptable by the Township equal to one-hundred fifty (150) percent of the total estimated decommissioning and reclamation costs, prior to issuance of a building permit. The cost of decommissioning shall be reviewed between the operator and the Township ~~Board~~ Planner every five (5) years to ensure adequate funds are allocated for decommissioning; the surety shall be appropriately adjusted to reflect the current decommissioning estimate.

PART NINETEEN – Add a New Section 6.42 (Qualified Residential Treatment Programs)

Section 6 (Standards Applicable to Specific Uses) is hereby amended to add a new Section 6.42 entitled “Qualified Residential Treatment Programs” as follows:

Section 6.42 Qualified Residential Treatment Programs

Consistent with Section 206(1)(c) of the Michigan Zoning Enabling Act, A qualified residential treatment program that provides services for 10 or fewer individuals is a residential use of property for the purposes of zoning, to which all of the following apply:

1. The program has a trauma-informed treatment model, evidenced by the inclusion of trauma awareness, knowledge, and skills into the program’s culture, practices, and policies.
2. The program has registered or licensed nursing and other licensed clinical staff on-site or available 24 hours a day, seven days a week, who provide care in the scope of their practice as provided in Part 170 (Medicine), Part 172 (Nursing), Part 181 (Counseling), Part 182

(Psychology), Part 182A (Applied Behavior Analysis), and Part 185 (Social Work) of the Public Health Code.

3. The program integrates families into treatment, including maintaining sibling connections.
4. The program provides aftercare services for at least six months post discharge.
5. The program is accredited by an independent not-for-profit organization as described in 42 USC 672(k)(4)(G).
6. The program does not include a detention facility, forestry camp, training school, or other facility operated primarily for detaining minor children who are determined to be delinquent.

PART TWENTY – Add a New Section 6.43 (Bakeries)

Section 6 (Standards Applicable to Specific Uses) is hereby amended to add a new Section 6.43 entitled “Bakeries” as follows:

Section 6.43 Bakeries and Printing, Copying, and Bookbinding Operations

Bakeries and Printing, Copying, and Bookbinding Operations shall be subject to the following standards by zoning district:

1. In the I-1 and I-2 zoning districts, the principal use of the premises shall be for the preparation and manufacturing of products to be distributed and sold at off-site locations. Any area(s) for sales of products prepared on the premises shall be limited to no more than twenty percent (20%) of the usable floor area occupied by the principal use.
2. In the B-4, B-5, and B-7 zoning districts, the principal use of the premises shall be the preparation and on-site sales of products. Distribution of products to off-site locations shall be permitted as an accessory use, provided that such activities remain incidental and subordinate to the principal use of the premises.

PART TWENTY-ONE – Amendments to Section 6.56 (Accessory Apartment)

Section 6.56 (Accessory Apartment) is hereby deleted and replaced in its entirety with a new Section 6.56 entitled “Accessory Dwelling” to revise the title and change the references in the text to match defined terms, to revise the maximum floor area limitation, and to add a reference to the Township’s Housing Licensing Ordinance, as follows:

Section 6.56 Accessory ~~Apartment~~ Dwelling

An accessory ~~apartments~~ dwelling shall comply with the following regulations:

- ~~1. Accessory Apartment Defined. An accessory apartment is a dwelling unit that is accessory to and contained within a principal single family dwelling, and which is occupied by either persons related to the occupant of the principal residence by blood, marriage, or legal adoption; domestic servants; or gratuitous guests. An accessory apartment typically has its own kitchen, bath, living area, sleeping area, and usually a separate entrance.~~

1. **Residence an Incidental Use.** The accessory ~~apartment~~ dwelling shall be clearly incidental to the principal ~~residence~~ single-family dwelling on the site. Accordingly, the following conditions shall be met:
 - a. An accessory ~~apartments~~ dwelling shall be established in and attached to an owner-occupied ~~homes~~ single-family dwelling only by means of a fully enclosed, insulated and heated space.
 - b. Only one (1) such accessory ~~residence~~ dwelling shall be permitted on each parcel.
 - c. The ~~total~~ gross floor area of the accessory ~~apartment~~ dwelling shall not exceed ~~eight hundred (800)~~ square feet or fifty percent (50%) of the principal single-family dwelling's gross floor area, whichever is less.
2. **Setbacks and Placement on the Parcel.** Accessory ~~residences~~ dwellings shall comply with all setback requirements for the zoning district in which they are located.
3. **Compatibility with Surrounding Land Use.** The design of the accessory ~~residence~~ dwelling shall not detract from the single-family character and appearance of the principal ~~residence~~ dwelling on the lot, or the surrounding neighborhood. The accessory ~~residence~~ dwelling shall not have a front entrance visible from the front yard, other than the entrance that serves the principal ~~residence~~ dwelling on the lot. When viewed from the outside, it shall appear that only one (1) household occupies the site.
4. **Parking and Access.** In addition to the minimum required parking for the principal dwelling ~~residence~~, one (1) additional required parking space shall be provided for the accessory dwelling ~~residence~~.
5. **Termination.** An accessory ~~apartment~~ dwelling that is no longer needed for the purposes outlined herein shall be incorporated into and become a part of the principal single-family ~~home~~ dwelling to which it is attached.
6. **Rental Certification.** The accessory dwelling shall be subject to the applicable requirements of the Township's Housing Licensing Ordinance.

PART TWENTY-TWO – Amendments to Section 7.14 (Trash Removal and Collection)

Subsection “C” (Screening) of Section 7.14 (Trash Removal and Collection) is hereby amended to clarify that durable and opaque non-wood fence materials can be used for trash enclosure screening (subject to Planning Commission approval).

Section 7.14 Trash Removal and Collection

C. Screening.

Dumpsters shall be screened from view from adjoining property and public streets and thoroughfares. Dumpsters shall be screened on three sides with a permanent building, decorative masonry wall, or solid, durable, and opaque ~~wood~~ fencing, not less than six (6) feet in height or at least one foot above the height of the enclosed dumpster, whichever is taller. Durable, lockable and visually opaque gates of equivalent height shall be provided on the fourth side of the enclosure.

PART TWENTY-THREE – Amendments to Section 9.2 (Schedule of Required Parking)

Subsection “F.” (Schedule of Off-Street Parking by Use) of Section 9.2 (Schedule of Required Parking) is hereby amended to revise the parking standard for self-storage buildings, as follows:

Section 9.2 (Schedule of Required Parking)

F. Schedule of Required Parking by Use

Land Use	Minimum Required Off-Street Parking Standard
Other Uses	
Self-storage Facilities-Buildings (Mini-Warehouse, Mini-Storage)	0.1 spaces per storage unit, plus R required parking for any office or other uses <u>accessory to the facility</u> .

PART TWENTY-FOUR – Amendments to Section 12.2 (General Requirements)

Section 12.2 (General Requirements) is hereby amended to delete and replace the text of subsection “J.” as follows:

Section 12.2 General Requirements

- J. **Nonconforming Single-Family Uses.** ~~Notwithstanding the limitations outlined in Section 12, any structure used for single family residential purposes and maintained as a nonconforming use may be enlarged or replaced with a similar structure of a larger size, so long as the enlargement or replacement does not create new nonconformities or increase the extent of existing nonconformities with respect to such matters as setback and parking requirements~~ See Section 12.6 (Nonconforming Single-Family Dwellings).

PART TWENTY-FIVE – Amendments to Section 12.4 (Modifications to Nonconforming Uses or Structures)

Subsection “A.” (Applicability) of Section 12.4 (Modifications to Nonconforming Uses or Structures) is hereby amended to revise subsection “A.5.” for clarity, and to add new subsections “A.6.” to reference the new Section 12.6 and “A.7.” to reference the existing Section 11.14.

Section 12.4 Modifications to Nonconforming Uses or Structures

- A. **Applicability.** The following regulations shall apply to any nonconforming use or structure, including:
 1. Nonconforming uses of open land.
 2. Nonconforming use of buildings designed for a conforming use.
 3. Nonconforming use of buildings specifically designed for the type of use which occupies them but not suitable for a conforming use.
 4. Buildings designed and used for a conforming use but not in conformance with area and bulk, parking, loading, or landscaping requirements.
 5. Nonconforming buildings and structures, including accessory structures ~~such as fences and signs.~~
 6. Nonconforming single-family dwellings shall not be subject to regulation under this Section, but rather shall be subject to the requirements of Section 12.6.

7. Nonconforming signs shall not be subject to regulation under this Section, but rather shall be subject to the requirements of Section 11.14.

PART TWENTY-SIX – Add a New Section 12.6 (Nonconforming Single-Family Dwellings)

Section 12 (Nonconformities) is hereby amended to add a new Section 12.6 entitled “Nonconforming Single-Family Dwellings” to eliminate regulatory conflicts in the existing regulations and to expand protections for nonconforming single-family dwellings, as follows:

Section 12.6 Nonconforming Single-Family Dwellings.

It is the intent of this Section to regulate the alteration and reconstruction of nonconforming single-family dwellings consistent with the intent and purposes of Section 12 and this Ordinance, and in a manner that avoids unnecessary hardship for homeowners seeking mortgage financing or homeowner’s insurance coverage for a nonconforming dwelling. Accordingly, the provisions of Section 12.4 (Modifications to Nonconforming Uses or Structures) shall not apply to nonconforming dwellings as regulated under this Section. Nonconforming single-family dwellings may be used, repaired, expanded, altered, or replaced if destroyed, subject to the following:

- A. **Dwelling as a Nonconforming Use.** A nonconforming single-family dwelling and nonconforming customary accessory structures located in a zoning district in which single-family dwellings are not an allowable use may be repaired, altered, or replaced if destroyed, provided that:
 - 1. Such work shall conform to all applicable standards of this Ordinance as if the property and use were located in the residential zoning district for which the lot area and lot width dimensional standards most closely align with that of the subject lot. Accessory structures shall conform to the requirements of Section 7.5 for the applicable residential zoning district.
 - 2. The use, dwelling, and accessory structures shall be maintained in conformance with all other applicable federal, state, and local laws, ordinances, regulations and rules.
- B. **Dwelling as a Nonconforming Structure.** Where a single-family dwelling is an allowable use in the zoning district but is nonconforming with respect to the zoning district’s dimensional standards or Section 6.16 (Residential Design Requirements) the following standards shall apply:
 - 1. Structural alterations to a nonconforming single-family dwelling that decrease or do not affect the degree of nonconformity shall be permitted. The dwelling may be expanded, provided that:
 - a. The addition shall conform to the dimensional standards and other requirements of the zoning district in which it is located.
 - b. The expanded dwelling shall not exceed the ground floor coverage and floor area ratio limits of the district in which it is located.

2. A nonconforming single-family dwelling may be repaired, reconstructed or replaced if damaged or destroyed, provided that:
 - a. All repairs and maintenance shall conform to the State Construction Code and all other applicable code requirements.
 - b. A damaged dwelling shall be adequately secured, and shall be protected against further damage from the elements.
 - c. Any replacement dwelling shall conform to the dimensional standards of the zoning district where it is located, except where, in the determination of the Zoning Administrator, existing site conditions would prevent reasonable conformance. In such cases, the dwelling may be reconstructed on the existing location.
 - d. Application for a building permit shall be made within 365 calendar days of the date of such damage, and all work shall be completed within the building permit approval period. Where pending insurance claims require an extension of time, the Zoning Administrator may grant one (1) extension of up to 365 calendar days, provided that the property owner submits a certification from the insurance company attesting to the delay.
3. A nonconforming dwelling moved within a lot or to another lot shall thereafter conform to the regulations of the district in which it is located.
4. If the dwelling became physically unsafe or unlawful due to a lack of repairs or unsecured exposure to the elements, or is declared to be unsafe or unlawful by reason of physical condition under the State Construction Code or applicable fire or property maintenance codes, it shall not thereafter be restored, repaired or rebuilt except in conformity with all Ordinance requirements.

PART TWENTY-SEVEN – Amendments to Section 13.2 (Township Board of Trustees)

Section 13.2 (Township Board of Trustees) is hereby amended to correct the references to required Township Board approvals, as follows:

Section 13.2 Township Board of Trustees

B. Review and Approval of Plans.

1. Township Board review and approval shall be required for all ~~Special Uses rezoning applications~~, in accordance with Section ~~14.5 (Amendments)~~-14-3.
2. Township Board review and approval shall be required for all Planned Unit Development ~~(PUD) applications~~, in accordance with Section ~~3.19 (PUD, Planned Unit Development District)~~-3-18.

PART TWENTY-EIGHT – Amendments to Section 13.4 (Zoning Board of Appeals)

Section 13.4 (Zoning Board of Appeals) is hereby amended to delete and consolidate all provisions for establishment, authority, and general rules in an updated Section 14.4.

Section 13.4 Zoning Board of Appeals

The Township Zoning Board of Appeals (hereinafter referred to as "ZBA") is created pursuant to Michigan Public Act 110 of 2006, as amended.

~~A. **Membership and Operation.** The ZBA shall consist of five (5) members who shall be appointed in accordance with Section 601(3) of Michigan Public Act 110 of 2006, as amended, as follows:~~

- ~~1. The first member shall be a member of the Planning Commission.~~
- ~~2. The remaining members (including any alternate members) shall be electors of the Township residing outside of incorporated cities and villages and shall be representative of the population distribution and of the various interests present in the Township.~~
- ~~3. No employee or contractor of the Township may be a member or employee of the Board of Appeals. No elected officer of the Township may serve as chairperson of the Board of Appeals.~~
- ~~4. The qualifications of members, the term of each member, filling of vacancies, compensation of members, and operation of the ZBA shall be in accordance with Act 110. The ZBA shall not conduct business unless a majority of the members of the Board are present.~~
- ~~5. The Township Board may appoint up to 2 alternate members for the same term as regular members to the ZBA. An alternate member may be called to serve as a member of the ZBA in the absence of a regular member if the regular member will be unable to attend one (1) or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the ZBA.~~

~~B. **Meetings.** Meetings of the ZBA shall be held in accordance with an adopted schedule, or at the call of the Chairperson, or at such other times as the ZBA may specify in its rules and procedures. The ZBA shall state the grounds of each determination, and shall maintain a record of its proceedings, which shall be filed in the office of the Township Clerk.~~

~~C. **Removal of Members.** A member of the ZBA may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.~~

~~D. Jurisdiction.~~ The ZBA shall have the authority outlined in Section 14.4 ([Zoning Board of Appeals](#))

PART TWENTY-NINE – Amendments to Section 13.5 (Enforcement Officials)

Subsection “B.” (Responsibilities of the Zoning Administrator) of Section 13.5 (**Enforcement Officials**) is hereby amended to remove inconsistencies between the provisions of this subsection and the established job description for this position, as follows:

Section 13.5 Enforcement Officials

- A. **Overview.** As specified throughout this Ordinance, certain actions necessary for the implementation of this Ordinance shall be administered by the Zoning Administrator, the Township Planner, and other Township administrative officials, or their duly authorized assistants or representatives. In carrying out their designated duties, all such enforcement officers shall administer the Ordinance precisely as it is written and shall not make changes or vary the terms of the Ordinance. The positions of Zoning Administrator and Township Planner may be filled by one person.
- B. **Responsibilities of the Zoning Administrator.** [The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator, under the direction of the Township Planner.](#) In addition to specific responsibilities outlined elsewhere in this Ordinance, the Zoning Administrator ~~or his/her duly authorized assistants~~ shall have the following responsibilities:
- [1. The Zoning Administrator shall administer and enforce this Ordinance precisely as written, and shall not modify, vary or ignore the terms of this Ordinance nor grant exceptions to the actual meaning of any clause, order or regulation.](#)
 - [2. The Zoning Administrator shall have the authority to interpret this Ordinance in such a way as to preserve and promote the character of the zoning district in question, and carry out the intent and purposes of this Ordinance and Township Master Plan. Such interpretations shall be subject to appeal to the Zoning Board of Appeals in accordance with Section 14.4 \(Zoning Board of Appeals\).](#)
 - ~~1.3.~~ [The Zoning Administrator shall provide](#) citizens and public officials with information relative to this Ordinance and related matters.
 - ~~2.4.~~ [The Zoning Administrator shall assist](#) applicants in determining and completing appropriate forms and procedures related to site plan review, special use, rezoning, and other zoning matters.
 - ~~3.5.~~ [The Zoning Administrator shall review](#) and investigate permit applications to determine compliance with the provisions of the Zoning Ordinance.
 - ~~4.6.~~ [The Zoning Administrator shall issue](#) zoning permits upon compliance with provisions of this Ordinance and other applicable ordinances.

- ~~5-7.~~ The Zoning Administrator shall perform inspections of buildings, structures, and premises to ensure proposed land use changes or improvements are and will remain in compliance with this Ordinance.
- ~~6-8.~~ The Zoning Administrator shall investigate alleged violations of this Ordinance and enforce appropriate corrective measures when required, including issuance of violation notices, issuance of orders to stop work, and revoking of permits.
9. The Zoning Administrator shall order the discontinuance of unlawful uses of land or structures, removal of unlawful structures or alterations, discontinuance of work performed in violation of this Ordinance, and shall take such action(s) authorized by this Ordinance to ensure compliance with this Ordinance.
- ~~7-10.~~ The Zoning Administrator shall perform other related duties required to administer this Ordinance.

PART THIRTY – Amendments to Section 14.3 (Special Use Permits)

Section 14.3 (Special Use Permits) is hereby amended to correct a typographical error by removing “or Township Board” from subsection “J.3.” as follows:

Section 14.3 Special Use Permits

J. Standards for Special Use Approval.

1. The special use will be designed, constructed, operated, and maintained in a manner compatible with adjacent uses, the surrounding area, and the intent of the zoning district. Where determined necessary by the Planning Commission ~~or Township Board~~, the applicant has provided adequately for any restrictions on hours or days of operation, minimization of noise, and screening improvements or other land use buffers to ensure land use compatibility and minimize adverse impacts.

PART THIRTY-ONE – Amendments to Section 14.4 (Variances and Appeals)

Section 14.4 (Variances and Appeals) is hereby deleted and replaced in its entirety with a new Section 14.4 entitled “Zoning Board of Appeals” to correct inconsistencies with sections 601, 603, and 604 of the Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended), to correct discrepancies in the application requirements, and to clarify and expand upon the variance criteria related to substantial justice, as follows:

Section 14.4 Zoning Board of Appeals

There is hereby established a Zoning Board of Appeals (ZBA), which shall perform its duties and exercise its powers as provided for in the Michigan Zoning Enabling Act and this Ordinance, in such a way that the objectives of this Ordinance are observed, public health and safety secured, and substantial justice done.

A. Membership.

The Zoning Board of Appeals shall consist of five (5) regular members, appointed by the Township Board. One (1) member of the ZBA shall also be a member of the Planning Commission. The remaining two (2) members shall be selected from the electors of the Township. One (1) member may also be a member of the Township Board. In the event a member is elected to the Township Board and such election increases the number of Township Board members serving on the ZBA to more than one (1), then such member's seat on the ZBA shall be deemed vacant.

The members selected shall be representative of the population distribution, and of the various interests present in the Township. Employees and contractors of the Township shall be prohibited from serving as ZBA members.

B. Alternates.

The Township Board may appoint not more than two (2) alternate ZBA members for the same term as regular members. An alternate may be called to serve as a regular member for the ZBA in the absence of a regular member if the regular member is absent from or will be unable to attend one (1) or more ZBA meetings. An alternate may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons described in subsection 14.4.D. (Abstaining). The alternate member appointed shall serve in the case until a final decision is made, and shall have the same voting rights as a regular ZBA member.

C. Terms and Vacancies.

The term of each member shall be for three (3) years, except for members serving because of their membership on the Planning Commission or Township Board where terms shall be limited to the time they are members of those bodies. If multiple members are appointed at the same time, the appointments may be for less than three (3) years to provide for staggered terms. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term.

D. Abstaining.

A member shall abstain from participating in a public hearing or voting on any question in which he or she has a conflict of interest, subject to the following:

1. Before casting a vote on a matter on which a member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the remaining members of the ZBA.
2. The member is disqualified from voting on the matter if:
 - a. A majority vote of the remaining members of the ZBA agree that a conflict exists; or if
 - b. A ZBA member who is also a member of the Township Board or Planning Commission previously voted on the same matter as a member of the Board or Commission. The member may consider and vote on other unrelated matters involving the same property.

3. The ZBA may define "conflict of interest" in its bylaws, or the Township Board may adopt a conflict of interest policy for the Township by resolution.
4. Failure of a member to disclose a potential conflict of interest or to abstain as required by this subsection shall constitute malfeasance in office.

E. Removal From Office.

The Township Board may remove a member from office for misfeasance, malfeasance or nonfeasance in office, upon written charges and following a public hearing held in accordance with Section 14.6 (Public Hearing Notice). Minutes of the meeting at which the hearing is held shall record the reasons for the hearing, any motions or resolutions, and the roll call vote of the Township Board.

F. General Rules.

The following general rules shall apply to the Zoning Board of Appeals:

1. **Officers.** The ZBA shall annually elect a Chair, Vice-Chair, Secretary, and Vice-Secretary from its membership. The Township Board Representative shall not serve as ZBA Chair. Such election shall be held at the first regular ZBA meeting of each calendar year, or at the first regular meeting of the ZBA following departure of an existing officer from the ZBA.
 - a. The Chair shall preside at and conduct ZBA meetings; and shall have the power to subpoena and require attendance of witnesses, administer oaths, compel testimony and production of books, papers, files, and other evidence pertinent to matters before the ZBA. The Chair shall also decide all points of order or procedure. In the absence of the Chair, the Vice-Chair shall exercise all powers and authority of the Chair.
 - b. The Secretary shall be responsible for ensuring that complete and accurate written records are kept of all ZBA proceedings.
2. **Meetings.** Meetings of the ZBA shall be held at the call of the Chair and at such other times as any ZBA bylaws may specify. All ZBA meetings shall be open to the public. Three (3) ZBA members shall constitute a quorum, without which the ZBA shall not conduct business other than to open and close the meeting. The concurring vote of a minimum of three (3) ZBA members shall be necessary for any decision.
3. **Timing of application or appeal.** For any land use, structure or other project that is subject by a provision of this Ordinance to review and action or interpretation by the Planning Commission or Zoning Administrator, an application to the Zoning Board of Appeals shall only be accepted for review and a public hearing subsequent to the conclusion of that administrative process.
4. **Stay of action.** An application or appeal stays all proceedings in the furtherance of the action subject to the application or appeal, unless the Zoning Administrator, Township Planner, Township Engineer, or Building Official certifies to the Zoning Board of Appeals that, in their opinion and by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings shall

not be stayed other than by a restraining order which may be granted by the Zoning Board of Appeals or by the Circuit Court upon due cause shown.

5. **Hearing.** After receipt of a complete and accurate application, a reasonable time and date for public hearing shall be established. Notice shall be given and the hearing shall be held per Section 14.6 (Public Hearing Notice). All hearings shall be open to the public.
6. **Representation.** An applicant may appear or be represented by an agent or attorney.
7. **Motions.** A motion for action on an application shall include specific findings of fact and conclusions made by the ZBA in the case. Approved motions, including findings of fact and conclusions, shall be incorporated into the written record for the case. A copy shall be provided to the applicant of the approved written record of the meeting, or a written decision signed by the Chair or acting Chair.
8. **Postponement and dismissal.** The ZBA may postpone consideration of an application until a later meeting upon request by the applicant, failure of the applicant to attend the meeting, or determination that the application is not sufficiently complete or accurate for action. Failure of the applicant to attend two (2) or more meetings where the application is on the agenda shall constitute grounds for dismissal of the application without further consideration.
9. **Record of Proceedings.** The Township administrative staff, under the supervision of the secretary of the ZBA, shall prepare and keep minutes of the ZBA proceedings, showing the findings, decisions, conditions, if any, and votes of each member in each case, including a member's absence or failure to vote. The minutes shall be within the ultimate authority, and shall be the responsibility, of the secretary of the ZBA, and shall be subject to approval of the ZBA.

To the extent that a written decision statement in a case is prepared and issued in accordance with Section 606(3)(a) of the Michigan Zoning Enabling Act, it shall include the date of the meeting when the decision was made, it shall include the full text of the adopted motion, the signature of the Chair or acting Chair, and the date the written decision statement was signed.

10. **Period of Validity.** A decision of the ZBA shall have immediate validity, subject to the provisions of subsection 14.4.M. (Appeals to Circuit Court).
 - a. Any decision of the ZBA favorable to the applicant shall remain valid only as long as the information and data relating to such decision are found to be correct, and the conditions upon which the decision was based are maintained.
 - b. Relief granted by the ZBA shall be valid for a period not longer than 365 calendar days, unless otherwise specified by the ZBA. Within such period of effectiveness any required permits must be secured and any actual on-site improvement of property in accordance with the approved plan and the relief granted must be commenced or the grant of relief shall be deemed void.
11. **Bylaws.** The ZBA may also adopt bylaws to govern its procedures.

G. Powers and Duties of the ZBA.

The Zoning Board of Appeals shall hear, decide, and rule on the following:

1. **Interpretations.** The ZBA shall hear and decide questions that arise in the administration of the zoning ordinance, including the interpretation of the text and the Official Zoning Map, subject to the provisions of subsection 14.4.I.
2. **Administrative appeals.** The ZBA shall hear and decide appeals from and review any administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcement of this Ordinance, subject to the provisions of subsection 14.4.J.
3. **Variances.** The ZBA shall hear and decide requests for variances for relief from the strict application of one (1) or more non-use provisions of this Ordinance, subject to the provisions of subsection 14.4.I.K.
4. **Other matters.** The ZBA shall have the authority to hear and decide on other matters referred to them upon which this Ordinance or Michigan Zoning Enabling Act specifically authorizes the ZBA to act.
5. **Prohibited actions.** The ZBA shall not alter or change the zoning district classification of any property, or make any change in the terms of this Ordinance, and shall not take any action that would result in making a legislative change. The ZBA shall not hear and shall have no authority regarding use variances or any issue involving a special use permit or planned unit development approval or denial.

H. Applications.

All applications to the ZBA shall be made by filing at least ten (10) paper copies and two (2) digital copies (in a format compatible with Township systems) of a complete and accurate application with the Zoning Administrator or designee, on forms provided by the Township, and shall be accompanied by the applicable fee and any required escrow deposit as established by Township Board resolution. In addition to the applicable fee and any required escrow deposit, a complete and accurate application shall at a minimum include the following:

1. Name, address, telephone and facsimile numbers, and other contact information for the applicant and owners of record, along with proof of ownership.
2. The applicant's interest in the property, and if the applicant is not the property owner of record, a signed authorization of the owner(s) for the application.
3. Address, location, legal description, and tax identification number of the parcel.
4. Zoning classification of the subject parcel(s) and all abutting parcels.
5. A letter from the applicant stating the reasons for the request, and addressing the applicable criteria specified in this Article for the type of request.
6. Copies of all plans, studies and other information and data to be relied upon by the applicant.

7. Any additional information required by this Article or deemed necessary by the ZBA to make a determination on the issue in question.
8. For variance requests, the following additional requirements shall apply:
 - a. The applicant shall submit a plot plan drawn to scale and including lot boundaries, easements, dimensions, setbacks, locations of septic systems and wells where applicable, significant natural features, and all existing and proposed structures and improvements.
 - b. The ZBA shall have the authority to require a certified survey prepared by a registered land surveyor when determined necessary to verify the accuracy of the plot plan.
 - c. For projects subject to site plan approval per Section 14.2, a complete site plan shall be provided.

I. Interpretations.

The ZBA shall have the power to hear and decide questions that arise in the interpretation of the text of the Zoning Ordinance in a manner consistent with the intents and purposes stated in the Ordinance, and in such a way as to preserve and promote the character of the zoning district in question. The ZBA shall also have the power to hear and decide questions that arise in the interpretation of the Official Zoning Map in such a way as to carry out the intents and purposes of this Ordinance and the Master Plan, subject to the standards of Section 10.105.E (Rules for Interpretation).

Applications for questions that arise from an interpretation of the text of the Zoning Ordinance or of the Official Zoning Map made by the Planning Commission, Zoning Administrator or other Township official shall be reviewed by the ZBA as an administrative appeal subject to subsection 14.4.J. (Administrative Appeals).

J. Administrative Appeals.

Consideration of administrative appeals shall be subject to the following:

1. **Standing to Appeal.** Appeals shall be taken to the ZBA through submittal of a complete and accurate application to the Township Clerk by a person, firm or corporation aggrieved by the order, requirement, decision or determination; or by an officer, department, board, commission or bureau of the Township, county, state, or federal governments. Such appeals shall be filed within 60 calendar days of the order, requirement, decision or determination in question.
 - a. The appellant shall submit a clear description of the order, requirement, decision, or determination from which the appeal is made and the grounds of the appeal. The appellant may be required by the ZBA to submit additional information to clarify the appeal.
 - b. The Township Clerk shall compile and transmit to the ZBA copies of all relevant papers constituting the record upon which the action appealed from was taken.

2. **Determinations.** The ZBA shall reverse an administrative decision only upon determining that the order, requirement, decision or determination:
 - a. Constituted an abuse of discretion;
 - b. Was arbitrary or capricious;
 - c. Was based upon an erroneous finding of a material fact; or
 - d. Was based upon an erroneous interpretation of the Zoning Ordinance.

After making such a determination, the ZBA may, reverse or affirm wholly or in part; modify the order, requirement, decision or determination; or make such order, requirement, decision, or determination as ought to be made, and may issue or direct the issuance of a permit. To that end, the ZBA shall have all of the powers of the official(s) from whom the appeal is taken.

K. Variances.

The ZBA shall have the authority to grant non-use variances where, owing to special conditions, strict enforcement of this Ordinance would result in unnecessary hardship or practical difficulty, subject to Michigan Zoning Enabling Act requirements and the following:

1. **Standards for Review.** A variance shall not be granted unless all of the following standards are met:
 - a. **Practical difficulties.** Strict compliance with the specified dimensional standard(s) will deprive the applicant of rights commonly enjoyed by other property owners in the same zoning district, create an unnecessary burden on the applicant, or unreasonably prevent the owner from using the property for a permitted purpose.
 - b. **Substantial justice.** The variance will give substantial relief and justice to the applicant, consistent with justice to other property owners in the same district.
 - c. **Unique circumstances.** The need for the variance is due to unique circumstances peculiar to the land or structures involved, that are not applicable to other land or structures in the same district.
 - d. **Preservation of property rights.** The variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property owners in the same zoning district.
 - e. **Public safety and welfare.** The requested variance can be granted in such fashion that the spirit of this Ordinance will be observed and public safety and welfare secured. In addition:
 - i. The granting of a variance will not increase the hazard of fire or otherwise endanger public safety.

- ii. The granting of a variance will not unreasonably diminish or impair the value of surrounding properties.
 - iii. The granting of a variance will not alter the essential character of the area or surrounding properties.
 - iv. The granting of a variance will not impair the adequate supply of light and air to any adjacent property.
 - f. **Not self-created.** The problem and resulting need for the variance has not been self-created by the applicant or the applicant’s predecessors.
 - g. **More than mere inconvenience.** The alleged hardship and practical difficulties that will result from a failure to grant the variance include substantially more than mere inconvenience or an inability to attain a higher financial return.
 - h. **Minimum necessary action.** The reasons set forth in the application justify the granting of the variance, and the variance is the minimum necessary relief to allow reasonable use of the land, building, or structure. The granting of a lesser variance will not give substantial relief and justice to the applicant, consistent with justice to other property owners in the same district.
2. **Use Variances Prohibited.** Under no circumstances shall the ZBA grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.
3. **Reapplication for Variance.** No application for a variance that has been denied wholly or in part by the ZBA shall be resubmitted for a period of 365 calendar days from the date of denial, except on grounds of new evidence of changed conditions found by the ZBA to be valid.

L. Conditions of Approval.

The ZBA may impose conditions or limitations upon any affirmative decision, as it may deem reasonable and necessary in accordance with the purposes of this Ordinance and the Michigan Zoning Enabling Act. Such conditions shall be consistent with procedures, requirements, standards, and policies of the Township, where applicable. Violation of any condition imposed shall be deemed a violation of this Ordinance.

M. Appeals to Circuit Court.

Any person aggrieved by a decision of the ZBA in a particular case shall have the right to appeal to the Circuit Court as permitted by Section 606 of the Michigan Zoning Enabling Act [MCL125.3606(1)]. The appeal shall be filed within 30 calendar days after the Zoning Board of Appeals issues its written decision signed by the Chair or acting Chair, or within 21 calendar days after the Zoning Board of Appeals approves the minutes of its decision, whichever comes first.

Draft Date: October 31, 2022

PART THIRTY-TWO – Repeal

All ordinances or parts of ordinances in conflict with the provisions of this amendatory ordinance, except as herein provided, are hereby repealed only to the extent necessary to give this amendatory ordinance full force and effect.

PART THIRTY-THREE – Severability

If any section, subsection, clause, phrase or portion of this amendatory ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

PART THIRTY-FOUR – Publication

The Clerk for the Charter Township of Union shall cause this amendatory ordinance to be published in the manner required by law.

ADDITIONAL PROPOSED ZONING ORDINANCE AMENDMENTS

PART TWO – Amendments to Section 2.2 (Definitions)

Section 2.2 (Definitions) is hereby amended to [also amend and clarify the defined term “religious institutions, as follows:”](#)

Section 2.2 Definitions

Religious Institution: ~~Any structure~~ [A type of building or site that has been consecrated, dedicated or otherwise set apart primarily and regularly used for religious assembly and/or activity for the regular assembly of persons for the conducting of services, ordinances, and activities within a particular system of faith and worship. If designed, constructed, operated, and maintained in a manner that is clearly incidental and subordinate to the principal use, the following are acknowledged as acceptable accessory uses and structures commonly associated with religious institutions include, but are not necessarily limited to: the hosting of weddings, baptisms, funerals, and other ceremonies, celebrations, and social or outreach events within a particular system of faith and worship; classrooms for religious education; church offices and meeting rooms; parsonages, convents, and similar living arrangements for ministry and other members of a religious order who carry out their duties primarily on the site; assembly halls; a kitchens, food pantryies, and or similar food preparation facilityies; a multi-purpose room or fellowship hall space classrooms; gyms; and a small playgrounds area.](#)

PART THREE – Amendments to Section 3.4 (Permitted Uses by District)

Section 3.4 (Permitted Uses by District) is hereby amended to [also add “Theaters, Assembly Halls, Concert Halls, and Similar Places of Assembly” as an allowable Principal Permitted Uses in the B-7 zoning district:](#)

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

Land Use	AG	R-1	R-2A	R-2B	R-3A	R-3B	R-4	B-4	B-5	B-7	I-1	I-2	OS	Use Standards
Public, Quasi-Public, and Recreational Uses														
Religious Institutions	S	S	P	P	P	P		P	P	P			P	Section 6.34
Theaters, Assembly Halls, Concert Halls, and Similar Places of Assembly								P	P	P				

PART EIGHT – Amendments to Section 3.13 (B-4, General Business District), Section 3.14 (B-5, Highway Business District, and Section 3.15 (B-7, Retail and Service Highway Business District)

The lists of Principal Permitted Uses and Special Uses in Section 3.13, Section 3.14, and Section 3.15 are hereby amended, as follows:

- D. [Add the following as allowable Principal Permitted Uses in the B-7 zoning district:](#)
 - [Theaters, Assembly Halls, Concert Halls, and Similar Places of Assembly](#)