

UNION TOWNSHIP
Grand Traverse County, Michigan

ZONING ORDINANCE
Of 1980

Adopted: June 10, 1980

Effective Date: June 10, 1980
(as Amended through December 13, 2004)

Prepared with the assistance of
GRAND TRAVERSE COUNTY PLANNING COMMISSION

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**CHRONOLOGY OF THE UNION TOWNSHIP ZONING ORDINANCE
With Amendments**

ORDINANCE	EFFECTIVE DATE	AFFECTED SECTIONS
Int. Ord. of 1970	November 18, 1970	
Perm. Ord. of 1970	October 24, 1973	
Amendment No. 1	October 3, 1974	3,14.6
Amendment No. 2	February 10, 1977	1, 2, 3, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19
Amendment No. 3	September 14, 1977	3, 14.5, 15, 16, & 17
Amendment No. 4	October 18, 1977	3, 18
Zone. Ord. of 1980	June 10, 1980	
Amendment No. 1	July 29, 1981	8.10 thru 8.13
Amendment No. 2	October 14, 1987	3.10, 7.10, Article IX, 9.13, 10.15
Amendment No. 3	October 13, 1993	8.14, 9.14, 10.07, 10.08, 10.09 and 10.11.1
Amendment No. 4	December 12, 2001	3.10, 8.11, 8.12,10.18
Amendment No. 5	December 13, 2004	
Amendment No. 6		

**UNION TOWNSHIP ZONING ORDINANCE
Of 1980**

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UNION TOWNSHIP ZONING ORDINANCE OF 1980

An ordinance to establish land use zoning districts and regulations in the Township of Union, County of Grand Traverse and State of Michigan, in accordance with the provisions of Act 184 of the Public Acts of 1943, as amended; to define certain terms used herein; to provide for regulations covering nonconforming uses and structures; to establish a board of appeals and define its duties and powers; to provide for the administration of this Ordinance; to provide for enforcement and to impose penalties for the violation of this Ordinance; further, to comply with the requirements of Act 231 of 1970 and the Management Plan adopted by the Natural Resources Commission of the State of Michigan on February 13, 1976.

THE TOWNSHIP OF UNION ORDAINS:

ARTICLE I SHORT TITLE

This Ordinance shall be known as the Union Township Zoning Ordinance, and will be referred to herein as "this Ordinance".

ARTICLE II INTERPRETATION

SECTION 2.10 - PURPOSES: In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements for the promotion of the public health, safety, and general welfare of all persons and property owners within the Township. Among other purposes, such provisions are intended to provide for adequate light, air and convenience of access, to secure safety from fire and other dangers and to avoid undue concentration of population by regulating minimum open spaces and by regulating and limiting types and locations of buildings, and regulating and restricting the location of trades, industries and buildings designed for specific uses.

SECTION 2.11 - SCOPE: It is not intended by this Ordinance to repeal, abrogate, annul or in any way impair or interfere with existing provisions of law or ordinance, except as hereinafter specifically repealed, or with any rules, regulations or permits previously adopted or issued, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises, or with any private restrictions placed upon property by covenant or deed; provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises 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.

ARTICLE III DEFINITIONS

SECTION 3.10 - DEFINITIONS: For the purpose of this Ordinance, certain terms are herein defined. When not inconsistent with the context, words appearing in the present tense shall include the future, words in the singular and plural shall include the plural and singular tenses respectively, and the word "shall" is mandatory and not directory.

ACCESSORY BUILDING: A supplemental building or structure on the same lot or part of the main building occupied by or devoted exclusively to an accessory use.

ACCESSORY USE: A use naturally and normally incidental to, subordinate to, and devoted exclusively to the main use of the land or building.

ALTERNATIVE TOWER STRUCTURE: Man-made trees, clock towers, bell steeples, light poles and other similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

ANTENNA: Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

BILLBOARDS: An outdoor sign advertising services or products, activities, persons or events which are not made, produced, assembled, stored, distributed, leased, sold, or conducted upon the premises upon which the billboard is located.

BUILDING: Any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, animals, chattel or property of any kind. This shall include tents, awnings, vehicles situated on private property and used for purposes of a building, whether or not mounted on wheels.

DESIGNATED NATURAL RIVER: A river or tributary designated as Country Scenic or Wild Scenic according to Act 231 of the Public Acts of 1970, the Natural Rivers Act. The Boardman River was designated as a Natural River on February 13, 1976. All portions of the Boardman River, the North Branch, the South Branch, the Twenty-two Creek, the Carpenter Creek and the Parker Creek to the east-west centerline of Section 31 in Union Township are considered Designated Natural Rivers.

DESIGNATED TRIBUTARIES: A tributary that fits in the Designated Natural River category and is so designated by the Natural Rivers Act 231 of the Public Acts of 1970. The North Branch, the South Branch, the Twenty-two Creek, the Carpenter Creek and the Parker Creek to the east-west centerline of Section 31 in Union Township are considered Designated Tributaries.

DESTRUCTION OF A NONCONFORMING BUILDINGS: A building is considered destroyed when it has been damaged over fifty percent (50%) of its replacement value.

DISTRICT: A section or sections of the Township of Union, designated by boundary lines, where zoning regulations are common to all land contained within.

DWELLING: A Building capable of being occupied, either permanently or transiently, by one family and so designed and arranged as to provide living, sleeping, cooking and sanitary accommodations.

DWELLING, ONE-FAMILY: A dwelling occupied by but one (1) family, and so designed and arranged as to provide living, cooking and kitchen accommodations for one (1) family only.

DWELLING, TWO-FAMILY: A dwelling occupied by but two (2) families and so designated and arranged as to provide independent living, cooking and kitchen accommodations for two (2) families only.

DWELLING, MULTIPLE: A building designed for or occupied as a residence for three (3) or more families living independently of each other and each having their own cooking facilities and sanitary accommodations.

EXISTING BUILDING: A building existing or for which the foundations are in place or upon which there has been substantial work done, prior to the effective date of this Ordinance, or any amendment thereto.

EXISTING USE: A use of premises or buildings or structures actually in operation, openly, visible and notoriously prior to the effective date of this Ordinance, or any amendment thereto.

FAMILY: 1. One or more individuals related by blood, marriage or adoption living together as a single non-profit housekeeping unit, wherein all members have free access to all parts of the dwelling, or

2. A collective number of individuals living together in one dwelling under one head, whose relationship is of a continuing non-transient domestic character and who are living and cooking together as a single non-profit housekeeping unit, wherein all members have free access to all parts of the

dwelling. This definition shall not include any society, club, fraternity, sorority, association, lodge, combine, federation, or group whose association is non-domestic, temporary and/or seasonal in nature.

FLOODPLAIN: That area of land including and adjacent to a river or other body of water where excess water flows when the capacity of the normal channel or basin is exceeded. The floodplain line is based on a one hundred (100) year flood.

HIGHWAY: Any public thoroughfare in Union Township, including federal and state roads and thoroughfares, whether of depressed surface or elevated construction.

HOME OCCUPATION: A gainful occupation conducted by members of the family residing in their dwelling only, within their place of residence; provided, that the space used is incidental to residential use and that no article is sold or offered for sale and no services performed, except such as produced or rendered in the premises and, provided, there is no external evidence of such occupation and which is in character and in keeping with the neighborhood, except as authorized by this Ordinance.

HOME OCCUPATION USING ACCESSORY BUILDINGS OR ADJACENT LAND: Same as Home Occupation above, except that services may be performed and products produced in accessory buildings or on adjacent lands.

LOT: The parcel of land on which one (1) principal building and its accessories are located or intended to be located, together with any open spaces required by this Ordinance.

LOTS OF RECORD: Those real estate parcels existing as legally separate pieces of property and which have been recorded in the Office of the Register of Deeds in Grand Traverse County prior to the time of the effective date of this Ordinance or any subsequent amendment thereto.

MANAGED VEGETATIVE STRIP: A natural vegetative area along both sides of a river or tributary containing trees, shrubs and natural materials. The purpose of this strip is to stabilize banks, prevent erosion, absorb nutrients in water runoff from adjacent lands, provide shading to maintain cool water temperatures and screen adjacent man-made structures.

MOBILE HOME: Any structure used for living, sleeping, business or storage purposes, having no foundations other than wheels, blocks, skids, jacks, horses, skirting, and which has been or reasonably may be equipped with wheels, dollies or other devices for transporting the structure from place to place by motive power or other means.

MOBILE HOME PARK: A parcel of land laid out to provide facilities for the location of three (3) or more mobile homes being used as dwelling places by the occupants thereof.

NONCONFORMING BUILDING: An existing building employed in a lawful use prior to the effective date of this Ordinance or any amendment thereto, which does not conform with the use requirements of the district in which it is located.

NONCONFORMING USE: An existing use of land or building which was lawful prior to the effective date of this Ordinance or any amendment thereto, and which does not conform with the use requirements of the district in which it is located.

SIGN: A structure or device designed or intended to convey information to the public in textural or pictorial form.

SPECIAL USES: Those uses of land which are not essentially incompatible with the permitted uses 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, facilities and adjacent uses of land.

STRUCTURE: Anything constructed or erected, the use of which requires more or less permanent location on the ground or attached to something having a permanent location on the ground, including but not limited to antennas, towers, billboards, pump or well enclosures, gate houses, gazebos, decks and patios.

TELECOMMUNICATION TOWERS AND FACILITIES OR TOWER: All structures and accessory facilities, including Alternative Tower Structures, relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals; including, but not limited to, radio towers, television towers, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment buildings, private and commercial mobile radio service facilities, personal communication services towers (PCS), and cellular telephone towers. Not included in this definition are: citizen band radio facilities; short wave receiving facilities; radio and television broadcast reception facilities; satellite dishes; federally licensed amateur (HAM) radio facilities; and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

TRAVEL TRAILER OR CAMPER: A mobile type vehicle, the purpose of which is to provide temporary housing for such purposes as camping and recreation and is, or may be, licensed by any State Department of Motor Vehicles.

WILD SCENIC: A portion of a Designated Natural River identified as primarily in a wild or primitive condition with very little or no evidence of man-made developments. All Designated Rivers and Tributaries in Union Township are in this category.

ARTICLE IV ADMINISTRATION AND ENFORCEMENT

SECTION 4.10 - ADMINISTRATION: It shall be the duty of the Zoning Administrator, who shall be appointed by and on such terms determined by the Township Board, to administer this Ordinance and to enforce the provisions contained herein. The Board of Zoning Appeals shall interpret this Ordinance, hear appeals from acts or interpretations of the Zoning Administrator, make decisions on matters coming within its jurisdiction and instruct the Zoning Administrator as to the steps necessary to enforce its decision.

SECTION 4.11 - LAND USE PERMITS: No person shall erect, place or move any building having more than one hundred (100) square feet of floor area, nor shall any person make an addition of more than one hundred (100) square feet of enclosed floor space to any existing building, or change or establish a new use for any land within any zoning district without first obtaining a land use permit therefore. Application shall be made to the Zoning Administrator for such permit, on forms to be supplied by the Administrator. The Zoning Administrator shall have the power to require proof of ability to comply with all of the requirements of this Ordinance pertaining to said use, and shall also require proof of ability to meet all public health standards and applicable state and county laws, regulations and ordinances.

Land Use Permits are valid for one (1) year and may be renewed for one (1) additional year; provided, application for renewal is made prior to the expiration of such permit and provided, further, health department conditions are complied with. A seasonal land use permit for tent, travel trailer or camper is valid for six (6) months and may be renewed.

SECTION 4.12 - LOTS OF RECORD: The Zoning Administrator may issue land use permits to lots of record where healthful, safe and sanitary water source and waste disposal systems are available. The setback requirements shall conform to those provided in this Ordinance. However, in the case of previously platted lots, where setback requirements cannot be met, the most suitable building site shall be chosen so as not to endanger the aesthetic character of the surrounding area.

ARTICLE V VIOLATIONS

SECTION 5.10 - NUISANCE PER SE: Uses of land, dwellings, buildings or structures, including tents and trailers used, erected, altered, razed or converted in violation of any provisions of this Ordinance, or the regulatory measures or conditions of the Board of Appeals adopted pursuant hereto, are hereby declared to be nuisances per se, and the Township Attorney shall carry out the legal steps to secure the enforcement of this Ordinance.

SECTION 5.11 - PENALTIES: Any person who shall violate any provision of this Ordinance in any particular, or who fails to comply with any of the regulatory measures or conditions of the Board of Zoning Appeals adopted pursuant hereto, shall, upon conviction thereof, be fined not more than one hundred (\$100.00) dollars or be imprisoned in the county jail not more than ninety (90) days, or may be both fined and imprisoned at the discretion of the Court, and each day such violation continues shall be deemed a separate offense.

ARTICLE VI GENERAL PROVISIONS

SECTION 6.10 - PROHIBITIONS: Except as otherwise provided in this Ordinance, no lot or parcel of land, no existing building, structure or part thereof and no new building, structure or part thereof shall hereafter be located, erected, constructed, reconstructed, altered or used for purposes other than in conformity with the provisions of this Ordinance.

SECTION 6.11 - ACCESSORY BUILDINGS AND USES: Nothing contained herein shall be deemed to prevent the erection or maintenance of accessory buildings and uses, which are not at variance with the requirements of the particular zoning district.

SECTION 6.12 - NONCONFORMING USES: At the discretion of the owner, the lawful use of any building, structure, land or premises existing prior to the effective date of this Ordinance, may be continued, but no such building or structure or land use shall be enlarged or extended, except as provided herein.

SECTION 6.13 - APPLICATION FOR EXTENSION OF NONCONFORMING USE: The extension of any nonconforming use in any existing building or structure or any addition to or alteration of any existing building or structure for the purpose of extending such nonconforming use and the extension of a nonconforming use throughout a given lot or parcel of land, provided such lot or parcel of land was in common ownership and of public record as of the effective date of this Ordinance, may be granted by the Township Board of Zoning Appeals, following application for hearing therefore by the owner. No hearing shall be held by the Board of Zoning Appeals until after notice of the time and place of such hearing and the purpose thereof has been published in a newspaper of general circulation in the Township at least eight (8) days prior to said hearing date. In its discretion, the Board may also require that notice thereof be given by certified mail to the owners of adjacent property. The cost of giving notice shall be paid by the applicant. If, on such hearing, it shall appear that the proposed addition, alteration, or extension of such nonconforming use is contrary to the purpose of this Ordinance or injurious to the neighborhood where situated, the Board shall deny the application.

SECTION 6.14 - CHANGES IN NONCONFORMING USES: No nonconforming use shall be changed to any other nonconforming use, and any nonconforming use changed to a conforming use shall not thereafter revert to any nonconforming use.

SECTION 6.15 - DISCONTINUATION OF NONCONFORMING USES: If the nonconforming use is discontinued through vacancy or lack of operation or any other means for a continuous period of one (1) year, the right to resume such use shall terminate and no use shall be made of such building or land, except in conformity with this Ordinance; provided, however, that the Township Board of Zoning Appeals may hear an application for resumption of such former use if filed by the owner within six (6) months of the termination. Such application shall be processed in the same manner as provided in Section 6.13 above.

SECTION 6.16 - REPAIR OF NONCONFORMING BUILDINGS: Nothing contained in this Ordinance shall bar or prevent the owner from making such repairs and reinforcements in any nonconforming use as may be necessary in the interest of public safety or to secure the continued advantageous use of such building, but the right to make repairs shall not constitute a right to alter, enlarge or extend the said use. However, a nonconforming building in a conforming use may be repaired, altered or enlarged, provided, such changes do not further the manner in which it fails to conform.

SECTION 6.17 - DESTRUCTION OF NONCONFORMING BUILDINGS: If a nonconforming building, in either a nonconforming or conforming use is damaged by fire, collapse, explosion, acts of God, or acts of the public enemy occurring after the effective date of this Ordinance, the owner shall make an application to the Board of Zoning Appeals for such restoration as is necessary, and any restoration must be completed within one (1) year (three hundred and sixty-five (365) days) following the granting of the appeal, unless otherwise authorized by the Board of Zoning Appeals.

ARTICLE VII ZONING DISTRICTS AND ZONING MAP

SECTION 7.10 - DISTRICTS: For the purpose of this Ordinance, the Township of Union is hereby divided into the following two zoning districts:

1. Forest Residential District - the entire Township with the exception of those existing lots in Section 6 of Union Township described as Lakeside Residential below.
2. Lakeside Residential District - in Section 6 of Union Township, the previously recorded land subdivision on the south side of Island Lake known as Sherwood Shores plus the previously recorded lots on the east shore of Rennie Lake in the southwest 1/4 of the southwest 1/4 of Section 6 having the following property numbers: 28 12 006 023 00, 28 12 006 024 00, 28 12 006 022 00, 28 12 006 021 00, 28 12 006 016 00, 28 12 006 018 00, 28 12 006 019 00, 28 12 006 009 00, and 28 12 006 013 00.

SECTION 7.11 - ZONING MAP: The boundaries of these districts are shown on the map entitled "Union Township Zoning Map" which accompanies and is made a part of this Ordinance. Said map shall at all times be available for examination and a copy of same shall be kept with the records of the Township Clerk.

ARTICLE VIII FOREST RESIDENTIAL DISTRICT

SECTION 8.10 - INTENT AND PURPOSE: This district is intended to preserve, enhance and stabilize present forest residential areas within the Township. It is the further purpose of this District to insure the protection and enhancement of the existing natural environment, and to preserve the essential characteristics of a predominantly forested area.

SECTION 8.11 - USES PERMITTED: No building or structure, or any part thereof, shall be erected, altered, used or land or premises used, in whole or in part, for other than one or more of the following specified uses:

1. One family detached dwellings, not exceeding two (2) stories above ground and associated residential accessory buildings.
2. Agricultural uses and buildings.
3. Conservation and forestry projects.
4. Home occupation in residence.
5. Antenna collocation on a telecommunication tower or alternative tower structure.

SECTION 8.12 - USES PERMITTED WHEN AUTHORIZED BY SPECIAL USE PERMIT: The following special land uses may be permitted after review and approval of the Township Planning Commission, provided, however, that any request for a special use permit shall be subject to the requirements set forth in Section 10.16 and 10.17, and each sub-section thereof, of this Ordinance.

1. Two family dwellings.
2. Home occupation using accessory buildings or adjacent lands.
3. Telecommunication towers and facilities. (See Special Use Standards-Section 10.18.1)

SECTION 8.13 - SPECIAL REQUIREMENTS: The following requirements shall expressly apply to land located within the Forest Residential District:

~~1. No dwelling shall have a lot size of less than two and one-half (2 1/2) acres. No lot shall be less than two hundred (200) feet in width or depth. (Amended 10/22/2004)~~

1. No dwelling shall have a lot size of less than five (5) acres. No lot shall be less than two hundred fifty (250) feet in width or depth.
2. Each lot shall have a yard, clear of any buildings or structures of not less than thirty-five (35) feet from any state, county or township roadway. In measuring such yard, no portion of a road right-of-way shall be included.
3. Each lot shall have side yards, clear of any buildings or structures, of not less than fifty (50) feet in width on each side.
4. Each lot shall have a rear yard, clear of any buildings or structures, of not less than fifty (50) feet in depth.

5. In individual cases, where any of the foregoing clearances would work a hardship, the Zoning Administrator may issue a land use permit to accommodate variances on lot size, front, rear and side setbacks of not more than twenty-five percent (25%), providing healthful, safe and sanitary water source and waste disposal systems are available; application for a variance in excess of twenty-five percent (25%) of such lot size and setbacks shall be made to the Board of Zoning Appeals, subject to such terms and conditions as the Board deems necessary to protect adjacent property and to prevent conditions, which may become objectionable or hazardous.

SECTION 8.14 - ANIMALS: Domestic pets, or other small animals kept as the same, shall be allowed, providing that all pets are maintained and controlled so as to not constitute a public nuisance; including proper housing and fencing, and providing further, that the keeping of such animals shall not generate any noise, odor, pollution or other environmental impact which will have any adverse effect on adjacent properties. The restrictions, requirements and penalties of the GRAND TRAVERSE COUNTY ANIMAL CONTROL ORDINANCE (adopted May 23, 1972, and as later may be amended) shall apply. The State of Michigan's 1919 Dog Laws (and as later may be amended) shall also apply. UNLESS OTHER RESTRICTIONS APPLY, farm animals may be kept, provided said animals are properly housed, fenced, maintained and controlled so as not to be objectionable or offensive. Small wild animals native to Michigan, may only be kept per State mandate.

ARTICLE IX LAKESIDE RESIDENTIAL DISTRICT

SECTION 9.10 - INTENT AND PURPOSE: This district is established solely for the purpose of accommodating lakeshore lots which were platted prior to the existence of this ordinance and where, because of their relatively small size, the permitted uses and special requirements of the Forest Residential District are inappropriate. It is the additional purpose of this district to further protect and enhance the quality of water and shoreline on Island and Rennie Lakes.

SECTION 9.11 - USES PERMITTED: No building or structure, or any part thereof, shall be erected, altered or used, or land or premises used, in whole or in part, for other than one or more of the following specified uses:

1. Single family detached dwellings, not exceeding two (2) stories above ground and associated residential accessory buildings or structures.
2. Home occupation in residence.

SECTION 9.12 - USES PERMITTED WHEN AUTHORIZED BY SPECIAL USE PERMIT: The following special land use may be permitted after review and approval of the Township Planning Commission, provided, however, that any request for a special use permit shall be subject to the requirements set forth in Sections 10.16 and 10.17, and each sub-section thereof, of this ordinance.

1. Home occupation using accessory buildings or adjacent land.

SECTION 9.13 - SPECIAL REQUIREMENTS: The following requirements shall expressly apply to property located within the Lakeside Residential District:

1. No lot within this district shall be further divided or reduced in size. However, a lot may be legally split for the sole purpose of legally increasing the sizes of adjoining lots.
2. Buildings or structures shall not be located within thirty-five (35) feet of any state, county or township roadway. In measuring such distance, no portion of a road right-of-way shall be included.
3. Each lot shall have side yards, clear of any buildings or structures, of not less than twenty (20) feet in width on each side.
4. Each lot fronting the water shall have a yard clear of any buildings or structures, of not less than fifty (50) feet from the water's edge, measured at the normal annual high water mark.
5. Any structure used or capable of being used for residential purposes and occupancy within an appropriately established floodplain shall:
 - (a) Have lower floors, excluding basements, a minimum of one (1) foot higher than the contour defining the floodplain limit.
 - (b) If constructed with a basement, have openings into the basement not lower than the elevation of the contour defining the floodplain limit.
 - (c) Be equipped with a positive means of preventing backup from sewer and septic lines, drains and fields.
 - (d) Be properly anchored to prevent flotation.

SECTION 9.14 - ANIMALS: UNLESS OTHER RESTRICTIONS APPLY, domestic pets, including poultry or other small animals kept as the same, shall be allowed, providing that all pets or number of such pets are maintained and controlled so as to not constitute a public nuisance, including proper housing and fencing, and providing further, that the keeping of such animals shall not generate any noise, odor, pollution or other environmental impact which will have an adverse effect on adjacent properties. The restrictions, requirements and penalties of the GRAND TRAVERSE COUNTY ANIMAL CONTROL ORDINANCE (adopted May 23, 1972, and as later may be amended) shall apply. The State of Michigan's 1919 Dog Laws (and as later may be amended) shall also apply. Small wild animals native to Michigan, may only be kept per state mandate.

ARTICLE X GENERAL REQUIREMENTS FOR ALL DISTRICTS

SECTION 10.07 - NOISE CONTROL: Since most township residents desire a quiet and peaceful natural environment, no person or activity shall make, create, maintain, or permit any loud unnecessary, unnatural or unusual noise, either steadily or intermittently, or by reason of the hour of the day or night, place or use which annoys, disturbs, injures, endangers, or impairs the comfort, health, convenience, safety, welfare, enjoyment, and peace and quiet of other persons in the vicinity. Consequently, the restrictions, requirements and penalties of the GRAND TRAVERSE COUNTY DISTURBANCE OF THE PEACE ORDINANCE, adopted March 9, 1982, and as may later be amended, shall apply.

SECTION 10.08 - JUNK: Since storage or accumulation of junk, trash, rubbish, or refuse of all kinds (excepting domestic refuse that is stored in a manner that will not create a nuisance or health hazard) is offensive and unhealthy, the restrictions, requirements and penalties of the GRAND TRAVERSE COUNTY JUNK ORDINANCE, adopted June 5, 1993, and as may later be amended, shall apply.

SECTION 10.09 - OUTDOOR LIGHTING: All outdoor light fixtures shall have full cut-off shielding such that no light is emitted above an imaginary horizontal plane passing through the fixture below the light source regardless of type or wattage, EXCEPT small decorative fixtures such as porch lights, landscape lighting and temporary seasonal lighting. Floodlights shall be directed downward, shielded as necessary so that the light source is not visible from roads or adjacent property. They should be located and directed so that light is neither unnecessarily reflected onto adjacent property or into the night sky. In addition to fixture design and shielding, architectural and landscape design features may be incorporated into an outdoor lighting plan to meet the above requirement. All outdoor fixtures small and large shall be designed as such to not create a nuisance to nearby residents or vehicular traffic.

SECTION 10.10 - SETBACK FROM WATER: No building or structure, temporary or permanent, shall be placed or erected within one hundred and fifty (150) feet of the water's edge of the Wild Scenic portion of the mainstream of the Boardman River (from west Township line to the "Forks"), or within one hundred (100) feet of the water's edge of the Designated Tributaries, and fifty (50) feet from other streams, lakes or water courses. In areas where an official floodplain has been established, the provisions of Section 9.13, paragraphs 5a through 5d, shall also apply.

SECTION 10.11 - SIGNS: No signs shall be placed in any district within the Township, except as follows:

1. No signs of any kind shall exceed sixteen (16) square feet in area, and such signs shall not have neon or flashing lights, except that signs within four hundred (400) feet of the Natural Rivers designation of the Boardman River and Tributaries shall not exceed four (4) square feet in area, and such signs shall not be attached to trees or shrubs or have neon or flashing lights in said area.
2. Only signs necessary for identification, directions, resource information and regulation of use, shall be placed along public use areas of the Boardman River and its Designated Tributaries.
3. Signs for the sale of products or services shall be prohibited within four hundred (400) feet of the Boardman River and its Designated Tributaries; however, a home occupation may advertise on land on which it is established and operates.

SECTION 10.11.1 - BILLBOARDS: Billboards will not be allowed along any non-designated Federal or State highway. Those highways designated Federal or State will be allowed billboards with the following provisions:

1. Not more than 1 billboard may be located per linear mile of highway regardless of the fact that such billboard may be located on different sides of the highway. The linear mile measurement shall not be limited to the boundaries of the Township of Union where the highway extends beyond such boundaries. Double faced billboard structures (i.e., structures having back to back billboard faces) on a highway shall be considered as one billboard. Otherwise, billboard structures having more than one billboard face, including billboard structures with tandem faces, and V-type billboards shall be considered as two billboards and shall be prohibited.
2. Billboard structures shall be located not closer than thirty-five (35) feet from any road right of way and not closer than two hundred (200) feet from any road rights-of-way which intersect or abut.
3. No billboard shall be located within 1320 feet (1/4 mile) of an existing residence and/or the Boardman River and its tributaries.
4. No billboard shall be located closer than seventy-five (75) feet from a property line adjoining a public right-of-way or fifty (50) feet from any interior boundary lines of the premises on which the billboard is located.
5. The surface display area of any side of a billboard may not exceed seventy-two (72) square feet.

6. The height of a billboard shall not exceed fifteen (15) feet above (1) the natural grade of the ground on which the billboard sits or (2) the grade of the abutting roadway, whichever is higher.
7. No billboard shall be on top of, cantilevered or otherwise suspended above the roof of any building.
8. A billboard may be illuminated, provided such illumination is concentrated on the surface of the billboard and is so located as to avoid glare, upward light or reflection onto any portion of an adjacent street or highway property, landscaping, etc., the path of on-coming vehicles, or any adjacent premises. In no event shall any billboards have flashing, neon, or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
9. A billboard must be constructed in such a fashion that it will withstand all the wind and vibration forces which can normally be expected to occur in the vicinity. A billboard must be maintained so as to assure proper alignment of structure, continued structural soundness, and continued readability of message.
10. No person, firm or corporation shall erect a billboard within Union Township without first obtaining a permit therefore from the Union Township Zoning Administrator, which permit shall be granted upon a showing of compliance with the provisions of this Ordinance and payment of a fee therefore. Permits shall be issued for a period of one (1) year, but shall be renewable annually upon inspection of the billboard by the Union Township Zoning Administrator confirming continued compliance with this Ordinance and payment of the billboard permit fee. Upon termination of the permit it will be the responsibility of the permit holder to remove the entire billboard and its structure or transfer the permit to another permit holder. Permit holder has sixty (60) days to do either of the above. The amount of the billboard permit fee required hereunder shall be established by resolution of the Union Township Board and shall bear a reasonable relationship to the cost and expense of administering this permit requirement. The Township Board shall further have the right to amend the aforementioned resolution from time to time within the foregoing limits of reasonableness.

SECTION 10.12 - MANAGED VEGETATIVE STRIP: A managed Vegetative Strip shall be maintained along both sides of all Designated Natural River frontage as follows:

1. The vegetative strip shall be seventy-five (75) feet in width on the Wild Scenic portion of the Designated Mainstream and fifty (50) feet on the Designated Tributaries. The use of the vegetative strip for stock watering area, stream crossing of horseback trails or other trails, is subject to the approval of the Zoning Administrator. If, in his opinion, the crossing would result in stream bank or water degradation, a plan or technical assistance from the Soil and Water Conservation District should be obtained as part of the requirements for use. No trash, garbage, offal, refuse, junk cars, appliances, junk farm implements, sawdust, waste construction materials or unnatural, unsightly or offensive material shall be dumped or stored within the vegetative strip. The storage of materials incidental to forestry or farm operations is permitted, provided, they are hidden from the actual view of the River. No ponds shall be constructed, nor earth moved, surface soils removed or filled within the Vegetative Strip.
2. Utility lines shall be installed only as follows:
 - a. New distribution lines within the housing setback zones along the River or stream shall be placed underground unless overhead lines are less disruptive to the environment. Plans for distribution lines which are to be placed under a river or stream shall be approved by the Department of Natural Resources and all construction shall meet the requirements under the Soil Erosion and Sedimentation Control Act. Brushy vegetation shall be restored to the disturbed area in the Natural Vegetation Zone.
 - b. Local service lines to private dwellings shall originate from the landward side of the dwelling in so far as practicable.

c. Utilities shall be required to obtain permission from the property owner to chemically treat vegetation in the right-of-way of the utility easements that have only provision for cutting and trimming. Chemical treatment shall be prohibited in the Vegetative Management Zone.

3. Docks and landings shall be installed only as follows:

a. Docks and landings may be constructed parallel to the bank, not to exceed ten (10) feet in length, and not protruding into the stream.

b. The use of "natural" materials, such as rocks and logs, is encouraged.

SECTION 10.13 - APPEAL FROM HARDSHIP INVOLVING NATURAL RIVER DESIGNATION:

Where, by reason of the narrowness, shallowness or shape of a lot or piece of property, at the time of the effective date of these regulations, the lot or property cannot accommodate a building because of the required building setback or lot width, landowners facing hardship caused by these restrictions may appeal their case to the Township Board of Zoning Appeals. Variances may be allowed upon such reasonable terms, such utilization of the Vegetative Strip, screening, et cetera, as the Board deems necessary to carry out the objectives of the Natural Rivers Act.

Application for such variance shall be in the form prescribed by the Board of Zoning Appeals and shall contain a site plan. The Health Department, Soil and Water Conservation Service and appropriate field personnel of the Department of Natural Resources may be consulted to recommend to the Board the course of action having the least degrading impact on the character of the Natural River. Final determination shall be made by the Union Township Board of Zoning Appeals.

SECTION 10.14 - TENTS, TRAVEL TRAILERS, and CAMPERS: Tents, travel trailers, campers and other sporting and recreational facilities may be used for primary temporary housing on a noncommercial, non-rental basis by tourists, campers and sportsmen for periods not to exceed fifteen (15) consecutive days in any twelve (12) month period. Use of such facilities for any longer period may be permitted, provided a permit is first obtained from the Zoning Administrator, subject to the limitations and requirements of the local health department having jurisdiction in these matters and necessary to protect adjacent properties and prevent conditions which may become objectionable or offensive and subject to the same setbacks required of permanent structures. All sporting and recreational facilities used in conjunction with a primary dwelling are exempt.

SECTION 10.15 - MINIMUM STANDARDS FOR DWELLINGS:

1. Dwellings shall have a minimum square footage of living space of six hundred (600) square feet per family unit, excluding porches, entryways and similar appurtenances. Where an in-force, lawful and properly recorded deed restriction specifies a minimum size greater than six hundred square feet, the minimum size specified by the deed restriction should be observed and will be enforced by the individual or body having authority to administer that restriction.

2. All dwellings shall comply with the provisions of the Grand Traverse County Construction Code, the applicable Sanitary Code, and all applicable state and federal law.

3. Mobile homes shall be level and fully skirted with finished exterior siding of conventional building materials or pre-manufactured mobile home skirting. Such skirting shall be installed within forty-five days of home placement and shall fully enclose the base of the mobile home and conceal the undercarriage.

SECTION 10.16 - SPECIAL USE PERMITS:

SECTION 10.16.1 - INTENT AND PURPOSE: It is the intent and purpose of this Section to provide a set of procedures and standards for special uses of land or structures that will maintain sound provisions for the protection of the health, safety, convenience and general welfare of the inhabitants of the Township of Union.

SECTION 10.16.2 - REVIEW AND APPROVAL: The special land uses and activities eligible in the Township of Union may be permitted only after review and approval of the Township Planning Commission.

Following approval by the Planning Commission, such special uses shall also be subject to site plan review and approval provided for in Section 10.17 of this Ordinance.

SECTION 10.16.3 - PERMIT PROCEDURE: Request for a special use permit shall be made by filing with the Township Zoning Administrator the following:

- A. A permit fee as determined by resolution of the Township Board based upon the cost of processing the permit and as shall be on file with the Township Clerk.
- B. A copy of the completed application form for special use permit, which shall contain at a minimum the following information:
 - 1. Name and address of applicant.
 - 2. Legal description, property parcel number and street address of the subject parcel of land.
 - 3. Area of the subject parcel of land stated in acres or, if less than one acre, in square feet.
 - 4. Present zoning classification on parcel.
 - 5. Present and proposed land use.
 - 6. Applicant's statement of the expected effect on emergency service requirements, schools, storm water systems and auto-mobile and truck circulation patterns and local traffic volume.
 - 7. Any additional material information necessary to consider the impact of the project upon adjacent properties and the general public as may be requested by the Township Zoning Administrator or the Township Planning Commission.
- C. The application, together with all required data, shall be transmitted to the Planning Commission for review.

SECTION 10.16.4 - STANDARDS FOR DECISIONS: In evaluating a proposed special use permit, the Township Planning Commission shall consider the following factors upon which to base their decision and/or approval:

- A. The similarity and compatibility of the proposed special use with permitted uses in the respective zoning district.
- B. Whether or not the proposed use would create a traffic hazard to a greater degree than the permitted uses in that district.
- C. Whether or not the proposed use would create obnoxious or harmful noise or odors.

- D. Location in relation to roads and adjacent residential areas.
- E. Buffering lights and noise from adjacent residential uses where appropriate.
- F. Preservation of elements of the natural environment such as trees, natural landforms, shore areas and drainage patterns.
- G. Safety factors, such as access for fire and police.
- H. Relationship to shore and stream preservation principles where appropriate.

SECTION 10.16.5 - DECISION OF PLANNING COMMISSION: After adequate review and study of any application for a special use permit, and after proper notice to all persons as required by Act 184 of 1943, as amended, the Township Planning Commission shall approve or disapprove the application. Any person, who has applied for a special use permit and shall feel aggrieved by the decision of the Township Planning Commission, may appeal to the Township Board of Zoning Appeals.

SECTION 10.16.6 - PERMIT EXPIRATION: A special use permit issued pursuant to the requirements of this Ordinance shall be valid for a period of one (1) year from the date of issuance of said permit. If construction or use has not commenced and proceeded meaningfully toward completion by the end of this period, the special use permit shall be null and void.

SECTION 10.17 - SITE PLAN REVIEW:

SECTION 10.17.1- INTENT AND PURPOSE: It is the intent and purpose of this Section to provide for consultation and cooperation between the land developer and/or the applicant for a special use permit and the Township Planning Commission. As used in this Ordinance, "site plan" includes the documents and drawing required by this Ordinance to insure that a proposed land use or activity is in compliance with local ordinances, and State and Federal statutes.

SECTION 10.17.2- REVIEW AND APPROVAL: Special land uses and activities eligible in a respective zoning district in the Township of Union may be permitted only after a site plan review and approval of the Township Planning Commission.

SECTION 10.17.3- PROCEDURE: Each application for a site plan review shall include the following:

- A. Optional Sketch Plan Review: Preliminary sketches of proposed site and development plans may be submitted for review to the Township Planning Commission prior to final approval. The purpose of such procedure is to allow discussion between a developer and the Township Planning Commission to better inform the developer of the acceptability of the proposed plans prior to incurring extensive engineering and other costs which might be necessary for final site plan approval. Such sketch plans shall include, as a minimum, the following:
 - 1. The name and address of the applicant or developer, including names and addresses of any officers of a corporation or partners of a partnership, together with telephone numbers.
 - 2. Legal description, property parcel number and street address of the subject parcel of land.
 - 3. Sketch plans showing tentative site and development plans.

The Township Planning Commission shall not be bound by any tentative approval given at this time.

- B. Application Procedure: Request for final site plan review shall be made by filing with the Township Clerk the following:
1. A review fee as determined by resolution of the Township Board based upon the cost of processing the review and as shall be on file with the Township Clerk for public information.
 2. Seven (7) copies of the complete application for site plan review, which shall contain at a minimum the following information:
 - a. Name and address of applicant.
 - b. Legal description, property parcel number and street address of the subject parcel of land.
 - c. Area of the subject parcel of land stated in acres or, if less than one acre, in square feet.
 - d. Present zoning classification on parcel.
 - e. Present and proposed land use.
 - f. Applicant's statement of the expected effect on emergency service requirement, schools, storm water systems and automobile and truck circulation patterns and local traffic volumes.
 3. Seven (7) copies of the proposed site plan, which shall include at a minimum the following information:
 - a. A scale drawing of the site and proposed development thereon, including the date, name and address of the prepare.
 - b. Property parcel number (from the Assessment Roll of the Township).
 - c. The topography of the site and its relationship to adjoining land.
 - d. Itemization of existing man-made features.
 - e. Dimensions of setbacks.
 - f. Locations, heights and sizes of structures and other important features.
 - g. Percentage of land covered by buildings and that reserved for open space.
 - h. Dwelling unit density where pertinent.
 - i. Location of public and private rights-of-way and easements contiguous to and within the proposed development which are planned to be continued, created, relocated or abandoned, including grades and types of construction of those upon the site.
 - j. Curb-cuts, driving lanes, parking/loading areas.
 - k. Location and type of drainage, sanitary sewers, storm sewers and other facilities.
 - l. Location and nature of fences, landscaping, screening.

- m. Proposed earth changes.
- n. Signs and on-site illumination.
- o. Any additional material information necessary to consider the impact of the project upon adjacent properties and the general public, as may be requested by the Township Zoning Administrator or the Planning Commission.

C. Action on Application and Plans:

1. Upon receipt of the plans and application in complete form, the Township Clerk shall record the date of the next scheduled meeting of the Planning Commission as the file date, and transmit five (5) copies thereof to the Chairman of the Planning Commission; one copy to the Township Zoning Administrator and one copy to be retained by the Township Clerk.
2. A hearing shall be scheduled by the Chairman of the Planning Commission for a review of the application, plans and of the recommendations of the Township Planning Commission and the Township Zoning Administrator with regard thereto. Members of the Planning Commission shall be delivered copies of the same prior to the hearing for their preliminary information and study. The hearing shall be held within forty-five (45) days of the date of the receipt of the plans and application to the Township Clerk.
3. The applicant shall be notified of the date, time and place of the hearing on his application not less than three (3) days prior to such date.
4. At the conclusion of the hearing, the Planning Commission shall have the authority to approve, disapprove, modify or alter the proposed plans in accordance with the purpose of the site plan review provisions of this Ordinance and criteria herein contained. Any modifications or alterations required by the Planning Commission shall be stated in writing, together with the reasons therefore, and delivered to the applicant. The Planning Commission may either approve the plans contingent upon the required alterations or modification, if any, or may require a further review after the same have been included in the proposed plans for the applicant. The decision of the Planning Commission shall be made by the Commission within one hundred (100) days of the receipt of the application by the Township Clerk.
5. Two (2) copies of the approved final site plan, with any required modifications thereon, shall be maintained as part of the Township records for future review and enforcement. One (1) copy shall be returned to the applicant. Each copy shall be signed and dated with the date of approval by the Chairman of the Planning Commission for identification of the finally approved plans. If any variances from this Ordinance have been obtained from the Planning Commission, the minutes concerning the variances, duly signed, shall also be filed with the Township records as a part of the site plan and delivered to the applicant for his information and direction.

D. Criteria for Review: In reviewing the application and site plan and approving, disapproving or modifying the same, the Planning Commission shall be governed by the following standards:

1. That there is a proper relationship between the existing streets and highways within the vicinity and proposed deceleration lanes, service drives, entrance and exit driveways and parking areas to assure the safety and convenience of pedestrian and vehicular traffic, and that the proposed streets and access plan conforms to any street or access plan adopted by the Township or the County Road Commission.
2. That the buildings, structures and entryways thereto proposed to be located upon the premises are so situated and designed as to minimize adverse effects there from upon owners and occupants of adjacent properties and the neighborhood.

3. That as many natural features of the landscape shall be retained as possible, particularly where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes and where they assist in preserving the general appearance of the neighborhood or help control erosion or the discharge of storm waters.

4. That any adverse effects of the proposed development and activities emanating there from upon adjoining residents or owners shall be minimized by appropriate screening, fencing or landscaping.

5. That all provisions of this Ordinance are complied with unless an appropriate variance there from has been granted by the Township Zoning Board of Appeals.

6. That all buildings and structure are accessible to emergency vehicles.

7. That the plan as approved is consistent with the intent and purpose of zoning to promote public health, safety and general welfare; to encourage the use of lands in accordance with their character and adaptability; to avoid the overcrowding of population; to lessen congestion on the public roads and streets; to reduce hazards to life and property; to facilitate adequate provisions for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and to conserve the expenditure of funds for public improvement and services to conform with the most advantageous uses of land, resources and properties; to preserve property values and natural resources; and to give reasonable consideration to the character of a particular area, its peculiar suitability for particular uses and the general and appropriate trend and character of land, building and population development.

8. That a plan for erosion control and storm water discharge has been approved by appropriate public officials.

E. Conformity to Approved Site Plan: Property which is the subject of site plan approval must be developed in strict compliance with the approved site plan and any amendments thereto which have received the approval of the Planning Commission. If construction and development does not conform with such approved plan, the approval thereof shall be forthwith revoked by the Zoning Administrator by written notice of such revocation posted upon the premises involved and mailed to the developer at his last known address. Upon revocation of such approval, all further construction activities shall immediately cease upon the site, other than for the purpose of correcting the violation. However, the Planning Commission may, upon proper application of the developer and after a hearing, approve a modification in the site plan to coincide with the developer's construction, provided such construction complies with the criteria contained in the site plan approval provisions and with the spirit, purpose and intent of this Ordinance.

F. Term of Approval of Site Plan: Approval of the site plan shall be valid for a period of one (1) year after the date of approval. If a building permit has not been obtained and on-site development actually commenced within said one (1) year, the site plan approval shall become null and void and a new application for site plan approval shall be required and new approval shall be required and obtained before any construction or earth change is commenced upon the site.

G. Amendment to Site Plan: A proposed amendment, modification or alteration to a previously approved site plan shall be submitted to the Planning Commission for review in the same manner as the original application was submitted and reviewed.

SECTION 10.18-ADDITIONAL STANDARDS FOR SPECIFIC SPECIAL USES:

10.18.1 Telecommunication Tower and Facilities or Alternative Tower Structure.

10.18.1.1 Intent and Purpose: The Purpose of this ordinance is to establish general guidelines for the location of wireless telecommunication towers and antennas. The Township recognizes that it is in the public interest to permit the location of wireless telecommunication towers and antennas within the township. The Township also recognizes the need to protect the scenic beauty of Union Township from unnecessary and unreasonable visual interference, and that wireless telecommunication towers and antennas may have negative aesthetic impacts upon adjoining and neighboring uses. As such, this ordinance seeks to:

- (1) Protect residential areas from potential adverse impact of towers and antennas;
- (2) Encourage the location of towers in nonresidential areas;
- (3) Minimize the total numbers of towers throughout the community;
- (4) Encourage the collocation on existing tower sites or alternative tower sites rather than the construction of additional towers;
- (5) Encourage developers of towers and antennas to configure them in a way that minimizes their adverse visual impact;
- (6) Enhance the ability of providers of telecommunication services to provide such services to the community quickly, effectively, and efficiently;
- (7) Consider the public health and safety of telecommunication towers;
- (8) Avoid potential damage to adjacent property from tower failure; and
- (9) Protect any view shed identified by the Union Township Master Plan.

10.18.1.2 Application: In its application, the applicant must demonstrate that no existing tower, alternative tower structure or alternative technology not requiring the use of towers or alternative tower structures can accommodate the applicant's proposed antenna. An applicant shall submit evidence establishing that:

- (1) No existing towers or alternative tower structures are located within the fifteen (15) miles of the proposed site which meet applicant's engineering requirements; or
- (2) Said towers or alternative tower structures are not of sufficient height to meet applicant's engineering requirements; or
- (3) Said towers or alternative tower structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment; or
- (4) The applicant's proposed antenna would cause unreasonable electromagnetic interference with the antenna on the existing towers or alternative tower structures, or existing antenna would cause interference with the applicant's proposed antenna; or
- (5) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or alternative tower structure or to adapt an existing tower or alternative tower structure for sharing are unreasonable; or
- (6) There are other limiting factors that render existing towers and structures unsuitable.

10.18.1.3 Setbacks: The following setbacks requirements shall apply to all towers for which a special use permit is required; provided, however, that the Planning Commission may reduce the back requirements if the goals of this ordinance would be better served thereby and in cases where reduction of the set-backs would preserve significant tree growth or more completely buffer the view of the proposed tower from public areas:

(1) Towers must be set back a distance equal to at least fifty percent (50%) of the height of the tower from any adjoining lot line.

(2) Guys and accessory buildings must satisfy the minimum zoning district setback requirements.

(3) Towers must be setback at least fifty (50) feet from any designated public trail or seasonal road.

10.18.1.4 Security Fencing: Towers and attendant accessory structures, including anchors for guyed towers, shall be enclosed by security fencing not less than six (6) feet in height and shall also be equipped with an appropriate anti-climbing device.

10.18.1.5 Landscaping: The following requirements shall govern the landscaping surrounding towers for which a special use permit is required; provided, however, that the Planning Commission would be better served hereby:

(1) Tower facilities within 200 feet of an existing dwelling shall be landscaped with a buffer of evergreen plant materials that effectively screens the view of the tower compound. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound and anchors, and having year round foliage.

(2) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible.

10.18.1.6 State or Federal Requirements: All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to re-regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standard and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

10.18.1.7 Aesthetics: Towers and antennas shall meet the following requirements:

(1) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.

(2) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials; colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.

(3) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment visually unobtrusive as possible.

(4) Where a feasible alternative exists, towers, alternative tower structures and supporting structures shall not utilize a power source which generates noise able to be heard by a person of normal aural acuity at adjoining property lines or public property; however, this section shall not be construed as limiting the use of temporary generators or similar devices used to create power during periods of interruption of the primary power source.

10.18.1.8 Lighting: Towers shall not be artificially lighted unless required by the FAA or other applicable authority. Applicant shall demonstrate such lighting is required by the FAA or other Federal or State authority having jurisdiction over the lighting of the towers. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

10.18.1.9 Compliance with Codes: Antenna and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical connections and wiring and as to structural integrity with all applicable standards for towers published by the Electrical Industries Association, as amended from time to time.

10.18.1.10 Interference with Residential Reception: Towers shall be located and operated so that they do not interfere with television and radio reception to neighboring residential areas.

10.18.1.11 Signs: No signs shall be allowed on an antenna or tower, excepting as emergency notice no larger than two (2) feet by two(2) feet.

10.18.1.12 Removal of Abandoned Antennas and Towers: Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the Township notifying the owner of such abandonment. Along with said removal, said owner shall restore the site of said antenna or tower to its original condition prior to location of the antenna or tower subject to reasonable wear and tear. Failure to remove an abandoned antenna or tower within said ninety (90) days shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all cease using the tower. The Planning Commission may require the applicant to file a bond or other financial guarantee equal to the reasonable cost of removing the tower, antenna, alternative tower structure or other supporting structure(s) as a condition of a special use permit given pursuant to this section.

SECTION 10.19 – OPEN SPACE PRESERVATION: Detached Single Family Residential Open Space Developments, as defined herein shall conform to the provisions of Article 10 of this ordinance. Article X (General Requirements for all Districts) Any and all Sections within Article X with emphasis on Section 10.17 Site Plan Review The terms of this Section 10.19 are intended to offer an optional approach to residential development patterns for any district in Union Township.

10.19.01 Minimum Parcel Area. To be considered as an Open Space Preservation Development, a proposed site shall consist of a minimum of twenty (20) acres.

10.19.02 Dimensional Standards. The following dimensional standards shall apply to residential parcels and site condominium units in an Open Space Preservation Development:

(1) Setbacks. Front yard setbacks shall be no less than fifty (50) feet from the public or private right-of-way. Side yard and rear yard setbacks along any property line abutting surrounding properties not included in the Open Space Preservation development shall be fifty (50) feet. Within the open space preservation development, minimum front yard setbacks shall be thirty (30) feet, minimum side setbacks shall be ten (10) feet and minimum rear yard setbacks shall be thirty (30) feet respectively; provided that a minimum separation between structures of fifteen (15) feet shall be provided within the open space preservation development.

(2) Lot or Parcel Width. The minimum parcel width shall be ninety (90) feet wide at the front yard setback line.

- (3) Lot or Parcel Depth. No lot shall have a depth of less than one hundred (100) feet.
- (4) Lot or Parcel Area. Lot areas may be reduced from the minimum stated for the district provided that the approved open space plan results in better protection of open space than if the lot areas were not reduced. Examples of better protection of open space include the following:
- a. A commonly used buffer area around sensitive lands like wetlands, floodplains or shorelines of rivers, lakes, or streams greater than 25 feet unless otherwise specified in this Ordinance (See Section 10.12) .
 - b. A greater setback around the perimeter of the property, especially sites abutting developed properties or a public road.
 - c. Permanent protection of a scenic resource such as a view shed along a public road by means of a conservation easement or similar deed restriction.
 - d. A trail corridor with linkages to trails or planned for adjoining properties.
 - e. An effort to preserve a significant amount of the existing vegetation (especially mature tree cover).

The amount of lot reduction shall be established by the Planning Commission based on the degree to which the open space plan results in better protection of open space than not developing with a reduced lot area. Approved lot reduction may result in an increased number of lots (density). Up to 25% bonus density may be granted above that allowed by the underlying zoning district. Whenever septic tank services are to be utilized all lots created under the Open Space Preservation provision must be approved for development by the Grand Traverse County Health Department.

5)A percentage of the land area not less than 40% of the parcel, excluding a fixed percentage for street right-of-way purposes, will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant or other legal means that runs with the land.

10.19.03 Ownership and Control. A proposed open space preservation development shall be under single ownership or control. The applicant shall provide documentation of ownership or control in a form acceptable to the Township.

10.19.04 Density Standards. The maximum number of residential dwelling units permitted in an open space preservation development may be up to 125% of the base density. The amount of bonus density given is up to the sole discretion of the Planning Commission and can range from 0% to 25% depending on the plan submitted. The base density and maximum density shall be determined by the following formulas:

Gross Site Area – 15% (Right-of-Way Allowance) – (Number of wetland Acres)=

Adjusted Site Area.

Adjusted Site Area divided by the Minimum Dwelling Lot Size of the underlying zoning equals the Base Density.

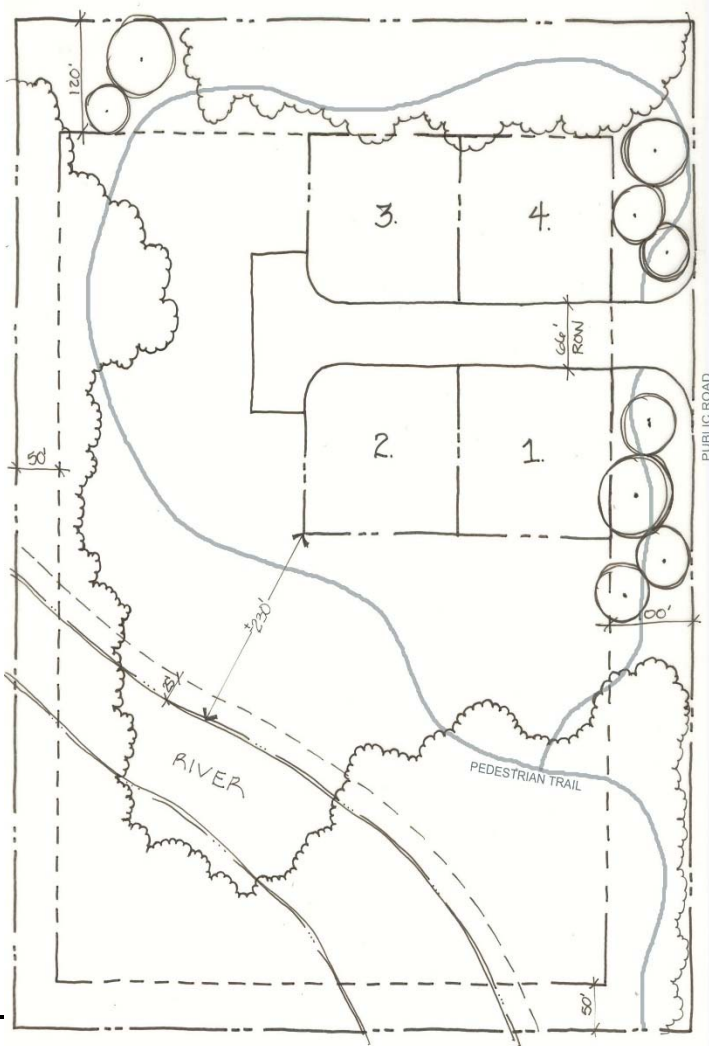
Base Density x 125% = Maximum Parcels Permitted (Requires a minimum of 40% of Adjusted Site Area to remain open space)

OPEN SPACE PRESERVATION DEVELOPMENT <i>Example: Maximum Possible Density</i>	
<i>Gross Site Area</i>	<i>40 Acres</i>
<i>Wetlands (delineated wetlands on subject parcel)</i>	<i>- 4 Acres</i>
<i>ROW Allowance (15%) for proposed roads</i>	<i>- 6 Acres</i>
<i>Adjusted Site Area</i>	<i>30 Acres</i>
<i>Minimum Parcel Size (Zoning District Forest Residential)</i>	<i>5 Acres</i>
<i>Base Density (fractions .5 and greater round up)</i>	<i>6 Parcels</i>
<i>Maximum Bonus Density</i>	<i>x125%</i>
MAXIMUM PARCELS PERMITTED	8 Parcels
<i>Required Open Space (fractions .5 and greater round up)</i>	<i>12 Acres</i>

10.19.05

Graphic and accompanying chart

10.19.05 GRAPHIC EXAMPLE



- A significant amount of existing vegetation has been retained.
- A larger setback from the river has been shown
- A pedestrian trail system is shown.
- Larger setbacks from the public road and adjacent developed properties are shown.
- More than 40% open space has been preserved.
- Based on these design features the Planning Commission determined that the bonus density should be given to the developer.

OPEN SPACE PRESERVATION (UNDERLYING DENSITY 1 UNIT/5 ACRES)	
GROSS SITE AREA	20 ACRES
WETLANDS (Delineated wetlands on subject parcel)	- 2 ACRES
ROW ALLOWANCE (15%)	- 3 ACRES
ADJUSTED SITE AREA	15 ACRES
MINIMUM PARCEL SIZE (FOR CALCULATING DENSITY)	5 ACRES
BASE DENSITY (fractions 0.5 and greater round up)	3 PARCELS
MAXIMUM BONUS DENSITY	X125%
MAXIMUM PARCELS PERMITTED	4 PARCELS
ADJUSTED SITE AREA	15 ACRES
REQUIRED OPEN SPACE (fractions 0.5 and greater round up)	X40%
	6 ACRES
PARCELS REALIZED IN THIS EXAMPLE	4 PARCELS
ESTIMATED OPEN SPACE	6 ACRES

ARTICLE XI BOARD OF APPEALS

SECTION 11.10 - MEMBERSHIP: There is hereby created a Board of Zoning Appeals, whose members shall be appointed in accordance with the requirements of Act 184 of the Public Acts of 1943, as amended. The first member of the Board of Zoning Appeals shall be a member of the Township Planning Commission. The term of each member shall be three (3) years, except that of the members first appointed, two shall be for two (2) years, and the rest for three (3) years. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term. Members shall be selected to represent the various interests of the Township. This Board shall consist of five (5) members. Said Board shall develop its own rules of procedure and fee schedule which, in turn, must be approved by the Township Board.

SECTION 11.11 - DUTIES: Said Board shall perform those duties and exercise those powers provided by Act 184 of the Public Acts of 1943, as amended, together with such additional powers as specified in this Ordinance.

ARTICLE XII SEPARABILITY

SECTION 12.10 SEPARABILITY: If any clause, sentence, sub-sentence, paragraph, section or part of this Ordinance be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, sub-sentence, paragraph, section or part thereof directly involved in the controversy in which said judgment shall have been rendered.

**ARTICLE XIII
AMENDMENT OF UNION TOWNSHIP ZONING ORDINANCE OF 1980**

SECTION 13.10 - REPEAL: The Union Township Zoning Ordinance of 1980, as amended by Amendment No. 3 on October 14, 1993, is hereby further amended as of the effective date of this Ordinance.

**ARTICLE XIV
EFFECTIVE DATE**

Amendment No. 4 to the Union Township Zoning Ordinance of 1980 shall be given immediate effect.

DATE: December 12, 2001

Doug Mansfield, Supervisor
Union Township, Grand Traverse County, Michigan

Made and passed by the Township Board of the Township of Union, Grand Traverse County, Michigan,
on
this 12th day of December 12, 2001.

Date of Adoption by Township Board: December 12th, 2001
Date of Publication of Notice of Adoption: December 19, 2001
Date Ordinance shall take effect: January 18, 2002

PROCEDURAL DOCUMENTATION SHEET

RE: Adoption of the Union Township Zoning Ordinance of 1980

Notice of Hearing of Planning Commission:	
1st publication, Record-Eagle	April 18, 1980
2nd publication, Record-Eagle	May 16, 1980
Mailed notices to utilities and railroads	April 7, 1980
Complied with County Zoning Coordinating	May 19, 1980
Planning Commission meeting and public hearing	May 13, 1980
Recommendation: Approval	
Transmitted to Township Board	May 14, 1980
Township Board meeting	June 10, 1980
Action: Adoption	
Notice of Adoption:	
Publication, Record-Eagle	June 17, 1980
Filed copy with County Clerk	June 11, 1980
Recorded in Official Record Book	June 10, 1980

From the records of:

Traverse Bay Regional Planning Commission
400 Boardman Ave., Governmental Center
Traverse City, MI 49684

PROCEDURAL DOCUMENTATION SHEET

RE: Amend. No.1 to the Union Township Zoning Ordinance of 1980

Notice of Hearing of Planning Commission:	
1st publication, Record-Eagle	July 6, 1981
2nd publication, Record-Eagle	July 22, 1981
Mailed notices to utilities and railroads	July 1, 1981
Intergovernmental Review Agreement	July 10, 1981
Planning Commission meeting/public hearing	July 29, 1981
Recommendation: Approval with some changes	
Transmitted to Township Board	July 29, 1981
Notice of Hearing of Township Board:	
Publication, Record-Eagle	July 22, 1981
Township Board meeting and public hearing	July 29, 1981
Action: Adoption as recommended	
Notice of Adoption:	
Publication, Record-Eagle	August 3, 1981

Filed copy with County Clerk July 30, 1981

Recorded in Official Record Book July 29, 1981

From the records of:

Traverse Bay Regional Planning Commission
400 Boardman Ave., Governmental Center
Traverse City, MI 49684

PROCEDURAL DOCUMENTATION SHEET

RE: Amend. No.2 to the Union Township Zoning Ordinance of 1980

Notice of Hearing of Planning Commission:

1st publication, Record Eagle

August 25, 1987

2nd publication, Record Eagle

September 16, 1987

Mailed notices to owners & res. w/in 300'

September 8, 1987

Planning Commission public hearing/meeting
Recommendation: Approved w/minor change

September 23, 1987

Transmitted to Town Board

September 23, 1987

Transmitted to County Planning

September 28, 1987

Received review from County Planning

October 14, 1987

Township Board Meeting & Decision
Action: ADOPTED as recommended

October 14, 1987

Notice of Adoption:

Publication, Record Eagle

October 28, 1987

Recorded in Official Record Book

October 14, 1987

Filed copy with County Clerk

October 15, 1987

From the records of:

Grand Traverse County Planning Commission
400 Boardman Avenue, Governmental Center
Traverse City, Michigan 49685-0552

PROCEDURAL DOCUMENTATION SHEET

RE: Amend. No.3 to the Union Township Zoning Ordinance of 1980

Notice of Hearing of Planning Commission:

1st publication, Record Eagle

April 23, 1993

2nd publication, Record Eagle

May 17, 1993

Planning Commission public hearing/meeting

May 25, 1993

Recommendation: Approved w/minor change

Transmitted to County Planning

June 9, 1993

Received review from County Planning

July 21, 1993

Transmitted to Town Board

September 8, 1993

Township Board Meeting & Decision

October 13, 1993

Action: ADOPTED as recommended

Notice of Adoption:

Publication, Record Eagle

November 8, 1993

Recorded in Official Record Book

November 8, 1993

From the records of:

The Union Township Clerk
10101 Cedar Creek Road
Fife Lake, MI 49633

PROCEDURAL DOCUMENTATION SHEET

RE: Amend. No. 4 to the Union Township Zoning Ordinance of 1980

Notice of Hearing of Planning Commission:	
1st publication, Record Eagle	October 1, 2001
2nd publication, Record Eagle	October 16, 2001
Planning Commission public hearing/meeting	October 23, 2001
Recommendation: Approved	
Transmitted to County Planning	October 31, 2001
Received review from County Planning	November 26, 2001
Transmitted to Town Board	December 12, 2001
Township Board Meeting & Decision	December 12, 2001
Action: ADOPTED as recommended	
Notice of Adoption:	
Publication, Record Eagle	December 19, 2001
Recorded in Official Record Book	December 19, 2001

Filed Copy with County Clerk

January 2, 2002

From the records of:

Union Township Clerk
10101 Cedar Creek Rd
Fife Lake, MI 49633

PROCEDURAL DOCUMENTATION SHEET

RE: Amend. No. 5 to the Union Township Zoning Ordinance of 1980

Notice of Hearing of Planning Commission:

1st publication, Record Eagle	July 1, 2004
2nd publication, Record Eagle	July 20, 2004

Planning Commission public hearing/meeting	July 27, 2004
Recommendation: Approved	

Transmitted to County Planning	August 9, 2004
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Received review from County Planning	August 19, 2004
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Transmitted to Town Board	September 8, 2004
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Township Board Meeting & Decision	October 13, 2004
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Action: ADOPTED as recommended

Notice of Adoption:	
Publication, Record Eagle	October 22, 2004

Recorded in Official Record Book	October 26, 2004
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Filed Copy with County Clerk

November 3, 2004

From the records of:

Union Township Clerk
10101 Cedar Creek Rd
Fife Lake, MI 49633

PROCEDURAL DOCUMENTATION SHEET

RE: Amend. No. 6 to the Union Township Zoning Ordinance of 1980

Notice of Hearing of Planning Commission:	
1st publication, Record Eagle	January 3, 2005
2nd publication, Record Eagle	January 19, 2005
Planning Commission public hearing/meeting	January 25, 2005
Recommendation: Approved	
Transmitted to County Planning	October 31, 2001
Received review from County Planning	November 26, 2001
Transmitted to Town Board	December 12, 2001
Township Board Meeting & Decision	December 12, 2001
Action: ADOPTED as recommended	
Notice of Adoption:	
Publication, Record Eagle	December 19, 2001
Recorded in Official Record Book	December 19, 2001

Filed Copy with County Clerk

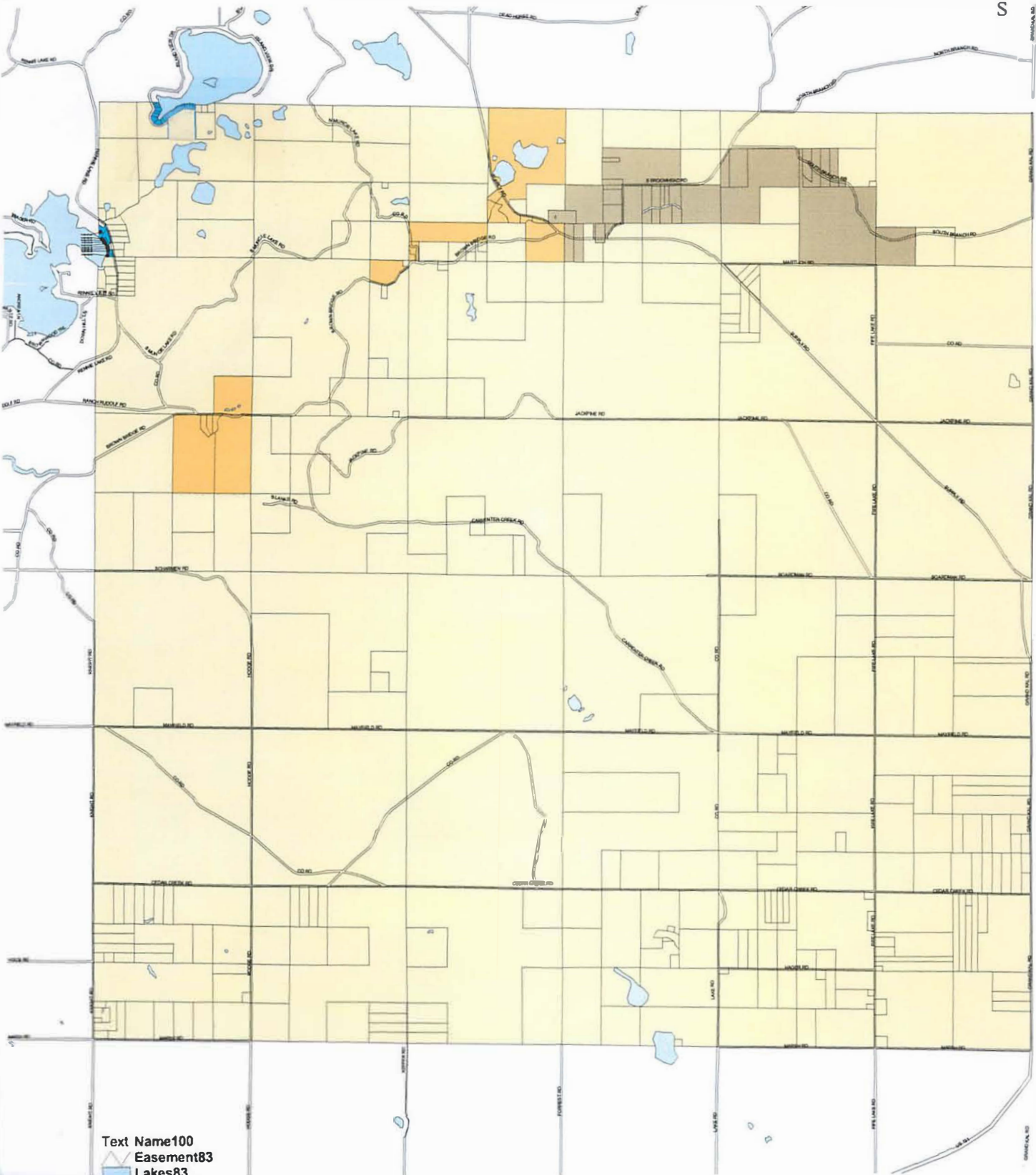
January 2, 2002

From the records of:

Union Township Clerk
10101 Cedar Creek Rd
Fife Lake, MI 49633

INSERT ZONING MAP HERE

Union Township Zoning Map



- Text Name100
 Easement83
 Lakes83
 Union 2001
 Zoning Districts
 F/R
 F/R N/R
 F/R N/T
 L/R